



TOWN OF FOREST HEIGHTS TOWN MEETING

Wednesday, November 16, 2022
Municipal Building
ForestHeightsFacebook
Zoom Dial-In 1-301-715-8592
Meeting ID: 563 484 463

Agenda

- I. Call to Order
- II. Roll Call
- III. Moment of Silence
- IV. Pledge of Allegiance to the Flag of the United States of America
- V. Approval of Consent Agenda
 - a. Minutes from October 19
 - b. The November 7, 2022, minutes will be presented at the December 5, 2022, 7:30 PM meeting.
 - c. **Resolution 61-22** A resolution to approve a sub-recipient agreement between the town and the Greater Oxon Hill Community Development Corporation for use of American Rescue Plan Act Funds.
 - d. **Resolution 62-22** A resolution of the Mayor and Council of the Town of Forest Heights, Maryland, to approve the full-time employment and appointment of Daryl Green as a Code Enforcement Officer, with collateral duties as an Animal Control Officer, to serve within the Forest Heights Police Department.
 - e. **Resolution 63-22** A resolution to approve a proposal and contract with Choice Concrete Construction, Inc. for Sidewalk and Curb replacement to improve water flow between 5901 Shoshone St and 5812 Choctaw Drive.
 - f. **Resolution 64-22** A resolution of the Mayor and Council of The Town of Forest Heights, Maryland to approve the employment and appointment of Zaequan Prailow as the Automated Enforcement Clerk to serve within the Forest Heights Police Department.
 - g. **Resolution 65-22** A resolution to approve a contract with Maryland-National Capital Park and Planning Commission for the establishment of a Community Maintenance & Beautification Program.
 - h. **Resolution 66-22** A resolution of the Mayor and Council of the Town of Forest Heights, Maryland to approve the employment and appointment of Anthony Williams as a police officer to serve within the Forest Heights Police Department and to approve a reimbursement agreement.
 - i. **Resolution 67-22** A resolution of the Mayor and Council of the Town of Forest Heights, Maryland to approve the employment and appointment of Hunter Elmore as a Police Officer to serve within the Forest Heights Police Department and to approve a Reimbursement Agreement.
 - j. **Resolution 68-22** A resolution of the mayor and council of the Town of Forest Heights, Maryland to approve an Annexation Concept Plan supporting the future growth, public safety, economic development, and general welfare of the Town of Forest Heights.
- VI. Approval of Agenda
- VII. Public Period
- VIII. Legislation
 - a. **Ordinance No. 3-22** An Ordinance of the Mayor and Council of The Town of Forest Heights, Maryland Revising Article 15 (Parking and Traffic) of The Town Ordinance Code, by Changing, or amending Section 15.3.2 (Parking and Truck Restrictions) to require "Right Wheel To Curb" Parking except on One Way Streets; and to amend Section 5.5 (Speed Prohibited) to increase the General Speed Limit Along Municipal Streets from 20 Mph to 25 Mph and generally related to the regulation of Parking and Traffic within the Town of Forest Heights.

- b. **Charter Amendment Resolution Number 02-22** A Charter Amendment Resolution of the Mayor and Council of the Town of Forest Heights, Maryland, Amending Section 33-1 (Incorporated; General Powers) of the Charter of the Town of Forest Heights, Maryland, to Change the name of the Town to the City of Forest Heights; and generally relating to the corporate name of the municipality.
- c. **Ordinance No. 4-22** An Ordinance of the Mayor and Council of the Town of Forest Heights, Maryland revising Article 15 (Parking and Traffic) of the Town Ordinance Code, by Amending and adding Section 15.17 regarding Snow Emergencies, temporary regulations, and impounding of Vehicles; by amending and adding certain provisions of said Article as Part II (Residential Parking Permits) to provide for a Residential Parking Program in certain residential areas of the Town, and generally relating to the regulation of Traffic and Parking within the Town of Forest Heights.

- IX. New Business
- X. Adjournment

Town of Forest Heights
Town Meeting 8:00 PM
Minutes Wednesday, October 19, 2022

Minutes Call to Order: 8:00 PM

Roll Call: CM Barnes; CM Hines, CM Kennedy, II, CP Lilly, and Mayor Washington, not present CM Atkinson; quorum established.

Moment of Silence:

Mayor Washington dedicates tonight's meeting to former council member Worthington Ross, who passed away this weekend.

Pledge of Allegiance:

Approval of Consent Agenda: Mayor Washington to approve the consent agenda; seconded by CP Lilly; all in favor; Consent Agenda include Resolution 57-22 A Resolution of The Town of Forest Heights, a Political Subdivision of The State of Maryland, Authorizing Participation in The Employees' Pension System and Law Enforcement Officers Pension System of The Maryland State Retirement and Pension System ("MSRPS"), and Resolution 58-22 A Resolution for "Pick-Up" in The Maryland State Retirement and Pension System Employee's Pension System and Law Enforcement Officers Pension System; discussion- none; Motion Pass (6) YES, (0) No,

Approval of Agenda: Motion by Mayor Washington to approve the agenda; seconded by CM Kennedy, II; all in favor; motion passed.

Public Period:

Miss LaSalle. With regard to District 8, a School Board member introduced herself to the mayor and council members as their representative for our district and expressed her desire to collaborate with you to ensure that our students in our area are well served. She shared a little bit about herself. I am a resident of Prince George's County. For the last 20 years, I've been living in District 8 for the last two years, and before that, I was in District 9, where I was very excited about the opportunity to serve the community. and I've been spending time getting to know our schools and our principals. I had the opportunity to go to your elementary school this past summer, and I have a vested interest in working closely with that community and making sure that we provide some beautification to that school and make sure that our students also get the most services that they can get. Because I think that it's a beautiful community with a growing population in the area. And we need to continue to strive to make sure that the elementary is well cared for.

CM Kennedy II, thank Miss LaSalle for attending, and ask if she is aware there are four schools in our jurisdiction: three Elementary Schools and one High School.

Miss LaSalle stated that she was not award and thank him.

CP Lilly also thank her for joining the call and accepting the invitation to come and meet. Hopefully we'll get a chance for you to meet residents in person again. And we're looking forward to the partnership with you and the school board.

Mayor Washington thank Miss LaSalle for attending and mention if she could inform the towns when she have workshops, so that they can put it in the newsletter and inform our community as well?

Miss LaSalle Once she starts, the workshop will be all on the same day. It's going to be one hour in English and one hour in Spanish. I am fluent in both languages, so I want to provide the community, including the Latino community, with an opportunity to come out. So, there'll be topics such as special education and mental health. I'm a licensed clinical social worker, she also welcome and Council suggestions for topics that you would like for us to explore.

Legislation:

Resolution 60-22 A Resolution to approve a contract with Maryland-National Capital Park and Planning Commission for the establishment of a Youth & Community Development Bureau. Mayor's motion to waive the full reading, seconded by CP Lilly; Mayor's motion to adopt Resolution 60-22, seconded by CP Lilly; discussion.

CM Noble inquired as to when the fund would be available.

CP Lilly stated that the fund gets compensated for the cash spent. The funding is provided by the Maryland National Capital Works and Planning Commission. As a result, the monies were utilized this year. So, from July 1 until the end of June 2023, we may begin producing costs that will be repaid later in the fiscal year when we submit those reimbursements.

CM Noble asked because the town was awarded 100,000 due the town have to spend the full \$100,000 to receive that money.

CP Lilly stated that the town will be reimbursed for what it spends.

Resolution 60-22, Motion passed (6) Yes, (0) No

New Business:

Town of Forest Heights
Town Meeting 8:00 PM

Minutes Wednesday, October 19, 2022

CM Barnes stated that when he attended the coffee with Chief Rease, he was unaware that the town now had a detective on staff. He mentioned that the town is definitely growing and congratulated the chief on a job well done.

CP Lilly, On Saturday, I had the opportunity to participate in the town's clean up, which was a collaborative effort between residents and the Department of Public Works. The town clerk was there organizing much of what happened, so thank you to all who came out and thank you to the departments who continued spearheading the effort to recognize where we can beautify the town, at least in small ways. I had another thing I wanted to say. Oh, it was really nice to be able to hear people who are attending the call virtually or online, and hopefully they are able to hear us very well. So I'm really pleased with the progress we've made in getting the audiovisual situation improved so the meeting can flow and everyone can hear one another once they've been introduced. in terms of resolutions and legislation. I wanted to let the council know that I spoke with the lobbyist, Greenwell. They are prepared to introduce and pre-file a bill that would give the town urban renewal authority. But since we have not heard from all the members of the Council, we will be looking to draft a resolution for introduction next month, where the Council members can formally voice their support for or opposition to the town moving forward to acquire that authority through the state. And that would be a bill introduced to the General Assembly by someone who will either be a state senator or a representative in the next session to help us get that authority.

Mayor Washington, recognize one of our council members, CM Kennedy, II, for putting in the hard work on the Haunted House. Mr. Watkins, public works director, He has items placed in temporary storage units for his staff to move at the last minute. And Mrs. Hawkins' quick thinking on her feet as far as coming up with storage solutions so we could make sure that we did what we've been doing for the past 12 years. And I really want to thank all those that were involved in that transition, because we were really having a hard time figuring out where we were going to have this event this year. The events take place on the 29th: the harvest fest, trunk or treat, and the haunted house at 4:00 p.m.

Program Manager O'Connor asked if he could get consent for the MOU for MD 210 (Indian Highway) Maintenance from the Maryland Department of Transportation, State Highway Administration, with the Town of Forest Heights sign and submit it for their approval.

CP Lilly, inquired about language about the reimbursement, was it going to be changed before we send it back to them.

Mayor Washington questioned about the time frame. ..

Program Manager O'Connor anticipates a ten-business-day turnaround from the initial signer before bringing it back to the council for final approval at the next work session.

Kevin Best, Town Attorney So the aim for tonight is to send it to the state highway administration to see whether it's acceptable with the adjustments you make. And then, if the Mayor's Council is willing to change that, return to the state roadway.

Meeting Adjourned 8:32pm

RESOLUTION 61-22
THE TOWN OF FOREST HEIGHTS

**A RESOLUTION TO APPROVE A SUB-RECIPIENT AGREEMENT BETWEEN THE
TOWN AND THE GREATER OXON HILL COMMUNITY DEVELOPMENT
CORPORATION FOR USE OF AMERICAN RESCUE PLAN ACT FUNDS**

Introduced By: Mayor Calvin Washington

WHEREAS, under the funding administered by the State of Maryland pursuant to the American Rescue Plan Act (the Act), there is a Coronavirus State and Local Fiscal Recovery Funds (CLFRF) program, where every level of government will receive funding, regardless of size; and

WHEREAS, pursuant to Section 603(c) of the Act, fiscal recovery funds may be used to enable local governments to respond to the COVID-19 public health emergency, provide premium pay to essential workers, supplement revenue reductions incurred during the pandemic, and to make necessary investments in water, sewer, and broadband infrastructure; and

WHEREAS, on or about July 15, 2021, the Town received confirmation by email from Hagerty Consulting, an agent and contractor of the State of Maryland's Department of Budget and Management, of its request made in compliance with the American Rescue Plan Act of 2021 Coronavirus Local Fiscal Recovery Funds (CLFRF) disbursement; and

WHEREAS, said email further stated that the Town's final allocation is \$2,526,205.34, of which 50%, or \$1,263,102.67, was disbursed to Forest Heights in a first tranche, and pursuant to the U.S. Treasury, the remainder of the funds will be distributed in no less than 12 months by the Md. Department of Housing and Community Development, who is responsible for disbursing the funds; and

WHEREAS, unlike eight (8) of the larger cities in Maryland, the Town of Forest Heights is a non-entitlement municipality under federal Community Development Block Grant (CDBG) program and CLFRF funding will be distributed based on population with estimates for Prince George's County's non-entitlement municipalities to be approximately \$160,941,034 with Forest Heights' share initially estimated at \$2,142,984, later increased, according to the Congressional Research Service, but the amount awarded may not exceed an amount equal to 75 percent of the most recent budget as of January 27, 2020; and

WHEREAS, non-entitlement units ("NEU's"), such as the Town, that receive funding from the State and Local Fiscal Recovery Funds Programs are required to meet compliance and reporting responsibilities including submission of annual Project and Expenditure Reports to the Department of the Treasury until the end of the CLFRF award period on December 31, 2026, and activities funded under this process must be documented in writing by September 30 of each year; and

WHEREAS, in addition to an annual Project and Expenditure Report, NEU'S are further required to report key information provided on Projects, Expenditures, Project Status, Project

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Demographic Description, Subawards, Civil Rights Compliance, and Programmatic Information, and further provide added documentation and information such as a signed award terms and conditions agreement, signed assurances of compliance with Title VI, and provision of various budget documentation; and

WHEREAS, the Town Charter, §33-19(25) authorizes the Council to have, in addition, the power to pass ordinances not contrary to the laws and Constitution of this State to pass ordinances for the specific purposes of accepting gifts and grants of Federal or of State funds from the Federal or State governments or any agency thereof, and to expend the same for any lawful public purpose, agreeably to the conditions under which the gifts or grants were made; and

WHEREAS, on June 23, 2021, the Council passed Emergency Ordinance 02-21 approving the FY 22 Budget and found that said ordinance and/or the supplemental detailed line-item budget referenced in said Emergency Ordinance would necessitate further amendment to receive and appropriate the Town's allocation of Coronavirus State and Local Fiscal Recovery Funds under the American Rescue Plan Act of 2021 ("ARPA"), also called the COVID-19 Stimulus Package or American Rescue Plan, Pub L. No. 117-2; and

WHEREAS, pursuant to Section 33-45 of the Town Charter, the budget shall be prepared and adopted in the form of an ordinance, and pursuant to the Common Law of Maryland, the budget ordinance may be amended by resolution if so authorized pursuant to ordinance such as the original budget ordinance enacting the initial fiscal year budget; and

WHEREAS, on or about November 17, 2021, the Town Council passed Resolution 41-21 to amend the FY 2022 Budget and the detailed line-item budget to add revenue and expenditure line items in the amount of \$1,263,102.67 for line items 6200 and 8200 (ARP Coronavirus Funds) respectively to said budget documents for the first tranche; and

WHEREAS, staff prepared a document entitled "Town of Forest Heights Recovery Plan – State and Local Fiscal Recovery Funds – 2021 Report" (4 pp.), that includes a Table of Expenses by expenditure category outlining the anticipated categories in which the Town will operate its CLFRF programs.

WHEREAS, on or about September 2, 2022, the Town received its second tranche of American Rescue Plan Act funding from the U.S Treasury in the amount of \$1,263,102.67 and is currently in the process of preparing and finalizing the Town of Forest Heights Recovery Plan 2022 Report that will include an updated Table of Expenses by expenditure category outlining the anticipated categories for program operations; and

WHEREAS, one of the approved category of expenses in said Plan includes the allocation of ARPA funds to be distributed as "Aid To Non-Profit Organizations" under the plan category of "Negative Economic Impacts" in connection with the pandemic; and

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THE TOWN OF FOREST HEIGHTS

WHEREAS, the Town of Forest Heights routinely partners with the Greater Oxon Hill CDC on a number of projects that benefit the Town and citizens; and

WHEREAS, the Town is currently partnering with the Greater Oxon Hill CDC, which is utilizing a grant and resources from the Neighborhood Design Center, to complete the first phase of a Commercial Façade Improvement Program for businesses within the town limits to improve the overall aesthetics of the town’s commercial node and the overall municipality; and

WHEREAS, the Town wishes to provide \$22,000.00 of its ARPA funds within the category of Aid To Non-Profit Organizations to the Greater Oxon Hill CDC, a duly registered Maryland non-profit organization in good standing, for general project and program administration and to help defray the costs associated with completing phase one and future phases of the commercial façade improvement program and for other purposes consistent with the use of these funds.

NOW THEREFORE BE IT RESOLVED, that the Town Council hereby approves the attached Sub-Recipient Agreement contained herein and referenced as Exhibit A, which sets forth the parameters connected to receipt of the ARPA funds including, understanding the use of said funds, conditions associated with the funds awarded, performance measures, and documentation to be maintained, submitted and reported by the sub-recipient.

BE IT FURTHER RESOLVED, that the Mayor is authorized to sign the attached Sub-recipient Agreement on behalf of the Town and execute any other related documentation needed to carry out the intent of this Resolution.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon passage.

PASSED this ____ day of November 2022.

APPROVED: By Resolution of the Town Council of The Town of Forest Heights, Maryland

ROLL CALL VOTE

YEA/NAY/ABSTAIN/ABSENT

WASHINGTON

KENNEDY

NOBLE

BARNES

HINES

LILLY

ATKINSON

**RESOLUTION 61-22
THE TOWN OF FOREST HEIGHTS**

ATTEST:

THE MAYOR AND COUNCIL OF THE
TOWN OF FOREST HEIGHTS, MARYLAND

Sherletta Hawkins, Town Clerk

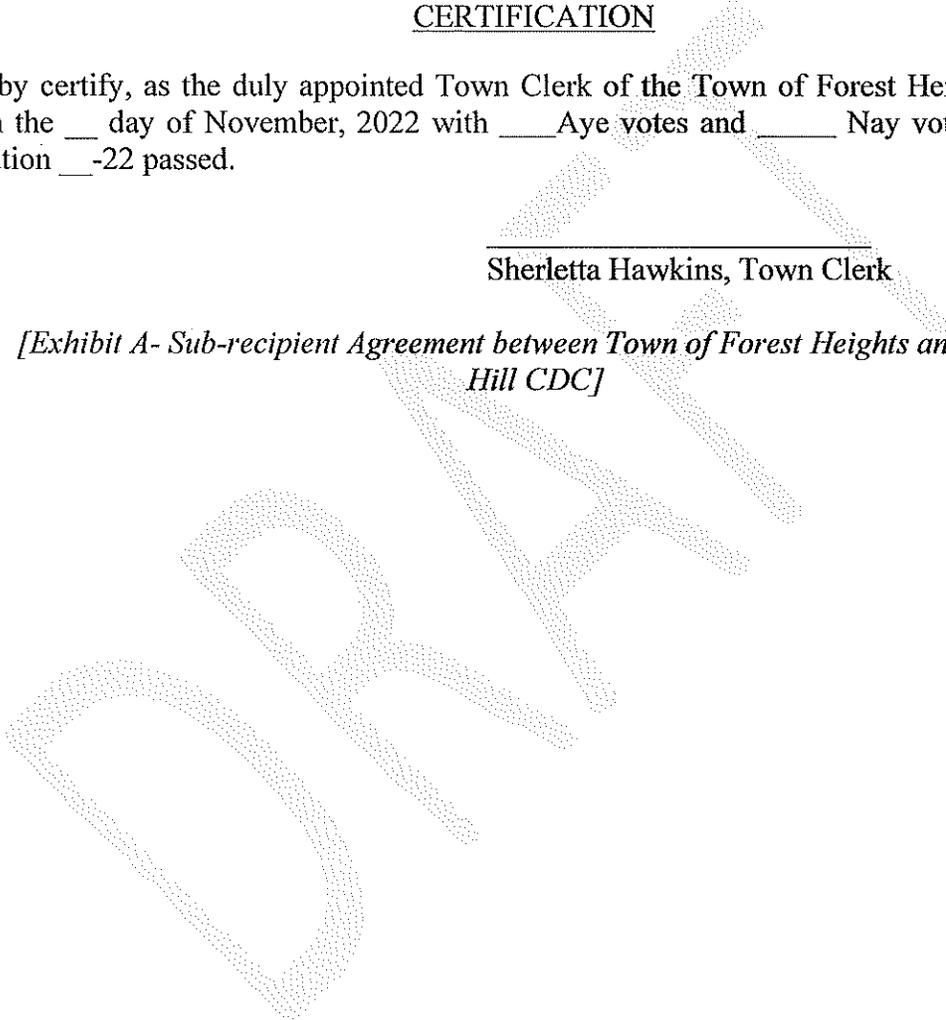
By: _____
Calvin Washington, Mayor

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the ___ day of November, 2022 with ___ Aye votes and ___ Nay votes the aforesaid Resolution ___-22 passed.

Sherletta Hawkins, Town Clerk

[Exhibit A- Sub-recipient Agreement between Town of Forest Heights and Greater Oxon Hill CDC]



TOWN OF FOREST HEIGHTS
RESOLUTION 62-22

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS, MARYLAND TO APPROVE THE FULL-TIME EMPLOYMENT AND APPOINTMENT OF DARYL GREEN AS A CODE ENFORCEMENT OFFICER, WITH COLLATERAL DUTIES AS ANIMAL CONTROL OFFICER, TO SERVE WITHIN THE FOREST HEIGHTS POLICE DEPARTMENT

Introduced By: Mayor Calvin Washington and Council President Troy Lilly

WHEREAS, pursuant to Section 33-18(b) of the Charter, all full-time subordinate officers and employees of the offices, departments, and agencies of the Town government shall be appointed and removed by the Mayor with the consent of the Council, in accordance with rules and regulations of any merit system which may be adopted by the Council; and

WHEREAS, pursuant to Section 23.9 of the Town Code, the appointment of the Code Enforcement Officer shall be approved by ordinance or resolution, and a Code Enforcement Officer shall be appointed by the Mayor with the consent of the Council; and

WHEREAS, the Mayor and the Town Administrator finds that it is in the best interest of the Town to appoint a full time Code Enforcement Officer with collateral duties as Animal Control Officer at this time; and

WHEREAS, Daryl Green is to be hired to fill the vacancy for Code Enforcement Officer and will have the Collateral Duties of Animal Control Officer; and

WHEREAS, The Chief of Police has advised that Mr. Green has the necessary training, knowledge, and experience to serve as a full-time Code Enforcement Officer with collateral duties as Animal Control Officer; and

WHEREAS, the Chief of Police advised in order to maintain Code Enforcement coverage and provide Animal Control Services the Police Department will need to hire full-time personnel; and

NOW THEREFORE BE IT RESOLVED, that the Town Council hereby approves, consents to, and ratifies the appointment of Daryl Green to the position of Code Enforcement Officer with the Collateral Duty of Animal Control Officer

BE IT FURTHER RESOLVED, that said Code Enforcement officer's salary shall be paid from line item 7056 Salary from the FY2023 Budget; and

AND BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its passage.

TOWN OF FOREST HEIGHTS
RESOLUTION 62-22

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon passage.

PASSED this ___ day of November 2022.

APPROVED: By Resolution of the Town Council of The Town of Forest Heights, Maryland

<u>ROLL CALL VOTE</u>	<u>YEA/NAY/ABSTAIN/ABSENT</u>
WASHINGTON	_____
KENNEDY	_____
NOBLE	_____
BARNES	_____
HINES	_____
LILLY	_____
ATKINSON	_____

ATTEST:

THE MAYOR AND COUNCIL OF THE TOWN
OF FOREST HEIGHTS, MARYLAND

Sherletta Hawkins, Town Clerk

By: _____
Calvin Washington, Mayor

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the ___ day of November, 2022 with ___ Aye votes and ___ Nay votes the aforesaid Resolution ___-22 passed.

Sherletta Hawkins, Town Clerk

**THE TOWN OF FOREST HEIGHTS
RESOLUTION 63-22**

A RESOLUTION TO APPROVE A PROPOSAL AND CONTRACT WITH CHOICE CONCRETE CONSTRUCTION, INC. FOR SIDEWALK AND CURB REPLACEMENT TO IMPROVE WATER FLOW BETWEEN 5901 SHOSHONE ST AND 5812 CHOCTAW DRIVE

Introduced by: Mayor Calvin Washington

WHEREAS, the Charter, Section 33-73 (Public ways, control) states that the Town of Forest Heights (the "Town") shall have control of all public ways in the Town except such as may be under the jurisdiction of the State Roads Commission of Maryland or Prince George's County and that subject to the laws of the State of Maryland and this Charter, the Town may do whatever it deems necessary to establish, operate, and maintain in good condition the public ways of the Town; and

WHEREAS, the Town has undertaken various activities in the past designed to improve water drainage of streets, roads, alleys and by-ways in the Town, which began with the preparation of the Drainage Assessment and Inspection Report and the Pedestrian Facilities Assessment and Transition Plan prepared by Pennoni Associates Inc. on January 22, 2011 (the "Report"); and, this was an undertaking generally referred to by the Town as the "Forest Heights Permeable Green Streets Project;" and

WHEREAS, the Report provides information on the Town's storm drainage infrastructure, and Appendix F (Drainage Phase Plan) of the Report is a town-wide Drainage Inlet Map with colorized phases (phase 1-14) recommending phases of repair of the stormwater infrastructure systems; and

WHEREAS, on October 7, 2013, the Mayor and Council pursuant to Resolution 70-13 approved an engineering proposal by Pennoni Associates, Inc., for design of the reconstruction of North Huron Drive, which included an allowance to subcontract with A.D. Marble & Company ("A.D. Marble") whereby Pennoni would incorporate final drainage, SWM, E&S and landscape designs developed by A.D. Marble to prepare a comprehensive set of final design plans, and to further allow Pennoni to incorporate construction specifications, estimates and permits/approvals obtained by A.D. Marble into the final construction and bidding documents; and

WHEREAS, the North Huron Drive Sidewalks – Phase I Project (Contract No. FHRFB 2-17) included reconstruction of more than 2,300 linear feet of pervious concrete sidewalk, reconstruction/upgrades to driveway aprons, construction of ADA compliant concrete ramps, tree and fence removal and installation, and pavement markings to allow for pedestrian flow and access to the area schools; and

WHEREAS, the Mayor and staff reports that for years because of the topography of Forest Heights, rainstorm events have caused water to rush severely from Shoshone and Choctaw Drive, and that this stormwater, following through the natural topographic flow, floods, encroaching upon driveways, front yards and threatens infiltrating the homes of several residents; and

WHEREAS, the Mayor and staff further reports that one major contributing factor is that the sidewalk is in disrepair is little to no curbing to catch and divert the water due to historic repaving of

**THE TOWN OF FOREST HEIGHTS
RESOLUTION 63-22**

the street, layer upon layer, reducing the curb height and rendering it ineffective; therefore, in response to the problem, the administration has asked Choice Concrete to provide a proposal to address the matter and their solution described in its proposal, attached hereto as Exhibit A; and

WHEREAS, the Charter, Section 33-66(g) (Purchases and contracts) states that the Mayor and Council by a two-thirds vote may waive the competitive bidding requirements of said section for good cause shown for sole source procurements of unique products and services provided written findings are made as to the basis of such waiver shall be placed in the journal of the Council's proceedings; and

WHEREAS, the Council finds that some of the rationale for waiving Town competitive procurement requirements are as follows: (i) the bidding process would add at least 30 days to the procurement process and the winter months and colder weather may not allow the project to start until next year; however, Choice Concrete is prepared to mobilize as soon as possible to schedule the project, (ii) the Town has a history of numerous successful repaving and stormwater related projects completed by Choice Concrete, (iii) when the Town had requested bids for similar projects, Choice Concrete has a history of submitting the lowest cost bid with quality service as recently demonstrated with the completed Cree Drive project, (iv) such a stormwater mitigation project should be considered a public safety issue or, at the least a potential "infrastructure hazard" that could expose the Town to legal liability since street maintenance is considered under Maryland law to be a proprietary interest without the typical governmental immunities, (v) the Town is currently in the process of completing a Draft Capital Improvement Plan (CIP) which will prioritize Town Capital and Infrastructure projects and identify funding sources tied to the Budget, and funding has been identified for this project; and

WHEREAS, the Council further finds that time is of the essence and only one named supplier can meet needs within the expedited timeframe; and

WHEREAS, the Staff recommends awarding a contract to Choice Concrete Construction, Inc., a business in good standing with the State and, as stated, having performed numerous contracts with the Town; and

WHEREAS, the Town wishes to enter into an agreement with Choice Concrete Construction, Inc. to perform the above-described repairs in the amount of \$36,520.00

NOW, THEREFORE BE IT RESOLVED that the Town Council hereby accepts the aforementioned Proposal entitled " Proposal No. 22 – 643: Remove and replace existing installed sidewalks, curb and aprons on Shoshone Street to Choctaw Drive." dated October 3rd, 2022, and further approves and authorizes the Town to proceed with the said contract quoted at \$36,520.00 (plus a 10% contingency amount not exceeding a total project amount of \$40,172.00) with certain terms and conditions enumerated therein, prepared by Choice Concrete Construction, Inc., a Maryland company that is in good standing with the State, which is attached hereto and incorporated by reference herein as Exhibit A.

AND, BE IT FURTHER RESOLVED that the Town Council hereby authorizes the finalized written contract with Choice Concrete Construction, Inc. to be paid pursuant to FY23

**THE TOWN OF FOREST HEIGHTS
RESOLUTION 63-22**

Budget Line Item(s): 8200 (*American Rescue Plan Act Expenditures*) with any proofs of insurance and indemnifications deemed necessary by the Town Administrator to protect the Town and carry out the performance of the project described herein.

AND, BE IT FURTHER RESOLVED, that prior to the Mayor signing the approved proposal or contract and notwithstanding anything in said contract to the contrary, the authorized representative of said company or firm shall provide proof of insurance indemnifying the Town, to the satisfaction of the Town Administrator, and that the Contractor shall agree by signing a release and waiver that it will provide and maintain at all times during the term of this agreement, or any other contract it has with the Town, such insurance coverage (Commercial General Liability, Business Automobile Liability, and Workers' Compensation) to adequately protect the Town or as otherwise required by law and that the Contractor shall cover any claim that may arise while engaged in work under any agreement with the Town.

AND, BE IT FURTHER RESOLVED that the Town Council by a two-thirds vote hereby waives the competitive bidding requirements of Section 33-66 of the Town Charter for good cause shown for sole source procurements of unique products and services.

AND, BE IT FURTHER RESOLVED that the Town Administrator and Town Treasurer shall ensure that the Annual Budget Ordinance, as amended, and any duly authorized amendatory budget resolutions, and the detailed line-item budget/quarterly financial reports are properly introduced, enumerated and amended to accommodate, validate and reflect the intent of this Resolution.

AND, BE IT FURTHER RESOLVED that the Mayor, on behalf of the Town, is hereby authorized to enter into the subject Proposal/Contract and execute any other necessary documents needed to carry out the intent of this Resolution prior to the commencement of any work; and

AND, BE IT FURTHER RESOLVED, that the Mayor shall ensure that the Acting or Interim Public Works Supervisor obtains and reviews for sufficiency any necessary traffic control or barricading plans in order to protect the travelling public during the course of construction described in the above approved proposal/contract;

AND BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its passage.

PASSED this ___ day of November 2022.

APPROVED: By Resolution of the Town Council of The Town of Forest Heights, Maryland

ROLL CALL VOTE

YEA/NAY/ABSTAIN/ABSENT

LILLY

KENNEDY II

NOBLE

**THE TOWN OF FOREST HEIGHTS
RESOLUTION 63-22**

BARNES	_____
HINES	_____
WASHINGTON	_____
ATKINSON	_____

ATTEST:

THE TOWN OF FOREST HEIGHTS,
MARYLAND

Sherletta Hawkins, Town Clerk

By: _____
Calvin Washington, Mayor

By: _____
Troy Lilly, Council President

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the ___ day of November 2022 with ___ Aye votes and ___ Nay (2/3rds supermajority) votes the aforesaid Resolution ___-22 passed.

Sherletta Hawkins, Town Clerk

[Exhibit A - Choice Concrete Construction, Inc. *Proposal/Contract (dated October 3rd, 2022, 2022)*]

TOWN OF FOREST HEIGHTS

RESOLUTION 64-22

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS, MARYLAND TO APPROVE THE EMPLOYMENT AND APPOINTMENT OF ZAEQUAN PRAILOW AS AN ADMINISTRATIVE POLICE CLERK TO SERVE WITHIN THE FOREST HEIGHTS POLICE DEPARTMENT

Introduced By: Mayor Calvin Washington

WHEREAS, pursuant to Section 33-66 of the Charter of the Town of Forest Heights (the "Charter") the Town shall have the power to employ such officers and employees as it deems necessary to execute the powers and duties provided by the Charter or other state law and to operate the Town government; and

WHEREAS, pursuant to Section 33-18(b) of the Charter, all full-time subordinate officers and employees of the offices, departments, and agencies of the Town government shall be appointed and removed by the Mayor with the consent of the Council, in accordance with rules and regulations of any merit system which may be adopted by the Council; and

WHEREAS, pursuant to Section 23.9 of the Town Ordinance Code, certain minimum qualifications for an Administrative Police Clerk is stated therein, and the Chief of Police has verified to the Mayor and Council that the candidate is of good moral character and emotionally stable, as determined by a comprehensive background investigation, which includes fingerprinting of the applicant and a search made of local, state and criminal records, including a check of military, selective service, employment and driving records; and

WHEREAS, pursuant to Section 7.90 of the Employee Handbook each new or promoted employee shall be notified of his or her probationary status, and unless other law, regulation or valid contract states otherwise (as in the case of existing merit employees), and at the end of 180 days and satisfactory evaluation by the Supervisor, Police Chief and Mayor, and should the performance evaluation be unsatisfactory, the Police Chief and Mayor may extend the probation period for an additional 180 days; and

WHEREAS, the Council finds that Zaequan Prailow has shown that he has the necessary experience, training, and knowledge to serve as an Administrative Police Clerk in the Police Department and it is in the best interest of the Town to appoint Mr. Prailow as an Administrative Police Clerk.

NOW THEREFORE BE IT RESOLVED, that the Town Council hereby consents to the Mayor's appointment of Zaequan Prailow as an Administrative Police Clerk at the annual salary of \$47,000; and

BE IT FURTHER RESOLVED, that said officer's salary shall be paid from line item 7401 Salary from the FY2023 Budget; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its passage.

AND BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its passage.

**TOWN OF FOREST HEIGHTS
RESOLUTION 64-22**

PASSED this ____ day of November 2022.

APPROVED: By Resolution of the Town Council of The Town of Forest Heights, Maryland

<u>ROLL CALL VOTE</u>	<u>YEA/NAY/ABSTAIN/ABSENT</u>
LILLY	_____
KENNEDY II	_____
NOBLE	_____
BARNES	_____
HINES	_____
WASHINGTON	_____
ATKINSON	_____

ATTEST:

THE TOWN OF FOREST HEIGHTS, MARYLAND

Sherletta Hawkins, Town Clerk

By: _____
Calvin Washington, Mayor

By: _____
Troy Lilly, Council President

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the ____ day of November 2022 with ____ Aye votes and ____ Nay (2/3rds supermajority) votes the aforesaid Resolution ____-22 passed.

Sherletta Hawkins, Town Clerk

**RESOLUTION 65-22
THE TOWN OF FOREST HEIGHTS**

**A RESOLUTION TO APPROVE A CONTRACT WITH MARYLAND-NATIONAL
CAPITAL PARK AND PLANNING COMMISSION FOR THE ESTABLISHMENT OF A
COMMUNITY MAINTENANCE & BEAUTIFICATION PROGRAM**

Introduced By: Mayor Washington and Council President Troy Lilly

WHEREAS, pursuant to Article 21 of the Town Code and Resolution 57-21, the Mayor and Council has created committees including a Beautification and Appearance Committee, which shall advise and assist the Town Council by identifying, recommending, developing programs and projects to improve community appearance, including but not limited to identification of appearance problems, preparing plans to improve community appearance, recommending policies, programs, projects. Seeking grant opportunities and coordinating volunteer beautification projects; and

WHEREAS, pursuant to the Town Charter, §33-20, the Council shall have, in addition, the power to pass ordinances not contrary to the laws and Constitution of this State, for the following specific purposes: (11) (Cooperative activities) to make agreements with other municipalities, counties, districts, bureaus, commissions, and governmental authorities for the joint performance of or for cooperation in the performance of any governmental functions, and (10) (Community Services) to provide, maintain, and operate community and social services for the preservation and promotion of the health, recreation, welfare, and enlightenment of the inhabitants of the Town... and (25) (Grants-in-Aid) to accept gifts and grants of Federal or of State funds from the Federal or State governments or any agency thereof, and to expend the same for any lawful public purpose, agreeably to the conditions under which the gifts or grants were made; and

WHEREAS, by action undertaken pursuant to Maryland Annotated Code, Land Use Article, the governing body of Prince George's County, Maryland, has appropriated for the Town of Forest Heights (the "Town") certain funds totaling \$100,000 in Council Resolution CB-55-2022 for the establishment of a Community Maintenance & Beautification Program; and

WHEREAS, the Mayor and Council finds that Council Resolution CB-55-2022 was enacted for the purpose of approving the Prince George's County portion of the Maryland-National Capital Park and Planning Commission budget and making appropriations and levying certain taxes for Fiscal Year 2023 for the Maryland-National Capital Park and Planning Commission, pursuant to the provisions of the Land Use Article of the Annotated Code of Maryland, as amended ("Land Use Article"); and

WHEREAS, the Commission and the Town desire to cooperate with each other to provide for the establishment of the Community Maintenance & Beautification Program to coordinate and provide services for community-based programming for residents of District 8 and Prince Georges County; and

WHEREAS, the Town as contractor for the Commission will use these funds during the period of July 1, 2022 – June 30, 2023 (FY '23), for, the maintenance of public spaces, improved landscaping, improved signage, and litter abatement, as well as to coordinate with other public and

**RESOLUTION 65-22
THE TOWN OF FOREST HEIGHTS**

private sector resources to accomplish program goals and, to conduct environmental education workshops for residents on planting, gardening and composting in service to people in District 8 pursuant to a budget stated in the proposed contract's scope of services; and

WHEREAS, the Mayor and Council finds that it may also be necessary to hire additional public works employees, contractors to provide analysis and feasibility studies, as well as landscape architects when necessary, and an individual to coordinate these activities; and

WHEREAS, local municipalities and funding is on a reimbursement basis and is often referred to as "Project Charges" or also referred to as "Legislative Mandates."

NOW THEREFORE BE IT RESOLVED, that the Town Council hereby approves the above-referenced Contract with exhibits incorporated herein by reference as Exhibit A; and

BE IT FURTHER RESOLVED, that the Mayor with the assistance of the Town Administrator using existing Town personnel polices shall retain, hire or contract with qualified individuals to serve part time in part-time capacity to implement this program at salaries or contractual cost not to exceed the personnel costs contained within Exhibit A; and

BE IT FURTHER RESOLVED, that the Treasurer in cooperation with the Town Attorney shall prepare the necessary amendatory budget ordinances or resolutions, and any corresponding detailed line-item budgets to accommodate the necessary appropriations and authorized expenditures derived from the allocated funds totaling \$100,000 in Council Resolution CB-55-2022 for the establishment of the Community Maintenance & Beautification Program to provide a complete financial plan for the applicable budget year; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby appoint the following persons to serve on the Beautification and Appearance Committee with cognizance to provide advice and guidance regarding the subject grant proceeds and program:
_____ ; and

BE IT FURTHER RESOLVED, that the Mayor is authorized to execute on behalf of the Council said contract and any other ancillary documents, exhibits, certificates, affidavits, waivers or related minor agreements with the Commission to provide said services relating to the Community Maintenance & Beautification Program and carry out the purposes of this Resolution; and

BE IT FURTHER RESOLVED, that the Mayor is further authorized to sign this Resolution on behalf of the Council for said funding providing such agreement is approved by the Council; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon its passage.

PASSED this ____ day of November 2022.

**RESOLUTION 65-22
THE TOWN OF FOREST HEIGHTS**

APPROVED: By Resolution of the Town Council of The Town of Forest Heights, Maryland

<u>ROLL CALL VOTE</u>	<u>YEA/NAY/ABSTAIN/ABSENT</u>
LILLY	_____
KENNEDY II	_____
NOBLE	_____
BARNES	_____
HINES	_____
WASHINGTON	_____
ATKINSON	_____

ATTEST:

THE TOWN OF FOREST HEIGHTS,
MARYLAND

Sherletta Hawkins, Town Clerk

By: _____
Calvin Washington, Mayor

By: _____
Troy Lilly, Council President

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the ___ day of November 2022 with ___ Aye votes and ___ Nay votes the aforesaid Resolution ___-22 passed.

Sherletta Hawkins, Town Clerk

[Exhibit A - Contract]

**TOWN OF FOREST HEIGHTS
RESOLUTION 66-22**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS, MARYLAND TO APPROVE THE EMPLOYMENT AND APPOINTMENT OF ANTHONY WILLIAMS AS A POLICE OFFICER TO SERVE WITHIN THE FOREST HEIGHTS POLICE DEPARTMENT AND TO APPROVE A REIMBURSEMENT AGREEMENT

Introduced By: Mayor Calvin Washington

WHEREAS, pursuant to Section 33-66 of the Charter of the Town of Forest Heights (the "Charter") the Town shall have the power to employ such officers and employees as it deems necessary to execute the powers and duties provided by the Charter or other state law and to operate the Town government; and

WHEREAS, pursuant to Section 33-18(b) of the Charter, all full-time subordinate officers and employees of the offices, departments, and agencies of the Town government shall be appointed and removed by the Mayor with the consent of the Council, in accordance with rules and regulations of any merit system which may be adopted by the Council; and

WHEREAS, pursuant to Section 23.2 of the Town Ordinance Code, certain minimum qualifications for police officers is stated therein, and the Chief of Police has verified to the Mayor and Council that the candidate is of good moral character and emotionally stable, as determined by a comprehensive background investigation, which includes fingerprinting of the applicant and a search made of local, state and criminal records, including a check of military, selective service, school and credit agency records; and

WHEREAS, pursuant to General Order No. 2016-1 (Ch. 2, § 3) sworn personnel will remain on probation until successfully completing twelve (12) consecutive months of full-time employment with the FHPD and authorized by the FHPD Chief of Police as having successfully completed the probation period; and

WHEREAS, the Council finds that Anthony Williams has shown that he has the necessary experience, training, MPTC certifications and knowledge to serve as a Police Officer in the Police Department and it is in the best interest of the Town to appoint Mr. Williams as a Police Officer.

NOW THEREFORE BE IT RESOLVED, that the Town Council hereby consents to the Mayor's appointment of Anthony Williams as Police Officer at the annual salary of \$50,000.00; and

BE IT FURTHER RESOLVED, that said officer's salary shall be paid from line item 8300 Salary from the FY2023 Budget; and

BE IT FURTHER RESOLVED that the Town Council hereby approves the Reimbursement Agreement, attached hereto, and incorporated herein, as Exhibit 1, which requires said Officer to reimburse the Town in an amount not to exceed \$5,000 should he be unwilling to serve the requisite minimum of two (2) years.

**TOWN OF FOREST HEIGHTS
RESOLUTION 66-22**

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its passage.

PASSED this ___ day of November 2022.

APPROVED: By Resolution of the Town Council of The Town of Forest Heights, Maryland

<u>ROLL CALL VOTE</u>	<u>YEA/NAY/ABSTAIN/ABSENT</u>
LILLY	_____
KENNEDY II	_____
NOBLE	_____
BARNES	_____
HINES	_____
WASHINGTON	_____
ATKINSON	_____

ATTEST:

THE TOWN OF FOREST HEIGHTS, MARYLAND

Sherletta Hawkins, Town Clerk

By: _____
Calvin Washington, Mayor

By: _____
Troy Lilly, Council President

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the ___ day of November 2022 with ___ Aye votes and ___ Nay votes the aforesaid Resolution __-22 passed.

Sherletta Hawkins, Town Clerk

TOWN OF FOREST HEIGHTS

RESOLUTION 67-22

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS, MARYLAND TO APPROVE THE EMPLOYMENT AND APPOINTMENT OF HUNTER ELMORE AS A POLICE OFFICER TO SERVE WITHIN THE FOREST HEIGHTS POLICE DEPARTMENT AND TO APPROVE A REIMBURSEMENT AGREEMENT

Introduced By: Mayor Calvin Washington

WHEREAS, pursuant to Section 33-66 of the Charter of the Town of Forest Heights (the "Charter") the Town shall have the power to employ such officers and employees as it deems necessary to execute the powers and duties provided by the Charter or other state law and to operate the Town government; and

WHEREAS, pursuant to Section 33-18(b) of the Charter, all full-time subordinate officers and employees of the offices, departments, and agencies of the Town government shall be appointed and removed by the Mayor with the consent of the Council, in accordance with rules and regulations of any merit system which may be adopted by the Council; and

WHEREAS, pursuant to Section 23.2 of the Town Ordinance Code, certain minimum qualifications for police officers is stated therein, and the Chief of Police has verified to the Mayor and Council that the candidate is of good moral character and emotionally stable, as determined by a comprehensive background investigation, which includes fingerprinting of the applicant and a search made of local, state and criminal records, including a check of military, selective service, school and credit agency records; and

WHEREAS, pursuant to General Order No. 2016-1 (Ch. 2, § 3) sworn personnel will remain on probation until successfully completing twelve (12) consecutive months of full-time employment with the FHPD and authorized by the FHPD Chief of Police as having successfully completed the probation period; and

WHEREAS, the Council finds that Hunter Elmore has shown that he has the necessary experience, training, MPTC certifications and knowledge to serve as a Police Officer in the Police Department and it is in the best interest of the Town to appoint Mr. Elmore as a Police Officer.

NOW THEREFORE BE IT RESOLVED, that the Town Council hereby consents to the Mayor's appointment of Hunter Elmore as Police Officer at the annual salary of \$50,000.00; and

BE IT FURTHER RESOLVED, that said officer's salary shall be paid from line item 7057 Salary from the FY2023 Budget; and

BE IT FURTHER RESOLVED that the Town Council hereby approves the Reimbursement Agreement, attached hereto, and incorporated herein, as Exhibit 1, which requires said Officer to reimburse the Town in an amount not to exceed \$5,000 should he be unwilling to serve the requisite minimum of two (2) years.

**TOWN OF FOREST HEIGHTS
RESOLUTION 67-22**

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its passage.

PASSED this ___ day of November 2022.

APPROVED: By Resolution of the Town Council of The Town of Forest Heights, Maryland

ROLL CALL VOTE

YEA/NAY/ABSTAIN/ABSENT

LILLY

KENNEDY II

NOBLE

BARNES

HINES

WASHINGTON

ATKINSON

ATTEST:

THE TOWN OF FOREST HEIGHTS, MARYLAND

Sherletta Hawkins, Town Clerk

By: _____
Calvin Washington, Mayor

By: _____
Troy Lilly, Council President

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the ___ day of November 2022 with ___ Aye votes and ___ Nay votes the aforesaid Resolution ___-22 passed.

Sherletta Hawkins, Town Clerk

**TOWN OF FOREST HEIGHTS
RESOLUTION 68-22**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS, MARYLAND TO APPROVE AN ANNEXATION CONCEPT PLAN SUPPORTING THE FUTURE GROWTH, PUBLIC SAFETY, ECONOMIC DEVELOPMENT AND GENERAL WELFARE OF THE TOWN OF FOREST HEIGHTS

Introduced By: Mayor Calvin Washington

WHEREAS, pursuant to the authority contained in Md. Code Ann., Local Gov't Art., Title 4, Subtitle 4, and Section 4-401 (a) of said Article the Town of Forest Heights may enlarge its boundaries by annexation as provided in the subtitle; and

WHEREAS, The Town has undertaken several annexation projects since 1949 and grown its incorporated limits utilizing an annexation plan throughout several of these projects as depicted on Exhibit A (Map of Ninth Extension by CPJ & Assoc. dated July 2021); and

WHEREAS, the Mayor and the Town Administrator finds that it is in the best interest of the Town to authorize staff to begin the planning and assembly of properties with requisite consents to be annexed into the jurisdictional boundaries of the Town of Forest Heights; and

WHEREAS, the Mayor and Council find that it is in the best interest of the Town of Forest Heights Government, residents, and service population to annex these properties for future growth, economic development, public works, and public safety

WHEREAS, the Town is prepared to offer municipal services to the proposed locations to be annexed; and

WHEREAS, the Mayor and Council further finds that properties abutting certain roadways are generally referred to as 5410 Indian Head Hwy (leasehold Parcel 10 rented for FHPD), Tayac Park (M-NCPPC/Forest Heights Local Park abutting Annex. Area 9), Salisbury Dr. (add properties near Annex Area 8), and Clipper Way (lots & parcels near Annex. Area 7) with surrounding properties as shown in Exhibit B (Annexation Concept Plan), attached hereto and incorporated by reference herein, and any relevant or surrounding homeowners associations will be contacted and possibly incorporated into the ongoing plan.

NOW THEREFORE BE IT RESOLVED, that the Town Council hereby approves, consents to, and authorizes staff to proceed with the annexation process and to procure the necessary permissions and professional work product necessary to produce any Annexation Plans, exhibits and Annexation Resolutions to carry forth the proposed annexations described in said concept plan.

BE IT FURTHER RESOLVED, that staff will provide to the Mayor and Council any supplemental growth plans and other detailed documents as the process progresses or changes and the annexation concept plan may be amended, expanded or decreased based on planning and

**TOWN OF FOREST HEIGHTS
RESOLUTION 68-22**

operational tempo and staff is further authorized to proceed with any annexation processes or specific annexation project regarding the above-listed annexations as shown in Exhibit B and/or referenced in the above recitals.

AND BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon passage.

PASSED this ___ day of November 2022.

APPROVED: By Resolution of the Town Council of The Town of Forest Heights, Maryland

<u>ROLL CALL VOTE</u>	<u>YEA/NAY/ABSTAIN/ABSENT</u>
WASHINGTON	_____
KENNEDY	_____
NOBLE	_____
BARNES	_____
HINES	_____
LILLY	_____
ATKINSON	_____

ATTEST:

THE TOWN OF FOREST HEIGHTS,
MARYLAND

Sherletta Hawkins, Town Clerk

By: _____
Calvin Washington, Mayor

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the ___ day of November 2022 with ___ Aye votes and ___ Nay votes the aforesaid Resolution ___-22 passed.

Sherletta Hawkins, Town Clerk

[Exhibits A & B- Exhibit A (Map of Ninth Extension by CPJ & Assoc. dated July 2021) and Annexation Concept Plan]

Town of Forest Heights
Resolution 68-22

**MAYOR AND COUNCIL
THE TOWN OF FOREST HEIGHTS
CHARTER AMENDMENT RESOLUTION NUMBER 02 - 22**

A CHARTER AMENDMENT RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS, MARYLAND AMENDING SECTION 33-1 (INCORPORATED; GENERAL POWERS) OF THE CHARTER OF THE TOWN OF FOREST HEIGHTS, MARYLAND TO CHANGE THE NAME OF THE TOWN TO THE CITY OF FOREST HEIGHTS; AND GENERALLY RELATING TO THE CORPORATE NAME OF THE MUNICIPALITY.

INTRODUCED BY: Mayor Calvin Washington and Councilwoman Paula Noble

WHEREAS, the Town Council is authorized by Article XI-E, § 4 of the Constitution of the State of Maryland and Subtitle 3 of Title 4 of the LG Article of the Annotated Code of Maryland, to amend the Town Charter by a resolution of the legislative body of the municipal corporation; and

WHEREAS, the General Assembly of Maryland passed House Bill 615 during the 2018 session effective July 1, 2018, requiring the legislative body of a municipality to hold a public hearing and give at least 21-days' notice by posting the notice in a public place before adopting a resolution initiated by the legislative body that proposes an amendment to the municipal charter; and

WHEREAS, according to *Maryland's 157: The Incorporated Cities and Towns* (MML 7/1/2000) at p. 3, the designation of a municipal corporation as a city, town, or village does not imply any difference in municipal power or authority; [and] [t]here is no classification, to date, of municipal governments in Maryland, and that municipalities are recognized equally under state law regardless of population or wealth insofar as all of the powers conferred by Article XI-E of the Maryland State Constitution and Section 23A [recodified as the LG Art.] of the Annotated Code of Maryland are available to them through locally adopted charters; and

WHEREAS, the Council finds that 28 of the 157 municipalities of this State including Baltimore City designate their legal names by charter as being a "city;" and

WHEREAS, the case of *Town of Forest Heights v. Maryland-National Capital Park*, 463 Md. 469 (2019) the Court of Appeals of Maryland overruled the Circuit Court for Prince George's County and upheld the Town's legislation by ruling that the annexation of 736.85 acres of land located west and south of the Town was valid, which more than doubled the Town's corporate land area; and

WHEREAS, since its incorporation in 1949, Forest Heights has extended its corporate limits nine times and as of the 2020 decennial census, the Town’s population grew 8.6% to 2,658; and

WHEREAS, the Town has entered into an agreement with Harbor View Development, LLC, to annex an additional 9.0242 +/- acres of territory containing several parcels (Parcels 26-27, 32-33, 35 and 36-37) to allow the development of a mixed-use development to be known as “National View” consisting of a range of multifamily dwellings, retail, and commercial space upon 20.1 +/- acres of land which runs along the southern terminus of Bald Eagle Drive on the south side of the Property and which is situated along Cree Drive on the north side of the site, which could more than double the Town’s current population by 2028; and

WHEREAS, the Mayor and Council further find that it is in the best interest of the Town to amend the Town Charter to change the name of the municipality to the City of Forest Heights in order to reflect the growth, progress and vision for the future of Forest Heights.

Section 1. NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS on this ___ day of December 2022, that the Charter of The Town of Forest Heights, Maryland including the specific sections enumerated below shall be and is hereby changed and amended to read as follows:

FOREST HEIGHTS

GENERAL CORPORATE POWERS

Section 33-1. Incorporated; general powers.

The inhabitants of the ~~[[Town]]~~ CITY of Forest Heights within the corporate limits legally established from time to time are hereby constituted and continued a body corporate by the name of "The ~~[[Town]]~~ CITY of Forest Heights" with all the privileges of a body corporate, by that name to sue and be sued, to plead and be impleaded in any court of law or equity, to have and use a common seal and to have perpetual succession, unless the Charter and the corporate existence are legally abrogated. ANY OTHER REFERENCE IN THIS CHARTER OR ANY ORDINANCE, RESOLUTION, OR REGULATION OF THE TOWN AND ANY LEGAL INSTRUMENT OR CONTRACT OF THE MUNICIPALITY REFERENCING THE LEGAL NAME AS “THE TOWN OF FOREST HEIGHTS” SHALL HENCEFORTH BE CONSTRUED TO MEAN “THE CITY OF FOREST HEIGHTS.” THE CHANGE OF THE MUNICIPALITY’S NAME TO THE “CITY OF FOREST HEIGHTS” SHALL NOT AFFECT THE ENFORCEABILITY, VALIDITY OR CONSTRUCTION OF ANY ORDINANCE OR REGULATION, NOR IMPAIR ANY RIGHTS OR OBLIGATIONS ARISING UNDER ANY CONTRACT OR AGREEMENT PREVIOUSLY ENTERED INTO BY THE TOWN UNDER ITS PREVIOUS LEGAL NAME.

* * *

Section 2. BE IT FURTHER RESOLVED that this Charter Amendment Resolution is adopted on the aforementioned date, and that upon adoption by the Mayor and Council of The Town of Forest Heights, Maryland, a complete and exact copy of this Charter Amendment Resolution shall be posted in the Town Office for a period of at least forty (40) days following the date of its adoption. Additionally, a fair summary of the proposed Amendment shall be published in a newspaper of general circulation in The Town of Forest Heights not less than four (4) times at weekly intervals within the forty (40) days following the adoption this Charter Amendment Resolution.

Section 3. BE IT FURTHER RESOLVED that the Amendment initiated in this Charter Amendment Resolution shall take effect and shall become and be considered the Charter of The Town of Forest Heights, upon the fiftieth day after being so ordained or passed unless on or before the fortieth day after being so adopted and passed a referendum petition meeting the requirements of State law shall be presented to the Mayor and Council of The Town of Forest Heights, Maryland or mailed to it by certified mail, return receipt requested, bearing a postmark from the United States Postal Service.

Section 4. BE IT FURTHER RESOLVED that when the Charter Amendment hereby initiated becomes effective, as provided herein, or following a referendum election, the Town Clerk shall send separately, by certified mail, return receipt requested, to the Department of Legislative Services within 10 days after the charter resolution becomes effective, the following information concerning the Charter Amendment: (i) the complete text of this Charter Amendment Resolution; (ii) the date of the referendum election, if any held with respect thereto; (iii) the number of votes cast for and against this Charter Amendment Resolution by the Mayor and Council of The Town of Forest Heights, Maryland or a referendum election; and (iv) the effective date of the Charter Amendment.

Section 5. BE IT FURTHER RESOLVED that the Town Clerk of The Town of Forest Heights is specifically instructed to carry out the provisions of Sections 2, 3, and 4 hereof, as evidence of compliance herewith, the Town Clerk shall cause to be affixed to this Charter Amendment Resolution and to the Minutes of the Mayor and Council Meeting in which it is adopted (i) an appropriate certificate of publication of the newspaper in which the summary of the Charter Amendment Resolution shall have been published and (ii) return receipts of the mailing referred to in Section 4, and shall further complete and execute the Certificate of Effect attached hereto.

PASSED by the Mayor and Council of The Town of Forest Heights, Maryland at a regular or special meeting on the ___ day of December 2022.

ATTEST:

THE TOWN OF FOREST HEIGHTS,
MARYLAND

Sherletta Hawkins, Town Clerk

Calvin Washington, Mayor

Troy Lilly, Council President

CERTIFICATE OF EFFECT

I, HEREBY CERTIFY THAT THE FOREGOING CHARTER AMENDMENT RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS DESIGNATED CHARTER AMENDMENT RESOLUTION NO. 02 - 22, WAS DULY INTRODUCED, READ, AND WAS ADOPTED BY THE MAYOR AND COUNCIL AT A DULY ANNOUNCED PUBLIC MEETING AND THEREAFTER POSTED AND ADVERTISED FOR FOUR SUCCESSIVE WEEKS, IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF THE ANNOTATED CODE OF MARYLAND AND CHARTER OF THE TOWN OF FOREST HEIGHTS.

ATTEST:

Sherletta Hawkins, Town Clerk
Town of Forest Heights, Maryland

CHARTER AMENDMENT RESOLUTION (“CAR”) SCHEDULE

DATE OF 21-DAY PUBLIC HEARING NOTICE _____
DATE OF CAR INTRODUCTION/PASSED _____
40-DAY POSTING END DATE: _____
FAIR SUMMARY NEWSPAPER _____
WEEKLY PUBLICATION DATES (x 4): _____

EFFECTIVE (50TH DAY) DATE: _____

**MAYOR AND COUNCIL
THE TOWN OF FOREST HEIGHTS**

ORDINANCE NO. 3-22

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS, MARYLAND REVISING ARTICLE 15 (PARKING AND TRAFFIC) OF THE TOWN ORDINANCE CODE, BY CHANGING, OR AMENDING SECTION 15.3.2 (PARKING AND TRUCK RESTRICTIONS) TO REQUIRE “RIGHT WHEEL TO CURB” PARKING EXCEPT ON ONE WAY STREETS; AND TO AMEND SECTION 5.5 (SPEED PROHIBITED) TO INCREASE THE GENERAL SPEED LIMIT ALONG MUNICIPAL STREETS FROM 20 MPH TO 25 MPH AND GENERALLY RELATED TO THE REGULATION OF PARKING AND TRAFFIC WITHIN THE TOWN OF FOREST HEIGHTS.

Introduced By: Mayor Calvin Washington

WHEREAS, pursuant to § 33-20(a) of the Town Charter, the Council shall have the power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or said Charter as it may deem necessary for the good government of the Town; for the protection and preservation of the Town's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town and visitors thereto and sojourners therein; and

WHEREAS, pursuant to § 33-73 of the Town Charter, the Town shall have control of all public ways in the Town except such as may be under the jurisdiction of the State Roads Commission of Maryland or Prince George’s County and subject to the laws of the State of Maryland and this Charter, the Town may do whatever it deems necessary to establish, operate, and maintain in good condition the public ways of the Town; and

WHEREAS, pursuant to § 25-102 of the TR Art. of the State Code, the provisions of the Maryland Vehicle Law do not prevent a local authority, in the reasonable exercise of its police power, from exercising the following powers as to highways under its jurisdiction: (1) Subject to the provisions of § 21-1003.1 of said article, regulating or prohibiting the stopping, standing, or parking of vehicles; ...(10) Altering speed limits as provided in Title 21, Subtitle 8 of said article; and

WHEREAS, pursuant to § 21-803(b) of the Transportation Article of Md. Ann. Code in school zones designated and posted by the local authorities of any municipality within each county may decrease the maximum speed limit in a school zone within the municipality to 15 miles per hour during school hours, provided the municipality pays the cost of placing and maintaining the

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- CAPITALS** : Indicate matter to be added to existing law.
 - [Brackets]** : Indicate matter to be deleted from existing law.
 - ITALICS** : Indicate matter added to bill after introduction.
 - Asterisks * * *** : Indicate that text is retained from existing law but omitted herein.

necessary signs; and

WHEREAS, the Council finds it to be in the best interest of the Town to amend the Town’s parking and traffic ordinances as provided herein below.

SECTION 1.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS, that Article 15 (Parking and Traffic) of the Town of Forest Heights Ordinance Code as written herein below is hereby enacted, adopted, revised and amended such that said Ordinance Code and said Article shall henceforth read as follows:

* * *

ARTICLE 15 – PARKING AND TRAFFIC

Section 15.3.2. Parking and truck restrictions.

Except as necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or a traffic control device, no person shall stop, stand or park any vehicle or operate a truck or commercial vehicle as stated below in any of the following places within the Town:

A. Within 60 feet of any designated school crosswalk between the hours of 8:00 a.m. and 5:00 p.m.;

B. Within 30 feet upon the approach to any flashing signal, stop sign, yield sign, or traffic control signal located at the side of the roadway;

C. [~~In such a position that either wheel on the side of the vehicle closest to the curb or edge of the paved street is more than 12 inches from said curb or edge~~] EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A VEHICLE THAT IS STOPPED OR PARKED ON A TWO-WAY ROADWAY SHALL BE STOPPED OR PARKED PARALLEL TO THE RIGHT HAND CURB OR EDGE OF THE ROADWAY, WITH ITS RIGHT HAND WHEELS WITHIN 12 INCHES OF THAT CURB OR EDGE OF THE ROADWAY, AND A VEHICLE THAT IS STOPPED OR PARKED ON A ONE-WAY ROADWAY SHALL BE STOPPED OR PARKED PARALLEL TO THE CURB OR EDGE OF THE ROADWAY, IN THE DIRECTION OF AUTHORIZED TRAFFIC MOVEMENT, WITH ITS RIGHT HAND WHEELS WITHIN 12 INCHES OF THE RIGHT HAND CURB OR EDGE OF THE ROADWAY OR ITS LEFT HAND WHEELS WITHIN 12 INCHES OF THE LEFT HAND CURB OR EDGE OF THE ROADWAY; or;

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- CAPITALS** : Indicate matter to be added to existing law.
 - [Brackets]** : Indicate matter to be deleted from existing law.
 - ITALICS** : Indicate matter added to bill after introduction.
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* * *

Section 15.5. Speed prohibited.

A. No motor vehicle shall be operated upon any street, road or alley within the corporate limits of the Town, except Indian Head Highway, the Capital Beltway and Livingston Road, at a speed greater than [20] 25 miles per hour under any circumstances or conditions, except for emergency vehicles as permitted under the provisions of the Maryland Transportation Article, and the Motor Vehicle laws of Maryland.

B. No motor vehicle shall be operated at a speed greater than 15 miles per hour in school or playground areas or zones ALONG MUNICIPAL STREETS designated and posted by the Town Council pursuant to Section 15.3 and State law.

* * *

SECTION 2. AND BE IT FURTHER ORDAINED AND ENACTED, that any prior ordinances adopting and enacting any provision of Article 15 of said Code or any other ordinance or resolution previously adopted pertaining to a subject or subjects embodied by the title of this Ordinance or the provisions found herein shall be deemed repealed and superseded by the provisions of this Ordinance. Should a previously enacted ordinance cover a provision or subject that is not covered by this Ordinance, it shall remain in full force and effect unless it directly conflicts with the express language of this Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED AND ENACTED, that this Ordinance shall take effect thirty (30) calendar days following adoption by the Town Council, having been passed by the required yea and nay votes of the Mayor and Council of the Town of Forest Heights.

SECTION 4. AND BE IT FURTHER ORDAINED AND ENACTED, that upon passage, the Town Clerk shall cause to be published a summary of this Ordinance at least twice in the town newsletter or a newspaper having general circulation within the Town of Forest Heights.

HAVING BEEN INTRODUCED AND HAVING BEEN READ as an ordinance and passed by a yea and nay vote of the Mayor and Council of the Town of Forest Heights with the affirmative votes of at least four (4) of the members of the legislative body including the Mayor as indicated below at a Public Meeting of The Mayor and Council of the Town of Forest Heights held on this ___ day of _____ 2022, at _____ o'clock __.m., in the Municipal Building in Forest Heights, Maryland.

PASSED this ___ day of November 2022.

-
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<u>ROLL CALL VOTE</u>	<u>YEA/NAY/ABSTAIN/ABSENT</u>
WASHINGTON	_____
ATKINSON	_____
BARNES	_____
HINES	_____
KENNEDY II	_____
LILLY	_____
NOBLE	_____

I HEREBY CERTIFY that the above Ordinance __ - 22 was passed by the required yea and nay vote of the Mayor and Council of Forest Heights on the ___ day of November 2022.

ATTEST:

THE TOWN OF FOREST HEIGHTS

Sherletta Hawkins, Town Clerk

By: _____
Calvin Washington, Mayor

By: _____
Troy Lilly, Council President

CERTIFICATION

I HEREBY CERTIFY that following its passage, a summary of this Ordinance No. __ -22 has been published at least twice in the Town newsletter or a newspaper having general circulation in the Town of Forest Heights and that an executed copy of this ordinance has been delivered to General Code, LLC for codification.

Date: _____

Sherletta Hawkins, Town Clerk

1st Reader: _____

2nd Reader: _____

-
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**MAYOR AND COUNCIL
THE TOWN OF FOREST HEIGHTS**

ORDINANCE NO. 04-22

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS, MARYLAND REVISING ARTICLE 15 (PARKING AND TRAFFIC) OF THE TOWN ORDINANCE CODE, BY AMENDING AND ADDING SECTION 15.17 REGARDING SNOW EMERGENCIES, TEMPORARY REGULATIONS, AND IMPOUNDING OF VEHICLES; BY AMENDING AND ADDING CERTAIN PROVISIONS OF SAID ARTICLE AS PART II (RESIDENTIAL PARKING PERMITS) TO PROVIDE FOR A RESIDENTIAL PARKING PROGRAM IN CERTAIN RESIDENTIAL AREAS OF THE TOWN, AND GENERALLY RELATING TO THE REGULATION OF TRAFFIC AND PARKING WITHIN THE TOWN OF FOREST HEIGHTS.

Introduced By: Mayor Calvin Washington

WHEREAS, pursuant to Transportation Art., § 25-102(a)(1) and § 21-1001 *et seq.* of the Annotated Code of Maryland, the Town of Forest Heights (the “Town”) has the authority to regulate or prohibit the stopping, standing or parking of vehicles; and

WHEREAS, pursuant to Transportation Art., § 21-1003.1(a) (Residential parking permits) a local authority or a political subdivision may not issue a residential parking permit to the owner of a vehicle to be valid for a period in excess of 30 days unless the owner provides satisfactory evidence that: (1) The vehicle for which the parking permit is sought is registered in the State; or (2) The owner of the vehicle has obtained under § 13-402.1 of the Transportation Article of Md. Ann. Code: (i) A nonresident permit; or (ii) A complimentary guest card; and

WHEREAS, pursuant to § 33-20(a) of the Town Charter, the Council shall have the power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or said Charter as it may deem necessary for the good government of the Town; for the protection and preservation of the Town's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town and visitors thereto and sojourners therein; and

WHEREAS, pursuant to § 33-20(b)(43) of the Town Charter, the Council of the Town of Forest Heights is empowered to pass ordinances not contrary to the laws and Constitution of this State, for the purposes of enforcing within the corporate limits certain police, health, sanitary, fire, building, plumbing, traffic, speed, parking, and other similar regulations; and

WHEREAS, pursuant to § 33-21 of said Charter, for the purpose of carrying out the powers granted in Section 33-20 or elsewhere in said Charter, the Council may pass all necessary

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**MAYOR AND COUNCIL
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ordinances and all the powers of the Town shall be exercised in the manner prescribed by said Charter, or, if the manner be not prescribed, then in such manner as may be prescribed by ordinance; and

WHEREAS, pursuant to § 33-22 of said Charter, to further ensure the observance of the ordinances of the Town, the Council shall have the power to provide that violation thereof be a misdemeanor or municipal infraction enforceable as provided under the general laws of the State and shall have the power to affix thereto a penalty of a fine not exceeding one thousand dollars (\$1,000.00) for each municipal infraction; and

WHEREAS, the Mayor and Council endeavors to provide for an adequate and effective code of traffic and parking regulations in order to promote the health, safety and welfare of the public and to further protect the property rights and liberty of the residents, businesses, visitors and sojourners of the Town; and

WHEREAS, the Mayor and Council hereby finds and declares the need exists to modify the manner in which snow emergencies are handled by the Town and implement a residential permit parking system to improve the appearance, healthful condition, peace and tranquility and value of the residential areas of the Town and strengthen the enforcement and abatement of violations of the Ordinance Code in instances involving the parking of motor vehicles on or near residential property.

SECTION 1.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS, that Article 15 (Parking and Traffic) of the Town of Forest Heights as written herein below is hereby enacted, adopted, revised and amended such that said Ordinance Code and said Article shall henceforth read as follows:

* * *

Article 15 – Parking and Traffic

PART I. GENERAL

Section 15.1. Purpose.

The provisions of this Article are intended to be in addition to and supplementary to the current provisions of the Transportation Article of the Annotated Code of Maryland, as amended, and in accordance with authority specifically granted by said Article of the State Code.

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**MAYOR AND COUNCIL
THE TOWN OF FOREST HEIGHTS**

ORDINANCE NO. 04-22

Section 15.2. Definitions.

The following words and phrases when used in this Article, and for the purpose of this Article, have the meanings respectively ascribed to them in this section:

* * *

K. UNREGISTERED TRAILER — Any trailer of any type or size designed for use upon a street, road or highway which, is not registered with the appropriate motor vehicle agency of the State of Maryland or another state, and displaying evidence of such current registration.

L. VEHICLE — Any automobile, trailer, or other vehicle of a type required to be registered with the Maryland Motor Vehicle Administration as defined in Section 11-176 of the Transportation Article of the Annotated Code of Maryland, as amended.

M. Except when stated otherwise, whenever any words and phrases used herein are not defined in this Article but are defined in the state laws regulating the operation of vehicles, any such definition therein shall be deemed to apply to such words and phrases used in this Article.

* * *

Section 15.3.2: Parking and truck restrictions.

Except as necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or a traffic control device, no person shall stop, stand or park any vehicle or operate a truck or commercial vehicle as stated below in any of the following places within the Town:

A. Within 60 feet of any designated school crosswalk between the hours of 8:00 a.m. and 5:00 p.m.;

* * *

~~L. [On the side of any street opposite the streetlight poles during a snow created state of emergency as declared by Prince George's County pursuant to effective snow emergency plans. Vehicles so parked may be impounded pursuant to Section 15.7 to be parked or driven contrary to the regulations of the chief of police.~~ DURING A DECLARED SNOW EMERGENCY, STANDING OR PARKING A VEHICLE CONTRARY TO THE REGULATIONS OR ORDERS REGARDING THE DIRECTION OF TRAFFIC OR PERMITTED USE OF ANY OF THE STREETS OF THE TOWN AS PROMULGATED WITH REASONABLE NOTICE BY THE

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**MAYOR AND COUNCIL
THE TOWN OF FOREST HEIGHTS**

ORDINANCE NO. 04-22

CHIEF OF POLICE;

* * *

Section 15.13: Penalties; remedies; and fees.

A. Moving violations. All moving violations, including those by any individual violating Section 15.5 (Speed prohibited) or Subsection 15.3.2.N (Truck restrictions) of this ordinance code, shall be cited using the Maryland Uniform Complaint and Citation Form, and upon conviction, shall be fined and/or penalized in accordance with the schedule of fines and penalties determined by the State and set out in a document prepared by the Chief Administrative Judge of the District Court of Maryland and referred to as the "Schedule of Preset Fines and/or Penalty Deposits," as such document (Form #DC-CR-090) may be amended from time to time.

B. Nonmoving violations. Unless otherwise stated in this Article, all nonmoving violations shall be deemed misdemeanors, and shall, unless stated otherwise, subject the violator to a fine of \$75 which, if not paid within 20 days of the date of violation of notice, and shall double to a fine of \$150.

(1) The fine for violation of Section 15.3.2(h) with respect to parking within 15 feet of a fireplug shall be \$150 and, if not paid within 20 days, shall double to a fine of \$300.

* * *

SECTION 15.17: SNOW EMERGENCIES; TEMPORARY REGULATIONS; IMPOUNDING.

A. WHENEVER THE ACCUMULATION OF SNOW AND ICE ON ANY OF THE STREETS IN THE TOWN SHALL BE SUCH THAT MAY IMPEDE OR PREVENT THE PASSAGE OF EMERGENCY SERVICE VEHICLES, AMBULANCES, FIRE APPARATUS OR POLICE DEPARTMENT VEHICLES, SO AS TO INTERFERE WITH THE PROTECTION OF THE PROPERTY, HEALTH AND LIVES OF THE CITIZENS OF THE TOWN, THE CHIEF OF POLICE MAY DECLARED THE EXISTENCE OF A SNOW EMERGENCY AND SHALL GIVE SUCH NOTICE OF THE EXISTENCE AND DECLARATION THEREOF AS HE SHALL DEEM PROPER.

B. UPON THE DECLARATION OF A STATE OF SNOW EMERGENCY, THE CHIEF OF POLICE MAY ISSUE SUCH TEMPORARY EMERGENCY REGULATIONS AS HE MAY DEEM NECESSARY TO REGULATE OR PROHIBIT, DURING SUCH EMERGENCY, THE

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PARKING OF VEHICLES AND THE DIRECTION OF TRAFFIC ON ANY OF THE STREETS OF THE TOWN AND SHALL GIVE SUCH NOTICE THEREOF AS HE SHALL DEEM PROPER. DURING SUCH SNOW EMERGENCY, NO OWNER OR DRIVER OF A VEHICLE SHALL CAUSE, PERMIT, ALLOW OR SUFFER ANY VEHICLE OWNED OR DRIVEN BY HIM TO BE PARKED OR DRIVEN CONTRARY TO THE REGULATIONS OF THE CHIEF OF POLICE. WHEN THE CONDITIONS CREATING THE EMERGENCY NO LONGER EXISTS, NOTICE SHALL BE GIVEN OF THE TERMINATION OF THE TEMPORARY EMERGENCY REGULATIONS IN SUCH A MANNER AS MAY BE DEEMED PROPER BY THE CHIEF OF POLICE.

C. THE POLICE DEPARTMENT IS HEREBY AUTHORIZED AND EMPOWERED TO TAKE POSSESSION OF AND TO REMOVE ANY PARKED VEHICLE OR ANY VEHICLE ABANDONED SO AS TO OBSTRUCT TRAFFIC ON ANY OF THOSE STREETS IN THE TOWN WHICH HAVE BEEN DESIGNATED AS SNOW EMERGENCY ROUTES DURING SUCH TIME THAT A SNOW EMERGENCY EXISTS. THE OWNER OF SUCH VEHICLE MAY THEN RECOVER THE SAME UPON PAYING SUCH CHARGES AS MAY HAVE BEEN INCURRED FOR THE REMOVAL AND STORAGE OF SUCH VEHICLE.

* * *

PART II. RESIDENTIAL PARKING PERMITS

SECTION 15.18: FINDINGS OF FACT; PURPOSE AND INTENT

A. THE MAYOR AND TOWN COUNCIL FIND AND DECLARE THAT SERIOUS ADVERSE CONDITIONS OR THE EFFECT OF CERTAIN NUISANCES IN CERTAIN RESIDENTIAL AREAS AND NEIGHBORHOODS OF THE TOWN OF FOREST HEIGHTS RESULT FROM MOTOR VEHICLE CONGESTION, PARTICULARLY LONG-TERM OR FREQUENT ON STREET PARKING OF MOTOR VEHICLES OR TRAILERS ON THE PUBLIC STREETS OF SUCH AREAS AND NEIGHBORHOODS BY NONRESIDENTS THEREOF, AND BY INDIVIDUAL HOUSEHOLDS PARKING NUMEROUS VEHICLES OR TRAILERS, OR BY PARKING VEHICLES OR TRAILERS THAT ARE NOT PROPERLY REGISTERED.

B. THE MAYOR AND TOWN COUNCIL FURTHER FIND THAT THE CONTINUED VITALITY AND QUALITY OF LIFE OF THE TOWN DEPENDS ON THE PRESERVATION OF SAFE, HEALTHY, AND ATTRACTIVE NEIGHBORHOODS AND RESIDENTIAL AREAS. THE MAYOR AND TOWN COUNCIL FURTHER FINDS THAT AT LEAST ONE MAJOR FACTOR THREATENING THE SAFETY, HEALTH AND ATTRACTIVENESS OF

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**MAYOR AND COUNCIL
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THE TOWN'S NEIGHBORHOODS IS THE AVAILABILITY OF PARKING, BECAUSE THE NUMBER OF MOTOR VEHICLES AND TRAILERS ATTEMPTING TO PARK IN THOSE AREAS OFTEN EXCEEDS THE NUMBER OF AVAILABLE PARKING SPACES.

C. THE MAYOR AND TOWN COUNCIL FURTHER FIND THAT A PROGRAM OF PREFERENTIAL PARKING FOR RESIDENTS IN DESIGNATED NEIGHBORHOODS, WILL HELP TO REDUCE THE PARKING BURDEN IN THESE NEIGHBORHOODS AND, THUS, PROMOTE THE HEALTH, COMFORT AND CONVENIENCE OF THE TOWN'S RESIDENTS. ACCORDINGLY, THE MAYOR AND TOWN COUNCIL SPECIFICALLY FIND THAT THERE IS A COMPELLING NEED, (1) FOR MAINTENANCE OF THE ATTRACTIVENESS AND LIVABILITY OF THE TOWN'S NEIGHBORHOODS AND OTHER RESIDENTIAL AREAS WHICH WILL ENHANCE THE HEALTH, COMFORT AND CONVENIENCE OF THE TOWN NEIGHBORHOODS AND THEIR RESIDENTS, AND (2) TO HELP PROVIDE ON A DAILY BASIS FOR TOWN RESIDENTS TO FIND PARKING FOR THEIR VEHICLES AT OR NEAR THEIR RESIDENCES. THE MAYOR AND TOWN COUNCIL FURTHER FINDS THAT THE INFLUX OF MOTOR VEHICLES AND TRAILERS FROM NONRESIDENTS COMPETES WITH LIMITED AVAILABLE PARKING FURTHER BURDENING THE RESIDENTS OF THE TOWN.

D. THE PERMIT PARKING PROGRAM HEREIN ESTABLISHED IS INTENDED TO REDUCE HAZARDOUS TRAFFIC CONDITIONS RESULTING FROM THE USE OR OVERBURDENING OF STREETS WITHIN THESE AREAS OR NEIGHBORHOODS BY NONRESIDENTS; TO PROTECT THE RESIDENTS OF THESE AREAS FROM UNREASONABLE BURDENS IN GAINING ACCESS TO THEIR RESIDENCES; TO PRESERVE THE VALUE AND CHARACTER OF THE PROPERTY IN RESIDENTIAL DISTRICTS; TO MINIMIZE AIR AND NOISE POLLUTION; TO PROMOTE EFFICIENT STREET MAINTENANCE, WASTE COLLECTION, AND SNOW REMOVAL; TO ENCOURAGE CARPOOLING AND USE OF TRANSIT SYSTEMS; TO PRESERVE THE SAFETY OF CHILDREN AND OTHER PEDESTRIANS, AND FOR THE PEACE, GOOD ORDER, COMFORT, CONVENIENCE AND WELFARE OF THE INHABITANTS OF THE TOWN.

SECTION 15.19: DEFINITIONS

IN ADDITION TO THE DEFINITIONS FOUND IN SECTION 15.2 ABOVE AND FOR THE PURPOSES OF THIS PART II OF ARTICLE 15 (PARKING AND TRAFFIC), THE FOLLOWING WORDS SHALL HAVE THE MEANINGS DEFINED IN THIS SECTION, EXCEPT WHERE THE CONTEXT CLEARLY INDICATES A DIFFERENT MEANING:

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**MAYOR AND COUNCIL
THE TOWN OF FOREST HEIGHTS**

ORDINANCE NO. 04-22

A. *COMMUTER VEHICLE* MEANS A MOTOR VEHICLE, OTHER THAN A RESIDENT VEHICLE AS DEFINED BELOW PARKED IN A RESIDENTIAL AREA IN WHICH IT IS NOT REGISTERED.

B. *CURBSIDE PARKING SPACE* MEANS TWENTY (20) LINEAR FEET OF CURB, EXCLUSIVE OF THOSE PORTIONS OF THE CURB WHERE PARKING, APART FROM THE PROVISIONS OF THIS ARTICLE 15, IS OTHERWISE PERMITTED.

C. *PARKING LOT OR AREA* MEANS ANY PARKING LOT OR AREA OWNED BY OR LEASED TO THE TOWN ON WHICH VEHICLE OR TRAILER PARKING IS PERMITTED BY THE TOWN.

D. *RESIDENT* MEANS A PERSON WHO LIVES OR RESIDES IN A STRUCTURE APPROVED FOR RESIDENTIAL OCCUPANCY AND CAN DEMONSTRATE THE RIGHT TO OCCUPANCY OF A SPECIFIC RESIDENCE IN TOWN.

E. *RESIDENT VEHICLE* MEANS A VEHICLE INCLUDING TRAILERS PARKED IN A RESIDENTIAL AREA IN WHICH IT IS REGISTERED WITH THE TOWN IN ACCORDANCE WITH THE PROVISIONS OF THIS PART II OF ARTICLE 15 OF THE CODE AND IS VALIDLY REGISTERED IN THE TOWN OF FOREST HEIGHTS WITH THE STATE OF MARYLAND DEPARTMENT OF MOTOR VEHICLES.

F. *RESIDENTIAL DISTRICT* MEANS A CONTIGUOUS OR NEARLY CONTIGUOUS AREA CONTAINING PUBLIC STREETS AND HIGHWAYS OR PARTS THEREOF PRIMARILY ABUTTED BY RESIDENTIAL PROPERTY.

G. *NON-COMMERCIAL PROPERTY* MEANS PROPERTY ZONED FOR RESIDENTIAL BUT USED FOR SCHOOLS, PARKS, CHURCHES, FRATERNAL AND VETERAN ORGANIZATIONS, HOSPITALS AND NURSING HOMES.

H. *RESIDENCE* MEANS A DWELLING UNIT.

I. *RESIDENTIAL PARKING PERMIT AREA* MEANS A RESIDENTIAL AREA WITHIN THE TOWN WHERE CURBSIDE PARKING ON PUBLIC STREETS AND HIGHWAYS AND ON PROPERTY OWNED OR LEASED TO THE TOWN IS LIMITED AT POSTED TIMES UNLESS THE VEHICLE OR TRAILER PROPERLY DISPLAYS A PARKING PERMIT AUTHORIZED BY THIS ARTICLE.

SECTION 15.20: DESIGNATION OR WITHDRAWAL OF DESIGNATION OF

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**MAYOR AND COUNCIL
THE TOWN OF FOREST HEIGHTS**

ORDINANCE NO. 04-22

RESIDENTIAL PARKING PERMIT AREAS.

A. EXCEPT AS PROVIDED HEREIN, THE RESIDENTIALLY ZONED AREAS OF THE TOWN OF FOREST HEIGHTS ARE HEREBY DESIGNATED AS A RESIDENT RESTRICTED PARKING AREA. CURBSIDE PARKING SPACES AND PROPERTY OWNED OR LEASED TO THE TOWN WHEREON PUBLIC PARKING IS PERMITTED IN TOWN AS HEREINAFTER DESIGNATED SHALL BE POSTED AS RESIDENTIAL PARKING PERMIT AREAS PERMITTING PARKING ONLY WHERE THE VEHICLE OR TRAILER DISPLAYS A PERMIT ISSUED BY THE TOWN PERMITTING RESIDENTIAL PARKING DURING SPECIFIED TIMES OF THE DAY.

B. CRITERIA. IN DETERMINING WHETHER AN AREA MAY BE DESIGNATED OR UNDESIGNATED AS A RESIDENTIAL PARKING PERMIT AREA, AND WHETHER RESTRICTIONS ARE TO BE IMPOSED, THE MAYOR AND TOWN COUNCIL SHALL CONSIDER FACTORS INCLUDING BUT NOT LIMITED TO THE FOLLOWING: (1) THE NUMBER OF DRIVEWAYS AVAILABLE TO A RESIDENTIAL BLOCK; (2) THE AVAILABILITY OF CURBSIDE PARKING SPACES, (3) THE DIFFICULTY OR INABILITY OF RESIDENTS OF THE AREA TO ACCESS ADEQUATE ON-STREET PARKING DUE TO WIDESPREAD USE OF PARKING SPACES BY NONRESIDENT OR IMPROPERLY REGISTERED VEHICLES, AND (4) THE NUMBER OF CARS WITH FOREST HEIGHTS RESIDENTIAL PARKING STICKERS ON A GIVEN BLOCK.

C. POSTING OF RESIDENTIAL PARKING PERMIT AREA. UPON THE INITIAL OR FUTURE EFFECTIVE DATES OF THE TOWN'S DESIGNATION OR WITHDRAWAL OF DESIGNATION, APPROPRIATE PARKING SIGNS SHALL BE ERECTED OR REMOVED IN THE DESIGNATED AREA OR AREAS. THE SIGNS SHALL PROMINENTLY INDICATE THAT CURBSIDE PARKING ON PUBLIC STREETS IN THE DESIGNATED AREA FOR THE TIMES POSTED IS PROHIBITED UNLESS THE VEHICLE OR TRAILER PROPERLY DISPLAYS A PARKING PERMIT AUTHORIZED BY THIS PART II OF ARTICLE 15. AT A MINIMUM, RESIDENTIAL PARKING PERMIT AREA SIGNS SHALL BE ERECTED AT THE FOLLOWING ENTRANCES OR GATEWAYS TO THE TOWN'S DESIGNATED RESIDENTIAL PARKING AREAS: (1) SENECA DRIVE NEAR THE INTERSECTION OF WOODLAND AND NORTH HURON DRIVES, (2) SHAWNEE DRIVE NEAR THE INTERSECTION OF LIVINGSTON ROAD, (3) COMANCHE DRIVE NEAR THE INTERSECTION OF LIVINGSTON ROAD, (4) ARAPAHOE DRIVE BETWEEN THE MUNICIPAL BUILDING AND LIVINGSTON ROAD, (5) DELAWARE DRIVE NEAR THE INTERSECTION WITH SACHEM DRIVE, (6) SACHEM LANE AT THE INTERSECTION OF SACHEM DRIVE, (7) THE INTERSECTION OF SACHEM AND TECUMSEH DRIVES, AND (8) SACHEM DRIVE AT THE INTERSECTION WITH CREE DRIVE.

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**MAYOR AND COUNCIL
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D. THE MAYOR AND TOWN COUNCIL DECLARES AND ORDAINS THAT THE RESTRICTED PARKING PERMIT HOURS TO BE POSTED SHALL BE FROM 5:00 P.M. UNTIL 10:00 A.M. THE FOLLOWING DAY FOR EACH DAY OF THE WEEK INCLUDING SATURDAY AND SUNDAY.

E. THE PARKING RESTRICTIONS HEREIN ARE APPLICABLE TO ALL VEHICLES IN CURBSIDE PARKING SPACES ALONG PUBLIC STREETS AND HIGHWAYS IN THE DESIGNATED AREA THAT DO NOT PROPERLY DISPLAY A PARKING PERMIT AUTHORIZED BY THE PROVISIONS OF THIS PART II OF ARTICLE 15.

F. UNLESS THE MAYOR, WITH THE RECOMMENDATION OF THE CHIEF OF POLICE, DECIDES BY WRITTEN ORDER OR PROCLAMATION OTHERWISE AND GIVES AT LEAST TWO WEEKS' NOTICE IN THE TOWN'S NEWSLETTER, WEBSITE AND SOCIAL MEDIA SITE (I.E., FACEBOOK), THE INITIAL DESIGNATED RESIDENTIAL DISTRICTS SHALL BE COTERMINOUS WITH THE TOWN'S COUNCILMANIC WARDS AS ESTABLISHED AND DEFINED BY CHARTER PROVIDED THOSE AREAS ARE ZONED RESIDENTIAL.

G. NOTWITHSTANDING ANYTHING HEREIN TO THE CONTRARY, THE MAYOR AND TOWN COUNCIL MAY DESIGNATE, OR REMOVE THE DESIGNATION OF ANY AREA OF THE TOWN TO BE PARKING FOR RESIDENTIAL PARKING ONLY AT ANY AND ALL TIMES, TEMPORARILY OR PERMANENTLY. THE COUNCIL MAY CONDUCT A PUBLIC HEARING AFTER DUE NOTICE HAS BEEN PUBLISHED IN THE TOWN NEWSLETTER OR A NEWSPAPER OF GENERAL CIRCULATION IN THE TOWN.

SECTION 15.21: ISSUANCE, APPLICATION AND TRANSFER OF RESIDENTIAL PARKING PERMITS; OTHER REQUIREMENTS AND CONDITIONS.

A. ISSUANCE. RESIDENTIAL PARKING PERMITS FOR VEHICLES AND TRAILERS, AS OTHERWISE PERMITTED BY THIS ARTICLE, SHALL BE ISSUED BY THE TOWN AS PROVIDED HEREIN FOR A PERIOD OF THREE YEARS, WHICH ISSUANCE MAY BE RENEWED AS PROVIDED HEREIN.

B. APPLICATION FOR RESIDENTIAL PARKING PERMIT. THE APPLICANT IS TO PROVIDE AT A MINIMUM THE FOLLOWING INFORMATION FOR EACH MOTOR VEHICLE AND TRAILER TO RECEIVE A RESIDENTIAL PARKING PERMIT:

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**MAYOR AND COUNCIL
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(1) A VALID MARYLAND OR OTHER STATE VEHICLE REGISTRATION AND, IF APPLICABLE, A MOTOR VEHICLE REGISTRATION CHANGE OF ADDRESS CARD, SHOWING FOREST HEIGHTS AS THE TOWN OF RESIDENCE;

(2) THE MAKE, MODEL, LICENSE PLATE NUMBER AND VEHICLE IDENTIFICATION NUMBER OF THE VEHICLE OR TRAILER;

(3) THE NAME, ADDRESS AND SIGNATURE OF THE APPLICANT FOR THE RESIDENTIAL PARKING PERMIT;

(4) IF THE VEHICLE OWNER HAS A DRIVER'S LICENSE, A VALID MARYLAND MOTOR VEHICLE ADMINISTRATION DRIVER'S LICENSE SHOWING FOREST HEIGHTS AS THE TOWN OF RESIDENCE OR A VALID MARYLAND MOTOR VEHICLE ADMINISTRATION DRIVER'S LICENSE AND A CHANGE OF ADDRESS CARD SHOWING FOREST HEIGHTS AS THE TOWN OF RESIDENCE; AND

(5) ANY OTHER INFORMATION DEEMED NECESSARY BY THE CHIEF OF POLICE TO VERIFY THAT THE APPLICANT FOR A RESIDENTIAL PARKING PERMIT IS A BONA FIDE RESIDENT OF THE TOWN.

C. THE RESIDENTIAL PARKING PERMIT SHALL DISPLAY THE PERMIT NUMBER AND ALPHA-NUMERICAL DESIGNATION OF THE RESIDENTIAL PARKING PERMIT AREA.

D. SUBJECT TO THE LIMITATIONS OUTLINED HEREIN, UPON THE APPLICANT'S SUBMISSION OF A COMPLETED AND VALIDATED RESIDENTIAL PARKING PERMIT APPLICATION, AND FULFILLMENT OF ALL APPLICABLE PROVISIONS HEREOF CONTROLLING ISSUANCE, OR TRANSFER OF RESIDENTIAL PARKING PERMITS, THE APPLICANT MAY RECEIVE ONE (1) RESIDENTIAL PARKING PERMIT, VALID FOR A PERIOD OF THREE YEARS BEGINNING ON MAY 15, 2022, OR THE DATE OF ISSUE, WHICHEVER COMES LATER, FOR THE VEHICLE OR TRAILER DESCRIBED IN THE APPLICATION. THE PARKING PERMIT SHALL BE SECURELY AFFIXED TO THE INSIDE OF THE WINDSHIELD ON THE DRIVER'S SIDE, OR AT SUCH OTHER LOCATION AS DIRECTED BY THE CHIEF OF POLICE. A RESIDENTIAL PARKING PERMIT FOR A TRAILER SHALL BE SECURELY AFFIXED TO THE TRAILER NEAR THE LICENSE PLATE OF THE TRAILER OR AT SUCH LOCATION AS DIRECTED BY THE CHIEF OF POLICE.

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THE TOWN OF FOREST HEIGHTS**

ORDINANCE NO. 04-22

E. OTHER REQUIREMENTS AND CONDITIONS.

(1) NO RESIDENTIAL PARKING PERMIT SHALL BE ISSUED TO A VEHICLE OR A TRAILER WHOSE PRINCIPAL OPERATOR DOES NOT RESIDE WITHIN THE DESIGNATED RESIDENTIAL PARKING PERMIT AREA. EXCEPT AS PROVIDED HEREIN, THE APPLICANT FOR, AND HOLDER OF, THE RESIDENTIAL PARKING PERMIT SHALL BE THE OWNER OR PRINCIPAL OPERATOR OF THE VEHICLE OR TRAILER RECEIVING THE PARKING PERMIT.

(2) PURSUANT TO TRANSPORTATION ART., § 21-1003.1(A) OF THE STATE CODE, THE TOWN MAY NOT ISSUE A RESIDENTIAL PARKING PERMIT TO THE OWNER OF A VEHICLE TO BE VALID FOR A PERIOD IN EXCESS OF 30 DAYS UNLESS THE OWNER PROVIDES SATISFACTORY EVIDENCE THAT: (1) THE VEHICLE FOR WHICH THE PARKING PERMIT IS SOUGHT IS REGISTERED IN THE STATE; OR (2) THE OWNER OF THE VEHICLE HAS OBTAINED UNDER § 13-402.1 OF THE TRANSPORTATION ARTICLE OF MD. ANN. CODE: (I) A STATE-ISSUED NONRESIDENT PERMIT; OR (II) A STATE-ISSUED COMPLIMENTARY GUEST CARD.

(3) A MOTOR VEHICLE OR TRAILER SHALL BE ISSUED A RESIDENTIAL PARKING PERMIT ONLY IF IT DISPLAYS VALID LICENSE PLATES ISSUED BY THE MARYLAND MOTOR VEHICLE ADMINISTRATION OR ITS EQUIVALENT AGENCY IN ANOTHER STATE.

(4) UPON NOTICE TO THE RESIDENT OF AN UNPAID CITATION ISSUED TO THE VEHICLE OR TRAILER OR ANY LICENSED OPERATOR THEREOF THAT IS LEGALLY OVERDUE, THE TOWN MAY REVOKE THE PERMIT.

(5) EXCEPT AS PROVIDED ELSEWHERE HEREIN AND SUBJECT TO CHANGE BY THE TOWN COUNCIL, THERE INITIALLY SHALL BE NO FEE FOR ANY RESIDENTIAL PARKING PERMIT ISSUED FOR ANY VEHICLE OR TRAILER TITLED TO A FOREST HEIGHTS RESIDENT AND NOT USED IN A TRADE OR BUSINESS.

(6) PERMITS ISSUED FOR TRAILERS WHICH ARE OPERATED BY FOREST HEIGHTS RESIDENTS AND USED IN THEIR BUSINESS OR TRADE SHALL BE SUBJECT TO PAYMENT OF A FEE OF \$100.00.

(7) PERMITS ISSUED FOR TRAILERS WHICH ARE OPERATED BY FOREST

CAPITALS : Indicate matter to be added to existing law
[Brackets] : Indicate matter to be deleted from existing law
Asterisks * * * : Indicate that text is retained from existing law but omitted herein.

**MAYOR AND COUNCIL
THE TOWN OF FOREST HEIGHTS**

ORDINANCE NO. 04-22

HEIGHTS RESIDENTS AND USED IN THEIR EMPLOYER'S BUSINESS OR TRADE
SHALL BE SUBJECT TO PAYMENT OF A FEE OF \$300.00.

F. TRANSFER. UPON THE HOLDER'S PAYMENT OF ANY HEREINAFTER ESTABLISHED FEE SUBMISSION OF COMPLETE AND VALIDATED RESIDENTIAL PARKING PERMIT APPLICATION, FULFILLMENT OF ALL APPLICABLE PROVISIONS HEREOF CONTROLLING ISSUANCE, RENEWAL, OR TRANSFER OF RESIDENTIAL PARKING PERMITS, AND SURRENDER OF THE EXISTING RESIDENTIAL PARKING PERMIT, THE HOLDER SHALL RECEIVE A NEW RESIDENTIAL PARKING PERMIT FOR THEIR QUALIFYING VEHICLE OR TRAILER.

G. REPLACEMENT. UPON THE HOLDER'S PAYMENT OF ANY HEREINAFTER ESTABLISHED FEE, IF ANY, VERIFICATION OF THE HOLDER'S PRIOR SUBMISSION OF A COMPLETED AND VALIDATED RESIDENTIAL PARKING PERMIT APPLICATION, FULFILLMENT OF ALL APPLICABLE PROVISIONS HEREOF AND AFFIRMATION THAT THE HOLDER'S PERMIT WAS LOST, STOLEN, OR DESTROYED, THE HOLDER MAY RECEIVE A NEW RESIDENTIAL PARKING PERMIT. THE LOST, STOLEN OR DESTROYED PERMIT SHALL BE CONSIDERED VOID, AND THEREUPON ANY USE OF A VOIDED PERMIT IS PROHIBITED.

SECTION 15.22: USE OF PARKING PERMITS; EXEMPTIONS.

A. A PARKING PERMIT SHALL NOT GUARANTEE OR RESERVE A PARKING SPACE WITHIN A DESIGNATED RESIDENTIAL PARKING PERMIT AREA, NOR EXEMPT THE HOLDER FROM THE OBSERVANCE OF ANY TRAFFIC REGULATION OTHER THAN THE POSTED PARKING LIMITATIONS FOR RESIDENTIAL PERMIT PARKING AREAS. A PARKING PERMIT SHALL NOT AUTHORIZE THE STANDING OR PARKING OF ANY VEHICLE IN SUCH PLACES AND DURING SUCH TIMES WHEN THE STOPPING, STANDING OR PARKING OF VEHICLES IS PROHIBITED OR SET ASIDE FOR SPECIFIED TYPES OF VEHICLES, AND SHALL NOT EXCUSE THE OBSERVANCE OF ANY TRAFFIC ORDINANCE OR REGULATION.

B. WHENEVER THE HOLDER OF A PARKING PERMIT, OR THE VEHICLE OR TRAILER FOR WHICH THE RESIDENTIAL PARKING PERMIT WAS ISSUED, NO LONGER FULFILLS ONE OR MORE OF THE APPLICABLE PROVISIONS HEREOF CONTROLLING ISSUANCE, RENEWAL OR TRANSFER OF PARKING PERMITS, THE PERMIT SHALL BE DEEMED TO HAVE EXPIRED AND THE HOLDER SHALL NOTIFY THE TOWN AND SURRENDER THE PARKING PERMIT. UNTIL ITS EXPIRATION, SURRENDER OR REVOCATION, A PARKING PERMIT SHALL REMAIN VALID FOR SUCH TIME AS THE

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**MAYOR AND COUNCIL
THE TOWN OF FOREST HEIGHTS**

ORDINANCE NO. 04-22

MAYOR AND TOWN COUNCIL DESIGNATE FOR RENEWAL AND THE HOLDER CONTINUES TO RESIDE WITHIN THE DESIGNATED RESIDENTIAL PARKING PERMIT AREA.

C. IT SHALL BE A VIOLATION HEREOF FOR THE HOLDER OF A PARKING PERMIT TO FAIL TO SURRENDER THE PERMIT WHEN DIRECTED TO DO SO BY THE CHIEF OF POLICE OR OTHER AUTHORIZED OFFICIAL OR EMPLOYEE OF THE TOWN.

D. IT SHALL BE A VIOLATION HEREOF FOR ANY PERSON TO REPRESENT IN ANY FASHION THAT A VEHICLE IS ENTITLED TO A PARKING PERMIT AUTHORIZED HEREIN WHEN THEY OR IT ARE NOT SO ENTITLED. THE DISPLAY OF A PARKING PERMIT ON A VEHICLE NOT ENTITLED TO SUCH A PARKING PERMIT SHALL CONSTITUTE SUCH A REPRESENTATION.

E. IT SHALL BE A VIOLATION HEREOF FOR ANY PERSON BY ANY MEANS TO DUPLICATE, ATTEMPT TO DUPLICATE OR DISPLAY A COUNTERFEIT PARKING PERMIT ISSUED UNDER THE TERMS HEREOF.

F. EXEMPTIONS.

(1) THE PROVISION HEREOF SHALL NOT SUPERSEDE THE PROVISIONS OF THE TOWN ORDINANCES, OR COUNTY AND STATE LAWS RELATING TO PARKING BY DISABLED PERSONS.

(2) THE FOLLOWING VEHICLES ARE SPECIFICALLY EXEMPTED FROM THE PARKING RESTRICTIONS IMPOSED HEREIN:

(A) A MOTOR VEHICLE OR TRAILER OWNED BY OR OPERATED UNDER CONTRACT TO A UTILITY OR OTHER ENTITY UNDER THE JURISDICTION OF THE STATE PUBLIC SERVICE COMMISSION, WHEN USED IN THE CONSTRUCTION, OPERATION, REMOVAL OR REPAIR OF UTILITY PROPERTY OR FACILITIES OR ENGAGED IN WORK IN THE DESIGNATED RESIDENTIAL PARKING PERMIT AREA.

(B) A MOTOR VEHICLE IDENTIFIED AS OWNED BY OR OPERATED UNDER CONTRACT TO A FEDERAL, STATE, OR LOCAL GOVERNMENTAL AGENCY AND BEING USED IN THE COURSE OF OFFICIAL GOVERNMENT BUSINESS.

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**MAYOR AND COUNCIL
THE TOWN OF FOREST HEIGHTS**

ORDINANCE NO. 04-22

(C) AN AUTHORIZED EMERGENCY VEHICLE AS DEFINED BY STATE LAW.

SECTION 15.23: TEMPORARY PERMITS.

A. DISPLAY OF TEMPORARY PARKING PERMITS. ALL TEMPORARY PARKING PERMITS SHALL BE DISPLAYED ON OR ABOUT THE FRONT WINDSHIELD OF THE VEHICLE SO AS TO BE EASILY VISIBLE FROM OUTSIDE THE VEHICLE. SUCH PARKING PERMITS SHALL CONTAIN THE PERMIT NUMBER AND THE ALPHANUMERICAL DESIGNATION OF THE RESIDENTIAL PARKING PERMIT AREA.

B. TEMPORARY PARKING PERMITS

(1) THE TOWN MAY ISSUE TEMPORARY PARKING PERMITS TO TOWN RESIDENTS FROM TIME TO TIME IF THE RESIDENT DEMONSTRATES A NEED TO THE SATISFACTION OF THE TOWN THAT THE ISSUANCE OF A TEMPORARY PARKING PERMIT IS NECESSARY AND PROPER. EXAMPLES OF APPROPRIATE ISSUANCES OF TEMPORARY PARKING PERMITS INCLUDE BUT ARE NOT LIMITED TO VEHICLES THAT BELONG TO A STUDENT RESIDENT IN FOREST HEIGHTS DURING THE COURSE OF THEIR ACADEMIC YEAR OR A MEMBER OF THE ARMED FORCES OF THE UNITED STATES ON ACTIVE DUTY, OR A RESIDENT WHOSE HOME CANNOT BE OCCUPIED BECAUSE OF ONGOING IMPROVEMENTS, OR A CAREGIVER WHO CANNOT SATISFY THE REQUIREMENTS FOR A RESIDENTIAL PARKING PERMIT BUT CAN DEMONSTRATE REASONABLE NECESSITY OR HARDSHIP JUSTIFYING THE ISSUANCE OF A TEMPORARY PARKING PERMIT.

(2) TEMPORARY PARKING PERMITS ARE TO BE ISSUED FOR A PERIOD OF THREE (3) MONTHS OR LONGER COMMENSURATE WITH THE ACADEMIC TERM, MILITARY ASSIGNMENT, OR THE PERIOD OF TIME NO GREATER THAN IS NECESSARY TO COMPLETE THE MILITARY OR CARE GIVING ASSIGNMENT, OR THE PERIOD OF TIME NO GREATER THAN IS NECESSARY TO COMPLETE THE HOME IMPROVEMENT PERMITTING OCCUPANCY. IN EACH SITUATION THE INDIVIDUAL REQUESTING THE PERMIT SHALL PROVIDE TO THE TOWN SUCH INFORMATION AS REQUIRED BY THE TOWN TO ISSUE THE PERMIT AUTHORIZED BY THIS SECTION.

SECTION 15.24: VISITOR PARKING AND PERMITS.

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**MAYOR AND COUNCIL
THE TOWN OF FOREST HEIGHTS**

ORDINANCE NO. 04-22

A. THE TOWN COUNCIL MAY DESIGNATE ANY AREA OR PARKING SPACE IN THE TOWN TO BE PARKING FOR RESIDENTIAL VISITOR PARKING ONLY AT ALL TIMES, TEMPORARILY OR PERMANENTLY.

B. ISSUANCE OF VISITOR PERMITS. UPON APPLICATION OF ANY RESIDENT AND UPON GOOD CAUSE BEING SHOWN, THE CHIEF OF POLICE OR HER/HIS DESIGNEE MAY ISSUE A VISITOR PARKING PERMIT TO A RESIDENT FOR VEHICLES BELONGING TO A VISITOR TO THEIR RESIDENCE. SAID VISITOR PARKING PERMIT SHALL BE SUBJECT TO SUCH LIMITATIONS AS ARE REASONABLY IMPOSED BY THE CHIEF OF POLICE UPON ALLOCATION AND SHOWING OF GOOD CAUSE. THE ADMINISTRATIVE OFFICE MAY ALSO ISSUE TO A SPECIFIED RESIDENT AN UNLIMITED NUMBER OF VISITOR PERMITS. FOR THE PURPOSES HEREOF, THE RESIDENT SHALL BE THE HOLDER OF AND RESPONSIBLE FOR THE USE AND MISUSE OF VISITOR PARKING PERMITS ISSUED TO THE RESIDENT.

C. DISPLAY OF VISITOR PARKING PERMITS. ALL VISITOR PARKING PERMITS SHALL BE DISPLAYED ON OR ABOUT THE FRONT WINDSHIELD OF THE VEHICLE SO AS TO BE EASILY VISIBLE FROM THE OUTSIDE OF THE VEHICLE OR AS THE CHIEF OF POLICE MAY PRESCRIBE.

D. NO VEHICLE ISSUED A RESIDENTIAL VISITOR PARKING PERMIT SHALL PARK IN A PARKING SPACE POSTED FOR NON-PERMIT VEHICLE PARKING BETWEEN THE HOURS 5:00 P.M. AND 10:00 P.M.

SECTION 15.25: PARKING OF VEHICLE ISSUED RESIDENTIAL PARKING PERMIT IN SPACE POSTED FOR NON-PERMIT VEHICLE.

NO VEHICLE ISSUED A RESIDENTIAL PARKING PERMIT SHALL PARK IN A PARKING SPACE POSTED FOR NON-PERMIT VEHICLE PARKING BETWEEN THE HOURS 5:00 P.M. AND 10:00 P.M.

SECTION 15.26: RULEMAKING AND FEES.

A. THE CHIEF OF POLICE IS AUTHORIZED TO ESTABLISH ALL WRITTEN REGULATIONS AND PROCEDURES NECESSARY TO IMPLEMENT AND ENFORCE THE PROVISIONS OF THIS PART II OF ARTICLE 15, INCLUDING BUT NOT LIMITED TO REGULATING THE TOTAL NUMBER OF PARKING PERMITS PER RESIDENCE OR RESIDENTIAL DISTRICT, AND COLLECTING ALL FEES AND FINES PERTAINING TO THIS RESIDENTIAL PARKING PERMIT ORDINANCE. ALL SUCH WRITTEN

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**MAYOR AND COUNCIL
THE TOWN OF FOREST HEIGHTS**

ORDINANCE NO. 04-22

REGULATIONS AND PROCEDURES SHALL BE PUBLISHED IN THE TOWN NEWSLETTER AND THE TOWN WEBSITE AT LEAST TWO WEEKS PRIOR TO THEIR EFFECTIVE DATE.

B. ANY FEES OR CHARGES AUTHORIZED BY THIS PART II OF ARTICLE 15 MAY BE MODIFIED OR ESTABLISHED FROM TIME TO TIME BY WRITTEN RESOLUTION OF THE TOWN COUNCIL.

SECTION 15.27: RESTRICTIONS, PENALTIES AND LIENS.

A. IT SHALL BE A MUNICIPAL INFRACTION FOR ANY PERSON TO PARK OR LEAVE STANDING ANY VEHICLE DURING THE TIME DESIGNATED ON THE POSTED SIGNS IN A DESIGNATED RESIDENTIAL PERMIT PARKING AREA, WITHOUT A PERMIT FOR SUCH ZONE. UNLESS OTHERWISE PROVIDED, THE PENALTY FOR EACH PARKING VIOLATION HEREOF SHALL BE A FINE OF SEVENTY-FIVE AND 00/00 DOLLARS (\$75.00).

B. IT SHALL BE A MUNICIPAL INFRACTION FOR ANY PERSON TO VIOLATE ANY OTHER PROVISION OF THIS ARTICLE 15, PART II OTHER THAN THE PARKING PROVISION AS OUTLINED IMMEDIATELY ABOVE IN SUBSECTION A THIS SECTION. THE PENALTY SHALL BE ONE HUNDRED DOLLARS (\$100.00).

C. THE FALSIFICATION OF ANY APPLICATION FOR A PERMIT OR TEMPORARY PERMIT, THE USE OF ANY PERMIT, GUEST PERMIT OR TEMPORARY PERMIT BY OTHER THAN THE PERMITEE AND THE ALLOWANCE OF SUCH USE BY A PERMITEE SHALL ALL CONSTITUTE MUNICIPAL INFRACTIONS. THE PENALTY SHALL BE A FINE OF FIVE HUNDRED AND 00/00 DOLLARS (\$500.00) FOR THE FIRST OFFENSE AND ONE THOUSAND AND 00//00 DOLLARS (\$1,000.00) FOR EACH SUBSEQUENT OFFENSE.

D. UNLESS A RULE OR REGULATION PROMULGATED BY THE CHIEF OF POLICE STATES OTHERWISE, A REQUEST FOR THE RENEWAL OF A PARKING PERMIT MAY BE MADE WITHIN SIX MONTHS FOLLOWING ITS EXPIRATION WITHOUT CHARGE. ALL REQUESTS SEEKING A RENEWAL FOLLOWING SUCH SIX-MONTH PERIOD SHALL BE SUBJECT TO A FEE OF \$45.00.

E. IF THE PERMIT HOLDER OR RESIDENT IS AN OWNER OF REAL PROPERTY WITHIN THE TOWN, ANY UNPAID CHARGE, FEE OR FINE AWARDED BY A COURT OF COMPETENT JURISDICTION AS AUTHORIZED BY THIS PART II SHALL BE CONSIDERED A LIEN AND MAY BE COLLECTED IN THE SAME MANNER AS REAL

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**MAYOR AND COUNCIL
THE TOWN OF FOREST HEIGHTS**

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ESTATE TAXES.

F. NO RESIDENTIAL PARKING PERMIT SHALL BE ISSUED FOR ANY VEHICLE FOR WHICH A FULLY ADJUDICATED CITATION ISSUED BY THE TOWN REMAINS UNPAID OR TO A PERSON WHILE A CITATION FOR ANY FULLY ADJUDICATED VIOLATION OF THIS PART II REMAINS UNPAID.

SECTION 15.28. REVOCATION OF PERMIT.

A. IN ADDITION TO THE PENALTIES PROVIDED ABOVE IN THIS PART II FOR VIOLATION HEREOF, THE TOWN MAY REVOKE THE RESIDENTIAL PARKING PERMIT OF ANY PERSON FOUND TO BE IN VIOLATION OF THIS PART II OF ARTICLE 15 AND, UPON WRITTEN NOTIFICATION THEREOF, THE PERSON SHALL SURRENDER SUCH PERMIT TO THE TOWN.

B. FAILURE TO SURRENDER A REVOKED RESIDENTIAL PARKING PERMIT WHEN REQUESTED TO DO SO SHALL CONSTITUTE A SEPARATE MUNICIPAL INFRACTION.

C. NOTHING HEREIN SHALL BE CONSTRUED AS AUTHORIZING A PERMITEE TO VIOLATE ANY TRAFFIC REGULATION, EMERGENCY OR OTHERWISE, DULY ADOPTED BY THE TOWN.

SECTION 2. AND BE IT FURTHER ORDAINED AND ENACTED, that if any part, section, subsection, sentence, clause, phrase or portion thereof is held to be invalid, or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions hereof.

SECTION 3. AND BE IT FURTHER ORDAINED AND ENACTED, that any prior ordinances adopting and enacting any provision of Article 15 of said Code or any other ordinance or resolution previously adopted pertaining to a subject or subjects embodied by the title of this Ordinance or the provisions found herein shall be deemed repealed and superseded by the provisions of this Ordinance. Should a previously enacted ordinance cover a provision or subject that is not covered by this Ordinance, it shall remain in full force and effect unless it directly conflicts with the express language of this Ordinance.

SECTION 4. AND BE IT FURTHER ORDAINED AND ENACTED, that this Ordinance shall take effect thirty (30) calendar days following adoption by the Town Council,

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**MAYOR AND COUNCIL
THE TOWN OF FOREST HEIGHTS**

ORDINANCE NO. 04-22

having been passed by the required yea and nay votes of the Mayor and Council of the Town of Forest Heights.

SECTION 5. AND BE IT FURTHER ORDAINED AND ENACTED, that upon passage, the Town Clerk shall cause to be published a summary of this Ordinance at least twice in the Town newsletter or a newspaper having general circulation within the Town of Forest Heights.

HAVING BEEN INTRODUCED AND HAVING BEEN READ, as an ordinance and passed by a yea and nay vote of the Mayor and Council of the Town of Forest Heights with the affirmative votes of at least four (4) of the members of the legislative body including the Mayor as indicated below at a Public Meeting of The Mayor and Council of the Town of Forest Heights held on this ___ day of _____ 2022, at _____ o'clock ____ .m., in the Municipal Building in Forest Heights, Maryland.

<u>ROLL CALL VOTE</u>	<u>YE/NAY/ABSTAIN/ABSENT</u>
ATKINSON	_____
BARNES	_____
BROWNSON	_____
HINES	_____
LILLY	_____
NOBLE	_____
WASHINGTON	_____

I HEREBY CERTIFY that the above Ordinance No. __-22 was passed by the required yea and nay vote of the Mayor and Council of the Town of Forest Heights on the ___ day of _____ 2022.

ATTEST:

THE TOWN OF FOREST HEIGHTS

Sherletta Hawkins, Town Clerk

By: _____
Calvin Washington, Mayor

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**MAYOR AND COUNCIL
THE TOWN OF FOREST HEIGHTS**

ORDINANCE NO. 04-22

By: _____
Troy Lilly, President

CERTIFICATION

I HEREBY CERTIFY that following its passage, a summary of this Ordinance No. ___-22 has been published at least twice in the Town newsletter or a newspaper having general circulation in the Town of Forest Heights and that an executed copy of this ordinance has been delivered to General Code, LLC for codification.

Date: _____

Sherletta Hawkins, Town Clerk

1st Reader: _____

2nd Reader: _____

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**MAYOR AND COUNCIL
THE TOWN OF FOREST HEIGHTS**

ORDINANCE NO. 05-22

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS GRANTING A RENEWAL OF THE CABLE FRANCHISE TO COMCAST OF MARYLAND, LLC AND AUTHORIZING A FRANCHISE AGREEMENT

Introduced By: Mayor Calvin Washington

WHEREAS, pursuant to §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, the Town of Forest Heights (hereinafter, the “Town”) has the power to pass such ordinances as it deems necessary to protect the health, safety and welfare of the citizens of the municipality; and

WHEREAS, the Town Council has the ordinance making power under §5-204(d) of the Local Government Article, Annotated Code of Maryland to grant non-exclusive cable franchises; and

WHEREAS, the Town Council has the power under §33-20(b)(22)(Franchises) of the Town Charter to pass ordinances not contrary to the laws and Constitution of this State, for the specific purposes: To grant and regulate franchises to electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies, and any others which may be deemed advantageous and beneficial to the Town, subject, however, to the limitations and provisions of the Annotated Code of Maryland, but no franchise shall be granted for a longer period than fifty years; and

WHEREAS, the Town has enacted and codified in Article 6 of the Town Ordinance Code an article governing cable television; and

WHEREAS, pursuant to § 6.3.F of the Code of the Town of Forest Heights, the Town shall provide for the holding of a public hearing within the proposed franchise area, following reasonable notice to the public and the public and all interested parties afforded a reasonable opportunity to be heard; and

WHEREAS, the Town entered into a cable franchise agreement with Comcast of Maryland, LLC which ended in 2015, but has been extended during the negotiation of the renewal of the franchise agreement; and

WHEREAS, through a consortium of participating municipalities, the Council authorized the negotiation of the renewal of the franchise agreement with Comcast of Maryland, LLC and said proposed agreement has been prepared and presented to the Council; and

WHEREAS, pursuant to this Ordinance, the Town shall provide for the holding of a public hearing within the proposed franchise area, following reasonable notice to the public, at which every franchisee or applicant and its applications or requests shall be examined and the public and all interested parties afforded a reasonable opportunity to be heard; and

WHEREAS, the Comcast Cable Franchise Agreement of 1999 required construction of a

**MAYOR AND COUNCIL
THE TOWN OF FOREST HEIGHTS**

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Prince George's County Intergovernmental Network ("I-Net") governed by a committee represented by the county and all participating municipalities ("PM's") with infrastructure and connectivity to 174 sites, and a functional purpose of connecting authorized users, including specific governmental, educational, and public facilities, with connectivity via the network offering participating governments a communication vehicle to reduce costs for services otherwise provided through commercially leased lines (e.g., Dial-Up, DSL (Digital Subscriber Line), ISDN (Integrated Services Digital Network), etc.); and

WHEREAS, the elected leadership of the County and PM's regarding a joint franchise agreement have been asked to approve a 10-year cable franchise renewal with Comcast and the consortium has asked the PM's to pass their ordinances before January 1, 2023, in order to make the County's legislative deadlines after the New Year; and

WHEREAS, the major features of the new collective franchise agreement are as follows: (i) 5% of gross revenues as a franchise fee, (ii) 3% of gross revenues as support for PEG (includes I-Net/C-Net), (iii) up to 3 municipal PEG channels with option for county to utilize unused channels; (iv) the I/C-Net is preserved for 10 years until transitioned to a government network, (v) provide new service at cost and maintain existing connections to government buildings; (vi) free build out or extension of service area up to 350 ft. from network, and (vi) provides for two company offices in the county for equipment pick up and drop off; and

WHEREAS, the Mayor and Council have determined that it is in the public interest to renew the cable franchise with Comcast of Maryland, LLC, within the corporate limits of the Town, on condition that Comcast of Maryland, LLC. enter into a franchise agreement in substantially the form as attached to this Ordinance.

Section 1. **NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Town Council of the Town of Forest Heights, the renewal of the non-exclusive right to construct and operate a cable television system along the public rights of way in the Town of Forest Heights is hereby granted to Comcast of Maryland, LLC, subject to the provisions a franchise agreement between the Town and Comcast Cable, LLC, which is incorporated by reference herein in a form substantially similar to that attached as Exhibit A to this Ordinance, and the Mayor of the Town of Forest Heights is authorized to endorse the franchise agreement on behalf of the Town.

Section 2. **BE IT FURTHER ORDAINED AND ENACTED** by the Town Council of the Town of Forest Heights that upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the Town Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the Town Clerk and shall post at Town Hall, to the official Town website, to the Town-maintained e-mail LISTSERV, if any, and on the Town cable channel, if any, and if time permits, in any Town newsletter, the proposed ordinance or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council.

The public hearing, hereby set for _____ on the ____ day of _____ 2022, shall

**MAYOR AND COUNCIL
THE TOWN OF FOREST HEIGHTS**

ORDINANCE NO. 05-22

follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. This proposed Ordinance shall be posted by the Town Clerk as is or as a fair summary of the Ordinance and notice of its adoption at Town Hall, to the official Town website, to the Town-maintained e-mail LISTSERV, on the Town cable channel, and in any regularly published Town newsletter.

Section 3. BE IT FURTHER ORDAINED AND ENACTED, that if any section or part of a section of this ordinance shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Ordinance nor the context in which such section or part of section so held invalid shall appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

Section 4. AND BE IT FURTHER ORDAINED AND ENACTED, by the Town Council of the Town of Forest Heights, Maryland that this ordinance shall become effective at the expiration of thirty (30) calendar days following approval by the Town Council, but shall not be codified in the Town Ordinance Code.

Section 5. AND BE IT FURTHER ORDAINED AND ENACTED by the Town Council of the Town of Forest Heights, Maryland that this ordinance shall be posted in the Town Hall office, and it shall be published once in a newspaper of general circulation in the Town.

HAVING BEEN INTRODUCED AND HAVING BEEN READ as an ordinance and passed by a yea and nay vote of the Mayor and Council of the Town of Forest Heights with the affirmative votes of at least four (4) of the members of the legislative body including the Mayor as indicated below at a Public Meeting of The Mayor and Council of the Town of Forest Heights held on this __ day of _____ 2022, at _____ o'clock ___ p.m., in the Municipal Building in Forest Heights, Maryland.

<u>ROLL CALL VOTE</u>	<u>YEA/NAY/ABSTAIN/ABSENT</u>
WASHINGTON	_____
ATKINSON	_____
BARNES	_____
HINES	_____
KENNEDY II	_____
LILLY	_____
NOBLE	_____

**MAYOR AND COUNCIL
THE TOWN OF FOREST HEIGHTS**

ORDINANCE NO. 05-22

I HEREBY CERTIFY that the above Ordinance __ - 22 was passed by the required yea and nay vote of the Mayor and Council of Forest Heights on the ___ day of December 2022.

ATTEST:

THE TOWN OF FOREST HEIGHTS

Sherletta Hawkins, Town Clerk

By: _____
Calvin Washington, Mayor

By: _____
Troy Lilly, Council President

CERTIFICATION

I HEREBY CERTIFY that following its passage, a summary of this Ordinance No. __ -22 has been published at least twice in the Town newsletter or a newspaper having general circulation in the Town of Forest Heights.

Date: _____

Sherletta Hawkins, Town Clerk

1st Reader: _____

2nd Reader: _____

Exhibit A – (CABLE FRANCHISE AGREEMENT BETWEEN PRINCE GEORGE’S COUNTY, MARYLAND, THE TOWN OF FOREST HEIGHTS AND PARTICIPATING MUNICIPALITIES AND COMCAST OF MARYLAND, LLC)