

City Council of Hyattsville, Maryland

AGENDA

City Council Regular Meeting

Monday, January 22, 2018

8:00 PM



Council Chambers

Hyattsville Municipal Building

4310 Gallatin Street, 3rd Floor

Hyattsville, MD 20781

(301) 985-5000 www.hyattsville.org

CITY COUNCIL

[Mayor Candace B. Hollingsworth](#)

[Edouard Haba, Council President, Ward 4](#)

[Kevin Ward, Council Vice President, Ward 1](#)

[Bart Lawrence, Ward 1](#)

[Robert S. Croslin, Ward 2](#)

[Shani N. Warner, Ward 2](#)

[Carrianna Suiter, Ward 3](#)

[Thomas Wright, Ward 3](#)

[Paula J. Perry, Ward 4](#)

[Joseph Solomon, Ward 5](#)

[Erica Spell, Ward 5](#)

ADMINISTRATION

Tracey E. Nicholson, City Administrator

Laura Reams, City Clerk, 301-985-5009, lreams@hyattsville.org

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

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

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

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

Consent Agenda: Items listed on the Consent agenda are considered to be routine in nature, and are normally approved by one motion. Please note that most items on the Consent agenda have been discussed at a previous meeting. If a Councilmember wishes to comment on a particular item, that item shall be removed from the Consent agenda to "action" to allow for additional discussion.

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

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1. **Call to Order and Council Roll Call**

2. **Pledge of Allegiance to the Flag**

3. **Approval of Agenda**

4. **Public Comment (8:10 p.m. – 8:20 p.m.) Limit 2 minutes per speaker**

5. **Presentations (8:20 p.m. - 8:25 p.m.)**

5.a) Franklins' 25th Anniversary

HCC-182-FY18

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s):

6. **Consent Items (8:25 p.m. - 8:30 p.m.)**

6.a) Franklins' 25th Anniversary

HCC-181-FY18

I move that the Mayor and Council adopt a proclamation in celebration of the 25th anniversary of Franklins restaurant, brewery and general store.

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

[Franklins 25th Anniversary.docx](#)

7. **Discussion Items (8:30 p.m. - 9:10 p.m.)**

7.a) Parks and Recreational Facilities - Modification (10 minutes)

HCC-38-FY18

I move that the Mayor and Council direct the City Attorney to draft an ordinance amending Chapter 84 of the Hyattsville Charter and Code to a) modify the hours of operation for parks to the hours between 5:00am and 11:00pm, b) indicate that the hours of operation for individual parks may vary, c) require posting of hours of operation in public view, d) modify reference to "Parks and Recreation Committee" to "Health, Wellness, and Recreation Committee", e) striking the second full sentence of §84-2, f) modifying "Director of Parks and Recreation" to "Director of Community Services", g) change any references to "his" or "her" to "their," h) modify section §84-7 and §84-8 with recommendation from the Director of Community Services or their designee, i) striking the last full sentence of section §84-18, and j) striking the last full sentence of section §84-20.

Lead Sponsor: Hollingsworth

Co-Sponsor(s):

7.b) Noise Ordinance - Modification (10 minutes)

HCC-37-FY18

I move that the Mayor and Council direct the City Attorney to draft an ordinance amending Chapter 79 of the Hyattsville Charter and Code to allow for an extension of nighttime hours to 11pm for events that have obtained a special events permit from the City of Hyattsville. This extension is applicable to events held in any of the City's parks and commercial districts. Approval for other locations is to be determined on a case-by-case basis at the discretion of the City Administrator.

Lead Sponsor: Hollingsworth

Co-Sponsor(s): N/A

[Chapter 79 Noise.pdf](#)

7.c) MBE & WBE in Procurement (10 minutes)

HCC-39-FY18

I move that the Mayor and Council direct the City Administrator or her designee to modify the City of Hyattsville's procurement policy to include language indicating preference for certified minority and woman-owned business enterprises (MBE/WBE) in addition to the stated local preference. This preference should be transparent to bidders on open RFPs and have a modified tabulation system reflecting such. I further move that the Mayor and Council direct the City Administrator or her designee to publish a list of awarded contracts above \$10,000 on the city's website not less than quarterly. This publication should begin effective January 1, 2018 for future awards and contracts active as of January 1, 2018.

Lead Sponsor: Hollingsworth

Co-Sponsor(s): N/A

7.d) Public Meetings/Demonstrations (10 minutes)

HCC-35-FY18

I move that the Mayor and Council direct the City Attorney in consultation with appropriate staff as determined by the City Administrator to draft an ordinance for council approval providing for the issuance of special permit for public meetings/demonstrations to include: a) a process for application, b) notification process for approved permits, c) appeal process for denied permits, and d) standards for approval. I further move that the Mayor and Council direct the City Administrator or her designee to develop administrative procedures governing the approval and issuance of permits for public meetings/demonstrations.

Lead Sponsor: Hollingsworth

Co-Sponsor(s): N/A

8. Council Dialogue

9. Community Notices and Meetings

9.a) City Calendar: January 23 - February 5, 2018

HCC-186-FY18

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s):

[Main City Calendar Jan 23- Feb 5.docx](#)

10. Motion to Adjourn



Hyattsville City Council Agenda Item Report

Meeting Date: January 22, 2018

Submitted by: Jake Rollow

Submitting Department: Community Services

Item Type: Proclamation

Agenda Section: Presentations (8:20 p.m. - 8:25 p.m.)

SUBJECT

Franklins' 25th Anniversary

HCC-182-FY18

Recommendation:

Sponsor(s):

At the Request of the City Administrator

Co-Sponsor(s):

ATTACHMENTS

Summary Background:

Mayor Hollingsworth will present a proclamation in honor of Franklins Restaurant, Brewery and General Store to Mike Franklin.

Next Steps:

Celebrate Franklins' 25th anniversary.

Fiscal Impact:

N/A

City Administrator Comments:

N/A

Community Engagement:

Franklins attracts community every day.

Strategic Goals:

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

Legal Review Required?

N/A



Hyattsville City Council Agenda Item Report

Meeting Date: January 22, 2018

Submitted by: Jake Rollow

Submitting Department: Community Services

Item Type: Proclamation

Agenda Section: Consent Items (8:25 p.m. - 8:30 p.m.)

SUBJECT

Franklins' 25th Anniversary

HCC-181-FY18

Recommendation:

I move that the Mayor and Council adopt a proclamation in celebration of the 25th anniversary of Franklins restaurant, brewery and general store.

Sponsor(s):

At the Request of the City Administrator

Co-Sponsor(s):

N/A

ATTACHMENTS

[Franklins 25th Anniversary.docx](#)

Summary Background:

Franklins has been operating for 25 years.

Next Steps:

Celebrate Franklins' 25th anniversary.

Fiscal Impact:

0

City Administrator Comments:

Recommend Approval

Community Engagement:

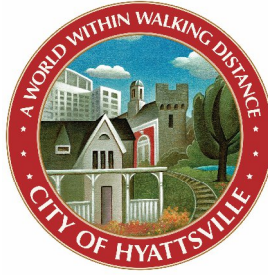
Franklins attracts community every day.

Strategic Goals:

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

Legal Review Required?

N/A



**PROCLAMATION CELEBRATING THE
25TH ANNIVERSARY OF FRANKLINS RESTAURANT,
BREWERY AND GENERAL STORE IN THE CITY OF HYATTSVILLE**

This proclamation recognizes the 25th anniversary of Franklins operating in the City of Hyattsville.

WHEREAS, Franklins General Store originally opened at 5123 Baltimore Avenue on December 3, 1992, with 12 employees and served as a deli and general store. The building had previously housed Hyattsville Hardware;

WHEREAS, in the years that followed, the business and customer base expanded and on February 25, 2002 an adjacent building was constructed and opened to serve as a restaurant and brewery. At the same time, the now iconic neon sign above the building was installed;

WHEREAS, today, the business has approximately 70 employees, hosts daily visitors from throughout the region, makes generous contributions to numerous local organizations, and serves as a regular meeting place for Hyattsville and surrounding residents;

NOW, THEREFORE BE IT RESOLVED, that the City Council, staff, and residents recognize the positive impact Franklins has had on the Hyattsville community, as well as its catalytic role in business development on Baltimore Avenue, and joins with them as they celebrate their 25th anniversary.

Candace B. Hollingsworth
Mayor
City of Hyattsville

January 22, 2018



Hyattsville City Council Agenda Item Report

Meeting Date: January 22, 2018
Submitted by: Candace Hollingsworth, Mayor
Submitting Department: Legislative
Item Type: Charter Amendment
Agenda Section: Discussion Items (8:30 p.m. - 9:10 p.m.)

SUBJECT

Parks and Recreational Facilities - Modification (10 minutes)

HCC-38-FY18

Recommendation:

I move that the Mayor and Council direct the City Attorney to draft an ordinance amending Chapter 84 of the Hyattsville Charter and Code to a) modify the hours of operation for parks to the hours between 5:00am and 11:00pm, b) indicate that the hours of operation for individual parks may vary, c) require posting of hours of operation in public view, d) modify reference to "Parks and Recreation Committee" to "Health, Wellness, and Recreation Committee", e) striking the second full sentence of §84-2, f) modifying "Director of Parks and Recreation" to "Director of Community Services", g) change any references to "his" or "her" to "their," h) modify section §84-7 and §84-8 with recommendation from the Director of Community Services or their designee, i) striking the last full sentence of section §84-18, and j) striking the last full sentence of section §84-20.

Sponsor(s):

Hollingsworth

Co-Sponsor(s):

ATTACHMENTS

[Chapter 84 Parks and Recreational Facilities_.pdf](#)

Summary Background:

This modification will formally allow for expanded use of the park and its unenclosed amenities as may be supported by lighting or other public safety improvements. This modification makes minor changes to language, updates the role of the committee, and updates certain sections pertaining to the use of the parks and issuance of permits for consistency with practice.

Next Steps:

The city attorney will draft the ordinance for discussion and action by the Mayor and Council in consultation with the Directors of Community Services and Public Works.

Fiscal Impact:

Legal Review.

City Administrator Comments:

The staff will do an extensive review of policy for updating. Some recommended modifications include:
Striking all text currently in Section 84-7 and replacing with the following:

"Permits for recreational facilities including sports fields and picnic pavilions shall be issued in accordance with an administrative policy determined by the City Administrator or designee."

We have not yet finalized the policy, but will update it based on our current practices:

Pavilions available for entire day rentals only. The large pavilion can be permitted by all MNCPPC residents at a cost of \$175. City residents get preference on the small pavilion, which costs \$125. (Decision on deposit is pending.)

Sports fields will be permitted as available, to sports teams/leagues that participate in a mandatory meeting prior to each sports season. The City will make every effort to provide field time to all teams, but cannot guarantee availability. Use of the fields is free. Lighting costs \$50 per hour.

Community Engagement:

TBD

Strategic Goals:

Goal 3 – Promote a Safe and Vibrant Community

Legal Review Required?

Pending

Chapter 84

PARKS AND RECREATIONAL FACILITIES

- § 84-1. Definitions.
- § 84-2. Responsibilities of Parks and Recreation Committee.
- § 84-3. Authority of police officers.
- § 84-4. Area designations for William Pickney Magruder Park.
- § 84-5. Use of parks by residents and nonresidents of City; fees.
- § 84-6. Hours of operation.
- § 84-7. Application and issuance of permits.
- § 84-8. Determination of controversies as to priority of permits.
- § 84-9. Use of parks for baseball or softball restricted.
- § 84-10. Operation and parking vehicles.
- § 84-11. Conduct warranting removal from park; revocation of permit.
- § 84-12. Conduct of spectators at games held in parks.
- § 84-13. Sale of articles and/or merchandise for personal gain prohibited; exceptions.
- § 84-14. Soliciting prohibited.
- § 84-15. Washing, waxing, or other vehicle maintenance prohibited in or near parks.
- § 84-16. Carrying of firearms prohibited; exception.
- § 84-17. Maintenance of open fires restricted.
- § 84-18. Young children to be accompanied by adult; other restrictions.
- § 84-19. Running at large of dogs and other animals prohibited.
- § 84-20. Special permit required for use of alcoholic beverages.
- § 84-21. Use of glass beverage containers prohibited.
- § 84-22. Violations and penalties.

[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville 12-1-69. Sections 84-1, 84-4, 84-6A and C, 84-7A, C and D, 84-9, 84-13 and 84-19 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

- Municipal Infractions - See Ch. 20.
- Police Department - See Ch. 30.
- Alcoholic beverages - See Ch. 38.
- Dogs and other animals - See Ch. 52.
- Peace and good order - See Ch. 87.
- Peddling and soliciting - See Ch. 90.

§ 84-1. Definitions.

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

LIBRARY - The William Pickney Magruder Memorial Library Branch of the Prince George's County Library System. **[Added 12-19-83 by HB No. 15-83]**

PARKS - All property owned, leased or operated by the City for park, playground or recreational purposes and shall include all the property described in the deed from William P. Magruder and wife, dated April 11, 1927, as the same is recorded in Liber 279 at Folio 447 in the land records of prince George's County, Maryland, and which is known as the "William Pickney Magruder Park."

PUBLIC PROPERTY - All buildings, fountains, public conveniences or other improvements to the parks and all equipment used for the recreational activity and for the increase of the enjoyment of the

parks, whether the same may have been purchased, acquired or owned by the City, as well as any property donated by any individual, group of individuals, firm or corporation to the City for use in the parks and for recreational activity and enjoyment of such parks.

VEHICLE - All conveyances, whether drawn by horse or other beast of burden, bicycles or any motor vehicle or conveyance propelled by machinery, whether gasoline, steam or electricity.

§ 84-2. Responsibilities of Parks and Recreation Committee. [Amended 3-3-75]

The Parks and Recreation Committee shall make recommendations to the City Council for improvements to parks and recreation and shall carry out orders and directions of the City Council respecting same. Such Committee shall see that the parks and recreation budget is sufficient for improvements and maintenance and that the provisions thereof are properly carried out. Such Committee shall also see that the provisions of this chapter are complied with.

§ 84-3. Authority of police officers.

All police officers of the City and all county police, state police, sheriffs and deputy sheriffs having police authority in the City shall have police authority throughout the parks and may enter parks at any time for the purpose of maintaining peace and order, enforcing the provisions of this chapter and for other police purposes and may arrest and remove from parks any person violating the provisions of this chapter or any other ordinance or law applicable to the City.

§ 84-4. Area designations for William Pickney Magruder Park. [Repealed and Reenacted on 2-16-99 by HB 99-02]

A. For the purpose of this chapter, the Department of Parks and Recreation shall be responsible for submitting a plan designating permitted uses and areas of such permitted uses in William Pickney Magruder Park to the City Council. The City Council shall approve the plan, subject to any modifications or changes deemed necessary and proper by the City Council.

B. From time to time, as deemed necessary, changes to designated uses and areas of such uses incorporated in the plan may be initiated by the Department of Parks and Recreation and submitted to the City Council in the form of a resolution for the Council's approval.

C. A listing of uses and the designated areas of uses for William Pickney Magruder Park, as set forth in the plan shall be maintained by the City Clerk and shall be made available to the public upon request.

D. Set aside for the availability of use of the fields of William Pickney Magruder Park will be extended in order of priority as defined below. First priority for use of available fields shall be given to the City of Hyattsville for City use and activities. Second priority for the use of available fields shall be given to organizations which predominately serve the youth of the City of Hyattsville. A list of those organizations which are currently meeting that criteria will be maintained by the Department of Parks and Recreation. All other organizations can obtain permits for field time, if at the time requested fields are available for use; and, at the sole determination of the Department of Parks and Recreation, they will not be damaged from overuse.

§ 84-5. Use of parks by residents and nonresidents of City; fees. [Amended 9-21-87 by No. 9-87 and 4-19-93 by HB No. 2-93]

A. The right to use parks for the purpose of recreation is hereby reserved for the residents of the City, provided that the parks may be used by persons not residing in the City when no permit for a

particular area has been issued for the use thereof to a resident so long as the hours for which the use is desired do not conflict with permits issued.

B. Fees charged for the use of the pavilion area within Magruder Park shall be set by resolution of the City Council who may exempt charitable or non-profit organizations from this fee.

§ 84-6. Hours of operation. [Amended 9-20-71; 3-3-75]

A. The parks shall be open for general use by the public between the hours of sunrise and sunset, except where the use of any part thereof has been granted to a person or group of persons pursuant to a permit issued therefor by the Director of Parks and Recreation. [Amended 12-19-83 by HB No. 15-83]

B. It shall be unlawful for any person to enter within the parks between the hours of sunset and 12:00 midnight, with or without a vehicle, without a permit to do so.

C. It shall be unlawful for any person to enter upon the parks between the hours of 12:00 midnight and sunrise. [Amended 12-19-83 by HB No. 15-83]

§ 84-7. Application and issuance of permits. [Amended 3-3-75]

A. Upon application thereof, the Director of Parks and Recreation shall issue a permit to any persons or organization for the exclusive use of any one of the areas designated for such purposes for a period not exceeding two (2) hours twice a week, provided that no other application has theretofore been received by the Director of Parks and Recreation for the use of such area at the same time. Any group of persons or any organization or church society may secure the exclusive use of two (2) areas in the parks for a period not exceeding six (6) hours, once each calendar year. Nothing herein contained shall prevent any such group of persons, organizations or church societies from securing a permit for the use of one (1) area for two-hour periods at other times during the year when a permit has not been previously issued for the same time. Whenever a group of persons, organization or church society shall hold a permit for the exclusive use of two (2) areas in the parks as herein before provided, the remainder of the parks may be used by the general public in accordance with this chapter. [Amended 12-19-83 by HB No. 15-83]

B. Whenever the Director of Parks and Recreation shall receive an application for the use of any area in the parks for which a permit has previously been issued, the Director of Parks and Recreation shall advise the applicant of the outstanding permit and shall refuse the application for the succeeding permit for that particular area.

C. The Director of Parks and Recreation shall consider first all requests of applications for the use of Area Nos. 12, 13, 14, 15, and 16 in William Pickney Magruder Park for league games, and permits shall be issued by the Director of Parks and Recreation, and the calendar of William Pickney Magruder Park activities shall show that the dates are closed for the time when such league games are to be played. [Amended 12-19-83 by HB No. 15-83]

D. All permits issued for any area are subject to revocation at any time if, in the opinion of the Director or Chairman of the Parks and Recreation Committee, the weather is unfavorable or the condition of the area is such as not to be usable.

§ 84-8. Determination of controversies as to priority of permits. [Amended 3-3-75]

In a controversy concerning the priority of permits issued as provided in §84-7 or the right to use any area in the parks and in the case of a difference of opinion arising between various persons respecting

the use of any such area, the Director of Parks and Recreation shall be notified to settle the dispute, and his ruling shall be final.

§ 84-9. Use of parks for baseball or softball restricted. [Amended 9-20-71]

No person shall use any part of William Pickney Magruder Park for baseball or softball, except Area Nos. 12, 13 and 14, and no person shall bat at any ball except on the diamond.

§ 84-10. Operation and parking of vehicles.

No vehicle shall be driven or operated in the parks except upon the roads therein provided for vehicular traffic, and no vehicle shall be operated over such roadways at a greater rate of speed than fifteen (15) miles per hour. No vehicle shall be parked or left standing in the parks except in the areas set aside in the parks for parking purposes. Whenever the area set aside for parking is filled so as not to permit the parking of additional vehicles, such vehicles shall be taken from the parks.

§ 84-11. Conduct warranting removal from park; revocation of permit. [Amended 3-3-75]

In any park, any person who shall cause any unnecessary damage to City property or shall engage in any boisterous conduct or use any vulgar or profane language or be disorderly in any manner or who shall fail to exhibit a permit for the use of a particular area in a park whenever requested shall be subject to immediate removal from the park. Any person or group of persons who shall so conduct himself or themselves as to warrant immediate removal from the park shall not be entitled to a permit to use any part of the parks at any time in the future, and, if permits have already been issued for future use of the parks by such person or group of persons, the same shall be revoked without notice by the Director of Parks and Recreation.

§ 84-12. Conduct of spectators at games held in parks.

Spectators at games in the parks shall stay off the diamonds or areas in which the game in question is in progress and shall not interfere with the rights of any permit holder.

§ 84-13. Sale of articles and/or merchandise for personal gain prohibited; exceptions.

No person shall sell or offer for sale for personal gain any article or merchandise whatsoever within the parks; provided, however, that the City Council may, by concession, sell the right or privilege to sell merchandise in the parks under such terms and upon such conditions as the City Council may fix.

§ 84-14. Soliciting prohibited.

No collections, contributions or solicitations for personal gain shall be permitted in the parks.

§ 84-15. Washing, waxing or other vehicle maintenance prohibited in or near parks.

It shall be unlawful for any person to wash, polish, wax, or in any way work upon any automobile or other vehicle within the confines of any park or on Fortieth Avenue bordering on William Pickney Magruder Park.

§ 84-16. Carrying of firearms prohibited; exception.

The carrying of firearms or any other dangerous weapon in the parks is prohibited, except by duly authorized police.

§ 84-17. Maintenance of open fires restricted.

No person shall ignite any fire at any place in the parks except in the fireplaces provided for that purpose, and such fires shall be extinguished by the persons lighting the same before leaving the park in question.

§ 84-18. Young children to be accompanied by adult; other restrictions.

No child less than six (6) years old shall be permitted in the parks unless accompanied by a parent or some responsible person. No child with a contagious disease or skin infection shall be permitted in the parks.

§ 84-19. Running at large of dogs and other animals prohibited.

No dogs or domestic pets shall be permitted to run at large in the parks.

§ 84-20. Special permit required for use of alcoholic beverages. [Amended 3-3-75]

No whiskey, beer, wine, spirituous or malt liquor or any intoxicating drink of any kind shall be kept, carried or consumed at any time within the confines of the parks except by special permit. The Parks and Recreation Committee shall review all special permits before approval is granted.

§ 84-21. Use of glass beverage containers prohibited. [Added 10-20-75]

No glass beverage containers shall be kept, carried or used at any time within the confines of the parks.

§ 84-22. Violations and penalties. [Added 11-3-80 by HB No. 21-80; Amended 8-2-82 by HB No. 14-82]

Violations of §§84-16 and 84-20 of this chapter shall be punishable as a misdemeanor. All other violations of this chapter, with the exception of §84-10, shall be punishable as a municipal infraction as provided in Chapter 20 of this Code. The fine for any single initial violation shall be twenty dollars (\$20.00), and the fine for each repeat of that offense shall be forty dollars (\$40.00).



Hyattsville City Council Agenda Item Report

Meeting Date: January 22, 2018
Submitted by: Candace Hollingsworth, Mayor
Submitting Department: Legislative
Item Type: Charter Amendment
Agenda Section: Discussion Items (8:30 p.m. - 9:10 p.m.)

SUBJECT

Noise Ordinance - Modification (10 minutes)

HCC-37-FY18

Recommendation:

I move that the Mayor and Council direct the City Attorney to draft an ordinance amending Chapter 79 of the Hyattsville Charter and Code to allow for an extension of nighttime hours to 11pm for events that have obtained a special events permit from the City of Hyattsville. This extension is applicable to events held in any of the City's parks and commercial districts. Approval for other locations is to be determined on a case-by-case basis at the discretion of the City Administrator.

Sponsor(s):

Hollingsworth

Co-Sponsor(s):

N/A

ATTACHMENTS

[Chapter 79 Noise.pdf](#)

Summary Background:

This amendment is intended to allow for special events to be held in the City of Hyattsville that promote evening arts and entertainment experiences held in suitable locations across the City.

Next Steps:

The city attorney will draft a revision to the city code for discussion and action by the Mayor and Council.

Fiscal Impact:

Legal review.

City Administrator Comments:

An Administrative Policy will also be prepared for clarification.

Community Engagement:

TBD

Strategic Goals:

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

Legal Review Required?

Pending

Chapter 79

NOISE

- § 79-1. Definitions.
- § 79-2. Noise standards.
- § 79-3. Loud and unnecessary noise prohibited.
- § 79-4. Responsibility of property owner.
- § 79-5. Violations and penalties.

[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville 12-1-69. Section 79-1 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. 1. Other amendments noted where applicable]

GENERAL REFERENCES

- Municipal infractions - See CH. 20.
- Amusements and entertainment - See Ch. 40.
- Dogs and other animals - See Ch. 52.
- Peace and good order - See Ch. 87.

§ 79-1. Definitions. [Amended 2-2-83 by HB No. 3-83; 12-19-83 by HB No. 15-83]

For purposes of this chapter, the following words or terms shall have meanings ascribed to them:

ANSI - American National Standards Institute or its successor bodies.

CONSTRUCTION - Any site preparation, assembly, erection, repair, alteration or similar activity.

DAYTIME HOURS - 8:00 a.m. to 8:00 p.m., local time.

DBA - Abbreviation for the sound level in decibels determined by the A-weighting network of a sound level meter or by calculation from octave band or one-third (1/3) octave band data.

DECIBEL (dB) - A unit of measure equal to ten (10) times the logarithm to the base ten (10) of the ratio of a particular sound pressure squared to a standard reference pressure squared. For the purpose of this chapter, twenty (20) micropascals shall be the standard reference pressure.

DEMOLITION - Any dismantling, destruction or removal activities.

EMERGENCY - Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

NIGHTTIME HOURS - 8:00 p.m. to 8:00 a.m., local time.

NOISE - The intensity, frequency, duration and character of sound, including sound and vibration of sub-audible frequencies.

NOISE POLLUTION - The presence of noise of sufficient loudness, character and duration, which, whether from a single source or multiple sources, is, or may be predicted with reasonable certainty to be, injurious to health or which unreasonably interferes with the proper enjoyment of property or with any lawful business or activity.

PERSON - Any individual, group of individuals, firm, partnership, voluntary association or private, public or municipal corporation, or political subdivision of the state.

SOUND LEVEL - In decibels, the weighted sound pressure level measured by the use of a sound level meter satisfying the requirements of ANSI S1.4 1971 Specifications for Sound Level Meters. "Sound Level" and noise level are synonymous. The weighting employed shall always be specified.

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SOUND LEVEL METER - An instrument, meeting ANSI S1.4 1971 Specifications for Sound Level Meters, comprising a microphone, an amplifier, an output meter and frequencyweighting network(s) that is used for the measurement of sound pressure levels in a specified manner.

ZONING DISTRICT - The general land use category as designated and defined in Subtitle 27, Zoning, of the Prince George's County Ordinances.

§ 79-2. Noise standards. [Amended 2-23-83 by HB No. 3-83]

A. No person shall cause or permit the following noise/sound levels measured at points on or within a property line or reasonably adjacent thereto of the source of said noise above the maximum permissible levels in a designated zoning district. Levels exceeding said permissible levels are prohibited.

Land Use	Day- or Night-Time Hours	Level (dBA's)
Industrial	Day	75
	Night	75
Commercial	Day	67
	Night	62
Residential	Day	60
	Night	50

B. Exceptions:

- (1) Construction or demolition activities shall be permitted during daytime hours, provided that such activity shall not exceed a level of ninety (90) dBA's.
- (2) Household tools and portable appliances in normal usage.
- (3) Lawn care and snow removal equipment (daytime only) when used and maintained in accordance with the manufacturer's specifications.
- (4) Agricultural field machinery when used and maintained in accordance with manufacturer's specifications.
- (5) Blasting operations for demolition, construction and mining or quarrying (daytime only).
- (6) Motor vehicles on public roads.
- (7) Aircraft.
- (8) Motor vehicles or boats on state lands or waters.
- (9) Emergency utility operations.
- (10) Pile-driving equipment during the daytime hours of 8:00 a.m. to 5:00 p.m.
- (11) Sound not electronically amplified created by sporting, amusement and entertainment events and other public gatherings operating according to terms and conditions of the appropriate local jurisdictional body. This includes but is not limited to athletic contests, amusement parks, carnivals, fairgrounds, sanctioned auto racing facilities, parades and public celebrations.

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(12) Rapid rail transit vehicles and railroads.

(13) Any activity causing noise if a variance for such activity and the noise resulting there from has been obtained from the environmental health administration of the Maryland Department of Health and Mental Hygiene or is being processed pursuant to the rules and regulations of that Department. This exception shall apply only to the extent of any such variance so granted or being processed.

(14) Use of any machinery or vehicles by personnel of the State of Maryland or any political subdivision thereof.

§ 79-3. Loud and unnecessary noise prohibited. [Amended 2-23-83 by HB No. 3-83]

It shall be unlawful for any person to make, continue or cause to be made or continued any of the following noises, which are hereby declared to be loud and unnecessary.

A. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street, way, avenue or alley or other public place of the City, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; the sounding of any such device for any unnecessary or unreasonable length of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.

B. Use of radios, phonographs and musical instruments.

(1) The using of, operating of or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto.

(2) The using of, operating of or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound between the hours of 12:00 midnight and 7:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located.

C. Yelling, shouting, hooting, whistling and singing.

(1) Yelling, shouting, hooting, whistling or singing on the public streets or from private property at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence or any persons in the vicinity.

(2) Yelling, shouting, hooting, whistling or singing on the public streets or private property at any time or place in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle from which the noise emanates.

D. The operation of any vehicle equipped with any broadcasting, record-playing or amplification system when any music, the human voice or any other noise shall be broadcast from said vehicle.

§ 79-4. Responsibility of property owner. [Amended 2-23-83 by HB No. 3-83]

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Any owner of property who shall permit loud and unnecessary noise or noise which is in violation of the level established by this chapter shall be subject to the penalties hereof.

§ 79-5. Violations and penalties. [Added 3-3-80 by HB No. 6-80; Amended 8-2-82 by HB No. 13-82, Amended 6-1-98 by HR 98-03, Amended 7-16-01 by HB No. 01-03, Amended 12-3-07 by HO-2007-14]

Violations of this chapter shall be punishable as a municipal infraction as provided in Chapter 20 of this Code. The fine for any single initial violation shall be one hundred dollars (\$100.00), and the fine for each repeat of that offense shall be two hundred dollars (\$200.00).



Hyattsville City Council Agenda Item Report

Meeting Date: January 22, 2018

Submitted by: Candace Hollingsworth, Mayor

Submitting Department: Legislative

Item Type: Policy

Agenda Section: Discussion Items (8:30 p.m. - 9:10 p.m.)

SUBJECT

MBE & WBE in Procurement (10 minutes)

HCC-39-FY18

Recommendation:

I move that the Mayor and Council direct the City Administrator or her designee to modify the City of Hyattsville's procurement policy to include language indicating preference for certified minority and woman-owned business enterprises (MBE/WBE) in addition to the stated local preference. This preference should be transparent to bidders on open RFPs and have a modified tabulation system reflecting such. I further move that the Mayor and Council direct the City Administrator or her designee to publish a list of awarded contracts above \$10,000 on the city's website not less than quarterly. This publication should begin effective January 1, 2018 for future awards and contracts active as of January 1, 2018.

Sponsor(s):

Hollingsworth

Co-Sponsor(s):

N/A

ATTACHMENTS

Summary Background:

The City's procurement policy currently includes a preference for local businesses. This furthers the goal of including small businesses and minority and women business owners in government contracting. It will also serve to provide more transparency into the recipients of contracts awarded by the City of Hyattsville and increase public accountability in furtherance of this goal.

Next Steps:

The City will prepare a modification to the procurement policy for Council discussion, review and approval.

Fiscal Impact:

N/A

City Administrator Comments:

Recommend Approval. The staff has been reviewing state guidelines for implementation of a policy regarding Small, Women and Minority owned businesses.

Community Engagement:

TBD

Strategic Goals:

Goal 4 – Foster Excellence in all City Operations

Legal Review Required?

Pending



Hyattsville City Council Agenda Item Report

Meeting Date: January 22, 2018

Submitted by: Candace Hollingsworth, Mayor

Submitting Department: Legislative

Item Type: Ordinance

Agenda Section: Discussion Items (8:30 p.m. - 9:10 p.m.)

SUBJECT

Public Meetings/Demonstrations (10 minutes)

HCC-35-FY18

Recommendation:

I move that the Mayor and Council direct the City Attorney in consultation with appropriate staff as determined by the City Administrator to draft an ordinance for council approval providing for the issuance of special permit for public meetings/demonstrations to include: a) a process for application, b) notification process for approved permits, c) appeal process for denied permits, and d) standards for approval. I further move that the Mayor and Council direct the City Administrator or her designee to develop administrative procedures governing the approval and issuance of permits for public meetings/demonstrations.

Sponsor(s):

Hollingsworth

Co-Sponsor(s):

N/A

ATTACHMENTS

Summary Background:

The City does not have a process for receiving and reviewing requests to hold a public meeting. With a surge of demonstrations across the country in pursuit of freedom of speech and expression, it is important that the City of Hyattsville be prepared for the management of such events should they occur in the city limits.

Next Steps:

The city attorney will prepare a draft ordinance for discussion and action by the Mayor and Council.

Fiscal Impact:

Legal review.

City Administrator Comments:

Recommend Approval

Community Engagement:

TBD

Strategic Goals:

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

Legal Review Required?

Pending



Hyattsville City Council Agenda Item Report

Meeting Date: January 22, 2018

Submitted by: Nicola Konigkramer

Submitting Department: City Clerk

Item Type: Community Notices

Agenda Section: Community Notices and Meetings

SUBJECT

City Calendar: January 23 - February 5, 2018

HCC-186-FY18

Recommendation:

Sponsor(s):

At the Request of the City Administrator

Co-Sponsor(s):

ATTACHMENTS

[Main City Calendar_Jan 23- Feb 5.docx](#)

Summary Background:

N/A

Next Steps:

N/A

Fiscal Impact:

None

City Administrator Comments:

N/A

Community Engagement:

N/A

Strategic Goals:

Goal 1 – Ensure Transparent and Accessible Governance

Legal Review Required?

N/A

Main City Calendar: January 23 – February 5, 2018

Weekly Program Offerings

Ageless Grace Senior Exercise Classes

Wednesdays and Fridays, 10:00 AM @ City Municipal Building

Creative Minds

Tuesdays and Thursdays, 10:00 AM @ Magruder Park Recreation Center

Call-A-Bus Grocery Trips

Our Call-a-Bus takes seniors and residents with disabilities to grocery stores located in the City of Hyattsville each week. Call (301) 985-5000 to join a trip or add yourself to our Call-A-Bus calendar mailing list.

City Calendar: January 23 – February 5, 2018

Movin' With the Mayor (Three-Part Series)

January 23, 6:30 PM – 9:30 PM @ City Municipal Building

January 30, 6:30 PM – 9:30 PM @ City Municipal Building

January's Movin' With the Mayor is a FREE three-part series focusing on realistic self-defense tactics and techniques for women. RSVP to Ellarose Preston at epreston@hyattsville.org or (301) 985-5006.

Education Advisory Committee Meeting

January 25, 6:30 PM @ City Municipal Building

Health, Wellness, and Recreation Advisory Committee (HWRAC) Meeting

January 25, 7:30 PM @ City Municipal Building

FY-2019 Council Budget Work Session: Council Budget Priorities

January 31, 8:00 PM – 10:00 PM @ City Municipal Building, 3rd Floor Council Chambers

Ethics Commission Meeting

February 1, 7:00 PM – 8:00 PM @ City Municipal Building, 3rd Floor Conference Room

Council Meeting

February 5, 8:00 PM – 10:00 PM @ City Municipal Building, 3rd Floor Council Chambers