



City of Bowie

Regular City Council Meeting

Tuesday, January 17, 2023

Council Chambers - 8 p.m.

AMENDED – FRIDAY, JANUARY 13, 2023 – 2:50 P.M.

AGENDA

- I. CALL MEETING TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. QUORUM**
- IV. AGENDA ADDITIONS/DELETIONS/AMENDMENTS**
- V. CITIZEN PARTICIPATION**
- VI. PRESENTATIONS**
- VII. CITY BOARDS AND COMMITTEES**
 - A.** Appointments/Reappointments/Swearing-In
- VIII. COUNCIL ANNOUNCEMENTS**
- IX. CITY MANAGER'S REPORT**
- X. CONSENT AGENDA**
 - A.** Approval of November 21, 2022 Meeting Minutes
 - B.** Approval of January 3, 2023 Meeting Minutes
 - C.** Introduction of Ordinance O-1-23 Amending Bowie City Code, Chapter 13, "Environmental Noise Control", to Amend Sec. 13-1 "Definitions" to Alter the Hours for Daytime and Nighttime, to Add Definitions of "Owner," "Plainly Audible", "Unreasonably Loud Noise" and "Receiving Property," and to Amend the Definition of Other Terms to Conform to the Definitions Thereof in State Regulations; to Amend Sec. 13-3 "Additional Noise" to Clarify Those Noises Emanating From Cars and Loud Speakers That are Violations of the Section; to Create Sec. 13-5 "Commercial Establishments Adjacent to Residential Property"; and to Amend Sec. 13-6 "Penalty" to Increase Certain Fines for Violations of Chapter 13
 - D.** Introduction of Ordinance O-2-23 Amending Bowie City Code, Chapter 12, "Cable Communications"; to Provide that the City may, by Ordinance, Approve a Cable Franchise Agreement That Varies From the Requirements of This Chapter and That, in Such Case, the Terms of the Franchise Agreement Shall Take Precedence Over the Terms of This Chapter Where There is an Irreconcilable Conflict
- XI. OLD BUSINESS**
- XII. NEW BUSINESS**

XIII. ADJOURNMENT

Note: The Ethics Commission has advised that under certain circumstances, members of the public may qualify as lobbyists when they testify before the City Council. If so, the Bowie Ethics Ordinance requires that certain information be filed with the Ethics Commission. Please review the information about lobbying that is provided with the City Clerk. If you have any questions about lobbying, please contact the Ethics Commission or the Assistant City Manager.

This meeting will be televised live on Verizon Channel 10 and Comcast Channel 71 and 996, repeated on 1/18/23 and 1/21/23 at 7:00 p.m., and [web-streamed live](#).

For a closed-captioned version of the meeting video, please go to <https://www.youtube.com/user/cityofbowiemd/playlists> and select the 2023 Council Meetings list. Once the meeting video opens, be sure to click on “CC” button to turn on closed captioning.

NEXT REGULAR MEETING OF THE BOWIE CITY COUNCIL - MONDAY, FEBRUARY 6, 2023 - COUNCIL CHAMBERS - 8:00 P.M.



Memorandum

TO: City Council

FROM: Awilda Hernandez, City Clerk

SUBJECT: City Committee Appointments/Reappointments/Swearing-In

DATE: 01/12/2023

Committee Swearing-in:

1. Ms. Adrienne Bigelow Lewis was appointed to the Economic Development Committee as a member on January 3. Please have her sworn in.
2. Ms. Kara Hunt was appointed to the Diversity Committee on January 3. Please have her sworn in.

ATTACHMENTS: None

REGULAR CITY COUNCIL MEETING MINUTES

MONDAY, NOVEMBER 21, 2022

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Monday, November 21, 2022, in the Council Chambers at City Hall. Mayor Pro Tem Boafu called the meeting to order at 8:02 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG:

Mayor Pro Tem Boafu led the Pledge of Allegiance to the Flag.

QUORUM:

In attendance were Mayor Adams, Councilmembers Esteve, Gardner, Harrison, Ndebumadu (arrived 8:07 p.m.) and Woolfley, City Manager Lott, Assistant City Manager Mears, City Attorney Levan, City Clerk Hernandez, and Staff.

AGENDAS ADDITIONS/DELETIONS/AMENDMENTS:

Councilmember Harrison motioned to move Item A under Old Business Adoption of Ordinance O-6-22 Amending the Code of the City of Bowie, Maryland, Chapter 2, "Administration," Article V, "Public Ethics," to Incorporate Changes Required by State Law to Local Ethics Ordinances Regarding Conflicts of Interest (City Code, Sec. 2-70) and Financial Disclosures (City Code, Sec. 2-68 and 2-71) to the December 5 meeting. Councilmember Esteve second the motion. Motion passed 5-0.

CITIZEN PARTICIPATION:

One comment was received via email and it is attached as part of the record for this meeting.

1. Rick Henderson, United Bank – Spoke in regard to the opening of their branch in Highbridge and the services they provide.
2. County Councilmember Todd M. Turner – Thanked Council and staff for the years of service working alongside each other.

PRESENTATIONS:

Councilmember Harrison presented a proclamation to Zonta International commending them on the service they provide to the community.

CITY BOARDS AND COMMITTEES:

A. Appointments/Reappointments/Swearing-In:

1. Councilmember Harrison motioned to appoint Ethan Leach to the Green Team Executive Committee for a 2-year term. Councilmember Ndebumadu second the motion. Motion passed 6-0.
2. Councilmember Woolfley motioned to appoint Preston Thomas III to the Community Outreach Committee for a 2-year term. Mayor Adams second the motion. Motion passed 6-0.
3. Mayor Pro Tem Boafo swore in the appointees to their respective committees.

COUNCIL ANNOUNCEMENTS:

Mayor Pro Tem Boafo and Councilmember Harrison thanked staff, and their constituents for their support while serving on Council for the City of Bowie. They enjoyed every aspect of it and look forward to continuing serving the residents in their new positions with the State and County.

Mayor Pro Tem Boafo reminded residents to attend the Tree Lighting Ceremony on December 4th at 7:00 p.m. at the Senior Center.

CITY MANAGER'S REPORT:

City Manager Lott congratulated Councilmember Harrison and Mayor Pro Tem Boafo on their elections to County Council and State Delegation.

CONSENT AGENDA:

Councilmember Harrison made a motion to approve Consent Agenda items: A) Approval of November 7, 2022 Meeting Minutes; B) Adoption of Resolution R-66-22 Authorizing the Issuance of a Purchase Order to Gant Brunnett Architects, Inc. for Task Order/RFP#7-10 in Accordance With the Master Contract Approved on January 7, 2019; C) Adoption of Resolution R-67-22 Authorizing the Issuance of a Purchase Order to EBA Engineering, Inc. for Task Order/RFP#5-03 in Accordance With the Master Contract Approved on January 22. Councilmember Ndebumadu seconded the motion. Motion passed 6-0.

NEW BUSINESS:

A. South Lake Update – Mr. Arthur Horne with the law firm Shipley & Horne, briefed Council on the status of the development. In the residential portion they had the opening of the model homes on November 5th and had over 700 people tour the models. Construction has started on 60 homes. On the commercial part they have commitments from Giant, Sheetz, Tropical Smoothie, PJ's Coffee and Homes2Suites. Construction on that side should be starting in Spring of 2023.

Councilmember Ndebumadu asked if the Giant store will be designed under their new model concept versus the design of older Giant stores. Mr. Horne responded that it will be one of their upgraded models.

Mayor Pro Tem Boafo asked how many townhouses and single-family dwellings will be constructed on the property. Mr. Horne responded that there will be 563 townhomes and 344 SFD.

Mayor Pro Tem Boafo thanked Mr. Horne for his presentation.

B. Judah Village Letter of Support – Mayor Pro Tem Boafo mentioned that at a previous meeting they had a presentation in regard to the development Judah Village has planned on their land and they

had requested a letter of support from Council for their development. Should Council proceed with doing the letter of support at this time.

Councilmember Ndebumadu asked what exactly are they supporting. She likes their concept but as far as everything else she is not quite ready to support without additional information from them.

Councilmember Woolfley also stated that he would need more specifics before supporting.

Council concurred to wait until further in the development stage before providing the letter.

C. Discussion on possible creation of a Natural Exploration Area for Children and Families in the City of Bowie – Mr. Nick Spurgeon, Assistant Director Community Services Department summarized the report. Since there was no clear specifics of what was envisioned for the area, staff summarized/estimated some of the costs based on a 10,000 sq. ft. natural exploration area. Approximately \$80,000 per site for design services, project management, site clearing and development, times two locations for a total of \$160,000. Ongoing maintenance will be about 1 FTE equal to about \$60,000 annually. Water connections was not included in these estimates.

City Manager Lott requested more time to continue exploring other options and plug actual costs into the proposed budget in April.

Council concurred to have City staff get actual figures of the cost involved for this project and have City Manager Lott include it in the FY 2024 Budget cycle for review and consideration.

ADJOURNMENT AND MOVE TO CLOSE SESSION:

Councilmember Harrison motioned to adjourn the Regular City Council meeting and move to Closed Session under the statutory authority of the Md. Annotated Code, General Provisions Article §3-305(b)(3): “To consider the acquisition of real property for a public purpose and matters directly related thereto” and §3-305(b)(7): “To consult with counsel to obtain legal advice.” Councilmember Ndebumadu second the motion. Motion passed 6-0. The meeting adjourned at 9:18 p.m.

Respectfully submitted,

Awilda Hernandez, MMC
City Clerk

**PRESIDING OFFICER'S WRITTEN STATEMENT FOR CLOSING A MEETING ("CLOSING STATEMENT")
UNDER THE OPEN MEETINGS ACT (General Provisions Article § 3-305)**

This form has two sides. *Complete items 1 – 4 before closing the meeting.*

1. **Recorded vote to close the meeting:** Date: 11-21-22; Time: 9:18; Location: City Hall;
Motion to close meeting made by: Harrison Seconded by Ndekumadu;
Members in favor: TA IH ME DW AB RN; Opposed: _____;
Abstaining: _____; Absent: Gardner.

2. **Statutory authority to close session (check all provisions that apply).**
This meeting will be closed under General Provisions Art. § 3-305(b) only:

(1) ☐ "To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals"; (2) ☐ "To protect the privacy or reputation of individuals concerning a matter not related to public business"; (3) ☒ "To consider the acquisition of real property for a public purpose and matters directly related thereto"; (4) ☐ "To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State"; (5) ☐ "To consider the investment of public funds"; (6) ☐ "To consider the marketing of public securities"; (7) ☒ "To consult with counsel to obtain legal advice"; (8) ☐ "To consult with staff, consultants, or other individuals about pending or potential litigation"; (9) ☐ "To conduct collective bargaining negotiations or consider matters that relate to the negotiations"; (10) ☐ "To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans"; (11) ☐ "To prepare, administer, or grade a scholastic, licensing, or qualifying examination"; (12) ☐ "To conduct or discuss an investigative proceeding on actual or possible criminal conduct"; (13) ☐ "To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter"; (14) ☐ "Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process." (15) ☐ "To discuss cybersecurity, if the public body determines that public discussion would constitute a risk to: (i) security assessments or deployments relating to information resources technology; (ii) network security information . . . or (iii) deployments or implementation of security personnel, critical infrastructure, or security devices."

Continued →

3. For each provision checked above, disclosure of the topic to be discussed and the public body's reason for discussing that topic in closed session.

Citation (insert # from above)	Topic	Reason for closed-session discussion of topic
§3-305(b) ☒	Acquisition of Real Property	Trade of County owned Property
§3-305(b) ☒	Consult with Counsel	
§3-305(b) ☐		
§3-305(b) ☐		
§3-305(b) ☐		

4. This statement is made by Samuel J. Arz, Presiding Officer.

WORKSHEET FOR OPTIONAL USE IN CLOSED SESSION: INFORMATION FOR SUMMARY TO BE DISCLOSED IN THE MINUTES OF THE NEXT OPEN MEETING. (See also template for summary.)

- For a meeting closed under the statutory authority cited above:

Time of closed session: 9:30 pm

Place: City Hall

Purpose(s): (3) Acquisition of property (7) Consult with Counsel

Members who voted to meet in closed session: TA, IH, ME, DW, AB, RN

Persons attending closed session: Adams, Harrison, Estevs, Wolfley, Dato, Ndelamadu, Levan, McInt, Lott, Mears

Authority under § 3-305 for the closed session: (3) (7)

Topics actually discussed: Acquisition of County Property

Actions taken: _____

Each recorded vote: _____

- For a meeting recessed to perform an administrative function (§ 3-104): Time: _____

Place: _____

Persons present: _____

Subjects discussed: _____

REGULAR CITY COUNCIL MEETING MINUTES

TUESDAY, JANUARY 3, 2023

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Tuesday, January 3, 2023, in the Council Chambers at City Hall. Mayor Adams called the meeting to order at 8:03 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG:

Mayor Adams led the Pledge of Allegiance to the Flag.

QUORUM:

In attendance were Mayor Adams, Councilmembers Estève (virtual), Gardner, Ndebumadu and Woolfley, City Manager Lott, Assistant City Manager Mears, City Attorney Levan, City Clerk Hernandez, and Staff.

CITIZEN PARTICIPATION:

1. John Pfeifer, PGCMLS – Spoke about the Prince George's County Memorial Library System Foundation and made a request for funding. Handout provided is attached to the minutes for the record.

CITY BOARDS AND COMMITTEES:

A. Appointments/Reappointments/Swearing-In:

1. Councilmember Woolfley moved to appoint Barbara Johnson to the Economic Development Committee for a two-year term. Councilmember Gardner seconded the motion and it carried 4-0 (Estève did not vote). Mayor Adams swore in Barbara Johnson to the Economic Development Committee.
2. Councilmember Woolfley moved to appoint Clinton Truesdale, Sr. to the Economic Development Committee for a two-year term. Councilmember Gardner seconded the motion and it carried 4-0 (Estève did not vote). Mayor Adams swore in Clinton Truesdale, Sr. to the Economic Development Committee.
3. Councilmember Woolfley moved to appoint Zachariah Lowe to the Education Committee for a two-year term. Councilmember Gardner seconded the motion and it carried 4-0 (Estève did not vote). Mayor Adams swore in Zachariah Lowe to the Education Committee.
4. Councilmember Woolfley moved to appoint Adrienne Bigelow Lewis to the Economic Development Committee for a two-year term. Councilmember Gardner seconded the motion and it carried 4-0 (Estève did not vote).
5. Councilmember Woolfley moved to appoint Kara Hunt to the Diversity Committee for a two-year term. Councilmember Ndebumadu seconded the motion and it carried 4-0 (Estève did not vote).

COUNCIL ANNOUNCEMENTS:

Mayor Adams thanked everyone for a great 2022 and wished everyone a happy New Year.

CITY MANAGER'S REPORT:

City Manager Lott wished everyone a happy New Year and stated that staff is working hard on the preparations for the FY 2024 budget.

CONSENT AGENDA:

Councilmember Woolfley made a motion to approve Consent Agenda items: A) Adoption of Resolution R-2-23 Waiving the Competitive Bidding Requirements of Section 61 "Purchasing and Contracting" of the Charter of the City of Bowie to Allow for the Purchase of One Ford F-550 Dump Truck, Through a Baltimore County Procurement; B) Adoption of Resolution R-3-23 Approving the Award of the City's Arts Committee FY23 Grants; C) Adoption of Resolution R-4-23 Authorizing the Issuance of a Purchase Order to Gant Brunnett Architects, Inc. for Task Order/RFP#7-14 in Accordance with the Master Contract Approved on January 7, 2019; D) Adoption of Resolution R-5-23 Authorizing the Issuance of a Purchase Order to EBA Engineering, Inc. for Task Order/RFP#5-03 in Accordance with the Master Contract Approved on January 22, 2019; E) Adoption of Resolution R-6-23 Authorizing the Issuance of a Purchase Order to A. Morton Thomas & Associates, Inc. for Task Order/RFP#3-15 in Accordance with the Master Contract Approved on October 31, 2018; F) Adoption of Resolution R-7-23 Authorizing Access Easement between City of Bowie and Canning Solar Energy Center LLC for use of Public Works Road; G) Adoption of Resolution R-8-23 Awarding a Contract for Phase II SCADA System Upgrades at the Wastewater Treatment Plant; H) Adoption of Resolution R-9-23 Awarding a Contract for Rehabilitation of Cast Iron Pipe (CIP) Water Mains Using Class IV Structural Cured-In-Place (CIPP) Lining in the Kenilworth Section of the City. Councilmember Ndebumadu seconded the motion. Motion passed 4-0 (Estève did not vote.)

OLD BUSINESS:

A. Adoption of Ordinance O-6-22 Amending the Code of the City of Bowie, Maryland, Chapter 2, "Administration," Article V "Public Ethics," to Incorporate Changes Required by State Law to Local Ethics Ordinances Regarding Conflicts of Interest (City Code, Sec. 2-70) and Financial Disclosures (City Code, Sec. 2-68 and 2-71), and to Update References to State Law – City Attorney Levan stated that this Ordinance amends Ethics Ordinance to implement changes that were made as a consequence of State law. They are not greatly significant changes, just some additions and clarifications.

Councilmember Woolfley asked about providing the Financial Disclosure Statement to Council applicants in advance to which Assistant City Manager Mears responded that that would be up to Council to decide on. As it stands now, the applicants who are selected to fill the positions would receive and complete the Financial Disclosure Statement upon appointment.

Public Hearing:

Since there were no comments submitted and no one signed up to speak, Mayor Adams declared the Public Hearing to have been held.

Councilmember Gardner motioned to adopt Ordinance O-6-22. Councilmember Woolfley seconded the motion. Motion passed 5-0.

NEW BUSINESS:

A. Detailed Site Plan DSP-98061-05, Raising Cane's Restaurant – Mr. Joe Meinert, the City's Planning Director presented the staff report stating that this is a redevelopment of the former Chili's site located at 16401 Heritage Boulevard and that the developer is requesting the City's approval recommendation for a 3,331 square foot restaurant with drive through service. The property is currently zoned TAC-E (Town Activity Center, Edge). A conceptual site plan came before City Council in March of 2022 and Council recommended approval. The Bowie Advisory Planning Board reviewed the current application and held a public hearing on December 6th and there were no outstanding issues with the application or site plan. They recommend approval.

Mr. Dan Lynch from McNamee Hosea presented on behalf of the applicant Raising Cane's. He stated they are following the requirements set forth, are not asking for any variances or departures, and have not received any conditions for approval which indicate Raising Cane's compliance and attention to detail. They are following the requirements from the previous zoning of the site which are more stringent than current zoning requirements. Mr. Lynch showed images of current restaurants, the detailed site plan, and mentioned the Raising Cane's restaurants which are being built in Gambrills and in Charles County. They are expanding their market.

Public Hearing:

Since there were no comments submitted and no one signed up to speak, Mayor Adams declared the Public Hearing to have been held.

Councilmember Gardner motioned to approve DSP-98061-05. Councilmember Ndebumadu seconded the motion. Motion passed 5-0.

B. Planning Assistance to Municipalities Potential Project – Mr. Meinert, the City's Planning Director briefed Council on a funding opportunity to conduct a State of Place assessment of the Bowie Town Center and other areas of the City. Both Mayor Adams and Councilmember Woolfley stated this would be great for economic development in the City. There was joint consensus of Council to have staff proceed with the funding opportunity under the M-NCPPC Planning Assistance to Municipalities and Communities (PMAC) Program, for a State of Place analysis of the Bowie Town Center and possibly Old Town Bowie. The study is estimated to cost between \$40,000 to \$60,000, the PMAC Program would fund 100% of this effort.

C. County Legislation Update – Mr. Meinert, the City's Planning Director provided an update on development legislation that was recently proposed by the Prince George's County Council and the upcoming public hearings. Mr. Meinert also provided information on the last County Legislation Update which was provided to Council a few months ago and Council's subsequent position letter.

Councilmember Woolfley motioned to send a letter of support with recommendations to the County in regards to the following County legislations: CB-12-2023; CB-13-2023, CB-14-2023; CB-15-2023; and CB-17-2023. Councilmember Gardner second the motion. Motion passed 5-0.

D. Budget Guidance for FY 2024 – Mr. Byron Matthews, the City's Finance Director, summarized the outlook of the FY 2024 Budget. The concerns for the next year are inflation, supply chain and personnel cost. Personnel has grown over the last 10 years. The priorities for Capital Improvement Projects will be evaluated and approved by set hierarchy – Federal, State and County mandates; improvements to City amenities with regards to health and wellness; restoration of aging infrastructure and buildings; and new projects. Mr. Matthews discussed proposed tax increases for FY 2024 (\$0.08), FY 2025 (\$0.02), FY 2026 (\$0.03), and FY 2027 (\$0.03). The City has had a constant tax rate over the

last 14 years.

Mayor Adams thanked Mr. Matthews and staff for all their hard work and asked staff to do what they can to find money for recruitment and retention. City Manager Lott stated that they have plans in place and line items in place for support of recruitment and retention.

Councilmember Woolfley discussed property assessment increases and revenue as well as income tax revenue.

Councilmember Woolfley asked staff to take a look at the unassigned fund balance and see if the 25% cushion is enough for survival in case of major events such as COVID-19. He also asked for insight from the Financial Advisory Committee. Mr. Matthews stated that not many cities are able to maintain that 25% cushion and that is one of the factors in receiving the Triple A rating.

Councilmember Woolfley asked when the City would see revenues from South Lake to which Mr. Matthews responded it would be about 25 years as the bond has to be paid first.

Councilmember Woolfley asked about holding the line on staffing in the forthcoming year, with some exceptions such as the Police Department. He also talked about recycling improvement during holidays specifically and spoke for a tax rate hold.

Councilmember Estève asked about the staff growth of 67 personnel and asked if it was for Police. Mr. Matthews stated it was across the board. Councilmember Estève that we'll need to do a lot of public communication. Councilmember Estève asked about the tax increase confirming that it was an increase from \$0.40 to \$0.56 over the next several years. Councilmember Estève wanted to make sure his colleagues were hearing and understanding the numbers and making sure everyone is on the same page. Mr. Matthews confirmed that is the proposal in the budget book and stated that the increase is necessary to gain ground on the dwindling revenue as compared to the City's expenditures. Over the past 14 years, the City has been using its fund balance to offset needing to raise taxes. City Manager Lott stated that the tax increase is planned out in the budget.

Councilmember Estève also asked about and heard from Mr. Matthews about the \$0.15 tax differential for the police which goes directly to the residents. Councilmember Estève clarified that when the City created its police department, the County cut its tax rate for the City by \$0.15. This is about the difference of the proposed tax rate increase. Councilmember Estève stated that the City created a police department while never raising taxes and now is simply trying to make up that ground over the next several years.

ADJOURNMENT:

Councilmember Woolfley motioned to adjourn the Regular City Council meeting. Councilmember Gardner seconded the motion. Motion passed 5-0. The meeting adjourned at 10:23 p.m.

Respectfully submitted,

Awilda Hernandez, MMC
City Clerk



Population: 644,743
 Area: 68.34 square miles
 Library System Budget: \$73,165,921
 Library System FTEs: 605

Population: 967,201
 Area: 499 square miles
 Library System Budget: \$32,893,700
 Library System FTEs: 341

PGCMLS Foundation Funding (macro level; System-wide; All Branches) \$2.3 million
 PGCMLS Foundation Funding (micro level; Individual Branch) \$223,000



2023 Funding Request

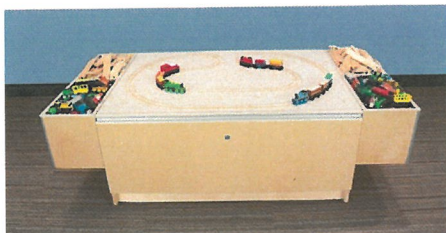
Bowie Branch Library, 15210 Annapolis Road (TEENS)

- Ultimaker S3 3D printer with 1-year warranty, 10 rolls of 3d printer filament; \$4850
- Three (3) Meta Quest VR headsets. Virtual Reality including art studios and galleries; virtual college visits; \$1197
- Nintendo Switch Console, 4 switch controllers + Switch games; \$647
- Young Adult Library Services Association 2023 Conference, Chicago, June 22-27; \$2000

South Bowie Branch Library, 15301 Hall Road (CHILDREN)

- 3 Branch 19" x 65" x 32" Discovery table with train tracks and pull out storage bins; \$4130
- 100-piece wooden train set; \$89.99
- Haba Multi-Learning Cube (23x23x23); \$1641
- Ultimaker S3 3D printer with 1-year warranty, 10 rolls of 3d printer filament; \$4850
- Association for Library Services to Children 2023 Conference, Chicago, June 22-27; \$2000

Total Funding Requested: of \$21,405





Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: Ordinance O-1-23
Amending Chapter 13, Environmental Noise Control

DATE: 01/12/2023

The attached Ordinance O-1-23 has been prepared by the City Attorney, in conjunction with the Code Compliance staff to amend Chapter 13 of the Bowie City Code. The amendment as proposed will help address both community and Council concerns about noise generated by party houses and commercial properties by providing for higher penalties for non-compliance with the sections pertaining to those properties. The amendment also includes revising Daytime and Nighttime hours to be consistent with the County's definitions; amending and adding other definitions conforming with state regulations; adding regulations for sound amplification emanating from vehicles; and adding regulations for commercial properties abutting residential property to address community disturbance issues.

The most impactful change in this amendment is the increase in fine amounts for certain violations. Penalties for commercial properties are currently the same as residential properties; \$100 for the first violation and \$200 for any subsequent violation. These amounts are usually insignificant to a commercial establishment so increasing the penalties should help to deter violations of the noise ordinance. Use of residential property for short-term rental purposes or pool rental has resulted in several cases where properties have been used for large and loud parties, disturbing multiple neighborhoods in Bowie. Comparatively, the current penalties for noise violations generated from these parties are immaterial compared to the profits made by the rental. Increasing the fines for the sections of the noise ordinance that these parties violate should help to combat these uses.

Your approval is requested.

ADL/DNS

ATTACHMENTS: 1. 20230117 - Ordinance O-1-23

ORDINANCE
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
AMENDING BOWIE CITY CODE, CHAPTER 13, “ENVIRONMENTAL NOISE
CONTROL”, TO AMEND SEC. 13-1 “DEFINITIONS” TO ALTER THE HOURS
FOR DAYTIME AND NIGHTTIME, TO ADD DEFINITIONS OF “OWNER,”
“PLAINLY AUDIBLE”, “UNREASONABLY LOUD NOISE” AND “RECEIVING
PROPERTY,”AND TO AMEND THE DEFINITION OF OTHER TERMS TO
CONFORM TO THE DEFINITIONS THEREOF IN STATE REGULATIONS; TO
AMEND SEC. 13-3 “ADDITIONAL NOISE” TO CLARIFY THOSE NOISES
EMINATING FROM CARS AND LOUD SPEAKERS THAT ARE VIOLATIONS OF
THE SECTION; TO CREATE SEC. 13-5 “COMMERCIAL ESTABLISHMENTS
ADJACENT TO RESIDENTIAL PROPERTY”; AND TO AMEND SEC. 13-6
“PENALTY” TO INCREASE CERTAIN FINES
FOR VIOLATIONS OF CHAPTER 13

WHEREAS, pursuant to Md. Code Ann., Local Government, § 5-202, the Council of the City of Bowie, Maryland (hereinafter “the City”) has the general power to adopt such ordinances as it may deem necessary in order to assure the good government of the City, to protect and preserve the City's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the residents of the City; and

WHEREAS, Md. Code Ann., Environment Article, Title 3 “Noise Control” (“Title 3”), does not limit the power of a political subdivision to adopt noise control ordinances, rules, or regulations, except that a political subdivision may not adopt any noise control ordinance, rule, or regulation that is less stringent than the environmental noise standards, sound level limits, and noise control rules and regulations adopted under Title 3; and

WHEREAS, pursuant to this authority the City enacted Chapter 13 “Environmental Noise Control” of the Bowie City Code; and

WHEREAS, the City desires to amend the definitions of daytime and nighttime to comport with the definitions of these terms established by Prince George’s County; and

UNDERLINED SMALL CAPS: Indicate language added to the existing law.

*** Asterisks: Indicate language contained in the existing law that remains unchanged and is not reproduced in the ordinance.

~~Strikethrough~~: Indicates language deleted from the existing law.

WHEREAS, pursuant to Title 3, § 3-401, when adopting sound level limits and noise control rules and regulations, the City is required to consider the residential, commercial, or industrial nature of the area affected; and

WHEREAS, it has come to the attention of the City that commercial properties located adjacent to residential properties are permitting their trash removal services to be provided between the hours of 1:00 a.m. and 5:00 a.m., which routinely disturbs the peace, health, comfort and convenience of City residents; and

WHEREAS, the City desires to adopt regulations to specifically address noise created from commercial properties directly abutting or adjacent to residential properties, as well as address complaints received about loud noises generated from and/or by vehicles that disturb the peace, health and comfort of City residents.

Section 1. **NOW, THEREFORE, BE IT ORDAINED AND ENACTED**, by the Council of the City of Bowie, Maryland, that Chapter 13, “Environmental Noise Control,” of the Bowie City Code be and hereby is amended as follows:

CHAPTER 13.

ENVIRONMENTAL NOISE CONTROL

Sec. 13-1. Definitions.

(a) "Commercial Land Use." Property zoned or used for the sale of goods or services or for office uses.

(b) "dBA." Abbreviation for ~~the sound level in~~ decibels OF SOUND AS determined by the A-weighting network of a sound level meter or by calculations from octave band or 1/3 octave band data.

(c) "Daytime." ~~Between~~ THE HOURS FROM 7:00 a.m. and TO 10:00 9:00 p.m., local time.
* * *

(f) "Nighttime." ~~Between~~ THE HOURS FROM 10:00 9:00 p.m. and TO 7:00 a.m., local time.

(g) “OWNER.” THE PERSON LISTED ON THE PROPERTY TAX RECORDS OF PRINCE GEORGE’S COUNTY AND/OR MARYLAND STATE DEPARTMENT OF ASSESSMENTS AND TAXATION AS THE PROPERTY OWNER.

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~~(g)~~ (H)"Person." Any individual, group, firm, association, agency or other entity.

(I) "PLAINLY AUDIBLE." ANY SOUND THAT CAN BE HEARD BY THE COMPLAINING PERSON; HOWEVER, WORDS OR PHRASES NEED NOT BE DISCERNIBLE AND THE ENFORCEMENT OFFICER NEED NOT DETERMINE THE TITLE OF A SONG, SPECIFIC WORDS, OR THE ARTIST PERFORMING THE SONG. THE DETECTION OF THE RHYTHMIC BASS COMPONENT OF THE MUSIC IS SUFFICIENT TO CONSTITUTE A PLAINLY AUDIBLE SOUND.

(J) "RECEIVING PROPERTY." ANY REAL PROPERTY WHERE PEOPLE LIVE OR WORK AND WHERE NOISE IS HEARD, INCLUDING AN APARTMENT, CONDOMINIUM UNIT OR COOPERATIVE BUILDING UNIT.

~~(h)~~ (K)"Residential Land Use." Property zoned or used for dwellings.

~~(i)~~ (L)"Sound." An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

~~(j)~~ (M)"Sound Level." IN DECIBELS, THE THE weighted sound pressure level obtained MEASURED by the use of a sound level meter. and frequency weighting network, such as A, B, or C as specified in American National Standards Institute specifications for sound level meters (ANSI S1.4-1971, or the latest approved revision thereof). If the frequency SOUND LEVEL AND NOISE LEVEL ARE SYNONYMOUS. THE weighting employed is not indicated, the A-weighting shall apply SHALL ALWAYS BE SPECIFIED.

~~(k)~~ (N)"Sound Level Meter." ~~designed to measure noise levels, meeting American National Standards Institute S1-4-1971 – Specifications for Type 2 Sound Level Meters~~ AN INSTRUMENT MEETING INTERNATIONAL ELECTROTECHNICAL COMMISSION AND AMERICAN NATIONAL STANDARDS INSTITUTE STANDARDS COMPRISING A MICROPHONE, AN AMPLIFIER, AN OUTPUT METER, AND FREQUENCY WEIGHTING NETWORK(S) THAT IS USED FOR THE MEASUREMENT OF SOUND PRESSURE LEVELS IN A SPECIFIED MANNER.

(O) "UNREASONABLY LOUD NOISE" MEANS NOISE OF SUCH INTENSITY, FREQUENCY, DURATION AND CHARACTER OF SOUND THAT IT MAY HARM THE PUBLIC HEALTH, SAFETY OR GENERAL WELFARE OR SIGNIFICANTLY INTERFERE WITH THE ENJOYMENT OF LIFE AND/OR PROPERTY. UNREASONABLY LOUD NOISE INCLUDES, BUT IT NOT LIMITED TO, NOISE THAT RESULTS IN HEARING LOSS, INTERFERES WITH SLEEP, COMMUNICATION, OR WORK OR OTHER DAILY ACTIVITIES.

Sec. 13-2. Noise exceeding measurable standards.

(a) It is prohibited for any person located within the City to make any noise or operate any sound amplifier on any property owned or occupied by such person, or to permit any noise to

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be made or any sound amplifier to be operated on property owned or occupied by such person, ~~so as to be clearly audible to any person located beyond the property line of such property at a level higher than those set forth in subsection (b) of this section;~~ AND THAT IS PLAINLY AUDIBLE TO ANY PERSON BEYOND THE PROPERTY LINE OF SUCH PROPERTY. ~~as such~~ SUCH sound may be measured from (a) any point along the front line of the property or any part of the perimeter property line upon which the noise is being made or generated or (b) any place on adjacent property, provided that the person measuring the sound shall first obtain the permission of the adjacent property owner to enter upon said property.

* * *

Sec. 13-3. Additional noise.

(a) In addition to the prohibition set forth in Section 13-2 of this Chapter, it shall be unlawful, at any hour during the daytime or nighttime, for any owner or occupant of real property located within the City to make or generate any loud or raucous sound on said property, or to permit any loud or raucous sound to be made or generated on said property, or for any person to make or generate any loud or raucous sound on public property, so as to cause unreasonable annoyance to or disturbance to others living or located nearby. The following, among others, are declared to be loud and unnecessary noises in violation of this ~~ordinance~~ SECTION, but said enumeration shall not be deemed to be exclusive, namely:

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

(2) Loud speakers, amplifiers ~~for advertising.~~ using ~~The using~~ USING, operating or permitting to be played, used, or operated ~~of~~ any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, TAPE RECORDER or other machine or device for the producing or reproducing of sound which is ~~broadcast upon the public streets for the purpose of commercial advertising~~ ADVERTISES A COMMERCIAL ENTERPRISE or ~~attracting~~ ATTRACTS the attention of the public to any PROPERTY, building or structure, ~~or for any other purpose so as to annoy the quiet, comfort or repose of persons in any office or in any dwelling, hotel or other type of residence, or of any persons in the vicinity~~ EXCEPT AS AUTHORIZED BY THE GOVERNMENT OR IN PUBLIC EMERGENCIES.

* * *

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(7) Loading, unloading, opening boxes. The creation of a loud ~~an~~ AND excessive noise in connection with loading or unloading any vehicle, DUMPSTER OR CONTAINER or the opening and destruction of bales, boxes, crates, and SIMILAR CONTAINERS DURING THE NIGHTTIME.

(8) Construction or repairing of buildings. The erection (including excavation), demolition, alteration or repair of any building or structure other than between the following hours:

Monday through Friday	7:00 a.m. and 6:00 p.m.
Saturday and Sunday	9:00 a.m. and 6:00 p.m.

* * *

(14) NO PERSON OPERATING OR OCCUPYING A MOTOR VEHICLE ON ANY STREET, HIGHWAY, ALLEY, PARKING LOT, OR DRIVEWAY, PUBLIC PLACE OR PRIVATE PROPERTY, SHALL OPERATE OR PERMIT THE USE OR OPERATION OF ANY SOUND AMPLIFICATION SYSTEM, INCLUDING, BUT NOT LIMITED TO, ANY RADIO, TAPE PLAYER, COMPACT DISC PLAYER, LOUD SPEAKER, OR ANY OTHER DEVICE USED FOR THE PRODUCTION, REPRODUCTION OR AMPLIFICATION OF SOUND FROM WITHIN THE MOTOR VEHICLE SO THAT THE SOUND IS PLAINLY AUDIBLE AT A DISTANCE OF FIFTY OR MORE FEET FROM THE VEHICLE OR, IN THE CASE OF A MOTOR VEHICLE ON PRIVATE PROPERTY, BEYOND THE PROPERTY LINE. PROHIBITIONS CONTAINED IN THIS SECTION SHALL NOT BE APPLICABLE TO EMERGENCY OR PUBLIC SAFETY VEHICLES, VEHICLES OWNED AND OPERATED BY A GOVERNMENT OR ANY UTILITY COMPANY, FOR SOUND EMITTED UNAVOIDABLY DURING JOB-RELATED OPERATION.

(b) The generation of noise prohibited by subsection (a) of the section is a municipal infraction subject to the penalty set forth in Section 13-5 6 of this Chapter; provided however that no municipal infraction citation shall be issued except upon the observation of circumstances constituting a violation of this section by a City Code ~~Compliance~~ ENFORCEMENT Officer or upon the submission of written complaints to the City, on an affidavit form obtained from the City, by at least two witnesses residing in separate households, each of whom must be at least eighteen years of age and have personal knowledge of the alleged violation.

Sec. 13-4. Exemptions.

(a) This Chapter shall not apply to activities or events conducted or sponsored by the City, COUNTY OR STATE, including, without limitation, the Ice Rink, the Allen Pond concerts, the 4th of July parade and fireworks, and the like including functions at the Belair Mansion and Belair Stables.

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(b) The provisions of this Chapter shall not apply to sound equipment used by Public Service Companies as defined in THE PUBLIC UTILITIES Article 78 of the Annotated Code of Maryland, or to federal, state or local governmental agencies.

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(e) This Chapter shall not apply to lawn care and snow removal equipment when maintained in accordance with the manufacturer's specifications and used between the hours of 7:00 a.m. and ~~10:00~~ 9:00 p.m. Monday through Friday, and between the hours of 9:00 a.m. and ~~10:00~~ 9:00p.m. Saturdays and Sundays.

(f) This Chapter shall not apply to household tools and portable appliances in normal usage between the hours of 7:00 a.m. and ~~10:00~~ 9:00 p.m. Monday through Friday, and between 9:00 a.m. and ~~10:00~~ 9:00 p.m. Saturdays and Sundays.

(g) This Chapter shall not apply to household generators used during an emergency or for which routine testing or maintenance is being performed between the hours of 9:00 a.m. and 7:00 p.m.

Sec. 13-5. COMMERCIAL ESTABLISHMENTS ADJACENT TO RESIDENTIAL PROPERTY.

IT SHALL BE UNLAWFUL FOR ANY PERSON OWNING, OPERATING OR MANAGING A COMMERCIAL ESTABLISHMENT WITHIN THE CITY TO PERMIT UNREASONABLY LOUD AND UNNECESSARY NOISE FROM THE PREMISES, INCLUDING ANY OUTDOOR AREA THAT IS PART OF OR UNDER THE CONTROL OF THE ESTABLISHMENT, BETWEEN THE HOURS OF 9:00 P.M. AND 7:00 A.M. WHEN THE NOISE HAS UNREASONABLE ADVERSE EFFECTS ON ADJACENT OR NEARBY RESIDENTS. THOSE NOISES PROHIBITED BY SECTIONS 13-2(A) AND 13-3(A) OF THIS CHAPTER AND THE SOUND CREATED BY GARBAGE, TRASH, SOLID WASTE AND RECYCLING COLLECTION ACTIVITIES BY COMMERCIAL PROPERTY OWNERS AND OPERATORS ARE DECLARED TO BE UNREASONABLY LOUD AND UNNECESSARY NOISES IN VIOLATION OF THIS SECTION.

SEC. 13-~~5~~ 6. Penalty.

(a) Violations of this Chapter are municipal infractions, subject to the penalty and enforcement provisions of Chapter 1, Section 1-6 ~~and 2-6(a)~~ of this Code, except that:

(I) any violation of Section 13-3(a)(8) of this Chapter as a result of new residential or commercial development shall be subject to a fine of ~~\$250.00~~ \$500.00 for the first violation, and \$1000.00 for each subsequent violation;

(II) ANY VIOLATION OF SECTION 13-3(A)(2) OR (3) OF THIS CHAPTER SHALL BE SUBJECT TO A FINE OF \$500 FOR THE FIRST VIOLATION AND \$1,000 FOR EACH SUBSEQUENT VIOLATION; AND

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(III) ANY VIOLATION OF SECTION 13-5 OF THIS CHAPTER SHALL BE SUBJECT TO A FINE OF \$750 FOR THE FIRST VIOLATION AND \$1,000 FOR EACH SUBSEQUENT VIOLATION.

(b) Each hour during which a violation of sections 13-2 and 13-3 of this Chapter shall continue to exist shall constitute a separate and additional violation. EACH DAY THAT A VIOLATION OF SECTION 13-5 OCCURS IS A SEPARATE OFFENSE.

Section 2. BE IT FURTHER ORDAINED that this Ordinance shall become effective thirty (30) days after its enactment by the Council of the City of Bowie, Maryland provided that a fair summary of this Ordinance is published at least once prior to the date of passage and at least once within ten (10) days after the date of passage in a newspaper having general circulation in the City.

INTRODUCED by the Council of the City of Bowie, Maryland at a Regular Meeting on the _____ day of _____, 2023.

PASSED by the Council of the City of Bowie, Maryland at a Regular Meeting on the _____ day of _____, 2023.

ATTEST:

THE CITY OF BOWIE, MARYLAND

Awilda Hernandez
City Clerk

Timothy J. Adams
Mayor

**APPROVED AS TO FORM AND
SUFFICIENCY:**

Elissa D. Levan, City Attorney

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Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: Ordinance O-2-23 Amending Chapter 12, "City Cable Communications Regulatory Code" of the City Code

DATE: 01/12/2023

Purpose:

It is the purpose of this memo to introduce Ordinance O-2-23, amending Chapter 12, "City Cable Communications Regulatory Code" of the City Code per Md. Code Ann., Local Gov't. § 5-202 which grants the City Council the power to enact ordinances to protect and preserve the municipality's rights, property, and privileges.

In September of 1999, the City under the authority of the Md. Code Ann., Local Gov't. § 5-204, enacted legislation related to the use of City rights of way to provide cable services, impose franchise fees, and adopt rules and regulations designated to protect the public and to ensure that all franchise operate in the public interest. Chapter 12, "*City Cable Communications Regulatory Code*" of the City Code was adopted by O-5-99.

Recently, the City negotiated a proposed renewal cable franchise agreement with Comcast of Maryland LLC. The City's staff and legal counsel have deemed the terms of the proposed agreement to be favorable to the City, notwithstanding certain terms contained therein that may conflict with the requirements of the existing Chapter 12. Therefore, the City wishes to amend the existing Chapter 12 to include a provision for how a potential conflict between Chapter 12 and the franchise agreement will be resolved. The proposed language states that in the event of a conflict, the language and terms contained in the cable franchise agreement will prevail.

Recommendation:

In keeping with the best interests of the City and its residents and businesses, the staff recommends amending Chapter 12 to permit the City to enter into the proposed franchise agreement.

ATTACHMENTS: 1. 20230117 - Ordinance O-2-23

ORDINANCE
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
AMENDING BOWIE CITY CODE, CHAPTER 12, “CABLE
COMMUNICATIONS”; **TO PROVIDE THAT THE CITY MAY, BY**
ORDINANCE, APPROVE A CABLE FRANCHISE AGREEMENT THAT
VARIES FROM THE REQUIREMENTS OF THIS CHAPTER AND THAT,
IN SUCH CASE, THE TERMS OF THE FRANCHISE AGREEMENT
SHALL TAKE PRECEDENCE OVER THE TERMS OF THIS CHAPTER
WHERE THERE IS AN IRRECONCILABLE CONFLICT

WHEREAS, pursuant to Md. Code Ann., Local Govt. Art. § 5-202, the Council of the City of Bowie, Maryland (hereinafter “the City”) has the power to enact ordinances it deems necessary to preserve peace and good order and to protect the convenience of the citizens of the municipality; and

WHEREAS, pursuant to Md. Code Ann., Local Gov’t Art., § 5-204, the City has the authority to enact legislation relating to the use of City rights of way to provide cable services; and may impose franchise fees; and may adopt rules, and regulations; and

WHEREAS, pursuant to the foregoing authority the City enacted Chapter 12, “Cable Communications” of the City Code; and

WHEREAS, the City has negotiated a proposed renewal cable franchise agreement with Comcast of Maryland LLC, and the City deems the terms of the proposed agreement to be favorable to the City, notwithstanding certain terms contained therein that conflict or may conflict with the requirements of Chapter 12; and

WHEREAS, the City Council finds that the best interests of the City and its residents and businesses will be served by entering into the proposed franchise agreement and, to that end, desires to amend Chapter 12 to permit the City to enter into franchise agreements with terms that are or may be in conflict with Chapter 12.

NOW THEREFORE:

Section 1. **BE IT ORDAINED AND ENACTED**, by the Council of the City of Bowie, Maryland, that Chapter 12, “Cable Communications,” Section 12-22, “Miscellaneous Provisions”, of the Bowie City Code, be and hereby is amended to read as follows:

12-22 Miscellaneous provisions

A. Compliance with laws. (1) Each franchisee shall comply with all federal, state, and local laws and regulations heretofore and hereafter adopted or established during the entire term of its franchise.

* * *

G. RESOLUTION OF CONFLICTS. NOTWITHSTANDING ANY PROVISION OF THIS CHAPTER TO THE CONTRARY, TO THE EXTENT THAT ANY TERM OF A CABLE FRANCHISE AGREEMENT WITH A CABLE OPERATOR THAT IS APPROVED BY THE CITY COUNCIL BY ORDINANCE IRRECONCILABLY CONFLICTS WITH ANY PROVISION OF THIS CHAPTER, THE TERM OF THE FRANCHISE AGREEMENT SHALL SUPERSEDE THE CONFLICTING PROVISION OF THIS CHAPTER.

Section 2. **BE IT FURTHER ORDAINED** that this Ordinance shall become effective thirty (30) days after its enactment by the Council of the City of Bowie, Maryland, provided that a fair summary of this Ordinance is published at least once prior to the date of passage and at least once within ten (10) days after the date of passage in a newspaper having general circulation in the City.

INTRODUCED by the Council of the City of Bowie, Maryland at a regular meeting on the ____ day of _____, 2023.

PASSED by the Council of the City of Bowie, Maryland at a regular meeting on the ____ day of _____, 2023.

<u>UNDERLINED SMALL CAPS</u>	:	Indicate matter added to existing law.
Asterisks * * *	:	Indicate that text is retained from existing law but omitted herein.

ATTEST:

THE CITY OF BOWIE, MARYLAND

Awilda Hernandez, City Clerk

By:

Timothy J. Adams, Mayor

**APPROVED AS TO FORM AND
SUFFICIENCY:**

Elissa D. Levan, City Attorney

UNDERLINED SMALL CAPS

Asterisks * * *

:

Indicate matter added to existing law.

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Indicate that text is retained from existing law but omitted herein.