



CITY COUNCIL AGENDA

**Municipal Building
25 Crescent Road
Council Chambers
Monday, October 28, 2019
8:00 PM**

I. ORGANIZATION

1. Call to Order
2. Roll Call
3. Meditation and Pledge of Allegiance to the Flag
4. Consent Agenda
5. Approval of Agenda and Additions

II. COMMUNICATIONS

6. Presentations
 - 6a. Bat Week Proclamation
Suggested Action: The week of October 24-31, 2019, is Bat Week. The Local Girl Scout Troops 23007 and 27, will be present to receive the proclamation.

[Bat Week 19 proc.pdf](#)
 - 6b. Non-Profit Awareness Month
Suggested Action:
This year is the eighth annual Prince George's County Nonprofit Awareness Month. The event is sponsored by the Human Services Coalition of Prince George's County. Representatives from Greenbelt's nonprofits have been invited to attend tonight's meeting to receive a proclamation announcing the City's support and recognition of nonprofits during the week of October 28, 2019.
[Nonprofit Month 19 proc.pdf](#)

6c. Municipal Government Month Proclamation:

Suggested Action:

November is Municipal Government month. In recognition of the event, the City sponsors many activities that display government in action, including the Community Health and Wellness Fair, Walk to School Day, "If I Were Mayor" contest for fourth grade students, Welcome Packet program, Fall Fest, Costume Parade, Shredding Event and Electronics Recycling event, and has featured various pictures and videos throughout the month showing Greenbelt's Municipal Government in action on the City's social media sites. Additionally, the City has been flying the Municipal Government Works flag outside the Municipal Building during the month. Beverly Palau, the City's Public Information and Communications Coordinator, will receive the proclamation on behalf of the City.

[Municipal Government Month Proclamation 2019.pdf](#)

7. Petitions and Requests

*8. *Minutes of Council Meetings

Suggested Action:

Reference:

Work Session, June 19, 2019

Regular Meeting, July 8, 2019

Work Session, September 4, 2019

[WS190619.pdf](#)

[RM190708.pdf](#)

[WS190904.pdf](#)

9. Administrative Reports

*10. *Committee Reports

III. LEGISLATION

11. A RESOLUTION COMMENCING RENEWAL PROCEEDINGS UNDER THE FEDERAL CABLE COMMUNICATIONS POLICY ACT OF 1984 AND CONFIRMING AUTHORITY TO CONDUCT PROCEEDINGS AND TO TAKE SUCH ACTIONS AS ARE APPROPRIATE TO COLLECT INFORMATION AND OTHERWISE COMPLY WITH THE REQUIREMENTS OF THE FEDERAL CABLE COMMUNICATIONS POLICY ACT OF 1984

Suggested Action:

Reference:

Letter, 06/21/2019

Resolution

The City of Greenbelt received a letter from Verizon Maryland Inc on May 23, 2019, requesting the commencement of franchise renewal proceeding. The City's Franchise Agreement with Verizon is set to expire on January 8, 2022. The City responded to the receipt of that letter on June 24, 2019. Since the City's franchise is in the 30-36 month negotiating window outlined in the Section 626(h) of the Federal Cable Communications Policy Act of 1984 (Cable Act) we are required to pass a resolution commencing negotiations in order to obtain certain

information, gather public comment and preserve our right in both the Formal and Informal Negotiating process. Once the resolution is passed, the City will contact Verizon that it has been done and we will begin the negotiating process. It is expected that the City will work with other municipalities and Prince George's County in a coalition on these negotiations.

Ms. Davis introduced this Resolution on October 15, 2019. It is recommended for second reading and adoption at tonight's meeting.

[Letter, 06/21/2019.pdf](#)
[Resolution.pdf](#)

IV. OTHER BUSINESS

12. Draft State Consolidated Transportation Program (CTP), FY 2020-2025

Suggested Action:

Reference:

Memorandum, J Howerton 10/22/2019

Memorandum, J Howerton 10/22/2019 (Attachments)

Draft Letter

Prince Georges County Priority Letter

The City planning staff has reviewed the Draft FY 2020-2025 Maryland Department of Transportation Consolidated Transportation Program (CTP) as well as attended a staff level review session with County and State representatives on October 17, 2019. The annual tour meeting is scheduled for November 1, 2019 at 10:00 a.m. at the County Administration Building in Upper Marlboro.

The FY 2020-2025 CTP totals \$15.3 billion compared to FY 2019-2024 CTP at \$16 billion. Five projects were added to the construction program at a cost of \$52.9 million. For the second year in a row, the full interchange along I-95/I-495 at the Greenbelt Metro Station is still not included in the CTP. Funding in the amount of \$34.7 million (\$27.8 million in federal funds) has been allocated for planning activities for the Baltimore Washington SC MAGLEV project through the year 2021. Concurrently, planning activities are underway and a total of \$139.6 million in funding has been allocated through 2022 for the Traffic Relief Plan (referred to in the CTP as the I-270 Eisenhower Memorial Highway, and I-495, Capital Beltway).

Despite the MD-193 Greenbelt Road Streetscape Project being a transportation priority of the County and the City, the project continues to not be included in the CTP. Staff recommends City Council transmit a letter to the Transportation Secretary stating the City Council's opposition to: the SC MAGLEV project, the Traffic Relief Plan, MD 201 extended, and the removal of funds for the Full interchange at Greenbelt Metro Station project from the Construction. Staff also recommends City Council request the MD 193 Greenbelt Road Streetscape Project be added to the CTP. As has been done previously, the letter will address those projects and initiatives that the City supports.

[Draft CTP FY 2020-2025 Staff MEMO.pdf](#)
[MEMO Attachments Draft CTP FY 2020-2025.pdf](#)
[Letter 2020.pdf](#)
[PG County Priority Letter.pdf](#)

13. Opposition to Bureau of Engraving and Printing facility at Beltsville Agriculture Research Center (BARC) site

Suggested Action:

Reference:

Email, N. Ard, 10/25/2019

Email, D. Chuck, 10/25/2019

Council members Byrd and Roberts requested that this item be included on the agenda.

[Email, N. Ard, 10.25.2019.pdf](#)

[Email, D. Chuck, 10.25.2019.pdf](#)

14. County Legislation - CB-46-2019 (Animal Control Ordinance)

Suggested Action:

At the Work Session on October 16 this bill was referenced by Council Chair Turner. Mayor Pro Tem Davis requested this item be added to this evening's agenda.

CB-46 would make changes to the Prince George's County Animal Control Ordinance. Staff has not had an opportunity to review the Ordinance in depth. There was discussion of this Ordinance at the Four Cities Coalition Meeting.

Council direction is sought.

[CB-46-2019.pdf](#)

[Fact Sheet distributed at 4-Cities Meeting.pdf](#)

15. Council Activities

16. Council Reports

17. *Renewal of Fire Station Lease

Suggested Action:

Reference:

New Lease

Current Lease

The City's lease with the Greenbelt Volunteer Fire Department and Rescue Squad (GVFD) expires on October 31, 2019. The Fire Department would like to renew the lease.

There is one change being made to the Lease. Based on a recommendation from the City Solicitor, the minimum coverage requirement for liability insurance in Section 19 has been increased from \$1,000,000 to \$2,000,000. Brian Rudy, GVFD President and Nicole Ard, City Manager, have signed the new Lease.

Approval of this item will indicate Council's approval of the lease with GVFD.

[Lease 2019.pdf](#)

18. *Letter of Support - Municipal Collaboration
Suggested Action:

The Municipal Collaboration consists of 58 jurisdictions located in Prince George's, Calvert, Charles, Montgomery, Howard, Carroll, Baltimore and Anne Arundel County. Initially is consisted of 18 municipalities in Prince George's County as well as the County itself. The City has participated since 2015.

The Municipal Collaboration was formed to obtain grant funding from the Maryland Energy Administration (MEA) Empower Clean Energy Communities and the Department of Housing and Community Development Community (DHCD) Community Legacy grant programs. This grant funding is then used to provide energy efficiency upgrades for low to moderate income homeowners in the county.

The Municipal Collaboration is seeking support from member communities for its Fiscal Year 2020 grant applications for the MEA Empower LMI Communities and the DHCD Community Legacy Grant Programs. This Letter of Support will facilitate participation in the Municipal Collaboration.

Approval of this item on the consent agenda will indicated Council approval of the Letter of Support.

[2020 Grant Opportunity Flier and docs English.pdf](#)
[Municipal Collaboration Support Letter.doc](#)

- *19. * Resignation from Advisory Groups
Suggested Action:
Reference: Email, R. Lonicki, 10/22/2019

Ronald Lonicki has submitted his resignation from the Arts Advisory Board.

Approval of this item on the consent agenda will indicate Council's intent to accept resignation with regret

V. MEETINGS

Meetings

[meetings.pdf](#)

Stakeholders

[Stakeholder Schedule.pdf](#)

City Council Agenda Item Report

Meeting Date: October 28, 2019

Submitted by: Bonita Anderson

Submitting Department: Administration

Item Type: Proclamation

Agenda Section:

Subject:

Bat Week Proclamation

Suggested Action:

The week of October 24-31, 2019, is Bat Week. The Local Girl Scout Troops 23007 and 27, will be present to receive the proclamation.

Attachments:

[Bat Week 19 proc.pdf](#)

PROCLAMATION

WHEREAS, bats contribute substantially to the economy of the United States by protecting American forests and agriculture from crop-damaging insect pests and by providing the fundamental benefit of pollination; and

WHEREAS, recent bat population losses from White-nose Syndrome and other factors require attention to ensure the sustainability of our food production systems and protect environmental and human health; and

WHEREAS, it is critically important to continue Federal, state, and local efforts to promote the health of bat populations and to increase the quality and quantity of bat roosting and foraging habitat; and

WHEREAS, Bat Week events are celebrated across the United States and abroad to promote a new appreciation of their value to healthy ecosystems and human health, and to help dispel myths about bats, disassociating them from the misdirected fear related to Halloween and “Dracula”, and;

WHEREAS, local Girl Scout Troops 23007 and 27 have recently completed education and conservation service projects focused on bats.

NOW, THEREFORE, in recognition of the vital significance of protecting the health of bat populations, I, Emmett V. Jordan, by the authority vested in me by the citizens and City Council of Greenbelt, do hereby proclaim October 24–31, 2019, as

GREENBELT BAT WEEK

I call upon all Greenbelters to join me in celebrating the significance of bats with appropriate observances and activities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Greenbelt, Maryland, to be affixed this 28th day of October 2019.

EMMETT V. JORDAN, Mayor

ATTEST: Bonita Anderson, City Clerk

City Council Agenda Item Report

Meeting Date: October 28, 2019

Submitted by: Bonita Anderson

Submitting Department: Administration

Item Type: Proclamation

Agenda Section:

Subject:

Non-Profit Awareness Month

Suggested Action:

This year is the eighth annual Prince George's County Nonprofit Awareness Month. The event is sponsored by the Human Services Coalition of Prince George's County. Representatives from Greenbelt's nonprofits have been invited to attend tonight's meeting to receive a proclamation announcing the City's support and recognition of nonprofits during the week of October 28, 2019.

Attachments:

[Nonprofit Month 19 proc.pdf](#)

PROCLAMATION

WHEREAS, the eighth annual Prince George's County Nonprofit Awareness Month is organized by the Human Services Coalition of Prince George's County; and

WHEREAS, Nonprofit Awareness Month is a county-wide celebration of nonprofits, the great work that they do and the wonderful people who enable them to sustain excellence in service and leadership; and

WHEREAS, the purpose of Nonprofit Awareness Month is to educate the public about the invaluable economic and quality of life contributions made by nonprofits every day throughout Prince George's County; to distinguish and acknowledge excellence in service and leadership among the county's nonprofit organizations; and to celebrate community supporters – board members, volunteers, businesses, etc. – whose investments engender sustainability and growth for the county's nonprofits; and

WHEREAS, nonprofits make valuable economic and quality of life contributions every day in communities throughout Prince George's County; and

WHEREAS, the theme of Nonprofit Awareness Month 2019 "I'm **IN**: **IN**spired to serve ... **IN**volved with community... **IN**vested in nonprofits"; and

WHEREAS, the objectives of Nonprofit Awareness Month are to mobilize county nonprofits to raise public awareness about the nonprofit sector; foster collaborations and generate the strides to excellence among county nonprofits; and to encourage Prince George's County citizens, businesses, and stakeholders to support nonprofits through volunteerism, philanthropy, and overall engagement.

NOW, THEREFORE, I, Emmett V. Jordan, by the authority vested in me by the citizens and City Council of Greenbelt, do hereby proclaim the week of October 28th 2019

NONPROFIT AWARENESS WEEK

In Greenbelt, during which we will join our local nonprofits as they celebrate their achievements and look to the bright future that nonprofits will help create.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Greenbelt, Maryland, to be affixed this 28th day of October 2019.

EMMETT V. JORDAN, Mayor

ATTEST: Bonita Anderson, City Clerk

City Council Agenda Item Report

Meeting Date: October 28, 2019

Submitted by: Bonita Anderson

Submitting Department: Administration

Item Type: Proclamation

Agenda Section:

Subject:

Municipal Government Month Proclamation:

Suggested Action:

November is Municipal Government month. In recognition of the event, the City sponsors many activities that display government in action, including the Community Health and Wellness Fair, Walk to School Day, "If I Were Mayor" contest for fourth grade students, Welcome Packet program, Fall Fest, Costume Parade, Shredding Event and Electronics Recycling event, and has featured various pictures and videos throughout the month showing Greenbelt's Municipal Government in action on the City's social media sites. Additionally, the City has been flying the Municipal Government Works flag outside the Municipal Building during the month. Beverly Palau, the City's Public Information and Communications Coordinator, will receive the proclamation on behalf of the City.

Attachments:

[Municipal Government Month Proclamation 2019.pdf](#)

PROCLAMATION

WHEREAS, there are 157 municipalities in the State of Maryland, and municipal residents account for more than one-third of our state's population; and

WHEREAS, municipalities represent the most responsive level of government, allowing citizens to have direct access to their elected officials; and

WHEREAS, Greenbelt, like other municipalities, strives to enhance its citizens' quality of life by providing a full range of services and programs, including police, public works, social services, recreation, planning and community development, administration, and finance; and

WHEREAS, in conjunction with Municipal Government Month, the City flies the Municipal Government flag at the Municipal Building and sponsors many activities that display government in action, including the Community Health and Wellness Fair, the Walk to School Day, the "If I Were Mayor" contest for fourth grade students, the Welcome Packet program, FallFest, The Halloween Costume Parade and Electronics Recycling and features various events throughout the month showing Municipal Government in action on the Greenbelt's social media sites.

NOW, THEREFORE, I, Emmett V. Jordan, by the authority vested in me by the citizens and City Council of Greenbelt, do hereby proclaim November 2019 to be

MUNICIPAL GOVERNMENT MONTH

in the City of Greenbelt and join the Maryland Municipal League and our sister cities and towns in educating our residents about local government and in celebrating the importance and success of municipal government throughout our state.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Greenbelt, Maryland, to be affixed this 28th day of October 2019.

EMMETT V. JORDAN, Mayor

ATTEST:

Bonita Anderson, City Clerk

City Council Agenda Item Report

Meeting Date: October 28, 2019

Submitted by: Shaniya Lashley-Mullen

Submitting Department: Administration

Item Type: Meeting Minutes

Agenda Section:

Subject:

*Minutes of Council Meetings

Suggested Action:

Reference:

Work Session, June 19, 2019

Regular Meeting, July 8, 2019

Work Session, September 4, 2019

Attachments:

[WS190619.pdf](#)

[RM190708.pdf](#)

[WS190904.pdf](#)

WORK SESSION OF THE GREENBELT CITY COUNCIL held Wednesday, June 19, 2019, to meet with Greenbelt Access Television, Inc. (GATe).

Mayor Jordan started the meeting at 8:02 p.m. The meeting was held in room 201 of the Greenbelt Community Center, 15 Crescent Road.

Present were: Councilmembers Colin A. Byrd, Judith F. Davis, Leta M. Mach, Silke I. Pope Edward V. J. Putens, Rodney M. Roberts (8:06) and Mayor Emmett V. Jordan (8:04).

Staff present were: Nicole Ard, City Manager; Beverly Palau, Public Information and Communications Coordinator; and Shaniya Lashley-Mullen, Administrative Assistant.

Also present were: Robert Zugby, Vice President of GATe Board of Directors; Frank Gervasi, President of GATe Board of Directors; Claude Aubert, GATe Board Member; Deborah Hartwick, GATe Board Member; George Kochell; GATe Production Manager and Animation Instructor; Rev. Ray Raysor, GATe Board Member; Rene Sewell Raysor, Treasurer of GATe Board of Directors; Alan Haley, Staff Member at GATe; Phoebe McFarb, Station Manager at GATe; Andy Zmidzinski, Executive Director at GATe; Kelly Baker, GATe Board Member; Konrad Herling, City Council Liaison and Secretary of GATe Board of Directors, and others.

Mr. Gervasi gave a summary of all the upgrades that GATe has done in the last nine months and provided Council with a four-page list of all the productions. He stated Mr. Zmidzinski was the new CEO that was hired and the station has a whole new look, including a new cloud based playout system. Mr. Zmidzinski noted GATe is online and is live streaming programs.

There was discussion on GATe upgrading its teaching programs. Mr. Zmidzinski advised GATe started various boot camp series. He indicated six people attended Final Cut Boot Camp and it lasted for six hours. He also noted there was a boot camp on Running Cameras that also was a six-hour class.

Mr. Zmidzinski answered Mayor Jordan's question stating he wanted GATe to be the community station, covering all types of events around the City; some are City sponsored events. Mr. Zmidzinski stated he would like GATe to go anywhere a community member could go. He indicated that GATe will do two minute stories and have programs that run an hour long, but also recycle the same 15-20 minute programs within that hour. Mr. Zmidzinski said that GATe is still in the beginning stages of what stories are being covered. He advised that GATe provide updates on the Old Greenbelt Theater and two or three "Greenbelt Minutes" per month. Mr. Zmidzinski also explained GATe just started doing a talk show with the Greenbelt News Review.

Ms. Mach asked if GATe is eliminating half hour topical shows. Mr. Zmidzinski answered saying if someone brings in topical a show, GATe would run the show, but people are not producing those types of shows. They are overwhelmed on what it takes to produce them.

Mr. Zmidzinski answered Ms. Davis's question stating that GATe doesn't have to be exclusive. Ms. Palau and her team can film the whole event and GATe can come and shoot snippets.

Mr. Gervasi answered Mayor Jordan's question stating all members of the board of directors are members of GATe. Ms. McFarb stated that there are currently about 30 members. Mr. Zmidzinski said that about 120 newsletters are distributed.

Mr. Zmidzinski answered Ms. Davis's question stating to use GATe's equipment, a person would have to take the following classes: an orientation class, a camera class, and an editing class. The cost of membership is \$25.

Mr. Zmidzinski stated he would like to have monitors around the City that play nothing but the GATe channel. Mr. Zmidzinski suggested a couple of locations: GATe's door, the side of the New Deal Café where there are flyers for the bands, at the Old Greenbelt Movie Theater and Realty One. He also suggested placing two monitors at the information desk at the Community Center, playing the GATe and the City channel.

Mr. Zugby said GATe would like to be a part of the City's survey during election time to poll the audience size to see how many residents watch GATe programs and what mode.

Mr. Putens asked Mr. Zmidzinski if GATe considered placing monitors in Greenbelt East and Greenbelt West. Mr. Zmidzinski stated he would like to discuss the idea.

Mr. Herling stated that with the respect of monitors GATe didn't need to think exclusively, it's something the City operation can be a part. Mr. Herling said that members of GATe and Ms. Palau could work through the MOU to see if items needed to be amended.

Mr. Gervasi answered Mayor Jordan's question stating GATe received \$170,000 from the Public, Government, and Educational (PEG) Fees. He stated it changes quarterly and it has been going down slightly every year. Mr. Gervasi said GATe would be more active applying for grants. Mr. Gervasi advised GATe's budget is \$190,000.

There was discussion on who was handling the videography of the Labor Day Festival. Ms. Palau said there wasn't a staff-level discussion. Historically, Ms. Palau said City Staff would handle Friday and Sunday, GATe did Saturday, and there were dates that they both shared. Mayor Jordan said he would like to see collaboration between the City and GATe. Mayor Jordan also stated that with staff time, the City didn't have the capacity to cover all the events.

There was discussion on the MOU. Ms. Davis stated the purpose of the MOU was for GATe to receive rent credit. Ms. Davis said since GATe doesn't want to receive the rent credit anymore, then they shouldn't have to provide an annual report. Mayor Jordan indicated he would like to see the annual report. Mr. Gervasi stated that GATe would like to continue to receive the rent credit. Mr. Zugby answered Mayor Jordan's question stating he had negative feelings towards the MOU since the beginning. Mr. Zugby indicated that the City wanted to charge GATe rent, and that's how the MOU came about. Mr. Putens stated that GATe is still receiving the franchise fees and there needs to be accountability for expenditures so he would like to continue to receive the annual report. Mr. Herling stated GATe should maintain the annual report as it benefits the public and helps with securing grants.

Mr. Zmidzinski stated that currently the GATe studio is a classroom, meeting space and studio. He advised GATe needs a separate space for a computer lab. Mayor Jordan suggested the computer lab at Springhill Lake Recreation Center. Ms. Davis suggested office space at Roosevelt Center. Mr. Gervasi stated the location GATe is in could either be a great studio or classroom but not both. He stated the ideal location for a classroom is below their current location.

Mr. Putens left the meeting at 9:25 pm.

Informational items were discussed.

The meeting ended at 9:33 p.m.

Respectfully submitted,

*Shaniya Lashley-Mullen
Administrative Assistant*

DRAFT

REGULAR MEETING OF THE GREENBELT CITY COUNCIL held Monday, July 8, 2019.

Mayor Jordan called the meeting to order at 8:01 p.m.

ROLL CALL was answered by Councilmembers Colin A. Byrd, Judith F. Davis, Leta M. Mach, Rodney M. Roberts, and Mayor Emmett V. Jordan. Councilmembers Silke I. Pope was absent due to an illness and Edward V.J. Putens was absent due to business.

ALSO PRESENT were Nicole Ard, City Manager; David E. Moran, Assistant City Manager; Terri Hruby, Director of Planning and Community Development; Molly Porter, Community Planner; Todd Pounds, City Solicitor; and Shaniya Lashley-Mullen, Administrative Assistant.

Mayor Jordan asked for a moment of silence in honor of Greenbelt residents Rossana Del Vecchio and Anna Marrichi and former Greenbelt residents Gary Swank and Elizabeth Jay. Mr. Roberts then led the pledge of allegiance to the flag.

CONSENT AGENDA: Mayor Jordan requested that #10 Committee Reports added to the consent agenda and have #18 Approval of Friends of the Greenbelt Museum removed from the consent agenda. With the above changes, it was moved by Ms. Davis and seconded by Ms. Mach that the consent agenda be approved with that amendment. The motion passed 5-0.

Council thereby took the following actions:

Minutes:

Work Session, December 19, 2018
Budget Work Session, April 03, 2019
Budget Work Session, April 10, 2019
Budget Work Session, May 01, 2019
Budget Work Session, May 15, 2019
Approved as presented.

Committee Reports:

Green Advisory Committee on Environmental Sustainability, (Complete, and Green Streets Policy): Council accepted this report.

Advisory Planning Board, Report #2019-06 (Cherrywood Lane Complete and Green Streets Retrofit Project): Council accepted this report.

Arts Advisory Board, Report # 201- (Banners): Council accepted this report and agreed to consider this topic on a future agenda.

Forest Preserve Advisory Board, Report # 2019-02 (Stewardship Guidelines): Council accepted this report and agreed to consider this topic on a future agenda.

License Agreement for Studio Use: Council approved and authorized the City Manager to enter into an agreement with resident artists.

Reappointments to Advisory Groups: Council reappointed Steven Gilbert to a new term on the Board of Elections.

APPROVAL OF AGENDA: Mayor Jordan requested #18 Approval of Friends of the Old Greenbelt Museum added to Council discussion. With that addition, it was moved by Ms. Davis and seconded by Ms. Mach that the agenda be approved. The motion passed 5-0.

PRESENTATIONS:

Parks and Recreation Month Proclamation: The proclamation was read by Mayor Jordan to recognize July as Parks and Recreation Month. Greg Varda, Acting Director of Recreation, received the proclamation and provided an overview of this year's summer recreation camps and programs.

Buy Local Week Proclamation: The proclamation was read by Mayor Jordan to recognize the week of July 20th to 28th as Buy Local Week. Ms. Kim Rush Lynch, Ms. Cathie Meetre, and Ms. Frances Ippoliti received the proclamation on behalf of the Greenbelt Farmers Market and the University of Maryland College of Agriculture and National Resources.

PETITIONS AND REQUESTS:

Ms. Valerie Pierce, President of the Greenbelt Tennis Association, requested a reduced rate for tokens for the Greenbelt Tennis Association.

ADMINISTRATIVE REPORTS:

Ms. Ard thanked staff, including Police, Public Works, Recreation, and the Public Information employees, for the 4th of July Celebration.

Ms. Ard provided an update on the Green Ridge House Apartment Section 202 Designation. She stated that Green Ridge House is still waiting on the designation. Staff sent a message to Congressman Hoyer requesting his assistance. Ms. Ard advised Green Ridge House currently has five vacancies and cannot fill them without HUD's approval of the plan.

Ms. Ard noted the sign language company has arranged to stay until 11 pm. If any residents have concerns or needs regarding the meetings, contact the City Clerk's Office. Ms. Ard stated that the City is working towards transitioning Closed Captioning. In addition, Closed Captioning would help meet a wider range of needs.

Mr. Byrd advised of a parking issue at the intersection of Mandan Road and Mathew Street. Mr. Byrd said that it's hard to make a turn and suggested the City install yellow markings so vehicles wouldn't park there. Ms. Davis suggested painting white end stops so vehicles wouldn't park up to the corner.

Mayor Jordan advised of State Highway Administration and private property issues like the 495 underpass embankment under the interloop was collapsing and getting worse with mud coming out. Mayor Jordan also advised the State's Edmonston Road Ramp to Kenilworth Avenue was in poor condition and needs serious work. Mayor Jordan said the privately owned bike/pedestrian path between Ivy Lane and Kenilworth Avenue right in front of the State Highway Administration needs maintenance. Mayor Jordan advised the state sidewalk /crosswalk from the ramp that comes down from the Baltimore Washington Parkway onto Greenbelt Road going towards Southway, from the bus stop has a dangerous sight line. The trees need to be trimmed to improve the sight line. Mr. Roberts suggested that the state and federal officials take away the crosswalk and the right turn lane.

LEGISLATION:

A Resolution to Authorize the Negotiated Purchase of Certain Goods and Services from Various Vendors as Enumerated Herein When Total Fiscal Year Purchases from Each Vendor Exceeds Ten Thousand Dollars

-1st Reading

Mayor Jordan read the agenda comments.

Ms. Davis introduced the resolution for first reading.

Mayor Jordan requested that a copy of the Negotiated Purchase List be sorted by dollar amount high to low, a copy of the list sorted alphabetically by Justification. Mayor Jordan also requested copies of the Negotiated Purchase List from the last two years.

SPECIAL ORDERED – APPROVAL OF FRIENDS OF THE GREENBELT MUSEUM

Ms. Davis moved to special order #18, Approval of Friends of the Greenbelt Museum, for immediate consideration. Ms. Mach seconded the motion.

Mayor Jordan read the agenda comments.

Mayor Jordan motioned to change the recommended Council Action to support the Friends of the Greenbelt Museum recommended selection of an architect contingent on approval of the owner of the property, Greenbelt Homes, Inc. (GHI). Mr. Byrd seconded the motion.

Mayor Jordan stated there was an error in the agenda that needed to be corrected.

There was a brief discussion on GHI being the owner of 10-A Crescent Road and the City of Greenbelt being a member of the Co-operative. Mr. Byrd stated GHI has a no recommendation/no judgement policy in respect to members selecting contractors or other professionals. Ms. Mach stated the City has a mutual ownership contract with GHI that gives the City the right to have the museum at 10-A Crescent Road.

Ms. Ruffner advised the museum, created to preserve GHI history, would go through the standard GHI approval process plans for the museum. She stated that the museum wants to take a proactive role and have the architect meet with the GHI architectural review committee and GHI Board to make sure everyone is on the same page at the start of the process.

Ms. Ruffner answered Mayor Jordan's question stating construction shouldn't affect the operation of the museum. Ms. Ruffner was hesitant to speculate on the timeline of the construction given unknown factors, like permitting process with the various entities including the City and GHI.

There was a brief discussion on the renovations at 10-A Crescent Road.

Ms. Davis clarified the motion stating that the City approved the proposed architect and the museum inform GHI of the architect. However the design needs GHI and City approval; GHI doesn't approve the architect.

The motion passed 5-0.

An Ordinance to Authorize the Issuance, Sale and Delivery By the City of Greenbelt, Maryland of its "City of Greenbelt, Maryland Water Quality Bond, Series 2019" In an Aggregate Principal Amount Not to Exceed Two Million Five Hundred Thousand Dollars (\$2,500,000), Pursuant to the Provisions of Ordinance No. 1359 Passed on September 25, 2017; Prescribing the Form, Maturity, Interest Rate and Provisions for payment and Redemption of Said Bond; Confirming the Covenants of the City to Provide for the Levy and Collection of Taxes Sufficient for the Prompt Payment of the Maturing Principal of and Interest on Said Bond; Determining that the Bond Shall be Sold by Private Sale to the Maryland Water Quality Financing Administration, Without Competitive Bid; Further Providing for the Use of the Proceeds of the Bond; and Providing for the Execution and Delivery of the Bond and a Loan Agreement, and All Other Details with Respect to the Sale and Delivery of Said Bond.

-1st Reading

Mayor Jordan read the agenda comments.

Mr. Byrd introduced the resolution for first reading.

Mr. Moran answered Ms. Davis's question stating that the bond doesn't have to go on the ballot. Ordinance No. 1359, passed on September 25, 2017.

Mr. Moran explained that this is a reimbursement program; the City will incur expenses and then submit expenses to the State for reimbursement.

Mr. Moran advised that once there is an actual start date, Planning & Community Development, Public Information and Recreation Departments will get the word out to residents via website, social media, and signs at the park. The Buddy Attick Lake park will remain open during this project.

OTHER BUSINESS

Acceptance of City Streets – South Core Phase 1A

Mayor Jordan read the agenda comments.

Ms. Hruby answered Ms. Davis's question stating that many Greenbelt Station streets are private and don't require acceptance by Council. The City staff and the City inspector did walk the development with the Home Owner Association (HOA) representative, and the management company issued a letter to the City stating they have accepted those streets. The County has accepted all the stormdrains and the City has that in writing. Ms. Hruby stated the City required that the developers post a maintenance bond on the private streets.

Ms. Hruby answered Ms. Davis's question stating that the City will accept maintenance responsibility.

Ms. Hruby answered Mayor Jordan's question stating that the next phase would include South Center Drive, North Center Drive and another portion of Streambank Lane.

Ms. Hruby answered Mayor Jordan's question stating the maintenance bond is going to be roughly \$17,000.

Ms. Mach moved the City accept Stream Bank Lane from Stations 11 + 60 to 20 +57 into perpetual maintenance, with a one-year maintenance bond. Ms. Davis seconded the motion.

The motion passed 5-0.

COMPLETE & GREEN STREETS POLICY

Mayor Jordan read the agenda comments.

Ms. Porter reviewed the revisions of the Complete and Green Street Draft Policy.

Mr. Byrd moved that the City Council approve and accept the Complete and Green Street Policy. Mayor Jordan seconded the motion.

Ms. Davis suggested the following amendments to the draft policy: under the Implementation section, last bullet point, add "stormwater projects, bus stops, and bus shelters"; under the Performance Measures and Reporting section, add one more bullet point "improvements need to be tracked, in accordance with this policy, the number of bus stops made accessible".

The motion passed 5-0.

MEMORIALIZING SIGNIFICANT GREENBELTERS – GUIDELINES FOR NAMING CITY PROPERTY

Mayor Jordan read the agenda comments.

Mayor Jordan stated he requested a policy that would allow individuals/clubs/organizations to purchase items the City already knows it needs and name the item after the donor. There was a brief discussion on the memorializing policy. Ms. Davis answered Ms. Mach's question stating that the policy went before the Planning and Recreation Advisory Board (PRAB), Community Relation Advisory Board (CRAB) and possibly Advisory Planning Board (APB). All the boards discussed it and then Council voted on it. Ms. Davis stated it wasn't a staff policy. Ms. Davis stated she isn't in favor of naming buildings after donors. Mr. Roberts stated he wasn't in favor of naming buildings/parks after donors. Mayor Jordan stated the City needs to move towards a formal policy. He also advised he isn't in favor of naming buildings after donors.

Mayor Jordan advised he is interested in a narrower policy and have the current booklet on trees and benches reviewed and updated.

There was a discussion on the Naming Policy of 1992. Mr. Byrd questioned why parks/buildings were named after significant individuals prior to 1992. Ms. Davis stated that the City would run out of streets/buildings to name after individuals. Mayor Jordan stated it should be done on a case-by-case basis.

There was a discussion on the Wall of Honor Memorial. Mayor Jordan stated that Council should have a half work session to continue the discussion.

SPECIAL ORDERED – LETTER TO THE NAACP REGARDING MAGLEV

Mayor Jordan moved to special order #19, Letter to the NAACP Regarding Maglev, for immediate consideration. Mr. Byrd seconded the motion.

Mayor Jordan read the agenda comments.

Ms. Davis advised the reason for the letter is that the NAACP Maryland State Conference came out publicly to support the Maglev without consulting any of the communities/municipalities that are affected.

Mayor Jordan stated the letter would be more powerful if it was done in conjunction with neighboring municipalities, like Cheverly, Bladensburg, Riverdale Park, New Carrollton, and College Park, and Prince George's County Councilmember Dannielle Glaros to co-sign this type of letter.

There was a discussion on sending a letter to a private third party organization. Mr. Byrd stated the Council normally doesn't send letters to a private third party organization that supports or opposes a project. Ms. Mach stated this letter is to help the NAACP understand the Maglev project. Ms. Davis stated the NAACP is a well-respected organization and will carry a lot of strength behind their position.

Mr. Byrd moved that Mayor Jordan contact leadership throughout Prince George's County to write a joint letter to the NAACP to show that Cities throughout Prince George's County oppose the Maglev. Mr. Byrd moved to hold on sending the current letter and work towards sending a joint letter. Mayor Jordan seconded the motion.

There was a brief discussion on the timeframe when the letter will go out.

Ms. Mach stated she was going to vote against the motion. She stated the best approach was to send the Greenbelt letter first and then have the other municipalities send their letters explaining how the Maglev will affect their residents.

Ms. Davis suggested to defer action on the letter for two weeks at which time, if the mayors have prepared a group letter, the City would send the City letter after. There was a brief discussion on the timeframe. Mayor Jordan asked if this letter could wait until the next Council Regular Meeting. He didn't think the letter was time sensitive. Mr. Roberts advised a month was too long, as two weeks was a reasonable amount of time.

Mayor Jordan seconded Ms. Davis's suggest motion to defer sending a City letter. Mayor Jordan stated the motion is to defer sending a letter from Greenbelt for two weeks pending feedback from other municipalities about the group letter.

The motion passed 5-0.

MARYLAND MUNICIPAL LEAGUE 2020 LEGISLATIVE REQUESTS

Mayor Jordan read the agenda comments.

Ms. Mach stated she was in favor with Mayor Jordan's idea on combining the following suggestions into one: Additional Revenue Sources Beyond Property Tax, Municipal Revenue Sharing Online Sales Tax and Online Sports Betting and Gambling.

Ms. Davis stated she was in favor of combining the Additional Revenue Sources.

Ms. Davis suggested adding Funding for Electric Vehicle Infrastructure as the second request.

Mr. Roberts stated he wasn't in favor of sports betting or online gambling.

There was a brief discussion on Regulation of Mobile Billboards.

Mr. Byrd stated he was in favor with the suggestions regarding Municipal Authority over Cell Towers, any Additional Revenue Sources, and Funding for Electric Vehicle Infrastructure.

Ms. Mach moved the following three proposed priorities for the MML 2020 Legislative Requests:

- Additional Revenue Sources Beyond Property Tax, including Online Sale Tax;
- Funding for Electric Vehicle Infrastructure; and
- Regulation of Mobile Billboards.

Mayor Jordan seconded the motion.

Mr. Pounds stated he and Ms. Hruby are setting up a meeting to review the City Ordinance on mobile billboards.

Ms. Mach advised she would remove Regulation of Mobile Billboards from her motion. Mayor Jordan stated he would remove his second.

Mr. Roberts moved to add Ban on Single Use Plastics as the third proposed priority for the MML 2020 Legislative request.

Mayor Jordan seconded the motion.

Ms. Mach amended her motion to replace Regulation of Mobile Billboards with Ban on Single Use Plastics as the third proposed priority for the MML 2020 Legislative Request.

The motion passed 5-0.

LETTER OF SUPPORT FOR UMD SMART CITIES GRANT APPLICATION

Mayor Jordan read the agenda comments.

Mayor Jordan moved to send a letter of support for the University of Maryland Smart Cities Coalition Grant Application.

Ms. Mach seconded the motion.

Ms. Davis stated she would support the letter with additional edits. Ms. Mach stated she is comfortable with the edits.

The motion passed 5-0.

Council Activities:

- Green Ridge House Picnic and Celebration (Mayor Jordan, Ms. Davis, Mr. Byrd, Ms. Mach, Mr. Putens and Ms. Pope)
- Maryland Municipal League Summer Conference (Mayor Jordan, Ms. Davis, Mr. Byrd, Ms. Mach, Mr. Putens and Ms. Pope)
- Commission for Women Retreat (Ms. Davis)
- Roosevelt Center Merchants Association Meeting (Ms. Davis)
- Central Maryland Transportation and Mobility Commission Meeting (Ms. Davis)
- Lady Angels vs the City Team (Mayor Jordan, Ms. Davis, and Mr. Byrd)

- Higher Achievement Greenbelt Center Ribbon Cutting (Mayor Jordan, Ms. Davis, and Mr. Byrd)
- American Legion Picnic (Mayor Jordan and Ms. Davis)
- Fireworks (Mayor Jordan and Ms. Davis)
- Prince George's County Chambers of Commerce Annual Meeting (Mayor Jordan)
- Peace Month Lecture on Israel Palestine Relationship (Mayor Jordan)
- Trinity Assembly of God Fireworks (Mayor Jordan)

Council Reports: None

MEETINGS: Council reviewed the meeting schedule.

Closed Session: Ms. Davis moved that Council schedule a Closed Session on July 15, 2019 at 7:00 pm, in accordance with the General Provisions Article 3-305(b) (1) of the General Provisions Article of the Annotated Code of the *Public General Laws of Maryland*, to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation performance evaluation of an appointee, employee or official over whom it has jurisdiction.

Ms. Mach seconded.

ROLL CALL:	Ms. Davis	-	Yes
	Mr. Byrd	-	Yes
	Ms. Mach	-	Yes
	Ms. Pope	-	Absent
	Mr. Putens	-	Absent
	Mr. Roberts	-	Yes
	Mayor Jordan	-	Yes

ADJOURNMENT: Ms. Mach moved to adjourn the meeting. Ms. Davis seconded. The motion passed 5-0.

Mayor Jordan adjourned the regular meeting of Monday, July 8, 2019, at 10:53 p.m.

Respectfully submitted,

Shaniya Lashley-Mullen
Administrative Assistant

"I hereby certify that the above and foregoing is a true and correct report of the regular meeting of the City Council of Greenbelt, Maryland, held on July 8, 2019

Emmett V. Jordan
Mayor

WORK SESSION OF THE GREENBELT CITY COUNCIL held Wednesday, September 4, 2019, with NASA/Goddard Space Flight Center (GSFC).

Mayor Jordan started the meeting at 7:33 p.m. The meeting was held in room 201 of the Greenbelt Community Center, 15 Crescent Road.

Present were: Councilmembers Colin A. Byrd, Judith F. Davis, Leta M. Mach, Silke I. Pope, Edward V. J. Putens, Rodney M. Roberts, and Mayor Emmett V. Jordan.

Staff present were: Nicole Ard, City Manager; Charise Liggins, Economic Development Coordinator; and Shaniya Lashley-Mullen, Administrative Assistant.

Also present were: George Morrow, Acting Center Director, Ray Rubilotta, Associate Center Director, Phillina Tookes, Legislative Affairs Specialist, NASA/Goddard Space Flight Center.

Mr. Morrow provided an update on the James Webb Telescope. He indicated the launch date would be in March 2021. Mr. Morrow answered Mr. Roberts's question stating the telescope weighs 7,000 pounds. Mr. Morrow stated that this coming April, the Hubble Space Telescope would have been in orbit for 30 years. He noted the astrophysics and astronomy textbooks have been rewritten based on the information that was received from the Hubble Space Telescope.

Mr. Morrow provided an update of operations at NASA/Goddard Space Flight Center (GSFC), including its science missions in development. He noted that he has been the Acting Center Director since July and Mr. Rubilotta has been the Associated Center Director since May.

Mr. Morrow stated Vice President Pence charged NASA to land the next American woman and man on the south pole of the moon by 2024. Mr. Morrow advised that Artemis program would be NASA's path back to the lunar surface. Mr. Morrow answered Ms. Davis's question stating that NASA is developing a space launch system which will be the most powerful rocket ever built. He indicated the rockets' first test unmanned flight would be late in the year 2020 or early 2021.

Mr. Morrow provided an update on in-house missions that are being developed in Greenbelt. He indicated that PACE has been in development for about 4 years and it's in full-scale development. The main instrument, the Ocean Color, is also being designed in Greenbelt. It would launch in the year 2022. Ms. Mach asked what NASA is hoping to learn. Mr. Morrow advised from an oceanography point of view, the health of the ocean. The ocean color is very important, and PACE would measure several thousands of feet down in the ocean.

Mr. Morrow explained the impact of the government shut down on all the projects at NASA/GSFC. He noted the contractors that were funded were able to keep working up until the point they had exhausted their funds. Mayor Jordan stated that during the government shut down, some of the NASA employees took on volunteer projects throughout the City.

Mr. Morrow answered Ms. Davis's question stating the budget is healthy from a Goddard perspective, but NASA would need additional funding to achieve the landing in 2024. He stated the rest of NASA's missions wouldn't be impacted by going to the moon.

Mr. Morrow answered Mayor Jordan's question stating Goddard had maintained a civil servant population just over 3,000 employees. Mr. Rubilotta stated the current civil servant employees at

Goddard now is 3,236 employees. Mr. Morrow noted when there is additional work, Goddard would use support contactors. He stated when the workflow grows, the contactors workflow grows.

Mr. Morrow provided information that the next in-house telescope is W First, a wide field infrared survey telescope. Similar to PACE, the spacecraft will be designed and built at Goddard. W First is a 2.41-meter telescope, it would be a wide field lens looking at the universe and would launch in the year 2025. Mr. Morrow stated Goddard operates about 50 satellites and there are 23 projects in various different stages.

There was discussion on GSFC community educational outreach. Mr. Morrow stated that Goddard hosted 455 summer interns, a combination of high school and college students, and 355 of the interns spent their time in Greenbelt. Local school administrators contact Goddard to meet the County and State Science, Technology, Engineering, the Arts and Mathematics (STEAM) related needs.

In response to a question from Ms. Davis, Mr. Morrow stated the main 60th Anniversary Celebration was in May and the budget is limited.

Mr. Rubilotta shared that Goddard is separated into six different campuses and that this week; each campus will be starting to have their own individual master plan workshop. It's the beginning stages of the master plan process. Mr. Roberts suggested if Goddard was going to divert land, would that land go into a Patuxent Preserve instead of giving it to another agency.

Mr. Rubilotta provided an update to the relocation of the main gate to Goddard. He stated that the current main gate would only be closed between the hours of 10:30 am to 3:00 pm. Mr. Rubilotta stated Goddard is going to install card readers. The gate will be open to pedestrian traffic, not vehicular traffic. Mr. Rubilotta answered Mayor Jordan question stating it would be assessable as it can with the technology that is with us. Mr. Rubilotta stated Goddard would still have to maintain their secured perimeter.

There was discussion about the intersection of Powder Mill Road at Soil Conservation Road. Mr. Rubilotta stated that land belongs to BARC. He stated that BARC would have to petition the Park Service to get a traffic light.

In response to a question from Ms. Davis, Mr. Rubilotta stated Goddard had provided their comments in regards to the Maglev and Hyperloop.

Council Reports –

Ms. Davis – Legislative Committee Report

Several informational items were discussed.

The meeting ended at 9:16 p.m.

Respectfully submitted,

Shaniya Lashley-Mullen
Administrative Assistant

City Council Agenda Item Report

Meeting Date: October 28, 2019

Submitted by: David Moran

Submitting Department: Administration

Item Type: LEGISLATION

Agenda Section:

Subject:

A RESOLUTION COMMENCING RENEWAL PROCEEDINGS UNDER THE FEDERAL CABLE COMMUNICATIONS POLICY ACT OF 1984 AND CONFIRMING AUTHORITY TO CONDUCT PROCEEDINGS AND TO TAKE SUCH ACTIONS AS ARE APPROPRIATE TO COLLECT INFORMATION AND OTHERWISE COMPLY WITH THE REQUIREMENTS OF THE FEDERAL CABLE COMMUNICATIONS POLICY ACT OF 1984

Suggested Action:

Reference:

Letter, 06/21/2019

Resolution

The City of Greenbelt received a letter from Verizon Maryland Inc on May 23, 2019, requesting the commencement of franchise renewal proceeding. The City's Franchise Agreement with Verizon is set to expire on January 8, 2022. The City responded to the receipt of that letter on June 24, 2019. Since the City's franchise is in the 30-36 month negotiating window outlined in the Section 626(h) of the Federal Cable Communications Policy Act of 1984 (Cable Act) we are required to pass a resolution commencing negotiations in order to obtain certain information, gather public comment and preserve our right in both the Formal and Informal Negotiating process. Once the resolution is passed, the City will contact Verizon that it has been done and we will begin the negotiating process. It is expected that the City will work with other municipalities and Prince George's County in a coalition on these negotiations.

Ms. Davis introduced this Resolution on October 15, 2019. It is recommended for second reading and adoption at tonight's meeting.

Attachments:

[Letter, 06/21/2019.pdf](#)

[Resolution.pdf](#)

1320 N. Courthouse Rd., 9th Floor
Arlington, VA 22201
(703) 558-9831
adrian.copiz@verizon.com

Adrian B. Copiz
Associate General Counsel

BY OVERNIGHT DELIVERY

June 21, 2019

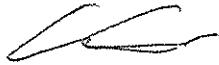
Michael McLaughlin
City Manager
City of Greenbelt
25 Crescent Road
Greenbelt, MD 20770

***Re: Franchise Renewal Notice Requesting Commencement of Formal
Renewal Proceedings under Section 626 of the Communications Act***

Dear Mr. McLaughlin:

Verizon Maryland LLC did not receive back confirmation of receipt of the enclosed certified mail letter dated May 23, 2019. To ensure your receipt of the enclosed letter, we are delivering this letter to you by overnight delivery.

Sincerely,

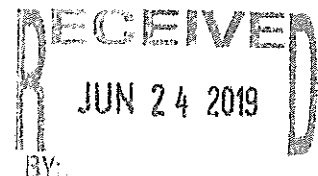


Adrian Copiz

Enclosure: May 23, 2019 Letter

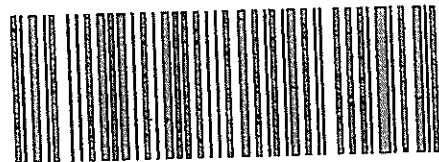
verizon[✓]

6/24/19
cc: B. Pollack



verizon^v

Adrian Copiz, Esq.
Orth Courthouse Rd, 9th Floor
Arlington, VA 22201



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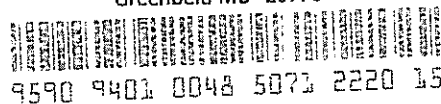
4822201

SENDER: COMPLETE THIS SECTION

- ☐ Complete items 1, 2, and 3.
- ☐ Print your name and address on the reverse so that we can return the card to you.
- ☐ Attach this card to the back of the mailpiece, or on the front if space permits.

1 Article Addressed to

Nicole Ard
~~Michael McLaughlin~~
City Manager
City of Greenbelt
25 Crescent Road
Greenbelt, MD 20770



9590 9401 0048 5071 2220 15

2 Article Number (Transfer from service label)

7014 2120 0003 2919 7602

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x Beverly J. Palau ☒ Agent ☐ Addressee

B. Received by (Printed Name)

Beverly J. Palau

C. Date of Delivery

6/24/19

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☒ No

3. Service Type

☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery

☐ Mail
☐ Mail Restricted Delivery
☐ 00)

☐ Priority Mail Express[®]
☐ Registered Mail[™]
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation[™]
☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

PS Form 3811, April 2015 PSN 7530-02-000-9053

Adrian Copiz
Assistant General Counsel
1320 N. Courthouse Road, 9th Floor
Arlington, Virginia 22201
703-558-9831
adrian.copiz@verizon.com

VERIZON

By U.S. Postal Service Certified Mail

May 23, 2019

Michael McLaughlin
City Manager
City of Greenbelt
25 Crescent Road
Greenbelt, MD 20770

***Re: Franchise Renewal Notice Requesting Commencement of Formal
Renewal Proceedings under Section 626 of the Communications Act***

Dear Mr. McLaughlin:

Verizon Maryland LLC ("Verizon") appreciates the opportunity to provide competitive cable service in the City of Greenbelt ("City"). Our records indicate that the cable television franchise granted by the City and held by Verizon expires on January 8, 2022. Section 626 of the Communications Act of 1934, as amended, delineates formal procedures to be followed to renew cable television franchises that must be invoked 30 - 36 months prior to franchise expiration or certain protections may be lost. As we are now in that time frame, by way of this letter Verizon gives notice that it seeks renewal of its cable television franchise and respectfully requests that the City commence renewal proceedings pursuant to Section 626(a).

While Verizon seeks to preserve its rights under the formal renewal process, the Communications Act also authorizes franchise renewal through good faith, informal negotiations. Section 626(h) contemplates an alternative renewal process that also affords public notice and opportunity for comment but does not require strict adherence to the substantive and procedural requirements outlined in the statute. I have enclosed a copy of Section 626 of the Communications Act for your review. The informal approach may be mutually beneficial. With the understanding that proceeding in this manner will not waive any of the rights of the parties under the formal process, Verizon is agreeable to discussing the terms of a renewal agreement with the City on an informal basis at a mutually convenient time.

Verizon is proud to serve the residents of the City of Greenbelt. We will contact you shortly to schedule a meeting to determine how best to proceed. We look forward to meeting with you and working with you on the franchise renewal.

Very truly yours,



Adrian Copiz

Enclosure: Communications Act Section 626 (47 U.S.C. § 546)

SEC. 626. [47 U.S.C. 546] RENEWAL.

(a)(1) A franchising authority may, on its own initiative during the 6-month period which begins with the 36th month before the franchise expiration, commence a proceeding which affords the public in the franchise area appropriate notice and participation for the purpose of (A) identifying the future cable-related community needs and interests, and (B) reviewing the performance of the cable operator under the franchise during the then current franchise term. If the cable operator submits, during such 6-month period, a written renewal notice requesting the commencement of such a proceeding, the franchising authority shall commence such a proceeding not later than 6 months after the date such notice is submitted.

(2) The cable operator may not invoke the renewal procedures set forth in subsections (b) through (g) unless--

(A) such a proceeding is requested by the cable operator by timely submission of such notice; or

(B) such a proceeding is commenced by the franchising authority on its own initiative.

(b)(1) Upon completion of a proceeding under subsection (a), a cable operator seeking renewal of a franchise may, on its own initiative or at the request of a franchising authority, submit a proposal for renewal.

(2) Subject to section 624, any such proposal shall contain such material as the franchising authority may require, including proposals for an upgrade of the

cable system.

(3) The franchising authority may establish a date by which such proposal shall be submitted.

(c)(1) Upon submittal by a cable operator of a proposal to the franchising authority for the renewal of a franchise pursuant to subsection (b), the franchising authority shall provide prompt public notice of such proposal and, during the 4-month period which begins on the date of the submission of the cable operator's proposal pursuant to subsection (b), renew the franchise or, issue a preliminary assessment that the franchise should not be renewed and, at the request of the operator or on its own initiative, commence an administrative proceeding, after providing prompt public notice of such proceeding, in accordance with paragraph (2) to consider whether--

(A) the cable operator has substantially complied with the material terms of the existing franchise and with applicable law;

(B) the quality of the operator's service, including signal quality, response to consumer complaints, and billing practices, but without regard to the mix or quality of cable services or other services provided over the system, has been reasonable in light of community needs;

(C) the operator has the financial, legal, and technical ability to provide the services, facilities, and equipment as set forth in the operator's proposal; and

(D) the operator's proposal is reasonable to meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

(2) In any proceeding under paragraph (1), the cable operator shall be afforded adequate notice and the cable operator and the franchise authority, or its designee, shall be afforded fair opportunity for full participation, including the right to introduce evidence (including evidence related to issues raised in the proceeding under subsection (a)), to require the production of evidence, and to question witnesses. A transcript shall be made of any such proceeding.

(3) At the completion of a proceeding under this subsection, the franchising authority shall issue a written decision granting or denying the proposal for renewal based upon the record of such proceeding, and transmit a copy of such decision to the cable operator. Such decision shall state the reasons therefor.

(d) Any denial of a proposal for renewal that has been submitted in compliance with subsection (b) shall be based on one or more adverse findings made with respect to the factors described in subparagraphs (A) through (D) of subsection (c)(1), pursuant to the record of the proceeding under subsection (c). A franchising authority may not base a denial of renewal on a failure to substantially comply with the material terms of the franchise under subsection (c)(1)(A) or on events considered under subsection (c)(1)(B) in any case in which a violation of the franchise or the events considered under subsection (c)(1)(B) occur after the

effective date of this title unless the franchising authority has provided the operator with notice and the opportunity to cure, or in any case in which it is documented that the franchising authority has waived its right to object, or the cable operator gives written notice of a failure or inability to cure and the franchising authority fails to object within a reasonable time after receipt of such notice.

(e)(1) Any cable operator whose proposal for renewal has been denied by a final decision of a franchising authority made pursuant to this section, or has been adversely affected by a failure of the franchising authority to act in accordance with the procedural requirements of this section, may appeal such final decision or failure pursuant to the provisions of section 635.

(2) The court shall grant appropriate relief if the court finds that--

(A) any action of the franchising authority, other than harmless error, is not in compliance with the procedural requirements of this section; or

(B) in the event of a final decision of the franchising authority denying the renewal proposal, the operator has demonstrated that the adverse finding of the franchising authority with respect to each of the factors described in subparagraphs (A) through (D) of subsection (c)(1) on which the denial is based is not supported by a preponderance of the evidence, based on the record of the proceeding conducted under subsection (c).

(f) Any decision of a franchising authority on a proposal for renewal shall not be considered final unless all administrative review by the State has occurred or the opportunity therefor has lapsed.

(g) For purposes of this section, the term "franchise expiration" means the date of the expiration of the term of the franchise, as provided under the franchise, as it was in effect on the date of the enactment of this title.

(h) Notwithstanding the provisions of subsections (a) through (g) of this section, a cable operator may submit a proposal for the renewal of a franchise pursuant to this subsection at any time, and a franchising authority may, after affording the public adequate notice and opportunity for comment, grant or deny such proposal at any time (including after proceedings pursuant to this section have commenced). The provisions of subsections (a) through (g) of this section shall not apply to a decision to grant or deny a proposal under this subsection. The denial of a renewal pursuant to this subsection shall not affect action on a renewal proposal that is submitted in accordance with subsections (a) through (g).

(i) Notwithstanding the provisions of subsections (a) through (h), any lawful action to revoke a cable operator's franchise for cause shall not be negated by the subsequent initiation of renewal proceedings by the cable operator under this section.

Introduced: Ms. Davis
First Reading: October 15, 2019
Passed:
Posted:
Effective:

RESOLUTION NUMBER XXXX

A RESOLUTION COMMENCING RENEWAL PROCEEDINGS UNDER THE FEDERAL CABLE COMMUNICATIONS POLICY ACT OF 1984 AND CONFIRMING AUTHORITY TO CONDUCT PROCEEDINGS AND TO TAKE SUCH ACTIONS AS ARE APPROPRIATE TO COLLECT INFORMATION AND OTHERWISE COMPLY WITH THE REQUIREMENTS OF THE FEDERAL CABLE COMMUNICATIONS POLICY ACT OF 1984

WHEREAS, the City of Greenbelt, Maryland (City) granted a franchise to provide cable television service to Verizon Maryland Inc. (franchise) pursuant to the Cable Communications Franchise Agreement between the City and franchise, made and entered into on January 8, 2007 (the Franchise Agreement); and

WHEREAS, by its terms, the Franchise Agreement, as amended, is scheduled to expire on or about January 8, 2022; and

WHEREAS, by letter from the franchisee to the City dated May 23, 2019, and received by the City on May 28, 2019, the franchise requested that the City commence renewal proceedings in accordance with Section 626(a) of the Cable Communications Policy Act of 1984 (Cable Act) and, at the same time, expressed its view that the informal renewal process set forth in Section 626(h) of the Cable Act may be preferable for all concerned; and

WHEREAS, Section 626(a) of the Cable Act provides that during the 6-month period which begins with the 36th month before franchise expiration, a cable operator may request a franchising authority to commence certain proceedings relating to determining whether to renew a cable franchise; and

WHEREAS, by letter dated May 23, 2019, the franchisee has requested the City to commence such proceedings; and

WHEREAS, the City is desirous of commencing such proceedings pursuant to Section 626(a) of the Cable Act and, at the same time, of also considering the possibility of pursuing the informal renewal process with the franchisee pursuant to Section 626(h) of the Cable Act; and

WHEREAS, the City must provide the public with notice of and an opportunity to participate in proceedings under Section 626(a) of the Cable Act, and such proceedings may involve the collection and analysis of information from the franchisee, the public and other interested parties

and may require a series of public hearings; and

WHEREAS; the City desires that such proceedings be conducted through the office of the City Manager and intends to authorize the City Manager to take such steps as are required to comply with all the requirements of the Cable Act;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF GREENBELT, MARYLAND, THAT:

1. The City hereby commences renewal proceedings pursuant to Section 626(a) of the Cable Act.
2. The City Manager or her designee, is authorized to conduct proceedings in accordance with Section 626(a) of the Cable Act, and to negotiate with the franchise concerning matters relating to franchise renewal.
3. The City Manager or her designee, is authorized to establish procedures and dates for conduct of any hearings related to the Section 626(a) proceeding and to establish procedures and dates for submission of testimony and other information in connection with the proceeding.
4. The City Manager or her designee, is authorized to request the franchisee to submit such information as may be deemed appropriate in connection with the proceeding, to gather such other information from other persons or sources as may be deemed appropriate, and to take such further steps as may be required to ensure the public's interest are fully protected.
5. The City Manager or her designee, is authorized to explore with the franchisee the possibility of pursuing the informal renewal process under Section 626(h) of the Cable Act.
6. The City Manager or her designee, shall keep the Mayor and City Council fully apprised of the status and progress of franchise renewal proceedings and negotiations.
7. This resolution shall be in full force and effect upon its adoption.

PASSED by the Council of the City of Greenbelt, Maryland at its regular meeting of October 28th, 2019.

Emmett Jordan, Mayor

ATTEST:

Bonita Andersen, City Clerk

City Council Agenda Item Report

Meeting Date: October 28, 2019

Submitted by: Judith Howerton

Submitting Department: Planning

Item Type: OTHER BUSINESS

Agenda Section:

Subject:

Draft State Consolidated Transportation Program (CTP), FY 2020-2025

Suggested Action:

Reference:

Memorandum, J Howerton 10/22/2019

Memorandum, J Howerton 10/22/2019 (Attachments)

Draft Letter

Prince Georges County Priority Letter

The City planning staff has reviewed the Draft FY 2020-2025 Maryland Department of Transportation Consolidated Transportation Program (CTP) as well as attended a staff level review session with County and State representatives on October 17, 2019. The annual tour meeting is scheduled for November 1, 2019 at 10:00 a.m. at the County Administration Building in Upper Marlboro.

The FY 2020-2025 CTP totals \$15.3 billion compared to FY 2019-2024 CTP at \$16 billion. Five projects were added to the construction program at a cost of \$52.9 million. For the second year in a row, the full interchange along I-95/I-495 at the Greenbelt Metro Station is still not included in the CTP. Funding in the amount of \$34.7 million (\$27.8 million in federal funds) has been allocated for planning activities for the Baltimore Washington SC MAGLEV project through the year 2021. Concurrently, planning activities are underway and a total of \$139.6 million in funding has been allocated through 2022 for the Traffic Relief Plan (referred to in the CTP as the I-270 Eisenhower Memorial Highway, and I-495, Capital Beltway).

Despite the MD-193 Greenbelt Road Streetscape Project being a transportation priority of the County and the City, the project continues to not be included in the CTP. Staff recommends City Council transmit a letter to the Transportation Secretary stating the City Council's opposition to: the SC MAGLEV project, the Traffic Relief Plan, MD 201 extended, and the removal of funds for the Full interchange at Greenbelt Metro Station project from the Construction. Staff also recommends City Council request the MD 193 Greenbelt Road Streetscape Project be added to the CTP. As has been done previously, the letter will address those projects and initiatives that the City supports.

Attachments:

[Draft CTP FY 2020-2025 Staff MEMO.pdf](#)

[MEMO Attachments Draft CTP FY 2020-2025.pdf](#)

[Letter 2020.pdf](#)

[PG County Priority Letter.pdf](#)

**CITY OF GREENBELT, MARYLAND
MEMORANDUM**

TO: Nicole Ard, City Manager
FROM: Judith Howerton, Community Planner
VIA: Terri Hruby, Director of Planning and Community Development
DATE: October 22, 2019
SUBJECT: Draft State Consolidated Transportation Program, FY 2020-2025

The Maryland Department of Transportation (MDOT) has released its six year draft FY 2020 -2025 Consolidated Transportation Program (CTP). Staff attended a pre-tour meeting for the *Draft CTP* held by MDOT at the Prince George's County offices on Thursday, October 17, 2019. The annual fall CTP tour meeting is scheduled for Friday, November 1, 2019 at 10:00 AM in the County Administration Building. The final CTP will be submitted to the State Legislature in January.

The FY 2020-2025 CTP totals \$15.3 billion compared to FY 2019-2024 which totaled \$16 billion. In total \$53.9 million worth of projects have been added to the CTP and of that \$52.9 million was added to the construction program. Last year's CTP had \$2.17 billion worth of new projects all added to the construction program. It was also discussed at the pre-tour meeting that there has been a reduction in construction projects as projects have been completed and come off the CTP and that revenues from gas tax were lower than expected (the state tends to project income based on inflation but prices did not go up as anticipated).

The State's priorities, which are explained in the CTP are as follow: 1. Facilitate economic opportunity in Maryland; 2. Provide a safe and secure transportation experience; 3. Provide exceptional customer service; 4. Provide an efficient, well connected transportation experience; 5. Use resources wisely; 6. Deliver transportation solutions and services of great value; 7. Communicate effectively with our customers; 8. Be a good neighbor; 9. Be a good steward of our environment; and 10. Be fair and reasonable to our partners. Attached for your information are selected pages from the CTP that pertain to the City's interests.

To date, City staff has not received the County's 2020 Priority Project list. However, the County's priority list for the FY 2019-2024 State CTP, expressed via letter to the Secretary of Transportation, expressed projects the County would like to see the State advance given the County's transportation priorities, and also highlights several key projects already in the CTP that the County supports. These projects include the Purple Line, I-95/Greenbelt Metro Access; US 1, Baltimore Avenue (College Avenue to I-95/495); as well as Pedestrian Safety

Enhancements on State-maintained Roadways. The County's priority letter under, "Project Planning Start Priorities" had MD 193, University Blvd. (Phase I – County line to Adelphi Road and Phase II – US 1 to Hanover Parkway) ranked number two out of ten projects identified. The same project – MD-193 Phase I and II – is also listed under "Bicycle Corridor Priorities".

It should be noted that beginning May 25, 2019 full WMATA Metrorail service was extended on the Yellow Line for the Fort Totten to Greenbelt segment. This was a priority in the county letter (which is dated February 19, 2019) under "Transit Expansion and Funding".

Highlights from the Draft 2020-2025 CTP of interest to the City are:

- I-95/1-495, Capital Beltway (Full Interchange at Greenbelt Metro Station) – There is no change from FY 2019 – 24 CTP and the project remains on hold. It was stated in the previous year that the hold was as a result of the Greenbelt Metro Station not being selected for the relocation of FBI Headquarters. All construction and right-of-way funds previously allocated to this project were transferred to the Howard Street Tunnel Project. No funding is allocated in the current Draft CTP.
- US 1, Baltimore Avenue – There has been a cost increase of \$1.7 million due to the addition of pedestrian lighting for College Park and geometric changes at Campus Drive. Construction is scheduled to begin early 2020 and is scheduled to be completed in 2023. Monies for construction are budgeted in FY 2020-2025. This project involves the reconstruction of US 1 from College Avenue to MD-193 (Segment 1) including bicycle and pedestrian improvements (1.5 miles). Project Segments 2 and 3 (US 1 from MD 193 to I-95) are identified as being on hold awaiting funding for design. However, under Bicycle and Pedestrian related projects there are construction funds budgeted for wide curb lanes and sidewalks for Segments 2 and 3.
- Purple Line – There are no changes from FY 2019-2024 CTP. Design activities and construction are underway. The Purple Line is anticipated to open for service at the end of 2022. The entire alignment is expected to open at once for service. MDOT officials signed the \$5.6 billion public private partnership contract in April 2016 with the Purple Line Transit Partners to design, build, finance, operate, and maintain the light rail system. The Purple Line will run east-west inside the Capital Beltway, with 21 stations connecting to: Metrorail's Orange, Green, and Red lines; the MARC Brunswick, Camden, and Penn lines; and Amtrak at New Carrollton.
- I-270 Eisenhower Memorial Highway, and I-495, Capital Beltway (also referred to as Managed Lanes Study (MLS)) – This project has been

allocated \$9.5 million for stream and wetland mitigation associated with the project. This is a study to look at improvements to alleviate congestion from I-270 to the Baltimore Washington Parkway and entails planning activities in support of Governor Hogan's Traffic Relief Plan which will implement express toll lanes (ETLs) along I-270 and I-495. It is listed in the evaluation and development program and planning is currently underway. Funding in the amount of \$139.6 million has been allocated through 2022.

- MD 201 Extended (Edmonston Road)/US 1 (Baltimore Ave.) – This project involves a study of capacity improvements on MD 201 and US 1 from I-95/I-495 to north of Muirkirk Road. This project remains on hold with no monies budgeted for FY2020-2025.
- Baltimore-Washington Superconducting Maglev (SCMAGLEV) – This project proposes the construction of a Superconducting Maglev train system between Baltimore and Washington. An Environmental Impact Statement (EIS) is underway to evaluate impacts of the construction and operation of such a system. Funding in the amount of \$34.7 million has been allocated for planning activities through the year 2021.
- Prince George's County Local Bus Program – Consistent with last year, there is a total of \$12.8 million budgeted over the next six years for the Prince George's County Local Bus Program. Programmed funding includes monies for bus replacements and capital improvements to bus facilities.
- Bicycle and Pedestrian Related Projects – The Maryland Department of Transportation has various funding programs for bicycles and pedestrian. The total projected FY 2020-2025 funding for pedestrian and bicycle programs is \$169.4 million, compared to \$177.6 million in the previous CTP. Several programs are administered as competitive grant programs, such as the Bikeways Network Program, the Sidewalk Program, Safe Routes to School Program and Bikeshare Program. At this time there are no projects identified for Greenbelt.
- WMATA Metrorail – A priority of MDOT is restoring safety and reliability to the WMATA Metrorail system and \$50 million in each year of the CTP is included as Maryland's contribution.

Staff recommends that the Maryland Draft Consolidated Transportation Program for fiscal years 2020–2025 be placed on the October 28, 2019, City Council regular meeting agenda for discussion. Staff is preparing a position letter for City Council's consideration at its October 28th meeting as well. The letter will restate the City's opposition to proposed roadway widening projects and the MAGLEV project.

Planned Capital Expenditures

FY 2020-2025 DRAFT CTP SUMMARY (\$ MILLIONS)					
	STATE FUNDS	FEDERAL AID	OTHER*	TOTAL	PERCENT OF TOTAL
MDOT TSO	131.3	13.2	2.8	147.3	1.0
MDOT MVA	143.2	0.0	0.0	143.2	0.9
MDOT MAA**	234.7	55.4	217.1	507.3	3.3
MDOT MPA	666.9	17.1	21.8	705.8	4.6
MDOT MTA	860.8	1,915.9	188.6	2,965.3	19.4
WMATA	1,161.1	0.0	1,544.2	2,705.3	17.7
MDOT SHA	4,531.7	3,586.3	0.0	8,118.0	53.1
TOTAL	7,729.6	5,588.0	1,974.5	15,292.1	100.0

Note: Figures may not add perfectly due to rounding.

* Funds not received through the Trust Fund. Includes some funds from Maryland Transportation Authority (MDTA), Passenger Facility Charges (PFC), Customer Facility Charges (CFC) and federal funds received directly by WMATA.

** Projects using non-trust fund financing sources are included in the total.

MDOT TSO – Transportation Secretary's Office
 MDOT MVA – Motor Vehicle Administration
 MDOT MAA – Maryland Aviation Administration
 MDOT MPA – Maryland Port Administration
 MDOT MTA – Maryland Transit Administration
 WMATA – Washington Metropolitan Area Transit Authority
 MDOT SHA – State Highway Administration

EVALUATING OUR PERFORMANCE

In 2000, the Maryland General Assembly passed a bill requiring MDOT to develop an Annual Attainment Report (AR) on Transportation System Performance. The main objectives of the AR are to do the following:

- Report on progress toward achieving the goals and objectives in the MTP and the CTP.
- Establish performance indicators that quantify achievement of these objectives; and
- Set performance targets.

The performance measures evolve and are updated periodically in a collaborative effort between the Secretary's Office, the transportation business units, and, every 4-5 years, with an AR Advisory Committee. The performance measures were updated last year, in the spring of 2018, with the AR Advisory Committee, based on the updated 2040 MTP Goals and Objectives (please visit mdot.maryland.gov/ARAC). The AR documents show MDOT is achieving its goals and objectives based on performance indicators and helps Maryland citizens assess improvements to its transportation system.

Since 1996, MDOT has also participated in the State's Managing for Results (MFR) effort as part of the budget process. MFR is a strategic planning, performance measurement, and budgeting process that emphasizes use of resources to achieve measurable results, accountability, efficiency, and continuous improvement in state government programs.

Through coordination with MPOs and adjacent state DOTs, MDOT developed baseline performance measures and targets for the MAP-21/FAST Act federal safety, infrastructure condition, and system performance measures:

- Pavement condition of the Interstate System and on the remainder of the National Highway System (NHS).
- Travel time reliability on the Interstate System and the remainder of the NHS.
- Bridge condition on the NHS.
- Fatalities and serious injuries (both number and rate per vehicle miles traveled) on all public roads.
- Traffic congestion.
- On-road mobile source emissions.
- Reliability of truck travel time on the Interstate System.

MDOT will continue to work with USDOT, the regional MPOs, and other stakeholders to respond to these new requirements now that the final regulations and guidance have been issued to ensure we demonstrate the effectiveness of MDOT's programs.

Finally, MDOT is internally assessing its performance in meeting our customers' needs through our quarterly MDOT Excelerator program. This performance measurement system uses data to target structural and process improvement efforts to make MDOT better. This is achieved through ten teams representing all of the TBUs. The teams develop and implement new and improved initiatives across the organization. For more information, visit: mdot.maryland.gov/MDOTExcelerator.

PROJECT: I-95/I-495, Capital Beltway**DESCRIPTION:** Construct a full interchange along I-95/I-495 at the Greenbelt Metro Station and extensions of acceleration and deceleration lanes along I-95/I-495 from US 1 to MD 201.**JUSTIFICATION:** This interchange would improve traffic operations on mainline I-95/I-495 and improve access to the Greenbelt Metro Station.**SMART GROWTH STATUS:**☐

Project Not Location Specific

☐

Not Subject to PFA Law

☒ Project Inside PFA☐ Project Outside PFA☐ PFA Status Yet To Be Determined☐ Grandfathered☐ Exception Will Be Required☐ Exception Granted**ASSOCIATED IMPROVEMENTS:**

Traffic Relief Plan (Statewide - Line 5)

STATUS: Project on hold.**SIGNIFICANT CHANGE FROM FY 2019 - 24 CTP:** None.**POTENTIAL FUNDING SOURCE:**☒

SPECIAL

☒

FEDERAL

☐

GENERAL

☐

OTHER

TOTAL**ESTIMATED COST (\$000)****EXPEND THRU YEAR****BUDGET YEAR****FOR PLANNING PURPOSES ONLY****SIX YEAR****TO COMPLETE**

PHASE	ESTIMATED COST (\$000)	EXPEND THRU YEAR	BUDGET YEAR	FOR PLANNING PURPOSES ONLY	SIX YEAR TO COMPLETE
Planning	1,561	1,561	0	0	0
Engineering	10,773	10,773	0	0	0
Right-of-way	129	129	0	0	0
Construction	824	824	0	0	0
Total	13,287	13,287	0	0	0
Federal-Aid	8,880	8,880	0	0	0

CLASSIFICATION:

STATE - Principal Arterial

FEDERAL - Interstate

STATE SYSTEM : Primary

Annual Average Daily Traffic (vehicles per day)

CURRENT (2019) - 231,000

PROJECTED (2040) - 245,000



STATE GOALS: Maryland Transportation Plan (MTP) Goals/Selection Criteria:

- ☒ Safety & Security
☐ System Preservation
☐ Quality of Service
☐ Environmental Stewardship
☐ Community Vitality
☐ Economic Prosperity

EXPLANATION: This project will improve traffic operations while enhancing bicycle and pedestrian mobility and safety.

PROJECT: US 1, Baltimore Avenue

DESCRIPTION: Reconstruct US 1 from College Avenue to MD 193 (Segment 1). Including bicycle and pedestrian improvements (1.5 miles).

PURPOSE & NEED SUMMARY STATEMENT: Major traffic congestion is experienced along this segment of US 1. This project will improve traffic operations, pedestrian circulation, and safety. This project will also accommodate planned revitalization within College Park.

SMART GROWTH STATUS: ☐ Project Not Location Specific ☐ Not Subject to PFA Law

☒ Project Inside PFA ☐ Project Outside PFA ☐ Grandfathered
☐ PFA Status Yet To Be Determined ☐ Exception Will Be Required
☐ Exception Granted

ASSOCIATED IMPROVEMENTS:
 US 1, MD 193 to I-95, Segments 2 and 3 (Line 27)

STATUS: Utilities underway.

SIGNIFICANT CHANGE FROM FY 2019 - 24 CTP: The cost increase of \$1.7 million is due to the addition of pedestrian lighting for College Park and geometric changes at Campus Drive.

POTENTIAL FUNDING SOURCE:

☒ SPECIAL ☒ FEDERAL ☐ GENERAL ☒ OTHER

PROJECT CASH FLOW

PHASE	TOTAL ESTIMATED COST (\$000)	EXPEND THRU 2019	CURRENT YEAR 2020	BUDGET YEAR 2021	FOR PLANNING PURPOSES ONLY 2022	2023	2024	2025	SIX YEAR TOTAL COMPLETE	BALANCE TO COMPLETE
Planning	0	0	0	0	0	0	0	0	0	0
Engineering	7,763	7,763	0	0	0	0	0	0	0	0
Right-of-way	3,812	3,812	0	0	0	0	0	0	0	0
Construction	26,681	308	3,409	6,993	7,775	7,972	224	0	26,373	0
Total	38,256	11,883	3,409	6,993	7,775	7,972	224	0	26,373	0
Federal Aid	24,672	5,519	2,510	5,069	5,627	5,768	179	0	19,153	0

CLASSIFICATION:

STATE - Intermediate Arterial

FEDERAL - Other Principal Arterial

STATE SYSTEM: Secondary

Annual Average Daily Traffic (vehicles per day)

CURRENT (2019) - 38,700

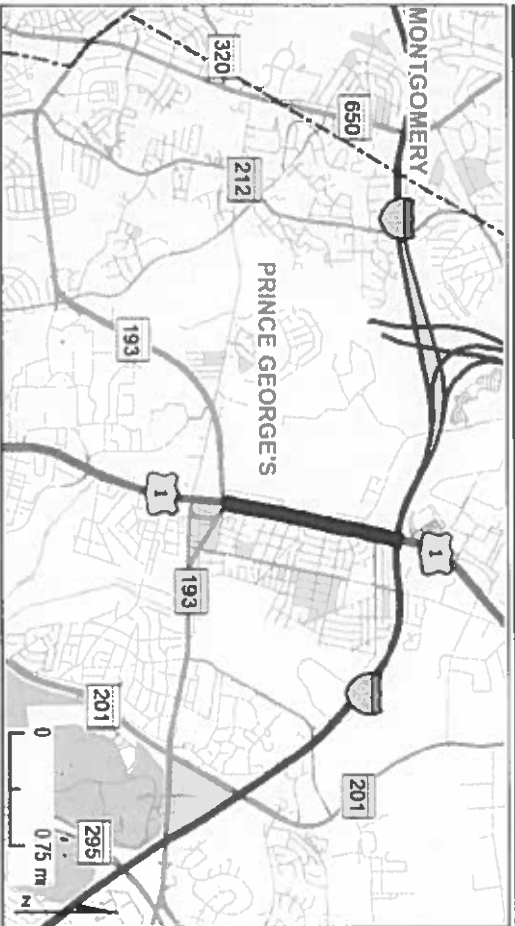
PROJECTED (2040) - 55,500

SECONDARY DEVELOPMENT AND EVALUATION PROGRAM

PROJECT: US 1, Baltimore Avenue

DESCRIPTION: Reconstruct US 1 from MD 193 to I-95 (Capital Beltway) (Segments 2 and 3) (1.1 miles). Bicycle and pedestrian facilities will be included.

JUSTIFICATION: Major traffic congestion is experienced along this segment of US 1. This project would improve traffic operations, pedestrian circulation, safety, and accommodate planned revitalization within College Park.



SMART GROWTH STATUS: ☒ Project Inside PFA ☐ Project Not Location Specific ☐ Not Subject to PFA Law
☒ Project Outside PFA ☐ Grandfathered
☐ PFA Status Yet To Be Determined ☐ Exception Will Be Required
☐ Exception Granted

ASSOCIATED IMPROVEMENTS:

US 1, College Avenue to MD 193 (Segment 1) (Line 10)
 MD 201 Extended/US 1, I-95/I-495 to north of Murkirk Road (Line 23)
 Traffic Relief Plan (Statewide - Line 5)

STATUS: Planning complete.

SIGNIFICANT CHANGE FROM FY 2019 - 24 CTP: None.

POTENTIAL FUNDING SOURCE:

☒ SPECIAL ☐ FEDERAL ☐ GENERAL ☒ OTHER

PROJECT CASH FLOW

PHASE	TOTAL ESTIMATED COST (\$000)	EXPEND THRU 2019	CURRENT YEAR 2020	BUDGET YEAR 2021	FOR PLANNING PURPOSES ONLY	SIX YEAR TOTAL	BALANCE TO COMPLETE
Planning	1,387	1,387	0	0	0	0	0
Engineering	0	0	0	0	0	0	0
Right-of-way	0	0	0	0	0	0	0
Construction	0	0	0	0	0	0	0
Total	1,387	1,387	0	0	0	0	0
Federal Aid	0	0	0	0	0	0	0

CLASSIFICATION:

STATE - Intermediate Arterial

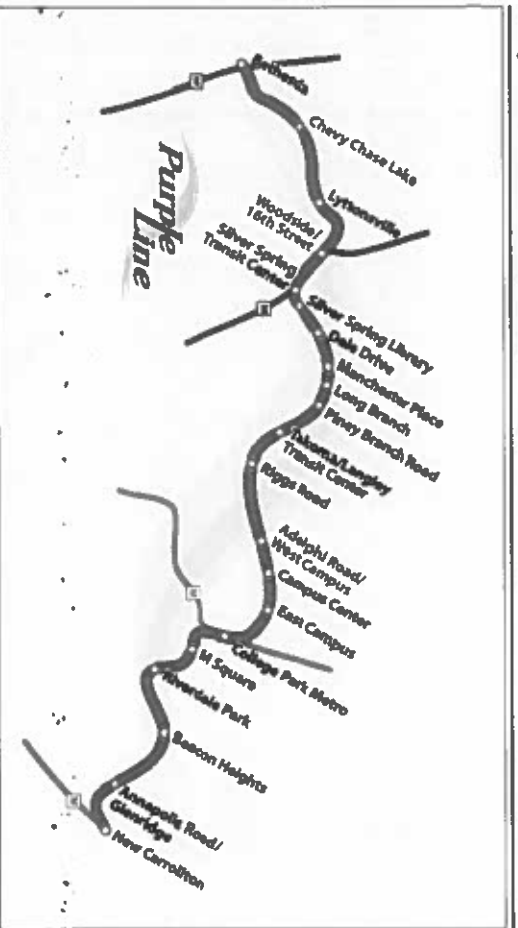
FEDERAL - Other Principal Arterial

STATE SYSTEM: Secondary

Annual Average Daily Traffic (vehicles per day)

CURRENT (2019) - 48,600

PROJECTED (2040) - 53,300

**STATE GOALS: Maryland Transportation Plan (MTP) Goals/Selection Criteria:**

- ☒ Safety & Security
☒ System Preservation
☒ Quality of Service
- ☒ Environmental Stewardship
☒ Community Vitality
☒ Economic Prosperity

EXPLANATION: The Purple Line will serve a corridor that currently lacks rail transit service and includes important commercial, institutional, and residential communities. Electrically powered trains will reduce air pollution and greenhouse gas emissions associated with cars and buses. Transit travel times in corridor will be reduced.

POTENTIAL FUNDING SOURCE:

- ☒ SPECIAL ☒ FEDERAL ☐ GENERAL ☒ OTHER

PHASE	ESTIMATED COST (\$000)	EXPEND THRU 2019	CURRENT YEAR 2020	BUDGET YEAR 2021	PROJECTED CASH REQUIREMENTS FOR PLANNING PURPOSES ONLY	SIX YEAR TO COMPLETE	BALANCE
Planning	53,007	53,007	0	0	0	0	0
Engineering	299,745	249,945	17,800	19,000	13,000	0	49,800
Right-of-way	229,600	229,600	0	0	0	0	0
Construction	895,904	488,664	157,330	127,446	89,600	0	407,240
Total	1,478,256	1,021,216	175,130	146,446	102,600	0	457,040
Federal Aid	960,075	407,040	238,197	230,447	84,391	0	553,035

Note: Total estimated cost does not include investments by concessionaire or future availability payments.
1042

PROJECT: Purple Line

DESCRIPTION: The Purple Line is a 16-mile double track light rail line that will operate between Bethesda in Montgomery County and New Carrollton in Prince George's County. The Bethesda to Silver Spring segment will include a parallel hiker/biker trail. The line will include direct connections to Metrorail in four locations, all three MARC Train lines, and Amtrak. The project includes track, stations, railcars, and two operation and maintenance facilities.

PURPOSE & NEED SUMMARY STATEMENT: The Purple Line will provide faster, more reliable transportation between residential and major employment areas. It will enhance access to existing radial Metrorail lines, increase capacity of congested roadways, support economic development consistent with local master plans, and reduce environmental impacts.

SMART GROWTH STATUS:

- ☒ Project Inside PFA ☐ Project Not Location Specific ☐ Not Subject to PFA Law
☐ Project Outside PFA ☐ Grandfathered
☐ PFA Status Yet to Be Determined ☐ Exception Will Be Required
☐ Exception Granted

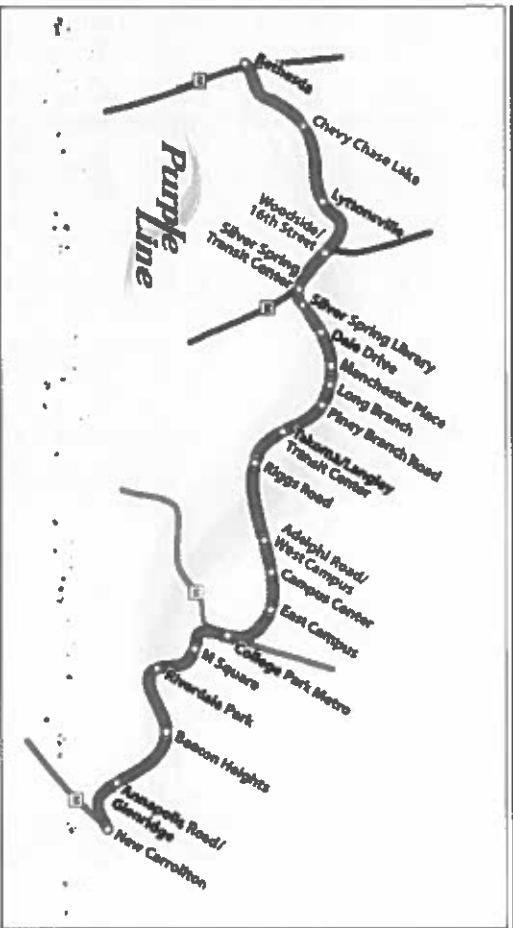
ASSOCIATED IMPROVEMENTS:

Purple Line: Third-Party Funded Projects - Line 34

STATUS: Design activities and construction are underway.

SIGNIFICANT CHANGE FROM FY 2019 - 24 CTP: None.

USAGE: Daily ridership estimated at 72,000 in 2040.

**STATE GOALS:** Maryland Transportation Plan (MTP) Goals/Selection Criteria:

- ☐ Safety & Security
☐ System Preservation
☒ Quality of Service
- ☒ Environmental Stewardship
☒ Community Vitality
☒ Economic Prosperity

EXPLANATION: The Purple Line will serve a corridor that currently lacks rail transit service and includes important commercial, institutional, and residential communities. Electrically powered trains will reduce air pollution and greenhouse gas emissions associated with cars and buses. Transit travel times in corridor will be reduced.

POTENTIAL FUNDING SOURCE:

- ☐ SPECIAL ☐ FEDERAL ☐ GENERAL ☒ OTHER

PHASE	TOTAL ESTIMATED COST (\$000)	EXPEND THRU 2019	CURRENT YEAR 2020	BUDGET YEAR 2021	PROJECTED CASH REQUIREMENTS FOR PLANNING PURPOSES ONLY 2022...2023...2024...2025...	SIX YEAR TOTAL	BALANCE TO COMPLETE
Planning	0	0	0	0	0	0	0
Engineering	190	190	0	0	0	0	0
Right-of-way	0	0	0	0	0	0	0
Construction	144,343	72,227	33,064	27,468	11,584	0	72,116
Total	144,533	72,417	33,064	27,468	11,584	0	72,116
Federal-Aid	0	0	0	0	0	0	0

1453, 1487, 1488, 1525, 1526

PROJECT: Purple Line: Third-Party Funded Projects

DESCRIPTION: Montgomery County has elected to fund a program of projects that will be implemented through and associated with the Purple Line. Projects include a new southern entrance to the Bethesda Red Line station, Capital Crescent Trail, and the Silver Spring Green Trail along Wayne Avenue. In addition, the University of Maryland has funded a project to pave a .95 mile bicycle path.

PURPOSE & NEED SUMMARY STATEMENT: To further enhance the transportation and quality of life benefits of the Purple Line and Capital Crescent Trail, Montgomery County and the University of Maryland are adding additional access features.

SMART GROWTH STATUS:

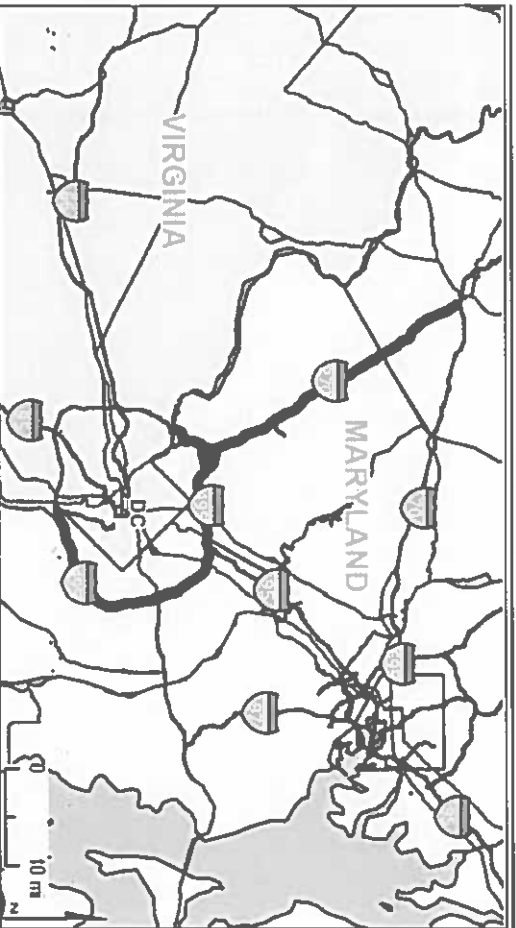
- ☒ Project Inside PFA ☐ Project Not Location Specific ☐ Not Subject to PFA Law
☐ Project Outside PFA ☐ Grandfathered
☐ PFA Status Yet to Be Determined ☐ Exception Will Be Required
☐ Exception Granted

ASSOCIATED IMPROVEMENTS:

Purple Line - Line 33

STATUS: Construction is underway.

SIGNIFICANT CHANGE FROM FY 2019 - 24 CTP: None.



PROJECT: I-270, Eisenhower Memorial Highway, and I-495, Capital Beltway

DESCRIPTION: Planning activities in support of the Traffic Relief Plan, which will implement express toll lanes (ETLs) along I-270 and I-495.

JUSTIFICATION: I-270 and I-495 experience severe congestion.

SMART GROWTH STATUS: ☐ Project Not Location Specific ☐ Not Subject to PFA Law

☐ Project Inside PFA ☐ Grandfathered
☒ Project Outside PFA ☐ Exception Will Be Required
☒ PFA Status Yet To Be Determined ☐ Exception Granted

ASSOCIATED IMPROVEMENTS:

I-270, Interchange Construction at Walkins Mill Road (Montgomery County Line 1)
 I-270, Innovative Congestion Management (Montgomery County Line 2)
 I-95/I-495, Interchange Reconstruction at Greenbelt Metro Station (Prince George's County Line 11)
 US 15/US 40, I-70 to MD 26 (Frederick County Line 14)

STATUS: Planning underway. MDOT is funding planning activities in advance of awarding a contract for design and construction to a private partner, as part of a public/private partnership. Any upfront expenses will be reimbursed at the close of the public/private partnership.

SIGNIFICANT CHANGE FROM FY 2019 - 24 CTP: Allocated \$9.5 million to advance the construction of the stream and wetland mitigation associated with the project.

POTENTIAL FUNDING SOURCE:

☒ SPECIAL ☐ FEDERAL ☐ GENERAL ☒ OTHER

PROJECT CASH FLOW

PHASE	TOTAL COST (\$000)	EXPEND THRU 2019	CURRENT YEAR 2020	BUDGET YEAR 2021	FOR PLANNING PURPOSES ONLY	SIX YEAR TO COMPLETE	BALANCE
Planning	130,130	36,093	40,000	40,000	14,037	94,037	0
Engineering	0	0	0	0	0	0	0
Right-of-way	0	0	0	0	0	0	0
Construction	9,500	0	1,752	3,687	4,061	9,500	0
Total	139,630	36,093	41,752	43,687	18,098	103,537	0
Federal-Aid	0	0	0	0	0	0	0

CLASSIFICATION:

STATE - Principal Arterial

FEDERAL - Interstate

STATE SYSTEM: Primary

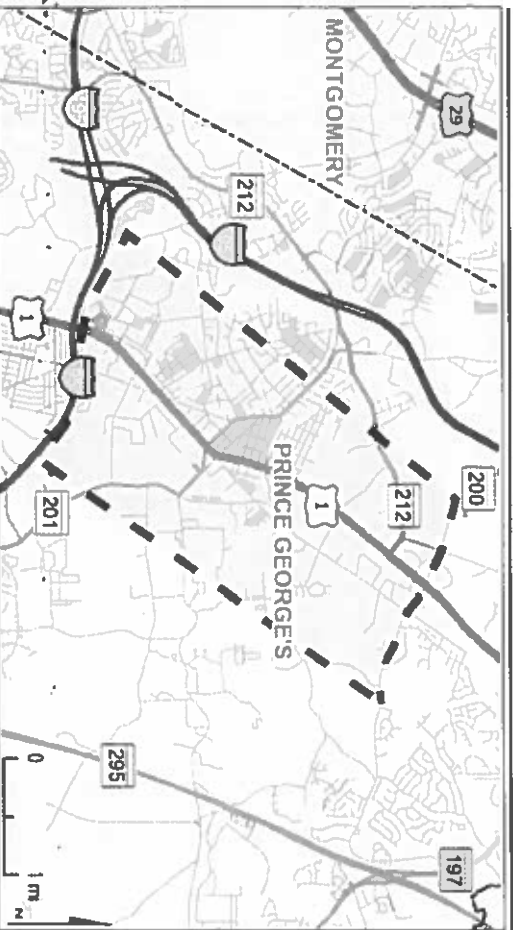
Annual Average Daily Traffic (vehicles per day)

CURRENT (2019) - N/A

PROJECTED (2040) - N/A

8th STATE HIGHWAY ADMINISTRATION -- Prince George's County -- Line 23

SECONDARY DEVELOPMENT AND EVALUATION PROGRAM



PROJECT: MD 201 Extended (Edmonston Road)/US 1 (Baltimore Ave.)

DESCRIPTION: Study of capacity improvements on MD 201 and US 1 from I-95/I-495 (Capital Beltway) to north of Murkirk Road (7.1 miles). Bicycle and pedestrian access will be considered as part of this project.

JUSTIFICATION: US 1 and MD 201 are over capacity and experience severe congestion during peak periods. The industrial and employment centers in the area are being developed, which is expected to further increase traffic.

SMART GROWTH STATUS: ☐ Project Not Location Specific ☐ Not Subject to PFA Law

☐ Project Inside PFA ☐ Grandfathered
☒ Project Outside PFA ☐ Exception Will Be Required
☒ PFA Status Yet To Be Determined ☐ Exception Granted

ASSOCIATED IMPROVEMENTS:

US 1, MD 193 to I-95/I-495 (Capital Beltway) (Line 27)
 Traffic Relief Plan (Statewide - Line 5)

STATUS: Project on hold.

SIGNIFICANT CHANGE FROM FY 2019 - 24 CTP: None.

POTENTIAL FUNDING SOURCE:

☒ SPECIAL ☒ FEDERAL ☐ GENERAL ☐ OTHER

PROJECT CASH FLOW

PHASE	TOTAL ESTIMATED COST (\$000)	EXPEND THRU 2019	CURRENT YEAR 2020	BUDGET YEAR 2021	FOR PLANNING PURPOSES ONLY					SIX YEAR TOTAL	BALANCE TO COMPLETE
Planning	6,839	6,839	0	0	0	0	0	0	0	0	0
Engineering	0	0	0	0	0	0	0	0	0	0	0
Right-of-way	0	0	0	0	0	0	0	0	0	0	0
Construction	0	0	0	0	0	0	0	0	0	0	0
Total	6,839	6,839	0	0	0	0	0	0	0	0	0
Federal Aid	0	0	0	0	0	0	0	0	0	0	0

CLASSIFICATION:

STATE - Minor Arterial

FEDERAL - Other Principal Arterial

STATE SYSTEM : Secondary

Annual Average Daily Traffic (vehicles per day)

CURRENT (2019) - 47,100

PROJECTED (2040) - 59,300

DEVELOPMENT AND EVALUATION PROGRAM

PROJECT: Baltimore-Washington Superconducting Maglev (SCMAGLEV) Project

DESCRIPTION: Baltimore-Washington Rapid Rail (BWRR), a private company based in Maryland, is proposing to construct an SCMAGLEV train system between Baltimore, Maryland and Washington, DC with an intermediate stop at BWI Marshall Airport. An Environmental Impact Statement (EIS) is being prepared to evaluate the potential impacts of the construction and operation of such a system. This phase of the project is being funded by a grant from the Federal Railroad Administration with matching funds provided by BWRR.

JUSTIFICATION: Over the next 30 years, population in the Baltimore-Washington region is expected to grow by 30 percent, significantly increasing demand on roadways and railways between the two cities. The purpose of BWRR's proposed action is to increase capacity, reduce travel time, and improve both reliability and mobility options between Baltimore and Washington, with possible future extensions to New York City.

SMART GROWTH STATUS: ☒ Project Not Location Specific ☐ Not Subject to PFA Law

☐ Project Inside PFA ☐ Grandfathered
☐ Project Outside PFA ☐ Exception Will Be Required
☐ PFA Status Yet to Be Determined ☐ Exception Granted

ASSOCIATED IMPROVEMENTS:

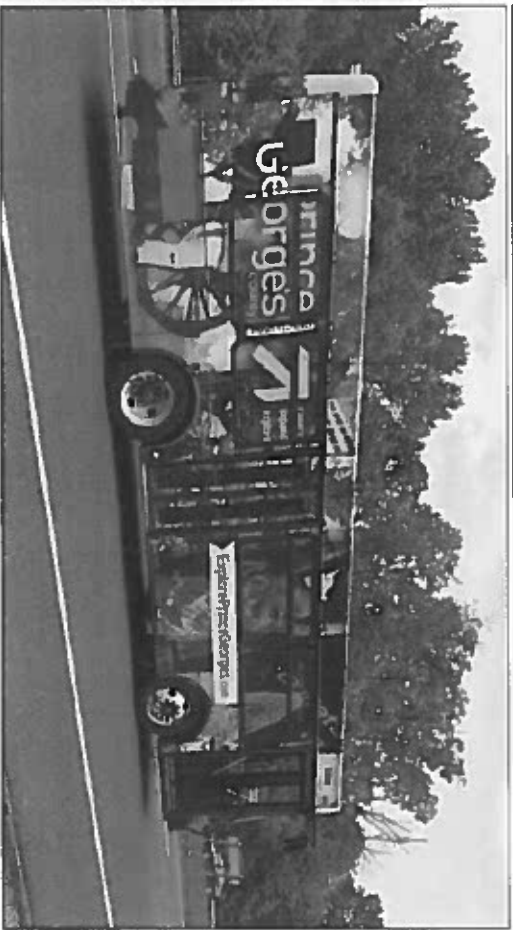
None.

STATUS: Planning activities are underway.

SIGNIFICANT CHANGE FROM FY 2019 - 24 CTP: None.

POTENTIAL FUNDING SOURCE													☐ SPECIAL	☒ FEDERAL	☐ GENERAL	☒ OTHER
PHASE	TOTAL			EXPEND THRU 2019	CURRENT YEAR 2020	BUDGET YEAR 2021	PROJECTED CASH REQUIREMENTS FOR PLANNING PURPOSES ONLY					SIX YEAR TOTAL	BALANCE TO COMPLETE			
	ESTIMATED COST (\$000)						2022.....	2023.....	2024.....	2025.....						
Planning	34,749		20,739	8,010	6,000	0	0	0	0	0	14,010	0				
Engineering	0		0	0	0	0	0	0	0	0	0	0				
Right-of-way	0		0	0	0	0	0	0	0	0	0	0				
Construction	0		0	0	0	0	0	0	0	0	0	0				
Total	34,749		20,739	8,010	6,000	0	0	0	0	0	14,010	0				
Federal-Aid	27,800		16,592	6,408	4,800	0	0	0	0	0	11,208	0				

0220

CONSTRUCTION PROGRAM**PROJECT:** Prince George's County Local Bus Program**DESCRIPTION:** Funding for bus replacements as well as capital improvements to bus facilities.**JUSTIFICATION:** These investments will make The Bus system more reliable and convenient while improving passenger access to the Metrorail system.**SMART GROWTH STATUS:** ☒ Project Not Location Specific. ☐ Not Subject to PFA Law☐ Project Inside PFA☐ Project Outside PFA ☐ Grandfathered☐ PFA Status Yet to Be Determined ☐ Exception Will Be Required☐ Exception Granted**ASSOCIATED IMPROVEMENTS:**

Locally Operated Transit Systems Capital Procurement Projects (Local Jurisdictions) - Line 25

STATUS: Project funding will support annual bus replacements and improvements to bus stops throughout the county.**SIGNIFICANT CHANGE FROM FY 2019 - 24 CTP:** None.

PHASE	TOTAL		EXPEND THRU 2019	CURRENT YEAR 2020	BUDGET YEAR 2021	PROJECTED CASH REQUIREMENTS FOR PLANNING PURPOSES ONLY				SIX YEAR TOTAL	BALANCE TO COMPLETE
	ESTIMATED COST (\$000)					2022...	2023...	2024...	2025...		
Planning	0	0	0	0	0	0	0	0	0	0	0
Engineering	0	0	0	0	0	0	0	0	0	0	0
Right-of-way	0	0	0	0	0	0	0	0	0	0	0
Construction	12,827	7,092	2,267	984	984	984	500	500	5,735	0	0
Total	12,827	7,092	2,267	984	984	984	500	500	5,735	0	0
Federal-Aid	5,600	1,012	1,813	788	787	400	400	400	4,588	0	0

0893

BICYCLE AND PEDESTRIAN RELATED PROJECTS

The Maryland Department of Transportation has various funding programs for bicycles and pedestrian programs. Program funds are used for both design and construction. Several programs are administered as competitive grant programs, in which available funds are awarded to projects managed by local governments and other partners.

TOTAL ESTIMATED FUNDS PROGRAMMED FOR BICYCLE AND PEDESTRIAN IMPROVEMENTS

	Projects currently funded for construction as of Aug 2019	FY20-25 Ped/Bike Programed Funding [^]
MTA	--	1,290,000
MVA - Maryland Highway Safety Office - Bicycle Programs	--	129,000
Retrofit Sidewalk Program	3,961,000	36,800,000
Retrofit Bicycle Program	6,685,000	15,900,000
ADA Program	14,900,000	44,800,000
Urban Reconstruction	3,073,300	4,675,440*
Primary/Secondary Program	6,332,928	6,332,928**
Bikeways Program	--	8,937,000
Transportation Alternatives/Transportation Enhancements/Safe Routes to School	--	44,900,000***
Recreational Trails	--	5,610,000***
Federal Earmark Projects	--	0 ^{^^}
Total	34,952,228	169,374,368

[^]Includes planning, design and construction funds

*Funding is estimated as a portion of total program funding based on recent bike/ped expenditures

**Additional funding is expected as major projects advance to construction and bicycle and pedestrian costs are itemized

***Funding is estimated based on projected federal appropriations and historic program spending on bicycle and pedestrian projects

^^ No additional earmark projects are expected at this time. Ongoing earmark projects are listed below.

PROJECTS CURRENTLY FUNDED FOR CONSTRUCTION AS OF August 2019

The following projects, funded for construction as of August 2019 are typical of projects that will be developed through the bicycle and pedestrian programs.

BICYCLE AND PEDESTRIAN RELATED PROJECTSPrince George's County

I-95/I-495 - Branch Avenue Metro

sidewalks 0.5 miles
wide curb lanes 0.5 miles68,640
75,000

US 1 - MD 193 to I-95 (Segments 2 & 3)

sidewalks 1.1 miles
wide curb lanes 1.1 miles151,008
165,000

US 1 - College Avenue to MD 193

sidewalks 1.5 miles
wide curb lanes 1.5 miles205,920
225,000

I-95 - Bridge 1615305, 1615306 over MD 214

sidewalks 0.1 miles
shoulders 0.1 miles13,728
15,000

MD 4 - at Suitland Parkway

sidewalks 0.1 miles
wide curb lanes 0.1 miles13,728
15,000

MD 5 - at MD 373 and Brandywine Road Relocated

sidewalks 1.0 miles

137,280

MD 210 - at Kerby Hill Road/Livingston Road

sidewalks 0.1 miles
wide curb lanes 0.1 miles13,728
15,000

MD 500 - MD 208 to MD 410

sidewalks 1.2 miles

164,736

Saint Mary's County

MD 5 - south of Camp Brown Road to the Roger Station

shoulders 2.2 miles

330,000

MD 5 - at Abell Street/Moakley Street

wide curb lanes 0.2 miles

30,000

Wicomico County

MD 349 - Bridge over Windsor Creek

sidewalks 0.1 miles
shoulders 0.1 miles13,728
15,000



PROJECT: WMATA Capital Investment Program

DESCRIPTION: The program provides Maryland's share of the funding for the Washington Metropolitan Area Transit Authority's Capital Improvement Program (CIP). It includes Maryland's share of matching funds to federal formula funds received directly by WMATA as well as Maryland's share of additional state and local funds for WMATA capital projects.

JUSTIFICATION: WMATA's FY 2020 - 2025 CIP is focused on safety, infrastructure rehabilitation and replacement and maintaining the Washington region's primary transit system in a state of good repair. WMATA's FY 2020 - 2025 CIP includes investment to replace rail cars, rehabilitation of track and rail structures, replacement vehicles for Metrolink and Metro Access, and implementing recommendations from the National Transportation Safety Board, the Federal Transit Administration and the Tri-State Oversight Committee.

SMART GROWTH STATUS: ☒ Project Not Location Specific ☐ Not Subject to PFA Law
☐ Project Inside PFA ☐ Grandfathered
☐ Project Outside PFA ☐ Exception Will Be Required
☐ PFA Status Yet to Be Determined ☐ Exception Granted

ASSOCIATED IMPROVEMENTS:
 Matching Funding for "Passenger Rail Investment and Improvement Act of 2008" - P.L. 110-432 - Line 3
 Series 2017B and 2018 Debt Service - Line 5
 Governor's Capital Dedicated Funding - Line 6

STATUS: The FY 2020 - 2025 CIP was adopted by the WMATA Board of Directors on March 28, 2019.

SIGNIFICANT CHANGE FROM FY 2019 - 24 CIP: The project cost increased \$137.9M due to the addition of FY 2025 funding, offset by WMATA budget requests

POTENTIAL FUNDING SOURCE:										
PHASE	TOTAL		EXPEND THRU 2019	CURRENT YEAR 2020	BUDGET YEAR 2021	PROJECTED CASH REQUIREMENTS FOR PLANNING PURPOSES ONLY				
	ESTIMATED COST (\$000)					2022	2023	2024	2025	SIX YEAR TOTAL
Planning	0	0	0	0	0	0	0	0	0	0
Engineering	0	0	0	0	0	0	0	0	0	0
Right-of-way	0	0	0	0	0	0	0	0	0	0
Construction	3,446,394	2,236,672	190,559	194,810	199,188	203,697	208,342	213,126	1,209,722	0
Total	3,446,394	2,236,672	190,559	194,810	199,188	203,697	208,342	213,126	1,209,722	0
Federal-Aid	0	0	0	0	0	0	0	0	0	0

9004, 9006



PROJECT: Project Development

DESCRIPTION: The program funds Maryland's allocated share of the Washington Metropolitan Area Transit Authority's Project Development Program.

JUSTIFICATION: The program funds Maryland's allocated share to the Washington Metropolitan Area Transit Authority's Project Development Program.

SMART GROWTH STATUS: ☒ Project Not Location Specific ☐ Not Subject to PFA Law

☐ Project Inside PFA ☐ Grandfathered
☐ Project Outside PFA ☐ Exception Will Be Required
☐ PFA Status Yet to Be Determined ☐ Exception Granted

ASSOCIATED IMPROVEMENTS:
 None

STATUS: Project Development Program planning studies are ongoing.

SIGNIFICANT CHANGE FROM FY 2019 - 24 CTP: Project cost increased \$1.0M due to the addition of funding for FY 2025.

POTENTIAL FUNDING SOURCE:												
PHASE	TOTAL					☒ SPECIAL	☐ FEDERAL	☐ GENERAL	☐ OTHER	SIX YEAR TOTAL	BALANCE TO COMPLETE	
	ESTIMATED COST (\$000)	EXPEND THRU 2019	CURRENT YEAR 2020	BUDGET YEAR 2021	PROJECTED CASH REQUIREMENTS FOR PLANNING PURPOSES ONLY2022..... 2023..... 2024..... 2025.....							
Planning	0	0	0	0	0	0	0	0	0	0	0	
Engineering	0	0	0	0	0	0	0	0	0	0	0	
Right-of-way	0	0	0	0	0	0	0	0	0	0	0	
Construction	24,760	18,460	1,300	1,000	1,000	1,000	1,000	1,000	1,000	6,300	0	
Total	24,760	18,460	1,300	1,000	1,000	1,000	1,000	1,000	1,000	6,300	0	
Federal-Aid	0	0	0	0	0	0	0	0	0	0	0	

8011

October 28, 2019

Pete K. Rahn, Secretary
Maryland Department of Transportation
7201 Corporate Center
Hanover, MD 21076

RE: 2020-2025 Draft Consolidated Transportation Program (CTP)

Dear Secretary Rahn:

The Greenbelt City Council has had the opportunity to review the *State's Draft Consolidated Transportation Program (CTP) for fiscal years 2020-2025*. The City Council offers the following comments.

The City continues to be disappointed that the MD-193 – Greenbelt Road Streetscape project, which was placed on hold in 2002, remains excluded from the CTP. Greenbelt Road is a major east-west roadway that serves as a major gateway to our Community and represents Prince George's County to many who travel along it. The City requests that this very important project for the State, County and local communities be **added** to the CTP and funding allocated to planning.

In addition, the City strongly **opposes**:

- The removal of funding from the **I-95/I-495 Capital Beltway** (Full Interchange at Greenbelt Metro Station) project and the City requests that funding is restored to this important project. If the State, County and City are to be successful at attracting a large tenant and high quality transit oriented development to the Station, a full interchange must be constructed. We need to be proactive in attracting economic development to the region, not take a wait and see approach.
- The **I-270 Eisenhower Memorial Highway, and I-495, Capital Beltway** Planning Study (Traffic Relief Plan) and the **Baltimore-Washington Superconducting Maglev (SCMAGLEV)** project. The impacts these projects will have on the natural, socioeconomic, cultural and built environment are unacceptable. These projects will do little to address the regions congestion, but have high environmental, human and financial costs.
- The **MD 201 Extended (Edmonston Road) / US 1 (Baltimore Avenue)** project. This project will have significant environmental impacts on wetlands to the north of the City as well as on Beltsville Agricultural Research Center (BARC) property. The BARC

property is one of the last remaining gems of uninterrupted open space in this urbanized region.

The City deems these projects it opposes to be in direct conflict with the State's priorities outlined in the CTP to include the following: Use resources wisely; Deliver transportation solutions and services of great value; Be a good neighbor; Be a good steward of our environment; and Be fair and reasonable to our partners. The CTP should support the State's transportation priorities, not be in conflict with them.

The City, on the other hand, appreciates and remains **supportive** of:

- The state's continued support for the construction of the **Purple Line**, investment in the **WMATA Metrorail** system and for funding locally operated transit systems capital procurement projects through the **Prince Georges County Local Bus Program**.
- The **US 1, Baltimore Avenue** reconstruction project and the City also supports College Park's request to have funding programed for design, engineering and construction of Segments 2 and 3 (US 1 from MD-193 to I-95) of this project.
- The allocation of funding to **Bicycle and Pedestrian Related Projects**. The City shares the States and Prince George's County's concern for pedestrian and bicycle safety and strongly urges that projects continue to be added that support this State and local priority.

Thank you for the opportunity to review and comment on the CTP. If you have any questions please contact Judith Howerton, Community Planner at 301-345-5417.

Sincerely,

Emmett V. Jordan
Mayor

cc: City Council
Senator Paul G. Pinsky
Delegate Anne Healey
Delegate Alonzo Washington
County Council Chair Todd Turner
Four Cities Coalition
Victor Weissberg, Prince George's County DPW&T
Nicole Ard, City Manager
Terri Hruby, Director of Planning and Community Development



PRINCE GEORGE'S COUNTY GOVERNMENT

Office of the County Executive

Angela D. Alsobrooks
County Executive

FEB 12 2019

Mr. Pete K. Rahn
Secretary
Maryland Department of Transportation
7201 Corporate Center Drive
Hanover, Maryland 21076

Dear Secretary Rahn:

Enclosed is Prince George's County's Priority Projects List for the FY 2019-2024 State Consolidated Transportation Program (CTP). The list reflects the County's priorities regarding State highway construction projects, transit, project planning starts, safety improvements, system preservation and gateway projects. Further, the Priority Projects List advances the County's objectives related to Transit Oriented Development (TOD), and pedestrian and bicycle safety.

Each year, we evaluate what has transpired since we submitted the previous letter. We are pleased to see progress on the Purple Line and look forward to assuring that it is more than just a light-rail train but a means to advance safe multi-modal access, economic opportunity, mobility, and equity. As this vital transit link comes on line, it will play a key role in helping to spur economic development in the region and promote more sustainable transportation solutions to reduce congestion.

As the I-95/I-495 Managed Lanes Study is moving through the National Environmental Protection Act (NEPA) process, it is important to advance alternatives that support sustainability and that bring balance to the region, through transportation options that emphasize how best to move people safely while promoting equity and economic development. The County believes that the transit options presented over the summer in series of Open Houses should be retained for detailed study as well as those advancing Travel Demand Management (TDM) or Transportation Systems Management (TSM). We want there to be serious consideration of alternatives that serve to minimize impact, avoid takings and remain within the existing right-of-way. We are also concerned with the disproportionate burden that tolling may place on County residents and potentially exacerbate the regional divide between housing locations and employment centers. In addition, we know that newly constructed traffic lanes often only serve as a magnet for future congestion and by their nature, make the conditions ripe for one of the root causes of congestion itself: sprawl development. These issues must be examined as part of the study process.

In reviewing the Baltimore-Washington Superconducting MagLev (SCMagLev) documentation to date, the County continues to have several concerns. The project solely traverses the county and does not offer the benefits to residents that would come from having a

station located in the county. It could bring adverse impacts due to construction, takings, and the burden of the train and its infrastructure. The County will want to work closely with the State to address potential impacts to communities, and the environment. These issues must be satisfactorily addressed as a prerequisite for advancing the potential project. Having said that, we continue to believe that any resources devoted to this project are better spent elsewhere.

As for our expressed priorities, the list represents projects that will provide Prince George's County with the greatest benefits in terms of community revitalization, economic development, transit access, congestion relief and safety improvements. They will help in delivering an integrated, multi-modal transportation network for residents and visitors alike. Marylanders in the capital region deserve nothing less than a comprehensive approach to transportation enables them to move about more freely, regardless of what mode of transportation they choose.

In addition to addressing the important issues related to transportation infrastructure, I would like to call attention to the treatment of medians on state roads in the county and that we too often find them in an unacceptable condition. People look upon these passageways as the County's calling card, without thinking about which agency oversees their upkeep. We must maintain these roadways in better condition through better and more frequent maintenance and trash removal.

Several key projects from previous lists are advancing so this list highlights projects that are needed (FY 2019-2024 CTP):

- **Pedestrian Safety Enhancements on State-maintained Roadways:** Projects that are intended to address safety, specifically those designed to reduce pedestrian crashes in Prince George's County, are paramount and can be found in several categories of the list including System Preservation and Project Planning. The State must continue efforts to implement safety features on and along State-maintained roadways including installing continuous street lighting, crosswalks, sidewalks, as well as other measures. Prince George's County commends the State for safety programs such as the Pedestrian Road Safety Audits, Community Enhancement projects, and for beginning to address specific danger areas such as MD210. However, much more remains to be done, and we emphasize the necessity of continued focus and vigilance on this initiative.
- **MD 210, Indian Head Highway (Palmer Road at Livingston Road West Interchange):** Advancing the current work at Kerby Hill Road further South along the MD 210 corridor is of paramount importance to Prince George's County. The County looks forward to working with the State on advancing the next intersection, Palmer Road at Livingston Road West or an alternative project that will bring relief to this congested corridor. The MGM facility opened in late 2016 and additional planned economic development within the MD 210 Corridor is coming. Advancing this project will benefit the State, Region and County by improving mobility from Southern Maryland into and

through the County. Funding for work along the corridor will be supplemented by revenue provided from the passage of Senate Bill 1- second special session of 2012.

- **US 1, Baltimore Avenue (College Avenue to I-95/495):** This is a unique opportunity to improve this showcase for the State's flagship college campus. Ensuring that this project is well designed and timely constructed is critical. This project will bring much needed streetscaping, and enhanced safety measures including sidewalk improvements to this highly congested and challenged section of US 1 in College Park. While it is understood that the corridor is complicated, especially when it comes to utility work that is needed, the current timeline for construction of the first phase of this project goes well beyond what can be considered acceptable. The County looks forward to working with the State in dramatically reducing the timeframe for this project and then beginning the necessary work to move the subsequent phases forward.
- **MD 5, Branch Avenue/Southern Maryland Rapid Transit:** The Branch Avenue Project, which will provide improved traffic flow and new interchanges in the Branch Avenue corridor, and the Southern Maryland Rapid Transit Project, proposed fixed guideway transit along the MD5/US-301 corridor extending from the Branch Avenue Metrorail Station in Prince George's County to Waldorf and White Plains in Charles County, are critical projects to alleviate congestion and promote economic development on the MD-5/US-301 corridor. We strongly urge the State to finalize the remaining project planning and design elements for both projects and move these projects forward into construction.
- **I-95/ Greenbelt Metro Access:** Although the Trump Administration needlessly halted the relocation process for the FBI, this intersection project remains critical to the County and the region. Safe and efficient access to the metrorail station from I-95 will stimulate continued economic development in the area and assure that this site is able to fulfill its potential as a major TOD location for spurring the economic health and vitality in the State of Maryland.
- **MD 197, Collington Road (US 50 to MD 450):** Widening MD 197 from US 50 to MD 450 is important for relieving congestion, improving safety, and supporting economic development in the Bowie area. This is a major access and conveyance point for an important economic and residential center within the County.
- **MD 4 Corridor, Pennsylvania Avenue Interchanges (Westphalia Rd, Dower House Road and MD 223 Woodyard Road).** In addition to the construction of the MD 4 at Suitland Parkway project, it is imperative to advance design for the remaining interchanges along Pennsylvania Avenue just outside of the Beltway. This will address mission related needs at Joint Base Andrews, relieve congestion, and help enhance development projects in the area. In addition, interim improvements at the MD 4 and

Westphalia Road intersection are needed to address existing conditions because of BRAC movements at Andrews and the burgeoning needs of the corridor.

- **WMATA Funding:** Robust funding for the WMATA system is absolutely necessary to assure needed capacity and effective transit services throughout Prince George's County and we applaud the actions taken recently to put WMATA on a sounder financial footing. Both the Metrorail and a soundly funded Metrobus network are essential to the County for addressing mobility needs and providing sustainable alternatives to single occupancy vehicles. The County is very pleased with the regional commitment to dedicated funding for WMATA. However, additional funding is needed for programs like expanding the Priority Corridor Network (PCN) for routes in Prince George's County, to help support Transit Oriented Development around the 15 Stations in the County, and enhanced transit connectivity between activity centers. It is also important for the County to have a strong voice in WMATA governance through Board representation.
- **The Bus:** As Prince George's County operates a transit system separate from WMATA, additional funding is needed to help provide expanded service to meet existing needs and accommodate future growth. The County is advancing its 5-year Transit Vision Plan which lays out the foundation for providing enhanced local transit service in Prince George's County. Robust Locally Operated Transit System (LOTS) funding is crucial to deliver these critical local services.
- **Transit Oriented Development:** Prince George's County strongly supports infrastructure investment to support the vital economic development in transit-oriented communities. In 2014, the County Council approved Plan 2035 Prince George's as our General Plan. It designates eight Regional Transit Districts, three of which are being designed as Downtown's; Prince George's Plaza, New Carrollton and Largo. The County appreciates the strong support and collaboration from the State to date and looks forward to efforts such as advancing such efforts as the road diet on MD 410 in front of the Prince George's Plaza Metro and will want to continue these important investments to promote economic development.
- **Purple Line Extended (New Carrollton to Largo):** With the construction of the Purple Line well underway we look forward to our continued work with MTA, SHA and the concessionaires building the project to ensure that construction impacts are well managed, reasonable and are always professionally and comprehensively communicated to our residents. With this progress in mind, it is critical to advance study of the next logical phase of circumferential transit linking the spokes of the Nation's Capital. Further study is needed of the segment identified in the Washington Council of Governments Transportation Land Use Study identifying corridors for a Countywide Transitway of

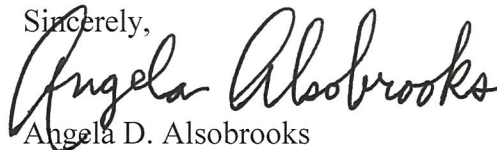
Secretary Pete K. Rahn
February 5, 2019
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fixed guideway alignments. This segment will be particularly critical to support the New Regional Hospital in Largo.

- **Prince George's County Transitway:** Advancing study of a fixed guideway network with emphasis on priority corridors is important for sustainable economic development and enhanced mobility within the County and the region. Priority corridors provide links to neighboring jurisdictions, and between activity centers within Prince George's County.
- **Arena Drive Interchange:** What was initially constructed as an additional entry point to the stadiums in the area for high volume events, this interchange has become the front door for the new regional medical center, the rebirth of the area surrounding the hospital well as a gateway to the new downtown Largo. This infrastructure needs to be expanded in order to suitably provide access to these locations and to ensure uninhibited travel to the regional medical center.

While we may not see eye to eye on every issue, Prince George's County continues to value the cooperative relationship we have with you and your staff. We appreciate their knowledge and professionalism and look forward to working closely with you to advance our transportation priorities for the betterment of the County, the region and the State of Maryland.

Sincerely,



Angela D. Alsobrooks
County Executive



Todd M. Turner
Chair, County Council

Enclosure

cc: The Honorable Joanne C. Benson, Chair, Prince George's County Senate Delegation
The Honorable Michael A. Jackson, Chair, Prince George's County House Delegation
The Honorable Tawanna Gaines, Chair, Transportation and Environment Subcommittee
Maryland House Appropriations Committee
The Honorable Todd M. Turner, Chair, Prince George's County Council
The Honorable Rodney C. Streeter, Vice Chair, Prince George's County Council
The Honorable Thomas E. Dernoga, Member, Prince George's County Council
The Honorable Deni L. Taveras, Member, Prince George's County Council
The Honorable Dannielle M. Glaros, Member, Prince George's County Council

Secretary Pete K. Rahn
February 5, 2019
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The Honorable Jolene Ivey, Member, Prince George's County Council
The Honorable, Derrick Leon Davis, Member, Prince George's County Council
The Honorable Monique Anderson-Walker, Member, Prince George's County Council
The Honorable Sydney J. Harrison, Member, Prince George's County Council
The Honorable Calvin S. Hawkins, Member, Prince George's County Council
The Honorable Mel Franklin, Member, Prince George's County Council
Major F. Riddick, Jr., Acting Chief Administrative Officer, Office of the County Executive
Floyd E. Holt, Deputy Chief Administrative Officer, Office of the County Executive
Bradley W. Frome, Strategic Operations Division, Office of the County Executive
Terry L. Bellamy, Acting Director, Prince George's Department of Public Works and Transportation
Martin L. Harris, Deputy Director, Prince George's Department of Public Works and Transportation
Gwendolyn T. Clerkley, Deputy Director, Prince George's Department of Public Works and Transportation
Elizabeth Hewlett, Chair, Prince George's County Planning Board, M-NCPPC
Andree Green Checkley, Prince George's County Planning Department, M-NCPPC
Darin Conforti, Deputy Director, Department of Parks and Recreation, M-NCPPC
Gregory Slater, Administrator, Maryland State Highway Administration
Kevin Quinn, Administrator, Maryland Transit Administration

**Criteria for
Priority State Projects within
Prince George's County**

The State Consolidated Transportation Program (CTP) Priority Projects List is developed by staff of the Department of Public Works and Transportation in coordination with the staff of the Maryland-National Capital Park and Planning Commission (M-NCPPC). Based on the collective input received by the relevant sister agencies, and internal analysis, the CTP List is forwarded to the County Executive and Council for review, approval and transmittal to the Maryland State Department of Transportation through a joint signature letter.

Criteria used to prioritize the List are as follows:

Safety Improvements - Each project is evaluated to determine the safety enhancements to be achieved for all users in response to data and determined needs.

Capacity Improvements - Each project is evaluated to determine the capacity improvements to be provided for the transportation facility users in response to the needs.

Revitalization - Each project is reviewed to determine the project's contribution to the County's revitalization initiatives and improvements to each community's well-being and environmental sustainability through the implementation of current, sound and sensitive practices.

Economic Development - Each project is evaluated to determine the project's contribution to the County's economic development policies and goals.

Mass Transit - Each project is evaluated to determine the project's contribution to the County's Master plans for implementation of transit services with emphasis on intra-community transit needs.

Project Schedule - Each project schedule is evaluated to assure the progression of projects from the planning stage into the construction phase for each subsequent year. The availability of projects for the construction phase assures that county projects are available to compete for construction funding each year.

Other Funding Sources - Each project is evaluated to determine the availability of "other" funding sources to supplement State and federal funding provided in the CTP.

**PRINCE GEORGE'S COUNTY
2019 PRIORITY PROJECTS LIST
MARYLAND DEPARTMENT OF TRANSPORTATION PROJECTS**

I. STATE TRANSIT PROGRAMS AND PROJECTS IN PRINCE GEORGE'S COUNTY

A. Transit Expansion and Funding:

- | | | |
|----|--|---|
| 1. | <i>TheBus</i> | Expand community-based bus services to address unmet or underserved transit demands (i.e. enhanced service for National Harbor/South County). Enable fulfillment of the County's recently completed Transit Vision Plan. |
| 2. | WMATA Funding | With the passage of The Maryland Metro/Transit Funding Act (SB277/HB 372), much needed maintenance and capacity improvements are required to deliver effective transit throughout the County with emphasis on MetroBus, MetroRail, additional PCN routes, enhanced investment in TOD, and improved connectivity between activity centers. |
| 3. | Southern Maryland Transit | Expansion of fixed guideway transit services from Branch Avenue Metrorail Station south along the MD 5/US 301 Corridor to Charles County to relieve congestion in Prince George's County. Project needs to be continued and entered into the NEPA process. |
| 4. | Prince George's County Transitway
(Priority Corridors from
COG TLC Study) | Study of expanded fixed guideway transit services along identified corridors to meet economic development at Largo, Branch Avenue, and MGM National Harbor. |
| | <ul style="list-style-type: none"> • Purple Line Extension
(Inner and Outer alignments)
(in phases) | Initiate formal study process of potential alignments for developing a regional circumferential line. |

- New Carrollton to Largo,
 - Largo to Branch Ave.
 - Branch Ave. to Nat. Harbor
- Enhances long-term, regional, sustainable economic development.
- Inner: New Carrollton to Virginia via
Garrett Morgan, Suitland and Nat'l Harbor
(In phases)
- Mount Rainier to Langley Park
Phase I: Langley Park to Riverdale Park
via Prince George's Plaza
Phase II: Riverdale Park to Mount Rainier
(connecting to future DC Streetcar)
5. MARC Growth and Investment Plan
Expand and enhance service along the MARC Camden and Penn lines (i.e., MARC Growth and Investment Plan).
 6. Rail Line connecting Southern Green Line to Virginia
Expand rail from the Yellow Line in Virginia to the Southern Green Line of Metrorail (Branch Avenue or Suitland) via the Woodrow Wilson Bridge (WWB) and National Harbor to provide transit connection between Maryland and Virginia; help address region divided; relieve congestion; promote economic development.
 7. Full WMATA Metrorail Service On Yellow Line to Greenbelt
Extend current Metrorail service on the Yellow Line to full service for Fort Totten to Greenbelt segment; help address region divided; relieve congestion; promote economic development.

B. Transit Oriented Development:

Support State funding for Transit Oriented Development (TOD) in Prince George's County as it is vital for economic development and smart growth.

1. Largo Metrorail Station
2. New Carrollton Transit Station
3. Suitland Metro Station
4. Greenbelt Metro Station

5. Branch Avenue Metrorail Station
6. Prince George's Plaza Metro Station
7. College Park/Discovery District/Northern Gateway/ Metro/Purple Line Stations
8. Laurel MARC Station
9. Southern Avenue Metro
10. Naylor Rd. Metro
11. Bowie MARC Station

II. State Highway Administration (SHA) Priority Projects:

The SHA Priority Projects List is intended to provide guidance to SHA on the order in which Prince George's County's elected officials desire project planning to start and see actual construction take place. The recommended projects have been prioritized from a strategic planning effort to provide: the greatest benefit to areas inside or adjacent to the Beltway; much needed safety improvements; and economic development growth within the County. Historically, projects currently funded for construction in the Consolidated Transportation Program (CTP) are expected to proceed to construction based on the published funding schedule, which ordinarily would be excluded from this priority list.

A. Construction Priorities:

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. MD 210, Indian Head Highway Interchange and Intersection Improvements
(Could be redesigned and constructed in one phase)
Phase II – Palmer Road/Livingston Road
Phase III – Oxon Hill Rd./Old Fort Rd. | <p>Redesign and construction is needed of seven failing intersections to relieve existing and projected congestion, as well as support economic development. Other alternatives to relieve congestion and improve safety should be explored.</p> |
| <ol style="list-style-type: none"> 2. US 1, Baltimore Avenue (College Avenue to I-95/495) Roadway Reconstruction
(To be completed in phases)
Phase I- College Avenue to MD 193
Phase II – MD 193 to Hollywood Rd.
Phase III – Hollywood Rd. to I-95/I-495 | <p>Expediently initiate construction and condense Phase I timeline, and concurrently begin Phase II/III planning and design to improve safety; provide streetscaping for community revitalization; improve transit access; and upgrade Cherry Hill Road intersection.</p> |

- | | | |
|-----|--|--|
| 3. | I-95/Greenbelt Metro Access | Provide complete State/Federal funding for safe and efficient access from I-95/I-495 to the Greenbelt Metrorail Station and support mixed-use economic development around the Station. |
| 4. | MD 197, Collington Road
(US 50 to MD 450) | Relieve congestion; improve safety; and support Roadway Widening; economic development. |
| 5. | MD 5, Branch Avenue
Interchanges and Widening <ul style="list-style-type: none"> • Surratts Road • Burch Hill Road (A-65) | Relieve congestion; improve safety; and support economic development. |
| 6. | US 301/MD 5 (MD 373-Charles Co. Line) | Upgrade existing corridor to relieve congestion, improve safety |
| 7. | MD 450, Annapolis Road
(Stonybrook Drive to MD 3) | Relieve congestion; improve safety; and support roadway widening; economic development. |
| 8. | MD 223, Woodyard Road
(Steed Road to MD 4)
Roadway Widening | Relieve congestion; improve safety; and provide capacity for economic development; intersection improvements. |
| 9. | US 301 - MD 197 Interchange
(To be constructed in phases) | Improve safety and relieve congestion in this rapidly developing commercial area. |
| 10. | MD 717, Water Street
Bridge and Roadway Reconstruction | Improve safety in Upper Marlboro area by raising MD 717 out of floodplain. |
| 11. | MD 201, Kenilworth Avenue
Extended (I-95/495 to US 1) | Relieve congestion; improve safety; and provide access for economic development and the Greenbelt Metrorail Station from US 1 Corridor. |

B. Project Planning Priorities:

- | | |
|--|--|
| 1. I-95/I-495 @ Arena Drive
Widening and Interchange Improvements/
Reconstruction | Improve interchange capacity; reduce congestion; provide enhanced safety for vehicles, bicycles and pedestrians; promote economic development serving as gateway for downtown of County. |
| 2. MD 193, University Blvd.
(to be completed in phases)
Phase I County line to Adelphi Rd.)
Phase II (US 1 to Hanover Pkwy.) | Improve pedestrian, bicycle and vehicular safety, intersection improvements, provide street lighting, community enhancement, critical to improve pedestrian safety as part of Purple Line. |
| 3. MD 4 Corridor, Pennsylvania Avenue
Widening and Interchange Improvements <ul style="list-style-type: none">• Westphalia Road Interchange• Dower House Road Relocation /Interchange and short-term improvements• MD 223 Interchange | Relieve congestion; improve safety; and provide access to employment centers in MD 4 corridor and for Joint Base Andrews mission related growth. |
| 5. MD 458 Silver Hill Road <ul style="list-style-type: none">• MD 5 to Suitland Rd.• Suitland Rd. to MD 4MD 4 to Walker Mill Rd. | Improve safety for all users and provide streetscaping; revitalization; an continuous overhead lighting for community intersection improvements |
| 5. MD 410, East-West Highway/
Riverdale Road/Veterans Parkway
(To proceed in phases)
Phase I: MD 212 to US 1 (road diet, part)
Phase II: MD 212 to MD 650
Phase III: MD 201 to Veterans Parkway
Phase IV: Riverdale Road to Pennsy Drive | Improve safety, provide streetscaping for community and economic development, provide continuous overhead lighting. |
| 6. US 50/MD 201
(East of MD 704 to South Dakota Avenue)
Interchange and Corridor
Improvements | Gateway beautification, relieve flooding, congestion, and improve safety on these key inter-state links. |
| 7. MD 202 @ I-95/495 & Brightseat Road
(Barlow Road to Lottsford Road.) | Improve for economic development, safety, community enhancement and congestion relief |

- | | | |
|-----|--|--|
| 8. | MD 212, Powder Mill Road
(Pleasant Acres Drive to I-95)
Roadway and Intersection
Reconstruction | Improve safety and support
economic development. |
| 9. | Ritchie Marlboro Road @ I-95/495 | Relieve Congestion, address capacity
issues; and support economic
development. |
| 10. | US 50, John Hanson Highway
(MD 704 to MD 197)
New Interchange | Relieve congestion and
improve safety on MD 197
and MD 450. |

C. Gateway Beautification Projects:

Smaller scope projects to improve aesthetics, street lighting, SWM, sidewalk, beautification, streetscaping and bicycle facilities to enhance public, motorized and non-motorized transportation safety at the entrances to the County from the Nation's Capital.

1. MD 218, Suitland Road
2. MD 4, Pennsylvania Avenue
3. MD 5, Branch Avenue
4. US 50/MD 201 John Hanson Highway/Kenilworth Ave.
5. MD 214, East Capitol Street
6. MD 210, Indian Head Highway
7. Alt US 1, Bladensburg Road
8. MD 332, Old Central Ave.
9. MD 500, Queens Chapel Road
10. MD 212, Riggs Road
11. MD 650, New Hampshire Avenue
12. US 1, Rhode Island Avenue
13. I-295

D. Safety/System Preservation and Urban Reconstruction Priorities:

Improve pedestrian, bicycle and vehicular safety, provide street lighting, streetscaping to support community enhancement.

1. MD 704, Martin Luther King Highway
(Hill Road to MD 450)
2. MD 410 East-West Highway
(Ager Road to Adelphi Road/
Queens Chapel Road)
3. Alt. US 1 MD @ 450 Annapolis Road
(Specific to Peace Cross) Geometric improvements
for vehicular, bicycle and
pedestrian safety
4. MD 218 Suitland Road
(DC Line to MD 458)
5. MD 4, Pennsylvania Avenue
(DC Line to Silver Hill Road)
6. MD 5, Branch Avenue (New)
(Suitland Parkway to Silver Hill Road (MD 458)) Sidewalk, bicycle, and safety
improvements
7. MD 214, Central Avenue
(DC line to Pepper Mill Drive) Sidewalk, bicycle and safety
improvements, signal at Pepper
Mill Drive.
8. MD 202, Landover Road
(MD 450, Annapolis Road to Barlow Road)
9. MD 210, Indian Head Highway
(DC Line to Livingston Road)
10. MD 450 Annapolis Road
 - MD 450, Annapolis Road
(Finns Lane/Harkins Road to MD 564, Lanham-Severn Rd.)
 - Bladensburg - Green/Complete Street Project
(Peace Cross to MD 202)
11. MD 201, Kenilworth Avenue
(Riverdale Road to River Road)
12. MD 223, Woodyard Road
(MD 5 to Pine View Lane)

13. MD 212, Riggs Road
(DC line to East-West Highway)
14. MD 414, St. Barnabas Road/Oxon Hill Road
(Temple Hill Road to MD 210)
15. MD 650, New Hampshire Avenue
 - Metzerott Rd. to MD 193
 - MD 410 to DC Line
16. US 1, Baltimore Ave.
(Montgomery Rd. to Prince George's Ave.)
17. MD 201, Edmonston Road
(Cherrywood Lane to Sunnyside Avenue) Improve vehicular safety
and relieve congestion

E. Bicycle Corridor Priorities:

1. MD 704 (multi-use sidepath and designated bike lanes - MD 450 to Hill Road)
2. MD 193 (sidewalks, designated bike lanes, and safety improvements - Montgomery County Line to MD 564, to be done in phases)
 - Phase I: Montgomery County Line to Adelphi Road
 - Phase II: US 1 to Hanover Parkway
 - Phase III: Hanover Parkway to MD 564
3. US 1 (DC line to Howard County Line, to be done in phases)
 - Phase I: Guilford Drive to I-95/I-495
 - Phase 2: Guilford Drive to DC Line
 - Phase 3: Contee Road to Howard County Line
 - Phase 4: I-95/I-495 to Odell Road
4. Oxon Hill Farm/National Harbor Connection
(MGM/National Harbor Ave./Tanger Blvd. to Bald Eagle Drive)
5. MD 414 (Oxon Hill Road) sidewalks, bike lanes and safety improvements
(MD 210 to St. Barnabas/Brinkley Road)

6. MD 223 (multi-use sidepath - MD 4 to Livingston Road, in phases)
 - Phase I: Steed Road to MD 5
 - Phase II: MD 5 to MD 4
 - Phase III: Livingston Road to Steed Road
7. MD 450 (road diet, restriping for designated bike lanes - just west of MD 410 to the Baltimore-Washington Parkway)
8. Bowie Heritage Trail
9. MD 4 (multi-use sidepath, sidewalk, and safety improvements - MD 458 to District Line)
10. MD 210 (multi-use sidepath - MD 414 to Henson Creek)

F. Park Trails Priorities:

1. WB&A Trail connections (Anne Arundel County to the Anacostia River Trail)
 - Phase I – Bike/ped bridge over Patuxent River connecting Prince George’s and Anne Arundel Counties
 - Phase II – Cheverly to Bladensburg Waterfront Park (Euclid Street Park to Lloyd St.)
2. Central Ave. (Blue Line Corridor) Connector Trail (Marvin Gaye Trail/Cap. Heights Metro to Largo Metro)
3. Rhode Island Avenue Trolley Trail (Armentrout Drive to Farragut Street)
4. Little Paint Branch Trail Extension
 - Phase I – Along Old Gunpowder Road (Denim Rd. to 900 ft. N. of Denim Road)
 - Phase II – multi-use facility across I-495/I-95 (Cherry Hill Rd.)
5. Piscataway Creek Trail (MD 223 to the Potomac River)
6. Oxon Run Trail (Southern Avenue to Naylor Road)
7. Henson Creek Trail Extension (Temple Hill Road to Suitland Parkway, including cross Beltway access)
8. Folly Branch Trail (MD 450 to Enterprise Golf Course)
9. Prince George’s Connector Trail (Chillum Road to Russell Avenue)
10. College Park Trolley Trail Extension (Greenbelt Road to Quimby Avenue)
11. Chesapeake Rail Trail (Seat Pleasant)

City Council Agenda Item Report

Meeting Date: October 28, 2019

Submitted by: Shaniya Lashley-Mullen

Submitting Department: Administration

Item Type: OTHER BUSINESS

Agenda Section:

Subject:

Opposition to Bureau of Engraving and Printing facility at Beltsville Agriculture Research Center (BARC) site

Suggested Action:

Reference:

Email, N. Ard, 10/25/2019

Email, D. Chuck, 10/25/2019

Council members Byrd and Roberts requested that this item be included on the agenda.

Attachments:

[Email, N. Ard, 10.25.2019.pdf](#)

[Email, D. Chuck, 10.25.2019.pdf](#)

Bonita Anderson

From: Nicole Ard
Sent: Friday, October 25, 2019 12:51 PM
To: Council
Cc: Bonita Anderson; David Moran; Terri Hruby; Richard Bowers; Charise Liggins
Subject: Bureau of Engraving

Council,

Please note that today I was contacted by a representative of the Bureau of Engraving and Printing regarding Monday evening's item requested by Councilmember Byrd. The representative noted that while the NEPA stakeholder comment process is not yet open, the representative offered to come and talk about the NEPA process for official stakeholder comment. The person who offered to come on Monday evening would not be able to talk about the project, just the NEPA process.

I suggested and he agreed to instead provide a summary/timeline of the NEPA process. He noted that the City will receive a notice of intent on proposed action. The City will receive information a planned December public meeting for public comment. That information has not been distributed yet. When received that will be shared with Council and posted online.

As previously reported to Council, the director of USDA BARC offered to have both BARC and Treasury officials at a Council work session later this Fall to discuss the project when reporting becomes available (anticipated to be received around November). That is a comprehensive way for Council to obtain project information to prepare for participation in the NEPA comment process. As noted, in addition to the Bureau of Engraving's previous presentation to Council, the agency also met residents living near the planned facility during a community meeting with their County councilmember. My understanding is that representatives also met with a Beltsville business association and the Greenbelt Community Development Corporation.

Thank you,
Nicole

Bonita Anderson

From: Davis, Chuck
Sent: Friday, October 25, 2019 2:33 PM
To: Nicole Ard
Subject: BEP NEPA Information
Attachments: BEP_PIP_Exec_Sum - 25 Oct 2019.pdf

Nicole,

Thank you for discussing the potential BEP project at BARC earlier today. As discussed, I've attached a brief executive summary of the pending NEPA effort to include a brief background of the proposed action, as well as the high level schedule.

As you mentioned, Congress provided Authority for Treasury to proceed with the development of the BARC site in the 2018 Farm Bill (P.L. 115-334), while BEP's funding Authority was provided in the Consolidated Appropriations Act of 2019 (P.L. 116-6).

I've also listed all of the major outreach activities we've conducted over the past several years below:

Friends of Agricultural Research Beltsville - 31 Jul 2017

US Representative Hoyer - 14 Aug 2017

Beltsville Agricultural Research Center Employee Group - 30 Aug 2017

Greenbelt City Manager and Staff - 3 Oct 2017

Prince George's County Councilmember District 1 - 12 Oct 2017

Prince George's County Council - 6 Nov 2017

MD State Senator Rosapepe - 5 Jan 2018

Prince George's County Executive's Office - 9 Jan 2018

Greenbelt City Council Work Session - 7 Feb 2018

Press Release Regarding BARC Site Evaluation - 1 Apr 2019

Prince George's County Economic Development Corporation - 3 Apr 2019

Greenbelt Community Development Corporation - 22 Jun 2019

National Capital Planning Commission - 24 Jun 2019

Maryland-National Capital Park and Planning Commission - 14 Aug 2019

Maryland Historical Trust - 15 Aug 2019

Beltsville Community Townhall Hosted by Prince George's County Councilmember (District 1) - 1 Oct 2019

Greater Beltsville Business Association - 23 Oct 2019

The pending Notice of Intent will be published in the local newspapers and will be sent to a significant number of stakeholders, to include yourself, the Mayor and the Greenbelt Planning Department.

Please let me know if you have any additional questions or comments with respect to the provided information.

v/r,

Chuck Davis, P.E.

Bureau of Engraving and Printing

Facility Project Management Office

Executive Summary

The United States (US) Department of the Treasury (USDT), Bureau of Engraving and Printing (BEP) proposes to site, construct, and operate a new currency production facility on the Beltsville Agricultural Research Center (BARC) in Prince George's County, Maryland. This Proposed Action would replace BEP's existing production facility in Washington, DC facility (DCF) with a smaller, more modern facility within the National Capital Region (NCR).

The USDT must comply with the National Environmental Policy Act of 1969 (NEPA) prior to implementing the Proposed Action. Therefore, BEP, representing USDT as the action proponent, is preparing an Environmental Impact Statement (EIS) to analyze the potential direct, indirect, and cumulative adverse effects of the Proposed Action on the human environment. The EIS will analyze the potential effects of the Proposed Action and alternatives on the following resources or resource areas: land use, aesthetics, air quality, noise, geology and soils, water resources, biological resources, cultural resources, socioeconomics and environmental justice, traffic and transportation, utilities, and hazardous and toxic materials/waste.

The US Army Corps of Engineers (USACE), Baltimore District is providing environmental program support to BEP to conduct the EIS and associated supporting studies. By extension, USACE administers and oversees various private sector contracts to meet specific program requirements of BEP. AECOM is under contract with USACE to provide NEPA compliance program support for the BEP's proposal. Key milestones in the NEPA process are noted in the EIS schedule included below.

BEP Currency Facility EIS Schedule as of 24 October 2019 (abbreviated)			
DELIVERABLE	ACTION	START	FINISH
CY 2019			
Notice of Intent (NOI)	Publication	-	11/8
Scoping Period	Public/Agency Scoping Meetings (12/3)	11/15	12/15
CY 2020			
Draft EIS and Notice of Availability (NOA)	Govt. Review	8/17	8/28
	BEP Routes NOA to Stakeholders	9/7	9/18
Public Comment Period (45 days)	Public Meeting (10/28)	10/2	11/16
CY 2021			
Final EIS and NOA Package	Govt. Review	4/5	4/16
	BEP Routes NOA to Stakeholders	4/26	5/7
Final EIS Waiting Period (30 days)	-	5/21	6/20
Final (signed) Record Of Decision	Publication	6/21	6/25

City Council Agenda Item Report

Meeting Date: October 28, 2019

Submitted by: David Moran

Submitting Department:

Item Type: OTHER BUSINESS

Agenda Section:

Subject:

County Legislation - CB-46-2019 (Animal Control Ordinance)

Suggested Action:

At the Work Session on October 16 this bill was referenced by Council Chair Turner. Mayor Pro Tem Davis requested this item be added to this evening's agenda.

CB-46 would make changes to the Prince George's County Animal Control Ordinance. Staff has not had an opportunity to review the Ordinance in depth. There was discussion of this Ordinance at the Four Cities Coalition Meeting.

Council direction is sought.

Attachments:

[CB-46-2019.pdf](#)

[Fact Sheet distributed at 4-Cities Meeting.pdf](#)

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2019 Legislative Session

Bill No. CB-46-2019

Chapter No. _____

Proposed and Presented by The Chair (by request – County Executive)

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

BILL

1 AN ACT concerning

2 Prince George's County Animal Control Ordinance

3 For the purpose of amending provisions of the County Code regulating animal care and control,
 4 amending certain definitions and generally relating to the requirements for comprehensive
 5 animal management.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 3. ANIMAL CONTROL.

8 Sections 3-101, 3-102, 3-103, 3-104, 3-105, 3-106, 3-
 9 107, 3-108, 3-109, 3-110, 3-111, 3-113, 3-114, 3-115,
 10 3-116.01, 3-122, 3-123, 3-124, 3-125, 3-126, 3-128, 3-
 11 129, 3-131, 3-132, 3-135, 3-136, 3-137, 3-139, 3-140,
 12 3-141, 3-142, 3-144, 3-145, 3-146, 3-147, 3-148, 3-
 13 148.01, 3-148.02, 3-148.03, 3-151, 3-152, 3-154, 3-
 14 155, 3-156, 3-158, 3-159, 3-160, 3-162, 3-163, 3-168 ,
 15 3-169, 3-170, 3-171, 3-174, 3-176, 3-177, 3-180, 3-
 16 183, 3-185.01, 3-187, 3-188, 3-189, 3-194, and 3-197
 17 The Prince George's County Code
 18 (2015 Edition; 2018 Supplement).

19 BY adding:

20 SUBTITLE 3. ANIMAL CONTROL.

21 Sections 3-115.1, 3-180.1, 3-180.2, 3-180.3, 3-180.4,

3-180.5, 3-180.6, 3-181, and 3-182

The Prince George's County Code

(2015 Edition; 2018 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 3-101, 3-102, 3-103, 3-104, 3-105, 3-106, 3-107, 3-108, 3-109, 3-110, 3-111, 3-113, 3-114, 3-115, 3-116.01, 3-122, 3-123, 3-124, 3-125, 3-126, 3-128, 3-129, 3-131, 3-132, 3-135, 3-136, 3-137, 3-139, 3-140, 3-141, 3-142, 3-144, 3-145, 3-146, 3-147, 3-148, 3-148.01, 3-148.02, 3-148.03, 3-151, 3-152, 3-154, 3-155, 3-156, 3-158, 3-159, 3-160, 3-162, 3-163, 3-168 , 3-169, 3-170, 3-171, 3-174, 3-176, 3-177, 3-180, 3-183, 3-185.01, 3-187, 3-188, 3-189, 3-194, and 3-197 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 3. ANIMAL CONTROL.

DIVISION 1. DEFINITIONS.

Sec. 3-101. Definitions.

(a) As used in and for the purposes of this Subtitle, the following words and phrases shall have the meanings assigned to them herein:

(1) **Abandon** shall mean to desert [, forsake, or absolutely give up] an animal without having secured another owner or custodian for the animal or by failing to provide the elements of [adequate] proper care as defined herein.

[(2) **Adequate care** shall mean humane treatment and responsible attention given to an animal, as appropriate for the age, species, condition, weight, size, and type of animal, in providing proper food, water, shelter, protection from the weather, exercise space, air, light, grooming, transportation, training, handling, confinement, and timely veterinary care and treatment, including euthanasia when necessary. Humane treatment shall include consideration and care for the psychological and emotional well-being of animals.]

[(3) **Adequate exercise** shall mean the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size, and condition of the animal.]

[(4) **Adequate feed** shall mean access to, and the provision of, food which is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size, and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize

contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a licensed veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.]

[(5) **Adequate shelter** shall mean provision of, and access to, shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, as appropriate for the species; and for dogs, cats, and ferrets, provides a solid surface, resting platform, pad, floor mat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this definition, shelters whose wire, grid, or slat floors permit the animals' feet to pass through the openings, sag under the animals' weight, or otherwise do not protect the animals' feet or toes from injury are not adequate shelter. or animals confined outside, the foregoing shall not constitute the provision of adequate outdoor shelter when it is conducted (a) between the hours of 10 p.m. and 6 a.m., unless the animal is actively engaged in conduct that is directly related to agricultural activity or farm animal activity on property whose zoning classification, if any, permits such agricultural activity; or (b) when no pet owner is on the property; or (c) when the actual or effective outdoor temperature is 32 degrees Fahrenheit or lower, or 85 degrees Fahrenheit or higher; or (d) during a heat advisory issued by a local or State authority; or (e) during the effective period for a severe weather warning issued for the area by the National Weather Service, including a hurricane warning, tropical storm warning, or tornado warning.]

[(6) **Adequate space** shall mean sufficient space to allow each animal to:

(A) Easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal; and,

(B) Interact safely with other animals in the enclosure.]

[(7) **Adequate water** shall mean the provision of, and access to, clean, fresh, potable water of a drinkable temperature which is provided in a suitable manner, in sufficient volume, and normally at all times. However, when special circumstances dictate, water must be provided at suitable intervals, but at least once every twelve hours, to maintain normal hydration for the

age, species, condition, size, and type of each animal, except as prescribed by a licensed veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable receptacles which are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.]

(2) [(8)] **Administrator of [a]Animal [c]Control or Administrator** shall mean that person designated by the Director of the Department of the Environment to administer the operations of the [a]Animal [c]Control [p]Program or his designee.

(3) [(9)] **Adoption** shall mean the transfer of ownership of an animal from a releasing agency to an individual for placement.

(4) “(Aggravated Animal Cruelty or Neglect” is any act by an owner, custodian, or other person who tortures, torments, mutilates, cruelly beats, or kills an animal under circumstances demonstrating malice aforethought; or fails to provide proper care to an animal and the failure results in the death of the animal.

(5) [(10)] **Agricultural animal** shall mean all livestock and poultry.

(6) [(11)] **Animal** shall mean every nonhuman species of animal, both domesticated and wild, including, but not limited to, dogs, cats, ferrets, livestock, and fowl.

(7) [(12)] **Animal at large** shall mean an animal not under restraint and off the premises of its owner.

(8) [(13)] **Animal Control [p]Program** shall mean that unit within the Department of the Environment designated by the Director [and authorized by this Subtitle] to administer and enforce the provisions of this Subtitle under the direction of the Administrator of Animal Control.

[(14)] **Animal Control Facility** shall mean any facility operated by or under contract with Prince George's County, Maryland, for the care, confinement, detention, or euthanasia or other disposition of animals pursuant to the provisions of this Subtitle.]

(9) [(15)] **Animal Control Officer** shall mean any person designated as such by the Administrator [of Animal Control] or [his] the authorized [representative] designee for the purpose of [enforcing] investigating reports of cruelty and neglect of animals and enforcing such laws as authorized by this Subtitle.

(10) [(16)] **Animal exposed to rabies** shall mean any animal that is known or is

1 suspected to have had bite or nonbite contact with another animal that is known or suspected to
 2 be infected with rabies. The determination whether an animal has been exposed to rabies shall
 3 be made by the Health Officer for Prince George's County and the Maryland Department of
 4 Health and Mental Hygiene.

5 (11) [(17)] **Animal Holding Facility** shall mean any commercial facility for the care,
 6 boarding, training, holding, harboring, or housing of any animal or animals; and shall also
 7 include the following:

- 8 (A) A kennel, as defined in Section 3-101[(51)](50);
- 9 (B) A pet shop or pet store as defined in Section 3-101(60);
- 10 (C) A cattery as defined in Section 3-101[(28)](24);
- 11 (D) A petting zoo as defined in Section 3-101(61);
- 12 (E) A riding school or stable as defined in Section 3-101[(70)](82);
- 13 (F) A commercial pet distribution facility as defined in Section 3-166(b);
- 14 (G) A grooming establishment as defined in Section 3-101[(47)](46);
- 15 (H) A guard dog facility as described in Section 3-161; or
- 16 (I) Any one or more of the above or a combination thereof.

17 (12) [(18)] **Animal hospital** shall mean any establishment maintained or operated by a
 18 licensed veterinarian for the immunization, hospitalization, surgery, or diagnosis, prevention, and
 19 treatment of diseases and injuries of animals.

20 (13) **Animal Services Facility and Adoption Center** shall mean any facility operated
 21 by or under contract with Prince George's County, Maryland, for the care, confinement,
 22 detention, euthanasia or other disposition of animals pursuant to the provisions of this Subtitle.

23 (14) [(19)] **Animal shelter** shall mean a facility which is used to house or contain
 24 animals and which is owned, operated, or maintained by a duly incorporated humane society,
 25 animal welfare society, society for the prevention of cruelty to animals, government operated
 26 animal control or services facility, or other nonprofit organization devoted to the welfare,
 27 protection, and humane treatment of animals.

28 (15) [(20)] **Animal under restraint** shall mean an animal secured by a leash or lead
 29 and under the control of a responsible person [or confined within a vehicle] or within the
 30 boundaries of its owner's real property.

31 (16) [(21)] **Appointing authority** shall mean the Director of the Department of the

1 Environment.

2 [(22) **Appropriate tethering** shall mean a tether that is appropriate to the age and size
3 of the animal; is attached to the animal by a properly applied collar, halter, or harness configured
4 so as to protect the animal from injury and prevent the animal or tether from becoming entangled
5 with other objects or animals, or from extending over an object or edge that could result in the
6 strangulation or injury of the animal; and is at least five (5) times the length of the animal, as
7 measured from the tip of its nose to the base of its tail, except when the animal is walked on a
8 leash or is attached by a tether to a lead line. When freedom of movement would endanger the
9 animal, temporarily and appropriately restricting movement of the animal according to
10 professionally accepted standards for the species is deemed appropriate tethering.]

11 (17) [(23)] **Attack [dog] animal** shall mean [a dog] an animal trained, ordered,
12 signaled, or otherwise allowed to attack [on command].

13 (18) [(24)] **Anti-climbers** shall mean a device consisting of angled metal braces and
14 heavy gauge wire, which wire is stretched between each angled metal brace, all of which is
15 attached to the top of a fence. The wire shall have at least three strands, separated evenly, the
16 furthest being no less than eighteen (18) inches from the top of the fence. It shall extend inwards
17 at an angle not less than forty-five (45) degrees nor more than ninety (90) degrees measured from
18 perpendicular.

19 (19) **Anti-diggers** shall mean a device or material installed in the ground to a level of
20 nine (9) inches below grade continuously.

21 (20) [(25)] **Bite contact** shall mean penetration of the skin by the teeth of an animal.

22 (21) [(26)] **Cage/crate** shall mean any enclosure of limited space, enclosed on the
23 bottom, top, and all sides by a wall or otherwise, in which animals or other creatures are placed
24 for any purpose, including confinement or display, which complies with the requirements for
25 proper space as defined herein.

26 (22) **Carcass** shall mean any dead animal in whole or in part, i.e. bones or viscera.

27 (23) [(27)] **Cat** shall mean domesticated feline[s] species commonly kept as a pet,
28 male or female. [The term "cat" shall not include wild or exotic felines.]

29 (24) [(28)] **Cattery** shall mean an establishment wherein a person engages in the
30 business of boarding, breeding, buying, grooming, or selling cats.

31 (25) [(29)] **Collar** shall mean a well-fitted humane device, appropriate to the age and

size of the animal, attached to the animal's neck in such a way so as to prevent trauma or injury to the animal.

(26) [(30)] **Commercial establishment** shall mean any trade or business the primary function of which is the sale of any goods or service.

(27) [(31)] **Commission** shall mean the Commission for Animal Control established in Division 3 of this Subtitle.

(28) [(32)] **Commission** [a]**Administrator** shall mean that person designated by the Director of the Department of the Environment (DoE) to administer the operations of the Commission for Animal Control (CAC) or the administrator's designee.

(29) [(33)] **Companion animal** shall mean any domestic or feral dog, domestic or feral cat, ferret, nonhuman primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal which is bought, sold, traded, or bartered by any person. Agricultural animals, farm animals, game species, wild or game species native to Maryland, or any animal regulated under federal law as research animals shall not be considered companion animals.

(30) [(34)] **Confinement for animal quarantine for human bite and nonbite contact** shall mean an animal confined to a house, garage, or escape-proof enclosure or building. An animal kept [outside on a chain and/or] in a fenced yard is not considered properly confined.

(31) [(35)] **Cruelty** shall mean any act of commission or omission whereby [unjustifiable] excessive psychological, emotional, physical harm, [or] pain, suffering, or death is caused or permitted [, including failure to provide proper drink, air, space, shelter, or protection from the elements, veterinary care, or nutritious food in sufficient quantities, with respect to an animal] including providing for adequate shelter when the [actual or] effective outdoor [temperature of] wind chill index is 32 degrees Fahrenheit or lower, or the heat index is [85] 90 degrees Fahrenheit or higher, as determined by the National Weather Service. In the case of an activity in which physical pain is necessarily caused, such as food processing, hunting, experimentation, or pest elimination, cruelty shall mean the failure to employ the most reasonable humane method available under the circumstances.

(32) **Custodian** shall mean the same as **owner** as defined in Section 3-101(57).

(33) **Dangerous animal** shall mean any animal that without provocation (a) inflicts

1 injury on a human on public or private property; (b) kills a domesticate animal or human; or (c)
 2 has been previously found to be potentially dangerous because of injury inflicted on a human or
 3 an animal, the owner having received notice of such and the animal again aggressively bites,
 4 attacks, or endangers public safety.

5 (34) [(36)] **Director** shall mean the Director of the Department of the Environment or
 6 the Director's authorized representative.

7 (35) [(37)] **Disposition** shall mean the adoption or placement as a pet in an approved
 8 home, humane administration of euthanasia, or, in the case of a wild animal, release into a
 9 suitable habitat.

10 (36) [(38)] **Dog** shall mean any member of the domesticated canine species, commonly
 11 kept as a pet, male or female.

12 (37) [(39)] **Domesticated animal** means an animal of a species that has been bred,
 13 raised, and is accustomed to live in or about the habitation of man, and is dependent on man for
 14 food, water and/or shelter.

15 (37.1) [(39.1)] **Ear Tipped Cat** shall mean a cat that has had a straight line cutting $\frac{1}{4}$
 16 inch off of the tip of the left ear while the cat is anesthetized. A cat who has been ear tipped
 17 indicates that it has been neutered and vaccinated.

18 (38) [(40)] **Euthanasia** shall mean the humane destruction of an animal accomplished
 19 by a method that involves instantaneous unconsciousness and immediate death, or by a method
 20 that involves anesthesia, produced by an agent which causes painless loss of consciousness, and
 21 death during such loss of consciousness.

22 (39) [(41)] **Exotic animal** shall mean any animal of a species that is not indigenous to
 23 the State of Maryland and is not a domesticated animal, is not commonly kept as a pet, and shall
 24 include any hybrid animal which is part exotic animal.

25 (40) [(42)] **Farm Animal** shall mean any domesticated species of animal commonly
 26 kept in proximity to, but not ordinarily housed in the immediate domicile or household of,
 27 humans, and used for agricultural or riding purposes. Farm animals shall include, but not be
 28 limited to, horses, cattle, domesticated fowl, sheep, and swine. Dogs and cats are not farm
 29 animals.

30 (41) [(43)] **Feral** shall mean a domesticated animal[s] commonly kept and/or cared for
 31 as a pet existing in [the wild or untamed] an unsocialized state [, i.e., wild].

(42) [(44)] Foster shall mean the temporary holding, care, and treatment of a companion animal by an authorized group or individual pending adoption to a permanent home, or the temporary custody of an animal not normally placed for adoption authorized by the Administrator of the Animal [Control] Services Facility and Adoption Center [Facility].

(43) [(45)] Foster **home, group, or organization** shall mean a group, organization, or individual recognized by the County to be capable of holding animals on a temporary basis.

(44) [(46)] Fowl shall mean any and all birds, domesticated and wild, which are used for food.

(45) **Free-roaming cat** shall mean a cat that may be cared for by one or more residents of the immediate area; a free-roaming cat may or may not be feral. A free-roaming cat is not an owned animal and a person who feeds or shelters a free-roaming cat is not an owner.

(46) [(47)] Grooming **establishment** shall mean any commercial establishment, mobile or stationary, self service or service oriented, which provides a service of grooming and cleaning animals.

(47) [(48)] Guard **dog** shall mean a dog that is [continuously] maintained at a commercial establishment for the purpose of securing that area. A person's pet on the property of the commercial establishment may be considered a guard dog.

(48) [(49)] Humane **society** shall mean any chartered, nonprofit organization incorporated under the law and organized for the purpose of preventing cruelty or neglect to animals and promoting humane care and treatment of animals.

(49) [(50)] **Keeping or harboring** shall mean the act of, [or the permitting or sufferance by, an owner or occupant of real property either of feeding or sheltering any domesticated animal] or the permitting by an owner or occupant of real property, either by feeding or sheltering any animal in or about the habitation of man, on [the] public or private premises [of the occupant or owner thereof].

(50) [(51)] Kennel shall mean an establishment or a private individual engaged in the breeding of dogs or cats, or the boarding, providing day care services for a fee, buying, grooming, letting for hire, training for a fee, or selling of dogs or cats. An animal hospital maintained by a licensed veterinarian as part of the practice of veterinary medicine for the treatment of animals shall not be considered a commercial kennel, except to the extent that it engages in the boarding of well dogs or cats. The ownership of dogs or cats which are part of a

household or are maintained adjoining a private residence and are kept for hunting, practice tracking, or for exhibiting in dog or cat shows or field or obedience trials, and the sale of no more than one (1) litter per year shall not constitute the operation of a kennel. Obedience training of dogs or cats wherein the dogs or cats are not housed, boarded, or [kenneled] kept overnight shall not be considered a kennel if the operation is limited to the hours of 8:00 A.M. to 12:00 Midnight. The term "kennel" shall also include a facility maintained solely for the keeping of foxhounds used for fox chasing. [(See Cattery)]

(51) "Less serious cruelty or neglect" is any act of cruelty or neglect, which has no permanent effect on the animal.

(52) **Livestock** shall include all domestic or domesticated bovine animals, equine animals, ovine animals, porcine animals, cervidae animals, caprae animals, animals of the genus Lama, ratites, and enclosed domesticated rabbits or hares raised for human food or fiber. Companion animals are not livestock.

(53) **Neglect** shall mean failure to provide [adequate] proper care to an animal.

(54) **Nonbite contact** shall mean an injury caused by the teeth of an animal that does not penetrate the skin, a scratch or contamination of an abrasion, open wound, or mucous membrane with saliva or other potentially infectious material.

(55) **Obedience training** shall mean the concurrent training of a dog and its owner to prepare the dog as a companion to humankind and to prepare the dog's master for responsible control of the dog.

(56) **Owned animal** shall mean an animal for which an owner has been identified; or that is surrendered to Prince George's County by a person proving ownership; or one that is impounded by proper authority and held at the Animal [Control] Services Facility pending disposition of its case; or, one for which there are indications that the animal has an owner. Such indicators include an animal license tag, tattoo, microchip implant, ear tag, normally acceptable livestock identification, or other condition that would lead a person to reasonably believe that the animal has a current owner and may be lost.

(57) **Owner** shall mean any person who:

(A) Has a right of property in an animal;

(B) Keeps or harbors an animal;

(C) Has an animal in his or her care;

(D) Acts as a temporary or permanent custodian of an animal;

(E) Exercises control over a particular animal on a regular basis; or

(F) The parent(s) or guardian(s) of a minor shall be deemed to be the owner of an animal owned or in the possession and control of the minor child for purposes of this Subtitle and shall be liable for all damages caused by the animal.

(58) **Permit** shall mean, when used as a verb, human conduct in relation to an owned animal which is intentional, deliberate, careless, inadvertent, or negligent.

(59) **Pet** shall mean a domesticated animal kept for pleasure rather than utility. Pets include, but are not limited to, dogs, cats, birds, fish, reptiles, and other animals, which, by habit or training, live in association with man.

(60) **Pet shop** shall mean an establishment where companion animals are bought, sold, exchanged, or offered for sale or exchange to the general public.

(61) **Petting zoo** shall mean any commercial establishment, activity, or facility a substantial purpose of which is to permit persons to come into physical contact with animals maintained within or upon such establishment, activity, or facility.

(62) **Pit Bull Terrier** shall mean any and all of the following dogs:

(A) Staffordshire Bull Terrier breed of dogs;

(B) American Staffordshire Terrier breed of dogs;

(C) American Pit Bull Terrier breed of dogs;

(D) Dogs which have the appearance of being predominantly of the breed of dogs known as Staffordshire Bull Terrier, American Staffordshire Terrier, or American Pit Bull Terrier. Predominantly shall mean that the dog exhibits the physical characteristics of a Pit Bull Terrier more than [of] any other breed of dog;

(E) Dogs which have been registered at any time as a Pit Bull Terrier.

(63) **Potentially dangerous animal** shall mean (a) any animal when unprovoked: demonstrates the potential to inflict bites on humans or an animal, whether on public or private property, by chasing or approaching a person in a menacing fashion or apparent attitude of attack; or any animal with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to otherwise threaten the safety of humans or animals; or is running-at-large and has been impounded by law enforcement two (2) or more times within any twelve (12) month period. The term “potentially dangerous animal” shall not include dogs used by law enforcement

officials when the dog is being used for legitimate law enforcement purposes.

(64) [(63)] **Poultry** shall mean all fowl and game birds raised in captivity used for human consumption or other products.

(65) **Proper air** shall mean the provision of air that is properly ventilated, fresh, healthful and free flowing and provided to an animal in his/her environment; and that is free of the smell or stench of the contamination of urine, feces, rotting garbage, and/or filth.

(66) **Proper care** shall mean humane treatment and responsible attention given to an animal, as appropriate for the age, species, condition, weight, size, and type of animal, in providing proper food, water, shelter, protection from the weather, exercise space, air, light, grooming, transportation, training, handling, confinement, and timely veterinary care and treatment, including euthanasia when necessary. Humane treatment shall include consideration and care for the psychological and emotional well-being of animals.

(67) [64] [**Properly cleaned**] **Proper cleaning** shall mean that debris, food waste, urine and excrement are removed from the primary enclosure with sufficient frequency to minimize or eliminate the animal's contact with the above-mentioned contaminants, except for carcasses which are subject to immediate removal; the primary enclosure is sanitized with sufficient frequency to minimize or eliminate odors and the hazards of disease; and the primary enclosure is cleaned so as to prevent the animals confined therein from being directly or indirectly sprayed with the stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants.

(68) **Proper exercise** shall mean the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, weight, size, type and condition of the animal.

(69) **Proper food** shall mean access to, and the provision of, food which is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, weight, size, type and condition of each animal; is provided in a clean and sanitary manner; is placed so as to minimize or eliminate contamination by urine, excrement and pests; and is provided at suitable intervals for the age, species, weight, size, type and condition of each animal, but at least once daily, except as prescribed by a licensed veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

(70) **Proper grooming** shall mean the humane care and maintenance of an animal's skin, fur, hair, scales, or feathers by bathing, drying, brushing, trimming hair and nails; removing dirt, debris and parasites from the animal's body; removing hair from and cleaning ear canals; expressing anal glands and any other such care and maintenance as necessary for the comfort and well-being of the species of animal.

(71) **Proper light** shall mean the provision of the illumination by natural and/or artificial light for a duration appropriate for the species, except as directed by hibernation, veterinarian advice or professionally accepted practices for the safety and well-being of the animal. Animals shall be protected from excessive illumination of either natural and/or artificial light that is not appropriate for the species.

(72) [(65)] **Properly lighted** shall mean sufficient illumination to permit routine inspections, maintenance, cleaning, housekeeping of the animal facility, and observation of the animal; to provide regular diurnal lighting cycles of either natural and/or artificial light, uniformly diffused throughout the animal facility; and to promote the well-being of the animals.

(73) **Proper shelter** and protection from the weather shall mean the provision of, and access to, shelter that is suitable for the species, age, condition, weight, size, and type of each animal; provides proper space for each animal; is safe and protects each animal from injury, physical suffering, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, as appropriate for the species; and for dogs, cats, and ferrets, provides a solid surface, resting platform, pad, floor mat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this definition, a shelter whose wire, grid, or slat floors permit the animal's feet to pass through the openings, sag under the animal's weight, or otherwise do not protect the animal's feet or toes from injury is not a proper shelter. For animals confined outside, the foregoing shall not constitute the provision of adequate outdoor shelter when it is conducted (a) between the hours of 10 p.m. and 6 a.m., unless the animal is actively engaged in conduct that is directly related to agricultural activity or farm animal activity on property whose zoning classification, if any, permits such agricultural activity; or (b) when no pet owner is on the property; or (c) when the effective outdoor wind chill index is 32 degrees Fahrenheit or lower, or the heat index is 90 degrees Fahrenheit or higher as determined by the National Weather Service; or (d) during a heat advisory issued by a local or

1 State authority; or (e) during the effective period for a severe weather warning issued for the area
 2 by the National Weather Service, including a hurricane warning, tropical storm warning, or
 3 tornado warning.

4 (74) **Proper space** shall mean sufficient space to allow each animal to:

5 (A) Easily stand, sit, lie, turn around, and make all other normal body
 6 movements in a comfortable, normal position for the animal; and,

7 (B) Interact safely with other animals based on the needs of the species.

8 (75) **Proper transportation** shall mean to carry an animal from one place to another,
 9 usually, but not limited to, a vehicle in such a manner that protects the animal's health and
 10 safety; prevents the animal from sliding around, jumping out, being thrown out of or falling from
 11 the vehicle; protects the animal from road debris and exposure to the sun and heat, wind, rain,
 12 and such other elements of weather, including extreme cold.

13 (76) **Proper veterinary care** shall mean the care and treatment of disease, illness,
 14 and/or injury provided by a licensed veterinarian which is obtained in a timely manner to prevent
 15 unnecessary pain and suffering of an animal, and vaccinations for the prevention of disease and
 16 illness.

17 (77) **Proper water** shall mean the provision of, and access to, clean, fresh, potable
 18 water of a drinkable temperature which is provided in a suitable manner, in sufficient volume,
 19 and normally at all times. However, when special circumstances dictate, water must be provided
 20 at suitable intervals, but at least once every twelve hours, to maintain normal hydration for the
 21 age, species, condition, size, weight and type of each animal, except as prescribed by a licensed
 22 veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the
 23 species; and is provided in clean, durable receptacles which are accessible to each animal and are
 24 placed so as to minimize or eliminate contamination of the water by urine, excrement and pests
 25 or an alternative source of hydration consistent with generally accepted husbandry practices.

26 (78) [(66)] Public **nuisance animal** shall mean any animal which unreasonably (1)
 27 annoys humans, (2) endangers the life or health of other animals or persons, or (3) gives offense
 28 to human senses; or which substantially interferes with the rights of the citizens, other than its
 29 owner, to enjoyment of life or property. The term "public nuisance animal" shall mean and
 30 include, but is not limited to, any animal which:

31 (A) Is repeatedly found at large; or

(B) Damages the property of anyone other than its owner; or

(C) Molests or intimidates pedestrians or passersby; or

(D) Chases vehicles; or

(E) Excessively makes disturbing noises (including, but not limited to, continued and repeated howling, barking, whining, or other utterances) causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored; or

(F) Causes fouling of the air by odor and causing thereby unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored; or

(G) Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored; or

(H) By virtue of the number or types of animals maintained, is offensive or dangerous to the public health, safety, or welfare; or

(I) Attacks other domestic animals; or

(J) Has been found by the Commission for Animal Control, after notice to its owner and a hearing, to be a public nuisance animal by virtue of being a menace to the public health, welfare, or safety.

(79) [(67)] Public **nuisance condition** shall mean an unsanitary, dangerous, or offensive condition occurring on any premises or animal holding facility caused by the size, number, or types of animals maintained, kept, or harbored, or due to the inadequacy of the facilities, or by reason of the manner or method of holding, confining, restraining, boarding, or training animals. A public nuisance condition shall be deemed to exist on any premises or animal holding facility in which any animal is maintained, kept, or harbored under conditions which constitute cruelty to such animals, or where [the animal maintained, kept, or harbored is] a public nuisance animal is maintained, kept or harbored.

(80) [(68)] Rescue/**breed rescue organization community adoption partners** shall mean a group or individual, recognized by the County as capable of meeting standards for fostering animals, authorized to receive and place animals from the Animal [Control] Services Facility which would otherwise [by] be euthanized or which require special attention.

(81) [(69)] Research **facility** shall mean any place, laboratory, or institution licensed

by the U.S. Department of Agriculture at which scientific tests, experiments, or investigations involving the use of living animals are carried out, conducted, or attempted.

(82) [(70)] Riding **school or stable** shall mean any place at which horses are boarded or displayed; or which has horses available for hire or riding instruction or pony rides; or which regularly buys, sells, trains, or trades horses, ponies, donkeys, mules, or burros, including any thoroughbred racetrack, trotting track, or rodeo.

(83) [(71)] Sanitary shall mean [a condition of good order and cleanliness which minimizes the probability of transmission of disease] an environment free of, including but not limited to, contamination, urine, feces, trash, debris, vermin, carcasses, parasites, and hazardous materials. This shall include hazardous surface and subsurface conditions, i.e., mud, standing water, or any material that may endanger the health and/or safety of an animal.

(84) **“Serious cruelty or neglect”** is as any act by an owner, custodian or other person which causes physical trauma, impairment of condition, and/or unnecessary pain and suffering and the cruelty or neglect results in physical injury to, and/or creates a substantial risk of death, or causes the death of an animal.

(85)[(72)] Stray shall mean any animal found roaming, running, or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control. This includes an animal apprehended by an Animal Control Officer and/or surrendered to the County by a person who attests to, or willingly signs, a document stating that the animal is stray or that its owner is unknown.

(86) [(73)] **Strict isolation** shall mean the owner of an animal under an order for strict isolation assures that:

(A) The animal is confined in a double-door, escape-proof enclosure;

(B) The animal is not removed from the enclosure at any time during the isolation period;

(C) Human contact with the animal is restricted to one (1) adult caring for the animal or [is not allowed at all] if no contact is allowed, care will be provided as ordered; and

(D) The enclosure is constructed in a manner to ensure that contact with other animals is not possible.

(87) **Trap-Neuter-Return** shall mean the nonlethal process of humanely trapping, sterilizing, vaccinating for rabies, ear-tipping and returning a free-roaming cat to its

original location.

(88) [(74)] Vaccination shall mean an antirabies vaccination using a vaccine type approved by the Maryland State Department of Health and Mental Hygiene or the Maryland Public Health Veterinarian.

(89) [(75)] Veterinarian shall mean a person currently licensed to practice veterinary medicine in the State of Maryland.

[(76)] [**Vicious animal** shall mean any animal which attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which, because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals. An animal which has on one or more occasions caused significant injury to person or domesticated animals may be deemed to be a vicious animal.]

(90) [(77)] Wild **animal** means any animal [which is not included in the definition of "domesticated animal" and] not commonly kept as a pet that generally is found living in a natural habitat and that is not tamed, domesticated or socialized in any manner. This shall include any hybrid animal which is part wild animal such as a mix of a dog/wolf breed.

DIVISION 2. ANIMAL CONTROL PROGRAM.

Sec. 3-102. Animal Control Program.

(a) The County Executive is authorized to establish an Animal Control [p] Program. The appointing authority shall designate a person to perform the duties of Administrator of Animal Control.

(b) The County Executive is authorized to establish an Animal [Control] Services Facility and Adoption Center [Facility]. The Administrator shall operate the Animal [Control] Services Facility and Adoption Center [Facility] for the detention, confinement, and disposition of animals in accordance with this Subtitle.

* * * * *

Sec. 3-103. Administrator of Animal Control; duties and responsibilities.

The Administrator of Animal Control shall have operational responsibility for carrying out the duties prescribed in this Subtitle and for enforcing the provisions of this Subtitle. The Administrator shall be the Chief Animal Control Officer and Supervisor of the Animal [Control] Services Facility and Adoption Center [Facility].

Sec. 3-104. Personnel of Animal Control Program; duties.

* * * * *

(b) Animal Control Officers are authorized and empowered as follows:

* * * * *

(4) To conduct public education on proper and humane care, adoption, spaying and neutering, and vaccination programs as directed by the Administrator;

* * * * *

Sec. 3-105. Animal [Control] Services Facility and Adoption Center [Facility]; operations.

(a) The Director shall promulgate comprehensive regulations prescribing standards for the operation of the Animal [Control] Services Facility and Adoption Center [Facility], including, but not limited to, the housing, feeding, care, veterinary treatment, adoption, and humane destruction of animals in the facility.

(b) In general, the operations of the Animal [Control] Services Facility and Adoption Center [Facility], including the administration of euthanasia, shall be open to members of the general public. The Administrator may, however, restrict access to the Animal [Control] Services Facility and Adoption Center [Facility] by a person or persons when, in the judgment of the Administrator, the presence of such person or persons may adversely affect the safety or welfare of any person or may disrupt the efficient operation of the facility.

* * * * *

(e) The Administrator shall not cause or knowingly permit any live animal in custody to be sold or given up for any experimental purposes. [Pets may] Companion animals shall not be sold or given up for commercial or experimental purposes.

Sec. 3-106. Fees for boarding and care of animals; security.

(a) The Director, from time to time and after consultation with the Director of [the] Management and Budget and the Director of Finance, shall establish schedules or tariffs of charges for the housing, feeding, care, and veterinary treatment of animals which come into the custody of the Administrator. Such schedules and tariffs may be published or posted in a conspicuous place at the Animal [Control] Services Facility and Adoption Center [Facility].

* * * * *

(d) The Director, from time to time and after consultation with the Director of [the] Management and Budget and the Director of Finance, shall establish charges for the adoption of animals which come into the custody of the Administrator. The Administrator shall also require

the person adopting the animal to pay any license fees prescribed by this Subtitle and to prepay any spay or neutering fee.

* * * * *

DIVISION 3. COMMISSION FOR ANIMAL CONTROL.

Sec. 3-107. Commission for Animal Control; membership.

(a) There is created as an integral part of the government of the County a Commission for Animal Control, consisting of the Health Officer (or his/her representative), the Chief of Police (or his/her representative), [the President of the Prince George's County Veterinarian's Association (or his representative)] a licensed veterinarian or his/her representative practicing in Prince George's County, and six (6) citizen members, [including] which may include a representative of a local humane organization, a kennel owner, and a representative of the pet industry. [All citizen members shall be appointed for terms of two (2) years each. All appointments to the Commission for Animal Control shall be made by the County Executive, subject to confirmation by the Council.]

(b) All citizen members shall be appointed for terms of two (2) years each. The terms of office for members of the Commission shall be staggered terms as follows: Initially three (3) members appointed for two (2) years and three (3) members appointed for one (1) year. Subsequent appointments shall be made for two (2) years, allowing for the continuation of staggered terms. All appointments to the Commission for Animal Control shall be made by the County Executive, subject to confirmation by the Council. All appointments shall be made in accordance with the Charter.

(c) [(b)] All members of said Commission shall continue to serve, without regard to the expiration date of their appointment term, until such time as their successors have been duly appointed and confirmed. Citizen Commission members may serve consecutive terms of office. [All appointments to the commission for Animal Control shall be made in accordance with the Charter.]

Sec. 3-108. Chairman of the Commission; secretary; staff.

(a) The Commission shall elect from its members a Chairman and a Vice Chairman. The Chairman and Vice Chairman [shall] may be citizen members elected annually by the total voting membership of the Commission. The Chairman and Vice Chairman may be elected to

1 serve for consecutive terms of office.

2 * * * * *

3 **Sec. 3-109. Powers and duties of Commission.**

4 (a) The Commission may meet at the call of the Chairman to do the following:

5 (1) Recommend to the County Executive and to the Director rules and regulations
6 concerning the following:

7 (A) The operation of the Animal [Control] Services Facility and Adoption
8 Center;

9 (B) Standards for the collection, care, custody and disposal of animals at large,
10 and public nuisance animals; and

11 (C) Standards for the maintenance of holding facilities, pet shops, petting zoos,
12 and other matters related to the treatment and maintenance of animals in Prince George's County.

13 (2) Prepare and present the Commission budget in accordance with County budget
14 procedures.

15 (3) Review and make recommendations on the budget of the Animal Control
16 Program.

17 (4) Review and make recommendations on the standards and operation of the Animal
18 Services Facility and Adoption Center.

19 (5) [(4)] Upon a written complaint, petition, appeal, or [a] request from a person
20 receiving a violation notice, after a determination of probable cause by an Animal Control
21 Officer that a violation of this subtitle has occurred, conduct a public hearing after due notice to
22 determine whether violations of the provisions of this Subtitle have occurred, whether a public
23 nuisance animal or condition exists, and/or whether a person subject to an order of the
24 Commission has complied with that order.

25 (6) [(5)] Upon determination after notice and hearing that violations of this Subtitle
26 have occurred and that a public nuisance animal or condition exists, and/or if a person subject to
27 an order of the Commission has not complied with the order, require the payment of civil
28 penalties and the taking of other affirmative action as prescribed in this Subtitle.

29 (7) [(6)] After notice and hearing on violations of this Subtitle, require the remission
30 of assessed penalties [where] as appropriate.

31 (8) [(7)] Recommend to the County Executive changes in the law regarding the

control of animals in Prince George's County.

(9) [(8)] To issue process, in forms approved by the County Executive, to compel the attendance of witnesses and the production of documents at hearings of the Commission, which process shall be enforceable by the Circuit Court, upon application by the Office of Law on behalf of the Commission.

Sec. 3-110. Hearing procedures; findings and orders.

(a) The Commission may conduct public hearings when:

(1) A written complaint that a person has violated or permitted his animal to violate the provisions of this Subtitle is filed with the Commission; or

(2) A written complaint that a person has failed to comply with an outstanding order of the Commission is filed with the Commission.

(b) The Commission shall conduct a public hearing when a person who has been served with a citation or violation notice charging him with a violation of the provisions of this Subtitle requests a hearing before the Commission in writing.

(c) The Commission may convene a panel of three members to hear and issue a proposed or final decision on a complaint, petition or appeal as provided in this subtitle.

(d) The Director may delegate to a hearing officer the authority to hear and issue a proposed or final decision on a complaint, petition or appeal as provided in this subtitle.

(e) [(c)] The Commission shall give notice in writing by regular mail to the complainant, the person charged or the appellant of a violation notice or citation, of the time and place of a public hearing. The Commission shall also send notice by personal delivery, or by certified mail, return receipt requested, to the person charged. If the notice sent by regular mail is not returned [and] or if the personal delivery or certified mail receipt indicates that the person charged is at the address given, it shall be presumed that the person has received notice of the hearing.

(f) [(d)] At the public hearing, the proceeding shall be conducted in an informal manner. The strict rules of evidence shall not apply. The Commission may hear any evidence which is relevant and probative of the matters set forth in the complaint, but shall not be required to hear irrelevant or merely cumulative evidence.

(g)[(e)] The Commission may require the attendance of the charging officer or the complainant and the person charged with the violation, citation or noncompliance with a Commission order.

(h)[(f)] The Commission is authorized and empowered to issue its process or summonses, upon forms approved by the County Executive, compelling the attendance of witnesses to testify and to produce documents at hearings of the Commission. The Commission [may] shall make service of a summons by personal delivery or by registered or certified mail. Upon the failure of a person summoned to appear, the Office of Law may apply to the Circuit Court for an order compelling compliance with the summons. Failure to comply with the Court's order shall constitute contempt and shall be punishable in accordance with the Maryland Rules of Procedure.

(i)[(g)] At the close of all the evidence, the Commission shall deliberate and shall issue written findings of fact, [and] conclusions, and an appropriate order. If the Commission finds that a violation did not occur, it shall dismiss the complaint or citation. If the Commission finds that a violation has occurred, or that an animal is a public nuisance animal, or that a public nuisance condition exists, it may impose civil penalties pursuant to Section 3-116. In lieu of or in addition to imposing civil penalties, it may require appropriate affirmative action, including but not limited to:

(1) The mandatory restriction or confinement of the animal under such conditions as the Commission may [require] direct in its discretion;

(2) The mandatory destruction or other disposition of the animal as the Commission may direct in its discretion;

(3) The correction of conditions or methods of animal care, keeping, maintenance, housing, or veterinary treatment as the Commission may [require] direct in its discretion to include spaying and neutering;

(4) A recommendation to the Director that licenses issued under this Subtitle be suspended or revoked; [or]

(5) A restriction of animal ownership for a period up to five (5) years from the date of determination subject to the right to petition the Board for a waiver based on good cause shown;

(6) [(5)] A recommendation to the State's Attorney for criminal prosecution of violations of this Subtitle or of other laws.

(j) [(h)] The Administrator may request the Commission to convene immediately for the purpose of investigating situations of acute emergency. In such case, good faith efforts shall be made to serve notice of the expedited hearings upon the person charged. The Commission may

make such findings and orders as are appropriate to deal with the emergency situation. Such orders shall have effect for periods not to exceed fifteen (15) business days, and the Commission shall schedule and hold a hearing in the ordinary course to consider further action. For the purposes of this Subsection, two voting members of the Commission shall constitute a quorum sufficient to act on behalf of the Commission.

Sec. 3-111. Appeals from Commission orders.

Any party, including Prince George's County, Maryland, aggrieved by a final order of the Commission in a contested case, whether such decision is affirmative or negative in form, is entitled to appeal that order to the Circuit Court for Prince George's County, within fifteen (15) business days of the date of the order. Such appeal shall be governed by the provisions of the Maryland Rules pertaining to administrative appeals. The decision of the Circuit Court in all appeals from decisions of the Commission shall be final.

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DIVISION 4. ANIMAL CONTROL ENFORCEMENT.

Subdivision 1. Enforcement and Violation Notices.

Sec. 3-113. Duties of Administrator.

(a) The Administrator shall enforce the provisions of this Subtitle with respect to animal control, prevention of cruelty to animals, and minimum standards for animal holding facilities of all types. The Administrator shall conduct the following programs:

(1) A program of regular patrols and response to citizen complaints for the purpose of taking into custody, issuing violation notices and citations or resolving problems found to be in violation of this Subtitle;

(2) A program of regular inspection of all animal holding facilities required to be licensed under the provisions of this Subtitle; and

(3) A program for the investigation of complaints of cruelty or neglect to animals, and the enforcement of the cruelty and neglect prevention provisions of this Subtitle and of State law.

Sec. 3-114. Records to be kept.

It shall be the duty of the Administrator to keep accurate and detailed records of all licenses issued; impoundments, care, feeding, and veterinary treatment rendered; disposition[s] of animals; enforcement actions; and other activities relating to animals and animal control

undertaken for a period of three (3) years after each such activity. The Director shall promulgate regulations prescribing the records to be kept by the Administrator and the manner and method of their maintenance.

Sec. 3-115. Violation notices; Citations.

(a) Whenever in this Subtitle any act or condition is prohibited or is made or declared to be unlawful or an offense, or whenever in this Subtitle the doing of any act or the maintenance of any condition is required or the failure to do any act or the maintenance of any condition is declared to be unlawful, the violation of any such provision of this Subtitle may be evidenced and notice thereof may be given [by the issuance] by an Animal Control Officer or a police officer by the issuance of a [uniform] notice of violation or [uniform] citation, on a form to be designated and approved by the County Executive. A police officer or [a duly authorized] Animal Control Officer witnessing a violation shall be authorized to issue such [uniform] notice of violation or [uniform] citation.

(b) [t]The notice of violation or citation shall contain and specify:

(1) The violation with which such person is charged, with reference to the applicable Section of this Subtitle [which applies to the violation];

(2) The addresses of the offices of the Commission and of the Administrator; and

(3) A notice that the person charged may apply to the Commission for a hearing to consider the charges or may pay the civil penalty assessed;

(4) A place in which a person may endorse the notice by signing his name and stating his address, indicating his receipt thereof and willingness to appear before the Commission if the violation or citation is contested.

(c) The [uniform] notice of violation or [uniform] citation may be issued to both residents and nonresidents when found within the County's geographical boundaries.

(d) The person serving notice shall make proof of his service to the Commission promptly and, in any event, within the time during which the person served must request a hearing before the Commission. Failure to make proof of service to the Commission, however, shall not affect the validity of the violation notice or citation.

(e) The person served with a violation notice or [uniform] citation may, in lieu of requesting a hearing before the Commission, pay to Prince George's County, Maryland, through

the Administrator, the amount of the civil penalty stated upon the face of the [uniform] violation notice or [uniform] citation, which amount shall be as set forth in Section 3-116, below.

(f) Notwithstanding the provisions of Subsection (e), above, the Commission, in its discretion, may review any violation notice or citation filed, and treat the same as any written complaint of a violation of this Subtitle. If the Commission determines that there is reason to believe that action other than or in addition to a civil penalty is required, it may give notice of a [public] hearing to investigate the matter and require the attendance of the person charged [at such hearing upon due notice] to appear before the Commission at the hearing.

(g) Any person failing to comply with an order issued by the Animal Control Commission shall be subject to a fine not to exceed One Thousand Dollars (\$1,000.00) and/or imprisonment not to exceed ninety (90) days.

* * * * *

Sec. 3-116.01. - Criminal penalties; violations.

(a) Any person found to have violated any provision of Section 3-185.01 shall be fined up to \$1,000.00 or may be sentenced to not more than six (6) months of imprisonment.

(b) A Pit Bull that causes injury to or kills a human being or a domestic animal without provocation shall be humanely destroyed, and the owner of such dog shall be fined up to \$1,000.00 or may be sentenced to not more than six (6) months of imprisonment.

(c) For violation of Section 3-115(g), the criminal penalty shall be up to One Thousand Dollars (\$1,000.00) and/or imprisonment for up to ninety (90) days.

(d) For violation of Section 3-135, the criminal penalty shall be up to Five Hundred Dollars (\$500.00) and/or imprisonment for up to ninety (90) days.

(e) For violation of Section 3-131, 3-180(a), 3-180(b)(4) or Section 3-180(c), the criminal penalty shall be One Thousand Dollars (\$1,000.00) and/or imprisonment for up to six (6) months.

(f) For any violation of Section 3-136, upon conviction, the criminal penalty shall be \$500.00 nor more than \$1,000.00, and/or imprisonment for up to 180 days.

Subdivision 2. Impoundment and Disposition of Animals.

* * * * *

Sec. 3-122. Impounding animals; procedure.

(a) [A dog] Animals found at large with a license tag, rabies tag, tattoo, microchip, or other indications of ownership shall, except as otherwise provided in this Subtitle, be impounded and taken to the Animal [Control] Services Facility and Adoption Center and there confined in a humane manner for a period of not less than five (5) [workdays] business days, unless sooner claimed and redeemed by its owner.

(b) [A dog] Animals found at large without a license tag or other indications of ownership shall be impounded as above. However, such stray [dogs] animals will be confined in a humane manner for a period of not less than three (3) [workdays] business days.

(c) In the event an impounded animal shows signs of disease, injury, or severe behavioral maladjustment, the Administrator has discretion to send the animal to be euthanized rather than holding it for three (3) [workdays] business days, providing he has checked the records to see if the animal has been reported missing, the animal appears to be unlicensed, and, in the case of disease or injury, he has consulted with a veterinarian. The behavioral maladjustment must be of such a nature as to pose a threat to the animal's welfare while confined at the Animal [Control] Services Facility and Adoption Center [Facility], or pose an unreasonable threat to the safety of personnel caring for the animal.

(d) Domesticated animals [other than dogs] may be impounded when found at large or abandoned, and disposed of in accordance with procedures established pursuant to regulations promulgated by the Director.

(e) An ear tipped cat shall be handled according to this subsection, and for ear tipped cats, this subsection shall supersede subsections (c) and (d) of this Section, and Sections 3-132, 3-135, and 3-140 of this Subtitle. An Animal Control Officer who has trapped or responds to a trapped ear tipped cat in the field, shall immediately release the ear tipped cat at the location where it was trapped, unless the ear tipped cat show signs of disease, or injury, or unless the Animal Control Officer has probable cause that the specific cat is the subject of a pending nuisance complaint. An Animal Control Officer shall not trap an ear tipped cat for being at large or, if the ear tipped cat has no owner, for not being under restraint. An ear tipped cat transported to or deposited at the Animal Services Facility and Adoption Center shall be held by the Administrator for at least three (3) working days, unless the cat is suffering from disease or injury. The Administrator shall use all due diligence to provide electronic notification about all ear tipped cats held at the Animal Services Facility and Adoption Center to all local animal rescue organizations and all

1 animal care organizations who have notified the Administrator of their experience with ear
 2 tipped cats and shall allow three (3) working days from the time of the electronic notification for
 3 an organization to rescue the ear tipped cat at no charge to the organization. An animal care or
 4 animal rescue organization shall not return an ear tipped cat to the area where it was trapped if
 5 that specific ear tipped cat has been impounded three times to the Animal Services Facility and
 6 Adoption Center. If an ear tipped cat is trapped in or brought to the Animal Services Facility and
 7 Adoption Center from a municipality located within Prince George's County with a municipal
 8 animal control department, the Administrator shall provide the municipality with the same
 9 notification and opportunity for rescue. If the Administrator has used all due diligence to notify
 10 animal rescue organizations, animal care organizations, and where appropriate, a municipality
 11 about an ear tipped cat, and if the ear tipped cat is not retrieved by an organization or
 12 municipality within the designated time period, the ear tipped cat shall be treated the same as an
 13 impounded cat to the processes of Subtitle 3 of the Prince George's County Code.

14 (f) The Administrator shall make and keep records of individual ear tipped cats handled
 15 under this subsection (e), including; the date and location where the ear tipped cat was trapped or
 16 captured; the date the ear tipped cat entered the Animal Services Facility and Adoption Center;
 17 whether the ear tipped cat suffered from a disease or injury, and the nature of any such disease or
 18 injury; whether the ear tipped cat was the subject of nuisance complaint, and the facts and legal
 19 basis for any such complaint, all notifications, and notification attempts, to animal rescue or
 20 animal care organizations, or to a municipality; and the date and ultimate disposition of the ear
 21 tipped cat. The Administrator shall make these records available for public inspection and shall
 22 report these records to the Director of [Environmental Resources] the Department of the
 23 Environment.

24 (g) The Administrator shall, annually review by December 31st, with consultation with the
 25 Director and County Council, the effectiveness of the ear tipped cat program under Section 3-
 26 122 of this Subdivision.

27 (h) (1) Prince George's County promotes the responsible practice of trap-neuter-return to
 28 include vaccination against rabies and other diseases as an effective method for humanely
 29 reducing the population of free-roaming cats.

30 (2) The Administrator may impound a free-roaming cat if complaints to the
 31 Administrator from residents and businesses remain unresolved.

(3) An impounded free-roaming cat that has not been ear-tipped may only be redeemed to an animal care organization having experience with trap-neuter-return that has a written agreement with the County. The agreement shall provide for rabies vaccination, sterilization and ear-tipping before the free-roaming cat may be released to the area from which it was impounded.

Sec. 3-123. Impounding by private persons.

Any person may [take] pick up any animal found [running] at large within the County. Any animal picked up [running] while at large shall be turned over to an Animal Control Officer or delivered to the Animal [Control] Services Facility and Adoption Center.

Sec. 3-124. Notice of impoundment; manner of service.

Upon impounding an animal, the Administrator shall [cause] make a prompt and reasonable effort [to be made] to locate and notify the animal's owner. A notice under this Division may be served either by delivering it to the [person on whom it is to be served] last known owner, or by leaving it at the person's usual or last known residence, or at the address given on the animal's collar, or obtained by means of a pet license, microchip or tattoo, forwarding it by mail to that person at his usual or last known residence or the address given on the collar. When convenient, the notice may be given by telephone to the owner. [All found animals will, at a minimum, be duly advertised in one major local newspaper.]

Sec. 3-125. Interference with impounding of animals.

No person shall willfully prevent or obstruct the impounding of any animal in violation of any of the provisions of this Subtitle by an Animal Control Officer or police officer, nor shall any person take or attempt to take any animal out of the Animal [Control] Services Facility and Adoption Center without the consent of the Administrator, nor shall any person knowingly impound or attempt to impound any animal not legally liable to impoundment. Any violation of this Section is a misdemeanor punishable pursuant to Section 1-123 of this Code.

Sec. 3-126. Records of impounded animals.

(a) The Administrator shall keep complete and accurate records of the breed, color, sex, condition, and location where found of any animal impounded in the Animal [Control] Services Facility and Adoption Center [Facility], and shall record whether or not the animal is licensed, tattooed, microchipped, or has a rabies tag.

(b) If an animal impounded in the Animal [Control] Services Facility and Adoption Center

[Facility] is licensed or vaccinated, the Administrator shall record the name and address of the owner and the number of the license or rabies tag.

(c) The Administrator shall keep complete and accurate records of the care, feeding, veterinary treatment, and disposition of all animals impounded in the Animal [Control] Services Facility and Adoption Center [Facility].

* * * * *

Sec. 3-128. Redemption; fees and costs.

(a) The owner of an impounded animal shall be entitled to redeem such animal, except as otherwise provided in this [Division] Subtitle, upon compliance with the license provisions of this Subtitle, payment of redemption fees, payment of costs accrued with respect to the animal to be redeemed, and presentation of satisfactory proof of ownership.

(b) Redemption fees shall be as follows:

(1) A redemption charge of Fifteen Dollars (\$15.00) for the first impoundment for altered animals and Sixty Dollars (\$60.00) for the first impoundment for unaltered animals and One Hundred Dollars (\$100.00) for any animal per each subsequent impoundment in a twelve (12) month period.

(c) The owner of an impounded animal also shall be liable to Prince George's County, Maryland, for the shelter fees to include the fee for mandatory microchipping if the animal is not already microchipped and the costs of any required veterinary services in accordance with the schedule or tariff of charges promulgated by the Director pursuant to Section 3-106 herein. In addition, when the animal is impounded, it will be mandatory that it is spayed or neutered prior to leaving the Animal Services Facility and Adoption Center. The cost shall be included in the payment of redemption fees not exceed the actual cost of the procedure.

(d) Exemptions and Waivers

(1) The mandatory spay/neuter requirement may be waived when the owner is able to provide proof that altering subject animal would create a financial loss and/or materially alter the economic value of the animal. (2) Livestock and/or Farm Animals shall be exempt from the provisions of this Section. (3) Any animals employed or owned by the County and/or Federal or State agencies shall be exempt from the provisions of this Section (4) Medical Exceptions outlined in accordance with Section 3-177.

Sec. 3-129. Property [in] of impounded or surrendered animals.

Any domesticated animal which is impounded and not reclaimed by its owner as prescribed in Section [3-123] 3-122 shall be deemed abandoned and shall become the property of Prince George's County, Maryland. Any animal surrendered by its owners to the Animal [Control] Services Facility and Adoption Center shall immediately become the property of Prince George's County, Maryland, for final disposition. The Administrator may dispose of abandoned animals by adoption, euthanasia, or other disposition as may be most advantageous to the County and the public interest subject to Section 3-105[(e)].

* * * * *

Subdivision 3. Animal Control Regulations.

Sec. 3-131. Manner of keeping animals; prohibition of nuisances.

(a) Each owner or custodian shall provide the following in consideration of the species, age, condition, weight, and size, for each [of his or her companion] animal[s] in his or her care:

(1) [Adequate feed] Proper food;

(2) [Adequate] Proper water;

(3) [Adequate] Proper shelter and protection from the weather [that is properly cleaned];

(4) [Adequate] Proper space [in the primary enclosure for the particular type of animal depending on its size, species, and weight];

(5) [Adequate] Proper exercise;

(6) [Adequate] Proper care [proper and appropriate treatment, and proper transportation; and];

(7) [Adequate] Proper veterinary care [and veterinary care when needed to prevent suffering or disease transmission.];

(8) Proper grooming;

(9) Proper light;

(10) Proper transportation;

(11) Proper air; and

(12) Proper cleaning.

* * * * *

Sec. 3-132. Public nuisance conditions and animals; procedures; appeals.

(a) It shall be the duty of every owner or custodian of an animal to take all necessary steps

1 and precautions to protect other people, animals, and property from injury or damage resulting
 2 from such animal's behavior, including, but not limited to, chasing, biting, or otherwise
 3 jeopardizing the safety, health or welfare of the public.

4 (b) [(a)] No owner or custodian of an animal or operator of any animal holding facility
 5 shall fail to abate a nuisance caused by any animal owned by him or under his control nor shall
 6 any person fail to abate a public nuisance condition found to exist upon the premises owned or
 7 controlled by him, after having been notified by an Animal Control Officer or other law
 8 enforcement officer, in accordance with Section 3-115 herein, or after having been ordered to
 9 abate the nuisance by the Commission as provided herein.

10 (c) [(b)] Any animal having been declared to be a public nuisance animal shall, when
 11 required by the Commission and upon demand by the Administrator, be delivered by his owner
 12 to the custody of the County. No owner of a public nuisance animal shall refuse to surrender
 13 such animal to the County. A public nuisance animal which has been impounded by the County
 14 may be redeemed by the owner only upon those conditions established by the Commission for
 15 that particular animal. In addition to any special conditions imposed by the Commission, the
 16 owner of a public nuisance animal shall comply with the provisions of Section 3-128 herein.

17 (d) [(c)] Any animal found to be unredeemable shall become the property of Prince
 18 George's County and may be disposed of by adoption, euthanasia, or other disposition as may be
 19 advantageous to the County and to the animal. No animal may be destroyed or otherwise
 20 disposed of pending the outcome of any appeal from an order of the Commission pursuant to
 21 Section 3-111. The Administrator shall retain custody of the animal pending the appeal, and the
 22 expense of the care, feeding, and any necessary veterinary care for the animal shall be charged
 23 to, and be the obligation of, the owner of the animal, and shall be collected pursuant to the
 24 provisions of Section 3-106 herein.

25 (e) [(d)] As an alternative, if any person shall fail to abate a public nuisance animal or
 26 public nuisance condition after the Commission has ordered him to do so, the Administrator or
 27 the Commission may refer the matter to the Office of Law for appropriate legal action. The
 28 Office of Law, without limitation, and in addition to and not in lieu of any other available
 29 remedies, may seek ex parte, temporary and permanent injunctive relief and other relief in a
 30 court of competent jurisdiction to abate any nuisance or to correct any condition whereby the
 31 actions of an animal, or the actions or inactions of its owner or custodian, cause or threaten any

substantial and immediate danger to any person or property or to the public health and safety.

* * * * *

Sec. 3-135. Animals at large prohibited.

(a) It shall be unlawful for the owner or custodian of any animal (including, but not limited to, any cattle, horse, mule, swine, sheep, goat, geese, ducks, chickens, dog, cat, or other animal) to permit the animal to run at large or be at large as defined in Section 3-101[(12)] (7) within Prince George's County, Maryland. **At large** shall also include:

(1) The confinement or securing of an animal by any person at a location other than on the premises of its owner, custodian, or authorized agent;

(2) Herding such animal or tying it for grazing in any street or other public place; or

(3) The fastening or tethering of any horse or other animal on public property [to any] affixed to any standard (i.e., rail, post, fence), hydrant, shade tree, or to any box or case around such tree, or to any public ornamental tree on any street or public ground.

* * * * *

Sec. 3-136. [Vicious] Dangerous animals.

(a) Any [dog or other] animal [which] that without provocation [has attacked, bitten, or injured any human being, other animal or livestock, or which has a known propensity to attack or bite human beings or animals] (i) inflicts injury on a human on private or public property; (ii) kills a domesticated and/or farm animal; or (iii) has been previously found to be potentially dangerous because of injury inflicted on a human or an animal, the owner having received notice of such and the animal again aggressively bites, attacks, or endangers public safety is defined to be a [vicious] dangerous animal for the purpose of this Subtitle. No animal shall be found to be dangerous [or vicious] if the threat, injury, or damage was sustained by a person who was:

(1) Committing, at the time, a crime upon the premises occupied by the animal's owner or custodian;

(2) Committing, at the time, a tort upon the premises occupied by the animal's owner or custodian; or

(3) Provoking, tormenting, or physically abusing the animal.

(b) It shall be the duty of the Police Department to receive and document complaints concerning [vicious] dangerous animals. It shall be the duty of the Administrator/Animal Control Officer to receive and investigate complaints concerning [vicious] dangerous animals.

Whenever an animal complained against shall be reasonably deemed by a police officer or the Administrator/Animal Control Officer to be a [vicious] dangerous animal, the police officer or Administrator/Animal Control Officer shall report the fact to the Commission in the form of a written complaint and shall be authorized and empowered to impound the animal pending a hearing if he reasonably believes that the owner of the animal is not capable of restraining the animal from attacking, biting, or injuring any human being or other animal pending a [full] hearing on whether the animal is [vicious] dangerous. Notwithstanding the above, whenever an animal causes severe injury to any human being, the police officer or [Administrator] Animal Control Officer shall impound the animal pending a hearing by the Commission. In this Section, **severe injury** means any physical injury from single or multiple bite(s) resulting in broken bones, serious disfigurement, serious impairment of health, serious impairment of a bodily function, or requiring multiple sutures or cosmetic surgery.

(c) Whenever an animal has been impounded pursuant to this Section, the owner shall be notified within forty-eight (48) hours of the impoundment of a right to a preliminary hearing. The preliminary hearing shall be scheduled within seventy-two (72) hours of a written request by the owner. This preliminary hearing may be conducted by a hearing officer designated by the Commission and shall be for the sole purpose of determining whether the owner of the animal is capable of restraining the animal from attacking, biting or injuring any human being or other animal until it can be determined at a [full] hearing conducted by the Animal Control Commission whether the animal is [vicious] dangerous.

(d) If it is determined that the alleged dangerous animal may be returned to the custody of the owner until the scheduled full hearing, the Commission may impose such requirements of conditions as are deemed necessary to restrain the animal and the owner shall be required to pay the costs and maintenance expenses incurred during the time that the animal was impounded. Should the owner not adhere to conditions set forth by the Commission, the alleged dangerous animal shall be immediately impounded and remain in the custody of the County pending the outcome of the full hearing.

(e) If the Commission determines that continuing impoundment is necessary, the owner shall be responsible for all costs and maintenance expenses incurred.

(f) Any person who alleges that an animal is [vicious] dangerous may file a [verified] complaint with the Animal Control Commission that states in clear language why the animal is

[vicious] dangerous. This [verified] complaint shall identify where the animal is located and describe the animal which is the subject of the complaint. The Administrator shall investigate the complaint and may impound the animal in accordance with [Subsections (b) through (d) of] this Section.

(g) The Commission shall conduct a public hearing upon the question of whether the animal is a [vicious] dangerous animal in accordance with the provisions of Section 3-110 of this Subtitle.

(h) If the Commission, upon the evidence before it, finds that the animal complained of is in fact a [vicious] dangerous animal, as defined in Subsection (a), above, and Section 3-101[(75)] (32), the Commission may direct the owner or custodian of the [vicious] dangerous animal to confine the animal and to abate its danger to the public in accordance with Section 3-137 herein, or require the owner or custodian of the [vicious] dangerous animal to surrender the animal to the County and authorize the Administrator to destroy the animal.

(i) The Administrator shall maintain a record of all known [vicious] dangerous animals in Prince George's County.

(j) If any animal shall be found at large or running at large by an Animal Control Officer or police officer and, in the judgment of the Animal Control Officer or police officer, such animal is dangerous, [fierce, or vicious] and cannot be taken up or tranquilized and impounded, such animal may be slain by the Animal Control Officer or police officer.

Sec. 3-137. [Vicious] Dangerous animals; restrictions.

(a) One or more of the following shall be required as deemed appropriate under the circumstances, and as deemed necessary for the protection of the public or other animals for an animal declared as dangerous:

(1) The dangerous animal shall be under the direct supervision of a responsible adult 18 years or older whenever the animal is on public premises.

(2) [(a)] [A vicious] The dangerous animal shall be securely confined by the owner or custodian within a building or secure enclosure and shall not be taken out of such building or secure enclosure unless securely restrained. The confinement device shall be designed to: (i) prevent the escape of the animal; (ii) protect the public from unauthorized contact with the animal; and (iii) to protect the animal from the elements.

(3) [(b)] [A vicious] The dangerous animal shall not be upon any street or public place,

except while securely restrained, humanely muzzled if appropriate to the species, and in the charge of a responsible adult. The muzzle must be appropriate to the species, not to injure or interfere with the animal's vision or respiration, and be secured in a manner that prevents it from biting any person or animal.

(4) The dangerous animal shall be securely restrained on a leash whenever the animal is on public premises, under the immediate control of a responsible adult.

[(c) A vicious animal not confined as required by this Subsection is hereby declared a public nuisance, detrimental to the public health, safety, and welfare. The owner of the animal shall be held strictly liable for any violation of this Section and for any damages caused hereby.]

(5) [(d)] The owner of a [vicious] dangerous animal shall, at his or her own expense, have the identification number assigned to the [vicious] dangerous animal by the Administrator tattooed or microchipped upon the animal by a licensed veterinarian. The Administrator may designate the location of the tattoo or microchip.

(6) [(e)] The owner of a [vicious] dangerous animal shall display a conspicuous sign, on the premises where the animal is permanently maintained, that a [vicious] dangerous animal is located on those premises. The form and location of the sign shall be subject to the approval of the Administrator.

(7) [(f)] The owner of a [vicious] dangerous animal shall consent to periodic inspections, in addition to annual compliance inspections, by the Administrator.

(8) [(g)] The owner of a [vicious] dangerous animal shall report the status of the animal in writing to the Administrator every three (3) months and shall notify the Administrator immediately prior to the removal of the animal from the approved premises.

(9) [(h)] The owner of a [vicious] dangerous animal shall not sell, give away or dispose of the animal without the consent of the Administrator.

(10) [(i)] The owner of a [vicious] dangerous animal shall comply with any and all other requirements or conditions imposed by the Commission.

(11) The dangerous animal shall be spayed or neutered, at the owner's expense.

(12) The dangerous animal shall be evaluated by a certified animal behaviorist, a board certified veterinary behaviorist, and attend an obedience/behavior training course and provide a certificate of completion. The owner of the animal shall be responsible for all costs associated with evaluations, training or other treatment ordered under this Section.

(b) The owner of the animal shall be held strictly liable for any violation of this Section and for any damages caused hereby.

(c) If after two (2) years of being declared dangerous, there have been no further issues with the animal, the owner can petition the Commission to have the designation and the requirements lifted.

(d) The dangerous animal as evidenced by aggravating circumstances, or by previous unjustified attacks on a person or animal sustaining serious injury or death, shall become the property of Prince George's County.

(e) The owner of a dangerous animal may be banned from owning, possessing, or caring for animals for up to five (5) years subject to the right to petition the Board for a waiver based on good cause shown.

* * * * *

Sec. 3-139. Defecation; Removal of excrement.

(a) No person owning, keeping, or having custody of [a dog or cat] an animal, except a [seeing eye dog] service animal, shall allow or permit excrement of such animal to remain on[:]

[(1) Public] public property, including streets as defined in Section 1-102(a)(34). [; or]

[(2) Private] (b) No person shall allow defecating on private property without the consent of the owner or occupant thereof.

[(b)] (c) The person owning, keeping, or having custody of the animal shall immediately remove the excrement deposited by the animal.

Sec. 3-140. Strays and unwanted animals.

* * * * *

(b) Any stray animal found by any individual shall forthwith be delivered to the Animal [Control] Services Facility and Adoption Center [Facility] or to an Animal Control Officer.

(c) All unwanted animals received by the Animal [Control] Services Facility and Adoption Center [Facility] shall be processed under and shall be subject to the provisions of Section 3-122 of this Subtitle.

(d) No person shall harbor or hold for reward or procure a license for a dog or other animal which has strayed upon his premises or which has been taken into custody on a public street, highway, or other public place unaccompanied by its owner or custodian or which has been stolen from its owner. Nothing in this Subsection shall be construed to prohibit any person from

1 taking custody of a stray animal for purposes of delivering it to the Animal [Control] Services
 2 Facility and Adoption Center [Facility].

3 **Sec. 3-141. Theft of animals.**

4 (a) No person except an Animal Control Officer or law enforcement officer acting in the
 5 course of his duties shall intentionally entice, take, or carry away any [dog, cat, or other pet]
 6 companion animal or other animal without the owner's consent.

7 * * * * *

8 **Sec. 3-142. [Injuring or poisoning of animals] Irresponsible owners.**

9 [(a) Any person who accidentally or otherwise strikes an animal with any motor vehicle
 10 and injures or kills the animal shall immediately notify the Police Department or the
 11 Administrator of the location of the accident.]

12 [(b) No person may willfully poison any animal, except that any person may use poison in a
 13 careful and humane manner to destroy vermin, including, but not limited to rats, mice, and insect
 14 pests.]

15 (a) An owner or custodian shall be declared to be an irresponsible owner if:

16 (1) they allow their animal to inflict bites on a human or another domesticated animal
 17 either on public or private property;

18 (2) they allow their animal to chase or approach a person in a menacing fashion or
 19 apparent attitude of attack, or with a known propensity, tendency, or disposition to attack
 20 unprovoked, to cause injury, or otherwise to threaten the safety of humans or animals;

21 (3) they fail to provide proper care and treatment for an animal;

22 (4) they fail to provide humane training for appropriate temperament and response;

23 (5) they fail to take precautions to abate aggressive behavior; prevent an imminent
 24 threat, assault or disturbance; or ensure surrounding circumstances and environment do not
 25 create or give rise to potentially dangerous situations.

26 (b) An irresponsible owner may be banned from owning, possessing, or caring for animals
 27 for up to five (5) years subject to the right to petition the Board for a waiver based on good cause
 28 shown.

29 (c) The Commission may mandate dangerous animal restrictions for any violations of this
 30 Section.

31 (d) Nothing in this Division shall be construed to exempt any animal owner or custodian

from compliance of the requirements for responsible animal ownership. An animal owner or custodian found guilty of provisions of this Division shall be declared to be an irresponsible owner.

* * * * *

Sec. 3-144. Disposal of an animal carcass[es].

(a) The owner or custodian of an animal may not deposit or leave such animal upon its death on public or private property [or the property of another person]. If a dog, cat, or ferret has a history of a bite or nonbite exposure to a human within ten (10) days prior to its death, it must be tested for rabies. [All other] Each dead animal[s] shall be promptly disposed of by cremation, in accordance with applicable local, state, and federal regulations, burial, or other sanitary means so long as there has been no human bite or nonbite exposure.

* * * * *

(c) In addition to other assigned duties, [Animal Control Officers] agents of the Administrator shall collect all dead animals found on County-owned property or highways and the Administrator shall be authorized to dispose of such carcasses.

DIVISION 5. LICENSES AND STANDARDS.

Subdivision 1. Pet Licenses.

Sec. 3-145. Ferret, dog, and cat licenses.

(a) A ferret, dog, or cat which is four (4) months of age or older shall be licensed by the owner as herein provided.

(b) The licensing requirement of this Subdivision shall not apply to any animal belonging to a nonresident of the County and kept within the boundaries of the County for not longer than thirty (30) days. All such animals shall, at the time of entry into the County, be properly vaccinated against rabies and, while kept within the County, shall meet all other requirements of this Subtitle.

Sec. 3-146. – License application; fee; exemption and notice condition

(a) Application for license shall be made to the Department. The [annual] license fee shall be Twenty-Five Dollars (\$25.00) per year for all ferrets, dogs, and cats. The license fee shall be reduced to Five Dollars (\$5.00) where there is proof that the animal has been spayed or neutered or where the Administrator, in the Administrator's sole discretion, has determined that the animal cannot be spayed or neutered because of size, age, or other physical condition. The

license fee shall be reduced to Five Dollars (\$5.00) where there is proof that a dog is under training in a recognized program to provide assistance dog guides, provided that if the dog is removed from training, the license fee shall be Twenty-Five Dollars (\$25.00) per year.

(b) (1) Assistance dogs (guide, hearing, service, seizure alert, etc.) and dogs in police canine units shall be provided licenses without charge.

(2) Residents showing proof of being age sixty-five (65) or older shall be provided licenses, without charge, for a maximum of two (2) pets providing the resident produces documentation that the pets have been spayed or neutered, and are up to date on rabies shots.

(c) The application for a ferret, dog, or cat license shall state the name and address of the owner, and the name, breed, color, age, and sex of the animal and rabies vaccination information.

(d) A valid certificate of rabies inoculation or other evidence of vaccination issued by a licensed veterinarian or antirabies clinic recognized by the Administrator shall accompany the application.

(e) The requirement of a rabies certificate being presented with the application may be postponed ten (10) days from the recovery of the ferret, dog, or cat from an illness or injury if the application is accompanied by the certificate of a licensed veterinarian stating that the condition of the ferret, dog, or cat is such that inoculation would be detrimental to its health. During the period of postponement, the ferret, dog, or cat shall be confined within a building or secure enclosure.

(f) Whenever it comes to the attention of the Administrator that a ferret, dog, or cat is unlicensed, the Administrator may contact the owner of the animal and require the owner to make application for a license and require the owner to pay the required license fee. If the owner refuses to obtain a license or procure immunization for his animal, the Administrator may make demand upon the owner to surrender the animal for humane disposition. If the owner refuses to surrender the animal, the Administrator shall refer the matter to the Office of Law. The Office of Law may seek equitable relief in an appropriate court, including, but not limited to, a mandatory injunction requiring the owner of the animal either to have his animal immunized and obtain the required pet license or to surrender the animal for humane disposition.

Sec. 3-147. Same: Time to apply; renewal; penalty.

* * * * *

[(c) All ferret, dog, and cat licenses shall expire one (1) year from the last day of the month

in which the license was issued.]

(d) Notwithstanding any other provision of this Division, the Director may, [in the Director's discretion,] establish a systematic method for administering the renewal of licenses under this Division, including, but not limited to, establishing staggered renewal dates for existing licenses and prorating license fees based on such renewal dates. In no event shall the Director [: (1) R] (r)estrict the right of a licensee, under any initial license issued in accordance with the provisions of this Division, to an initial term of less than one (1) year from the date of issuance;

[(2) Issue any initial license for a period to exceed eighteen (18) calendar months; or

(3) Renew any license for a period of less than seven (7) calendar months, or for a period of more than eighteen (18) calendar months.]

(e) Failure to make timely application for an initial license as stated in Subsections (a) and (b), above, or for renewal of a license shall result in the assessment of a penalty of Three Dollars and fifty cents (\$3.50).

* * * * *

Sec. 148. Same; Licenses and Tags

(a) Upon payment of a ferret, dog or cat license fee, a numbered license tag shall be issued to the owner, which shall bear the name of the County [and the year of issuance].

(b) The license tag shall be securely fastened to each dog's collar or harness, which shall be worn by the dog at all times unless the dog is engaged in supervised hunting, exhibition, or other sport where a collar would endanger the dog's safety or adversely affect its hunting, exhibition, or sport purpose.

(c) Any dog not wearing a license tag [of the current year of issue] shall prima facie be deemed to be unlicensed. Under this Subtitle the burden of proof of the fact that such dog has been licensed or is not required to wear a tag shall be on the owner or custodian of the dog.

Sec. 3-148.01. Animal hobby permit.

(a) No person may keep or harbor five (5) or more animals [larger than a guinea pig or] over the age of four (4) months, that require a County license, without first obtaining an animal hobby permit as provided herein. Except as provided herein, no household may keep, harbor, or foster five (5) companion animals, with a limit of ten (10) over the age of four (4) months without first obtaining an animal hobby permit as set forth in Section 3-148.02.

Sec. 3-148.02. Animal hobby permit application; fees; term and standards.

(c) No permit shall be issued unless:

- (1) Each ferret, dog, or cat has a valid County license;
- (2) There exists [an adequate] proper space and safe means of confinement for each animal;
- (3) Each animal is provided [adequate] proper care, proper shelter and protection from the weather;
- (4) Evidence exists that each animal has been provided [adequate and] proper veterinary care;
- (5) No objectionable odors or noises exist that might disturb the neighborhood or otherwise cause a public nuisance condition to exist;
- (6) All animals on the property are kept in compliance with any and all Federal, State, and local laws and regulations as pertain to animals.

Sec. 3-148.03. Animal Foster Care Permit.

(a) Any [person,] group[, or organization which provides temporary holding, care, and treatment for a companion animal pending permanent adoption may apply for [a foster] an animal foster care permit. The requirements are:

(1) The group or organization [or group] must be approved and registered with the Animal [Management] Services Division of the Prince George's County Department of the Environment [. Requirements for the organizations or groups are] and meet the following requirements:

- (A) Proof of Federal registration as a nonprofit or not-for-profit organization;
- (B) Proof of incorporation in the state in which they do business, as well as proof of good standing; and
- (C) Compliance with all Federal, State, and local laws [in keeping animals and record maintenance for the animals and the organization].

(2) Each individual location [holding] fostering animals must be registered with the Animal [Management] Services Division. The custodian must be associated with a group or

organization registered with the Prince George's County Animal [Management] Services Division.

(3) Each foster location is limited to ten (10) animals including animals owned by the [care taker or other residents of the location] custodians, residents, or caregivers. Any foster location housing more than ten (10) animals must apply for an Animal Holding Facility permit.

(4) Each foster location must be inspected on an annual basis upon renewal of the permit. In addition, the Animal [Management] Services Division may inspect the location for compliance with requirements for the care and maintenance of each animal.

(5) Each animal owned by custodians, residents, or caregivers at each foster location must be legally registered with Prince George's County and must be up-to-date on rabies inoculations and other required preventative care requirements.

(6) Animals being held for temporary foster care may be kept for ninety (90) days without being licensed by Prince George's County. An extension of no more than sixty (60) days may be applied for, and may be granted by, the Associate Director of the Animal [Management] Services Division. After that time, the animals will be considered owned animals and must be [registered] licensed with the County. The Animal [Management] Services Division must be notified when a new animal is accepted for temporary foster care and when an animal is adopted from the foster location. The Animal [Management] Services Division will maintain and keep current a list of animals at each foster location.

(7) With the exception of the animal licensing requirement, each foster location must meet the requirements set forth for an animal hobby permit. In addition to the penalties set forth for failure to obtain or maintain an animal foster care permit, the custodian is also subject to fines for failure to obtain an animal license for each animal held in custody.

* * * * *

Subdivision 2. Animal Holding Facility Licenses.

Part 1. Definitions and General Provisions.

* * * * *

Sec. 3-151. Application for animal holding facility license.

(a) Every person required to obtain and hold an animal holding facility license shall make application for an animal holding facility license to the Department upon forms prescribed by the Director. The application shall be accompanied by an annual license fee as prescribed herein. A

1 Use and Occupancy permit is required for each animal holding facility.

2 * * * * *

3 **Sec. 3-152. Inspection of Facility.**

4 (a) The Administrator shall inspect the applicant's establishment[. The Administrator shall]
5 and determine whether [the establishment] it is in satisfactory condition and properly operated
6 under the provisions of this Subtitle. The Administrator shall determine the species which may
7 be housed or held in the facility. The Administrator shall issue regulations setting forth
8 standards and criteria for determining the maximum number of animals of different type or
9 species to be maintained in an animal holding facility.

10 * * * * *

11 (d) If reinspection is required due to the applicant's failure to comply with [the above
12 referenced requirements or] provisions of this Subtitle or other regulations, the applicant shall be
13 charged Ten Dollars (\$10.00) upon the first reinspection and Twenty-five Dollars (\$25.00) for
14 any subsequent reinspection.

15 * * * * *

16 **Sec. 3-154. License transferability.**

17 (a) Animal holding facility licenses are not transferable. The new owner or operator of the
18 animal holding facility shall make application to the Department pursuant to [Sections 3-151, 3-
19 152, and 3-153] this Subdivision.

20 (b) The Director may issue a temporary license to the new owner or operator of an existing
21 animal holding facility to permit its continuing operation pending the Director's decision on the
22 license application [required in Subsection (a)].

23 * * * * *

24 (d) The temporary license shall be valid until the Director's decision is rendered on the
25 application for the regular license. Issuance of the temporary license does not bar a decision by
26 the [Department] Director to deny the application pursuant to Section 3-155(a).

27 **Sec. 3-155. Denial, suspension, or revocation of animal holding facility license.**

28 (a) The [Department] Director shall deny any application for an animal holding facility
29 license if the Administrator or the Health Officer determines that the applicant's establishment is
30 in violation of the general standards or specific standards prescribed herein.

31 * * * * *

Sec. 3-156. Appeal [from] of decision to deny, suspend, or revoke an animal holding facility license.

* * * * *

(e) The Board of Administrative Appeals shall conduct a public hearing. In appeals from a denial of a license, the applicant shall have the burden of proof to establish his entitlement to a license. In an appeal from the suspension, revocation, or denial of renewal of a license, the Department shall have the burden of proof to establish by preponderance of the evidence that the suspension, revocation, or denial of renewal was correct. The Board of Administrative Appeals shall decide only whether the action of the Director was supported by substantial evidence. The applicant or licensee shall have the opportunity to present evidence, to cross-examine witnesses for the Department, and may be represented by an attorney at any hearing. Failure on the part of the applicant or the licensee to appear [at the place set] for the hearing shall be deemed a waiver of the right to a hearing.

* * * * *

Part 2. General Standards for Animal Holding Facilities.

Sec. 3-158. Environmental health.

(a) All animal holding facilities shall provide [for healthy and comfortable temperatures suitable for every species of animal of every age housed or kept in the facility.] the following in consideration of the species, age, condition, weight, and size, for each animal housed or kept in the facility:

- (1) Proper food;
- (2) Proper water;
- (3) Proper shelter and protection from the weather;
- (4) Proper space;
- (5) Proper exercise;
- (6) Proper care;
- (7) Proper veterinary care;
- (8) Proper grooming;
- (9) Proper light;
- (10) Proper transportation;
- (11) Proper air; and

1 (12) Proper cleaning.

2 [(b) An animal holding facility shall provide food which is palatable and of sufficient
3 quantity and quality and frequency to meet the normal nutritional requirements of the type,
4 condition and size of every animal housed or held in the facility, which food shall be free of
5 contamination. Where practical, food shall be served in a clean dish so mounted that the animal
6 cannot readily tip it over or defecate or urinate in the dish.]

7 [(c) An animal holding facility shall provide fresh water for each animal housed or held in
8 the facility. Water shall be available in a removable vessel secured to prevent tipping. Water
9 containers are to be cleaned and disinfected daily. Sipper tub type water bottles, if used shall be
10 kept clean, free of dirt, debris, and algae, and sanitized.]

11 [(d) An animal holding facility shall maintain all cages and enclosures in a sanitary
12 condition. The cages shall be of sufficient size to provide adequate rest. Indoor cages or
13 enclosures, excluding runs, shall be made of nonporous material, which shall be of sufficient size
14 to allow each animal to stand up, turn around and stretch out to its full length. Animal feces and
15 urine shall be removed as often as necessary, and under no circumstances less than daily, to keep
16 cages and enclosures in a sanitary condition. Litter boxes shall be provided for cats.]

17 (b) Animal holding facilities shall also provide for any and all other requirements and
18 standards as specified in this Subdivision for the particular type of facility.

19 **Sec. 3-159. Animal health and veterinary care.**

20 * * * * * * * * *

21 (c) Cages, crates, enclosures, or other areas in which animals have been housed or held
22 shall be decontaminated before being used by another animal.

23 * * * * * * * * *

24 **Part 3. Particular Licenses and Standards.**

25 **Sec. 3-160. Kennel license[s].**

26 (a) No person may operate a kennel without first obtaining a kennel license. Research
27 facilities wherein bona fide medical or other scientific research (including, but not limited to,
28 dental, pharmaceutical and biological research) is being conducted and other animal holding
29 establishments which are licensed by Federal law or operated by agencies or contractors of the
30 United States, the State of Maryland or of any Maryland local government are excluded from the
31 kennel licensing requirements of this Subtitle.

(b) The applicant shall pay an annual kennel license fee as follows:

(1)	Authorized to house less than ten (10) animals	\$75.00
(2)	Authorized to house ten (10) but less than fifty (50) animals	\$125.00
(3)	Authorized to house fifty (50) but less than one hundred (100) animals	\$175.00
(4)	Authorized to house one hundred (100) or more animals	\$250.00

(c) The holder of a commercial kennel license shall make and retain for one year [written] records of the names and addresses of persons who board, buy, or otherwise receive dogs from the kennel.

* * * * *

Sec. 3-162. Pet shop license[s].

* * * * *

(b) The holder of a pet shop license shall make and retain for one year [written] records of the names and addresses of persons who buy or otherwise receive ferrets, dogs, or cats from the pet shop.

(c) The annual license fee for a pet shop shall be Three Hundred Dollars (\$300.00).

Sec. 3-163. Petting zoo license[s].

(a) A person may not operate a petting zoo without first obtaining a petting zoo license as provided herein.

(b) A petting zoo license must be obtained thirty (30) days prior to the petting zoo operating in the County regardless of the length of time of operation, i.e. for one hour, one day, one week, etc.

[(b)] (c) The application for a petting zoo license shall be accompanied by a site plan of the petting zoo, showing all cages/crates, enclosures, security fences and other arrangements for public security and animal care and feeding.

[(c)] (d) The petting zoo license fee shall be One Hundred Fifty Dollars (\$150.00). The petting zoo license shall be valid for the time(s) and date(s) stated in the application but in no event shall a petting zoo license be valid for a period in excess of one calendar year.

Sec. 3-168. Standards for kennel or cattery.

(a) All kennels and catteries shall provide for each dog or cat:

(1) A cage, crate or run of sufficient size to allow its occupant to stand up, lie down, and turn around without touching the sides or top. Cage floors shall be made of nonporous, impervious material and, unless radiantly heated, shall be equipped with a resting board or other bedding. Appropriate drainage is required between cages, crates and runs to prevent cross-contamination from waste materials or cleaning water. If animals are housed in two (2) or more levels, no waste or other matter from the upper levels is permitted to contaminate other levels.

(2) [Animals may be permitted to have a] Access to outside areas on a temporary basis, provided the [exercise] outside area is of sufficient size with secure fencing and a secure latched gate. The outside area must be capable of being properly cleaned. In the event of weather extremes, an animal permitted outside must have access to inside runs or other [appropriate] proper shelter. Animals in kennels or catteries may not be permanently kept outside.

(3) Enclosures, cages, crates, and exercise areas which shall be kept clean, dry, and in a sanitary condition, and which shall provide [adequate ventilation, a healthful temperature] proper air, a temperature maintained at normal conditions (a minimum of sixty-five (65) degrees Fahrenheit, and a maximum of seventy-five (75) degrees Fahrenheit) on the premises, except for those animals requiring higher temperatures, and proper protection [against extremes of] from the weather.

(b) Where the holder of a kennel or cattery license is engaged in breeding of more than [two (2)] one (1) litter[s] per year and/or the buying and selling of dogs and/or cats, the standards for pet shops and commercial pet distribution facilities, as prescribed in Section 3-170, shall apply to those animals being bred or held for sale, exchange, or purchase.

Sec. 3-169. Standards for Guard Dog Facilities.

(a) All owners or trainers of guard dogs shall, in addition to the requirements provided in Section 3-168, comply with, but are not limited to, the standards of this Section whenever any dog is to be trained or used as a guard dog [, except for dogs kept as pets]. Failure to comply with these standards shall be grounds for denial or revocation of the license.

(d) Kennel, training, and work site areas for guard dogs must meet the following requirements;

(1) Runs must have at least six foot (6') fences completely surrounding them to which anticlimbers are added at the top or the top is completely covered and anti-diggers at the bottom of the runs.

(2) All gates and entrances to the runs, kennel, training or work site area must be kept locked so that the public is unable to enter.

(3) The kennel, training, or work site area must be enclosed within a building to which the public does not have access or by fences at least eight feet (8') high to which anticlimbers and anti-diggers are added. Fences must be kept escape proof.

* * * * *

Sec. 3-170. Standards for pet shops and commercial pet distribution facilities.

* * * * *

(b) No sick animals may be sold or further transferred in the course of commercial distribution until transfer is approved by a veterinarian. All animals and birds received by a pet shop or commercial pet distribution facility shall be isolated until they can be examined. The examination shall be conducted in an area separate and apart from the housing or display area provided for other animals. Any bird or animal exhibiting illness, disease, or a present crippling deformity must be provided with immediate and [adequate] proper care and treatment by a licensed veterinarian.

* * * * *

(l) All cages must meet the following requirements:

(1) All cages are to be constructed of nonabsorbent, nonporous, and impervious material.

(2) The floors of the primary enclosure shall be constructed so as to protect the animals' feet and legs from injury. Primary enclosures for animals, except cats, may have wire or grid flooring provided that the gauge of the wire or grid material is of [adequate] proper size to support the animal(s) and to prevent sagging under the weight of the animal and provided that the mesh openings are of a suitable size for the age and species of the animal. Wire or grid flooring for small animals (quadrupeds), shall have mesh openings of such size as to prevent the animals' feet from passing through the openings.

(3) Each primary enclosure shall be constructed and maintained so as to provide sufficient space to allow each animal to turn about freely and to easily stand, sit, or lie in a comfortable position. Containing a dog by means of tying or chaining shall not be permitted, except that a dog may be restrained when grooming if the chain is placed or attached to a well-fitted collar. The area of confinement for cats shall be large enough to permit [adequate] proper exercise for the animals.

* * * * *

(n) At least one (1) sink or tub equipped with both hot and cold running water shall be provided within the building in a location easily accessible to the areas where animals are housed. All wastes or sewage shall be discharged to a Health Department approved waste disposal system. Floors shall be smooth and easily cleanable and kept in a clean, safe, and sanitary condition. Where flooding or steaming methods are employed for cleaning floors, [adequate] proper means shall be provided for removal of waste water. Water shall not be permitted to pool under equipment, partitions, animal enclosures, or other places within the building. Any animal enclosure which is subject to waste water runoff after cleaning or subject to the influence of weather shall be connected to an approved waste water disposal system.

* * * * *

(q) No more than one (1) adult dog or cat may be confined in the same cage. Young animals may not be confined or displayed in the same cage with adult animals. Pugnacious or [vicious] dangerous animals shall be isolated from other animals. Dogs shall be taken from cages and allowed to exercise at least twice daily, including Sundays and holidays. Dogs and cats under the age of eight (8) weeks may not be displayed or offered for sale.

* * * * *

Sec. 3-171. Standards for petting zoo.

(a) Cages, crates and enclosures shall [be of sufficient size] provide proper space to allow each animal to move around with ease. Cages, crates and enclosures shall be maintained at all times in a sanitary condition, with sufficient clean and dry bedding to prevent offensive odors.

(b) Animals shall be provided [adequate] proper water at all times.

(c) Animals shall be provided with [adequate] proper food.

(d) Animals shall be provided with [adequate ventilation] proper air and healthful temperatures for every species. Access to [a comfortable weather-proof] proper shelter and

1 protection from the weather must be available at all times.

2 (e) A[n adequate] proper number of attendants shall be on the premises during the hours
3 the zoo is open to the public in order to provide [adequate] proper supervision.

4 * * * * *

5 **Sec. 3-174. Standards for Grooming Establishment.**

6 (a) Enclosures, cages/crates, and/or exercise areas shall be maintained in a sanitary
7 condition which shall provide [adequate ventilation] proper air, a healthful temperature, and
8 proper shelter and protection against extreme weather.

9 (b) All areas of confinement, display, storage, and sales shall be maintained in a rodent-
10 free, vermin-free, and sanitary condition. These areas shall be cleaned and disinfected regularly
11 as conditions warrant.

12 (c) At least one (1) sink or tub equipped with both hot and cold running water shall be
13 provided within the building in a location easily accessible to the areas where animals are
14 housed. All wastes or sewage shall be discharged to a Health Department approved waste
15 disposal system. Floors shall be smooth and easily cleanable and kept in a clean, safe, and
16 sanitary condition. Where flooding or steaming methods are employed for cleaning floors,
17 [adequate] proper means shall be provided for removal of waste water. Water shall not be
18 permitted to pool under equipment, partitions, animal enclosures, or other places within the
19 building. Any animal enclosure which is subject to waste water runoff after cleaning or subject
20 to the influence of weather shall be connected to an approved waste water disposal system.

21 * * * * *

22 **DIVISION 6. OTHER RULES, REGULATIONS, AND STANDARDS.**

23 * * * * *

24 **Sec. 3-176. Keeping wild or exotic animals.**

25 (a) No person shall keep or permit to be kept on his premises any unlicensed wild, [or]
26 exotic, [vicious,] or dangerous animal either as a pet, for breeding, for sale, or for display or
27 exhibition purposes, whether gratuitously or for a fee, except as otherwise provided herein.

28 * * * * *

29 **Sec. 3-177. Spaying and neutering.**

30 All animals adopted from the Animal [Control] Services Facility and Adoption Center must
31 be spayed or neutered prior to leaving the Animal Services Facility and Adoption Center, unless

prohibited by medical reasons. If medical reasons prohibit spay or neutering prior to leaving the Animal Services Facility and Adoption Center, licensed veterinarian must give a date when the procedure can be performed. If subject animal leaves the facility without being spayed or neutered, a certificate, signed by a licensed veterinarian, that spaying or neutering has been accomplished must be provided to the Administrator within fifteen (15) days of the date of spaying or neutering. Any extension of time must be requested in writing to the Administrator, stating the reason spaying or neutering has not been accomplished and the date upon which said action will be accomplished. The Administrator, in his discretion, may approve or deny the request for an extension. If the request is denied, then upon the expiration of forty-five (45) days from the date of adoption the [adopted] animal must be immediately returned to the Animal [Control] Services Facility and Adoption Center [Facility].

* * * * *

Sec. 3-180. Animal Cruelty and Neglect prohibited.

(a) [No] All animals [is exempt from protection] are protected against cruelty or neglect as defined in Sections 3-101[(35)] (31) and 3-101(53) of this Subtitle. No animal shall be overdriven, overloaded, deprived of necessary sustenance, tortured, tormented, mutilated, cruelly beaten, or otherwise physically, psychologically, emotionally or sexually abused or cruelly killed. In addition, all domestic animals except livestock are prohibited from being kept outdoors when the effective outdoor wind chill index is 32 degrees Fahrenheit or lower, or the heat index is 90 degrees Fahrenheit or higher, as determined by the National Weather Service. Any person who causes, procures, or authorizes these acts; or who, having the charge or custody of an animal as an owner or otherwise, inflicts unnecessary suffering or pain upon the animal; or who unnecessarily fails to provide the animal with proper nutritious food, water, air, space, shelter[, or] and protection from the weather, timely and proper veterinary care or any other elements of proper care as defined in Sections 3-101(a)(65) through (a)(77) shall be charged in accordance with the provisions of Subsection (b) below. Any person who fails to employ the most humane method possible for activities such as food processing, pest elimination, hunting, experimentation, and animal training shall be charged in accordance with the provisions of Subsection (b) below. Each act or omission in violation of this Section shall constitute a separate offense.

(b) Whenever it becomes necessary to protect an animal from cruelty or neglect, any police

officer or Animal Control Officer may take possession of [it] the animal. If an animal is impounded, yarded, or confined and continues without [necessary food, water, or proper attention] the provisions of the elements of proper care, or is cruelly treated or neglected, any police officer or Animal Control Officer may enter into and upon any place in which the animal is impounded, yarded, or confined and supply [it] the animal with [necessary food, water, and attention] proper care as long as [it] the animal remains there; or, if necessary for the health and/or safety of the animal, the officer may remove the animal and not be liable to any action for that entry or for taking possession of the animal. [In all cases, the owner or custodian of the animal shall be notified, by] Upon impoundment, the [person] officer taking possession of the animal[,] must leave written notification of the officer's action and of any administrative remedies which may be available. The notification shall inform the owner or custodian [may] of their right to file, within ten (10) days of receiving notice, a petition in writing with the Commission for Animal Control (CAC) for the return of the animal. If the owner or custodian [is notified and] fails to file the petition within the prescribed time period, or if the owner or custodian is unknown and cannot with reasonable effort be ascertained for a period of twenty (20) days, the animal shall [be deemed a stray and handled accordingly] become the property of Prince George's County. Nothing in this Section shall be construed to permit the entry into a private dwelling or to permit the taking of a farm animal without first having obtained the recommendation of a veterinarian. When a violation under this Section has occurred, the police officer or Animal Control Officer shall employ one of the following:

(1) A one-time written cruelty warning notice shall be issued by an Animal Control Officer, who shall also provide detailed educational guidance and compliance requirements specific to the violation for first-time [offenders] offenses of [less extreme] less serious cases of cruelty or neglect. "**Less [extreme] serious cruelty or neglect**" is defined as any [unintentional] act of cruelty or neglect, which has no permanent effect on the animal, and the aforementioned behavior of the owner or custodian is subsequently corrected through education and compliance.

(2) (A) Second offenses of [unintentional] less serious acts of cruelty or neglect, which are not a recurrence of the conduct prohibited in this Subsection, shall result in the removal of the animal(s). [Said animal(s) shall be housed, for a period not to exceed ten (10) days, at the Animal Services Facility and Adoption Center. The owner or custodian shall pay for the board and care of the animal(s) at the Animal Services Facility and Adoption Center during

the ten (10) days allowed for taking corrective measures. Such animals shall be designated as a "humane hold" until corrective measures ensuring the safety and well-being of the animal(s) have been taken by the owner or custodian. These corrective measures shall be confirmed through inspection by an Animal Control Officer. Animals on humane hold shall not be adopted or euthanized. If appropriate corrective measures have not been taken by the close of the ten (10) day period, the animal(s) shall become the property of Prince George's County and may be disposed of by adoption, euthanasia, or other disposition as may be advantageous to the County and to the animal(s).]

(B) Second offenses of less serious acts of cruelty or neglect that are a recurrence of the conduct prohibited in this Subsection shall result in the removal of the animal(s). The owner or custodian shall be fined One Hundred Dollars (\$100.00) per animal [and pay for board and care of the animal(s) at the Animal Services and Adoption Center during the ten (10) day period provided for the taking of corrective measures.]

(C) Animal(s) that have been removed pursuant to Sections (b)(2)(A) and (b)(2)(B) shall be housed for a period not to exceed seven (7) days, at the Animal Services Facility and Adoption Center or a designated approved location. The owner or custodian shall pay for the board and care of the animal(s) at the Animal Services Facility and Adoption Center or designated location during the seven (7) day period allowed for taking corrective measures. Such animals shall be designated as a "humane hold" until corrective measures ensuring the safety and well-being of the animal(s) have been taken by the owner or custodian. These corrective measures shall be confirmed through inspection by an Animal Control Officer. Animals on humane hold shall not be adopted or euthanized, however, an animal may be euthanized upon the recommendation of a licensed veterinarian as necessary to prevent the pain and suffering of the animal. If appropriate corrective measures have not been taken by the close of the seven (7) day period, the animal(s) shall become the property of Prince George's County and may be disposed of by adoption, euthanasia, or other disposition as may be advantageous to the County and the animal(s).

(3) "Serious cruelty or neglect" is defined as any act by an owner, custodian or other person which causes physical trauma, impairment of condition, and/or unnecessary pain and suffering and the cruelty or neglect results in physical injury to, and/or creates a substantial risk of death, or causes the death of an animal. [Deliberate] A violation[s] of this Section, as

well as any third offense of less serious cruelty or neglect, shall result in a charge of cruelty, and the violator shall be subject to a fine of One Thousand Dollars (\$1,000.00) and a fine of One Hundred Dollars (\$100.00) per animal.

(4) [Extreme or egregious violations of this Section, (including, but not limited to, torture, torment, mutilation, or cruel beatings] **“Aggravated Animal Cruelty or Neglect”** is defined as any act by an owner, custodian, or other person who tortures, torments, mutilates, cruelly beats, or kills an animal under circumstances demonstrating malice aforethought; or fails to provide proper care to an animal and the failure results in the death of the animal. Any person in violation of this Section, or in the case of a subsequent [offender] offense under Subsection (b)(3) of this Section shall result in a criminal charge of cruelty. A conviction under this charge shall be punishable by a criminal fine of One Thousand Dollars (\$1,000.00) and/or imprisonment of not less than ninety (90) days but not more than six (6) months. The Court may also impose an order requiring a psychological evaluation of the convicted offender. A civil penalty of One Thousand Dollars (\$1,000.00) shall be imposed as appropriate.

[(c) Any person who trains or uses a dog, bird, fowl, cock, or any other animal; or who permits same to be trained or used for the purpose of fighting; or who arranges or conducts an animal fight or participates as a spectator of an animal fight shall be subject to a criminal penalty of One Thousand Dollars (\$1,000.00) and/or imprisonment of not less than ninety (90) days but not more than six (6) months. The Court may also impose an order requiring a psychological evaluation of the convicted offender.]

(5) Animal Fighting/Aggravated Animal Cruelty. It shall be unlawful for any person to cause, sponsor, arrange, hold, or encourage any dog, bird, fowl, cock, or any other animal to fight, menace, injure or kill another animal for the purpose of sport, amusement, or financial gain. For the purposes of this Section, a person encourages an animal to fight, menace, injure or kill another animal if the person:

(A) is present as a spectator, sponsor, guest or otherwise wagers on an occurrence of fighting;

(B) owns, trains, transports, possesses, breeds, sells or equips an animal with the intent that such animal will engage in fighting;

(C) allows animal fighting on the premises of any property owned or controlled by the person;

(D) allows any animal used for fighting to be kept, harbored, boarded, housed, trained on, or transported in, any property owned or controlled by the person;

(E) uses any means of communication for the purpose of promoting animal fighting;

(F) possesses or has in the care or custody, whether owner, custodian or other person, any animal or any device intended to facilitate breeding for fighting purposes or to enhance the animal's fighting, menacing, injuring or killing ability.

(c)[d] Any person charged under Subsections (b)(3), (b)(4), or [(c)] (b)(5) of this Section shall immediately surrender all animals in ownership or custodianship to the Animal [Management] Services Division of the Prince George's County Department of the Environment. If an appeal is filed, the animal(s) shall either be maintained or euthanized at the owner or custodian's expense by the Animal [Management] Services Division. It shall be unlawful for any person found guilty of cruelty under this Section to have ownership or custodianship of any animal for a period of five (5) years or more from the date of determination. Upon a finding of guilt and/or the exhaustion of all appeals, the surrendered animal(s) shall become the property of Prince George's County and may be disposed of by adoption or euthanasia.

(d)[e] Any police officer shall, upon his or her own view of any misdemeanor in relation to cruelty to animals, make arrests or apply for a charging document permitting the arrest of offenders believed to have violated the ordinance of this County regarding cruelty to animals. Any Animal Control Officer or other person shall, upon his or her own view of any misdemeanor in relation to cruelty to animals, apply for a charging document permitting the arrest of offenders believed to have violated the ordinance of this County regarding cruelty to animals.

* * * * *

Sec. 3-183. Selling, giving away, dyeing, or coloring baby fowl or mammals; exception.

(a) No person shall sell, offer for sale, raffle, barter, or give away baby chickens (chicks), [or] ducklings or other fowl under four (4) weeks of age in lots of less than one dozen, or rabbits under six (6) weeks of age, or any unweaned mammalian companion animals including said animals under the age of eight (8) weeks as prohibited by State law; or color, dye, stain, or change the natural color of baby chickens, ducklings, other fowl, or rabbits; or bring or transport the same into the County. This Section shall not be construed to prohibit the sale or display of baby chickens, ducklings, other fowl, or rabbits in proper facilities that comply with rules of the

1 Health Officer by breeders and those selling for commercial breeding and raising purposes.

2 (b) Stores, shops, vendors, and others offering chicks, ducklings, or other fowl for sale in
3 lots of twelve (12) or more, or displaying chicks, ducklings, or other fowl to the public shall
4 provide and operate brooders or other heating devices that may be necessary to maintain the
5 chicks, ducklings, or other fowl in good health, and shall keep [adequate] proper food and water
6 available [to the birds] at all times.

7 * * * * *

8 **Sec. 3-185.01. Pit Bull Terriers.**

9 (a) Except as provided below, no person shall own, keep, or harbor a Pit Bull Terrier within
10 the County.

11 (b) Any person owning a Pit Bull Terrier prior to November 1, 1996, may continue to
12 harbor the animal on his premises under the following conditions:

13 (1) The animal shall be registered by the Administrator of Animal Control, and must at
14 all times wear a tag provided by the Administrator which will readily identify it as a registered
15 Pit Bull Terrier.

16 (2) The owner shall pay an annual fee of \$50.00 to the Administrator of Animal
17 Control to maintain such animals and support enforcement.

18 (3) The owner shall maintain the dog within a building or a secure kennel at all times.
19 Whenever the dog is removed from the building or kennel it shall be secured by an unbreakable
20 or unseverable leash and maintained under the control of an adult.

21 (c) A person may temporarily hold a Pit Bull Terrier in the County for the purpose of
22 showing the dog in a place of public exhibition, contest, or show sponsored by a dog club,
23 association, or similar organization. The sponsor of the exhibition or show must obtain written
24 permission from the Director and must provide protective measures [adequate] to prevent the
25 dog from escaping or injuring the public. The dog shall at all times during the transportation to
26 and from the show or exhibition be confined in a secure temporary enclosure.

27 (d) Any dog employed or owned by the County or licensed security services and trained to
28 perform official police, correctional, security, fire and/or search and rescue service shall be
29 exempt from the provisions of this [Act] Section.

30

31

DIVISION 7. RABIES CONTROL.**Sec. 3-187. Antirabies clinics; vaccination certificates; coordination with pet licensing requirements.**

* * * * *

(b) Any person administering rabies vaccination shall complete a Health Department vaccination certificate of rabies immunization on all animals immunized and shall furnish copies of the certificate to the Administrator of the Animal [Control] Services Division within sixty (60) days of the vaccination.

(c) When a dog, cat, or ferret is presented to the Health Department for immunization at an antirabies clinic, personnel of the Animal Control [p]Program shall ascertain whether the animal is licensed under this Subtitle. If the animal is unlicensed, the Administrator shall provide the owner with an application for the appropriate license.

Sec. 3-188. Report of person[(s)] having bite contact or nonbite contact with animal[(s)].

(a) A report of the circumstances of a person having a bite contact or nonbite contact with an animal[(s)] shall be made promptly to the Police Department, the Health Department, or the Health Department's designee by anyone having personal knowledge of the incident. The police shall within twenty-four (24) hours notify the Administrator and the Health Officer of the details of the incident.

* * * * *

Sec. 3-189. Confinement for quarantine of animal[(s)] following a bite or nonbite contact with a human[(s)].

(a) The Administrator shall confine any animal following a bite or nonbite contact with a human[(s)] for clinical observation for a period of ten (10) consecutive calendar days. At the discretion of the Administrator and with the approval of the Health Officer, the confinement may occur on the premises of the animal's owner. The Administrator may issue such written orders to the owner with respect to the confinement of the animal as he finds necessary for the public safety. In the alternative, the animal may be confined at any animal shelter, veterinary hospital, or humane shelter at the owner's option and expense, subject to the approval of the Health Officer and the Administrator.

* * * * *

(d) If the animal has a current, valid rabies vaccination at the time of exposure, the owner must have the animal examined by a licensed veterinarian at the owner's expense or taken to the Prince George's County [Division of Animal Control] Animal Services Division immediately after the ten (10) day quarantine period, to verify that the animal is in good health. Proof of valid rabies vaccination must be shown at the time of post quarantine visit.

(e) The owner of a quarantined animal must pay an examination fee of Ten Dollars (\$10.00) upon the completion of a home visit by an Animal Control Officer.

* * * * *

Sec. 3-194. Disposition of an animal exposed to a rabid animal or to an animal suspected of having rabies.

(a) If the owner or custodian of a ferret, dog, cat, cow, horse, sheep, or goat exposed to a rabid or suspected rabid animal can provide proof of a currently valid rabies vaccination as determined by the State Public Health Veterinarian, the Health Officer, or the Health Officer's designee, the animal shall be revaccinated and kept under restraint for forty-five (45) days or for such time as specified by the Public Health Veterinarian, the Health Officer, or the Health Officer's designee. 'Under restraint' means confined to a house, garage, escape-proof enclosure or building. An animal kept outside [on a chain and/or] in a fenced yard shall not constitute 'under restraint'.

* * * * *

[(c) No person shall fail or refuse to surrender any animal for quarantine, destruction or disposal as required in this Division when demand is made by the Administrator, the Health Officer, the Health Officer's designee, or the State Public Health Veterinarian.]

* * * * *

Sec. 3-197. Surrender of animal for quarantine.

No person shall fail or refuse to surrender any animal for quarantine, destruction or disposal as required in this Division when demand is made by the Administrator, the Health Officer, the Health Officer's designee, or the State Public Health Veterinarian.

* * * * *

SECTION 2. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 3-115.1, 3-180.1, 3-180.2, 3-180.3, 3-180.4, 3-180.5, 3-180.6 and 3-181 of the Prince George's County Code be and the same are hereby added:

SUBTITLE 3. ANIMAL CONTROL.

DIVISION 4. ANIMAL CONTROL ENFORCEMENT.

Subdivision 1. Enforcement and Violation Notices.

Sec. 3-115.1. Investigations.

(a) No person shall willfully hinder, prevent, or obstruct the investigation of any animal related violation of any provision in this Subtitle.

(b) No person shall falsify a statement to an investigating officer.

DIVISION 6. OTHER RULES, REGULATIONS, AND STANDARDS.

Sec. 3-180.1. Abandonment of animals.

No person shall leave an animal on a road, on public or private property, or other location without first having secured another owner or custodian for the animal's continued care which shall include the provision of the elements of proper care as defined in Sec. 3-101 (a)(66) of this Code.

Sec. 3-180.2. Poisoning of animals

A person shall not give an animal poison, ground glass, gunpowder, chemicals or any other harmful substance or expose an animal to poison, ground glass, gunpowder, chemicals or any other harmful substance with the intent that the animal ingest it. This will not apply to poison used in a responsible manner to destroy vermin. Care must be taken to protect non-targeted species.

Sec. 3-180.3. Animals upon a vehicle.

It shall be unlawful to carry an animal upon a vehicle in a manner that permits the animal to slide around, jump out, be thrown out of or fall from the vehicle; and/or that subjects an animal to hazards from road debris and/or exposure to the sun and heat, wind, rain, and such other elements of weather, including extreme cold; or any other condition that jeopardizes the animal's health and/or safety or causes the animal unnecessary pain and suffering.

Sec. 3-180.4. Animals left unattended in a vehicle prohibited.

No person shall leave an animal unattended in a standing or parked vehicle in such a manner that subjects the animal to pain and suffering, injury or death from the heat, cold or other conditions that jeopardize the animal's health and/or safety. A police officer or Animal Control Officer may use reasonable force to remove an animal left unattended in a vehicle pursuant to this Section and shall not be held liable for any damages as a result of taking such action to

1 protect the animal's health and safety. No person shall use force to remove from a vehicle a
 2 police dog on duty, or an animal in the custody of an Animal Control Officer.

3 **Sec. 3-180.5. Sexual assault of an animal.**

4 Any person who touches or contacts, or causes an object or another person to touch or
 5 contact, the mouth, anus, sex organs or other body part of an animal or animal carcass for the
 6 purposes of arousing or gratifying the sexual desire of a person; or causes an animal or animal
 7 carcass to touch or contact, the mouth, anus, sex organs or other body part of an animal or animal
 8 carcass for the purpose of arousing or gratifying the sexual desire of a person shall be guilty of
 9 the crime of Sexual Assault of an Animal.

10 **Sec. 3-180.6. Canned Hunting prohibited.**

11 (a) It shall be unlawful for any person to shoot, wound, or kill animals on a canned hunting
 12 preserve, game ranch or canned shoot, or otherwise to hunt in an artificial manner.

13 (b) No person shall instigate, promote, aid or abet as a principal, agent, employee,
 14 participant or spectator, or participate in the earnings from, or to maintain or allow any place to
 15 be used for the shooting, wounding, or killing with a firearm or any deadly weapon, any animal
 16 that is:

17 (1) confined within artificial boundaries; and/or

18 (2) tethered or chained, staked out, caged/crated or otherwise restrained, regardless of
 19 size.

20 (c) No person shall tranquilize, artificially lure by sound, scent, visual stimuli, feeding,
 21 bait, use other animals of the targeted animal's own species, or another species, or any other
 22 method, within an enclosed area. This Section does not prohibit the natural hunting of native
 23 species as permitted by State law.

24 **Sec. 3-181. Unlawful restraint of dogs.**

25 (a) It shall be unlawful for a person to use a chain, rope, tether, leash, cable, or other
 26 device to attach a dog to a stationary object or trolley system. This prohibition shall not apply to
 27 temporary restraining for a reasonable amount of time, not to exceed one hour and/or during a
 28 lawful animal event, such as walking on a leash, veterinary treatment, grooming, training, or law
 29 enforcement activity, or if the dog's owner or handler remains with the dog throughout the
 30 period of restraint to ensure that cruel or nuisance conditions do not occur.

(b) It shall be unlawful to restrain a dog by a leash that is not attached to a properly fitted collar or harness worn by the dog.

(c) It shall be unlawful to wrap a leash around a dog's neck.

(d) It shall be unlawful to restrain a dog with a chain or tether that weighs more than 1/18 of the dog's body weight.

(e) It shall be unlawful to use a leash or tether to restrain a dog that is, by design and placement, likely to become entangled.

(f) Violations of this Section will be subject to a written warning for the first offense. Subsequent offenses shall be subject to civil penalties as set forth in Section 3-116.

Sec. 3-182. Potentially dangerous animal.

(a) The owner of a dog identified as potentially dangerous shall establish to the satisfaction of the Administrator that:

(1) The owner of the potentially dangerous dog is 18 years of age or older;

(2) A valid pet license has been issued for the potentially dangerous dog;

(3) The potentially dangerous dog has current vaccinations;

(4) The owner has a proper enclosure, as determined by the Administrator, to confine the potentially dangerous dog;

(5) The potentially dangerous dog has been spayed or neutered;

(6) The potentially dangerous dog has been implanted with a microchip containing owner identification information; and

(7) The owner has written permission of the property owner, if the dog owner is not the property owner, and from a homeowner's association, if appropriate, to house the dog on the premises where the dog will be kept.

(b) Failure to establish the above criteria to the satisfaction of the Administrator, shall result in immediate impoundment, if the subject animal is not already in the possession of the County. If the dog is impounded, the owner may appeal the Administrator's decision regarding any of their recommendations within ten days of receiving notice if they do not agree. They may file a written petition with the Commission for Animal Control for return of the animal.

SECTION 3. BE IT FURTHER ENACTED that the provisions of this Act are hereby declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since the same would have been enacted without the incorporation in this Act of any such invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.

SECTION 4. BE IT FURTHER ENACTED that Sections 1 and 2 of this Act shall take effect forty-five (45) calendar days after it becomes law.

Adopted this _____ day of _____, 2019.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Todd M. Turner
Chair

ATTEST:

Donna J. Brown
Acting Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Angela D. Alsobrooks
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.

- Enacting breed-specific bans also has no effect on dog fighting infractions
 - In fact, in Ohio, the pit bull law, enacted in 1989, now repealed, has been accompanied by a doubling of dog fighting complaints by Ohio animal control agencies—from 14.6 percent of animal control agencies making complaints in 1996 to 29 percent of animal control agencies making such complaints in 2004 (Lord et al., 2006).

Public and Governmental Support for Repeal

- Multiple nearby municipalities (Fredrick, North Beach, Hagerstown, etc.) have either publicly come out against or have repeal similar legislation in the last decade.
- PA, VA, NJ and NY are local states among 13 countrywide that have prohibited breed bans statewide
- A number of professional organizations including Centers for Disease Control, American Bar Association, American Veterinary Medical Association have advocated for behavior-based, non breed-specific animal control laws
- PG County put together a “Vicious Animal Task Force” in 2003 that ultimately recommended repeal of the legislation, citing above issues with the ban.
- The CDC has strongly recommended against breed-specific laws in its study of fatal dog attacks, noting that statistics on bites by breed are fraught with potential sources of error (Sacks et al., 2000)

“The hardest thing we have to do...is go to someone’s house, knock on their door, see their American Pit Bull Terrier laying in the living room watching television with the kids and the family...and tak[e] that dog away. A dog that has done nothing wrong, caused no problems, but just because of his breed he has to be removed.”

-- Rodney Taylor, Director, Prince George’s Animal Management

References:

- Voith, V., Ingram, E., Mitsouras, K. and Irizarry, K., 2009. Comparison of adoption agency identification and DNA breed identification of dogs, *Journal of Applied Animal Welfare Science*, 12, 253-262.
- Taylor, R. Personal communication with ASPCA Legislative Representative Debora M. Bresch (2009)
- Lockwood, R. 1999. The ethology and epidemiology of canine aggression, *The Domestic Dog: Its Evolution, Behavior and Interactions with People*. Serpell, J. (ed), Cambridge University Press, 1995; republished in Favre, D., and Borchelt, PL (eds), *Animal Law and Dog Behavior*, Tucson, Arizona: Lawyers and Judges Publishing Company Inc., 132-134
- Gershman, K., Sacks, J., Wright, J., 1994. Which dogs bite: A case control study of risk factors. *Pediatrics* 93, 913-917.
- Winnipeg, CA, Reported Bite Statistics, 1984-2003.
- Lord, L.K., Wittum, T.E., Ferketich, A.K., Funk, J.A., Rajala-Schultz, P., Kauffman, R.M., 2006. Demographic trends for animal care and control agencies in Ohio from 1996 to 2004. *Journal of the American Veterinary Medical Association* 229, 48-54.
- Sacks, J., Sinclair, L., Gilchrist, J., Golab, G., Lockwood, R., 2000. Breeds of dogs involved in fatal human attacks in the United States between 1979 and 1998. *Journal of the American Veterinary Medical Association* 217, 836-840.

Facts about PG County's Ban

PG County enacted legislation as a part of their animal code (Animal Control Code 3-185.01) on February 2, 1997 which declares "pit bulls" as illegal. "Pit bull" is defined in the code as a dog identified as:

- American Staffordshire Terriers
- American Pit Bull Terriers
- Staffordshire Bull Terriers
- Any mixes thereof
- Any dog every identified as a "pit bull"

PG County is the second-largest jurisdiction in the country and the only jurisdiction in the Washington area with breed-specific legislation currently on the books. Other than the breed-specific ban, PG County's animal control code is extremely comprehensive and used as a model for other municipalities in the area. Removing the breed ban **would not** affect the laws holding owners responsible for vicious, dangerous or nuisance dogs.

Issues with Breed-Specific Legislation

- There are no specific policies or characteristics used to distinguish banned breeds
- Dogs are subjectively labeled as "pit bulls" based on assumed breed, but cover a large and diverse group of dogs
 - Recent study found that visual determination of breed is significantly different from DNA determination, even if genetic breed targeting was the goal (Voith et al., 2009).
- Findings of PG County "Vicious Animal Task Force" in 2003:
 - It costs \$186 per dog, per day to confiscate, maintain and dispose of a "pit bull"
 - Animal control officers spend on average 2 hours per day on ban-related calls
 - The ban was designed to "eliminate" banned dogs within 10 years, but intake data indicates no meaningful decrease
 - "Animal Management Division human resources [are] stretched thin...thus reducing their ability to respond to other violations of the [Animal Control] Code."
- In Prince George's County, Maryland, where Pit Bull Terriers are banned, the Animal Management Division reports that 80 percent of the approximately 500 to 600 animals seized and killed by animal control every year under the ban are "nice, family dogs" (Taylor, 2009).
- A variety of non breed-related factors can affect a dog's tendency to aggression. These factors include heredity, experience as a young dog, socialization, training, sex and reproductive status (Lockwood, 1999).
 - As an example, intact males constitute 80 percent of all dogs presented to veterinary behaviorists for what formerly has been described as dominance aggression, are involved in 70 to 76 percent of reported dog bite incidents, and are 2.6 times more likely to bite than neutered dogs (Gershman et al., 1993)
- In areas where breed-specific bans are in place, persons who exploit aggression in dogs turn to other, unregulated breeds
 - Following enactment of a 1990 pit bull ban in Winnipeg, Canada, Rottweiler bites increased dramatically (Winnipeg reported bite statistics, 1984-2003).
 - By contrast, following Winnipeg's enactment of a breed-neutral dangerous dog law in 2000, pit bull bites remained low and both Rottweiler and total dog bites decreased significantly (Winnipeg reported bite statistics, 1984-2003).
 - In Council Bluffs, Iowa, Boxer and Labrador Retriever bites increased sharply and total dog bites spiked following enactment of a pit bull ban in 2005 (Barrett, 2007).

City Council Agenda Item Report

Meeting Date: October 28, 2019

Submitted by: David Moran

Submitting Department: Administration

Item Type: OTHER BUSINESS

Agenda Section:

Subject:

*Renewal of Fire Station Lease

Suggested Action:

Reference:

New Lease

Current Lease

The City's lease with the Greenbelt Volunteer Fire Department and Rescue Squad (GVFD) expires on October 31, 2019. The Fire Department would like to renew the lease.

There is one change being made to the Lease. Based on a recommendation from the City Solicitor, the minimum coverage requirement for liability insurance in Section 19 has been increased from \$1,000,000 to \$2,000,000. Brian Rudy, GVFD President and Nicole Ard, City Manager, have signed the new Lease.

Approval of this item will indicate Council's approval of the lease with GVFD.

Attachments:

[Lease 2019.pdf](#)

LEASE

THIS LEASE executed on the 14th day of October, 2019, between the City of Greenbelt, Maryland (hereinafter "LESSOR"), and the Greenbelt Volunteer Fire Department and Rescue Squad, Inc., and existing under the laws of the State of Maryland. (hereinafter "LESSEE").

WITNESSETH:

That in consideration of the rents, covenants, and agreements contained herein, the LESSOR hereby leases to the LESSEE and the LESSEE hereby rents from the LESSOR, the following described property, upon the following terms, covenants, and conditions:

1. PREMISES; the leased premises (hereinafter "premises") described as follows:

Approximately 1.15 acres of land located at No. 125 Crescent Road in the City of Greenbelt, Prince George's County, Maryland, together with the building thereon known as the Fire Department and Rescue Squad Building, said land being more fully shown and outlined in red on the attached plat,

together with all other improvements and fixtures, personal property and equipment, heretofore or hereafter placed thereon by the Lessee or that may hereafter become the property of the LESSOR under the terms of this Lease, excepting therefrom all easements, rights-of-way, licenses or privileges which have been heretofore or may hereafter be granted or created by the LESSOR on the premises.

LESSEE acknowledges that it is leasing the premises in an "as is" condition.

2. TERM:

(a) Unless sooner terminated pursuant to a provision of this Lease, this Lease shall be effective for a term of five (5) years, commencing on the 1st day of November, 2019, and ending on the 31st day of October, 2024.

(b) If the Council of the City of Greenbelt, Maryland, by official procedure, decides to institute a wholly municipally-operated fire department and rescue squad, the LESSOR may terminate this Lease and all rights of the LESSEE hereunder by giving six (6) months notice to the LESSEE. Upon termination, the LESSOR, its representatives, agents, assigns or successors shall have the right, without further demand or notice, to reenter and take possession of the demised premises.

3. RENT: That the LESSEE shall pay the LESSOR the sum of Ten dollars (\$10.00) rent per year, payable in advance to the City of Greenbelt, Maryland, on or before the first day of April of each year during the term hereof.

4. RIGHT OF RENEWAL: If the LESSEE is then not in default under any of the provisions of this Lease, Lessee shall have a right to renew this Lease by requesting such renewal no later than sixty (60) days prior to the end of the term hereinunder. Said request shall be in writing and addressed to the LESSOR. In the event the LESSOR fails to act on the LESSEE's request to renew said Lease before the expiration of the Lease Term or any renewal hereof, then said Lease shall be automatically renewed for an additional five (5) year term, under the same terms and conditions.

5. USE OF PREMISES: LESSEE agrees that the premises shall be used and occupied only as a headquarters building for housing the equipment of the Greenbelt Fire Department and Rescue Squad and all activities pertinent to the operations and functions of said department, and that LESSEE, except for occasional uses as provided in Section 7, shall not permit the premises to be used for any other purpose without the prior written consent of the LESSOR.

6. UTILITIES: LESSEE shall promptly pay all bills for utilities used. It shall be the responsibility of the LESSOR to maintain all meters and any service lines to the premises not maintained by the utility agency or company. All lines within the premises shall be maintained by the LESSEE.

7. ASSIGNMENT AND SUBLETTING: The LESSEE shall not have the right to and shall not assign, sublease, mortgage, nor pledge this Lease without the prior written consent of the LESSOR. Nothing in this Lease shall preclude LESSEE from renting the social hall and related portion of the premises on a per occasion basis to civic or nonprofit organizations and private organizations or individuals for receptions, parties, dances, meetings, seminars and other like uses subject to the restrictions set forth in Section 8.

8. FUND RAISING INVOLVING GAMBLING:

(a) This section pertains to any activities upon the premises involving gambling. Gambling shall include any form of gambling, the operation of gaming tables, activities involving batting, bingo, raffles, games of chance, etc..

(b) The conduct of activities involving gambling shall not be permitted upon the premises except as permitted by law and for the sole purpose of releasing funds for the benefit of the LESSEE or a bonafide non-profit organization.

(c) All persons conducting gambling activities or operating gaming tables upon the premises shall be members of the Greenbelt Volunteer Fire Department and Rescue Squad, Inc. or a member of the organization for which funds are being raised. A majority of the persons working at a gambling event shall be either residents of the City of Greenbelt, persons residing within five miles

of Greenbelt, a member of the Greenbelt Volunteer Fire Department and Rescue Squad, Inc. or the organization conducting the fund raising activities for more than five years.

(d) The number of occasions upon which gambling activities shall be permitted on the premises shall be limited as follows:

1. Casino or Las Vegas Nights or any gambling event open to the public which involves card games, dice games or gambling wheels shall be permitted on the premises eight times a year with no greater frequency than two times a quarter.

2. The LESSEE shall not be permitted to sublease the premises more than two times a month for the conduct of gambling activities. The LESSEE agrees to give Greenbelt non-profit groups priority should there be a conflict in scheduling.

3. The LESSEE shall be permitted to conduct bingo upon the premises two (2) times a week during daytime hours and one (1) time a week during evening hours and to conduct raffles upon any occasion.

(e) No compensation of any kind, including gratuities and tips, shall be rendered to any person conducting any type of gambling on the premises or otherwise organizing, supervising or controlling the conduct of gambling upon the premises. A record shall be maintained of all persons working at a gambling event who receive compensation and who do not participate in the conduct of the event. Compensation shall be rendered in the form of written check and not in cash.

(f) The LESSEE shall keep a regular accounting of all funds received and all funds disbursed for review by the LESSOR or the public relating to any gambling event it conducts on the premises. The LESSEE shall maintain a separate checking account or similar account with a banking institution wherein shall be accounted all funds received or any funds disbursed relating to

the conduct of gambling on the premises. LESSEE shall provide to LESSOR each year a copy of its financial statement and copies of any and all County, State and Federal filings, required as a result of LESSEE's tax exempt status or required because of gambling and the like.

(g) All organizations subleasing the premises for the purpose of conducting a gambling event shall submit to the LESSEE for its files certification from a state or federal authority that it is a bonafide nonprofit organization and as it relates to each gambling event, copies of all documents required to be filed with regulating agencies and an accounting of all receipts and disbursements. The records submitted by the sublessee shall be subject to review by the LESSOR or the public.

(h) Upon request, the City Council on behalf of the LESSOR, may grant waivers to the process contained herein.

(i) If the LESSEE, (in the sole and exclusive opinion of the LESSOR), has violated the above gambling restriction, LESSOR may, at its sole discretion, ban any further gambling for the remainder of the current term of this Lease. This remedy is separate and apart from LESSOR's remedies contained in Section 12 herein, and utilization of this remedy shall not in any way be interpreted as a waiver of any remedy contained in Section 12.

9. INDEMNIFICATION: The LESSEE shall indemnify and hold the City and/or its agencies harmless from any and all damage, loss or liability of any kind whatsoever occasioned by or because of the work involved in the execution of the work described herein, by reason of any bodily injury or death of any person or by reason of any injury to property of third persons occasioned by any act, omission, neglect or wrongdoing of the LESSEE or any of his agents, representatives, assigns, guests, employees or other persons admitted by the LESSEE or his agents to the premises

described herein, and the LESSEE will, at his own cost and expense, defend and protect the LESSOR and/or its agencies against any and all such claims or demands.

10. COMPLIANCE WITH LOCAL LAWS: The LESSEE shall, at their own expense, obtain all necessary licenses and permits, and comply with all applicable laws and ordinances which may be promulgated by the United States, the State of Maryland, or any political subdivision or agency thereof.

11. CONDEMNATION: In the event that the premises or any part thereof shall be taken by any governmental or quasi-governmental authority pursuant to the power of eminent domain, LESSEE agrees to make no claim for compensation in the proceedings, and hereby assigns to the LESSOR any right which the LESSEE may have to any portion of any award made as a result of such proceeding. This Lease Shall terminate as of the date of such condemnation.

12. RIGHTS UPON DEFAULT: In the event of any default by LESSEE in the payment of any charges when due, or in the failure to perform any covenants or other provisions of this Lease, the LESSOR may, at its option, terminate this Lease. LESSOR shall notify LESSEE of any such default and unless such default is remedied by LESSEE within twenty (20) days from the date of such notice, LESSEE's right of possession may be terminated by LESSOR. The twenty (20) day limit may be extended by LESSOR, if it appears that LESSEE is taking all reasonable actions to cure the default. LESSOR reserves the option to cure any default by LESSEE, thereafter making LESSEE liable for any remedial expenses incurred by LESSOR in such default. Any three (3) defaults by LESSEE within one calendar year shall operate as an automatic termination of the Lease. Notice of such termination shall be sent to LESSEE by registered or certified mail return receipt requested. Upon default which is not cured or upon termination, the LESSOR may at its election, without

further notice to LESSEE, and with or without legal process, take possession of the premises, and remove LESSEE, any occupant, and any property therefrom, using such force as may be necessary, without being guilty of or liable for trespass and without relinquishing any rights of LESSOR against LESSEE. In the event of such re-entry, LESSEE agrees to remain answerable for any and all damages, deficiency or loss which LESSOR may sustain by such re-entry. No act or thing done by the LESSOR shall be deemed to be an acceptance of a surrender of the premises, unless LESSOR shall execute a written release of LESSEE. LESSEE's liability shall be limited but not terminated by the execution of a new Lease of the premises.

13. JURY TRIAL: LESSOR and LESSEE do hereby waive trial by jury in any action, proceeding, or counterclaim brought by either of the parties hereto against the other on any matters arising out of or in any way connected with this Lease, the relationship of LESSOR and LESSEE, LESSEE's use of occupancy of the leased premises, and/or claim of injury or damage or any emergency statutory or any other statutory remedy.

14. MAINTENANCE, ALTERATION, RESTORATION:

(a) LESSEE shall maintain at all times the premises and all appurtenances in good repair, order and condition in conformance with Federal; State; County; and City ordinances. The premises shall be maintained in a clean, safe and sanitary condition. All conditions determined to be hazardous to the public by any responsible public agency or the LESSOR shall be corrected immediately by LESSEE. If LESSEE fails to make a needed repair or replacement, such failure by LESSEE shall be considered a default hereunder and be dealt with in accordance with Section 10 herein.

(b) That the LESSOR agrees to remove snow and ice from the drives, parking lot and the paved apron in front of the premises to the same extent that the Public Works Department removes snow and ice from the streets and walks of the city (priority being given to this area). The LESSEE agrees to clean the snow and ice from the entrance walks and platforms immediately around the building.

(c) That the LESSEE agrees to cut the grass and maintain in good condition the grounds within the property lines shown on the accompanying plat of property included in this Lease. LESSEE shall not remove (or cause to be removed) trees, shrubs, sand or gravel or in any way grade or change the property without the written consent of LESSOR.

(d) LESSEE shall not make any alterations, changes, improvements or remodeling to the premise without the prior written consent of the LESSOR, which consent shall not be unreasonably withheld. All movable partitions, LESSEE's trade fixtures, or equipment installed in the premises at the LESSOR's expense shall remain the property of the LESSEE and may be removed by the LESSEE. The LESSEE shall repair any damage caused directly by said removal. All permanent alterations, additions and improvements shall be the property of LESSOR and be surrendered with the premises at the termination of the Lease without compensation to LESSEE. LESSEE consents and agrees not to place any placard, sign, lettering or awning upon the premises, unless first approved in writing by the LESSOR.

(e) That on or before the date of expiration or termination of this Lease, the LESSEE shall vacate the premises, remove the property of the LESSEE therefrom, and restore the premises to as good order and condition as that existing upon the date of commencement of the term of this Lease, damages beyond the control of the LESSEE and due to fair wear and tear excepted. If the

LESSEE shall fail or neglect to remove said property and to so restore the premises, then, at the option of the LESSOR, said property shall either become property of the LESSOR without compensation therefor, or the LESSOR may cause it to be removed and the leased premises to be restored at the expense of the LESSEE and no claim for damages against the LESSOR or its officers or agents shall be created by or made on account of such removal and restoration work.

15. DESTRUCTION OF PREMISES: This Lease shall terminate if the premises are damaged or destroyed by fire or any unavoidable casualty so as to make the premises uninhabitable. If LESSOR undertakes repairs and restoration of the premises within sixty (60) days of the date, and pursues such repairs or restoration in a workmanlike manner, then, in such event, this Lease shall continue in full force and effect until the premises are restored or repaired and restoration efforts are suspended for a period of sixty (60) days. LESSOR shall be under no duty to replace the premises should destruction occur.

16. VIEWING PREMISES: The LESSEE will allow the LESSOR to have access to the premises at all reasonable times for the purpose of inspection, maintenance, or repair, or any other purpose which LESSOR considers necessary or desirable. The LESSEE shall provide the LESSOR at all times with a set of keys to the premises, and if for any reason LESSEE finds it necessary to change the locks on the premises, LESSEE shall immediately provide the LESSOR with a new set of keys.

17. NOTICES: Any notice, request, demand or other communication desired or required to be given by the terms of the Lease shall be given written, mailed or delivered as follows:

(a) To the LESSOR: The City of Greenbelt, City Manager, 25 Crescent Road, Greenbelt, Maryland, 20770-1886, or to such other person at such other address designated by notice sent to LESSEE.

(b) To the LESSEE: at the premises or at such other address designated by notice to the LESSOR, and to any officer or resident agent of the LESSEE. LESSEE shall furnish LESSOR annually with a list of the officers of the Greenbelt Volunteers Fire Department and Rescue Squad, Inc..

(c) Mail notices shall be sent by United States Certified or Registered Mail, postage prepaid. Such notice shall be deemed to have been given upon posting in the United States mail.

18. LIENS: LESSEE shall promptly pay all contractors and materialmen, so as to minimize possibility of a lien attaching to the premises, and should any such lien be made or filed, LESSEE shall bond against or discharge the same within ten (10) days after written request by LESSOR. This paragraph shall not be construed to grant LESSEE the right to incur any debt which might give rise to a lien or the LESSOR's interest in the premises or LESSEE's leasehold interest therein.

19. INSURANCE: The LESSEE shall keep the premises, including equipment furnished by the LESSOR, insured against loss or damage by fire and comprehensive in amounts, forms and with insurers approved by the LESSOR. If the LESSEE fails to maintain such insurance, the LESSOR may purchase the same for its accounts, in which event, the cost of such insurance shall constitute additional rent. Such policies shall be in the names and for the benefit of the LESSOR and the LESSEE as their respective interests may appear. The LESSEE also agrees to obtain and keep in force during the term of this Lease or any extension thereof, comprehensive general liability

insurance coverage on the premises. Said policy shall provide for a liability limit on account of each accident resulting in bodily injury or death to one person of not less than \$2,000,000, and liability limit an account of accident resulting in bodily injury or death to more than one person of \$300,000.00. Said policy must be issued by a company authorized to do business in the State of Maryland, and mutual, shall be non-assessable. Said policy shall also provide for liability limit on account of property damage of not less than \$5,000. Such policy should add LESSOR as an additional named insured. LESSEE agrees, within thirty (30) days hereof, to deliver to LESSOR the said policy or certificate of insurance evidencing said policy. If LESSEE fails to deliver said policy or certificate, the LESSOR may obtain such insurance and charge the premium as additional rent to be paid by LESSEE to the LESSOR.

20. APPLICABLE LAW AND CONSTRUCTION: The laws of the State of Maryland shall govern the validity, performance, and enforcement of this Lease. The invalidity or unenforceability of any provision of this Lease shall not affect or impair any other provision hereof. The principals to this Lease mutually agree that it shall be binding upon them, in each of their respective heirs, executors, administrators, successors, and assigns. This Lease contains the final and entire agreement between the parties hereto and neither they nor their agents shall be bound by any terms, conditions, statements, warranties or representations oral, or written, not herein contained.

21. AMENDMENTS: Neither this Lease nor any provisions hereof may be amended, changed, waived or terminated orally, but only by an instrument in writing signed by LESSOR and LESSEE.

22. ANNUAL FINANCIAL STATEMENT: LESSEE shall provide an annual financial statement on a form supplied by the LESSOR. The LESSEE may provide this information using a different form or format, subject to approval by LESSOR.

IN WITNESS WHEREOF, LESSOR has signed and sealed this
instrument this 14th day of October, 2019 and
LESSEE has signed and sealed this instrument this 14th day of October, 2019.

LESSOR:

City of Greenbelt

Anne Marie Beltr
Witness

By: Nicole Ard
Nicole Ard, City Manager

LESSEE:

Greenbelt Volunteer Fire Department and Rescue
Squad, Inc.

[Signature]
Witness

By: Brian T. Rudy
Brian T. Rudy, President

City Council Agenda Item Report

Meeting Date: October 28, 2019

Submitted by: David Moran

Submitting Department: Administration

Item Type: OTHER BUSINESS

Agenda Section:

Subject:

*Letter of Support - Municipal Collaboration

Suggested Action:

The Municipal Collaboration consists of 58 jurisdictions located in Prince George's, Calvert, Charles, Montgomery, Howard, Carroll, Baltimore and Anne Arundel County. Initially is consisted of 18 municipalities in Prince George's County as well as the County itself. The City has participated since 2015.

The Municipal Collaboration was formed to obtain grant funding from the Maryland Energy Administration (MEA) Empower Clean Energy Communities and the Department of Housing and Community Development Community (DHCD) Community Legacy grant programs. This grant funding is then used to provide energy efficiency upgrades for low to moderate income homeowners in the county.

The Municipal Collaboration is seeking support from member communities for its Fiscal Year 2020 grant applications for the MEA Empower LMI Communities and the DHCD Community Legacy Grant Programs. This Letter of Support will facilitate participation in the Municipal Collaboration.

Approval of this item on the consent agenda will indicated Council approval of the Letter of Support.

Attachments:

[2020 Grant Opportunity Flier and docs English.pdf](#)

[Municipal Collaboration Support Letter.doc](#)

The BFF (E2F2) non-profit organization with support from members of the Municipal Collaboration_ and jurisdictions in the Southern and Central District of Maryland are providing weatherization upgrades, funded by a MEA grant, at no cost to the home owner if qualified, that will save you money on monthly utility bills and make your home more energy efficient.

Website: <http://www.e2f2.us/blog/>

Please contact Lt. (Ret) James (Jim) Flynn 240-417-9098 (cell), Fax# 240-786-4186, or Alison Miller 301-908-4079 to verify.

All homeowners must meet income criteria and be willing to provide documentation of income.
Page 1 and Page 2 of Federal Income Tax Return form 1040

Number of People Living in House	Owner(s) Only Annual Income Must Be Less than	Number of People Living in House	Owner(s) Only Annual Income Must Be Less than
1 ➡	\$69,800.00	2 ➡	\$79,750.00
3 ➡	\$89,700.00	4 ➡	\$99,600.00
5 ➡	\$107,600.00	6 ➡	\$115,600.00
7 ➡	\$123,600.00	8 ➡	\$131,600.00

The following make the home ineligible for this opportunity: False Income Statements or; Aggressive dogs not being safely handled; Drug use on premises; Threats to auditor; structurally inadequate; rental property; and/or other safety or issues prohibited by grant special conditions.

In addition to the above, the following could (after inspection) also make the home ineligible: Nub and Tub wiring (means you can't install attic insulation); Mold problem; water problem such as a hole in the roof or standing water in the basement; home sealed too tight resulting in the inability of fumes to escape through natural ventilation; major roof issues; major plumbing issues; or a Gas leak.

Veterans and/or Retired Homeowners will be given preference.

See accompanying Income Affidavit and Agreement, complete and then: Fax, email or Mail to: Attn: Lt. (Ret.) James (Jim) Flynn, BFF-E2F2 located 6852 Distribution Drive, Beltsville, MD 20705, 240-786-4186 (fax); email: JF258@aol.com or Jim.Flynn@e2f2.us or Alison Miller: stg_am@msn.com



EmPOWER CLEAN ENERGY Communities Grant Program
Blockchain Frontiers Foundation Municipal Collaboration for L/M Income Energy Efficiency Upgrades
Maryland Energy Administration Grant No.: 2020-XX-331S1

Website: <http://www.e2f2.us/blog/>

Affidavit of Income

Applicant's Name: _____

Address: _____

City, State, Zip: _____

Phone Number: (Home) _____ (Cell) _____

Work: _____ email: _____

____ I am a Veteran ____ I am a Senior Citizen

Number of People Living in House	Owner(s) Only Annual Income Less than:		Number of People Living in House	Owner(s) Only Annual Income Less than:
1	\$69,800.00		2	\$79,750.00
3	\$89,700.00		4	\$99,600.00
5	\$107,600.00		6	\$115,600.00
7	\$123,600.00		8	\$131,600.00

I certify that there are [] persons living in the house and my/our annual gross income is LESS THAN the stated maximum allowable income identified above in the "Income Table." Supported by the following document which is attached: _____ (*initial*)

I understand that this information is subject to verification by the State of Maryland.

☐ 2018 or 2019 Federal Form 1040 Income Tax Return (*Page 1 and Page 2 only*)
or

☐ Social Security Annual Benefit Stub or proof of income (*if you're not required to file*)

Utility and Energy Supplier Information

Gas Utility: _____ Account #: _____

Electric Utility: _____ Account #: _____

Other Fuel Supplier: _____ ☐ Oil ☐ Propane / Account #: _____

Please complete and return the affidavit with your TAX Forms (income verification) to: Lt. (Ret.) James (Jim) Flynn, BFF-E2F2 located 6852 Distribution Drive, Beltsville, MD 20705, 240-786-4186 (fax); email: JF258@aol.com or Jim.Flynn@e2f2.us or Alison Miller at email: stg_am@msn.com, for appropriate processing.

I solemnly declare, under oath, and subject to the penalties of perjury, declare that the above information is true and correct to the best of my knowledge, information and belief.

Signature of Affiant _____ Date _____

Person Receiving Affidavit _____ Date _____



October 17, 2019

Mr. Dean Fisher
Energy Efficiency Program Manager
LMI Income Community Grants Program
Maryland Energy Administration
1800 Washington Blvd, Suite 755
Baltimore, Maryland 21230

RE: Support for Town of Bladensburg's MEA EmPOWER LMI Communities programs and Department of Housing and Community Development (DHCD) Community Legacy programs and Prince George's County Municipal Collaboration.

Dear Mr. Fisher,

We are writing to express our support for Blockchain Frontiers Foundation, Inc. (BFF's) MEA EmPOWER LMI Communities grant program; the MEA EmPOWERING Clean Energy Communities LMI Competitive grant program 2020; and, the Department of Housing and Community Development-Community Legacy grant program and submitted proposals. We strongly encourage you to fully fund the respective applications. We will support this effort by providing our City Manager or designated official, our public works department and our police department as needed. We believe this project will greatly help several of our low to moderate income households, veterans, and senior citizens by rehabilitating homes, decreasing their energy bills, ensuring sustainable communities as well as helping the greater community by decreasing our carbon footprint.

Should you have any questions, please feel free to contact David E. Moran, Assistant City Manager at 301-474-8000.

Sincerely,

A handwritten signature in black ink that reads "Emmett V. Jordan". The signature is fluid and cursive, with the first name "Emmett" and last name "Jordan" clearly legible.

Emmett V. Jordan
Mayor

cc: City Council
Nicole Ard, City Manager
Jim Sterling, Director of Public Works

James Flynn, Municipal Collaboration

City Council Agenda Item Report

Meeting Date: October 28, 2019

Submitted by: Bonita Anderson

Submitting Department: Administration

Item Type: OTHER BUSINESS

Agenda Section:

Subject:

* Resignation from Advisory Groups

Suggested Action:

Reference: Email, R. Lonicki, 10/22/2019

Ronald Lonicki has submitted his resignation from the Arts Advisory Board.

Approval of this item on the consent agenda will indicate Council's intent to accept resignation with regret

Attachments:

City Council Agenda Item Report

Meeting Date: October 28, 2019

Submitted by: Shaniya Lashley-Mullen

Submitting Department: Administration

Item Type: MEETINGS

Agenda Section:

Subject:

Meetings

Suggested Action:

Attachments:

[meetings.pdf](#)

CITY OF GREENBELT, MARYLAND

25 Crescent Road, Greenbelt, MD 20770-1891

10/25/2019 11:52 AM



City Council Meetings & Work Sessions October – November – December

Work Session – City Manager Update, (CC)	Wed.	10/30	8:00 pm
Closed Session – Legal and Personal Matters, (CC), following the above work session	Wed.	10/30	
No Meeting	Mon.	11/04	
City Council Election	Tues.	11/05	7:00 am – 8:00 pm
No Meeting	Wed.	11/06	
Charter Meeting, (MB)	Mon.	11/11	7:30 pm
Advisory Board Interview, (CC)	Wed.	11/13	7:40 pm
Work Session – CRAB Reports – Police Community Relations/ the Petition for Congress to Shut Down the 1033 Program, (CC)	Wed.	11/13	8:00 pm
Work Session – Ground Floor East Space (GFES) – (former Adult Daycare Space) (MB)	Mon.	11/18	8:00 pm
No Meeting – NLC City Summit	Tues. – Sun.	11/19 – 11/24	
Regular Meeting	Mon.	11/25	8:00 pm
No Meeting – Thanksgiving	Wed.	11/27	
Work Session -NRP Multifamily Development Proposal-Capital Office Park (Detailed Site Plan). (MB)	Mon.	12/02	8:00 pm
Work Session – Jane Realty Apartments (CC)	Wed.	12/04	8:00 pm
Regular Meeting, (MB)	Mon.	12/09	8:00 pm
Work Session – TBD, (CC)	Wed.	12/11	8:00 pm
Work Session – TBD, (MB)	Mon.	12/16	8:00 pm
Work Session – TBD, (CC)	Wed.	12/19	8:00 pm
Work Session – Beltway Plaza Redevelopment- Preliminary Plan of Subdivision, (MB)	Mon.	12/23	8:00 pm
No Meeting – Christmas	Wed.	12/25	
Work Session – TBD, (MB)	Mon.	12/30	8:00 pm

- Councilmembers will present reports on conferences, meetings and events as the last item of business at Monday Work Sessions.

This schedule is subject to change. For confirmation, call 301-474-8000. Regular and Special meetings and Work Sessions are open to the public. If special accommodations are required for any disabled person, please call 301-474-8000 or 301-474-3870 no later than 10 a.m. on the meeting day. Deaf individuals are advised to use MD RELAY at 711 or e-mail banderson@greenbeltmd.gov to reach the City Clerk. Unless otherwise noted, meetings will be held in the Council Room of the Municipal Building (MB) at 25 Crescent Rd. Meetings marked "CC" will be held in the Community Center at 15 Crescent Rd., "Greenbriar" will be held in the Terrace Room at 7600 Hanover Parkway, "SHL" will be held in the Springhill Lake Recreation Center, Green Ridge House will be held at 22 Ridge Road, "GHI" will be held at 1 Hamilton Place and "Verde" will be held at 8010 Greenbelt Station Parkway.

Bonita Anderson, City Clerk

A NATIONAL HISTORIC LANDMARK

(301) 474-8000

fax (301) 441-8248
www.greenbeltmd.gov

MD RELAY 711

165

CITY OF GREENBELT, MARYLAND

25 Crescent Road, Greenbelt, MD 20770-1891

10/25/2019 11:52 AM

Ready to be scheduled:

Roosevelt Center Owner
WMATA Metro Station/ MARC Train Service/
MDOT
GHI – NCOZ/Arts & Entertainment District
Potential Bond Referendum/Capital Financing
Greenbelt Postmaster
Cemetery Plans
Forest Preserve/Community Gardens
WSSC
Small Cell Procedures and Policy Review
Memorial Wall Piece
Beltway Plaza (stakeholder)
State Highway Administration
Teleconferencing
Verizon

For later scheduling:

Zoning Enforcement
Parkway Apartment Owners/GHI (parking)
Northway Fields Master Plan
City Manager Updates (Jan, Pre-budget; July &
Sept/Oct)
Meeting with County on Transportation Plan
Hotels
PRAB – Buddy Attick Park Master Plan
University of Maryland (2020)
Department of Permitting, Inspections &
Enforcement (DPIE)
Museum Plan

City Council Agenda Item Report

Meeting Date: October 28, 2019

Submitted by: Shaniya Lashley-Mullen

Submitting Department: Administration

Item Type: MEETINGS

Agenda Section:

Subject:

Stakeholders

Suggested Action:

Attachments:

[Stakeholder Schedule.pdf](#)

Annual														
Advisory Group Chairs	3/16	2/17	7/18	7/19										
Franklin Park at Greenbelt Station Mgmt.	8/16	11/17	12/18											
Greenbelt East Advisory Coalition	3/16	7/17	3/19											
Greenbelt Homes, Inc.	6/16	7/17	7/18	7/19										
County Executive/ County Council	12/13	9/16	1/19											
Biennial														
Roosevelt Center Merchants	11/16	1/18												
Beltsville Ag. Research Center/ NPS Greenbelt Park	03/14	7/16	8/18											
	7/15	1/18												
Beltway Plaza	9/14	3/17												
Greenway Center	7/14	12/16	2/19											
Civic Associations	8/14	2/18												
NASA/GSFC	3/15	3/17	9/19											
PG Co. Economic Development Corp.	8/14	4/17	7/19											
School Board	2/16	5/17	10/18	3/19										
State Highway Administration	6/15	10/17												
Every Three Years														
Apartments	2/18													
Religious/Spiritual Organizations	3/13	6/15	6/19											
Greenbelt Watershed Groups	8/14	10/16	10/19											
Hotels														
University of Maryland	3/13	4/15												
Every Three Years or Major Issue														
Comcast	9/13	11/17												
Verizon														
PEPCO	9/14	1/17												
WSSC	12/12	9/16												
WGL														
Capital Office Park	12/12	1/16	9/19											
Other Business Parks:														
Maryland Trade Center														
Golden Triangle														
Hanover Parkway														
Belle Point														
Edmonston Road														
Hanover Parkway														
Roosevelt Center Owner	9/15													

WMATA/PGDPW&T (Semi-Annual)	11/16	9/17	11/18											
Other/As Needed														
M-NCPPC/Planning Board (Major Issue)	6/06	7/14	10/19											
Business Coffee (Every Four Months)	10/17	2/18	8/18	11/18	2/19	5/19	8/19							
State's Attorney (4 years)	2/11	4/15	9/19											

(Rev. October 24, 2019)