

City of Hyattsville

Hyattsville Municipal Building
4310 Gallatin Street, 3rd Floor
Hyattsville, MD 20781
(301) 985-5000
www.hyattsville.org



Agenda Regular Meeting

Register in advance for this webinar:

https://zoom.us/webinar/register/WN_r2QkxXQ3QEWtgbpstdpizQ

Monday, December 7, 2020

7:00 PM

Virtual

City Council

Mayor Candace B. Hollingsworth
Kevin Ward, Council President, Ward 1
Carrianna Suiter, Council Vice President, Ward 3
Bart Lawrence, Ward 1
Robert S. Croslin, Ward 2
Danny Schaible, Ward 2
Ben Simasek, Ward 3
Edouard Haba, Ward 4
Daniel Peabody, Ward 4
Joseph Solomon, Ward 5
Erica Spell Wolf, Ward 5

ADMINISTRATION

Tracey E. Douglas, City Administrator
Laura Reams, City Clerk, 301-985-5009, cityclerk@hyattsville.org

WELCOME TO THE CITY OF HYATTSVILLE CITY COUNCIL MEETING!
Your participation at this public meeting is valued and appreciated.

AGENDA/PACKET: The Agenda/Packet is available for review at the Hyattsville Municipal Building and online at www.hyattsville.org prior to the scheduled meeting (generally available no later than the Friday prior to the scheduled Monday meeting). Please note, times given for agenda items are estimates only. Matters other than those indicated on the agenda may also be considered at Council discretion.

AMERICANS WITH DISABILITY ACT: In compliance with the ADA, if you need special assistance to participate in this meeting or other services in conjunction with this meeting, please contact the City Clerk's Office at (301) 985-5009. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

AUDIBLE DEVICES: Please ensure all audible devices are turned off or otherwise not audible when the City Council is in session. Thank you.

PUBLIC INPUT: If you wish to address the Council during the Public Comment period, please submit an Audience Participation Form to the City Clerk prior to the beginning of the meeting. Matters identified during Public Comment that are not on that meeting's agenda will be referred to staff for follow-up or considered on a future agenda. Issues that require a response will be addressed publicly at the next regular Council meeting. Speakers are requested to keep their comments to no more than two (2) minutes per speaker. Written comments or supporting documents may be turned in to the City Clerk for distribution to the Mayor and Council.

WAYS TO WATCH THE MEETING LIVE: City Council meetings are broadcast live on cable television channel 71 (Comcast) and channel 12 (Verizon). You may also view meetings live online at hyattsville-md.granicus.com/MediaPlayer.php?camera_id=2

REPLAY SCHEDULE: The meetings will be re-broadcast on cable television, channel 71 (Comcast) and channel 12 (Verizon) daily at 7:00 a.m., 1 p.m., and 8 p.m. Meetings are also able for replay online at www.hyattsville.org/meetings.

CITY INFORMATION: Sign up to receive text and email notifications about Hyattsville events, government, police and programs at www.hyattsville.org/list.aspx

INCLEMENT WEATHER: In the event of inclement weather, please call 301-985-5000 to confirm the status of the Council meeting.

Meeting Notice:

As we continue to take precautions due to the COVID-19 (Coronavirus) pandemic, the Hyattsville City Council will hold its meeting on Monday, December 7, 2020 remotely via video conference. The Council meeting will be conducted entirely remotely; there will be no in-person meeting attendance.

The meeting will be broadcast live on cable television channel 71 (Comcast), channel 12 (Verizon), and available via live stream at www.hyattsville.org/meetings.

PUBLIC PARTICIPATION:

Public comment may be made using the e-comment feature at www.hyattsville.org/meetings or by emailing cityclerk@hyattsville.org. All electronic comments must be submitted by 5 PM on December 7, 2020. Comments received will be read by City staff during the public comment portion of the meeting.

Members of the public who wish to attend the virtual Council meeting must register in advance using the link below.

https://zoom.us/webinar/register/WN_r2QkxXQ3QEWtgbpstdpizQ

1. Call to Order and Council Roll Call**2. Pledge of Allegiance to the Flag****3. Approval of Agenda****4. Approval of the Minutes****4.a) Approval of the Minutes**[HCC-158-FY21](#)

I move that the Mayor and Council approve the minutes of the Public Hearing and Council Meeting of November 16, 2020.

Sponsors: City Administrator

Attachments: [Minutes Nov 16, 2020 PH FINAL](#)
[Minutes Nov 16, 2020 CM FINAL](#)

5. Public Comment (7:10 p.m. – 7:20 p.m.) Complete Speaker Card, Limit 2 minutes per speaker**6. City Administrator Update (7:20 p.m. - 7:35 p.m.)****7. Treasurer Update (7:35 p.m. - 7:40 p.m.)****8. Proclamations (7:35 p.m. - 7:40 p.m.)**

8.a) Proclamation Honoring Hyattsville Chief of Police Amal Awad [HCC-155-FY21](#)

I move that the Mayor and Council adopt a proclamation recognizing the accomplishments and leadership of Chief Amal Awad.

Sponsors: City Administrator

Department: City Clerk

Attachments: [Chief Amal Awad 2020](#)

9. Consent Items (7:40 p.m. - 7:45 p.m.)**9.a) FY21 Budget Appropriation: MNCPPC Grant for Recreation Activities** [HCC-151-FY21](#)

I move that the Mayor and Council amend the FY21 Special Revenues Funds Budget to accept and appropriate the grant award in the amount of \$19,000 from the Maryland-National Capital Park and Planning Commission and authorize the City Administrator to sign the contract, upon the review and approval by the City Attorney, for legal sufficiency.

Sponsors: City Administrator

Attachments: [FY21 Project Charge Contract - 410008 City of Hyattsville - \\$19000 \(1\)](#)

9.b) Memorandum of Understanding with the Metropolitan Police Department of Washington D.C. [HCC-152-FY21](#)

I move that the Mayor and Council authorize the City Administrator to enter into a Memorandum of Understanding (MOU) with the Metropolitan Police Department of Washington DC (MPD) to fund overtime costs to provide police and/or traffic support during the inauguration.

Sponsors: City Administrator

Department: Police Department

Attachments: [MPDC MOU 20201203](#)

- 9.c) **Hyattsville Charter Amendment Resolution 2020-01: Election Day, Certification of Election, and Council Organizational Meeting (Introduction & Adoption)** [HCC-153-FY21](#)

I move that the Mayor and Council adopt Hyattsville Charter Amendment Resolution 2020-01, a Resolution amending Article II of the City of Hyattsville's Charter to alter the day when the newly elected Mayor and Council take office and alter the day of the Mayor and Council's organizational meeting; amending Article IV of the City's Charter to alter Election Day, change the time by which certification of the Election must take place, and include related clarifying language (INTRODUCTION & ADOPTION).

Sponsors: City Administrator

Department: City Clerk

Attachments: [Charter Resolution - Changing Day of Election 10.14.20](#)
[Election Presentation - Nov 16](#)

- 9.d) **Hyattsville Resolution 2020-09: Designating the 2021 City Election as a Vote-by-Mail Election** [HCC-154-FY21](#)

I move that the Mayor and Council introduce and adopt Hyattsville Resolution 2020-09, a Resolution whereby the City Council declares the City's 2021 election to be a Vote-by-Mail election (INTRODUCTION & ADOPTION).

Sponsors: City Administrator

Department: City Clerk

Attachments: [Resolution - Vote by Mail 11.10.20](#)
[Election Presentation - Nov 16](#)

10. Action Items (7:45 p.m. - 7:55 p.m.)

- 10.a) **Hyattsville Ordinance 2020-07: Processing of Vote-by-Mail Ballots** [HCC-159-FY21](#)

I move the Mayor and Council introduce Hyattsville Ordinance 2020-07, an ordinance whereby the City Council amends Section 8-4, Article V, Chapter 8 of the Hyattsville Code to change the time for which the Board may begin to process ballots received before the closing of the polls on Election Day in an election that is conducted primarily by mail (INTRODUCTION).

Sponsors: City Administrator

Department: City Clerk

Attachments: [HO 2020-07_VBM - Processing Ballots 15 Days Prior](#)

11. Discussion Items (7:55 p.m. - 9:20 p.m.)

11.a) Hyattsville Shade Tree Board Writing Contest[HCC-160-FY21](#)

I move that the Mayor and Council approve the use of \$950 to support the Shade Tree Board's efforts to celebrate the 135th anniversary of the founding of Hyattsville with a writing contest and the Heritage Tree program.

Sponsors: Croslin, Ward and Simasek

11.b) Multi-Family Property Improvement Program[HCC-161-FY21](#)

I move that the Mayor and Council authorize the City Administrator (or her designee) and the City Attorney to draft an ordinance to create the Multifamily Improvement Rebate Program. The ordinance shall provide for the following:

- Offering a rebate of \$1 for every \$2 invested in critical multifamily upgrades and improvements that increase energy efficiency, remediate environmental toxins, improve air quality and circulation, and/or increase reliability of heating and cooling systems, up to \$50,000.
- The Mayor and Council to authorize the cumulative award ceiling for each fiscal year.
- Prioritization for funding of multifamily properties designated affordable and/or for senior and disabled residents.
- Eligibility limited to multifamily buildings of more than four (4) units.
- Rebate to begin upon commencement of improvement project.

Sponsors: City Administrator

Department: Community & Economic Development

Attachments: [Memo - MF Property Improvement Program](#)

11.c) FY2021 Legislative Item - Parking Schedule Maximum Fine Modification[HCC-162-FY21](#)

I move that the Mayor and Council restrict the maximum fine for nonpayment of parking violations to no more than one and a half (1.5) times the value of the original fine after thirty (30) days of nonpayment. I further move that the Mayor and Council authorize the City Administrator or her designee to negotiate amendments to any agreements impacted by this adjustment provided that such negotiations do not modify the existing base fee/fine schedule.

Sponsors: City Administrator

Department: Community & Economic Development

Attachments: [Memo - FY2021 Legislative Item – Parking Schedule Maximum Fine Modification](#)
[Chapter 114 Vehicles and Traffic](#)

11.d) Animal Welfare and Community Safety Act[HCC-157-FY21](#)

I move that the Mayor and Council direct the City Attorney to draft an ordinance amending Chapter 52 of the Hyattsville Charter and Code to include the following:

Definitions**“Bite”**

A puncture or tear of the skin.

“City Agent”

City of Hyattsville person or persons responsible for implementing and responding to animal control regulations contained in Chapter 52.

“Dangerous Animal”

A “Dangerous Animal” is a designation given by Prince Georges County Animal Services Division for animals who have a history of aggressive behavior.

“Dangerous Animals” have restrictions placed upon them by the County, which can include a confinement order.

“PGCASD”

Prince George’s County Animal Services Division

“Public Nuisance Category 1”

“Public Nuisance Category 1” violations include excessive, continuous, or untimely barking, howling, or making of other noises, and defecating on property other than that of the owner without the defecation being cleaned up immediately.

“Public Nuisance Category 2”

“Public Nuisance Category 2” violations occur when a dog is off leash in public spaces or trespassing on private property.

“Public Threat Category 1”

“Public Threat Category 1” violations occur when an animal without provocation engages in threatening and menacing behaviors including growling, charging at, and snapping at humans or animals.

“Public Threat Category 2”

“Public Threat Category 2” violations occur when an animal without provocation (i) inflicts injury on a human on private or public property; (ii) kills, “bites”, or attacks an animal.

“Protocol” (also called “Standard Response Protocol”)

Tool developed by City to guide appropriate responses in implementing and responding to animal control regulations contained in Chapter 52.

“Severe Weather”

Severe weather is temperatures below 40 and above 90 degrees Fahrenheit.

“Tethering”

Attaching a dog to a stationary object or pulley run by means of a chain, rope, tether, cable, or similar restraint. Tethering does not include the use of a leash to walk a dog.

**City Code Chapter 52
Implementation**

Unless and until the City of Hyattsville hires a dedicated Animal Warden, The City shall designate a City Agent or City Agents for municipal implementation of Chapter 52, including amendments to Chapter 52 specified in this Motion. Possible City

Agent(s) include staff from the Hyattsville Police Department or Office of Code Compliance.

The City shall, on its website, specify who the City Agent(s) are and how to contact them. This shall occur within 60 days of the passage of this motion.

Animal Welfare

Chapter 52 shall be amended to include:

*** Tethering of Dogs - Restrictions on**

Animal behaviorists have warned that unattended tethered dogs are a risk to themselves and to communities. (See Definitions for “tethering.”) Long-term tethered dogs can become stressed, territorial, and aggressive. They can also engage in self-harming behavior.

Unattended tethering of a dog longer than one cumulative hour in a 24-hour period is prohibited.

Tethering during severe weather (temperatures below 40 and above 90 degrees) is prohibited. (See Definitions.)

*** Severe Weather - Restrictions on Exposure to**

Many jurisdictions are recognizing the danger to companion animals by protracted exposure to severe weather and are creating laws to improve animal welfare requirements.

Severe weather restrictions shall include a prohibition on leaving an animal outdoors without human accompaniment or adequate shelter for more than 15 minutes during periods of severe weather (temperatures below 40 and above 90 degrees).

Violations of the severe weather ordinance shall receive a written warning for the first violation and require a **mandatory** citation for subsequent violations by the City to the owner, pursuant to Section 9 of Code Chapter 52.

Animal Behavior

Current Code labels as “Public Nuisance” behavior a series of behaviors that range from barking to severe damage to people. The code shall be amended to include two categories of behavior: “Public Nuisance” and “Public Threat” behaviors.

A. Public Nuisance

Pet owners shall provide effective care and control of their animals to prevent them from becoming a “Public Nuisance”.

Depending on severity of the violation, “Public Nuisance” infractions are divided into two categories: Category 1 and Category 2.

“Public Nuisance Category 1” violations include excessive, continuous, or untimely barking, howling, or making of other noises, and defecating on property other than that

of the owner without the defecation being cleaned up immediately. "Public Nuisance Category 2" violations include dogs off leash in public spaces or trespassing on private property, unattended tethering violations, or severe weather exposure violations.

B. Public Threat

Pet owners shall provide effective care and control of their animals to prevent them from becoming a "Public Threat".

Depending on severity of the violation, "Public Threat" infractions are divided into two categories: Category 1 and Category 2.

An animal control violation shall be deemed a "Public Threat" if it harms or threatens to harm humans or animals. "Public Threat Category 1" violations occur when an animal without provocation engages in threatening and menacing behaviors including growling, charging at, and snapping at humans or animals. "Public Threat Category 2" violations occur when an animal without provocation (i) inflicts injury on a human on private or public property; (ii) kills, "bites", or attacks an animal.

Violations - Response To

Chapter 52 shall be amended as follows:

Code violations that are a "Public Nuisance Category 1" can receive a written warning for the first violation and require a **mandatory** citation for second and subsequent violations by the City to the owner, pursuant to Section 9 of Code Chapter 52.

Code violations that are a "Public Nuisance Category 2" shall receive a written warning for the first violation and require a **mandatory** citation for subsequent violations by the City to the owner, pursuant to Section 9 of Code Chapter 52.

Code violations that are a "Public Threat Category 1" shall receive a written warning for the first violation and require a **mandatory** citation for subsequent violations by the City to the owner, pursuant to Section 9 of Code Chapter 52.

Code violations that are a "Public Threat Category 2" shall require a **mandatory** citation by the City to the owner, pursuant to Section 9 of Code Chapter 52.

A Public Safety Alert will be issued within 72 hours informing Hyattsville residents of the bite/injury incident and the address where the animal resides. Follow-up public safety alerts will be issued to keep citizens informed.

Code Conformity, Standardization, and Training

Code Conformity

Hyattsville will conduct a review of Hyattsville Police General Orders related to animal control to ensure that these General Orders (1) mirror Chapter 52 of the Hyattsville City Code as amended, and (2) align the City's obligations to the requirements of applicable Prince George's County Codes on animal control.

Standard Response Protocol

Hyattsville shall develop a “Standard Response Protocol” (Protocol) within ninety days to inform appropriate responses by all “City Agents” responsible for implementing and responding to Chapter 52 and in meeting the requirements of the Prince George’s County Codes on animal control. This will include requirements to provide county reporting, issue written warning or citations, log and track data for annual reporting, and share incident in police log.

Training

Hyattsville will require appropriate training/orientation for all “City Agents” responsible for implementing or responding to animal control regulation. Hyattsville will also train newly hired personnel, within ninety days of their hire, if they will serve as a “City Agent.” This will include education on City and County animal control laws and best practices and on how to use the “Protocol.” Training standards and frequency to be determined by City Staff.

Data Collection, Sharing, Reporting

Chapter 52 exists to protect the safety of Hyattsville residents, companion animals, and City staff. Systematic data collection, sharing, and reporting is essential to evaluate how well our animal control regulations are working to protect public safety. Currently, little reliable data is available to evaluate the effectiveness of Chapter 52 in achieving its goal of public safety.

City Data

Hyattsville will record all “Public Threat” violations and written warnings occurring within City boundaries in a prompt and timely manner.

Hyattsville will report “Public Threat” violations to the Prince George’s County Animal Services Division (PGCASD) within 24 hours, which may lead PGCASD to issue a quarantine or confinement order and identify an animal as “Dangerous”.

Hyattsville will make this data available to residents via the City Website and via Crime Reports, on a bi-monthly basis.

County Data

Hyattsville personnel sometimes report “Public Threat” violations to PGCASD. Also, Hyattsville residents sometimes report these violations directly to PGCASD without reporting these incidents to Hyattsville personnel.

Currently, Hyattsville lacks a systematic method to become aware of actions taken by PGCASD regarding these violations. This lack of information includes PGCASD designations of animals as “dangerous” and PGCASD orders requiring animal quarantine or confinement.

Gaining access to PGCASD animal control software can help fill these gaps. This software will provide the City with data regarding the location of dogs identified as “dangerous” and allow the City to comply with annual reporting requirements. As such, Hyattsville shall obtain a “read-only” license from PGCASD to their animal control software system “Chameleon” within ninety (90) days of passage of this motion. (See

“Background” for PGCASD’s offer to share Chameleon software with Hyattsville.)

Annual Report

By January 31st of each year, Hyattsville shall prepare an Annual Report including pertinent data from the previous calendar year. This report shall also be made available to the general public and be presented to Hyattsville’s Mayor and City Council.

At the Municipal and County level, this data shall include all “Public Nuisance” incidents (e.g., at-large dog incidents) and all “Public Threat” incidents. It will also include City and PGCASD actions taken in response to the violations, including but not limited to citations, animals reported by Hyattsville to PGCASD following “Public Threat” violations, an inventory of dogs identified as “Dangerous” by the County, and any animals under quarantine or confinement orders by the County. The report shall include all “Public Threat, Category 2” Public Safety Alerts issued. The report shall include a list of all “City Agents”, including the completed animal control training/orientation.

Sponsors: City Administrator

Department: Legislative

Attachments: [Animal Welfare and Community Safety Act Overview - Staff Comments, DS Response](#)
[Charter and Code March 2019 Ch 52](#)

12. Council Dialogue (9:20 p.m. - 9:30 p.m.)

13. Community Notices and Meetings

13.a) Main City Calendar December 8 - December 21, 2020

[HCC-156-FY21](#)

N/A

Sponsors: City Administrator

Attachments: [Main City Calendar Dec 8 - Dec 21 2020 FINAL](#)

14. Motion to Adjourn



City of Hyattsville

Hyattsville Municipal Bldg
4310 Gallatin Street, 3rd Flr
Hyattsville, MD 20781
(301) 985-5000
www.hyattsville.org

Agenda Item Report

File #: HCC-158-FY21

12/7/2020

4.a)

Submitted by: Sean Corcoran
Submitting Department: City Clerk
Agenda Section: Approval of the Minutes

Item Title:
Approval of the Minutes

Suggested Action:

I move that the Mayor and Council approve the minutes of the Public Hearing and Council Meeting of November 16, 2020.

Summary Background:

Action summaries for Council meetings are posted to the City website within 48 hours of the meeting. Please see attached minutes

Next Steps:

Upon approval, approved minutes will be posted on the City's website.

Fiscal Impact:

N/A

City Administrator Comments:

Recommend approval.

Community Engagement:

Minutes are posted to the City website.

Strategic Goals:

Goal 1 - Ensure Transparent and Accessible Governance

Legal Review Required?

N/A



PUBLIC HEARING OF THE CITY COUNCIL, HYATTSVILLE MD
MONDAY, NOVEMBER 16, 2020 6:30 PM

Candace Hollingsworth, Mayor
Kevin Ward, W1, Council President
Carrianna Suiter, W3, Council Vice President
Bart Lawrence, W1
Robert Croslin, W2
Danny Schaible, W2
Ben Simasek, W3
Daniel Peabody, W4 (*arrived at 6:42 p.m.*)
Joseph A. Solomon, W5 (*arrived at 6:44 p.m.*)
Erica Spell Wolf, W5

Absent: Edouard Haba, W4

Also present were the following City staff members:

Jim Chandler, Assistant City Administrator
Ron Brooks, City Treasurer
Deputy Chief Scott Dunklee, City of Hyattsville Police Department
Lesley Riddle, Director of Public Works
Laura Reams, City Clerk
Sean Corcoran, Deputy City Clerk

PUBLIC HEARING NOTICE:

As we continue to take precautions due to the COVID-19 (Coronavirus) pandemic, the Hyattsville City Council will hold a Public Hearing on Monday, November 16, 2020 remotely via video conference. The Council meeting will be conducted entirely remotely, there will be no in person meeting attendance.

The meeting will be broadcast live on cable television channel 71 (Comcast), channel 12 (Verizon) and available via live stream at hyattsville.org/meetings.

PUBLIC PARTICIPATION:

Public Comment may be made using the e-comment feature at hyattsville.org/meetings or emailing cityclerk@hyattsville.org. All electronic comments must be submitted by 4:30 PM on November 16, 2020. Comments received will be read by City staff during the public comment portion of the meeting.

Members of the public who wish to attend the virtual council meeting must register in advance using the link below.

Register in advance for this webinar:

https://zoom.us/webinar/register/WN_h1AOKF9CSEGRIZw2Hr6g-g

1. Call to Order

Mayor Candace Hollingsworth called the meeting to order at 6:35 p.m.



PUBLIC HEARING OF THE CITY COUNCIL, HYATTSVILLE MD MONDAY, NOVEMBER 16, 2020 6:30 PM

2. Presentation

2.a) Hyattsville Charter Amendment Resolution 2020-01: Election Day, Certification of Election, and Council Organizational Meeting

[HCC-133-FY21](#)

Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

[Election Presentation - Nov 16](#)

[Charter Resolution - Changing Day of Election 10.14.20](#)

[Resolution - Vote by Mail 11.10.20](#)

[Election Calendar 2021](#)

[2018 VBM Motion](#)

For Discussion and Public Input

City Clerk Laura Reams addressed the Mayor and Council with an introduction and summary of the 2021 Vote-by-Mail (VBM) proposal relaying that the measure consisted of changes to the election code, a charter amendment, and an election 2021 Resolution.

Ms. Reams recapitulated the legislation approved by Council at the previous meeting explaining that code changes were adopted to enable legislation that would retain flexibility for the City to conduct a VBM or traditional election as well as allow Council to determine the method of voting by way of a resolution based on the recommendation of the Hyattsville Board of Supervisors of Elections (BOSE). She stated that the Resolution designating the 2021 election as a VBM election would be brought to the Body for approval at the Council meeting of December 7, 2020.

City Clerk Reams explained that the Charter Amendment Resolution would change Election Day to the second Tuesday in May which would allow more time for outreach, communications, and mailings both before and after the election season. Ms. Reams further detailed that the amendment would propose changes to the process by which the Council President and Vice President are elected and decrease the time period in which BOSE certified the election from 10 days to five (5).

Ms. Reams closed the presentation with a description of the timeline of events including candidate registration, voter registration, mailing of ballots, Election Day, result certification, oath of office and election of the Council President and Vice President.

3. Public Comment

Ward 1 resident, Sam Denes, addressed the Mayor and Council questioning whether there was any concern with implementing a VBM election with a decreased certification time period citing recent challenges encountered by nearby regions to which City Clerk Laura Reams responded that in previous elections the BOSE were able to certify election results in two (2) days when taking a day to rest and there was no concern with the results of the election being tabulated in a timely and efficient manner.



PUBLIC HEARING OF THE CITY COUNCIL, HYATTSVILLE MD
MONDAY, NOVEMBER 16, 2020 6:30 PM

Mayor Candace Hollingsworth communicated comments received via chat stating that Taylor Johnson expressed support for a VBM election in part due to the increased turnout. She relayed a question submitted via chat inquiring whether there would be a shift toward VBM elections by default thereby eliminating in-person aspects to which **Mayor Hollingsworth** reiterated that a VBM election in the City of Hyattsville had been an ongoing discussion for the previous two (2) years and was not exclusively a reaction to the COVID-19 health crisis. She stated that the legislation allowed decisions regarding the election to be ultimately made by the Council in which they could choose exactly how to conduct the election. City Clerk Laura Reams supplemented that an in-person element would still exist in any election. She stated that, even if predominantly VBM, there would still be an Election Day polling center to process same day registrations, and provide assistance for those who did not receive a ballot or individuals with disabilities who required assistance in completing their ballot.

Ward 2 Councilmember Danny Schaible inquired as to the rationale which compelled the decision to deem postmarked ballots received after Election Day to be invalid to which Ms. Reams replied that the subject was one of extensive discussion by the Board and was also one of the aspects approved by Council on November 2nd. She stated that BOSE decided that they would prohibit ballots returned after Election Day but would be certain to make communication regarding every step of the election clear and frequent with outreach beginning nearly six (6) months prior. Ms. Reams added that all decisions made for the 2021 election are subject to change upon review of their efficiency and effectiveness.

Deputy City Clerk Sean Corcoran read a public comment submitted through chat function from Ward 2 resident David Marshall who expressed opposition to the initiative but speculated its adoption referencing the extended purview of elected officials.

4. Adjournment

The public hearing adjourned at 6:51 p.m.

ATTEST:
December 7, 2020

Laura Reams, City Clerk

Sean Corcoran, Deputy City Clerk



REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD MONDAY, NOVEMBER 16, 2020 7:00 PM

Candace Hollingsworth, Mayor
Kevin Ward, W1, Council President
Carrianna Suiter, W3, Council Vice President
Bart Lawrence, W1
Robert Croslin, W2
Danny Schaible, W2 (*arrived at 7:05 p.m.*)
Ben Simasek, W3
Daniel Peabody, W4
Joseph A. Solomon, W5
Erica Spell Wolf, W5

Absent: Edouard Haba, W4

Also present were the following City staff members:

Jim Chandler, Assistant City Administrator
Ron Brooks, City Treasurer
Deputy Chief Scott Dunklee, City of Hyattsville Police Department
Lesley Riddle, Director of Public Works
Laura Reams, City Clerk
Sean Corcoran, Deputy City Clerk
Cheri Everhart, Recreation, Programs, and Events Manager
Hal Metzler, Deputy Director of Public Works
Mike Schmidl, Superintendent of Safety and Services
Kate Powers, City Planner
Cindy Zork, Communications Manager, Public Information Officer
Bryan Perez, Communications and Outreach Coordinator

MEETING NOTICE:

As we continue to take precautions due to the COVID-19 (Coronavirus) pandemic, the Hyattsville City Council will hold its meeting on Monday, November 16, 2020 remotely via video conference. The Council meeting will be conducted entirely remotely, there will be no in person meeting attendance.

The meeting will be broadcast live on cable television channel 71 (Comcast), channel 12 (Verizon) and available via live stream at hyattsville.org/meetings.

PUBLIC PARTICIPATION:

Public Comment may be made using the e-comment feature at hyattsville.org/meetings or emailing cityclerk@hyattsville.org. All electronic comments must be submitted by 5 PM on November 16, 2020. Comments received will be read by City staff during the public comment portion of the meeting.

Members of the public who wish to attend the virtual council meeting must register in advance using the link below.

Register in advance for this webinar:

https://zoom.us/webinar/register/WN_IVonR8UmRvSAZ00JMIMYxw



REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD
MONDAY, NOVEMBER 16, 2020 7:00 PM

1. Call to Order and Council Roll Call

Mayor Candace Hollingsworth called the meeting to order at 7:01 p.m.

2. Pledge of Allegiance to the Flag

3. Approval of Agenda

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ward
SECONDER:	Solomon
AYES:	Hollingsworth, Ward, Suiter, Lawrence, Croslin, Simasek, Peabody, Solomon, Spell Wolf
ABSENT:	Schaible, Haba

4. Approval of the Minutes

4.a) Approval of the Minutes

[HCC-146-FY21](#)

Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

[Minutes Nov 2, 2020 FINAL](#)

I move that the Mayor and Council approve the minutes of the City Council meeting of November 2, 2020.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ward
SECONDER:	Solomon
AYES:	Hollingsworth, Ward, Suiter, Lawrence, Croslin, Simasek, Peabody, Solomon, Spell Wolf
ABSENT:	Schaible, Haba

5. Public Comment (7:10 p.m. – 7:20 p.m.) Complete Speaker Card, Limit 2 minutes per speaker

City Clerk Laura Reams read public comments submitted electronically.

Ward 3 resident, Matthew Palus, addressed the Mayor and Council in opposition of the County Sectional Map Amendment (SMA): Clay property request for support stating that the development would constitute a significant negative effect to the historic property, Ash Hill, built in 1840. Mr. Palus cited compromise to historical integrity, an inconsistency with existing housing, and density issues and requested that the City take resident concerns into consideration.

Alyson Reed, on behalf of the University Hills Civic Association, addressed the Mayor and Council in opposition of the SMA: Clay property request for support reiterating the negative environmental impact, the negative impact on cultural and historic resources, and an



REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD MONDAY, NOVEMBER 16, 2020 7:00 PM

incompatibility with surrounding neighborhoods. Citations and data were provided supporting justification for the position as well as language from the Transit District Development Plan (TDDP).

Ward 2 resident, David Marshall, submitted comment in the chat function of the virtual meeting requesting clarity regarding the \$85K for disinfecting resources and \$200K for the renovation of the first floor of the City Municipal building and their collective rationalization. Mr. Marshall expressed his discontent for the departure of Hyattsville Chief of Police, Amal Awad.

6. Workshop (7:20 p.m. - 7:50 p.m.)

6.a) Affordable Housing Action Plan

[HCC-135-FY21](#)

Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

[Hyattsville Housing Action Agenda Phase 1 Report](#)

[Hyattsville City Council Slide deck FINAL DRAFT](#)

Presentation only

Assistant City Administrator Jim Chandler provided the Mayor and Council with a summary of the intent and goals of the workshop and introduced Enterprise Community Partners representatives Laura Searfoss and David Huaman.

Laura Searfoss opened the workshop explaining that the meeting was a continuation from the last meeting in which the representatives were present and that the Body would be asked to envision the outcomes they would most like to see over the following 10 years.

Ms. Searfoss presented an illustrative document of the steps of the process stating that the group was currently at the stage of gathering input from the City Council on priority housing needs and strategic priorities which would be followed by identifying potential housing tools based on needs and priorities, receiving feedback from Council and staff, and the design of tools to be implemented into the plan.

David Huaman addressed the Mayor and Council with information regarding the City's priority housing needs and related strategic priorities stating that some overlap may exist when reviewing how the priorities were more specifically established. Mr. Huaman recalled that two (2) of the prioritization criteria established were identifying which actions would have the highest impact and direct influence with priority needs being determined as affordable rental units for cost-burdened households, clear and consistent regulatory environment, property tax burden, and the gap in homeownership by race and ethnicity.

Mr. Huaman reviewed the need for rental units for low-income households noting that it was identified as a priority by every Council member and it overlapped with the need for accessible homes, units for seniors or those on fixed incomes, and the deterrence of involuntary



REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD MONDAY, NOVEMBER 16, 2020 7:00 PM

displacement. He showed data that reflected a significant decrease in affordable housing overall that hindered the ability to own a home in the City to an increasing population.

Mr. Huaman presented the need for clear, consistent regulatory environment referencing feedback from stakeholders that share concerns of limited and decreasing homes for families and seniors and recognized the impact the priority could have on other issues of interest, but noted that the City's ability to influence the regulatory environment was limited. He noted that residents would like to see Council engage more at the County level to advocate for making clear policies or standards for affordability in development, streamlined permitting, and limited changes to site plans after underwriting.

The third priority need identified was the property tax burden on homeowners which was also pertinent for protecting seniors' ability to remain in their homes and reducing involuntary displacement pressure. Mr. Huaman referenced a 15% increase in median annual real estate taxes paid in the City of Hyattsville and stated that homes of lower value were appreciating at a faster pace than those of high value. He cautioned about the negative repercussions and the increased challenge of retaining residency should the trend be maintained.

Mr. Huaman provided information regarding the gap in homeownership rates by race and ethnicity which showed statistics that reflect an increase in homeownership by Caucasians, a decrease among Hispanics, and no significant change among African American homeowners.

Laura Searfoss relayed the purpose of the discussion to the Body stating that they would work toward defining the strategic priority; a specific, realizable goal, for each priority housing need or issue identified at the previous workshop. Ms. Searfoss gave details regarding the same method as applied to the city of Durham, NC and the goals that were selected as a way to encourage new ideas among the Council for the purposes of the workshop.

Ms. Searfoss presented the first of a series of questions which asked the recipient to describe outcomes that would be evident in ten years that would prove that the issue of providing rental units for low-income housing was successfully addressed.

Ward 3 Councilmember Ben Simasek commented that the report mentioned identifying potential funding sources and suggested a goal of developing a trust fund that could be democratically monitored and implemented in helping to create affordable housing and emphasized the importance of doing so in a way that does not show a loss of affordable housing units while creating new ones.

Ward 2 Councilmember Danny Schaible acknowledged an increase in housing costs since 2013 and expressed his interest in various models for rent stabilization. He stated that gentrification was forcing residents to move out of the City of Hyattsville and stressed the need to find a solution. He described that he would like to consider inclusionary zoning and the ability to build accessory units and duplexes in a way that did not only benefit the associated businesses, but was of benefit to homeowners and contributed to the diversity of the City's housing stock.



REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD MONDAY, NOVEMBER 16, 2020 7:00 PM

Council President Kevin Ward agreed that he would like to see diversification of housing stock as well as ways to make it more attractive to current landlords to upgrade or improve housing to allow for affordable units.

Ward 2 Councilmember Robert Croslin endorsed implementing a mechanism with which to track and assess the actions and fluctuations of affordable housing in the City to which David Human responded that the low-income Area Median Income (AMI) was 80% and suggested using that number as a potential metric. Laura Searfoss added that it would be helpful to consider which specific groups Council would like to see well served in 10 years.

Ward 5 Councilmember Joseph Solomon envisaged accomplishing generational affordability over 10 years: affordability for all ages among all demographics. He stated that he would like residents to be able to easily procure a home as well as easily keep their home and have a rent stabilization method in place but acknowledged limited influence from the Body due to stabilization being directed mostly by market status. He added that he would like there to be more resources to address homelessness by providing tangible living spaces and programs to assist the homeless population.

Ward 2 Councilmember Robert Croslin interjected that he preferred to use “affordable” housing as opposed to “low-income” housing due to the negative connotation and stigma associated with the latter.

Ward 4 Councilmember Daniel Peabody opined that in 10 years he would like to see the diversity of the City be reflected in the housing units and allow those who hold jobs in Hyattsville also be able to afford to live in the City. He highlighted the importance of not experiencing a decrease in the diversity of jobs, homes, and resident income in Hyattsville.

Councilmember Simasek stated that he expected to see a decline in the 43% of residents deemed cost-burdened elaborating that a realistic goal would be 20% and cautioned that 80% AMI should not be the metric guideline as it may not give those in the lowest of income brackets adequate consideration and attention.

Mayor Hollingsworth concurred with the comments of **Councilmember Simasek** and stated that she would like to have the ability to retain the level of units currently maintained, reach a 60% AMI or lower and sought confirmation regarding her understanding of portions of the report to which David Human responded that the report noted the incomes required to maintain homes in the area but was not reflective of the homes in pre-development intended for the region.

Mayor Hollingsworth identified the regulatory environment as a primary challenge as the costs pass on to tenants in several ways and stated that she would like for City officials to have the ability to regularly monitor housing and adjust tools as needed.

Ms. Searfoss reviewed the comments and summarized that the Body had great interest in seeing that current residents were served and offered the same question again to Council this time with a focus on clearer, more consistent regulatory environment to which **Mayor Hollingsworth**



REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD MONDAY, NOVEMBER 16, 2020 7:00 PM

commented that the City would have more proposals that arrived with affordable housing at the time of review rather than at the time of input

Councilmember Simasek recollected mention of inclusionary zoning and the need for units for larger families and the potential of those definitions changing over time which could result in disincentives or a lack of incentives for project developers.

Council were tasked with applying the same question to addressing the property tax burden affecting homeowners to which **Councilmember Schaible** contributed that a tool existed to address the issue and cited the State's Homestead Tax Credit and its ability to appreciate over time. He referenced a desire from the County to increase the tax credit and expressed the preference to prioritize affordable housing to those facing the most difficult financial vulnerability.

Mayor Hollingsworth reminded the Body that the ideas that would be most productive to the conversation should start with a vision of what the result should resemble and should not start with the solution to which **Councilmember Schaible** stated that the focus could, perhaps, be on mitigating the increase of taxes each year taking into consideration retirees or those on a fixed income.

Councilmember Peabody described that evidence of properly addressing the property tax burden as not seeing those on fixed income being forced out of their homes due to an inability to fulfill their financial obligations.

Mayor Hollingsworth described that the City's 2020 tax rate could be compared to the constant yield rate and a metric that could be monitored is lessening the gap between each while keeping the tax rate threshold the same and maintaining the same resources and services for residents. She clarified stating that currently the City was generating more revenue by keeping the tax rate idle while home values increased, therefore collecting a larger percentage from a larger home worth instead of raising property taxes to do the same.

Councilmember Simasek stated that a primary focus should be on residents with fixed income or those who have trouble making ends meet and cautioned that cutting taxes could actually have a negative effect over time.

Councilmember Solomon stated that he would like to see the group create a fund that could be used for the implementation of some of the tools that could be used in calculating the metrics going forward.

Ms. Searfoss presented the last item for consideration which was identical to the previous question except for the focus being turned to the gap in homeownership rates by race and ethnicity to which **Councilmember Simasek** explained that 730 new homeownership opportunities and approximately double that in rental opportunities would be made available from the units that were intended to be built in the City and encouraged his colleagues to consider using the incoming developments as an opportunity to ensure building upon the Black and Hispanic populations.



REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD MONDAY, NOVEMBER 16, 2020 7:00 PM

Councilmember Schaible expressed interest in considering policy that created a fund that targeted minorities with assistance on down payments or loans and other assistive offerings to demographics that have historically experienced discrimination to which David Huaman responded that while methods could be developed to help in such a way, financial education and other resources could also be offered to those who would otherwise not have the opportunity to take advantage.

Ms. Searfoss requested clarity and detail regarding requirements and methods to bring in more minority residents to which **Councilmember Solomon** answered that part of the solution would be to reverse some of the existing disparities and also to take great care in discerning which companies the City did business with to ensure that their ideals and goals are similar to what the City would like to achieve.

Laura Searfoss offered a summary of the discussion and explained that the next steps would be to prioritize housing tools for Hyattsville after receiving further input from Council and staff and then to design detailed housing tools based on the priority housing tools.

7. **City Administrator Update (7:50 p.m. - 8:00 p.m.)**

Assistant City Administrator Jim Chandler addressed the Mayor and Council with an update on City events and programming stating that the period for submitting new name suggestions for Magruder Park had closed the previous Sunday and the City received over 800 submissions. He explained that the next step was a meeting between the Race and Equity Task Force and the Health, Wellness, and Recreation Advisory Committee in which they would narrow down the options in preparation for review in early 2021.

Mr. Chandler announced the hiring of Parking Compliance Supervisor Gary Bullis and provided a brief description of his background stating that he would likely be introduced to the Body at the Council meeting of December 7, 2020.

He reported that food distribution to families in need was still ongoing and that the program would continue with non-perishable food provided from the Capital Area Food Bank through the end of December with perishable items distributed on Saturdays through December 19th. Mr. Chandler acknowledged the efforts of the Community Services Team who were responsible for the organization and implementation of the food distribution events.

Assistant City Administrator Chandler relayed that the previous Thursday, State Councilmember Alsobrooks announced the Restaurant Resiliency Fund which would provide grants of up to \$25K to Prince George's County based restaurants and food establishments to promote long-term sustainability and resiliency for business to integrate COVID-19 safety measures and support operations.

Mayor Hollingsworth read information regarding Employ Prince George's (EPG) rapid rehiring program which was created to provide assistance to unemployed workers while simultaneously helping businesses reopen and hire new employees by way of grant funding.



REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD
MONDAY, NOVEMBER 16, 2020 7:00 PM

8. Treasurer Update (8:00 p.m. - 8:05 p.m.)

City Treasurer Ron Brooks addressed the Mayor and Council with an update of the City's financial position reporting that the Fiscal Year 2019 (FY19) audit was ongoing with the expectation of completion and filing by December 31, 2020. Mr. Brooks stated that some challenges had manifested due to challenges associated with the COVID-19 pandemic.

Treasurer Brooks noted that revenue income was at much lower levels than previous years and that the City was experiencing an approximate \$500K decrease in revenue when compared to FY20 and a decrease of approximately 4% in revenue through the end of the second quarter. Mr. Brooks stated that operational expenses would be closely scrutinized and while there was a hiring freeze for City staff, there was not a freeze on employee replacement and there should be no concern about maintaining regular resident services. He continued that no development projects would be unfunded but may be delayed until further revenue returns are evaluated.

Treasurer Brooks referenced the donation of \$9K featured in the Council meeting agenda recalling that he and Emergency Operations Manager Reggie Bagley had visited Landover Hills Toyota and met with Richard Patterson of RRR Automotive Group who provided the donation to the City of Hyattsville in support of food drive activities and events. Mr. Brooks expressed his gratitude and appreciation for the donation on behalf of the City.

9. Presentations (8:05 p.m. - 8:20 p.m.)

9.a) FY21 Strategic Communications Report

[HCC-134-FY21](#)

Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

[FY 2021 Communications Presentation to Council FINAL](#)

Presentation

City Clerk Laura Reams introduced the presentation providing a background and summary that described the efforts and progress of the Hyattsville Communications Department. Ms. Reams explained that about a year prior the department was restructured to align with the City Clerk's office and was tasked with developing a strategic communications plan; phase one of which would, therein, be presented. She introduced Communications Manager Cindy Zork and Communications Coordinator Brayan Perez giving a summary of their history and responsibilities and stated the Department's mission statement and purpose.

Communications Manager Cindy Zork provided detail on the presentation stating that the Department reviewed data from the final two (2) quarters of FY20 to serve as a base for the report and would be identifying goals and initiatives for the future accompanied by bi-annual reports. Ms. Zork noted that a survey had been released that day to collect information from residents and Council to get a better understanding of where the Department had been successful and where it could improve.



REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD MONDAY, NOVEMBER 16, 2020 7:00 PM

Communications Coordinator Brayán Pérez addressed the Mayor and Council with a presentation of the methods of communication used by the Department citing social media such as Facebook, Instagram, and Twitter and stating that there is daily posting of information, pictures, videos, in both English and Spanish and coordination with the Police Department's social media. He prioritized that the team works to provide information to residents while also directly engaging with them.

Mr. Pérez described the use of NotifyMe, a platform in which outreach is performed to notify residence of any alerts, events, or news via text and email in English and in Spanish. He explained that they are active on the list serves of HOPE, Hyattsville Aging in Place, West Hyattsville, and University Hills Community Association as well as a Public, Education, and Government (PEG) channel that allows the broadcast of Council meetings, City informational videos, and staff signature blocks. Mr. Pérez listed the physical communications maintained by the Department including the Hyattsville Reporter, or "Green Sheet", mailed to 8,392 households monthly, the City of Hyattsville insert in the Hyattsville Life and Times periodical mailed to 7,330 households and 550 businesses monthly, the Department of Public Works (DPW) flyer advertised throughout the City, Light Emitting Device (LED) signage, advertisements on Big Belly waste receptacles, bus shelters, and ad purchases featured at City metro stations and the Mall at Prince George's.

Mr. Pérez reported on ad-hoc, or "as needed", communications referencing City press releases, email distribution lists, and the Code Red emergency alert system primarily used by the Police Department which shared 27 text notices through the second half of FY20 and robo-calling technology available for urgent communications.

Cindy Zork reported on the number of website views over the first six (6) months of the calendar year stating that it was reflective of a pre-COVID-19 environment and the environment including pandemic-enforced regulations such as working from home, quarantining, and limited access to regular businesses and day-to-day needs.

Ms. Zork provided detail regarding social media and the increase in followers citing increases to Facebook and Twitter and the largest follower increase of 18.3% from Instagram with a total of 6,670 followers combined. She expressed the importance of portraying a voice for the City that could be trusted and welcoming.

Ms. Zork relayed information regarding interaction on NotifyMe stating that there were approximately 1,700 subscribers with English language subscribers exceeding Spanish speaking subscribers by nearly 99%. She stated that connecting with a much larger Spanish speaking audience was a priority going forward and noted subscriptions from community list serves was primarily received on HOPE, with minimal recognition from Hyattsville Aging in Place and the University Hills Community Association. Subscribers over all platforms equated to 10,476.

She reported on social media subscription demographics by age and stated that most subscribers were in the 35 to 44-year-old range while the hard to reach populations were 18 to 24, 65+ and 55 to 64 respectively. Ms. Zork acknowledged that the senior community was not likely the target audience for social media and other means of communication were being sought.



REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD MONDAY, NOVEMBER 16, 2020 7:00 PM

Ms. Zork presented a bar graph that was indicative of the number of social media posts from the Communications Department over all platforms which showed a 145% increase for Facebook, 175% increase for Twitter, and a 150% increase for Instagram. She noted that the increase was heavily influenced by the COVID-19 health crisis and stated that they averaged about four (4) posts daily finding that any more than that tended to result in losing followers. Ms. Zork reported similar NotifyMe statistics explaining that most of the posts are timely and occur in direct relation to the occurrence of a City event or meeting and stating that they were examining ways to convert some of the information into a tangible, physical resource.

Ms. Zork reported that social media engagements increased significantly on all platforms with a 93% increase for Facebook, the largest increase from Twitter at 121%, and a 69% engagement increase for Instagram. She stated that there was a slight decrease over the previous weeks which was possibly due the public growing weary and exhausted of news and seeking different uses of their time, but stated that it was an area to which the payed very close attention and with which they would like to see continued interest.

She provided information regarding the increase in views of City videos offered to the public citing a 44% increase in viewership for Facebook and an 87% increase for YouTube stating that videos had been very well received regardless of length or content.

Ms. Zork described the insights of the report relaying that social media and list serves continue to be the most popular and robust methods for communication while NotifyMe struggles to gain subscribers and, according to estimates less than half of the City's population was being reached. She emphasized the need for a more diverse audience stating that new strategies needed to be entertained to address the ways in which the City could reach a great deal more youth, senior, and Spanish speaking residents. Ms. Zork advocated for visual posts across all platforms identifying that social media followers and engagements were growing and that tagging key partners help exposure to new audiences.

Ms. Zork described goals and strategies for FY21 that included increasing and diversifying audiences by exploring new avenues to collect more subscribers for NotifyMe and using community outreach to identify new tools to reach underserved and youth populations. Brayan Perez reiterated the importance of modernizing the City's website to increase digital communications and operations and Laura Reams spoke about improving internal communications among City staff and departments by standardizing communications through increased brand awareness, templates, and staff communication ambassadors that would serve as points of contact for specific groups.

Ms. Zork laid out the next steps stating that a communications survey had been released that day to help the team assess what can be improved upon, announced the intention to finalize the communications report by early 2021, and plans to track action items and present a report to Council in the Summer of 2021.

Ms. Reams acknowledged Jonathan Alexander and Matt Carl who were responsible for the City's videos and broadcasts noting that they were an integral part in the success of the Communications Department.



REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD
MONDAY, NOVEMBER 16, 2020 7:00 PM

Mayor Hollingsworth expressed her appreciation for the work performed by the department stating that she was anticipating the report and was thankful to have a road map that featured a productive plan for the future.

Councilmember Schaible expressed his gratitude for the department's efforts and the way in which each staff member worked with each other as a collective team.

Councilmember Solomon thanked the group for the presentation and for work that resulted in visible benefits to the City and its residents.

Councilmember Croslin expressed his content with a job well done.

10. Consent Items (8:20 p.m. - 8:25 p.m.)

10.a) FY21 Budget Amendment: Acceptance of Donation for K9 Car Kennel (Police Facility Dog, Nola)

[HCC-130-FY21](#)

Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

I move that the Mayor and Council accept and appropriate a donation in the amount of \$2,345.10 from the Washington DC Community Youth Foundation, Inc. for the purchase and installation of a K9 car kennel for Nola V, the Police Department Facility Dog.

10.b) Distribution Agreement with Capital Area Food Bank

[HCC-131-FY21](#)

Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

[Distribution Agreement Final COVID-19 October-December 2020 \(1\)](#)

I move that the Mayor and Council authorize the City Administrator to enter into an agreement with the Capital Area Food Bank for the weekly receipt and distribution of non-perishable food boxes through December 20, 2020, upon the review and approval of the City Attorney for legal sufficiency, in support of the City's efforts to provide food to families in need during COVID-19.

10.c) Agreement with HYCDC: Design and Installation of Signage at Jim Henson Courtyard

[HCC-132-FY21](#)

Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

[Hyattsville Arts Project Management Agreement -HCDC Arts Project exculp agreement](#)

I move that the Mayor and Council authorize the City Administrator to enter into an agreement with the Hyattsville Community Development Corporation (HYCDC) for the design and installation of informational signage at the Jim Henson Courtyard at the Park, upon the review and approval of the City Attorney for legal sufficiency.



REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD
MONDAY, NOVEMBER 16, 2020 7:00 PM

10.d) Zoning Variance Request V-35-20 - 3003 Lancer Place, Hyattsville

[HCC-137-FY21](#)

Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

[Information for Hyattsville V-35-20](#)

[City of Hyattsville Zoning Variance Policy Statement and Variance Process 10 3 11](#)

I move that the City Council authorize the Mayor to send correspondence to the Prince George's County Board of Zoning Appeals stating the City's support for variance request V-35-20, a request of (1) Five (5) feet front building line width, (2) 3% net lot coverage and (3) a waiver of the parking area location requirement to allow the applicant to obtain a building permit for the proposed construction of a driveway at the subject property at 3003 Lancer Place, Hyattsville.

10.e) Ultraviolet Disinfecting Solutions for City Building

[HCC-138-FY21](#)

Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

[Hyattsville Public Works Proposal 10-26-20](#)

[Hyattsville Recreational Building Proposal 10-23-20 \(1\)](#)

[Hyattsville Municipal Proposal 10-26-20](#)

I move that the Mayor and Council authorize the City Administrator to enter into an agreement, not to exceed \$85,000, with Veteran LED to provide ultraviolet disinfecting solutions for the City Municipal building, the new DPW facility, and the park recreation building, upon the review and approval of the City Attorney.

10.f) Prince George's County Zoning Rewrite: §27-05

[HCC-140-FY21](#)

Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

[Memo - County Zoning Rewrite - Section 27 - 10.26.2020 Final](#)

[CB-013-2018 - PART 27-5 - USE REGULATIONS - Pg 74](#)

I move the Council authorize the Mayor to send correspondence to the Prince George's County District Council as well as the M-NCPPC Planning Board, requesting amendments to proposed Section 27-05 section (B.i.) Alcohol production facility, small-scale and (B.iii) Off-site manufacturing of beer, to incorporate language as follows:

(i) The minimum area of the eating, drinking, and entertainment area of the alcohol production facility, small-scale, shall be 45 percent of the total square footage for the establishment, or a minimum of 1,500 square feet, whichever is greater, unless the building in which it is located is an adaptive reuse or the interior layout of the building makes compliance impracticable.



**REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD
MONDAY, NOVEMBER 16, 2020 7:00 PM**

(iii) Off-site distribution of manufactured beer is allowed, as long as it is done from the rear of the building, and adequate loading and access for the activity is provided, unless the building in which it is located is an adaptive reuse or the exterior of the building makes compliance impracticable.

10.g) FY21 Budget Amendment - Prince George’s County Tree ReLEAF Grant

[HCC-141-FY21](#)

Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

[Hyattsville Tree ReLEAF 2020-signed](#)

I move that the Mayor and Council accept and appropriate \$9,000 from the Prince George’s County Tree ReLEAF Grant for the planting of trees in the City of Hyattsville.

10.h) Implementing Participatory Budgeting

[HCC-142-FY21](#)

Sponsor: Hollingsworth

Co-Sponsor(s): N/A

I move that the Mayor and Council establish an ad hoc advisory committee to develop recommendations for a plan to establish a participatory budgeting process beginning with the FY23 budget.

10.i) FY21 Budget Amendment - Acceptance of Donation from Toyota of Bowie

[HCC-144-FY21](#)

Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

I move that the Mayor and Council accept and appropriate \$9,000 from Toyota of Bowie to support food drive initiatives in the City.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ward
SECONDER:	Croslin
AYES:	Hollingsworth, Ward, Suiter, Lawrence, Croslin, Schaible, Simasek, Peabody, Solomon, Spell Wolf
ABSENT:	Haba

11. Action Items (8:25 p.m. - 8:45 p.m.)

11.a) Municipal Building: First Floor Entry Renovation

[HCC-136-FY21](#)

Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

[Hyattsville City Bldg - Keller D-B proposal 2020 11-04 REVISED](#)



REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD
MONDAY, NOVEMBER 16, 2020 7:00 PM

I move that the Mayor and Council authorize the City Administrator to enter into a design/build agreement with Keller Construction Management for the renovation of the first-floor entryway at 4310 Gallatin Street at a cost not to exceed \$200,000. The contract agreement authorization is subject to the legal review and approval by the City Attorney.

Deputy Director of Public Works Hal Metzler addressed the Mayor and Council with a summary of the item stating that since the beginning of the COVID-19 pandemic the Department had been looking at multiple safety measure from several varying perspectives incorporating the latest and most effective recommendations. He continued that the item discussed was a plan for the entrance way of the City Municipal Building to be converted into a reception area to serve residents as opposed to individuals entering further into the building therefore reducing the chance of viral transmission.

Mr. Metzler described that the plan allowed for use of approximately 20% of the existing multi-purpose room which would be converted to hold three (3) staff members with two (2) service windows to process documentation and carry out regular daily tasks. He stated that funding for the project would come from the CARES Act and would be no financial burden to the City.

Mayor Hollingsworth acknowledged that not all patrons of the building had adhered to safety guidelines and while discussion about potential renovation of the first floor had taken place for several months, the need for such an adjustment had been amplified by the global health emergency.

Councilmember Simasek inquired as to the source of funding and the consideration of any other locations for the project to which Mr. Metzler reiterated that all costs would be covered by the federal CARES Act and Superintendent of Safety and Services Mike Schmidl responded that other areas of the Municipal building had been examined, but it was decided that the immediate main entry way would be the most practical.

RESULT:	APPROVED [9-0-1]
MOVER:	Ward
SECONDER:	Croslin
AYES:	Hollingsworth, Ward, Suiter, Lawrence, Croslin, Simasek, Peabody, Solomon, Spell Wolf
ABSTAIN:	Schaible
ABSENT:	Haba

11.b) Zoning Variance Request V-30-20 - 3545 Madison Place, Hyattsville
[HCC-139-FY21](#)

Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

[Memo - V-30-20](#)

[Information for Hyattsville V-30-20](#)

[City of Hyattsville Zoning Variance Policy Statement and Variance Process 10 3 11](#)



**REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD
MONDAY, NOVEMBER 16, 2020 7:00 PM**

I move that the City Council authorize the Mayor to send correspondence to the Prince George's County Board of Zoning Appeals stating the City of Hyattsville, at this time, is not in support for Variance Request V-30-20, Variances of 5 feet front yard depth and a waiver of the parking area location requirement for the subject property 3545 Madison Place, Hyattsville. The correspondence shall communicate that the City encourages the applicant to resubmit its applications with revisions demonstrating coordination with the adjacent property and design to reduce the amount of impervious surface created on the property.

City Planner Kate Powers addressed the Mayor and Council with a summary of the measure stating that zoning variances were historically granted with limited opposition, but staff had identified four (4) issues that required further attention and discussion. Ms. Powers explained that if the driveway was developed as proposed it would result in 70% of the area being an impervious surface which was far beyond the 25% allowed under City Code. She described that the property in question was a two (2) family home in which the applicant occupied one unit while the adjacent unit was vacant and staff believed that potential residents should be able to provide input regarding any variance associated with the property. Ms. Powers reported that, given the land grade of the property, a retaining wall should be instituted, and any inhabitant of the adjacent property should be notified of the need and any intention for further construction. She closed her opening comments referencing that if the driveway were to proceed as proposed, it would be in direct conflict with an adjacent driveway apron and staff did not recommend that Council approve of the zoning variance request.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ward
SECONDER:	Croslin
AYES:	Hollingsworth, Ward, Suiter, Lawrence, Croslin, Schaible, Simasek, Peabody, Solomon, Spell Wolf
ABSENT:	Haba

12. Discussion Items (8:45 p.m. - 8:55 p.m.)

**12.a) County Sectional Map Amendment (SMA): Clay Property Request for Support
[HCC-143-FY21](#)**

Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

[Clay CMA - City Council Memo - 11.16.20 Final Owner's Exhibit](#)

[Community Meeting Details](#)

[Zoning Reference Information](#)

Discussion Only

Assistant City Administrator Jim Chandler addressed the Mayor and Council regarding the item and noting public comments from residents made earlier that evening. Mr. Chandler explained that the area was zoned for R-80 and the applicant was requesting a new zoning of RSF-95 and that the owner planned to proffer the conditions of 10% of the density in the proposed development would be moderately priced, there would be a 50-foot wide buffer along the eastern



REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD MONDAY, NOVEMBER 16, 2020 7:00 PM

property line running parallel to Bridle Path lane to ensure compatibility with the existing single-family homes to the east, and there would be a 150-foot wide buffer from Rosemary Lane to ensure compatibility with Hitching Post Hill, a historic site, which faces the Clay property across Rosemary Lane to the north.

Mr. Chandler noted that a meeting that would consider this measure was postponed and that Council need not make a decision in haste and speculated on the possibility of the applicant providing a conceptual site plan (CSP) while stating that the applicant was anxious for the Body to determine a position in preparation of consideration by the Maryland National Capital Park and Planning Commission (MNCPPC).

Councilmember Solomon inquired as to discussions among pertinent parties regarding affordable housing to which Mr. Chandler responded that the applicant's definition of affordable housing was not clear and there was no further clarity when reviewing the dialogue of any previous Planning Board meetings.

Councilmember Croslin interpreted that, based on resident comments, there was significant opposition to the development of townhomes on the property and that a degree of affordable housing was offered by the applicant as an incentive to which Mr. Chandler replied that the proffer of the owner would not be applicable through an SMA and would have to result from a site-specific application.

Councilmember Simasek commented that anything recommended by Council at that point in the process would hold no weight as the process would still need to be initiated and a conceptual site plan would need to be submitted to which City Planner Powers confirmed the Councilmember's assessment and reiterated that any recommendations or plans were not solidified and could be subject to change for several weeks.

Councilmember Solomon asked at what point in the process the decisions regarding the property would be actionable by City Council to which Mr. Chandler explained that the owner had the option to pursue an SMA which was very singularly focused and prohibited requesting conditions or to pursue the regular process which included a CSP and allowed for the request, discussion, and approval or disapproval of specific conditions.

Chris Hatcher of Lerch, Early, Brewer, addressed the Mayor and Council on behalf of the owner stating that the owner had been involved in the purchasing and maintenance of property within the Prince George's Transit District Development Plan (TDDP) for decades and thanked the City Council for their continued collaboration. Mr. Hatcher noted that the owner deemed 60% to 80% average median income (AMI) as affordable housing and wanted to take actions, working with the City, to aid with creating affordable housing and advancing the vision of the TDDP. He explained that the entity may pursue variation through a CSP and was open to working with the City to find common ground with regard to the intentions for the property.



**REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD
MONDAY, NOVEMBER 16, 2020 7:00 PM**

13. Council Dialogue (8:55 p.m. - 9:05 p.m.)

Councilmember Solomon thanked the residents of Ward 5 for their participation in the discussion and renaming of Magruder Park.

Ward 1 Councilmember Bart Lawrence advised all to stay safe and endorsed the wearing of masks.

Councilmember Croslin wished everyone a happy Thanksgiving and asked all to be diligent in staying safe.

Councilmember Peabody echoed the sentiments of his colleagues and provided his best wishes to Chief of Police Amal Awad in her future ventures.

Councilmember Simasek thanked City staff for all their work and specifically the pandemic response and charitable events.

Councilmember Schaible thanked City staff and gave best wishes to Chief Awad upon her incoming departure.

14. Community Notices and Meetings

14.a) Main City Calendar November 17 - December 7, 2020

[HCC-145-FY21](#)

Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

[Main City Calendar Nov 17 - Dec 7 2020 FINAL](#)

15. Motion to Adjourn

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Croslin
SECONDER:	Suiter
AYES:	Hollingsworth, Ward, Suiter, Lawrence, Croslin, Schaible, Simasek, Haba, Peabody, Solomon, Spell Wolf
ABSENT:	None

The meeting adjourned at 9:38 p.m.

**ATTEST:
December 7, 2020**

Laura Reams, City Clerk

Sean Corcoran, Deputy City Clerk



City of Hyattsville

Hyattsville Municipal Bldg
4310 Gallatin Street, 3rd Flr
Hyattsville, MD 20781
(301) 985-5000
www.hyattsville.org

Agenda Item Report

File #: HCC-155-FY21

12/7/2020

8.a)

Submitted by: Sean Corcoran
Submitting Department: City Clerk
Agenda Section: Proclamation

Item Title:

Proclamation Honoring Hyattsville Chief of Police Amal Awad

Suggested Action:

I move that the Mayor and Council adopt a proclamation recognizing the accomplishments and leadership of Chief Amal Awad.

Summary Background:

Colonel Amal Awad has been a valued member of the City of Hyattsville, and the Hyattsville Police Department for 3 ½ years. She served as Deputy Chief of Police for the first 20 months and was selected to serve as Chief of Police from December 2018 until her transition on 16 December 2020. Chief Awad implemented several new programs, policies, and priorities which allowed for the successful transformation of the City's Police Department and furthered the City's community policing goals and initiatives. Chief Awad navigated and led the department and community through several challenges during a time of extreme national unrest, police distrust and a global health crisis. She will be remembered by City residents, staff, and officials as a respected leader and an invaluable member of the Hyattsville community.

Next Steps:

Adopt proclamation.

Fiscal Impact:

N/A

City Administrator Comments:

Recommend adoption.

Community Engagement:

Recognition of Chief Amal Awad and her influence on the City of Hyattsville.

Strategic Goals:

Goal 4 - Foster Excellence in all City Operations

Legal Review Required?

N/A

CITY OF HYATTSVILLE

PROCLAMATION

HONORING THE LEADERSHIP OF HYATTSVILLE CHIEF OF POLICE AMAL AWAD

In recognition of the close of her tenure, this proclamation honors the innumerable contributions and unwavering leadership of Chief of Police Amal Awad and her service to the City of Hyattsville.

WHEREAS, under her leadership, the Police Department has revitalized programming for the City's youth and teens as well as conducting outreach and holding events such as Coffee with a Cop, the annual Holiday Food Basket Program, and COVID-19 food distribution and testing support; and

WHEREAS, Chief Awad has been instrumental in the recruitment and retention of Hyattsville's law enforcement personnel which has resulted in a 20% increase in minority representation in recent years. She has set a new training standard for police departments across the National Capital Region mandating tours of the National African American Museum of History and Culture, developing Trauma Informed Response training, and Implicit Bias training in partnership with experts from the University of Maryland; and

WHEREAS, Chief Awad possessed the foresight to establish the Department's first Media Relations Manager and Mental Health Programs manager with the dual purpose of exclusively managing communications and outreach, forming partnerships throughout the region and providing health and wellness resources to ensure the overall wellbeing of officers who are perpetually challenged with acute stress and traumatic encounters; and

WHEREAS, Chief Awad was nominated and chosen by her peers to serve as the president of the Police Chiefs' Association of Prince George's County in which capacity she brought together speakers and leaders from all areas, including academia, to encourage and emphasize standardization among departments in training, policies, and equipment.

NOW, THEREFORE BE IT RESOLVED, Chief Awad has provided exceptional leadership, direction, and guidance to the more than 60 sworn officers and civilian staff serving as an exemplar of class and integrity during a time of local and national unrest, police distrust, and a global pandemic in which she exhibited openness, honest and thoughtful communication, tolerance and patience that brought a sense of calm, support, and understanding to the Hyattsville community.

Candace B. Hollingsworth
Mayor, City of Hyattsville

December 7, 2020





City of Hyattsville

Hyattsville Municipal Bldg
4310 Gallatin Street, 3rd Flr
Hyattsville, MD 20781
(301) 985-5000
www.hyattsville.org

Agenda Item Report

File #: HCC-151-FY21

12/7/2020

9.a)

Submitted by: Cheri Everhart
Submitting Department: Community Services
Agenda Section: Consent

Item Title:
FY21 Budget Appropriation: MNCPPC Grant for Recreation Activities

Suggested Action:

I move that the Mayor and Council amend the FY21 Special Revenues Funds Budget to accept and appropriate the grant award in the amount of \$19,000 from the Maryland-National Capital Park and Planning Commission and authorize the City Administrator to sign the contract, upon the review and approval by the City Attorney, for legal sufficiency.

Summary Background:

The City receives this grant annually from the Maryland-National Capital Park and Planning Commission to support recreation programming. Please note that this item is a budget amendment and requires 8 affirmative votes for approval.

Next Steps:

Follow up with MNCPPC and accept funds.

Fiscal Impact:

\$19,000 - Budget Amendment

City Administrator Comments:

Recommend Support, this grant reimburses the City for recreational programs.

Community Engagement:

N/A

Strategic Goals:

Goal 2 - Ensure the Long-Term Economic Viability of the City

Legal Review Required?

Complete

CONTRACT

THIS CONTRACT (“Contract”) made as of July 1, 2020 (the “Effective Date”), by and between The Maryland-National Capital Park and Planning Commission, 6611 Kenilworth Avenue, Riverdale, Maryland 20737, a public body corporate and agency of the State of Maryland hereinafter called the “Commission”, and **City of Hyattsville (“Contractor”), a self-governing incorporated City at 4310 Gallatin Street, Hyattsville, Maryland, 20783.**

RECITALS

WHEREAS, pursuant to the Maryland Annotated Code, Land Use Article, the Commission has authority to initiate, conduct, direct or cause to be conducted or directed under its supervision a comprehensive program of recreation which may include physical, social, mental and creative opportunities for leisure-time participation as deemed advisable.

WHEREAS, Contractor’s mission is to **provide leadership and effective services that enhance our City quality. The Contractor is organized as a self-governing city incorporated by Chapter 424 Acts of 1886 in Prince George’s County, Maryland.**

WHEREAS, by action undertaken pursuant to Maryland Annotated Code, Land Use Article, the governing body of Prince George’s County, Maryland, has appropriated for Contractor certain funds totaling **\$19,000** in Council Resolution **CB-23-2020**.

WHEREAS, the Commission and the Contractor desire to cooperate with each other to provide **recreational programs for residents of Hyattsville and the surrounding communities. Programs will include special events, senior programs, and pre-school programs.**

NOW, THEREFORE, in consideration of the mutual promises and agreements contained herein, and for other good and valuable consideration, the parties do covenant and agree as follows:

1. Scope of Work and Term. Contractor shall furnish all labor, materials and incidental supplies necessary or appropriate to perform the Scope of Services set forth in Exhibit A attached hereto and incorporated herein. The term of this Contract (the “Term”) shall be July 1, 2020 through June 30, 2021, and Contractor shall substantially complete the Work no later than the last day of such Term. Any terms or conditions that are required to be completed after the expiration of this Contract shall survive the expiration of this Contract.

2. Compensation. The Commission shall pay Contractor in consideration for performing the Scope of Services a sum not to exceed **\$19,000** (the “Program Fee”). The Program Fee shall be paid to Contractor after the completion of Scope of Services rendered and the submission of proper invoice(s) to the Commission. The Contractor shall prepare the invoices to the reasonable satisfaction of the Commission’s Secretary-Treasurer and shall not submit invoices more frequently than once a month. Said invoice shall include supporting documentation or financial reports for expenses and a narrative report adequately describing the Scope of Services provided and shall contain a separate line item for each of the tasks outlined in

Exhibit A. Supporting documentation shall also include Contractor’s publication(s) demonstrating the required acknowledgement of the Commission as a contributor and Commission logo, as further described in paragraph 3.5 below. The Contractor shall not be entitled to any remaining portion of the Program Fee for any expenses that are incurred after **June 30, 2021**. All invoices should be submitted to the Commission’s coordinator for this Contract: **(Hernan Padilla, Acting Division Chief, M-NCPPC, 1500 Merrimac Drive, Hyattsville, Maryland 20783 (301) 408-4327** (“Commission Coordinator”).

3. Financial Reporting and Other Requirements.

3.1 Contractor designates **Cheri Everhart, Manager of Recreation, Programs & Events** to serve as the liaison to the Commission’s Coordinator.

3.2 Contractor shall submit a current list of its Board of Directors and a copy of its current bylaws to the Commission (if applicable).

3.3 Contractor shall provide the Commission with a final program and financial report for the Term by **August 1, 2021**.

3.4 On or before **November 1, 2021**, Contractor shall provide the Commission with an audit, review or compilation, as applicable, as required by the following chart:

If Contractor’s total annual support and revenue is:	Then Contractor shall provide to Commission:
>\$750,000	Audit by independent Certified Public Accountant (“CPA”)
\$100,000 - \$750,000	Review by independent CPA
<\$100,000	Compilation by CPA; if not using a CPA, the compilation must be prepared by an independent qualified accountant.

3.5 Contractor shall recognize and acknowledge the Commission as a contributor in all publications that reference Contractor’s programs or whenever acknowledgements are given. This acknowledgement should include the following language: “Made possible in part through funding provided by the Maryland-National Capital Park and Planning Commission, Department of Parks and Recreation, Prince George’s County.” In addition, this language is to be accompanied by a logo provided by the Commission’s Contract Coordinator.

3.6 Contractor shall use funds as outlined in Exhibit A. Should any changes to the estimated costs of the proposed schedule of activities exceed more than 10%, Contractor shall make a written request to the Commission for permission to re-direct use of funds. Funds shall not be used for expenses related to fundraising.

3.7 Intentionally omitted

3.8 Intentionally omitted

3.9 The Contractor acknowledges and agrees that it shall retain its business records for at least three (3) years and that the Commission shall have the right to examine the Contractor's records. Upon request, the Commission's auditor may examine the Contractor's records for verification of any expenses or costs incurred by the Contractor to determine whether the Contractor is in compliance with the terms contained herein.

3.10 The Commission may withhold reimbursement for services that are publicized without the required acknowledgement. Failure to abide by any of the requirements contained in this Paragraph 3 shall be deemed a material breach of this Contract, subject this Contract to immediate termination by the Commission, and may make Contractor ineligible for future contracts with the Commission.

4. Compliance With Laws, Rules and Regulations; No Discrimination.

4.1 Contractor shall be bound by and comply with (at its sole cost and expense) all federal, state and local laws, ordinances and regulations (hereinafter collectively referred to as "Laws") applicable to the obligations provided under this Contract. Without limiting the generality of the foregoing, Contractor expressly covenants that it shall comply with all applicable Laws pertaining to wages, workers' compensation, equal employment opportunity, and shall not discriminate against any employee or applicant for employment because of age, sex, race, creed, color, national origin, or disability within the meaning of such Laws.

4.1.2 Also without limiting the generality of the foregoing, Contractor expressly covenants that any of its personnel provided to perform the services herein who will be in direct contact with children ages seventeen (17) and under and/or with vulnerable adults shall apply for a national and State criminal history records check according to the requirements provided under Title 5 of the Family Article of the Annotated Code of Maryland, at Subtitle 5, Part V. Any such personnel provided by Contractor shall complete and submit the application required for this purpose no later than thirty (30) days from the signing of this Contract or, for newly hired personnel, at the time personnel is hired. Further, the Contractor shall return the affidavit to the Commission, attached hereto and incorporated herein as Exhibit C, listing the names of all personnel who have applied for a criminal history records check, the dates of the applications, a warrant and representation that it shall take any appropriate action regarding the information received as a result of the criminal history record checks, and that the reports are subject to inspection by the Commission. The date of application of the criminal history records check must be within the last two (2) years unless Contractor uses Criminal Justice Information Services (CJIS) for background checks. No payments shall be released to the Contractor until the Commission is in receipt of the affidavit and failure to submit the affidavit shall be considered a material breach of this Contract.

4.2. Contractor shall be bound by and comply with the Commission's Policy Guidelines for Project Charges which are attached hereto as Exhibit D.

5. Termination. This Contract may be terminated by the Commission upon thirty (30) days written notice. In the event of such termination, Contractor shall receive compensation for valid services rendered prior to such termination. Notwithstanding any provision in this Contract, the Commission may immediately terminate this Contract for cause for the following reasons: any non-performance; incomplete service; fraud; any fraudulent representation in any invoice or verification required to obtain payment under this Contract; any derogatory information obtained in connection with the criminal history records checks; or services performed in conflict with the terms and conditions of this Contract. The occurrence of any of these conditions shall constitute a material breach of this Contract and the Commission may terminate this Contract with written notice to Contractor effective immediately.

6. Indemnification and Hold Harmless. Subject to and without waiving common law and other governmental immunities and the provisions §5-301 et seq., Local Government Tort Claims Act, Courts and Judicial Proceedings Article, Annotated Code of Maryland, Contractor shall defend, indemnify and hold harmless the Commission, its commissioners, officers, directors, agents, servants and employees, and their respective heirs, personal and legal representatives, guardians, successors and assigns, from and against any and all claims, threats, liabilities, taxes, interest, fines, penalties, suits, actions, proceedings, demands, damages, losses, costs and expenses (including attorneys' and experts' fees and court costs) of every kind and nature arising out of, resulting from, or in connection with:

6.1. Contractor's activities pursuant to this Contract, including, without limitation, any act or omission by Contractor's employees, agents, guests and invitees;

6.2. Any misrepresentation or breach by the Contractor of any representation or warranty contained in this Contract;

6.3. Any non-performance, failure to comply or breach by Contractor of any covenant, promise or agreement of Contractor contained in this Contract, except as to any such non-performance, failure or breach approved in advance by the Commission or caused by the Commission's contributory negligence; or,

6.4. Any debts, obligations, duties and/or liabilities of Contractor not expressly assumed by the Commission pursuant to the provisions contained in this Contract.

7. Miscellaneous Provisions.

7.1. Notices. Except as otherwise herein expressed as to the submission of invoices and required reports, any notice, request, demand, and consent or other communications required or may be given under this Contract shall be given in the following manner:

7.1.1. If to the Commission, by First Class US mail with postage prepaid to:
Hernan Padilla, Acting Division Chief
Northern Area Operations
1500 Merrimac Drive
Hyattsville, MD 20783

with copy to:

Executive Director
The Maryland-National Capital Park and Planning Commission
6611 Kenilworth Avenue, Suite 402
Riverdale, MD 20737

General Counsel
The Maryland-National Capital Park and Planning Commission
6611 Kenilworth Avenue, Suite 200
Riverdale, MD 20737

- 7.1.2 If to Contractor, by First Class US mail with postage prepaid to:
Cheri Everhart, Manager of Recreation, Programs, & Events
City of Hyattsville
4310 Gallatin Street
Hyattsville, MD 20781

7.2. Severability; Incorporated Terms; and Order of Precedence. Any provision of this Contract that is held by a court or tribunal of competent jurisdiction to be prohibited or unenforceable shall be ineffective to the extent of such prohibition or unenforceability, without invalidating or rendering unenforceable the remaining provisions of this Contract. In the event of any conflict between the terms and conditions expressed in this Contract and those expressed in any Exhibit annexed hereto, the terms and conditions expressed herein shall be deemed to control.

7.3. Integration; Amendment; Waiver; Assignment. This instrument contains the entire and integrated Contract made by and between the parties hereto and pertaining to the subject matter hereof. The terms and conditions expressed herein shall supersede all prior negotiations, representations or agreements, either written or oral. No provision of this Contract may be amended, waived, or otherwise modified without the prior written consent of all of the parties hereto. No action taken pursuant to this Contract, including any investigation by or on behalf of any party, shall be deemed to constitute a waiver by the party taking such action of compliance with any representation, warranty, covenant or agreement herein contained. The waiver by any party hereto of a breach of any provision or condition contained in this Contract shall not operate or be construed as a waiver of any subsequent breach or of any other conditions hereof.

7.4. Section Headings. The section and other headings contained in this Contract are for reference purposes only and shall not affect the meaning or interpretation of this Contract.

7.5. Counterparts. This Contract may be executed in any number of counterparts, each of which shall be deemed to be an original and all of which together shall be deemed to be one and the same instrument.

7.6. Applicable Law; Jurisdiction and Venue; Service of Process. This Contract was made in the State of Maryland, and shall be governed by, construed, interpreted and enforced in

accordance with the laws of the State of Maryland. All suits, proceedings and other actions relating to, arising out of or in connection with this Contract shall be submitted to the *in personam* jurisdiction of the courts of the State of Maryland and venue for all such suits, proceedings and other actions shall be in Prince George's County, Maryland. The parties hereby waive any claim against or objection to *in personam* jurisdiction and venue in the courts of Prince George's County, Maryland.

7.7. Use of Genders. Whenever used in this Contract, the singular shall include the plural and vice versa, and the use of any gender shall include all genders and the neuter.

7.8. Authorization and Validity of Agreements. The signatories hereto, each and respectively, warrant that he or she has the full right, power and authority to execute, acknowledge, seal and deliver this Contract and to perform the transactions contemplated by this Contract. This Contract has been duly executed, acknowledged, sealed and delivered by the parties as their legal, valid and binding obligations, enforceable against the parties, respectively, in accordance with its terms.

7.9. No Partnership or Joint Venture. Nothing herein contained is intended or shall be construed in any way to create or establish the relationship of partners or a joint venture for any purpose whatsoever.

7.10 Electronic Signatures. The parties acknowledge and agree that this Contract may be executed by electronic signature, which shall be considered as an original signature for all purposes and shall have the same force and effect as an original signature. Without limitation, "electronic signature" shall include faxed versions of an original signature or electronically scanned and transmitted versions (e.g., via pdf) of an original signature.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties hereto have executed and delivered this Contract under seal, with the intention of making it a sealed instrument, on the date first above written.

WITNESSED BY:

CITY OF HYATTSVILLE

Name:

By: _____
Name: _____
Title: _____

ATTEST:

**THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION**

Joseph C. Zimmerman
Secretary Treasurer

By: _____
Asuntha Chiang-Smith
Executive Director

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC LEGAL DEPARTMENT

Exhibit A
Scope of Services
By and Between the Maryland-National Capital Park and Planning Commission and
CITY OF HYATTSVILLE

Control No. **410008**

DATE: **July 1, 2020 to June 2021**

The scope of work (the “work”) requires the City of Hyattsville, Maryland (“Contractor”) to provide recreational programs for residents of Hyattsville and the surrounding communities. Programs will include specials events, senior programs, and pre-school programs. Programs will be sponsored by the City of Hyattsville and will be open to residents of Prince George’s County. Events will be held at various sites throughout the City of Hyattsville, including Magruder Park and City Municipal Building. Staff and contractors will be hired and supervised by the Hyattsville Department of Community Services.

Programs and Costs:

Senior Program:

The senior program consists of three special events (a holiday event in December, a Valentine’s Day event in February and a spring event in May for Older Americans Month). The City conducts an Ageless Grace Senior Exercise class on Wednesday and Friday mornings. The class meets approximately 72 times each year, excluding holiday weeks and occasional breaks between sessions. The City provides weekly art instruction to senior residents in fall and spring using an outside contractor.

Parents and Child Creative Minds Program:

The program meets two mornings per week during the school year. Parents or caregivers and their pre-school children play and learn together in child-led creative projects, story time, movement and free play. The program costs \$50 per child per 10 – 12-week session. Developmentally appropriate entertainment is brought into the program periodically.

Special Events:

The City produces events throughout the year, which are held at various sites throughout the City. Our largest event is the four-day Anniversary Carnival, which also includes our annual Anniversary Parade and a fireworks display on Saturday evening. Other events include a Summer Concert Series, which takes place five times from May through September; a Halloween-themed event for elementary school children, a late winter parent & child dance party; an outdoor movie series; and other activities throughout the year. Entertainment is contracted for each of these events.

Total Costs:

Description	Estimated Cost
Supplies & Materials	\$2,600.00
Contracted Services	\$16,400.00
TOTAL	\$19,000.00

Exhibit B

Certificate of good standing issued by the Maryland Department of Assessments and Taxation

N/A

**Exhibit C
[Affidavit]**

**By and Between The Maryland-National Capital Park and Planning Commission and
CITY OF HYATTSVILLE**

AFFIDAVIT

I, _____, under the penalties of perjury do solemnly swear:

1. I am the _____ of City of Hyattsville.
2. As the _____, I have personal knowledge of the facts contained herein and I am authorized to submit this affidavit on behalf of City of Hyattsville.
3. The following personnel will be providing services under the Contract with The Maryland-National Capital Park and Planning Commission (“Commission”), and said personnel, in compliance with Title 5 of the Family Article of the Annotated Code of Maryland, at Subtitle 5, Part V, have applied for a federal and state criminal history records check on the dates shown below:

Name of Personnel	Date of Application	Application Number
Cheryl Everhart	3/6/2007	NA
Victoria Moss	2/1/2015	041M000050M
Beryl Johnson	6/23/2015	04D000001B
A Saarah Abdul-Rauf	10/5/2015	04WF00003P
Sean Porter	11/26/2018	186724004736
Veronica Rivera-Negron	11/19/2018	186724004725
John Johnson	11/25/2019	196724006835

4. On behalf of City of Hyattsville I warrant and represent that any new personnel hired during the term of the Contract with the Commission shall immediately file for a federal and state records check.
5. On behalf of City of Hyattsville I warrant and represent that any appropriate action shall be taken regarding the information received as a result of the criminal history record checks and the reports shall be subject to inspection by the Commission upon request.
6. On behalf of City of Hyattsville I warrant and represent that the date of application of the criminal history records check is within the last two (2) years unless City of Hyattsville uses Criminal Justice Information Services (CJIS) for background checks.

I do solemnly swear and affirm under the penalties of perjury that the information contained herein is true to the best of my knowledge, information and belief.

Printed Name: _____

Date

Exhibit D

POLICY GUIDELINES FOR PROJECT CHARGES

Mission of the Prince George's County Department of Parks and Recreation

All project charges and program support placed in our adopted operating budget by the Prince George's County Council shall fully meet the Department of Parks and Recreation, Prince George's County mission and core services in accordance with Maryland Annotated Code, Land Use Article. In order to receive the project charge payments, entities must enter into a contract with the Commission clearly defining the scope of the services to be provided and the reimbursement process. The services must also meet the core mission of the Commission as authorized in the Maryland Annotated Code, Land Use Article. Such determinations shall be made by the Department of Parks and Recreation, Legal, and Finance. This determination shall be made prior to a contract being transmitted to the County, municipality or organization. The Department's mission and core services are as follows:

In partnership with County citizens, provide comprehensive park and recreation programs, facilities, and services which respond to changing needs within our communities. Strive to preserve, enhance, and protect open spaces to enrich the quality of life for the present and future generations in a safe and secure environment.

Develop and maintain a comprehensive park system by maintaining all parks, roads, grounds and structures, and protect patron and property safety.

Provide recreation programs and services by providing sports, leagues, clinics, tournaments, camps, recreation and interpretative classes, and leisure/recreation experiences.

Preserve the environment and open space, and conserve natural resources.

Reimbursable Expenses

- The Prince George's County Department of Parks and Recreation shall only reimburse the County, municipalities, and organizations for expenses that are directly related to the mission and core services of the Department that are being provided by the County, municipality or organization.
- The Commission's Secretary-Treasurer shall make the final determinations as to which expenses are allowable and which are not.
- These determinations along with the complete budget and scope of services (statement of work) for the project charges and program support shall be identified in the contract between the Commission and the County, municipality or organization.
- The general types of expenses that are allowed include:
 - Direct staff costs to operate and manage the program or provide the services
 - Supplies and materials directly associated with the program or services
 - Contracted services that are directly related to operating and managing the programs or providing the services
- No overhead or pro-rated type administrative costs will be allowed.
- Payment requests must be accompanied by an invoice for actual costs incurred along with supporting documents and/or financial reports with sufficient detail to enable the Commission to

verify that the costs were incurred for the programs identified and that the Commission property taxes used as the funding source are being spent on allowable purposes.

- Advance payments are not allowable.
- For non-County government entities, if the costs are for capital improvements or for operating costs in advance of a capital improvement, a use agreement must be executed to enable the Commission to receive fair value for the funding provided.
- For salary/compensation expenses, the County, municipality or organization shall provide a payroll register or a suitable mechanism to verify payroll expenses. For supplies and materials, other services and charges including contracted services, and any capital purchases, the County, municipality or organization shall provide receipts with original signatures verifying that the goods or services were received.
- Contract should describe what documentation will be required.
- All work or services must be fully complete or provided by the end of the fiscal year (June 30) in which the funding was approved by the County Council

Vendor Requirements

- Statement of Work per the above sections
- By-Laws (for Non-Profits)
- Affidavit
- Certificate of Good Standing from State of Maryland (for Non-Profits)
- Articles of Incorporation



City of Hyattsville

Hyattsville Municipal Bldg
4310 Gallatin Street, 3rd Flr
Hyattsville, MD 20781
(301) 985-5000
www.hyattsville.org

Agenda Item Report

File #: HCC-152-FY21

12/7/2020

9.b)

Submitted by: Michelle A. Dunklee
Submitting Department: Police Department
Agenda Section: Consent

Item Title:

Memorandum of Understanding with the Metropolitan Police Department of Washington D.C.

Suggested Action:

I move that the Mayor and Council authorize the City Administrator to enter into a Memorandum of Understanding (MOU) with the Metropolitan Police Department of Washington DC (MPD) to fund overtime costs to provide police and/or traffic support during the inauguration.

Summary Background:

On Wednesday, January 20, 2021, the 59th Inauguration of the President of the United States may be held in the District of Columbia. The Metropolitan Police Department (MPD) is the primary law enforcement agency responsible for ensuring the safety of the participants and public during the inaugural parade. Historically, public events of national and international importance draw large crowds to the District of Columbia. Therefore, the City of Hyattsville Police Department will join other municipalities and work in partnership with uniformed MPD officers providing increased uniformed law enforcement visibility during Presidential and dignitary motorcades, the Inaugural Parade, and the subsequent Inaugural Balls.

Next Steps:

The City Attorney has reviewed and approved the MOU. If authorized by Council, the City Administrator will enter into the MOU with MPD.

Fiscal Impact:

The City will be reimbursed by MPD.

City Administrator Comments:

A number of inaugural events are expected to be curtailed or cancelled this year due to the coronavirus. If the parade and ball are held, the officers who participate will off-duty volunteers. MPD pays all expenses associated with this support. Officers consider it an honor to be a part of this event every four years and have expressed interest this year due to the historic nature of this event. Primary responsibilities are expected to include crowd control and traffic control. Law enforcement activities are normally handled by MPD or the Secret Service.

Community Engagement:

N/A

Strategic Goals:

Goal 3 - Promote a Safe and Vibrant Community

Legal Review Required?

Complete

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) is executed by the United States Attorney's Office for the District of Columbia, the Metropolitan Police Department of Washington, D.C. (MPD) and the Hyattsville Police Department.

I. PURPOSE

The purpose of the MOU is to outline the mission of the Presidential Inauguration Task Force (PITF) in the Washington, D.C. area from Sunday, January 17, 2021, to Thursday, January 21, 2021. Additionally, this MOU defines relationships between the U.S. Marshals Service, MPD and the Hyattsville Police Department, as well as other participating agencies with regard to policy, guidance, utilization of resources, planning, training, public relations and media in order to maximize interagency cooperation.

II. MISSION

The mission of the PITF is to achieve maximum coordination and cooperation in bringing to bear combined resources to effectively implement measures to promote the safety of the President of the United States, inaugural participants, the public, visitors and residents while allowing individuals and groups to exercise their legal rights.

Additionally, all units that are participating agencies will coordinate their activities and be considered a member of the PITF, sharing information and coordinating investigative and law enforcement efforts which may result from any apprehensions originating from the PITF.

III. ORGANIZATIONAL STRUCTURE

A. Direction

The Hyattsville Police Department acknowledges that the PITF is a joint operation in which all agencies, including the MPD, the United States Attorney's Office for the District of Columbia, United States Marshals Service, United States Secret Service, United States Federal Bureau of Investigation, National Park Service, the Hyattsville Police Department and other agencies, act as partners in the operation of the PITF. The Command Center for the operations will be located at the MPD Headquarters and will be staffed by officers from the United States Marshals Service, MPD, U.S. Park Police, and the Federal Bureau of Investigation. These officers will serve as the Executive Council for this operation.

B. Supervision

The day-to-day operation and administrative control of the PITF will be the responsibility of MPD's Inaugural Planning Committee Commanding Officer. The Inaugural Planning Committee Commanding Officer will coordinate with supervisory personnel of the United States Secret Service as the sponsoring agency for Special Deputation (federal) and with MPD as the lead agency for the operation. The daily management of the PITF will be closely monitored by the MPD.

Responsibility for the conduct of the PITF members, both personally and professionally, shall remain with the respective agency directors subject to the provisions in Section IX (Liability).

C. Unilateral Law Enforcement Action

There shall be no unilateral action taken on the part of any participating non-federal or non-MPD law enforcement agency relating to PITF activities. All law enforcement action by participating non-federal and non-MPD law enforcement agencies must be coordinated and conducted in a cooperative manner under the direction of the Executive Council and the MPD.

IV. PROCEDURES

A. Personnel

Continued assignment of personnel to the PITF will be based upon performance and will be at the discretion of the respective agency. Each participating agency will be provided with reports as necessary regarding the program, direction, and accomplishment of the PITF.

B. Deputation

All local and state law enforcement personnel designated to the PITF will be subject to background inquiry and will be federally deputized, with the United States Marshals Service securing the required deputation authorization. These deputations will remain in effect throughout the tenure of each officer's assignment to the PITF or until termination of the PITF, whichever occurs first. Each individual deputized as a Special Deputy U.S. Marshal will have all necessary law enforcement authority as provided by 28 U.S.C. § 566(c) and (d); 28 U.S.C. § 564; 18 U.S.C. § 3053; 28 C.F.R. § 0.112, and the deputation authority of the Deputy Attorney General. The Special Deputy U.S. Marshals will be responsible for: 1) performing necessary law enforcement steps to keep the peace of the United States; 2) enforcing federal law (e.g., 18 U.S.C. §§ 112, 1116, and 878, as well as other provisions of that title); 3) protecting visiting foreign officials, official guests, and internationally protected persons; 4) taking necessary law enforcement steps to prevent violations of federal law, and; 5) enforcing District of Columbia law as a result of the deputation (see D.C. Official Code § 23-581 and 28 U.S.C. § 564).

Individuals deputized as Special Deputy U.S. Marshals pursuant to this MOU who suffer a disability or die as a result of personal injury sustained while acting within the course and scope of their official duties and assignments pursuant to this MOU shall be treated as a federal employee as defined by Title 5 U.S.C. § 8101. Any such individuals who apply to the U.S. Department of Labor for federal workers' compensation under Section 3374 must submit a copy of this MOU with his or her application. All applicants will be processed by the U.S. Department of Labor on a case-by-case basis in accordance with applicable law and regulation.

C. Law Enforcement Activities

Since it is anticipated that almost all cases originating from any PITF arrests will be prosecuted at the state or local level, the law enforcement methods employed by all participating law enforcement agencies shall conform to the requirements of the relevant state or local statutory or common law pending a decision as to a change of venue for prosecution.

D. Prosecution

The criteria for determining whether to prosecute a particular violation in federal or state court will focus upon achieving the greatest overall benefit to law enforcement and the community. Any question which arises pertaining to prosecutorial jurisdiction will be resolved through the Executive Council. The U.S. Attorney's Office for the District of Columbia has agreed to formally participate in the PITF and will adopt policies and seek sentences that meet the needs of justice.

V. ADMINISTRATIVE

A. Records and Reports

All records and reports generated by PITF members shall be routed through MPD's Inaugural Planning Committee Commanding Officer who shall be responsible for maintaining custody and proper dissemination of said records and reports as he or she deems appropriate.

B. Staff Briefings

Periodic briefings on PITF law enforcement actions will be provided to the directors of the participating agencies or their designees. Statistics regarding accomplishments will also be provided to the participating agencies as available.

VI. MEDIA

All media releases pertaining to PITF law enforcement activity and/or arrests will be coordinated by the Executive Council. No unilateral press releases will be made by any

participating agency without the prior approval of the Executive Council. No information pertaining to the PITF itself will be released to the media without Executive Council approval.

VII. EQUIPMENT

A. PITF Vehicles

Each participating agency, subject to availability and individual agency policy, agrees and authorizes PITF members to use vehicles, when available, owned or leased by those participating agencies, in connection with PITF law enforcement operations. Each participating agency agrees to be responsible for any negligent act or omission on the part of its agency or its employees, and for any liability resulting from the misuse of said vehicles, as well as any damage incurred to those vehicles as a result of any such negligent act or omission on the part of the participating agency or its employees, subject to the provisions of Section IX (Liability).

Participating agency vehicles assigned to the PITF are subject to funding availability, are provided at the discretion of the supervisor of the providing agency, and will be used only by PITF members. Vehicles provided by participating agencies will be used only during working hours and will not be used for transportation to and from work by task force members or used for any other purpose. Participating agencies will provide maintenance and upkeep of their vehicles consistent with each agency's policy. Vehicles provided as pool vehicles for PITF use will be parked at the end of each shift at a location determined by MPD's Inaugural Planning Committee Commanding Officer or his/her designee.

B. Other Equipment

Other equipment furnished by any agency for use by other agencies' participating personnel shall be returned to the originating agency upon termination of the PITF or this MOU.

VIII. FUNDING

The Hyattsville Police Department agrees to provide the full-time services of its respective personnel for the duration of this operation, and to assume all personnel costs for their PITF representatives, including salaries, overtime payments, and fringe benefits consistent with their respective agency policies and procedures. Reimbursement for the cost of such personnel will be made by the District of Columbia, with funds provided by the United States and from general revenue.

IX. LIABILITY

Unless specifically addressed by the terms of this MOU, the parties agree to be responsible for the negligent or wrongful acts or omissions of their respective employees. Liability for PITF employees' acts or omissions undertaken outside the terms of this MOU are

the sole responsibility of the respective employee or agency involved.

For the limited purpose of defending tort claims arising out of PITF activity, state or local law enforcement officers who are specially deputized as Deputy U.S. Marshals may request that the Attorney General or his designee certify under 28 U.S.C. § 2679(d) that the officer was an employee of the U.S. government acting in the scope of office or employment at the time of the incident out of which the claim arose. Upon certification, the United States is substituted as the defendant under the Federal Tort Claims Act and the case proceeds against the United States. This procedure does not apply to claims for violations of federal constitutional or statutory rights. *See* 28 U.S.C. 2679(b)(2). Decisions regarding certification under § 2679 are made on a case-by-case basis and no guarantee is made that any PITF personnel will be certified under this provision.

PITF-deputized officers may request representation by the U.S. Department of Justice for individual-capacity civil claims arising from actions taken within the scope of deputation under this MOU. *See* 28 C.F.R. § 50.15. The Department of Justice determines whether to provide individual-capacity representation on a case-by-case basis applying the criteria in § 50.15. Legal representation by the Department of Justice is discretionary and not guaranteed.

To request certification of scope of employment under 28 U.S.C. § 2679(d) or legal representation under 28 C.F.R. § 50.15, a PITF-deputized officer should submit a written request to the Civil Division of the U.S. Attorney's Office for the District of Columbia. The United States Attorney's Office for the District of Columbia will forward the request to the Civil Division of the United States Department of Justice together with a recommendation concerning scope of employment as a deputized federal officer and Department representation. 28 C.F.R. § 50.15(a)(3).

A PITF-deputized officer may request indemnification for an adverse judgment under the circumstances set forth in 28 C.F.R. § 50.15(c). Indemnification decisions are discretionary and made on a case-by-case basis. Indemnification is not guaranteed.

PITF officers from participating agencies covered by the provisions of § 7302 of the National Intelligence Reform and Terrorism Prevention Act of 2004, PL 108-458, 118 Stat. 3538, as amended, and PL 110-250, 122 Stat. 2318 ("the Act"), also have the liability protection afforded by the Act

X. DURATION

This MOU shall remain in effect until the conclusion of the PITF as specified in Part I (Purpose) above, unless that date is modified as set forth in Section XI, and subject to the availability of necessary funding. The United States Attorney's Office for the District of Columbia or the Metropolitan Police Department may terminate this agreement at any time. The Hyattsville Police Department may withdraw from this MOU at any time by providing a seven-

day written notice of its intent to withdraw to the MPD. Upon the termination of the MOU, all equipment will be returned to the supplying agencies.

XI. MODIFICATIONS

The terms of this MOU may be modified at any time by written consent of all parties. Modifications to this MOU shall have no force and effect unless such modifications are reduced to writing and signed by an authorized representative of each participating agency.

XII. LIMITATION

Nothing in this MOU is intended to, or shall be construed to create enforceable rights in third parties.



MURIEL BOWSER
MAYOR
DISTRICT OF COLUMBIA



MICHAEL R. SHERWIN
ACTING UNITED STATES ATTORNEY
DISTRICT OF COLUMBIA

AMAL AWAD
COLONEL
HYATTSVILLE POLICE DEPARTMENT
HYATTSVILLE, MARYLAND



City of Hyattsville

Hyattsville Municipal Bldg
4310 Gallatin Street, 3rd Flr
Hyattsville, MD 20781
(301) 985-5000
www.hyattsville.org

Agenda Item Report

File #: HCC-153-FY21

12/7/2020

9.c)

Submitted by: Laura Reams
Submitting Department: City Clerk
Agenda Section: Consent

Item Title:

Hyattsville Charter Amendment Resolution 2020-01: Election Day, Certification of Election, and Council Organizational Meeting (Introduction & Adoption)

Suggested Action:

I move that the Mayor and Council adopt Hyattsville Charter Amendment Resolution 2020-01, a Resolution amending Article II of the City of Hyattsville's Charter to alter the day when the newly elected Mayor and Council take office and alter the day of the Mayor and Council's organizational meeting; amending Article IV of the City's Charter to alter Election Day, change the time by which certification of the Election must take place, and include related clarifying language (INTRODUCTION & ADOPTION).

Summary Background:

In November 2018, Mayor Hollingsworth and Councilmembers Ward, Suiter, and Lawrence submitted a motion proposing the City make revisions to the Election Code necessary to enable the Board of Elections Supervisors to distribute, proactively, a Vote-by-Mail ballot to all registered voters in the City of Hyattsville (on State and city-only registries) and appropriate funds necessary to support this effort in the 2021 municipal election. Council discussed the motion on November 19, 2018. Council indicated support for bringing the proposal back for further discussion after evaluation by the Board of Supervisors of Elections. The Board made a commitment to Council to research the feasibility and logistics of moving to a Vote-by-Mail system post-Election 2019.

Since that time, and with the onset of the COVID-19 pandemic there has been a renewed national initiative for Vote-by-Mail elections. Locally, several elections have been held by mail including the State primary and the Cities of Rockville and New Carrollton. Benefits of an all Vote-by-Mail election include increased voter turnout and civic engagement.

The Board and Clerk's office have worked with the City Attorney to review and make recommended changes to the City Charter and Code for an all Vote-by-Mail election in 2021. These changes include three (3) separate pieces of legislation: the enabling ordinance for City Code: Chapter 8, Elections, the Charter Amendment, and a resolution formally designating the 2021 election as Vote-by-Mail.

The ordinance enabling the administrative changes required to implement a Vote-by-Mail election was adopted by Council on November 2, 2020. To formally designate the 2021 election as a Vote-by-Mail election the Council must adopt a resolution. This resolution is included in the public hearing packet under separate cover and will be on the action agenda for the City Council on December 7, 2020.

A high-level summary of the proposed changes to the City's Charter is below. These changes were discussed at the Council meetings of July 20 and October 19, 2020 and the Public Hearing of November 16, 2020.

Charter Amendment

- Proposes moving Election Day from the 1st Tuesday in May to the 2nd Tuesday in May
- Proposes changes to the process by which the Council President & Vice President are Elected
- Reduce timeline for Board to certify election from 10 days to 5 days

Charter Amendments require a Public Hearing which must be held 21 days after public notice of the hearing. The proposed timeline for adoption of the Charter Amendment is listed under “Next Steps”. The Public Hearing was held on November 16, 2020.

Next Steps:

- December 7: Adoption of the Charter Amendment Resolution
- January 26: Effective Date of the Charter Amendment Resolution

Fiscal Impact:

TBD - There is currently \$55,000 budgeted for the 2021 Election. An all Vote-by-Mail election will likely require a budget amendment, related to infrastructure and increased communication costs. Staff and the Election Board are currently in the evaluation process for equipment and mailing vendors.

City Administrator Comments:

Recommend support.

Community Engagement:

There will be a communications strategy planned for Vote-by-Mail.

Strategic Goals:

Goal 1 - Ensure Transparent and Accessible Governance

Legal Review Required?

Complete

CHARTER AMENDMENT RESOLUTION 2020-01

A Resolution Amending Article II of the City of Hyattsville’s Charter to Alter the Day When the Newly Elected Mayor and Council Take Office and Alter the day of the Mayor and Council’s organizational meeting; Amending Article IV of the City’s Charter to Alter Election Day, Change the Time By Which Certification of the Election Must Take Place and Include Related Clarifying Language.

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HYATTSVILLE, MARYLAND, adopted pursuant to the authority of Article XI-E of the Constitution of Maryland and Title 4, Subtitle 3 of the Local Government Article of the Annotated Code of Maryland (2013 Edition, as amended), to amend the Charter of the said City, said Charter being a part of the public local laws of Maryland (1963 Edition, as amended), which Article contains in whole or in part the Charter of the City of Hyattsville, Maryland, whereby the Mayor and City Council seek to amend the City Charter to alter the day when the newly elected Mayor and Council take office, alter the day of the Mayor and Council’s organizational meeting, and change the time for certification of the election.

WHEREAS, the Mayor and Council are committed to increasing voter turnout in City of Hyattsville Elections; and

WHEREAS, the Mayor and Council believe that moving the election to the second Tuesday in May will improve voter participation due to likelihood of warmer weather, and improve logistical processes by allowing more time to be allocated for the preparation, implementation, and completion of the election process; and

WHEREAS, the Mayor and Council believe it is possible to reduce the time for certification of the election results; and

WHEREAS, the Mayor and Council believe it is necessary and prudent to adjust the date upon which they first take office in accordance with the adjustment being made to the day of the election; and

WHEREAS, the Mayor and Council desire to delay the organizational meeting so that the new Mayor and Council have time to adjust to their new roles before organizing; and

WHEREAS, the Mayor and Council seek to address these issue by amending the language in the Charter; and

WHEREAS, the City Council gave at least twenty-one (21) days advance notice of the public hearing held regarding adoption of this Resolution and the amendment to the Charter contained herein.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Hyattsville, Maryland, in regular session assembled:

Section 1: That Article II, C§2-3 of the Charter of the City of Hyattsville, Maryland, be amended as follows:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40

* * *

§ C2-3. Organization; vacancies; powers and duties of Mayor; meetings; quorum.
[Amended 5-15-78 by HR No. 3-78, Amended 9-23-92 by HR No. 3-92, Amended 12-7-98 by HR 98-07, Amended 2-19-15 by HR 2015-02]

A. The Council shall meet on the ~~third~~ first Monday in ~~May~~ June of each election year herein provided for, when those members just elected shall qualify by taking the oath required by the provisions of § C12-1 of this Charter, and the Council shall proceed to organize by electing two (2) of their number President and Vice President of the Council at the next regularly scheduled meeting after the first Monday in June.

* * *

§ C4-9. Conduct of elections. [Amended 12-19-83 by HR No. 21-83; 1-30-89 by HR No. 2-89; 2-20-07 by HR 2007-03; 2-9-09 by HR 2009-01]

A. Beginning in 2011 for regular City elections, Election Day shall be the ~~first~~ second Tuesday in May of each year an Election for Mayor and/or Council regularly occurs. For any Special Election the City Council shall set an appropriate day as the Election Day. In addition, the City Council shall have the authority to authorize opening the polls to qualified voters on a specific day or days close to, but in advance of, Election Day (advance voting day).

* * *

§ C4-11. Vote count. [Amended 12-19-83 by HR No. 10-83, Amended 12-1-14 by HR 2014-03, Amended 12-2-16 by HR 2016-02]

Within ~~ten (10)~~ five (5) calendar days after the closing of the polls, the Board of Supervisors of Elections shall determine the votes cast for each person, candidate or question and shall certify the results of the election to the Clerk of the City, who shall record the results in the minutes of the Council. Write-in votes for individuals not registered as candidates shall be counted. The individual who meets the qualifications outlined in C2-2 of the City Charter and who has the highest number of votes in the at large Mayoral election shall be declared elected as Mayor. The individual who meets the qualifications outlined in C2-2 of the City Charter and who has the highest number of votes in each ward shall be declared elected as Councilmember for that ward.

Section 2: That the date of the adoption of this Resolution is December 7, 2020, and that the amendment to the Charter of the City of Hyattsville hereby proposed by this enactment shall become effective on January, 26, 2021 (50 days after its passage), unless a proper petition for a referendum hereon shall be filed by January 16 , 2021, and that an exact copy of this Resolution shall be posted at the main municipal building and a fair summary of the Amendment shall be published in a newspaper having general circulation in the City of Hyattsville not less than four (4) times at weekly intervals within forty (40) days after passage of this Charter Amendment Resolution.

Section 3: That as soon as the Charter Amendment hereby enacted becomes effective, either as herein provided or following a referendum, the Clerk shall send separately to the Department of Legislative Services, the following information concerning the Charter Amendment: (1) the complete text of this Resolution; (2) the date of referendum election, if any,

1 held with respect thereto; (3) the number of votes cast for and against this Resolution by the Mayor
2 and City Council of the City of Hyattsville or in a referendum; and (4) the effective date of the
3 Charter Amendment.

4 **Section 4:** That the Clerk be, and is specifically enjoined and instructed to carry out the
5 provisions of Sections 2 and 3, and as evidence of compliance herewith the said Clerk shall cause
6 to be affixed to the Minutes of this meeting (1) an appropriate certificate of publication of the
7 newspaper in which the fair summary of the Amendment shall have been published; and (2)
8 records of mailing referred to in Section 3, and shall further complete and execute a Certificate of
9 Compliance.

10 **INTRODUCED** by the Mayor and City Council of the City of Hyattsville, Maryland, at a
11 Regular Meeting on December 7, 2020, at which meeting copies were available to the public for
12 inspection, and at which time a public hearing took place.

13 **ADOPTED** by the Mayor and City Council of the City of Hyattsville, Maryland, at a
14 Regular Meeting on December 7, 2020, at which meeting copies were available to the public for
15 inspection.

16

Adopted: _____

Attest: _____

Mayor

17

18

19 { } indicate deletions

20 Underline/**bold/CAPS** indicate additions/amendments to additions

21

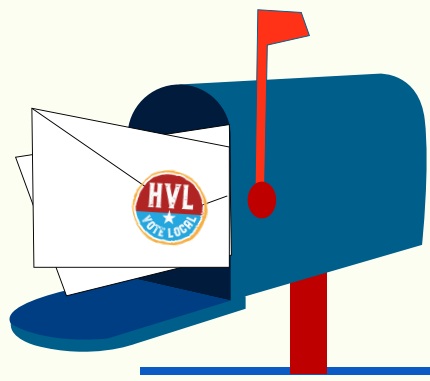
22

23

Election 2021 Proposal



- Election Code Changes
- Charter Amendment
- Election 2021 Resolution



Election Code Amendments

Adopted November 2, 2020

Enabling Legislation

- Retains Flexibility for VBM or Traditional Election
- Method of Voting Determined by Council via Resolution

Authorizing Administrative Procedures for VBM Election

- Mailing of Ballots and Issuance of Replacement Ballots
- Return and Canvas of Ballots (Due by 8 PM on Election Day, No Postmarks)
- Election Day Polling Location with Same Day Voter Registration
- Required Minimum Communications to Residents

Next Steps

- December 7: Approval of Resolution Designating Election 2021 as VBM Election

Charter Amendment Resolution

Summary of Changes

- Shifts Election Day to 2nd Tuesday in May
 - Allows for Extended Season at Beginning & End, Providing Additional Time for Outreach, Communications & Mailings
- Proposes Changes to the Process by which the Council President & Vice President are Elected (Allows Time for Council to Review & Discuss Roles)
- Reduces Timeline for Board to Certify Election from 10 days to 5 days

Charter Amendments require Public Hearings held 21 days after Public Notice

Next Steps

Tonight! Public Hearing

December 7: Adoption of the Charter Amendment Resolution

January 26: Effective Date of the Charter Amendment Resolution

Election 2021 Timeline

December:

**Council Adopts Resolution for all Vote-by-Mail Election
Election Vendor Selections**

February: Candidate Registration Opens for 6.5 Weeks

March: Candidate Registration Closes & Initial Voter Registration Deadline

April: Ballots Mailed to all Registered Voters

Tuesday, May 11: Election Day

- Ballots due by 8 PM, Polling Center Open with Same Day Registration
- Certification of Results due within 5 days

Monday, May 17: Acceptance of Certified Election Results

Monday, June 7: Adjourn Sine Die, Oath of Office Ceremony

Monday, July 19: Election of Council President & Vice President



City of Hyattsville

Hyattsville Municipal Bldg
4310 Gallatin Street, 3rd Flr
Hyattsville, MD 20781
(301) 985-5000
www.hyattsville.org

Agenda Item Report

File #: HCC-154-FY21

12/7/2020

9.d)

Submitted by: Laura Reams
Submitting Department: City Clerk
Agenda Section: Consent

Item Title:

Hyattsville Resolution 2020-09: Designating the 2021 City Election as a Vote-by-Mail Election

Suggested Action:

I move that the Mayor and Council introduce and adopt Hyattsville Resolution 2020-09, a Resolution whereby the City Council declares the City's 2021 election to be a Vote-by-Mail election (INTRODUCTION & ADOPTION).

Summary Background:

This resolution will formally designate the May 11, 2021 City Election as an all Vote-by-Mail election.

The resolution is part of several pieces of legislation enabling administrative and legislative changes to accommodate an all Vote-by-Mail election. Due to the ongoing COVID-19 pandemic, the Board of Supervisors of Elections recommends to Council that the May 2021 election be conducted by mail. There will be at least one polling center open on Election Day to serve voters who have a damaged or lost ballot, prefer to drop their ballot off in person, or need assistance in voting. The polling center will also process same day voter registrations. Additionally, there will be at least one ballot drop box available for voters. The Board of Elections and staff are currently working to identify and select election vendors.

The Council discussed the election legislation at the Council meetings of July 20 and October 19, 2020 and the Public Hearing of November 16, 2020.

Next Steps:

The Board of Supervisors of Elections and staff will proceed with the planning of the Vote-by-Mail election for May 11, 2020.

Fiscal Impact:

TBD - There is currently \$55,000 budgeted for the 2021 Election. An all Vote-by-Mail election will likely require a budget amendment, related to infrastructure and increased communication costs. Staff and the Election Board are currently in the evaluation process for equipment and mailing vendors.

City Administrator Comments:

Recommend support.

Community Engagement:

There will be a communications strategy planned for Vote-by-Mail.

Strategic Goals:

Goal 1 - Ensure Transparent and Accessible Governance

Legal Review Required?

Complete

CITY OF HYATTSVILLE

RESOLUTION 2020-09

A resolution whereby the City Council declares the City’s 2021 election to be a Vote-by-Mail election.

WHEREAS, the Council recognizes that there is tremendous uncertainty about the course of the COVID-19 pandemic and that there is presently a resurgence of the disease across the globe and in many states in the United States of America; and

WHEREAS, the Council is committed to ensuring the 2021 election is accessible, secure, and safe, while minimizing, to the extent possible, the potential for exposure to COVID-19 to the voting public and City employees and election workers; and

WHEREAS, the City Code provides that the Mayor and Council may determine by resolution that an election is a vote-by-mail election; and

WHEREAS, the Mayor and City Council deem it in the best interest of its residents to conduct a vote-by-mail election pursuant to the City Code.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hyattsville in regular session assembled that the City’s 2021 election will be a vote-by-mail election.

INTRODUCED by the Mayor and City Council of the City of Hyattsville, Maryland at a regular meeting on December 7, 2020, at which meeting copies were available to the public for inspection.

ADOPTED by the Mayor and City Council of the City of Hyattsville, Maryland at a regular meeting on December 7, 2020, at which meeting copies were available to the public for inspection.

APPROVED:

City of Hyattsville, Maryland:

Date

Candace B. Hollingsworth
Mayor

ATTEST/WITNESS:

City of Hyattsville, Maryland:

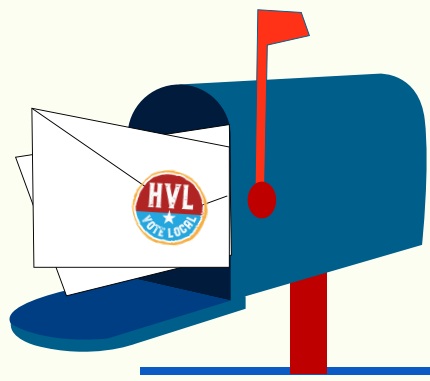
Date

Laura Reams
City Clerk

Election 2021 Proposal



- Election Code Changes
- Charter Amendment
- Election 2021 Resolution



Election Code Amendments

Adopted November 2, 2020

Enabling Legislation

- Retains Flexibility for VBM or Traditional Election
- Method of Voting Determined by Council via Resolution

Authorizing Administrative Procedures for VBM Election

- Mailing of Ballots and Issuance of Replacement Ballots
- Return and Canvas of Ballots (Due by 8 PM on Election Day, No Postmarks)
- Election Day Polling Location with Same Day Voter Registration
- Required Minimum Communications to Residents

Next Steps

- December 7: Approval of Resolution Designating Election 2021 as VBM Election

Charter Amendment Resolution

Summary of Changes

- Shifts Election Day to 2nd Tuesday in May
 - Allows for Extended Season at Beginning & End, Providing Additional Time for Outreach, Communications & Mailings
- Proposes Changes to the Process by which the Council President & Vice President are Elected (Allows Time for Council to Review & Discuss Roles)
- Reduces Timeline for Board to Certify Election from 10 days to 5 days

Charter Amendments require Public Hearings held 21 days after Public Notice

Next Steps

Tonight! Public Hearing

December 7: Adoption of the Charter Amendment Resolution

January 26: Effective Date of the Charter Amendment Resolution

Election 2021 Timeline

December:

**Council Adopts Resolution for all Vote-by-Mail Election
Election Vendor Selections**

February: Candidate Registration Opens for 6.5 Weeks

March: Candidate Registration Closes & Initial Voter Registration Deadline

April: Ballots Mailed to all Registered Voters

Tuesday, May 11: Election Day

- Ballots due by 8 PM, Polling Center Open with Same Day Registration
- Certification of Results due within 5 days

Monday, May 17: Acceptance of Certified Election Results

Monday, June 7: Adjourn Sine Die, Oath of Office Ceremony

Monday, July 19: Election of Council President & Vice President



City of Hyattsville

Hyattsville Municipal Bldg
4310 Gallatin Street, 3rd Flr
Hyattsville, MD 20781
(301) 985-5000
www.hyattsville.org

Agenda Item Report

File #: HCC-159-FY21

12/7/2020

10.a)

Submitted by: Laura Reams
Submitting Department: City Clerk
Agenda Section: Action

Item Title:

Hyattsville Ordinance 2020-07: Processing of Vote-by-Mail Ballots

Suggested Action:

I move the Mayor and Council introduce Hyattsville Ordinance 2020-07, an ordinance whereby the City Council amends Section 8-4, Article V, Chapter 8 of the Hyattsville Code to change the time for which the Board may begin to process ballots received before the closing of the polls on Election Day in an election that is conducted primarily by mail (INTRODUCTION).

Summary Background:

The Council recently adopted changes to the City's election code which were necessary to enable the Board of Elections Supervisors to distribute, proactively, a Vote-by-Mail ballot to all registered voters in the City of Hyattsville (on State and city-only registries). While working on the implementation of the administrative procedures an omission pertaining to the processing of Vote-by-Mail ballot was found. This omission has been addressed in the proposed legislation, Hyattsville Ordinance 2020-07.

The proposed legislation will allow the Board of Elections to begin the processing of ballots 15 days prior to the Election Day for an election which is conducted primarily by mail. The process includes the opening of ballot envelopes and scanning of ballots. The votes may not be tabulated until the close of polls on Election Day. This change is necessary to process mail-in ballots in a timely manner and similar to the process by which the Board has conducted early voting days in years past (ballots are scanned, secured until Election Day and tabulated at close of polls). The processing and scanning of ballots are required to be a public process. The Board of Elections is currently determining the scanning days for the 2021 election and looking into the possibility of televising and web streaming the canvass.

Next Steps:

A first reading is scheduled for December 7, 2020 with adoption on December 21. The ordinance will be effective 20 days post adoption. Ballot processing dates will be published in January.

Fiscal Impact:

There is no fiscal impact for this change, however the Vote-by-Mail election will have increased costs related to infrastructure and increased communication costs. Staff and the Election Board are currently in the evaluation process for equipment and mailing vendors.

City Administrator Comments:

Recommend support.

Community Engagement:

There will be a communications strategy planned for Vote-by-Mail.

Strategic Goals:

Goal 1 - Ensure Transparent and Accessible Governance

Legal Review Required?

Complete

1 **CITY OF HYATTSVILLE**

2 **ORDINANCE 2020-07**

3 **An ordinance whereby the City Council amends Section 8-4, Article V,**
4 **Chapter 8 of the Hyattsville Code to change the time for which the Board may**
5 **begin to process ballots received before the closing of the polls on Election Day**
6 **in an election that is conducted primarily by mail.**

7 **WHEREAS**, the Maryland Code, Local Government Article, Section 5–202, as amended,
8 authorizes the legislative body of each municipal corporation in the State of Maryland to pass
9 ordinances that such legislative body deems necessary to assure the good government of the
10 municipality, to protect and preserve the municipality’s rights, property and privileges, to preserve
11 peace and good order, to secure persons and property from danger and destruction, and to protect
12 the health, comfort, and convenience of the citizens of the municipality; and
13

14 **WHEREAS**, after the most recent election, the Mayor and City Council recognized that
15 the City’s election laws need updating to improve Mail-in-Ballot canvassing procedures; and

16 **WHEREAS**, the Council is committed to ensuring future elections are accessible, secure,
17 and safe; and
18

19 **WHEREAS**, the Council is committed to counting, certifying, and canvassing the Vote-
20 by-Mail ballots in a timely and deliberate matter.
21

22 **NOW, THEREFORE, BE IT ORDAINED**, by the City Council of the City of Hyattsville
23 in regular session assembled that Section 8-4, Article V, Chapter 8 of the Hyattsville Code is
24 hereby amended as follows:

25
26 **Chapter 8**
27 **ELECTIONS**
28 **ARTICLE V**
29 **Vote-by-Mail**

30 * * *

31 **§ 8-4. Vote-by-Mail Election.**

32 A. City elections may utilize vote-by-mail ballot voting.
33

1 B. The Council may determine by resolution whether vote-by-mail ballot voting shall be the
2 primary means of voting. In the event the Council determines that vote-by-mail ballot voting shall
3 be the primary means of voting, such an election shall be called a “vote-by-mail election.”
4

5 C. In a vote-by-mail election, at least one polling location shall be kept open on election day
6 for in-person voting. The Board of Elections shall keep any such polling location open from 7:00
7 a.m. to 8:00 p.m. on election day.
8

9 D. In an election that is primarily vote-by-mail pursuant to section 8-4(B) of this Chapter, the
10 Board of Elections may begin to process the ballots in preparation for counting and tabulation
11 fifteen days prior to the an election which is primarily vote-by-mail. The process shall be open to
12 the public in accordance with applicable law and regulations and may include opening ballot
13 envelopes, unfolding the ballots, and scanning the ballots. Votes may not be counted or tabulated
14 until the polls close on Election Day.
15

16 **AND BE IT FURTHER ORDAINED** that this Ordinance shall take effect twenty (20)
17 days from the date of its adoption;

18 **AND BE IT FURTHER ORDAINED** that a fair summary of this ordinance shall
19 forthwith be published twice in a newspaper having general circulation in the City and otherwise
20 be made available to the public.

21 **INTRODUCED** by the City Council of the City of Hyattsville, Maryland, at a regular
22 public meeting on December 7, 2020.

23 **ADOPTED** by the City Council of the City of Hyattsville, Maryland, at a regular public
24 meeting on December 21, 2020.

Adopted: _____

Attest: _____
Laura Reams, City Clerk

Candace B. Hollingsworth, Mayor

25
26
27 Effective Date: January 10, 2021



City of Hyattsville

Hyattsville Municipal Bldg
4310 Gallatin Street, 3rd Flr
Hyattsville, MD 20781
(301) 985-5000
www.hyattsville.org

Agenda Item Report

File #: HCC-160-FY21

12/7/2020

11.a)

Submitted by: Sean Corcoran
Submitting Department: City Clerk
Agenda Section: Discussion

Item Title:
Hyattsville Shade Tree Board Writing Contest

Suggested Action:

I move that the Mayor and Council approve the use of \$950 to support the Shade Tree Board's efforts to celebrate the 135th anniversary of the founding of Hyattsville with a writing contest and the Heritage Tree program.

Summary Background:

To celebrate the 135th anniversary of the founding of Hyattsville in 1886, The Shade Tree Board would like to sponsor an essay contest for students in grade six (6) through 12 who attend school and/or live in Hyattsville. The prize envisioned is \$150.00. The title of the essay is: "If Trees Could Talk, What Would Your Tree Say About the Events During its Lifetime?"

In conjunction with the writing contest the Tree Board would like to sponsor the Heritage Tree program to invite citizens to identify trees on their property that were likely growing when Christopher Clark Hyatt began the process of subdividing land into lots and incorporating as a City. Citizens who have such a Heritage Tree can apply to the city for a commemorative plaque.

Requested funding will be allocated accordingly:

- Advertising - \$300.00
- Markers - \$500.00 (Metal, 10 at \$50.00 each)
- Essay Contest Prize - \$150.00

Next Steps:

Staff review, council discussion and approval.

Fiscal Impact:

\$950.00 from the Department of Public Works budget.

City Administrator Comments:

Recommend support.

Community Engagement:

This is an event exclusively for the community of Hyattsville.

Strategic Goals:

Goal 5 - Strengthen the City's Identity as a Diverse, Creative, and Welcoming Community

Legal Review Required?

N/A



City of Hyattsville

Hyattsville Municipal Bldg
4310 Gallatin Street, 3rd Flr
Hyattsville, MD 20781
(301) 985-5000
www.hyattsville.org

Agenda Item Report

File #: HCC-161-FY21

12/7/2020

11.b)

Submitted by: Hollingsworth
Submitting Department: Legislative
Agenda Section: Discussion

Item Title:

Multi-Family Property Improvement Program

Suggested Action:

I move that the Mayor and Council authorize the City Administrator (or her designee) and the City Attorney to draft an ordinance to create the Multifamily Improvement Rebate Program. The ordinance shall provide for the following:

- Offering a rebate of \$1 for every \$2 invested in critical multifamily upgrades and improvements that increase energy efficiency, remediate environmental toxins, improve air quality and circulation, and/or increase reliability of heating and cooling systems, up to \$50,000.
- The Mayor and Council to authorize the cumulative award ceiling for each fiscal year.
- Prioritization for funding of multifamily properties designated affordable and/or for senior and disabled residents.
- Eligibility limited to multifamily buildings of more than four (4) units.
- Rebate to begin upon commencement of improvement project.

Summary Background:

In July 2020, the Mayor and Council adopted a resolution that will provide tax incentives for the development of affordable housing in the City of Hyattsville. Existing properties housing low-income and/or senior or disabled residents are frequently reported for allergens and defective HVAC units or are in general disrepair. The purpose of this rebate program is to provide an incentive to existing property owners to make needed upgrades to the properties to improve living conditions for residents.

Next Steps:

Council discussion and possible action.

Fiscal Impact:

Funding for this program would be contingent upon a recommendation of the Treasurer and City Administrator to the Council based on the City's annual and long-term financial outlook.

City Administrator Comments:

This item was reviewed by the City Administrator, City Treasurer and Director of Community & Economic Development. There will be upfront program development costs and the need for a consultant to administer and manage the program. A memorandum assessing the below is included:

- Financial impacts, obligations, and capacity
- Administrative capacity to develop and manage the program
- External sources of funding to reduce costs
- Estimate of eligible multi-family applicant sites

If approved, recommend implementation be considered for FY 2023 or later. The costs to execute and administer the program are currently unknown. The delayed start will afford time to evaluate the financial impact of FY2021 and FY2022 and allow the staff the ability to assess program costs and help inform recommendations on program development and implementation.

Community Engagement:

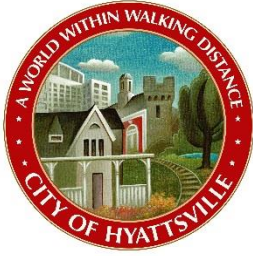
TBD

Strategic Goals:

Goal 2 - Ensure the Long-Term Economic Viability of the City

Legal Review Required?

Pending



Memo

To: City Council
CC: Tracey Nicholson, City Administrator
From: Jim Chandler, Assistant City Administrator and Director, Community & Economic Development
Ron Brooks, City Treasurer
Date: October 26, 2020
Re: FY2021 Legislative Item – Multi-Family Improvement (Hollingsworth)

The purpose of this memorandum is to provide the City Council with a staff review of the FY2021 Legislative Item, 'Multi-Family Improvement' submitted by Mayor Candace Hollingsworth.

Detailed Summary

As part of the FY2021 Legislative Agenda, an item was submitted by Mayor Candace Hollingsworth to create an enabling ordinance to create the, "Multi-Family Improvement Rebate Program" with the provision of the following:

- Offering a rebate of \$1 for every \$2 invested in critical multifamily upgrades and improvements that increase energy efficiency, remediate environmental toxins, improve air quality and circulation, and/or increase reliability of heating and cooling systems, up to \$50,000.
- The Mayor and Council to authorize the cumulative award ceiling for each fiscal year.
- Prioritization for funding of multifamily properties designated affordable and/or for senior and disabled residents.
- Rebate to begin upon commencement of improvement project.

Staff Analysis & Comments

The Legislative Item was reviewed by the City Administrator, City Treasurer and Director of Community & Economic Development and analysis was performed assessing the following:

- Financial impacts, obligations and capacity;
- Administrative capacity to manage the program;
- External sources of funding;
- Total universe of eligible applicant sites.

Financial Impacts affecting the proposed “Multi-Family Improvement Rebate Program”

- Due to COVID-19 major revenues have decreased in FY21 and the potential loss of revenues in FY22 and FY23 is projected to be \$500K to \$1M annually. These shortfalls in addition to increased debt service and capital expenditures will impact the City’s ability to deliver approved programs and services.
- The program criteria proposes a maximum amount of \$50,000 per unit annually. Based on the number of identified multi-family residential properties operating in the City, the ability to support this program on an annual basis short or long term could be impacted.
- Under the proposal, the Treasurer and City Administrator will make a recommendation to Council each budget cycle. The recommendation to Council will consider the City’s debt service, contractual obligations, programs and services to be funded, and will address affordability to avoid creating a financial hardship or a depletion of cash reserves for the fiscal year.
- To develop the program there will be unknown upfront costs. The costs will support hiring a consultant to design the program, develop qualifications and evaluation criteria and administer the program with staff. If the Council supports the motion, the staff will look for ways to reduce costs by identifying potential grant funding to support the program.
- **Administrative capacity and program/policy goals**
 - The City does not currently maintain a staff position with the background necessary to manage a building energy and maintenance efficiency program.
 - One of the program objectives is to reduce the infrastructure costs burden passed onto the tenant(s). As a result, there will need to be contractual mechanism developed to ensure savings are realized by tenants as well as the inclusion of language to restrict the owner from making improvements solely for the purpose of selling the improved property.
 - In addition to program administration considerations, it will be necessary for the City to assess the existing conditions of an eligible structure seeking funding through the program. At a minimum, a third-party building systems assessment should be commissioned and a pre and post improvement energy efficiency assessment will need to be performed. These are costs that will need to be factored into a grant award and could be either included in the award or required to be paid by the applicant to an agreed upon third-party firm(s). With respect to the program goals and restrictions, it is the Director’s opinion that ‘policy tool’ being developed through this ordinance should be considered as part of and/or aligned with the development City’s commissioned Affordable Housing Strategy.

External sources of funds

- External funding to support this program would be limited to State of Maryland funding through Maryland DHCD’s Community Legacy program and/or Federal CDBG funding administered through Prince George’s County.
- Securing funding through either external funding source would require significant advanced notification to ensure that the City was able to secure commitments from applicants and administer funding within the regulatory timeline for both programs.
- In addition, while the State of Maryland provides some limited resources to single-family households seeking to make weatherization improvements to single-family homes through the US Department of Energy. staff is not aware of funding sources available to make improvements to multi-family structures other than existing incentives available through Pepco’s EmPower Maryland program.

Total number of eligible applicant sites

- There are currently fifty (50) multi-family residential properties licensed by and operated within the City of Hyattsville. The total number of eligible multi-family properties include all properties defined by zoning as multi-family, which includes buildings with as few as four (4) residential dwelling units. Excluding the number of multi-family properties with four or less units brings the total number of eligible applicants to thirty-two (32).
- The total number of properties does not factor the number of buildings and/or structures for each property, which may operate with a single or multiple building systems requiring replacement(s).
- The typical life cycle of multi-family HVAC systems is 15-20 years, with systems lasting as many as 30-years before replacement is required. For the purposes of this analysis, we have included in the total number of units buildings with properties which are less than 15-years old. Excluding the multi-family properties less than 15-years old reduces the total number of eligible multi-family properties to forty-five (45).
 - **Comments: Staff is recommending the sponsor consider modification and/or clarification regarding the intent of the motion as it pertains to qualifying properties and/or buildings. Staff is also recommending additional restrictions in the eligibility requirements, either excluding buildings which are less than 4 units or properties with structures that are less than 15-years or a combination of both, which would reduce the total eligibility to twenty-seven (27). Staff supports the Treasurer and CA making an annual recommendation to the Council based on the City's financial outlook.**



City of Hyattsville

Hyattsville Municipal Bldg
4310 Gallatin Street, 3rd Flr
Hyattsville, MD 20781
(301) 985-5000
www.hyattsville.org

Agenda Item Report

File #: HCC-162-FY21

12/7/2020

11.c)

Submitted by: Hollingsworth
Submitting Department: Legislative
Agenda Section: Discussion

Item Title:

FY2021 Legislative Item - Parking Schedule Maximum Fine Modification

Suggested Action:

I move that the Mayor and Council restrict the maximum fine for nonpayment of parking violations to no more than one and a half (1.5) times the value of the original fine after thirty (30) days of nonpayment. I further move that the Mayor and Council authorize the City Administrator or her designee to negotiate amendments to any agreements impacted by this adjustment provided that such negotiations do not modify the existing base fee/fine schedule.

Summary Background:

Rates for unpaid parking violations are escalated at a rate of four (4) times the original fee if the citation is not paid within thirty (30) days of issuance. In addition, after an extended period administrative flag fees are placed on vehicles for each unpaid citation further increasing the cost of the original violation. While this rate structure may be intended to encourage payment for fear of increased costs, it is predatory on those with the inability to pay and inconsistent with the City's local economic development efforts. This motion allows for more time to pay the value of the original fine that takes into consideration the nature of work, particularly those in the low-wage workforce.

Next Steps:

Council discussion and possible action.

Fiscal Impact:

If future parking revenues are cut or reduced as a result of legislative actions, the other financial impacts will be **(1)** the General Fund will have to subsidize parking operations to sustain its existence, or **(2)** the expected loss revenues could force cutting the operations, increasing fees or reductions in staff.

City Administrator Comments:

The Legislative Item was reviewed by the City Administrator, City Treasurer and Director of Community & Economic Development and analysis was performed assessing the following:

- Best practices, program history and administrative procedures
- Financial impacts, programming and revenues

The staff does not want or intend to burden residents and visitors to the City who fail to pay fines in a timely manner. Our goal is to compel compliance and improve public safety. We have historically cut fines upon request to prevent hardship. While the 15-day turnaround is considered a best practice in the industry, the fines could be and have been routinely adjusted to consider hardship. An overall reduction in fines is supportable but will impact revenues that have allowed for infrastructure improvements, LPR program efficiencies, and provided low or no-cost such parking services such as reduced meter rates and a free residential parking program. We have proposed alternatives to the fee structure in the attached memo.

Community Engagement:

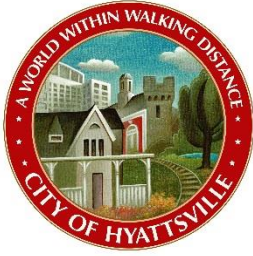
N/A

Strategic Goals:

Goal 3 - Promote a Safe and Vibrant Community

Legal Review Required?

Pending



Memo

To: City Council
CC: Tracey Nicholson, City Administrator
From: Jim Chandler, Assistant City Administrator and Director, Community & Economic Development
Ron Brooks, City Treasurer
Date: December 2, 2020
Re: FY2021 Legislative Item – Parking Schedule Maximum Fine Modification (Hollingsworth)

The purpose of this memorandum is to provide the City Council with a staff review of the FY2021 Legislative Item, 'Parking Schedule Maximum Fine Modification' submitted by Mayor Candace Hollingsworth.

Detailed Summary

As part of the FY2021 Legislative Agenda, an item was submitted by Mayor Candace Hollingsworth to modify the City's late payment schedule related to parking fines through the following:

- Restrict the maximum fine for nonpayment of parking violations to no more than one and a half (1.5) times the value of the original fine after thirty (30) days of nonpayment.
- Authorize the City Administrator or her designee to negotiate amendments to any agreements impacted by this adjustment provided that such negotiations do not modify the existing base fee/fine schedule.

Staff Analysis & Comments

The Legislative Item was reviewed by the City Administrator, City Treasurer and Director of Community & Economic Development and analysis was performed assessing the following:

- Best practices, program history and administrative procedures;
- Financial impacts, programming and revenues;

Administrative capacity and program/policy goals

- In 2012, the City Council amended Chapter 114 – Article VIII to address deficiencies in it City Code to address delinquent payment of parking citations that had accumulated to approximately \$1.8 million in ‘uncollectable’ fines. Prior to 2011, the City maintained a single late fee after thirty (30) calendar days. The revisions to Chapter 114 were intended to ensure that the City had an adequate enforcement tool for effectively resolving parking citations prior to going to collections or aging to a point that the original fine was uncollectable.
- The general the longer a citation goes unpaid and without closure (notices, MVA Flag Release holds, permit restrictions or additional collections) the tail of payments starts to decline. Escalations serve as a reminder to make a payment before the price increases.
- From a revenue perspective delaying the first escalation back would likely delay payments made between 13-15 days, cut the revenue from 16-18 and 28-30 in half and also reduce the revenue in citations paid 31+ days by 50% as well.
- Staff has requested that its parking provider, Passport Parking, providing reporting for days until payment for every citation, however that information was not available at the time of this memorandum. The City was able to acquire data which represents all citation revenues from June 2014 - October 2020.
- The City has voided or reduced (NULL) \$270,995.00 in either late fees or citations since June 2014. Of this amount, \$182,277 (3,336 citations) were voided citations and \$88,718 in reduced late fees. The City regularly reduces late fees as a means for closing out parking citations. The City will void citations (NULL) administratively for specific reasons:
 - Adjudication decisions from Prince George’s County Court;
 - Errors and/or typos on the citation;
 - Voluntary Compliance.
- The data set includes collections (31+) revenue received for citations that were issued prior to our issuing citations through Passport.

<i>Payment Date Group</i>	SUM of Citations	SUM of \$ Issued	SUM of \$ Paid
0-12	8,180	\$303,600.00	\$304,895.00
13-15	2,410	\$95,285.00	\$95,297.50
16-28	3,144	\$119,105.00	\$177,810.00
28-30	713	\$26,505.00	\$53,060.00
31+	4,035	\$156,165.00	\$534,686.50
NULL	5,789	\$270,995.00	\$0.00
Grand Total	24,271	\$971,655.00	\$1,165,749.00

Financial Impact to Programming

The City’s Parking Compliance Division primarily relies on parking meter revenue and citation revenue to fund its annual operating and capital expenditures, negating the need for a reliance on General Fund revenues.

- The Division provides residential parking zone programming at no direct costs to taxpayers. The City has also continued to maintain a parking rate of \$.50/hour. In addition, since 2013, the City has invested in the modernization of its parking infrastructure through resurfacing of City owned

public parking lots, integration of smart meters, parking shelters, updated signage, pay-by-phone services and recently implemented Automated License Plate Reader (ALPR) program.

- If future parking revenues are cut or reduced as a result of legislative actions, the other financial impacts will be **(1)** the General Fund will have to subsidize parking operations to sustain its existence, or **(2)** as a result of loss revenues, this could force cutting the operations, increasing fees or reductions in staff.

Staff Recommendation

Staff is recommending the sponsor consider a minor modification to the item:

- Maintain the 15-day and 30-day late payment schedule.
- Revise the second late payment to reflect the total cost of the original fine, as an example:
 - Current: \$35 fine, 1st late - \$70, 2nd late - \$140
 - Proposed: \$35 fine, 1st late - \$70, 2nd late - \$105
- Effective July 1, 2021 (FY2022) and evaluate funding gap to determine whether the gap in revenue is substantial enough to require implementing fees for existing complimentary services or increasing fees for existing services.

Chapter 114
VEHICLES AND TRAFFIC
ARTICLE I

General Provisions

[Articles I through IV were significantly changed, repealed and reenacted by HO-2011-01]

- § 114-1. Definitions and interpretation.
- § 114-2. Adoption and amendment of regulations.
- § 114-3. Enforcement.
- § 114-4. Severability.
- § 114-5. Signs and traffic control devices.
- § 114-6. School zones.

ARTICLE II

Traffic Regulations

- § 114-7. Speed limits.
- § 114-8. Traffic calming devices.
- § 114-9. Speed monitoring systems.

ARTICLE III

Stopping, Standing and Parking

- § 114-15. Emergency regulations.
- § 114-15.1. Manner of parking generally.
- § 114-15.2. Identification of parking restrictions.
- § 114-16. General restrictions.
- § 114-17. Parking of vehicles within marked spaces.
- § 114-18. Time limit for leaving vehicles unattended.
- § 114-19. Observance of parking signs and the authority to install such devices.
- § 114-21. Notice, penalty and forfeiture.

ARTICLE IV

Residential Permit Parking Zones

- § 114-27. Purpose and Legislative Findings.
- § 114-28. Definitions.
- § 114-29. Designation of Residential Parking Permit Areas.
- § 114-30. Issuance & Transfer of Residential Parking Permits.
- § 114-31. Temporary Permits.
- § 114-32. Use of Parking Permits & Exemptions.
- § 114-33. Regulations & Enforcement.
- § 114-34. Restriction & Penalty.

HYATTSVILLE CHARTER AND CODE

§ 114-35 Revocation of Permit & Severability.

ARTICLE V

Trucks and Commercial Vehicles; Trailer Coaches

- § 114-36. Operation of trucks and commercial vehicles upon certain streets restricted.
- § 114-37. Reserved.
- § 114-38. Definitions.
- § 114-39. Parking restrictions commercial vehicles on public rights of way.
- § 114-40. Parking restrictions for commercial vehicles on private property.
- § 114-41. Resreved.
- § 114-42. Petitions and permits.
- § 114-43. Penalties.

ARTICLE VI

Metered Parking

- § 114-44. Definitions.
- § 114-45. Designation of parking meter zones.
- § 114-46. Use of parking meters.
- § 114-47. Parking regulation.
- § 114-48. Parking violation procedures.
- § 114-49. Notification of right to stand trial; maximum fine.
- § 114-50. Payment in lieu of prosecution.

ARTICLE VII

Miscellaneous Provisions

- § 114-70. Storage or service of vehicles upon streets or public spaces prohibited.
- § 114-71. Riding on portions of vehicles not designed for passengers restricted.
- § 114-72. Handicapped parking regulations; penalty.
- § 114-72.1 Parking on unpaved or unprepared surfaces.

ARTICLE VIII

Penalty Provisions; Impoundment

- § 114-73. Violations and penalties.
- § 114-74. Impoundment procedures; reclamation.
- § 114-75. Flagging penalty.
- § 114-76. Vehicles with illegal or expired license plates.

[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville during codification 12-19-83 as HB No.14-83; see Ch. 1, General Provisions, Art. II. Amendments noted where applicable].

GENERAL REFERENCES

- Off-street parking - See Charter, Art. X.
- Police Department – Se5e Ch. 30.
- Parks and recreational facilities - See Ch. 84.

HYATTSVILLE CHARTER AND CODE

Peace and good order - See Ch. 87.
Streets and sidewalks - See Ch. 105.
Abandoned and inoperable vehicles - See Ch. 113.

ARTICLE I

General Provisions

§ 114-1. Definitions and interpretation. [Amended on 3-27-11 by HO-2011-01]

A. Unless otherwise defined herein, words and phrases, when used in this chapter, shall have the meanings ascribed to them in the Maryland Vehicle Law (Titles 11 through 27 of the Transportation Article of the Annotated Code of Maryland), as now in force or as hereafter amended, enacted or reenacted, except where the context clearly indicates a different meaning.

B. The term “holidays,” as used in this Chapter, shall mean and include the following: New Year’s Day, Martin Luther King, Jr.’s birthday, Washington’s Birthday, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day and Christmas Day or days celebrated as such.

C. In this Chapter, the singular shall include the plural; and the plural shall include the singular; the masculine shall include the feminine and the neuter.

§ 114-2. Adoption and amendment of regulations.

Regulations adopted pursuant to the provisions of this chapter may be amended or added to from time to time, as deemed necessary by the Mayor and Council, by ordinance, resolution or motion adopted in accordance with law.

§ 114-3. Enforcement. [Amended on 3-27-11 by HO-2011-01]

This chapter and the regulations adopted thereby may be enforced by any police officer of the State of Maryland or of any political subdivision thereof having jurisdiction as well as those police, code enforcement, and parking enforcement officers, or other persons designated by the City.

§ 114-4. Severability.

The provisions of this Chapter shall be severable, and, if any of its provisions shall be held to be unconstitutional, illegal or otherwise invalid, such decision shall not affect the validity of any the remaining provisions of this Chapter. It is hereby declared as a legislative intent that this Chapter would have been adopted had such unconstitutional, illegal or otherwise invalid provision not been included herein.

§ 114-5. Signs and traffic control devices. [Added on 3-27-11 by HO-2011-01]

A. Definitions. A traffic control device is:

(1) a sign or light, or device that conforms in size, color, shape and graphics to the most recent version, edition, amendment or replacement of the Federal Highway Administration Manual of Uniform Control Devices, the Maryland State Highway Administrative Manual of Uniform Traffic Control Devices for Streets and Highways, the State of Maryland Sign Book, or to signs in regular use by the City for traffic; and

(2) is placed on or near the streets, roads or highways or other public place including property owned or leased by the City; and

HYATTSVILLE CHARTER AND CODE

(3) governs the stopping, parking or movement of vehicles over such public streets, roads, highways, rights-of-way or property.

B. It shall be unlawful to disregard or disobey or act in a manner contrary to the message of any traffic control device regulating speed, movement of vehicles, parking and stopping unless directed otherwise by police or public works personnel or their designees.

C. A traffic control device or sign is presumed to be duly authorized if it conforms to the definition above in this section.

D. The City Administrator, after consultation with the Police Department and the Department of Public Works, may authorize the placement or removal of traffic control devices and signs that are determined to be necessary for the safety of all traffic in the City.

E. All traffic control devices which meet the requirements cited in this section 114-5, paragraph 1(A) above and are in place within the City on March 27, 2011 are hereby authorized by the City.

F. Nothing in this chapter shall curtail the authority of the City Council over the placement or removal of approved traffic control devices in the City by motion, resolution or ordinance.

§ 114-6. School zones.

The following areas in the City and all roadways within a one half mile radius of the named schools or campuses are designated as school zones:

- A. The University of Maryland at College Park,
- B. Northwestern High School at 7000 Adelphi Road,
- C. Prince George's Community College at University Town Center at 6505 Belcrest Road,
- D. Rosa Parks Elementary School at 6111 Ager Road,
- E. Nicholas Orem Middle School at 6100 Editors Park Drive,
- F. Concordia Lutheran School at 3799 East West Highway,
- G. Concordia Lutheran School at 3705 Longfellow Street,
- H. Hyattsville Middle School at 6001 42nd Avenue,
- I. Dematha Catholic High School at 4313 Madison Avenue,
- J. St. Jeromes School at 5207 42nd Place,
- K. Hyattsville Elementary School at 5311 43rd Avenue.
- L. Any other areas as designated by a resolution of the City Council as a school zone pursuant to State law (currently §21-803.1 Transportation Article.)

ARTICLE II

Traffic Regulations

§ 114-7. Speed limits. [Added on 3-27-11 by HO-2011-01]

It shall be unlawful for any person to operate a motor vehicle in the City in violation of the speed limits posted on any traffic control device or sign.

HYATTSVILLE CHARTER AND CODE

§ 114-8. Traffic calming devices. [Added 8-1-94 by HB No. 8-94, Amended 2-21-95 by HB No. 8-94, 2-21-95 by HB No. 01-95, Amended on 3-27-11 by HO-2011-01]

A. Definitions: As used in this Ordinance, all terms shall have the definitions and meanings provided in the Maryland Code Annotated, Transportation Article, unless otherwise indicated. The following terms shall have the meanings indicated:

(1) "Traffic calming device" is a physical device used to regulate, guide, slow, and/or control traffic, for the purpose of pedestrian and traffic safety. The term traffic calming device includes but is not limited to the following devices:

(a) Speed zones: an identifiable area of reduced speed, indicated by signage or otherwise.

(b) Speed humps: a raised or manually installed section of asphalt or other construction material constructed on a roadway, with a dip and crown shaped as viewed in cross section, on a base ordinarily twenty-two feet (22'), measured parallel to the curb of the roadway, and with a height not less than three (3) inches nor more than four (4) inches.

(c) Raised intersections: contrasting surfaces such as brick, cobblestones, concrete, or other construction material in place of street surfaces at the intersection of two streets.

(d) Traffic islands, circles and lateral shifts: physical barriers placed in the street to direct traffic in a specific direction including both temporary and permanent structures which do or do not contain landscaping.

(e) Rumble strips: physical devices attached to, or constructed in the road surface to provide contrast to the road surface in order to slow traffic.

(f) Chokers: a portion of the sidewalk extending out approximately six (6) to eight (8) feet into the street.

(2) "Unit block": unit block shall mean a subsection of, or a separate and distinct, but attached portion of a street, of no specific length or width, but which has been numerically designated and identified a part of that street. Each street may consist of numerous unit blocks.

(3) "Dwelling unit": one (1) or more rooms arranged for the use of one (1) or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities as defined by the Prince George's County Housing Code.

(4) "Eligible signature": the signature of an individual, over the age of eighteen (18), residing in a dwelling unit located on a street:

(A) upon which the installation of a traffic calming device is being considered, or

(B) within one (1) unit block of such streets upon where the installation of a traffic calming device is being considered for only a portion of such street , or

(C) that is only accessible over a street for which the installation of the traffic calming device is being considered and provides the only means of ingress and egress, or

(D) or in an area which the City Clerk pursuant to the discretion granted in subsection B (2) (b) determines should be surveyed.

Only one eligible signature per dwelling unit will be considered for any of the purposes set forth in this Ordinance.

HYATTSVILLE CHARTER AND CODE

B. Request for traffic calming device installation:

Requests for the installation of a traffic calming device may be made by petition subject to the following conditions.

(1) Residents of a street may request the installation of a traffic calming device by submitting a petition to the City Administrator containing eligible signatures from at least sixty percent (60%) of dwelling units located on the street, stating that such individuals want a traffic calming device. Such petition need not conform to the requirements in the Charter for petitions.

(2) If the traffic calming device is being requested for only a portion of a street, the petition containing at least sixty percent (60%) of eligible signatures must be circulated to individuals residing in dwelling units located on the unit block on which the traffic calming device will be installed and to individuals residing in dwelling units located within one (1) unit block of the block containing the requested installation site.

(a) If the street upon which the traffic calming device is to be installed provides the only means of ingress and/or egress for other streets, the petition containing at least sixty (60%) of eligible signatures must be circulated to the residents of such other streets.

(b) The City Clerk retains sole discretion to determine if residents of additional streets will be surveyed, based upon circumstances that could impact such residents.

(3) The City Clerk will validate petitions submitted to the City Administrator to determine that said petitions are in compliance with applicable provision of this Article. The City Clerk shall inform the City Council, petitioners, the City Administrator, Director of Public Works and the Police Chief, as to whether the petition complies with this Article. If the petition is in compliance, the department heads will jointly undertake to assess the location of the request and determine if a traffic calming device is in the interests of both best traffic engineering practice and public safety; and the Mayor who will schedule a public hearing in accordance with subsection C, below.

(4) The City Clerk shall develop and distribute a standardized “request for traffic calming device” petition form sufficient for use in accordance with this subsection.

C. Procedures for public hearings on traffic calming device installations:

(1) Conduct of Public Hearing: the Mayor shall schedule a public hearing after being notified by the City Clerk in accordance with subsection B. (3) that the petition is valid.

(a) Notice of the hearing will be given to all residents of the street upon which the proposed traffic calming device is to be installed; and

(b) If the traffic calming device is being requested for only a portion of the street, notice will be given to residents of dwelling units located on the unit block on which the traffic calming device will be installed and also to individuals residing in dwelling units located within one (1) unit block of the block containing the requested installation site; and

(c) If the traffic calming device is to be installed on a street which provides the only means of ingress and/or egress for other streets, the notice will be given to residents of such other streets, by the following means:

(i) Publication in the Hyattsville Reporter or in a paper having circulation in the City.

(ii) Advertisement on the City of Hyattsville’s cable television channel.

HYATTSVILLE CHARTER AND CODE

(2) Factors considered: The following factors shall be taken into consideration as guidance in determining whether to install a traffic calming device. The factors listed below shall not be considered exclusive.

(a) Whether the street where installation of a traffic calming device is proposed has a speeding problem, which has been identified through a combination of residents' complaints, police radar surveillance and ticketing practices, accident statistics, electronic traffic counts and/or a history of previous efforts to control speeding which cannot be alleviated in any way other than a traffic calming device. The Department of Public Works shall provide a report of the electronic traffic count data of the proposed street to determine the traffic and speed issues.

(b) Whether the street carries a sufficient volume of non-residential traffic in addition to the general residential traffic, so that the requested traffic calming device is appropriate.

(c) The impact of a traffic calming device on public transportation, police and fire apparatus.

(d) The impact of a traffic calming device on adjacent neighborhoods.

(3) Decision: The Mayor and City Council will announce their decision to approve, approve with modifications, or deny the requested traffic calming device within fifteen (15) days of the close of the hearing unless, due to extraordinary circumstances, the time limit is extended by majority vote of the City Council.

(4) Notification of decision: The petitioners will be notified of the decision of the Mayor and City Council by the City Clerk and the decision will be published in the Hyattsville City Council Meeting Minutes.

D. Procedures for removing a traffic calming device installation:

(1) A request for removal of a traffic calming device, installed pursuant to subsection C above, may be by petition containing eligible signatures from sixty percent (60%) of the dwelling units located on the street upon which the traffic calming device has been installed or

(2) If the traffic calming device has been installed for only a portion of the street, the petition requesting removal may be signed by eligible signatures from sixty percent (60%) of the dwelling units located on the unit block on which the traffic calming device was installed and dwelling units located within one (1) unit block of the requested removal site; or

(3) If the traffic calming device has been installed on a street that provides the only means of ingress and/or egress for other streets, the petition requesting removal may be signed by eligible signatures from sixty percent (60%) of the dwelling units located on the street and such other streets.

(4) No petition will be considered until six (6) months have elapsed since the initial installation of the traffic calming device.

E. Miscellaneous:

(1) Placement of traffic calming device near schools, parks and playgrounds: the Mayor and Council may initiate the installation of traffic calming device on streets adjacent to neighborhood parks, playgrounds, and schools or on commercial areas.

(2) Authority of City over traffic calming devices.

HYATTSVILLE CHARTER AND CODE

(a) Nothing in these guidelines shall be construed as preempting the City, at its initiative, from installing, altering, maintaining or removing a traffic calming device installation. The City Administrator will notify, pursuant to the notice provisions stated in subsection c. above, the appropriate affected residents of the proposed changes regarding a traffic calming device.

F. Installation and maintenance:

(1) In the regulation and supervision of traffic, the Public Works Director is authorized to construct, install, place, erect, and maintain upon the public highways of the City those traffic calming device installations and proper signage as the Mayor and Council have or may direct at the locations designated by the Mayor and Council.

(2) All speed humps installed pursuant with this Ordinance shall ordinarily:

(A) Consist of one (1) or more speed humps spaced every two hundred (200) to five hundred (500) feet along public street or alley;

(B) Not be placed within two hundred (200) feet of a stop sign unless required by special circumstances as determined by the Director of Public Works; and

(C) Be painted with distinctive markings which should include reflective paint or tape.

(3) Warning signs marked “speed humps” shall be placed on the right hand side of the street at the approach to each speed hump.

§ 114-9. Speed monitoring systems. [Rewritten on 3-27-11 by HO-2011-01, Amended 3-18-13 by HO-39-03-13, Amended 8-4-14 by HO 2014-06]

A. A “speed monitoring system,” as defined in Maryland law, means a device with one or more motor vehicle sensors producing recorded images of motor vehicles traveling at least twelve (12) miles per hour above the posted speed limit.

B. No more than ten (10) school zone speed monitoring systems as outlined in §21-809 of the Transportation Article of the Annotated Code of Maryland are hereby authorized at locations, determined by the Chief of Police or his/her designee after consultation with and agreement of the City Administrator, in school zones within the City, as established under §21-803.1 of the Transportation Article of the Annotated Code of Maryland.

C. Before activating a speed monitoring system in any school zone at any location where such a system had not been previously moved or placed, the City shall:

1. Publish notice of the location(s) of the speed monitoring system(s) on the City website and in a newspaper of general circulation within the City; and

2. Ensure that each sign that designates a school zone has in close proximity to it a sign that indicates that speed monitoring systems are in use in the school zone and that the signage is in accordance with the manual for and that the specifications for a uniform system of traffic control devices adopted by the State Highway Administration.

D. The City shall name a City employee as Program Administrator to oversee the contract with the speed monitoring system contractor and shall also name another City employee who has not been involved in monitoring system citations, to investigate and respond to questions or concerns about the City’s speed monitoring systems as outlined in §21-809(b)(1)(ix) of the Transportation Article.

E. Unless otherwise provided by law, the school zone speed monitoring system may operate

Monday through Friday between 6:00 a.m. and 8:00 p.m.

F. For a period of at least fifteen (15) days after any speed monitoring system and the signage as required by §21-809 of the Transportation Article are in place, a violation recorded by such speed monitoring system in the City shall be enforced only by the issuance of a warning.

G. The school zone speed monitoring system in the City shall be conducted in compliance with all applicable provisions of the Maryland Vehicle Law.

H. City staff is hereby authorized to take those actions necessary to obtain any required permission from the state of Maryland or other government with jurisdiction to operate a speed monitoring system within the school zones.

[§ 114-10 to § 114-14 Deleted 3-12-11 by HO-2011-01]

ARTICLE III

Stopping, Standing and Parking

§ 114-15. Emergency regulations. [Amended on 3-27-11 by HO-2011-01]

The City Administrator, Chief of Police, and Director of Public Works may, whenever emergencies require, order that parking of vehicles be prohibited on portions of streets and alleys in the city which, during such emergencies, may be subject to congestion of traffic, provided that signs stating the areas in which parking is so prohibited and the length of time of such prohibition shall be prominently displayed in such areas.

§ 114-15.1. Manner of parking generally. [Added 1-17-84 by HB No. 2-84]

A. All vehicles shall be parked with the right wheel to the curb, except on streets designated for one-way traffic, in which event vehicles may be parked with the left wheel to the curb headed in the direction of traffic, unless otherwise prohibited and except as otherwise provided.

B. No vehicle shall be parked or left standing in the streets unattended when not in motion, except in case of an emergency, at a greater distance than twelve (12) inches from the curb on any street in the City.

§ 114-15.2. Identification of parking restrictions. [Added 10-7-85 by HB No. 4-85]

A. The color yellow or white traffic paint or yellow or white pavement marking tape is hereby designated and shall identify official parking restrictions when applied on or in safety zones, traffic lanes, curb gutters, crosswalks, fire hydrants, intersection curb lines, stop signs and the like uses, when painted on or placed on or in the streets and roads and any other place applicable hereto, within the City of Hyattsville.

B. It shall be unlawful for a person to park a vehicle unless a bona fide emergency exists which disables the vehicle, in any restricted area or place identified by the official traffic yellow or white paint or yellow or white pavement marking tape, whether or not supplemented by other official traffic signs.

HYATTSVILLE CHARTER AND CODE

§ 114-16. General restrictions. [Amended on 3-27-11 by HO-2011-01 and 12-2-13 by HO-2013-07]

In addition to the prohibitions and regulations contained in §§21-1003 and 21-1004 of the Transportation Article of the Annotated Code of Maryland, it shall be unlawful for any person to park or leave standing any vehicle at any time on any street or highway in the city if such vehicle or any part thereof is within any of the following locations:

- A. Within fifteen (15) feet in either direction from a bus stop sign.
- B. For the duration of an emergency, within twenty-five (25) feet of any sign or device posted by or with permission of the City Administrator, the Public Works Department or Police Department indicating that parking is prohibited because of an emergency, unless such sign or device sets forth the area in which parking is prohibited because of an emergency, then, in such cases, within the designated area.
- C. At a location contrary to directions given by any member of the Police Department or Fire Department to keep clear fire lines or police lines or to facilitate the flow of traffic at or near the scene of a fire, accident or other emergency, provided that the prohibition of parking at such a location is made known to the person so parking.
- D. On any sidewalk or on any property adjacent to the roadway and in the public right of way.
- E. In front of any barricade or sign that has been placed for the purpose of closing a street.
- F. Within twenty-five (25) feet of any temporary traffic calming device. [Added 1-17-84 by HB No. 3-84]
- G. Alongside or opposite any street excavation or obstruction when such parking will interfere with traffic. [Added 1-17-84 by HB No. 3-84]
- H. At a location which will reduce the width of the open roadway in either direction to less than ten (10) feet along a street or will obstruct a clear passageway along the same for fire apparatus or any other vehicle. [Added 1-17-84 by HB No. 3-84]
- I. In any alley unless parking in such alley is specifically allowed.
- J. At a location which obstructs the entrance to any private driveway or the entrance to any buildings or garage or prevents passage over and upon any private driveway or private vehicle entrance connecting private property with an abutting street. [Added 1-17-84 by HB No. 3-84]
- K. Upon any private driveway or upon any private property, unless with permission of the person in control thereof. [Added 1-17-84 by HB No. 3-84]
- L. Within fifteen (15) feet of a fire hydrant. [Added 1-17-84 by HB No. 3-84]
- M. Within a street or alley intersection. [Added 1-17-84 by HB No. 3-84]
- N. Within any crosswalk. [Added 1-17-84 by HB No. 3-84]
- O. Within thirty (30) feet of the curb line of an intersecting street. [Added 1-17-84 by HB No. 3-84]
- P. On any bridge, viaduct or approach thereto. [Added 1-17-84 by HB No. 3-84]

HYATTSVILLE CHARTER AND CODE

Q. Within twenty-five (25) feet of, in the direction of approach to, any stop sign or official marker designating an arterial highway, unless otherwise marked or posted. [Added 1-17-84 by HB No. 3-84]

§ 114-17. Parking of vehicles within marked spaces. [Amended on 3-27-11 by HO-2011-01]

A. Wherever a space shall be marked on any street or public right of way for the parking of an individual vehicle, every vehicle there parked shall be parked within the lines bounding such space.

B. On all other property owned or leased by the city, parking shall be allowed only in areas designated for parking, and only within one space marked within the lines bounding such parking space.

§ 114-18. Time limit for leaving vehicles unattended.

No automobile or vehicle of any description shall be left unattended upon any street or public space in the city for a continuous period longer than forty-eight (48) hours, unless the City grants an exemption pursuant to § 114-32 H of this Chapter.

§ 114-19. Observance of parking signs and the authority to install such devices. [Amended on 3-27-11 by HO-2011-01]

A. All traffic control devices placed on the streets, roads or highways or other public places (including property owned or leased by the city) to govern the stopping, or parking of vehicles over such streets, roads, highways or property (parking signs) shall be strictly observed by any and all persons. It shall be unlawful to disregard such traffic control devices or signs unless directed otherwise by a police officer on the scene.

B. A traffic control device governing parking is presumed to be duly authorized if it has been placed on or near a roadway and conforms in size, color, shape and graphics to the Federal Highway Administration Manual of Uniform Traffic Control Devices, the Maryland State Highway Administrative Manual on Uniform Traffic Control Devices for Streets and Highways, the State of Maryland Sign Book or to signs in regular use by the City which conform to the State of Maryland regulations.

C. Unless other procedures are required, the City Administrator, after consultation with the Police Department and the Public Works Department, may authorize the placement or removal of parking signs that he or she deems necessary for the safety of the public.

D. All parking signs in place within the City which conform to State of Maryland regulations on March 27, 2011 are hereby authorized by the City.

E. Nothing in this chapter shall curtail the authority of the City Council over the placement or removal of approved parking signs in the City by motion, resolution or ordinance.

§ 114-21 Notice, penalty and forfeiture. [Added 1-17-84 by HB No. 4-84; Amended 12-17-84 by HB No. 10-84; Amended 6-1-98 by HR 98-02, Amended 10-4-04 by Ord. 2004-14, Amended on 3-27-11 by HO-2011-01]

A. Any vehicle in violation of the provisions of Article III shall have attached to it a notice, upon such form as may be approved by the city, to the owner of such vehicle of the violation and penalties therefor.

B. The fine for a violation of 114-16(K) shall be one hundred dollars (\$100.00).

[§ 114-22 to § 114-26 Deleted 3-27-11 by HO-2011-01]

ARTICLE IV

Residential Permit Parking Zones

[Amended 9-20-04 by Ord. 2004-13]

§ 114-27. Purpose and Legislative Findings.

A. The City Council of the City of Hyattsville is enacting this Article IV in order to:

- (1) Reduce hazardous traffic conditions resulting from nonresidents and residents competing with residents to park their vehicles in certain residential districts;
- (2) Protect the residents of those residential districts from unreasonable burdens in gaining access to their residences;
- (3) Preserve the character of those districts as residential districts;
- (4) Encourage the use of public transportation;
- (5) Promote efficiency in maintaining streets in those residential districts in a clean and safe condition;
- (6) Preserve the value of the property in those residential districts;
- (7) Promote traffic safety and the safety of children and other pedestrians in those residential districts;
- (8) Prevent dangers arising from the blocking of fire lanes, hydrants and other facilities that emergency vehicles require, both in reaching victims and in transporting them to hospitals;
- (9) Facilitate the movement of traffic in the event of accidents and other disasters; and
- (10) To promote the peace, comfort, convenience, and welfare of all inhabitants of the City.

B. General Findings. The City Council finds that the continued vitality of the City depends on the preservation of safe, healthy, and attractive neighborhoods and other residential areas. The Council further finds that one factor that threatens the safety, health and attractiveness of the City's neighborhoods is the availability of parking in certain neighborhoods. The number of motor vehicles attempting to park in those areas often exceeds the number of available parking spaces. A preferential parking system for residents in designated neighborhoods will help to reduce the burden of those neighborhoods and, thus, promote the general welfare of the City.

C. Specific Findings. The Council makes the following specific legislative findings in support of preferential residential parking to illustrate the compelling need for the enactment of this Article IV. The Council intends the findings as illustrations only and not the only available factual examples supporting adoption of the Article IV:

- (1) The maintenance of the attractiveness and livability of the City's neighborhoods and other residential areas will enhance the safety, health and welfare of the City's residents;
- (2) On a daily basis a large number of City residents who own motor vehicles must park those vehicles in or near their residences;

HYATTSVILLE CHARTER AND CODE

- (3) Certain neighborhoods and other areas of the City do not have sufficient on or off-street parking to accommodate the convenient parking of residents' motor vehicles;
- (4) The influx of motor vehicles from nonresidents that compete for the limited available parking in those areas further burdens the residents of those areas;
- (5) The City has certain parking "attractors," including parks, etc. that further aggravate the residents' parking problems;
- (6) Unnecessary vehicle miles, air and noise pollution, and the inconvenience of not finding parking caused by the conditions above create unacceptable hardships for the neighborhoods' residents;
- (7) If the City allows those adverse conditions to continue unchecked, those adverse conditions will contribute to the decline of the living conditions in the neighborhoods and the attractiveness of residing within the City, resulting in injury to the general public welfare; and
- (8) A system of preferential residential parking as enacted by this Article IV will serve to promote the health, safety, and welfare of all of the City's residents by reducing unnecessary motor vehicle travel and air and noise pollution, improving the attractiveness of living in the City's neighborhoods, and encouraging the use of public mass transit facilities available now and in the future. The Article IV also will serve the public welfare by ensuring a more stable and valuable property tax base, in order to generate the revenues necessary to provide essential public services.

§ 114-28. Definitions. [Amended on 3-27-11 by HO-2011-01]

For the purposes of this Article IV, the following words shall have the meanings respectively ascribed to them in this Section, except where the context clearly indicates a different meaning:

- A. **City Administrator** means the City Administrator or his/her designee.
- B. **Commuter Vehicle** means a motor vehicle, other than a resident vehicle as defined below, parked in a residential area in which it is not registered.
- C. **Curbside Parking Space** means twenty (20) linear feet of curb, exclusive of those portions of the curb where parking, apart from the provisions of this Article IV, is not presently permitted.
- D. **Motor Vehicle** means an automobile, truck, recreation vehicle, motorcycle, or other motor-driven or self-propelled form of transportation, except for vehicles exceeding a certain size, weight, and/or carrying capacity that may be prohibited from parking on any public street.
- E. **Resident** means an adult who lives or resides in a structure approved for residential occupancy and can demonstrate exclusive right to occupancy of this residence.
- F. **Resident Vehicle** means a motor vehicle parked in a residential area in which it is registered and is validly registered with the State of Maryland Department of Motor Vehicles.
- G. **Residential District** means a contiguous or nearly contiguous area open to the public containing streets and highways and parking spaces for the public, all primarily abutted by residential property or residential and non-commercial property (such as schools, parks, churches, hospitals and nursing homes).
- H. **Residence** means a dwelling unit.

I. **Residential Parking Permit Area** means a residential district where curbside parking on public streets and highways is limited to not more than two (2) consecutive hours per day, unless the vehicle properly displays a parking permit authorized by this Article IV.

J. **Vehicle** means any mobile unit whether or not it is self-propelled and designed to travel on the public roads.

§ 114-29. Designation/Withdrawal of Designation of Residential Parking Permit Areas. [Amended 4-21-14 by HO 2014-04]

A. Notice & Hearing.

In order for the City Council to determine whether a residential district, or portion thereof, shall be designated, or shall continue to be designated, as a residential parking permit area, the City Administrator shall conduct, upon the City Administrator's initiative or upon a petition signed by a majority of the residents in the district or portion thereof, a public hearing prior to such designation and prior to the withdrawal of such designation. A notification shall be prominently posted or shall be mailed to every residence in the proposed or existing residential parking permit area. During such public hearing any interested person shall be entitled to appear, to be heard, and to submit a written statement for the record.

B. Survey.

To enable the City Council to determine whether a residential district, or portion thereof, shall be designated, or shall continue to be designated, as a residential parking permit area, the City Administrator shall conduct a block-by-block parking survey of the proposed, or existing, residential parking permit area.

C. Criteria.

In determining whether an area may be a residential parking permit area, whether conditions are to be imposed, the City Administrator shall consider factors including but not limited to the following:

- (1) The extent that legal on-street parking spaces are occupied by vehicles during the period proposed for parking restrictions;
- (2) The extent that vehicles parking in the area during the period proposed for parking restrictions are commuter vehicles;
- (3) The extent that residents cannot obtain adequate curbside parking adjacent to or near their residences because of widespread use of available curbside parking spaces by others;
- (4) The effect on the safety of the residents from intensive vehicle parking;
- (5) The extent of air and noise pollution, hazardous conditions, and deterioration of the residential environment as a result of traffic congestion and insufficient parking in the area;
- (6) The extent that the designation of a residential parking permit area would be likely to reduce traffic congestion and any other problems referred to above;
- (7) The extent and need for parking by the general public in the residential district;
- (8) The desire of the residents in the proposed, or existing, residential parking permit area for the institution of a residential parking permit system and the willingness of those residents to bear the costs incidental to the issuance of parking permits authorized by this Article IV; and

HYATTSVILLE CHARTER AND CODE

(9) The extent that no reasonable alternative is feasible or practicable that would reduce parking problems and any other problems referred to above without unduly impacting surrounding residential areas.

D. Designation/Withdrawal Process.

(1) Within fifteen (15) days following the close of the public hearing, the City Administrator shall recommend by written report to the City Council, based on the record of the public hearing and the results of the survey, whether to designate the residential district or portion thereof under consideration as a residential parking permit area or whether to withdraw the designation of an existing residential parking permit area. The report also shall demonstrate that the City Administrator, in making the recommendation, has taken into account the criteria enumerated above. The report shall recommend the number of permits to be issued to each address in the district.

(2) Within thirty (30) days following its receipt of the report, unless the City Council shall vote otherwise, the City Administrator's recommendations shall be effective as to the residential parking permit area.

(3) Nothing in this section shall limit the authority of the City Council over residential parking permit areas.

(4) The City Council or the City Administrator may limit the number of permits issued to all the addresses in a particular residential parking permit area to accomplish the purpose and intent of this Article.

E. Posting of Residential Parking Permit Area.

(1) Immediately following the effective date of the City's designation or withdrawal of designations, appropriate parking signs shall be erected or moved in the designated area.

(2) The signs shall indicate prominently that curbside parking on public streets in the designated area is prohibited unless the vehicle properly displays a parking permit authorized by this Article IV.

F. Notice to Residents of Designation of Residential Parking Permit Area.

Following the effective date of the designation, the City Administrator shall provide to every residence within the designated residential parking permit area a Notice of Designation that shall inform the residents in the designated area of:

(1) The existence, exact location, and numerical designation of the residential parking permit area;

(2) The parking restrictions applicable to all vehicles in curbside parking spaces along public streets and highways in the designated area that do not properly display a parking permit authorized by this Article IV; and

(3) The procedures to obtain a residential or temporary parking permit.

G. Withdrawal of Designation.

(1) Following City action to withdraw the designation of an existing residential parking permit area, the City Administrator shall provide to every residence within the existing residential parking permit area a notice of the Council's withdrawal of the designation. Said notice shall specify the effective date of the withdrawal of the designation.

HYATTSVILLE CHARTER AND CODE

(2) The effective date of the withdrawal of the designation of an existing residential parking permit area shall ordinarily be thirty (30) days following the date of the City's action to withdraw the designation.

H. Temporary Designation/Withdrawal of Designation.

Notwithstanding any other provision of this Article IV, the City Administrator may either establish or temporarily withdraw the designation of all or part of a residential parking permit area or areas on a trial basis for a period not to exceed one hundred twenty (120) days.

§ 114-30. Issuance & Transfer of Residential Parking Permits.

A. Issuance.

(1) An Application for Residential Parking Permit. The applicant is to provide at a minimum the following information for each motor vehicle to receive a residential parking permit:

- (a) The name and residential address of the owner of the vehicle;
- (b) The name, residential address, and driver's license number of the principal operator of the vehicle;
- (c) The make, model, license plate number and vehicle identification number of the vehicle; and
- (d) The name, address and signature of the applicant for the residential parking permit.

(2) The applicant shall demonstrate proof of residency in the particular zone and verification of the resident being the principal driver of the vehicle in a manner determined by the City Administrator, which may include but is not limited to utility bills, lease, driver's license, title, etc.

(3) Subject to the limitations outlined in this Article IV, upon the applicant's payment of a ten dollar (\$10.00) residential parking permit fee, submission of a completed and validated residential parking permit application, and fulfillment of all applicable provisions of this Article IV controlling issuance, or transfer of residential parking permits, the applicant may receive one (1) residential parking permit for the motor vehicle described in the application. The residential parking permit shall be securely affixed to the inside of the vehicle at a location directed by the City Administrator and shall display the permit number and numerical designation of the residential parking permit area.

B. Other Requirement.

(1) No residential parking permit shall be issued to a vehicle whose principal operator does not reside within the designated residential parking permit area.

(2) The applicant for, and holder of, the residential parking permit shall be the owner or principal operator of the vehicle receiving the parking permit.

(3) A motor vehicle shall be issued a residential parking permit only if it displays valid license plates that are allowed to those residing in Maryland under Maryland law.

(4) No residential parking permit shall be issued for any motor vehicle for which a citation issued by the City remains unpaid. Upon notice to the resident of an unpaid citation that is legally due, the City may revoke the permit.

C. Transfer.

HYATTSVILLE CHARTER AND CODE

Upon the holder's payment of a ten dollar (\$10.00) residential parking permit transfer fee, submission of complete and validated residential parking permit application, fulfillment of all applicable provisions of this Article IV controlling issuance, renewal, or transfer of residential parking permits, and surrender of the existing residential parking permit, the holder shall receive a new residential parking permit to be transferred to another qualifying vehicle.

D. Replacement.

Upon the holder's payment of a ten dollar (\$10.00) residential parking permit replacement fee, verification of the holder's prior submission of a completed and validated residential parking permit application, fulfillment of all applicable provisions of this Article IV controlling issuance, renewal, or transfer of residential parking permits, and affirmation that the holder's permit was lost, stolen, or destroyed, the holder shall receive a new residential parking permit. The lost, stolen or destroyed permit shall be considered void, and any use of a voided permit is prohibited.

§ 114-31. Temporary Permits. [Amended on 3-27-11 by HO-2011-01]

A. Issuance of Temporary Permits.

Upon application of any resident of a residential parking permit area and upon good cause being shown, the City Administrator may issue a temporary parking permit to the resident for a vehicle which otherwise may legally park on the applicable street, with such temporary parking permit limited to that particular parking permit area and subject to conditions and limits reasonably imposed by the City Administrator for a fee of one dollar (\$1.00) per permit. Upon application and showing of good cause, the City Administrator may also issue to a resident an unlimited number of temporary permits for a period of no more than twenty four (24) hours for a fee of one dollar (\$1.00) per permit. Such unlimited twenty four (24) hour permits may be issued no more than once in any six (6) month period for any address. For the purposes of this Article IV, the resident shall be the holder of and responsible for the use and misuse of temporary parking permits issued to the resident.

B. Display of Visitor Parking Permits.

All temporary parking permits shall be displayed on or about the front windshield of the vehicle so as to be easily visible from outside the vehicle. Such parking permits shall contain the permit number and the numerical designation of the residential parking permit area.

§ 114-32. Use of Parking Permits & Exemptions. [Amended on 3-27-11 by HO-2011-01]

A. A parking permit shall not guarantee or reserve a parking space within a designated residential parking permit area. A parking permit shall not authorize the standing or parking of any vehicle in such places and during such times when the stopping, standing or parking of vehicles is prohibited or set aside for specified types of vehicles, and shall not excuse the observance of any traffic regulation.

B. Whenever the holder of a parking permit, or the vehicle for which the parking permit was issued, no longer fulfills one or more of the applicable provisions of this Article IV controlling issuance, renewal or transfer of parking permits, the permit shall be deemed to have expired and the holder shall notify the City Administrator, who may then direct the holder to surrender the parking permit.

C. Until its expiration, surrender or revocation, a parking permit shall remain valid for such time as the holder continues to reside within the designated residential parking permit area.

D. A parking permit shall be valid only in the residential parking permit area for which it is issued.

HYATTSVILLE CHARTER AND CODE

E. It shall be a violation of this Article IV for the holder of a parking permit to fail to surrender the permit when directed to do so.

F. It shall be a violation of this Article IV for any person to represent in any fashion that a vehicle is entitled to a parking permit authorized by this Article IV when it is not so entitled. The display of a parking permit on a vehicle not entitled to such a parking permit shall constitute such a representation.

G. It shall be a violation of this Article IV for any person to duplicate, or attempt to duplicate, by any means, a parking permit authorized by this Article IV. It also shall be a violation of this Article IV for any person to display on any vehicle such a duplicate parking permit.

H. Exemptions.

(1) Whenever metered parking is in effect in any portion of a residential parking permit area, the parking spaces controlled by meters shall be excepted from the provisions of this Article IV so long as the control by meters continues.

(2) The provision of this Article IV shall not supersede the provisions of the City Code and state laws relating to parking by persons with disabilities.

(3) The following vehicles are specifically exempted from the parking restrictions imposed by this Article IV:

(a) A motor vehicle owned by or operated under contract to a utility when used in the construction, operation, removal or repair of utility property or facilities or engaged in authorized work in the designated residential parking permit area.

(b) A motor vehicle identified as owned by or operated under contract to a federal, state, or local governmental agency and being used in the course of official government business.

(c) An authorized emergency vehicle as defined by state law.

(4) The City Administrator may grant an exemption to the requirements of this Article IV and to Section 114-18 of Article III to any person for a vehicle which may legally park in the applicable area upon demonstration of unusual hardship or exigent circumstances provided that the exemption will expire at the end of each calendar year unless the person demonstrates that the unusual hardship or unusual or exigent circumstances continue.

§ 114-33. Regulations & Enforcement.

The City Administrator is authorized to establish all written regulations and procedure necessary to implement and enforce the provisions of this Article IV and collect all fees and fines. The regulations shall include a reasonable period prior to enforcement of the parking restrictions to allow for short visits or stops in such residential zones.

§ 114-34. Restriction & Penalty. [amended 4-21-14 by HO 2014-04]

A. It shall be unlawful for any person to park or leave standing any vehicle for any length of time designated on the posted signs in a designated residential permit parking zone, without a permit for such zone. Unless otherwise provided, the penalty for each parking violation of this Article IV shall be a fine of up to one hundred fifty dollars (\$150.00).

B. It shall be a municipal infraction for any person to violate any provisions of this Article IV other than the parking provisions as outlined immediately above. The penalty shall be one hundred

HYATTSVILLE CHARTER AND CODE

dollars (\$100.00). The penalty for any repeat violation within one (1) year shall be up to two hundred dollars (\$200.00).

C. The falsification of any application for a permit, guest permit or temporary permit, the use of any permit, guest permit or the allowance of such unauthorized use by a permittee shall all constitute violations of this Article IV, punishable as a municipal infraction.

D. The misuse of any permit, guest permit or temporary permit shall result in a parking citation of up to one hundred dollars (\$100.00). Misuse shall include the failure of the permittees to properly fill out or date any such permit, guest permit or temporary permit.

§ 114-35. Revocation of Permit, Severability.

A. In addition to the penalties provided above for violation of this Article IV the City Administrator may revoke the residential parking permit of any person found to be in violation of this Article IV, and, upon written notification thereof, the person shall surrender such permit to the City Administrator. Failure to surrender a revoked residential parking permit when requested to do so shall constitute a separate municipal infraction.

B. Nothing in this Article IV shall be construed as authorizing a permittee to violate any traffic regulation, emergency or otherwise, duly promulgated by the City.

C. Severability.

Severability is intended throughout and within the provisions of the Article IV. If any section, subsection, sentence, clause, phrase or portion of this Article IV is held to be invalid, or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Article IV.

D. The parking districts in existence on September 20, 2004 shall remain in effect until they are modified or withdrawn pursuant to this Article.

ARTICLE V

Trucks and Commercial Vehicles

§ 114-36. Operation of heavy vehicles upon certain streets restricted. [Amended 10-6-14 by HO 2014-07]

It shall be unlawful for any person to operate any motor vehicle having a gross vehicle weight rating (as specified in the Transportation Article of the Maryland Code currently at §6-803) in excess of ten thousand (10,000) pounds except for vehicles for public mass transit, upon any of the City maintained streets and alleys or parts thereof; provided, however, that nothing herein shall prohibit the operation of any such vehicle upon any street or portion thereof where such operation thereon shall be necessary in order to pick up or deliver any goods, wares, merchandise, services or material from or to any premises located upon any such City street or portion thereof, but then only be entering such street or part thereof at the intersection nearest the destination and proceeding thereon no farther than the nearest intersection thereafter.

§ 114-37. Reserved.

§ 114-38. Definitions. [Amended 10-6-14 by HO 2014-07]

HYATTSVILLE CHARTER AND CODE

A. As used in Article V, the following terms shall mean

(1) "Commercial vehicle" any motor vehicle, trailer or semi-trailer, stake platform truck, crane, tow truck or vehicle with dual rear wheels which are designed to be used for carrying freight or merchandise or other vehicles specifically designed for commercial purposes, such as utility service vehicles;

(2) Camping trailer: a vehicle sold to the consumer for recreational, travel or vacation purposes, which is self-propelled or capable of being towed and which provides facilities for temporary camping or sleeping. "Camping trailer" includes a unit designed to be carried by an open pickup truck. The term "camping trailer" also includes "travel trailer," "camper," "recreational vehicle," "motor home," "truck camper" and similar vehicles. A camping trailer is not a "commercial vehicle."

B. Unless they meet the criteria in (a) immediately above, the following vehicles are not commercial vehicles:

(1) Panel-body trucks, light-weight pick-up trucks, vans, commercially described as one-half-ton and three-fourths-ton capacity.

§ 114-39. Parking restrictions for vehicles on public rights-of-way. [Amended 12-17-84 by HB No. 10-84, and 1-1-91 by HB No. 8-90, amended 6-1-98 by HB 98-02, amended 6-1-98 by HR 98-02, amended 10-4-04 by Ord. 2004-14, Amended 10-6-14 by HO 2014-07]

A. No person shall park on any street or highway adjacent to any area zoned or used for residential purposes in the City any vehicle which including all protrusions, attachments and items loaded in the vehicle, is greater than eighty inches (80") in width, two hundred forty inches (240") in length or one hundred twenty inches (120") in height. This section shall not apply to vehicles in the process of making deliveries, or providing maintenance or repair calls.

B. Any vehicle which is parked in violation of this section shall be subject to being towed from such highway or street and impounded after written notice stating that the vehicle violates the City Code and the vehicle must be removed within twenty-four (24) hours to avoid impoundment. The towing and storage charges shall be a lien against the vehicle and shall be paid before the vehicle may be released from impoundment.

§ 114-40. Parking restrictions for commercial vehicles on private property. [Amended 10-6-14 by HO 2014-07]

A. Without a permit granted pursuant to §114-42 below, it shall be unlawful to park or leave standing any commercial vehicle, as defined in this Article V, upon any private property used for residential purposes, except as follows:

(1) One (1) commercial vehicle if it is not a tow truck or if it does not exceed the manufacturer's gross vehicle weight specification of seventeen thousand (17,000) pounds, and

(a) is parked in a wholly enclosed parking garage, or

(b) is parked on a side or rear yard as defined in §68-7 of this Code, and the side or rear yard does not border the street; or

(2) One (1) commercial vehicle per residence which may be parked in a front yard so long as the vehicle:

HYATTSVILLE CHARTER AND CODE

- (a) contains no visible advertising other than a firm name or similar designation in lettering not exceeding four (4) inches in height;
- (b) has less than three hundred (300) cubic feet of load;
- (c) is not a stake platform truck, dump truck, crane or tow truck or a vehicle with dual rear wheels; and
- (d) is parked on a legally conforming prepared surface.

B. In no case shall this section permit the parking or storage of commercial vehicles that are not properly registered and operational.

C. Nothing in this Section shall prohibit the temporary parking of a commercial vehicle while loading or unloading in the vehicle or while the vehicle is providing maintenance or service for a resident of the premises.

D. Only one camping trailer may be parked on any residential property.

§ 114-41. Reserved.

§ 114-42. Petitions and Permits. [Amended 10-6-14 by HO 2014-07]

A. Any person disagreeing with the City's position regarding a vehicle parking on a street or on private property under Article V may, within five (5) days of receiving a warning or notice from the City, petition in writing to the City Administrator for an informal hearing to demonstrate his or her position. The City Administrator may delegate such hearing to the appropriate department, and a written opinion to the Petitioners shall be completed as quickly as reasonably possible after the hearing.

B. The City Administrator may grant either a temporary permit for a vehicle not meeting the requirements of this Article or one renewable permit, for vehicles prohibited by §114-40, but only after the City Administrator determines that the following criteria are met:

- (1) the applicant is either the owner of the property or the resident/tenant of the property;
- (2) the vehicle does not disrupt visibility or traffic flow;
- (3) the vehicle does not present a hazard to the public or have an adverse effect on adjacent properties;
- (4) the applicant demonstrates a hardship if the permit is denied;
- (5) the granting of the permit does not violate any applicable City, County or State law; and
- (6) for a renewable permit the adjacent neighbors have been notified prior to the hearing and have been offered an opportunity to be heard.

C. Any temporary permit issued under this subsection shall expire in no more than fourteen (14) days from the date of issuance and shall not be assignable or transferrable by the permittee, and shall cost no more than fifty dollars (\$50.00). Unless the applicant can show extraordinary circumstances, no more than three (3) temporary permits may be issued in any calendar year.

D. Any renewable permit shall have an expiration date which shall be no more than two (2) years from the date of issue. Each renewable permit shall automatically expire when the applicant no

longer is a resident or tenant of the property or no longer owns/uses the vehicle. Renewable permits are not assignable or transferrable by the permittee. The renewable permit fee shall be set by the head of code compliance and shall be no more than one hundred dollars (\$100.00).

§ 114-43. Penalties. [Added 10-4-04 by Ord. 2004-14]

A. The provisions of 114-73 and 114-74 shall apply to all violations of this Article V except as noted below.

B. A violation of §114-40 shall be a municipal infraction enforceable by Code compliance or the police, with the penalty being one hundred dollars (\$100.00) for a first offense and two hundred dollars (\$200.00) for each subsequent offense. Each day that a violation continues shall be a separate offense.

ARTICLE VI

Metered Parking

§ 114-44. Definitions. [Amended 3-5-14 by HO 2014-02]

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

PARKING METER - Any device or meter, not inconsistent with this Article, placed or erected for the regulation of parking by the City measuring the time that a vehicle may legally park in a metered parking space.

METERED PARKING SPACE - any space within a parking meter zone in which parking is controlled or regulated by a parking meter and which is duly designated for the parking of a single vehicle by lines painted or otherwise durably marked upon the curb or the surface of the street or parking lot.

PARKING METER ZONE - Any street or highway or portion thereof and/or any parking lot or portion thereof or other designated location set aside under provisions of this Article for parking according to times and rates measured by a parking meter or parking meters.

§ 114-45. Designation of parking meter zones. [Amended 3-5-14 by HO 2014-02]

A. On-street parking meter zones. The City Council may by motion, resolution or ordinance designate any streets or parts of streets as on-street parking meter zones at a public meeting on the matter.

B. Off-street parking meter zones. The municipal parking lots or other properties owned or leased by the city are hereby established as parking meter zones.

C. All parking meters are presumed to be duly authorized by the City if they have been placed on or near a roadway or City property.

HYATTSVILLE CHARTER AND CODE

D. All parking meter zones in existence at the time of passage of this ordinance are hereby reaffirmed as parking meter zones.

E. The Council shall establish, from time to time, by motion, resolution or ordinance the time periods when a payment will be required at a parking meter and the amount of such payment in a parking meter zone. Times and amounts in one parking meter zone or lot may reasonably vary from the times and amounts in other parking meter zones or lots in the City.

§ 114-46. Use of parking meters. [Amended 3-5-14 by HO 2014-02]

Subject to the provisions of this Article and except in a period of emergency determined by the City or Police Department or in compliance with the directions of a police officer or traffic control sign or signal, when any vehicle is parked in any metered parking space, the operator of such vehicle shall, upon entering such parking space, immediately deposit or cause to be deposited in the parking meter for that space such proper currency of the United States or other payment as is required for such parking meter and as is designated by directions on the meter. The operator of such vehicle, after the deposit of the proper payment shall also set in operation the timing mechanism on such meter, if any, in accordance with directions properly appearing thereon. Upon the deposit of such currency or payment and the setting of the timing mechanism in operation when so required the parking space in question may be lawfully occupied by such vehicle during the period of time which has been prescribed for the parking lot or part of the street in which said parking space is located. Parking or standing a vehicle in such a parking space shall only be lawful for the period of time indicated by the parking meter upon the payment as required by the instructions on each meter.

§ 114-47. Parking regulation. [Amended 3-5-14 by HO 2014-02]

A. It shall be unlawful for any person to cause, allow or permit any vehicle registered in his/her name or any vehicle under his/her control to be or remain parked or stopped in any metered parking space, for any period of time without immediately making the required payment in the parking meter pursuant to the directions on the meter controlling the parking space.

B. It shall be unlawful for any person to permit any vehicle to remain or be placed in any parking space in an area designated for municipal employees or staff, unless the vehicle in question displays the applicable permit.

C. It shall be unlawful for any person to cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to be parked overtime or beyond the period of legal parking time established for the parking space in question or to deposit in any parking meter any payment for the purpose of parking beyond the maximum legal parking time, if any for the particular parking meter zone or space.

D. It shall be unlawful for any person to park any vehicle across any line or marking of a metered parking space or in such position that the vehicle shall not be entirely within the parking space designated by such lines or markings.

HYATTSVILLE CHARTER AND CODE

E. The loading or unloading of a truck, van or other commercial vehicle may be conducted for a brief, reasonable period on a metered parking space without making the applicable payment.

F. It shall be unlawful for any person to attempt to or to deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this Article.

G. It shall be unlawful for any person to counsel, aid or abet any violation of this Article or any failure to comply with this Article.

H. The owner of any vehicle parked in violation of or failing to comply with this Article shall be *prima facie* responsible for such violation or failure to comply.

§ 114-48. Parking violation procedures. [Amended 3-5-14 by HO 2014-02]

A. Authorized enforcement personnel as outlined in § 114-3 of this Chapter shall issue a report or ticket for each violation. The violation notice shall contain:

1. The location and number (as applicable) of the metered parking space where the vehicle occupying it is or has been parked in violation of any of the provisions of this Article.
2. The State license number of such vehicle.
3. The date and approximate time of such violation.
4. Any other facts, a knowledge of which is necessary to a thorough understanding of the circumstances, attending the violation.
5. An oath by the officer or designated employee be attached and certifying, under penalty of perjury, that the matters set forth on said citation are, to the best of his/her knowledge, true.

B. It shall be the duty of the person issuing the ticket or report to submit to the appropriate City employee, official, or department written notice of each violation of or failure to comply with the parking requirements of this Article.

C. The person issuing the ticket or report shall give the owner or driver a copy of the report of violation or, in the event that said vehicle is unattended, shall attach said notice in a conspicuous place upon the vehicle.

§ 114-49. Notification of right to stand trial; maximum fine. [Amended 3-5-14 by HO 2014-02]

A. Notification of right of trial. Upon notification or attachment to the vehicle of said notice of violation, said notice shall notify the defendant that if he/she desires to stand trial he/she may notify the Hyattsville Police Department or other designated City department at least five (5) days prior to the payment date set forth in the citation, and said department will obtain a trial date within fifteen (15) days of the date of notification by the defendant of his desire to stand trial. Further, said notice shall notify the defendant of the right to stand trial.

B. Violation of any section of this Article shall have a maximum fine of up to one hundred fifty dollars (\$150.00) unless otherwise provided. [Amended 1-17-84 by HB No. 5-84].

C. It shall be a misdemeanor to violate □ 114-47(f) punishable by a fine of up to one thousand dollars (\$1,000.00) and/or sixty (60) days imprisonment in addition to an assessment of costs for repair/replacement of the parking meter.

§ 114-50. Payment in lieu of prosecution. [Amended 1-17-84 by HB No. 1-84; 12-17-84 by HB No. 10-84, amended 6-1-98 by HR 98-02, Amended 3-5-14 by HO 2014-02]

If, upon receipt of a notice of violation herein, the owner or operator of a vehicle in question shall pay to the City or the City's agent designated on the notice the full amount of the fine pursuant to 114-73 of this Chapter.

ARTICLE VII

Miscellaneous Provisions

§ 114-70. Storage or service of vehicles upon streets or public spaces prohibited. [Amended 4-21-14 by HO 2014-04]

A. It shall be unlawful for any person owning, operating, maintaining or conducting any automobile sales, service or repair agency to store or service any automobile or vehicle of any kind or description upon any street or public space in the City.

B. It shall be unlawful for any person in a residential area to service any automobile or vehicle upon any street or public area in the city except for:

- (1) Emergency repairs;
- (2) Minor routine maintenance that does not obstruct the roadway;
- (3) Minor repairs ordinarily delivered at home such as lock and key replacement or windshield repairs.

Note: See Chapter 113.

§ 114-71. Riding on portions of vehicles not designed for passengers restricted.

It shall be unlawful for any person to ride upon any portion of any vehicle not designed or intended for the use of passengers when the vehicle is in motion; provided, however, that this provision shall not be construed to apply to any employee engaged in the performance of his duties.

§ 114-72. Handicapped parking regulations; penalty. [Amended 6-1-98 by HB 98-02, amended 10-4-04 by Ord. 2004-14, Amended 4-21-14 by HO 2014-04]

A. No person shall stand or park a vehicle in any parking space on public or private property designated as parking reserved for the physically handicapped with the proper signs or markings posted in conformance with the sign standards in the Maryland Manual, unless said vehicle displays a special registration plate or permit issued by the State of Maryland or Prince George's County with a "handicapped" or other appropriate designation.

B. Violations of this subsection 114-72 shall be punishable as misdemeanors, and the fine for each violation shall be two hundred and fifty dollars (\$250.00). [Amended 2-21-89 by HB No. 3-89; 6-1-98 by HR 98-02]

HYATTSVILLE CHARTER AND CODE

C. Nothing in this subsection is meant to relieve persons with proper signs re handicaps from paying the fees unless they can demonstrate the inaccessibility of the meter for payment.

§114-72.1. Parking on Unpaved or Unprepared Surfaces. [Amended 4-21-14 by HO 2014-04]

A. Definitions. For the purpose of this section:

(1) “Unpaved Area” shall mean any surface not completely covered by asphalt or concrete.

(2) “Unprepared Area” shall mean any surface

(a) Not completely covered by brick, block, gravel, crushed stone or other similar permeable or semi-permeable aggregate material;

(b) Not installed either pursuant to a valid permit or according to construction standards for vehicle parking; or

(c) Overgrown, covered with sediment, or not maintained.

B. It shall be unlawful to park any vehicle on the unpaved or unprepared area of any residential property except during a “Snow Emergency.”

C. It shall not be necessary to provide a full platform of the surface material under the parked vehicle, so long as the wheels of the vehicle are parked on a paved or prepared area and access to the area is likewise over a paved or prepared area.

D. Nothing contained herein shall be construed as authorizing a departure from the green area requirements of the Zoning Ordinance of Prince George’s County, Maryland. Additionally, any person utilizing any portion of their property for such purposes as outlined in this ordinance, must first be in compliance with Chapter 68, Article III and Chapter 105 Article V of the Hyattsville City Code.

E. Violation of this subsection 114-72.1 shall be punishable as a Municipal Infraction as provided in Chapter 20 of this Code. Where a Municipal Infraction has been issued for a violation of this Ordinance, each five-day period following the issuance of said citation during which any violation(s) continues uncorrected or recurs shall constitute a separate violation for which additional Municipal Infraction(s) may be issued. The fine for any single violation shall be one hundred dollars (\$100.00) and the fine for a second offense shall be two hundred fifty dollars (\$250.00) and the fine for each subsequent offense shall be five hundred dollars (\$500.00).

ARTICLE VIII

Penalty Provisions; Impoundment

§ 114-73. Violations and penalties. [Amended 10-4-04 by Ord. 2004-14, Amended 3-5-14 by HO 2014-02]

A. Election. Unless a separate procedure is provided for in this Chapter, the following procedures apply to violations of this chapter:

(1) Election by person receiving citation.

(a) Within fifteen (15) days after the date of the citation, the person receiving a citation under this chapter shall:

HYATTSVILLE CHARTER AND CODE

- (i) Pay the amount indicated on the violation directly to the city police department; or
- (ii) Choose to stand trial for the violation.

(b) A choice to stand trial shall be made by sending a notice of intention to stand for trial to the city police department within fifteen (15) days after the date on the citation.

(c) Upon the failure of the person cited to elect within fifteen (15) days after the date of the citation, the fine for the violation shall double.

(D) Upon the failure of the person to act within thirty (30) days after the date of the citation, the fine for the violation shall double again.

(2) When presence of City personnel required. If a person elects to stand for trial and desires the presence at trial of the officer or person who issued the citation, he/she shall so notify the City Police Department at the time the notice of intention to stand trial is given.

(3) If proper notification is not given, the officer or person who issued the citation need not appear at the trial, and the copy of the citation bearing the certification of the person who issued the citation is *prima facie* evidence of the facts stated in it.

B. Except where another penalty is provided for within this Chapter the fine for a violation of this Chapter shall be thirty-five dollars (\$35.00) if the person cited makes the election as outlined in this subsection 114-73(A). Without such election within fifteen (15) days, the fine shall be seventy dollars (\$70.00).

§ 114-74. Impoundment procedures; reclamation. [Amended 3-5-14 by HO 2014-02]

A. The Police Department may “boot” or take into custody and impound:

(1) Any unattended vehicle parked or left standing on any highway or street in the city or on any property owned or leased by the city in violation of any traffic or parking regulation.

(2) Any unattended vehicle for which five (5) or more outstanding parking or parking meter violation citations have accumulated and matured to the maximum fine.

B. The provisions of Title 25, Subtitle 2, of the Maryland Vehicle Law (§ 25-201 et seq. of the Transportation Article of the Annotated Code of Maryland) shall apply with respect to the removal, storage, reclamation and disposal of any vehicle taken into custody pursuant to Subsection A above.

C. In addition to any information required to be contained in the notices given under Title 25, Subtitle 2, of the Maryland Vehicle Law, information as to the nature and circumstances of the traffic or parking violation or violations on account of which a vehicle is impounded shall be given to the owner or other person normally in charge of such vehicle.

D. In addition to paying all towing, preservation and storage charges resulting from taking or placing the vehicle in custody, the owner or person normally in charge of such vehicle shall also be liable for any fine or forfeiture resulting from the violation or violations for which the vehicle was impounded, and such vehicle shall not be released until either written receipt is displayed showing payment of such fine or forfeiture or collateral in the sum of twenty-five dollars (\$25.00) per violation is posted for appearance of the owner or person normally in charge of such vehicle in the people’s court of the county to answer the violation or violations on account of which the vehicle was impounded.

§ 114-75. Flagging penalty. [Amended 6-1-98 by HR 98-02]

HYATTSVILLE CHARTER AND CODE

Any owner of a vehicle who shall receive a warning letter from the city pursuant to the provisions of the Maryland Motor Vehicle Administration's parking violation and flagging procedures or shall seek to obtain a parking fine receipt from the city in order to register said vehicle shall be subject to a fine of fifteen dollars (\$15.00) in addition to those penalties incurred as a result of other violations of this chapter.

§ 114-76. Vehicles with illegal or expired license plates. [Added 3-19-84 by HB No. 6-84; amended 12-17-84 by HB No. 10-84, amended 6-1-98 by HR 98-02, amended 10-4-04 by Ord. 2004-14, Amended 3-5-14 by HO 2014-02]

A. It shall be unlawful to park or leave standing, store or operate any vehicle requiring a license plate on any public street or any property owned or leased by the City, or any private property unless in a fully enclosed garage (see Chapter 113) unless said vehicle shall have affixed or attached thereto license plates or markers displayed conspicuously on the front and rear of said vehicle in accordance with the provisions of the Annotated Code of Maryland or, in the case of a nonresident, the State, County or territory where such vehicle is registered. **[Amended 11-7-88 by HB No. 8-88]**

B. The penalty for each violation of this subsection 114-76 shall be the sum of one hundred dollars (\$100.00). Any owner may avoid prosecution for a violation of this section by forfeiting collateral in the amount of fifty dollars (\$50.00). **[Amended 6-1-98 by HB 98-02, amended 10-4-04 by Ord. 2004-14]**

C. Any vehicle found in violation of this section is subject to impoundment. **[Added 11-7-88 by HB No. 8-88]**

D. In addition to paying all towing, preservation and storage charges resulting from taking or placing the vehicle in custody, the owner or person normally in charge of such vehicle shall also be liable for any fine or forfeiture resulting from the violation or violations for which the vehicle was impounded, and such vehicle shall not be released until either written receipt is displayed showing payment of such fine or forfeiture or collateral in the sum of fifty dollars (\$50.00) per violation is posted for appearance of the owner or person normally in charge of such vehicle in the District Court, State of Maryland, to answer the violation or violations on account of which the vehicle was impounded. **[Added 11-7-88 by HB No. 8-88]**

E. In addition to any information required to be contained in the notices given under Title 25, Subtitle 2, of the Maryland Vehicle Law, information as to the nature and circumstances of the traffic or parking violation or violations on account of which a vehicle is impounded shall be given to the owner or other person normally in charge of such vehicle. **[Added 11-7-88 by HB No. 8-88]**



City of Hyattsville

Hyattsville Municipal Bldg
4310 Gallatin Street, 3rd Flr
Hyattsville, MD 20781
(301) 985-5000
www.hyattsville.org

Agenda Item Report

File #: HCC-157-FY21

12/7/2020

11.d)

Submitted by: Schaible
Submitting Department: Legislative
Agenda Section: Discussion

Item Title:

Animal Welfare and Community Safety Act

Suggested Action:

I move that the Mayor and Council direct the City Attorney to draft an ordinance amending Chapter 52 of the Hyattsville Charter and Code to include the following:

Definitions

“Bite”

A puncture or tear of the skin.

“City Agent”

City of Hyattsville person or persons responsible for implementing and responding to animal control regulations contained in Chapter 52.

“Dangerous Animal”

A “Dangerous Animal” is a designation given by Prince Georges County Animal Services Division for animals who have a history of aggressive behavior. “Dangerous Animals” have restrictions placed upon them by the County, which can include a confinement order.

“PGCASD”

Prince George’s County Animal Services Division

“Public Nuisance Category 1”

“Public Nuisance Category 1” violations include excessive, continuous, or untimely barking, howling, or making of other noises, and defecating on property other than that of the owner without the defecation being cleaned up immediately.

“Public Nuisance Category 2”

“Public Nuisance Category 2” violations occur when a dog is off leash in public spaces or trespassing on private property.

“Public Threat Category 1”

“Public Threat Category 1” violations occur when an animal without provocation engages in threatening and menacing behaviors including growling, charging at, and snapping at humans or animals.

“Public Threat Category 2”

“Public Threat Category 2” violations occur when an animal without provocation (i) inflicts injury on a human on private or public property; (ii) kills, “bites”, or attacks an animal.

“Protocol” (also called “Standard Response Protocol”)

Tool developed by City to guide appropriate responses in implementing and responding to animal control regulations contained in Chapter 52.

“Severe Weather”

Severe weather is temperatures below 40 and above 90 degrees Fahrenheit.

“Tethering”

Attaching a dog to a stationary object or pulley run by means of a chain, rope, tether, cable, or similar restraint. Tethering does not include the use of a leash to walk a dog.

City Code Chapter 52 Implementation

Unless and until the City of Hyattsville hires a dedicated Animal Warden, The City shall designate a City Agent or City Agents for municipal implementation of Chapter 52, including amendments to Chapter 52 specified in this Motion. Possible City Agent(s) include staff from the Hyattsville Police Department or Office of Code Compliance.

The City shall, on its website, specify who the City Agent(s) are and how to contact them. This shall occur within 60 days of the passage of this motion.

Animal Welfare

Chapter 52 shall be amended to include:

*** Tethering of Dogs - Restrictions on**

Animal behaviorists have warned that unattended tethered dogs are a risk to themselves and to communities. (See Definitions for “tethering.”) Long-term tethered dogs can become stressed, territorial, and aggressive. They can also engage in self-harming behavior.

Unattended tethering of a dog longer than one cumulative hour in a 24-hour period is prohibited.

Tethering during severe weather (temperatures below 40 and above 90 degrees) is prohibited. (See Definitions.)

*** Severe Weather - Restrictions on Exposure to**

Many jurisdictions are recognizing the danger to companion animals by protracted exposure to severe weather and are creating laws to improve animal welfare requirements.

Severe weather restrictions shall include a prohibition on leaving an animal outdoors without human accompaniment or adequate shelter for more than 15 minutes during periods of severe weather (temperatures below 40 and above 90 degrees).

Violations of the severe weather ordinance shall receive a written warning for the first violation and require a **mandatory** citation for subsequent violations by the City to the owner, pursuant to Section 9 of Code Chapter 52.

Animal Behavior

Current Code labels as “Public Nuisance” behavior a series of behaviors that range from barking to severe damage to people. The code shall be amended to include two categories of behavior: “Public Nuisance” and “Public Threat” behaviors.

A. Public Nuisance

Pet owners shall provide effective care and control of their animals to prevent them from becoming a “Public Nuisance”.

Depending on severity of the violation, “Public Nuisance” infractions are divided into two categories: Category 1

and Category 2.

“Public Nuisance Category 1” violations include excessive, continuous, or untimely barking, howling, or making of other noises, and defecating on property other than that of the owner without the defecation being cleaned up immediately. “Public Nuisance Category 2” violations include dogs off leash in public spaces or trespassing on private property, unattended tethering violations, or severe weather exposure violations.

B. Public Threat

Pet owners shall provide effective care and control of their animals to prevent them from becoming a “Public Threat”.

Depending on severity of the violation, “Public Threat” infractions are divided into two categories: Category 1 and Category 2.

An animal control violation shall be deemed a “Public Threat” if it harms or threatens to harm humans or animals. “Public Threat Category 1” violations occur when an animal without provocation engages in threatening and menacing behaviors including growling, charging at, and snapping at humans or animals. “Public Threat Category 2” violations occur when an animal without provocation (i) inflicts injury on a human on private or public property; (ii) kills, “bites”, or attacks an animal.

Violations - Response To

Chapter 52 shall be amended as follows:

Code violations that are a “Public Nuisance Category 1” can receive a written warning for the first violation and require a **mandatory** citation for second and subsequent violations by the City to the owner, pursuant to Section 9 of Code Chapter 52.

Code violations that are a “Public Nuisance Category 2” shall receive a written warning for the first violation and require a **mandatory** citation for subsequent violations by the City to the owner, pursuant to Section 9 of Code Chapter 52.

Code violations that are a “Public Threat Category 1” shall receive a written warning for the first violation and require a **mandatory** citation for subsequent violations by the City to the owner, pursuant to Section 9 of Code Chapter 52.

Code violations that are a “Public Threat Category 2” shall require a **mandatory** citation by the City to the owner, pursuant to Section 9 of Code Chapter 52.

A Public Safety Alert will be issued within 72 hours informing Hyattsville residents of the bite/injury incident and the address where the animal resides. Follow-up public safety alerts will be issued to keep citizens informed.

Code Conformity, Standardization, and Training

Code Conformity

Hyattsville will conduct a review of Hyattsville Police General Orders related to animal control to ensure that these General Orders (1) mirror Chapter 52 of the Hyattsville City Code as amended, and (2) align the City’s obligations to the requirements of applicable Prince George’s County Codes on animal control.

Standard Response Protocol

Hyattsville shall develop a “Standard Response Protocol” (Protocol) within ninety days to inform appropriate

responses by all “City Agents” responsible for implementing and responding to Chapter 52 and in meeting the requirements of the Prince George’s County Codes on animal control. This will include requirements to provide county reporting, issue written warning or citations, log and track data for annual reporting, and share incident in police log.

Training

Hyattsville will require appropriate training/orientation for all “City Agents” responsible for implementing or responding to animal control regulation. Hyattsville will also train newly hired personnel, within ninety days of their hire, if they will serve as a “City Agent.” This will include education on City and County animal control laws and best practices and on how to use the “Protocol.” Training standards and frequency to be determined by City Staff.

Data Collection, Sharing, Reporting

Chapter 52 exists to protect the safety of Hyattsville residents, companion animals, and City staff. Systematic data collection, sharing, and reporting is essential to evaluate how well our animal control regulations are working to protect public safety. Currently, little reliable data is available to evaluate the effectiveness of Chapter 52 in achieving its goal of public safety.

City Data

Hyattsville will record all “Public Threat” violations and written warnings occurring within City boundaries in a prompt and timely manner.

Hyattsville will report “Public Threat” violations to the Prince George’s County Animal Services Division (PGCASD) within 24 hours, which may lead PGCASD to issue a quarantine or confinement order and identify an animal as “Dangerous”.

Hyattsville will make this data available to residents via the City Website and via Crime Reports, on a bi-monthly basis.

County Data

Hyattsville personnel sometimes report “Public Threat” violations to PGCASD. Also, Hyattsville residents sometimes report these violations directly to PGCASD without reporting these incidents to Hyattsville personnel.

Currently, Hyattsville lacks a systematic method to become aware of actions taken by PGCASD regarding these violations. This lack of information includes PGCASD designations of animals as “dangerous” and PGCASD orders requiring animal quarantine or confinement.

Gaining access to PGCASD animal control software can help fill these gaps. This software will provide the City with data regarding the location of dogs identified as “dangerous” and allow the City to comply with annual reporting requirements. As such, Hyattsville shall obtain a “read-only” license from PGCASD to their animal control software system “Chameleon” within ninety (90) days of passage of this motion. (See “Background” for PGCASD’s offer to share Chameleon software with Hyattsville.)

Annual Report

By January 31st of each year, Hyattsville shall prepare an Annual Report including pertinent data from the previous calendar year. This report shall also be made available to the general public and be presented to Hyattsville’s Mayor and City Council.

At the Municipal and County level, this data shall include all “Public Nuisance” incidents (e.g., at-large dog incidents) and all “Public Threat” incidents. It will also include City and PGCASD actions taken in response to the violations, including but not limited to citations, animals reported by Hyattsville to PGCASD following “Public Threat” violations, an inventory of dogs identified as “Dangerous” by the County, and any animals under quarantine or confinement orders by the County. The report shall include all “Public Threat, Category 2” Public Safety Alerts issued. The report shall include a list of all “City Agents”, including the completed animal control training/orientation.

Summary Background:

Current regulations and enforcement of animal control issues in Hyattsville are unclear, haphazard, and have contributed to tragic outcomes for Hyattsville residents and companion animals. This amendment to Hyattsville Code Chapter 52 creates clear expectations for preventing and responding to animal aggression in Hyattsville and creates new protections to promote the humane treatment of companion animals.

In a meeting with Chief Rodney Taylor of the PGCASD on 11/13/2019, Mr. Taylor offered to provide Hyattsville with a “read only” software license for Chameleon, the software system that PGCASD uses to log its actions and record locations of confined and quarantined animals. Once obtained, this software will provide Hyattsville with valuable information regarding any confinement or quarantine orders that have been issued by PGCASD within City limits.

Much credit is owed to the Hyattsville group Residents United for Furry Friends (RUFF) for helping identify shortcomings in our existing code and researching and recommending improvements.

Next Steps:

The City Attorney, in consultation with Council Member Schaible, the Hyattsville Chief of Police, and the Hyattsville Director of Community and Economic Development, will review and edit (as needed) the ordinance for discussion and action by the Mayor and Council.

Fiscal Impact:

Following animal aggression incidents, there will be additional expectations to report and follow-up with PGCASD, but Hyattsville will still rely on PGCASD to adjudicate dog bites, and maintain the list of dangerous animals, quarantine orders, and confinement orders. Code enforcement responsibilities will be expanded modestly with clear expectations set regarding implementation of Chapter 52, and enforcement of the new rules regarding restrictions on tethering and exposure to severe weather.

City Administrator Comments:

Staff comments are provided in consultation with Police Department and Community & Economic Development staff. The marked-up version is included to provide the Council with ongoing discussion and additional context. While there may need to be ongoing discussion and coordination on the overall modifications, the staff can identify a contact number/email for dissemination to the community to capture animal control calls. The majority of incidents would continue to be handled by PGC Animal Control, but we can continue coordination to leverage PGC Animal Control data through GIS and create a report and mapping tool for animal control incidents. The captured data can include the City response to Chapter 52 incidents.

Community Engagement:

TBD

Strategic Goals:

Goal 3 - Promote a Safe and Vibrant Community

Legal Review Required?

Pending

Animal Welfare and Community Safety Act Motion Overview

Citizens of Hyattsville are concerned about how the City handles dangerous, at-large, or neglected dogs. To advocate for better administration of animal control these citizens formed the group Residents United for Furry Friends (RUFF). Problems identified with existing animal control administration in Hyattsville include inconsistent enforcement, unclear regulations, and inadequate public communications. RUFF has been meeting for the last year looking at ways to strengthen Chapter 52 (Animal Control) of the Hyattsville Code. As proposed, the Animal Welfare and Community Safety Act would update Ch. 52 of the City Code in the following ways:

- Updates animal welfare provisions to reflect modern standards and to be consistent with Prince George’s County legislation, such as restrictions on tethering and exposure to severe weather;
- Categorizes animal control violations as a Public Nuisance violation (less severe) or a Public Threat violation (more severe);
- Clarifies enforcement procedures by:
 - Requiring the City to designate persons responsible for responding to Chapter 52 municipal infractions;
 - Specifying when violations require a municipal infraction;
 - Requiring the City to review and adapt Police General Orders to the requirements of Chapter 52 and applicable Prince George’s County laws;
 - Requiring the City to develop a Standardized Response Protocol for violations;
 - Requiring annual training for the City’s designated responding agents;
 - Requiring coordination and reporting to Prince George’s County Animal Services Division (PGCASD) following animal aggression incidents;
- Enhances public awareness and preparedness on animal control issues by:
 - Ensuring residents are informed of incidents that may present a threat to public health or safety;
 - Requiring the City to collect and maintain data on animal control complaints and on actions taken in response to complaints and violations;
 - Requiring the City to prepare an annual report on Chapter 52 complaints and actions to present to the Mayor and City Council, and to be made available to the public.

Staff Comments

1. Updates to Chapter 52 regarding standards and enforcement to align with new County standards, through Municipal Infractions, will, as always, require review by the City Attorney.
2. In order to determine fiscal impact, additional information will be required specific to proposed scope of services, if the City becomes the enforcement agent and/or if there is intent for a position to be created to manage animal control related workflow. These are very different scopes of work and related personnel and capital costs. If the request is for additional staffing for either a liaison or dedicated enforcement, in lieu of County services, a fiscal analysis will be required by the City Treasurer to determine adjustments to tax differential and projected expenditures.
3. The City has the ability to leverage PGC Animal Control data through our GIS operation, and could create a story map reporting and an annual report to City Council. Staff would create a mapping tool that would be appropriate for 'animal control incidents. It will include the City's response to Chapter 52 incidents. however for the purposes of providing an example 'story map' please visit:
 - a. <https://hyattsville.maps.arcgis.com/apps/MapTour/index.html?appid=235a77075d0b403eb45e18ec04598540>

Chapter 52

DOGS AND OTHER ANIMALS

[Amended 4-5-04 by HO-2004-09]

- § 52-1. Confinement; exception.
- § 52-2. Actions considered public nuisance.
- § 52-3. Confinement of female dogs and cats in heat required.
- § 52-4. Care and treatment of animals.
- § 52-5. Appointment of special Animal Warden; use of county agency.
- § 52-6. Impoundment.
- § 52-7. Notification of owner upon animal impoundment.
- § 52-8. Trapping, poisoning, or shooting animals.
- § 52-9. Violations and penalties.
- § 52-10. Prohibited animals.

†Related legislation is found in Chapter 65, Article VII, Solid Pet Waste.

[HISTORY: Adopted by the Mayor and City Council of the City of Hyattsville: Art. 1, 11-19-73; Art. II, 12-1-69. Art. II amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Municipal infractions - See Ch. 20.

§ 52-1. Confinement; exception.

Dogs, cats and other animal pets shall be confined at all times to the premises of their owners, except when under the immediate and effective control of a responsible person, specifically on a leash not to exceed six (6) feet in length.

§ 52-2. Actions considered public nuisance. [Amended 4-5-04 by HO-2004-09]

A. No owner shall fail to provide effective care and control of his animals to prevent them from becoming a public nuisance. Excessive, continuous or untimely barking, howling or making of other noises, molesting passersby, chasing vehicles, habitually attacking other domestic animals, trespassing upon school grounds or trespassing upon any other property in such a manner as to damage the property or excreting on property other than that of the owner shall be deemed a nuisance.

B. No person owning, keeping or having custody of a dog or cat, except a seeing eye dog, shall allow or permit excrement of such animal to remain on public property, including streets or private property without the consent of the owner or occupant thereof. The person owning, keeping or having custody of the animal shall immediately remove and properly dispose of the excrement deposited by the animal.

§ 52-3. Confinement of female dogs and cats in heat required.

The owner of any female dog or cat shall confine said dog or cat in heat within a building or secure enclosed kennel with a top in such a manner that such female dog or cat cannot come in contact with another animal except for planned breeding within the building or enclosure.

§ 52-4. Care and treatment of animals. [Amended 4-5-04 by HO-2004-09]

HYATTSVILLE CHARTER AND CODE

It shall be a violation of this Article for the owner of any domestic or kept animal to fail to provide said animal with sufficient good and wholesome food and water, clean and sanitary surroundings and shelter and protection from the weather, veterinary care when needed to prevent suffering or the transmission of communicable disease, humane care and treatment, and it shall be a violation to abandon an animal, to beat, ill treat, torment, overload, overwork or otherwise abuse any animal or cause or permit any animal to fight or become engaged in combat between animals or between animals and humans.

§ 52-5. Appointment of special Animal Warden; use of county agency. [Amended 4-5-04 by HO-2004-09]

The Mayor and City Council shall be authorized to appoint a special Animal Warden or other City agent empowered to enforce this Code and said Animal Warden shall be under the direction of the Chief of Police or Code Enforcement Supervisor or shall call upon the Prince George's animal shelter to assist the Police Department in impounding any dog or cat found at large in violation of this chapter.

§ 52-6. Impoundment.

A domestic pet found at large without a license tag shall, except as provided in this chapter, be impounded by the Animal Control Warden or other agent empowered to enforce this Code and taken to the animal control shelter.

§ 52-7. Notification of owner upon animal impoundment. [Amended 4-5-04 by HO-2004-09]

Upon impounding an animal, the Animal Control Warden or other agent empowered to enforce this Code shall cause a prompt and reasonable effort to be made to locate and notify the animal's owner.

§ 52-8. Trapping, poisoning, or shooting animals. [Amended 3-3-80 by HB No. 1-80, Amended 4-5-04 by HO-2004-09]

It is prohibited to trap, poison, shoot or otherwise kill any animal, unless trapping in a humanitarian trap for the purposes of spaying, neutering, or improving the condition of a wild, homeless or injured animal.

§ 52-9. Violations and penalties. [Amended 3-3-80 by HB No. 1-80; 3-3-80 by HB No. 2-80; by HB No. 7-82, Amended 6-1-98 by HR 98-03, Amended 7-16-01 by HO-2001-03, Amended 4-5-04 by HO-2004-09]

A. Violations of this Article shall be punishable as a municipal infraction as provided in Chapter 20 of this Code. With the exception of §52-4, the fine for the first violation shall be one hundred dollars (\$100.00) and the fine for the second and subsequent violations will be two hundred dollars (\$200.00).

B. In the case of a verified cruelty or neglect charge, as pertains to § 52-4, the fine for the first violation shall be two hundred fifty dollars (\$250.00) and the fine for the second and subsequent violations will be five hundred dollars (\$500.00).

§ 52-10. Prohibited animals. [Amended 4-5-04 by HO-2004-09]

Keeping livestock, domestic fowl and/or wild exotic rare animals is prohibited within the City. This includes but is not limited to: cattle, horses, swine, sheep, pigs, goats, turkeys, roosters and other poultry and game birds, or wild exotic cats, monkeys, venomous snakes and any endangered species.



City of Hyattsville

Hyattsville Municipal Bldg
4310 Gallatin Street, 3rd Flr
Hyattsville, MD 20781
(301) 985-5000
www.hyattsville.org

Agenda Item Report

File #: HCC-156-FY21

12/7/2020

13.a)

Submitted by: Sean Corcoran
Submitting Department: City Clerk
Agenda Section: Community Notices and Meetings

Item Title:
Main City Calendar December 8 - December 21, 2020

Suggested Action:
N/A

Summary Background:
N/A

Next Steps:
N/A

Fiscal Impact:
N/A

City Administrator Comments:
N/A

Community Engagement:
N/A

Strategic Goals:
Goal 1 - Ensure Transparent and Accessible Governance

Legal Review Required?
N/A

City Calendar: December 8 – December 21, 2020

City Council meetings will continue as scheduled and will be accessible to the public through web stream and cable. Public comment will be accepted electronically, and participants can join the virtual meeting after registration. For more information visit: hyattsville.org/meetings

Hyattsville Environment Committee Meeting

Tuesday, December 8th, 7:00 PM (Virtual Meetings)

Police and Public Safety Advisory Committee Meeting

Wednesday, December 9th, 7:30 PM (Virtual Meeting)

Ethics Commission Meeting

Thursday, December 10th, 5:00 PM (Virtual Meeting)

Hyattsville Park Name Selection - Joint Meeting of the Health, Wellness, and Recreation Advisory Committee and the Race and Equity Task Force

Thursday, December 10th, 7:00 PM (Virtual Meeting)

Claus Applause Judging

Wednesday, December 16th, 6:30 PM (Citywide)

Code Compliance Advisory Committee Meeting

Wednesday, December 16th, 7:00 PM (Virtual Meeting)

Education Facilities Task Force Meeting

Thursday, December 17th, 7:00 PM (Virtual Meeting)

Age-Friendly Hyattsville Work Group Meeting

Friday, December 18th, 11:00 AM (Virtual Meeting)

City Council Meeting

Monday, December 21st, 7:00 PM (Virtual Meeting)

All events scheduled for December 21, 2020 and beyond may still be subject to cancellation due to the COVID-19 emergency. For updated details on meetings and events, visit hyattsville.org

The following weekly program offerings and City events are canceled through Monday, December 21, 2020:

- Ageless Grace Exercise Classes
- Community Yoga
- Senior Bus Trips
- Police Ride-Alongs
- Invasive Plant Removals

Main City Calendar: December 8 – December 21, 2020

The following services will be suspended or limited through Monday, December 21, 2020:

- Notary and Fingerprint Services
- Licensing and Permitting
- Call-a-Bus for Seniors Transportation Services will continue for essential trips only such as medical appointments and grocery store trips.
- Bulk Trash Pickup

The following services and activities will continue as scheduled:

- Police patrols and emergency response
- Solid waste, recycling, and compost collections
- Parking enforcement