

AGENDA
MAYOR AND CITY COUNCIL – REGULAR SESSION
MONDAY, FEBRUARY 6, 2012 – 6:00 P.M.

1. CALL TO ORDER
2. PRAYER AND PLEDGE
3. REPORT FROM CITY MANAGER ON UPCOMING WORK SESSION
4. APPROVAL OF MINUTES
 - A. Pension Meeting – dated December 13, 2011
 - B. Regular Session #1 – dated January 3, 2012
 - C. Work Session – dated January 10, 2012
 - D. Regular Session #2 dated January 17, 2012
5. ITEMS PRESENTED BY THE MAYOR AND CITY COUNCIL
 - A. Introduction of Bill Badger, Director for the Worcester County Department of Economic Development
 - B. Recognition of Retirement – Janice Cropper
6. PRIVATE EVENT PERMIT REQUESTS
 - A. 9th Annual Let's Walk the Boards for St. Jude Children's Hospital – Saturday, April 14, 2012 and Date Hold for April 13, 2013
Presented by: Lisa Mitchell, Private Events Coordinator and Judy Davis, St. Jude Children's Research Hospital
 - B. Walk MS – Request Three-Year Event Approval - Saturday, April 14, 2012; April 13, 2013; and April 12, 2014
Presented by: Lisa Mitchell, Private Events Coordinator and Samantha Flottesmesch, National Multiple Sclerosis Society, MD Chapter
 - C. Cruisin' OC – Request Approval for Three-Year Continuation - Adding May 15-18, 2014
Presented by: Lisa Mitchell, Private Events Coordinator
 - D. Council of Baltimore Ravens Roosts Annual Parade – Request Approval for Three-Year Continuation - Adding May 31, 2014
Presented by: Lisa Mitchell, Private Events Coordinator
7. PUBLIC HEARINGS
8. UNFINISHED BUSINESS

9. NEW BUSINESS

10. REPORTS AND RECOMMENDATIONS FROM THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

11. APPOINTMENTS TO BOARDS, COMMISSIONS AND OTHER CITY ORGANIZATIONS

12. ITEMS REFERRED TO AND PRESENTATIONS FROM THE CITY SOLICITOR

- A. Second Reading – Ordinance to Amend Chapter 6 Entitled Animals (to allow horseback riding on the beach)
- B. Second Reading – Ordinance to Amend Chapter 30 Entitled Environment (to place volume restrictions on noise emanating from public ways that is audible at a distance of 30 feet from the source of such sound)
- C. Second Reading – Ordinance to Amend Chapter 110 Entitled Zoning (to include design guidelines in the site plan approval process)
- D. First Reading – Ordinance to Establish Parking Rates for All Parking Spaces with Cale Machine Parking (increases rate from \$1.00 to \$1.50 per hour)
- E. First Reading – Ordinance to Authorize the Purchase of Real Property Located at 105 Dorchester Street
- F. First Reading – Ordinance to Amend Chapter 30 Entitled Environment (to require that a noise permit control number be displayed on the front door of rental property)
- G. First Reading – Ordinance to Amend Chapter 14 Entitled Businesses (to change business license categories)
- H. Resolution to Authorize the Disposition of Personal Property (to sell equipment and miscellaneous items on GovDeals.com)
- I. Approval of General Order 400 E-1 – Vehicle Operation - Routine and Non-Routine

13. ITEMS REFERRED TO AND PRESENTATIONS FROM THE CITY MANAGER

Upcoming Bid Opening for Art League Building

14. COMMENTS FROM CITIZENS – 5 MINUTE TIME LIMIT

15. COMMENTS FROM THE MAYOR AND CITY COUNCIL



**REGULAR SESSION -MAYOR AND CITY COUNCIL
MONDAY, FEBRUARY 6, 2012**

**3 – REPORT FROM CITY MANAGER ON UPCOMING
WORK SESSION**



**REGULAR SESSION -MAYOR AND CITY COUNCIL
MONDAY, FEBRUARY 6, 2012**

4 – APPROVAL OF MINUTES

- A. Pension Meeting – dated December 13, 2011**
- B. Regular Session #1 – dated January 3, 2012**
- C. Work Session – dated January 10, 2012**
- D. Regular Session #2 – dated January 17, 2012**



**REGULAR SESSION -MAYOR AND CITY COUNCIL
MONDAY, FEBRUARY 6, 2012**

**5 – ITEMS PRESENTED BY THE MAYOR AND CITY
COUNCIL**

**A. Introduction of Bill Badger, Director for the Worcester
County Department of Economic Development**



**REGULAR SESSION -MAYOR AND CITY COUNCIL
MONDAY, FEBRUARY 6, 2012**

**5 – ITEMS PRESENTED BY THE MAYOR AND CITY
COUNCIL**

B. Recognition of Retirement – Janice Cropper

IN APPRECIATION OF JANICE CROPPER
17 YEARS OF SERVICE

JANICE CROPPER has contributed Seventeen (17) years of dedicated service to the Town of Ocean City, where she began her career in 1995; and

WHEREAS, Janice Cropper has played an integral role at the Roland E. Powell Convention Center for the past Seventeen (17) years; and

WHEREAS, Janice Cropper's skill and experience have been instrumental in the overall success of the Convention Center for the Town of Ocean City, Maryland.

NOW, THEREFORE, I, Richard W. Meehan, Mayor of the Town of Ocean City, Maryland, along with the Ocean City Council, do hereby commend Janice for her Seventeen (17) years of devoted service and wish her a happy and healthy retirement.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the Town of Ocean City, Maryland to be affixed this 6th day of February in the year of Our Lord two thousand and twelve.

RICHARD W. MEEHAN
Mayor



**REGULAR SESSION -MAYOR AND CITY COUNCIL
MONDAY, FEBRUARY 6, 2012**

6 – PRIVATE EVENT PERMIT REQUESTS

- A. 9th Annual Let's Walk the Boards for St. Jude
Children's Hospital – Saturday, April 14, 2012 and
Date Hold for April 13, 2013
Presented by: Lisa Mitchell, Private Events
Coordinator and Judy Davis, St. Jude Children's
Research Hospital**

April

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
1	2	3	4	5	6	7
8	9	10	11	12	13	14 Walk MS St. Jude's Walk
15 St. Jude's Walk Rain Date	16	17	18	19	20	21
22 PE – Susan G. Komen Race for a Cure	23	24	25	26	27	28 PE – OC ½ Marathon & 5K
29	30					

2012

Ocean City Special Events – Private Events

Name of Event: Let's Walk the Boards for St. Jude's

New Event: No

Date of Event: April 14, 2012, Rain date of April 15, 2012 and Date Hold of April 13, 2013

Date Application Received: May 21, 2010

Application Fee Paid: Yes/\$25

Date Insurance Certificate Received:

Beach Franchisee Notified: N/A

Date Routed: September 20, 2011

Date Returned from All Departments: December 14, 2011

Total Cost to Town: Minimal

Things to Note:

- This event is a walk-a-thon from the south end of the Boardwalk to the north end, where participants are provided light snacks before returning to the south end.
- The event would take place from 9:00 a.m. until 12:00 noon.
- Set-up for this event would take place on the day of the event, at 8:30 a.m.
- Breakdown of the event would take place directly after the event has ended.
- All participants will earn a certificate. Those who raise \$35 or more will receive a t-shirt. Those who raise \$75 or more will receive a sports bag along with a t-shirt.
- The event coordinator requests parking passes for volunteers.
- The event organizer requests that Boardwalk comfort stations be open during the event for participant use.

Comments from Department Representatives:

- PUBLIC WORKS – We will provide 10-parking passes for the volunteers of this event. Don't foresee any issues with this event going on at the same time as the MS Walk.
- RISK MANAGEMENT – If schedule of repair/replacement of the Boardwalk is still ongoing at time of the event, the event may need to leave the Boardwalk for a few blocks. Insurance Certificate must be provided prior to the event.
- OCPD – Will notify shift. While there is another walk (Walk MS) the same day with overlapping times, it is not a concern. Both events should be able to go on simultaneously without incident.
- REC & PARKS – Both walks could take place at the same time without incident.
- EMERGENCY SERVICES, TRANSPORTATION, OCCC, FIRE MARSHAL, OCBP, and TOURISM - No comments, concerns or costs.

Date on Council Agenda: February 6, 2012

Date Applicant Notified of Meeting:

Event Approved or Denied: _____

Date Fees Received: _____

Amount: _____

Date Permit Issued: _____

Other: _____

PRIVATE EVENT APPLICATION

Town of Ocean City, Maryland

NON-REFUNDABLE APPLICATION FEE:

\$35.00 For Profit Applicants, \$15.00 Non-Profit Applicants

RETURN APPLICATION TO: Private Events Coordinator
Town of Ocean City
Recreation and Parks
200 125th Street
Ocean City, MD 21842

This is an application for use and is not a permit of use. No guarantee of availability or use is made or implied by the acceptance of the application and fee.

This application should be completed and forwarded to the Ocean City Special Events Department at least 90 days prior to the requested event for City Council consideration. Any misrepresentation in this application or deviation from the final agreed upon route and/or method of operation described herein may result in the immediate revocation of the permit. Applicant's attention is directed to the accompanying information packet, entitled "Private Event Application Guidelines."

All questions on the application must be fully answered. "Same as last year" or similar comments are not acceptable responses. If a question does not apply, please write "N/A" in that space. The application will be returned if the information is incomplete. Please type or print the information clearly. You may attach additional sheets as necessary.

A non-refundable application fee must accompany this document.

\$35.00 For-Profit Applicants and \$15 Non-Profit Applicants

(If a Date Hold was approved for this event last year, please submit the remainder of balance.)

The minimum fee for City property usage is \$150 per day for For-Profit Applicants and \$15.00 per day for Non-Profit applicants. Set-up and breakdown days are also subject to this fee assessment.

1. TITLE OF EVENT: 9th Annual "Let's Walk the Boards for St. Jude Children's Hospital"
2. IS THIS A NEW EVENT? no
3. DATE(S) OF EVENT: Sat. April 14, 2011, rain date Sun. April 15, 2011
4. STARTING & ENDING TIMES OF EVENT: 8:30 a.m. - noon
5. PROJECTED SET-UP DATE (S) & TIMES: 8:30 a.m. on 4/14/12

6. PROJECTED CLEAN-UP DATE (S) & TIMES: _____
Noon 4/14/12

7. LOCATION (Describe area in which event shall be contained; be specific as to how much area will be used, etc.): _____
Registration at South end of Boardwalk in from of tram station.
Will walk to north end of Boardwalk and return to inlet.

8. APPLICANT'S NAME: Judy Davis

9. ORGANIZATION REPRESENTING: _____
St. Jude Children's Research Hospital

10. MAILING ADDRESS: _____
12919 Horn Island Dr., Ocean City, MD 21842

11. WORK PHONE # 347-603-5567 HOME PHONE # 410-213-1956
FAX: _____ E:MAIL: _____

12. IF ORGANIZATION IS NONPROFIT, LIST NONPROFIT CLASSIFICATION AND IDENTIFICATION NUMBER: _____
Amer. Leban. Syrian Assoc. Chir. Inc.

13. ON-SITE EVENT COORDINATOR: Judy Davis

14. OCEAN CITY/LOCAL ADDRESS OF COORDINATOR: _____
12919 Horn Island Dr., Ocean City, MD 21842

15. COORDINATOR'S CONTACT NUMBERS:
HOME: 410-213-1956 WORK: _____
FAX: _____ CELL: 347-603-5567
E-MAIL ADDRESS: Judymarieh55@gmail.com
OTHER: _____

16. FULLY DESCRIBE THE EVENT AND ALL PROPOSED ACTIVITIES: _____

Walkathon from southend Boardwalk to northend
Light snack available – participants return to south end, or as far as they can walk
All participants earn a certificate.
\$35 raised gets a tshirt
\$75 raised gets a sports bag and tshirt

***if more space is needed, please attach additional pages to the back of this application**

17. WHERE WILL EVENT HEADQUARTERS BE LOCATED? _____

N/A

18. VEHICULAR ACCESS TO THE BEACH IS CONTROLLED. DO YOU REQUIRE SUCH ACCESS? N/A IF SO, WHERE? _____

19. FULLY DESCRIBE THE UNLOADING AND LOADING OF SUPPLIES, EQUIPMENT, ETC. IN SUPPORT OF YOUR EVENT. (Include location, process, etc.): _____

N/A

20. WILL YOU SET UP A JUDGING AREA, P.A. SYSTEM, TENTS, SCAFFOLDING, ETC.? IF SO, PLEASE ILLUSTRATE ON REQUIRED DIAGRAM AND DESCRIBE HERE: _____

N/A

21. DESCRIBE THE CROWD CONTROL PROCEDURES YOU INTEND TO EMPLOY: _____

N/A

22. DESCRIBE ANY SPECIAL PARKING/TRAFFIC NEEDS OR CONSIDERATIONS (Be aware that additional charges may be assessed.):
_____ None _____
_____ Will advise participants to park in the Inlet Lot _____
_____ Will stop by Ocean City office for parking permits if parking is being charged _____

23. HAVE ARRANGEMENTS BEEN MADE FOR MEDICAL ASSISTANCE? _____
IF SO, WHAT TYPE? _____
_____ none _____

24. WHAT IS YOUR RAIN POLICY? _____
_____ Sunday, April 15 _____

25. WHAT PROVISIONS WILL BE MADE FOR COLLECTION AND DISPOSING OF SOLID WASTES, INCLUDING TRASH, GARBAGE AND RECYCLABLES?
_____ None – can use Boardwalk cans _____

26. WHAT PROVISIONS WILL BE MADE FOR PARTICIPANT “COMFORT” (TOILETS, HAND WASHING, ETC.)? _____
_____ Request comfort stations be open. _____

27. DESCRIBE CONCESSIONS/SALE ITEMS REQUESTED: _____
_____ none _____

28. DESCRIBE ALL PRODUCT SAMPLING REQUESTED (SPECIFIC SIZES & QUANTITIES): _____
_____ N/A _____

29. WILL REVENUE BE GENERATED FROM PARTICIPANT FEES, CONCESSIONS, SPONSORSHIPS OR ANY OTHER SOURCE? _____
IF SO, WHO WILL THE PROCEEDS BENEFIT? _____
Walker Solicitaions – St. Jude Children’s Research Hospital

30. DESCRIBE EVENT PRIZES/AWARDS: _____

Sponsors who raise \$35 tshirt
Sponsors who raise \$75 sports bag and tshirt
All walkers receive participant certificates

31. WILL YOU BE OFFERING A RAFFLE AT YOUR EVENT? no
Please forward a copy of the approved “One Day Alcohol Permit,” to the Private Events Coordinator.

32. WILL YOU BE ERECTING A TENT AT YOUR EVENT? no
Please forward a copy of the approved “Tent Permit,” to the Private Events Coordinator.

33. WILL YOU BE HAVING AIR SUPPORT/AIR-INFLATED STRUCTURES AT YOUR EVENT? no
Please forward a copy of the approved “Air Support/Air-Inflated Structures Permit,” to the Private Events Coordinator.

34. WILL YOU BE HAVING A BONFIRE AT YOUR EVENT? no
Please forward a copy of the approved “Bonfire Permit,” to the Private Events Coordinator.

35. WILL YOU BE HAVING FIREWORKS AT YOUR EVENT? no
Please forward a copy of the approved “Fireworks Permit,” to the Private Events Coordinator.

36. DO YOU EXPECT TO SERVE/SELL/DISTRIBUTE ALCOHOLIC BEVERAGES AT YOUR EVENT? no IF SO, PLEASE DESCRIBE INTENT (include beverage type, quantities, drink sizes, location, etc.): _____

Please forward a copy of the approved “One Day Alcohol Permit,” if required, to the Private Events Coordinator.

37. EXPECTED NUMBER OF PARTICIPANTS: 50-100

38. EXPECTED NUMBER OF SPECTATORS: 0

39. IF YOUR EVENT TAKES PLACE ON THE BEACH, YOU MUST NOTIFY THE APPROPRIATE BEACH FRANCHISE OWNER OF THE INTENDED EVENT. HAVE YOU DONE SO? N/A WHO DID YOU CONTACT? _____

40. WHAT ASSISTANCE AND SUPPLIES WILL YOU BE REQUESTING FROM TOWN PERSONNEL (Be aware that additional charges may be assessed and applicants must take full responsibility for the protection and security of borrowed/ rented city property): _____

none

41. A STATE HIGHWAY PERMIT MUST BE OBTAINED FOR USE OF ANY STATE PROPERTY (ROADS, HIGHWAYS, ETC.) HAVE YOU ALREADY OBTAINED THIS PERMIT? N/A IF SO, PLEASE ATTACHED A COPY TO THE BACK OF THIS APPLICATION.

If you have not yet obtained this permit, please forward a copy of the approved "Highway Permit," to the Private Events Coordinator once you receive it.

42. *For parade organizers only:* EXPECTED NUMBER OF OVERSIZED VEHICLES (LARGER THAN 12 FT TALL, 8 FT WIDE AND/OR 20 FT. LONG) TRAVELING THE PARADE ROUTE: N/A DESCRIBE: _____

43. LIST LOCATIONS AND DATES FOR PRIOR EVENTS HELD THE PAST FIVE (5) YEARS: _____

~~Oct. 2006 - 20011~~

44. LIST ALL SPONSORS ASSOCIATED WITH YOUR EVENT: _____

Pepsi – water

OC Parrotheads – help with postage

45. LIST ADDITIONAL COMMENTS AND/OR REQUESTS NO COVERED IN THIS APPLICATION: _____

Thank you for your continued support of St. Jude’s Children’s Research Hospital!

46. PLEASE ATTACH A DETAILED DIAGRAM OF EVENT LAYOUT. MAKE SURE YOU INCLUDE LOCATION OF HEADQUARTERS, PA SYSTEM, STAGE, CONCESSIONS, COURTS, BANDS, ETC.
IS DIAGRAM INCLUDED WITH APPLICATION? YES^X _____ NO _____
An event layout MUST be included for an event to be considered.

INSURANCE REQUIREMENT:

For the protection of the public and the Mayor and City Council, the applicant must obtain, at the applicant’s own expense, occurrence form comprehensive general liability insurance coverage, which insurance coverage shall include coverage for personal injury which said insurance coverall shall be at least in the amount of one million dollars (\$1,000,000) single limit. Said insurance coverage shall name the Mayor and City Council as additional insureds, with the address on the certificate listed as 301 Baltimore Avenue, Ocean City, Maryland 21842. A copy of the Insurance Policy Addendum, showing the addition of the Mayor and City Council as additional insured, is also to be provided. The certificate of insurance evidencing such coverage and the addendum shall be furnished to the Special Events Coordinator, Private Events on behalf of the Mayor and City Council by the applicant and be approved by the Town’s Risk Manager before applicant engages in the activity.

INSURANCE CERTIFICATE AND ADDENDUM:

_____ INCLUDED WITH APPLICATION

XX TO BE OBTAINED AND FORWARDED NO LATER THAN THIRTY (30) DAYS PRIOR TO THE EVENT

PEPSI COLA EXCLUSIVE PRODUCT AGREEMENT DISCLOSURE:

The applicant must comply with all provisions of the Town’s agreement with the Pepsi Cola Company of Salisbury as it pertains to the distribution or sales of beverages by the applicant on Town property. The applicant agrees to sell, dispense or serve only Pepsi Cola beverages on Town premises for the duration of the permitted use.

The applicant is expressly prohibited from using the beverages of other suppliers, said beverages to include soft drinks, juices, sport drinks and bottled waters. The permitted beverages include Pepsi, Diet Pepsi, Sierra Mist, Dr. Pepper, Mountain Dew, Lipton Brisk, Mug Root Beer, Slice, Hawaiian Punch, Gatorade, Dole, Sobe, Aquafina and other products which Pepsi Cola may provide.

I have read this disclosure and agree that I will comply with its provisions.

APPLICANT’S SIGNATURE Signature on File DATE 9-7-2011

LOCAL ORDINANCE DISCLOSURE AND COMPLIANCE

The applicant agrees to comply with the provisions of *all* applicable ordinances of the Town of Ocean City. Specifically all permitted uses on or within 75 feet of the Boardwalk are required to comply with the provisions of chapter 62 of the Code which expressly prohibits the public sale, rental or exchange for a donation of any goods, wares, merchandise, foodstuffs, refreshments or other commodities or services.

I have read this disclosure and will comply with *all* provisions of the local ordinances including Chapter 62 of the Town Code.

APPLICANT’S SIGNATURE Signature on File DATE 9-7-2011

HOLD HARMLESS CLAUSE:

Permitted (organization/applicant) shall assume all risks incident to or in connection with the permitted activity and shall be solely responsible for damage or injury, of whatever kind or nature, to person or property, directly or indirectly arising out of or in connection with the permitted activity or the conduct of Permitted’s operation. Permitted hereby expressly agrees to defend and save the Town of Ocean City, its officers, agents, employees and representatives harmless from any penalties for violation of any law, ordinance, or regulation affecting its activity and from any and all claims, suits, losses, damages, or injuries directly or indirectly arising out of or in connection with the permitted activity or conduct of its operation or resulting from the negligence or intentional acts or omissions of Permitted or its officers, agent and employees.

APPLICANT’S SIGNATURE Signature on File DATE 9-7-2011

MANDATED CHANGES/CANCELLATION

Applicant understands that any event or event date can be changed or canceled at the direction of the Mayor and City Council if the approved event interferes with Public Works project(s) or any other necessary governmental function. Such action may be directed at any time.

APPLICANT'S SIGNATURE Signature on File DATE 9-7-2011

PRIVATE EVENT APPLICATION COMPLIANCE REQUIREMENT

The applicant for a private event permit agrees to follow guidelines provided and submit a complete application including all required submission of materials.

The applicant agrees to take full responsibility for all city-owned property, whether borrowed, leased or rented, and understands that necessary replacement and/or repair fees may be assessed should such property be in an unacceptable condition.

The applicant agrees to abide by all provisions of the permit granted by the Town and agrees to pay all fees and costs assigned to the permit. The applicant further agrees to comply with all conditions of the use permit which may be required by the Mayor and City Council of the Town.

I have read and will copy with all special event application requirements.

APPLICANT'S SIGNATURE Signature on File DATE 9-7-2011

REQUEST FOR PRIVATE EVENT DATE HOLD

Town of Ocean City, Maryland

NON-REFUNDABLE APPLICATION FEE: For-Profit Promoters - \$40.00
Non-Profit Organizations - \$15.00

RETURN APPLICATION TO: Private Events Coordinator
Town of Ocean City, Recreation & Parks
200 125th Street, Ocean City, Maryland 21842

This is a request for a date hold and is not an application for special event, nor a permit of use. No guarantee of availability or use is made or implied by the acceptance of the request and fee.

The Mayor and City Council will only grant consideration of date holds to events that have been held previously in Ocean City.

This application must be completed and forwarded to the Private Events Coordinator no sooner than two (2) years prior to the requested event for City Council consideration. An official Private Event Application must be completed and submitted within the designated one (1) year time frame for event approval to be granted.

Any event date can be changed or canceled at the direction of the Mayor and City Council if the approved event interferes with Public Works project(s) or any other governmental function.

1. Title of Previous Event in Ocean City: 9th Annual Let's Walk the Boards for St. Jude's
2. Year Previous Event was held: 4/14/2012
3. Title of upcoming event: 10th Annual Let's Walk the Boards for St. Jude's
4. Requested date(s) of event: Sat., 4/13/2013
5. Requested times of event: 8:30 am-noon
6. Hours of which permit is desired (include set-up and clean up):
8:30am-noon
7. Location (Describe area in which event shall be contained; be specific as to how much area will be used, etc.): Registration at South end of Boardwalk, in front of tram, walk to North end and return to Inlet
8. Applicant's name and organization representing: Judy Davis. St. Jude's Children's Research Hospital
9. Mailing Address: 12919 Horn Island Dr., OCMD 21842
10. Work Phone: N/a Cell Phone: 347-603-5567 Home Phone: 410-213-1956 E-Mail: judymarieh55@gmail.com
11. If organization is non-profit, list non-profit classification and identification number: _____

APPLICANT'S SIGNATURE: Signature on file **DATE** 9/7/2011

Approved by Town Council March 21, 2011



**REGULAR SESSION -MAYOR AND CITY COUNCIL
MONDAY, FEBRUARY 6, 2012**

6 – PRIVATE EVENT PERMIT REQUESTS

**B. Walk MS – Request Three-Year Event Approval –
Saturday, April 14, 2012; April 13, 2013; and
April 12, 2014**

**Presented by: Lisa Mitchell, Private Events
Coordinator and Samantha Flottesmesch, National
Multiple Sclerosis Society, MD Chapter**

Ocean City Special Events – Private Events

Name of Event: Walk MS **New Event:** No
Requesting 3-year event approval: Saturday, April 14, 2012, April 13, 2013 and April 12, 2014
Date Application Received: September 20, 2011 **Application Fee Paid:** Yes, \$25
Date Routed: September 20, 2011
Date Returned from All Departments: December 14, 2011 **Total Cost to Town:** Minimal

Things to Note:

- As a fundraiser, this event would raise money for Multiple Sclerosis research and to support local programs.
- Set-up of the event would take place the morning of the event, from 6:00 a.m. until 8:30 a.m.
- The event would take place from 9:00 a.m. until 1:00 p.m.
- Clean up and breakdown of the event site would take place on the day of the event, from 1:30 p.m. until 3:00 p.m.
- The start/finish location would be on the Boardwalk at the Grand Hotel, 2100 N. Baltimore Ave. The participants would walk 1.5 miles south down the Boardwalk to Talbot St., where there would be a rest stop with bathroom facilities, drinks and snacks. The participants would then proceed back to the Grand Hotel.
- The event organizers request use of the comfort station at Talbot Street.
- Expected number of participants for this event is 425.

Comments from Department Representatives:

- OCPD – Will notify shift. While there is another walk (St. Jude’s Walk) the same day with overlapping times, it is not a concern. Both events should be able to go on simultaneously without incident.
 - PUBLIC WORKS –We don’t foresee any problems or issues with their event going on at the same time as St. Jude’s Walk.
 - RISK MANAGEMENT – Boardwalk repairs should not interfere. Insurance Certificate to be obtained before event.
 - REC. & PARKS – Both walks can successfully operate at the same time.
 - FIRE MARSHAL, EMERGENCY SERVICES, TRANSPORTATION, OCCC, OCBP and TOURISM – No comments, concerns or costs.
-

Date on Council Agenda: February 6, 2012 **Date Applicant Notified of Meeting:**
Event Approved or Denied: _____
Date Fees Received: _____ **Amount:** _____
Date Insurance Certificate Received: _____ **Beach Franchisee Notified:**
Date Permit Issued: _____
Other: _____

PRIVATE EVENT APPLICATION

Town of Ocean City, Maryland

NON-REFUNDABLE APPLICATION FEE:

\$35.00 For Profit Applicants, \$15.00 Non-Profit Applicants

RETURN APPLICATION TO: Private Events Coordinator
Town of Ocean City
Recreation and Parks
200 125th Street
Ocean City, MD 21842

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This application should be completed and forwarded to the Ocean City Special Events Department at least 90 days prior to the requested event for City Council consideration. Any misrepresentation in this application or deviation from the final agreed upon route and/or method of operation described herein may result in the immediate revocation of the permit. Applicant's attention is directed to the accompanying information packet, entitled "Private Event Application Guidelines."

All questions on the application must be fully answered. "Same as last year" or similar comments are not acceptable responses. If a question does not apply, please write "N/A" in that space. The application will be returned if the information is incomplete. Please type or print the information clearly. You may attach additional sheets as necessary.

A non-refundable application fee must accompany this document.

\$35.00 For-Profit Applicants and \$15 Non-Profit Applicants

(If a Date Hold was approved for this event last year, please submit the remainder of balance.)

The minimum fee for City property usage is \$150 per day for For-Profit Applicants and \$15.00 per day for Non-Profit applicants. Set-up and breakdown days are also subject to this fee assessment.

1. TITLE OF EVENT: Walk MS
2. IS THIS A NEW EVENT? No
3. DATE(S) OF EVENT: April 14, 2012
4. STARTING & ENDING TIMES OF EVENT: 8:30 am to 1:30 pm
5. PROJECTED SET-UP DATE (S) & TIMES: April 14, 6-8:30 am

6. PROJECTED CLEAN-UP DATE (S) & TIMES: _____
1:30-3:00 pm, April 14

7. LOCATION (Describe area in which event shall be contained; be specific as to how much area will be used, etc.): _____

_____The Grand Hotel (2100 N. Baltimore Ave.)lobby, which will be used for registration only. Castaway room will be used for breakfast and lunch. The strat/finish line will begin right outside the hotel on the Boardwalk. Walkers will walk 1/5 miles along the Boardwalk to Talbot St. where there will be a rest stop and return the 1.5 miles back to the Grand Hotel.

8. APPLICANT'S NAME: Mark Roeder

9. ORGANIZATION REPRESENTING: _____
The National Multiple Sclerosis Society MD Chapter

10. MAILING ADDRESS: _____
2219 York Rd., Suite 302, Timonium, MD 21093

11. WORK PHONE: 443-641-1208 HOME PHONE: 443-791-5239
FAX: 443-641-1201 E:MAIL: Mark.roeder@nmss.org

12. IS ORGANIZATION NONPROFIT? _____ ID #52-0663815
IF SO, PLEASE SUBMIT PROOF OF NONPROFIT STATUS.

13. ON-SITE EVENT COORDINATOR: Mark Roeder

14. OCEAN CITY/LOCAL ADDRESS OF COORDINATOR: _____
N/A

15. COORDINATOR'S CONTACT INFORMATION:
HOME: 443-791-5239 WORK: 443-641-1208
FAX: 443-641-1201 CELL: 443-791-5239
E-MAIL ADDRESS: Mark.roeder@nmss.org
OTHER: _____

16. FULLY DESCRIBE THE EVENT AND ALL PROPOSED ACTIVITIES: _____

Walk MS is a fundraiser to raise money for MS research and to support local programs.
The start/finish location is at the Grand Hotel located at 2100 N. Baltimore Ave. There
will be opening ceremonies, a DJ and balloons. The walk will begin at 10 am and walkers
will proceed 1.5 miles to a rest stop area on Talbot St., to use restroom facilities, drinks
and snacks will also be provided by the MS Society. Walkers will return the 1.5 miles
they came from ending at the Grand Hotel where lunch will be provided by the MS
Society.

***if more space is needed, please attach additional pages to the back of this application**

17. WHERE WILL EVENT HEADQUARTERS BE LOCATED? _____

Pre-event – 2219 York Rd., Ste. 302, Timonium, MD 21093
During event – the Grand Hotel

18. VEHICULAR ACCESS TO THE BEACH IS CONTROLLED. DO YOU REQUIRE SUCH ACCESS? No IF SO, WHERE? _____

19. FULLY DESCRIBE THE UNLOADING AND LOADING OF SUPPLIES, EQUIPMENT, ETC. IN SUPPORT OF YOUR EVENT. (Include location, process, etc.): MS Society and staff volunteers load and unload all event supplies through the main
entrance at the Grand Hotel. Supplies include registration materials, t-shirts and signs.
Donations obtained by the MS Society will also be loaded/unloaded at the rest stop by
staff and volunteers. Items include ice, water and snacks.

20. WILL YOU SET UP A JUDGING AREA, P.A. SYSTEM, TENTS, SCAFFOLDING, ETC.? IF SO, PLEASE ILLUSTRATE ON REQUIRED DIAGRAM AND DESCRIBE HERE: _____

N/A

21. DESCRIBE THE CROWD CONTROL PROCEDURES YOU INTEND TO EMPLOY: _____

Support staff and volunteers are placed along the route for any help required.

22. DESCRIBE ANY SPECIAL PARKING/TRAFFIC NEEDS OR CONSIDERATIONS (Be aware that additional charges may be assessed.):

23. HAVE ARRANGEMENTS BEEN MADE FOR MEDICAL ASSISTANCE? _____
 IF SO, WHAT TYPE? _____

24. WHAT IS YOUR RAIN POLICY? _____

25. WHAT PROVISIONS WILL BE MADE FOR COLLECTION AND DISPOSING OF SOLID WASTES, INCLUDING TRASH, GARBAGE AND RECYCLABLES?

26. WHAT PROVISIONS WILL BE MADE FOR PARTICIPANT "COMFORT" (TOILETS, HAND WASHING, ETC.)? _____

27. DESCRIBE CONCESSIONS/SALE ITEMS: _____

28. DESCRIBE ALL PRODUCT SAMPLING (SPECIFIC SIZES & QUANTITIES): _____

29. WILL REVENUE BE GENERATED FROM PARTICIPANT FEES, CONCESSIONS, SPONSORSHIPS OR ANY OTHER SOURCE? Yes
IF SO, WHO WILL THE PROCEEDS BENEFIT? _____
We will have sponsor and donations, which will go directly to the National MS Society.

30. DESCRIBE EVENT PRIZES/AWARDS: _____

Acknowledgement of top teams and individual fundraisers during opening ceremonies.
Nothing handed out.

31. WILL YOU BE OFFERING A RAFFLE AT YOUR EVENT? No
Please forward a copy of the approved "Gamin/Raffle Permit," to the Private Events Coordinator.

32. WILL YOU BE ERECTING A TENT AT YOUR EVENT? no
Please forward a copy of the approved "Tent Permit," to the Private Events Coordinator.

33. WILL YOU BE HAVING AIR SUPPORT/AIR-INFLATED STRUCTURES AT YOUR EVENT? No
Please forward a copy of the approved "Air Support/Air-Inflated Structures Permit," to the Private Events Coordinator.

34. WILL YOU BE HAVING A BONFIRE AT YOUR EVENT? No
Please forward a copy of the approved "Bonfire Permit," to the Private Events Coordinator.

35. WILL YOU BE HAVING FIREWORKS AT YOUR EVENT? No
Please forward a copy of the approved "Fireworks Permit," to the Private Events Coordinator.

36. DO YOU EXPECT TO SERVE/SELL/DISTRIBUTE ALCOHOLIC BEVERAGES AT YOUR EVENT? No IF SO, PLEASE DESCRIBE INTENT (include beverage type, quantities, drink sizes, location, etc.): _____

Please forward a copy of the approved "One Day Alcohol Permit," if required, to the Private Events Coordinator.

37. EXPECTED NUMBER OF PARTICIPANTS: 425

38. EXPECTED NUMBER OF SPECTATORS: 50

39. IF YOUR EVENT TAKES PLACE ON THE BEACH, YOU MUST NOTIFY THE APPROPRIATE BEACH FRANCHISE OWNER OF THE INTENDED EVENT. HAVE YOU DONE SO? No WHO DID YOU CONTACT? _____

Event not on beach

40. WHAT ASSISTANCE AND SUPPLIES WILL YOU BE REQUESTING FROM TOWN PERSONNEL (Be aware that additional charges may be assessed and applicants must take full responsibility for the protection and security of borrowed/rented city property): _____

Nothing

41. A STATE HIGHWAY PERMIT MUST BE OBTAINED FOR USE OF ANY STATE PROPERTY (ROADS, HIGHWAYS, ETC.) HAVE YOU ALREADY OBTAINED THIS PERMIT? Not needed IF SO, PLEASE ATTACHED A COPY TO THE BACK OF THIS APPLICATION.

If you have not yet obtained this permit, please forward a copy of the approved "Highway Permit," to the Private Events Coordinator once you receive it.

42. ***For parade organizers only:*** EXPECTED NUMBER OF OVERSIZED VEHICLES (LARGER THAN 12 FT TALL, 8 FT WIDE AND/OR 20 FT. LONG) TRAVELING THE PARADE ROUTE: No PLEASE DESCRIBE:

No

43. LIST LOCATIONS AND DATES FOR PRIOR EVENTS HELD THE PAST FIVE (5) YEARS: _____

April 2007 – 2011, all held at the Grand Hotel

44. LIST ALL SPONSORS ASSOCIATED WITH YOUR EVENT: _____

Sponsors to be determined.

45. LIST ADDITIONAL COMMENTS AND/OR REQUESTS NOT COVERED IN THIS APPLICATION: _____

None

46. PLEASE ATTACH A DETAILED DIAGRAM OF EVENT LAYOUT. MAKE SURE YOU INCLUDE LOCATION OF HEADQUARTERS, PA SYSTEM, STAGE, CONCESSIONS, COURTS, BANDS, ETC.

IS DIAGRAM INCLUDED WITH APPLICATION? YES^{XX} _____ NO _____

An event layout MUST be included for an event to be considered.

INSURANCE REQUIREMENT:

For the protection of the public and the Mayor and City Council, the applicant must obtain, at the applicant's own expense, occurrence form comprehensive general liability insurance coverage, which insurance coverage shall include coverage for personal injury which said insurance coverall shall be at least in the amount of one million dollars (\$1,000,000) single limit. Said insurance coverage shall name the Mayor and City Council as additional insureds, with the address on the certificate listed as 301 Baltimore Avenue, Ocean City, Maryland 21842. A copy of the Insurance Policy Addendum, showing the addition of the Mayor and City Council as additional insured, is also to be provided. The certificate of insurance evidencing such coverage and the addendum shall be furnished to the Special Events Coordinator, Private Events on behalf of the Mayor and City Council by the applicant and be approved by the Town's Risk Manager before applicant engages in the activity.

INSURANCE CERTIFICATE AND ADDENDUM:

_____ INCLUDED WITH APPLICATION

XX TO BE OBTAINED AND FORWARDED NO LATER THAN THIRTY (30) DAYS PRIOR TO THE EVENT

PEPSI COLA EXCLUSIVE PRODUCT AGREEMENT DISCLOSURE:

The applicant must comply with all provisions of the Town’s agreement with the Pepsi Cola Company of Salisbury as it pertains to the distribution or sales of beverages by the applicant on Town property. The applicant agrees to sell, dispense or serve only Pepsi Cola beverages on Town premises for the duration of the permitted use.

The applicant is expressly prohibited from using the beverages of other suppliers, said beverages to include soft drinks, juices, sport drinks and bottled waters. The permitted beverages include Pepsi, Diet Pepsi, Sierra Mist, Dr. Pepper, Mountain Dew, Lipton Brisk, Mug Root Beer, Slice, Hawaiian Punch, Gatorade, Dole, Sobe, Aquafina and other products which Pepsi Cola may provide.

I have read this disclosure and agree that I will comply with its provisions.

APPLICANT’S SIGNATURE Signature on file DATE 10-12-10

LOCAL ORDINANCE DISCLOSURE AND COMPLIANCE

The applicant agrees to comply with the provisions of *all* applicable ordinances of the Town of Ocean City. Specifically all permitted uses on or within 75 feet of the Boardwalk are required to comply with the provisions of chapter 62 of the Code which expressly prohibits the public sale, rental or exchange for a donation of any goods, wares, merchandise, foodstuffs, refreshments or other commodities or services.

I have read this disclosure and will comply with *all* provisions of the local ordinances including Chapter 62 of the Town Code.

APPLICANT’S SIGNATURE Signature on file DATE 10-12-10

HOLD HARMLESS CLAUSE:

Permitted (organization/applicant) shall assume all risks incident to or in connection with the permitted activity and shall be solely responsible for damage or injury, of whatever kind or nature, to person or property, directly or indirectly arising out of or in connection with the permitted activity or the conduct of Permitted’s operation. Permitted hereby expressly agrees to defend and save the Town of Ocean City, its officers, agents, employees and representatives harmless from any penalties for violation of any law, ordinance, or regulation affecting its activity and from any and all claims, suits, losses, damages, or injuries directly or indirectly arising out of or in connection with the permitted activity or conduct of its operation or resulting from the negligence or intentional acts or omissions of Permitted or its officers, agent and employees.

APPLICANT’S SIGNATURE Signature on file DATE 10-12-10

MANDATED CHANGES/CANCELLATION

Applicant understands that any event or event date can be changed or canceled at the direction of the Mayor and City Council if the approved event interferes with Public Works project(s) or any other necessary governmental function. Such action may be directed at any time.

APPLICANT'S SIGNATURE Signature on file DATE 10-12-10

PRIVATE EVENT APPLICATION COMPLIANCE REQUIREMENT

The applicant for a private event permit agrees to follow guidelines provided and submit a complete application including all required submission of materials.

The applicant agrees to take full responsibility for all city-owned property, whether borrowed, leased or rented, and understands that necessary replacement and/or repair fees may be assessed should such property be in an unacceptable condition.

The applicant agrees to abide by all provisions of the permit granted by the Town and agrees to pay all fees and costs assigned to the permit. The applicant further agrees to comply with all conditions of the use permit which may be required by the Mayor and City Council of the Town.

I have read and will copy with all special event application requirements.

APPLICANT'S SIGNATURE Signature on file DATE 10-12-10

Internal Revenue Service

Date: May 3, 2006

NATIONAL MULTIPLE SCLEROSIS SOCIETY
MARYLAND CHAPTER
% RICK SMITH
11403 CRONHILL DR STE E
OWINGS MILLS MD 21117-6217

Department of the Treasury
P. O. Box 2508
Cincinnati, OH 45201

Person to Contact:
DALPHENE NAEGELE 31-04012
CUSTOMER SERVICE SPECIALIST
Toll Free Telephone Number:
877-829-5500
Federal Identification Number:
52-0663815
Group Exemption Number:
1048

Déar Sir or Madam:

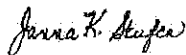
This is in response to your request of May 3, 2006, regarding your organization's tax-exempt status.

Your organization is exempt under section 501(c)(3) of the Code because it is included in a group ruling issued to National Multiple Sclerosis Society, located in New York.

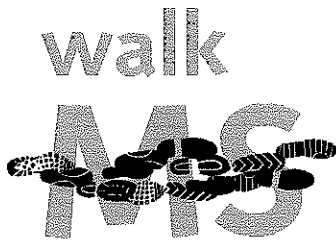
Our records indicate that contributions to your organization are deductible under section 170 of the Code, and that you are qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Internal Revenue Code.

If you have any questions, please call us at the telephone number shown in the heading of this letter.

Sincerely,



Janna K. Skufca, Director, TE/GE
Customer Account Services



Maryland
Walk 2010

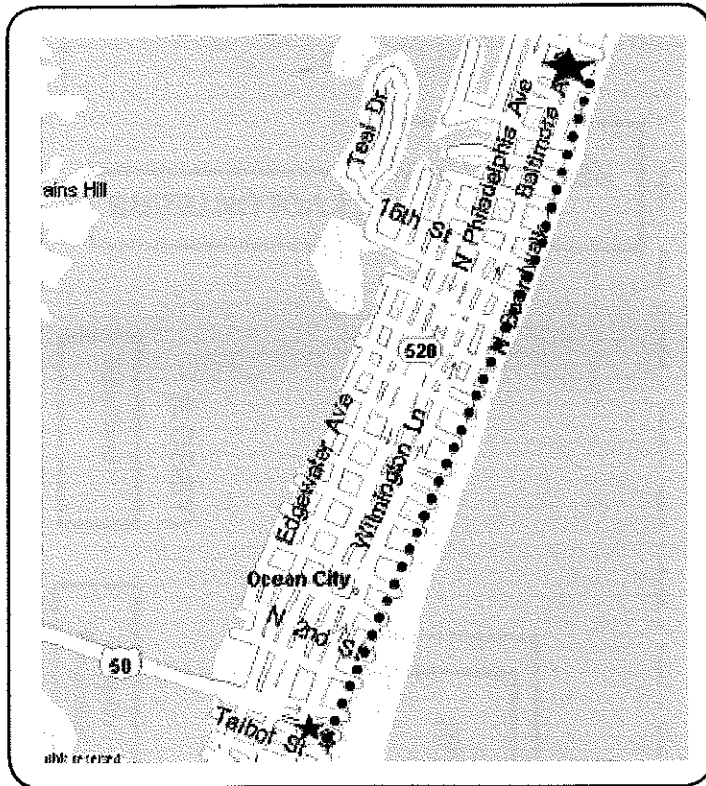
presented by
ACORDA
THERAPEUTICS

Schedule of Events

- 9:00 a.m. Walk MS Registration Opens
- 9:45 a.m. Opening Ceremony Begins
- 10:00 a.m. Walk MS Begins
- 10:30 a.m. Registration Closes
- 11:00 a.m. Lunch Begins

Thank you for joining us at the Walk MS: Ocean City Walk 2010!

We are glad to have you with us today! The money you are raising will help provide programs and services for the 6,700 Marylanders living with MS, as well as support the ongoing search for a cure! Please follow all route markers on the route. In the event of an emergency, always dial 911.



Walk MS Special Guests:

- Cindi Pietroski; Walk MS Ambassador
- Mike Bradley; B 101.7 emcee
- Taylor Farley; National Anthem
- Louise Gulyas; member Worcester County Commissioners
- Enid Kelley; Mrs. Delmarva 2010

Special Thanks to:

- Food Lion
- Atlantic General Hospital
- Fisher's Popcorn
- Clear Channel Outdoor
- Lowes
- Comcast Cable
- WMDT
- The Town of Ocean City

Thank you to all of our sponsors for Walk MS: Ocean City Walk 2010!



OCEAN CITY PRE-WALK SET UP
SATURDAY APRIL 16, 2011

(OUTSIDE - BOARDWALK)

TEAM PICTURES

MS SOCIETY

DOORS

MS SOCIETY

Capital Insurance

WALL OF HOPE

DJ

CASTAWAY ROOM
BREAKFAST

(CAFE)

PRE REGISTRATION

VOLUNTEERS

REGISTRATION
LOGGING/
INVOICING
T-SHIRTS
11 Tables

(LOBBY)

Elite Fleet

Chapter Programs

DOORS

FRONT DESK

(OUTSIDE)

OCEAN CITY POST-WALK SET UP
SATURDAY APRIL 16, 2011

TEAM
PICTURE

LUNCH
LUNCH
LUNCH
LUNCH
LUNCH

LUNCH
LUNCH
LUNCH
LUNCH

MS SOCIETY

COMPLETER
KITS

(CAFE)

LUNCH
LUNCH
LUNCH
LUNCH
LUNCH

LUNCH
LUNCH
LUNCH

DOORS

MS SOCIETY

Capital
Insurance

(OUTSIDE - BOARDWALK)

WALL OF
HOPE

DJ

CASTAWAY ROOM
LUNCH

(LOBBY)

FRONT
DESK

DOORS

(OUTSIDE)



**REGULAR SESSION -MAYOR AND CITY COUNCIL
MONDAY, FEBRUARY 6, 2012**

6 – PRIVATE EVENT PERMIT REQUESTS

**C. Crusin’ OC – Request Approval for Three-Year
Continuation – Adding May 15-18, 2014
Presented by: Lisa Mitchell, Private Events**

May

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
				1 Springfest	2 Springfest	3 Springfest
4 Springfest	5	6	7	8	9	10 Crab Soup Cook-off
11	12	13	14	15 Cruisin OC	16 Cruisin OC	17 Cruisin OC
18 Cruisin OC	19	20	21	22	23	24
25	26	27	28	29	30	31 Ravens' Roosts' Parade

2014

Ocean City Private Events 3-Year Approval

Name of Event: Cruisin OC

Date of Event: Requesting event approval for May 15-18, 2014

Cost to the Town of Ocean City to support this event: \$20,000

Things to Note:

- Last year Bob Rothermel for Special Event Productions, Inc. was granted a 3-year event approval for the Cruisin OC event. The dates approved were May 19-22, 2011, May 17-20, 2012 and May 16-19, 2013.
- Special Event Productions, Inc would like to continue this provision, and requests Council approves this event for the date of May 15-18, 2014.
- All appropriate documents have been supplied and fees paid.

Comments from Department Representatives:

- OCPD – Control traffic at S. 1st St for access to the Inlet Lot. Provide special traffic/pedestrian enforcement details to include the Inlet Lot, Baltimore Ave., 30th St. and Coastal Hwy., 45th St. and Coastal Hwy., 118th-123rd Sts. And Coastal Hwy. Will also assist with parades on the Boardwalk. Will need to have the event coordinator establish a set time for parade lineup so participants are not showing up late. There are too many vehicles attempting to drive in the Boardwalk parade after the last vehicle already began driving south on the Boardwalk. When the last vehicle in the parade lineup enters the Boardwalk there should not be any additional vehicles allowed because it causes large gaps in the parade, which can cause potential problems with pedestrian activity. Total cost to the department for the 4-day event is approximately \$20,000.
 - Public Works – No issues with this event. Coordinators are very well organized. We will continue to provide all needed supplies and services as requested.
 - Risk –Insurance Certificate to be submitted prior to the event.
 - Fire Marshal – Tent permits must be obtained from the office of the Fire Marshal.
 - Tourism – This event continues to deliver significant economic impact on the Town of Ocean City.
 - Transportation – Permit overnight parking of oversized vehicles and trailer at the West OC Park and Ride from 3 am Thursday to 3 am Monday. Will enforce posted rules and regulations at the Park and Ride, particularly the use of any vehicle as sleeping quarters. Park and Ride shuttle will be in operation from 6 am to 12 am Thursday through Sunday. The frequency of service will be approximately every 20-minutes.
 - OCBP, Emergency Services, OCCC, Rec. & Parks – No comments.
-

Date on Council Agenda: February 6, 2012

Council Ruling: _____

Applicant Notified of Meeting Results: _____



**REGULAR SESSION -MAYOR AND CITY COUNCIL
MONDAY, FEBRUARY 6, 2012**

6 – PRIVATE EVENT PERMIT REQUESTS

- D. Council of Baltimore Ravens Roosts Annual Parade
Request Approval for Three-Year Continuation –
Adding May 31, 2014
Presented by: Lisa Mitchell, Private Events
Coordinator**

Ocean City Private Events 3-Year Approval

Name of Event: Ravens' Roosts' Parade

Date of Event: Requesting event approval for May 31, 2014

Cost to the Town of Ocean City to support this event: \$11,434

Things to Note:

- Last year Sue Draper for the Council of Baltimore Ravens' Roosts was granted a 3-year event approval for the Ravens' Roosts Annual Parade. The dates approved were June 6, 2011, June 2, 2012 and June 1, 2013
- Sue Draper for the Council of Baltimore Ravens' Roosts would like to continue this provision, and requests Council approves this event for the date of May 31, 2014.
- All appropriate documents have been supplied and fees paid.

Comments from Department Representatives:

- OCPD – Control traffic at all intersections. Provide security at the reviewing stand. Use bicycle patrol and mounted units for pedestrian control. Monitor the area of Castle in the Sand throughout the event. Total cost to the department is estimated at \$4,125.
 - Public Works – No issues with this event. This will be the 3rd year that we have utilized this parade route without any incidents. We will continue to provide all needed supplies and services as requested. Last year's event cost the department \$7,309.00 to support.
 - Risk – Need to make sure all protocol is adhered to for SHA for traffic control. Insurance Certificate to be submitted prior to the event.
 - Fire Marshal – Tent permits must be obtained from the office of the Fire Marshal.
 - OCBP, Transportation, Emergency Services, OCCC, Rec. & Parks, Tourism – No comments.
-

Date on Council Agenda: February 6, 2012

Council Ruling: _____

Applicant Notified of Meeting Results: _____



**REGULAR SESSION -MAYOR AND CITY COUNCIL
MONDAY, FEBRUARY 6, 2012**

**12 – ITEMS REFERRED TO AND PRESENTATIONS FROM
THE CITY SOLICITOR**

- A. Second Reading – Ordinance to Amend Chapter 6
Entitled Animals (to allow horseback riding on the
beach)**

First Reading _____
Second Reading _____

ORDINANCE 2012-

AN ORDINANCE TO AMEND CHAPTER 6, ENTITLED
ANIMALS, OF THE CODE OF THE
TOWN OF OCEAN CITY, MARYLAND

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE MAYOR AND CITY COUNCIL OF OCEAN CITY THAT CHAPTER 6, ENTITLED ANIMALS, OF THE CODE OF THE TOWN OF OCEAN CITY, MARYLAND BE, AND IT IS HEREBY, AMENDED BY ADDING SUBSECTION 6-1(b)(3), BY REPEALING AND REENACTING WITH AMENDMENT SUBSECTION 6-1(c), AND BY ADDING ARTICLE III, AS FOLLOWS:

Sec. 6-1. Keeping reptiles or other non-domesticated animals.

...

(b) Exemptions.

...

(3) Horses, only pursuant to article III of this chapter.

(c) A violation of the provisions of this chapter shall be a municipal infraction subject to the provisions of section 1-8 of this Code.

...

ARTICLE III. HORSEBACK RIDING

Sec. 6-41. Riding permitted in designated areas.

The riding of horses within a specifically designated area of the beach of Ocean City is hereby permitted pursuant to the terms and conditions as set forth in this article.

Sec. 6-42. Permitted times and dates.

The riding of horses as permitted pursuant to this article shall only occur on an annual basis beginning on November 1 of each year through and concluding on March 30 of the next year. The permitted hours of riding during said time period shall be from 6:00 a.m. to 5:00 p.m.

Sec. 6-43. Designated riding area.

The designated area for the riding of horses as set forth in this article shall be on the area of beach beginning at the northernmost extension of 27th Street and extending south to the south end jetty. Horseback riding in any dune area, or any other area which may disturb or destroy any dune grass, dunes, nesting areas or threatened or endangered species or their habitat is specifically

LAW OFFICES

AYRES, JENKINS,
GORDY & ALMAND, P.A.

SUITE 200
6200 COASTAL HIGHWAY
OCEAN CITY, MO 21842

prohibited. In order to be in conformance with this section of this article, all riders must ride in the general vicinity of the hard sand closest to the water's edge.

Sec. 6-44. Sporting activities prohibited.

Any sporting activities such as horse racing, polo or other sporting activities involving horses are prohibited by this article. No galloping shall be permitted. The only activity permitted pursuant to this article shall be the leisurely activity of horseback riding consisting of walking or pacing of the horses.

Sec. 6-45. Permit required.

A permit will be required for riding horses on the beach. The cost of the permit shall be \$50.00 per horse and may be purchased at the office of the City Clerk. Each permit must be displayed in the front windshield of the vehicle used for towing the horse(s) to Ocean City. The permit shall permit two riders per permit vehicle to engage in the activity of horseback riding on the beach. The person obtaining the permit must provide their full name, permanent address and telephone number and their address and telephone number in Ocean City, if applicable, when completing an application for a permit. Each person seeking to obtain a permit must complete an application form as designated by the City Manager or his designee. A permit shall only be valid during the horseback riding season in which it was purchased. There shall be no refund if a permit is used for only part of the season. Additional riders may obtain a permit at the cost of \$25.00 per rider. At the time of application, the applicant shall produce evidence of a negative "Coggins" test, current under equine industry standards, for each horse.

Sec. 6-46. Permittee responsible for riders.

The person who obtains the permit shall be responsible for any and all individuals engaging in horseback riding pursuant to said permit. This includes the responsibility of insuring that any beginner or intermediate rider is accompanied by an experienced rider and is capable of controlling the specific horse which he or she is riding.

Sec. 6-47. Limit on number of horses.

There is no limit on the number of permits that can be sold. There shall be a limit of no more than 12 horses permitted on the beach at any one time. Riding sessions must be scheduled at least three days in advance by contacting the City Clerk's Office at telephone number (410) 289-8221 and making a reservation. If 12 slots have been reserved for said day, then no reservation can be made for additional riders on said date. Ocean City reserves the right to only allow riding during times when the ocean tide shall be the lowest.

Sec. 6-48. Parking of trailers.

Any horse trailer used to transport a horse(s) to Ocean City for horseback riding may only be parked at the beach parking lot. If any said truck parked at said lot is connected to a trailer and does not have a permit, Ocean City, in its sole discretion reserves the right to tow both the truck and trailer at the owner's expense. Likewise, no trailer shall be allowed to be parked without being attached to a truck with a valid permit. All horse(s) used in the horseback riding permitted by this article shall be transported to Ocean City and no such horse(s) shall be permitted to be stabled, kept or to remain in Ocean City except during the specifically reserved riding times.

Sec. 6-49. Permittee responsibility; hearing; revocation of permit.

The permittee is responsible for cleaning any manure, hay or other debris which is caused by the riding of horses upon said beach including any and all which may fall in the parking lot, entrance to the beach or on the beach. Any such manure, hay or other debris must be removed from the Island and brought back to the stable or farm from which the horse came. A violation of this section of the ordinance may, in addition to all other penalties, result in a hearing before the City Manager at which hearing the permit of any such permittee may be revoked and said permittee may be refused the issuance of a permit in the future.

Sec. 6-50. Proper headgear required; hearing; revocation of permit.

All riders are required to wear a properly fitted and secure protective headgear (equestrian riding helmet) which meets or exceeds the quality standards of the SEI Certified ASTM standard F1163. Failure of any person(s) to wear a helmet while riding horses pursuant to this article may result, in addition to all other penalties, in a hearing before the City Manager at which hearing the permit of any such permittee may be revoked and said permittee may be refused the issuance of a permit in the future. It shall be the responsibility of the permittee to insure that any person riding pursuant to said permit is wearing such protective headgear. There will be no refund for any permit revoked because of a violation of this article.

Sec. 6-51. Accompaniment by adult required.

Any child under the age of 16 years must be accompanied by an adult at all times while riding on the beach.

Sec. 6-52. Accompaniment by dogs prohibited.

No dogs are permitted to accompany riders while riding on the beach pursuant to this article.

Sec. 6-53. Riders must yield to others.

When any rider comes upon any individuals on the beach, whether they be swimming, fishing, or engaged in other activities, it is the responsibility of the horse rider to yield and to ride around any such individuals or fisherman and also must yield, avoid and ride around any fishing lines.

Sec. 6-54. Responsibility for stolen articles.

Ocean City is not responsible for lost or stolen tack/personal items. The owners are responsible for locking their vehicles and trailers when not present.

Sec. 6-55. Consumption of alcoholic beverages prohibited; revocation of permit; hearing.

No person shall consume alcoholic beverages during the time they are riding or transporting horses to or from the beach in Ocean City. A violation of this section of the ordinance shall result in the immediate revocation of the permit of the permittee. The City Manager will further conduct a hearing at which time said permittee may be prevented from obtaining any permit for the riding of horses on the beach in the future.

Sec. 6-56. Rules and regulations; application for permit.

The City Manager is specifically given authority pursuant to this article to establish rules regulating the activity of horseback riding in Ocean City. Said rules may include the provisions contained in this article or may be in addition thereto. The application to be signed by a permittee shall specifically have contained thereon the following language:

"I understand that horseback riding in Ocean City is a privilege. By signing this application for permit, I specifically agree that I, and anyone riding pursuant to this permit, shall be bound by this article and rules established by Ocean City regulating horseback riding on the beach. I further, on behalf of myself and all riders riding pursuant to the permit to be issued pursuant to this application, specifically release Ocean City, its officers, officials, agents and employees from any and all liability of any nature whatsoever associated or related to the riding of horses within Ocean City and specifically hold harmless those individuals and entities."

Sec. 6-57. Release of liability and hold harmless.

Upon receiving a permit, any individual riding pursuant to said permit shall be required to sign a waiver and release of liability of Ocean City, its officers, agents and employees in the form set forth in section 6-56 hereof.

INTRODUCED at a meeting of the City Council of Ocean City, Maryland held on January 17, 2012.

ADOPTED AND PASSED by the required vote of the elected membership of the City Council and approved by the Mayor at its meeting held on February 6, 2012.

ATTEST:

KELLY ALLMOND, Clerk

RICHARD W. MEEHAN, Mayor

Approved as to Form:

JAMES S. HALL, President

GUY R. AYRES III, City Solicitor

LLOYD MARTIN, Secretary



**REGULAR SESSION -MAYOR AND CITY COUNCIL
MONDAY, FEBRUARY 6, 2012**

**12 – ITEMS REFERRED TO AND PRESENTATIONS
FROM THE CITY SOLICITOR**

- B. Second Reading – Ordinance to Amend Chapter 30
Entitled Environment (to place volume restrictions on
noise emanating from public ways that is audible at a
distance of 30 feet from the source of such sound)**

First Reading _____
Second Reading _____

ORDINANCE 2012-

AN ORDINANCE TO AMEND CHAPTER 30, ENTITLED ENVIRONMENT,
OF THE CODE OF THE TOWN OF OCEAN CITY, MARYLAND

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE MAYOR AND CITY COUNCIL OF OCEAN CITY THAT CHAPTER 30, ENTITLED ENVIRONMENT, OF THE CODE OF THE TOWN OF OCEAN CITY, MARYLAND BE, AND THE IT IS HEREBY AMENDED BY REPEALING AND REENACTING WITH AMENDMENT SUBSECTION 30-272(2)b, AS FOLLOWS:

Sec. 30-272. Prohibited noises enumerated.

...

(2)

...

b. The using of, operating of or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, sound amplification system or other machine or device for the producing or reproducing of sound on or directed toward a public beach, the boardwalk, streets or other public ways at any time in such a manner as to be plainly audible at a distance of 30 feet from the source of such sound which is deemed to be unreasonably loud so as to disturb the peace, quiet and comfort of other persons or at a louder volume than is necessary for the convenient hearing of the individual carrying the instrument, machine or device or those individuals immediately adjacent thereto and who are voluntary listeners thereto.

INTRODUCED at a meeting of the City Council of Ocean City, Maryland held on January 17, 2012.

LAW OFFICES

AYRES, JENKINS,
GORDY & ALMAND, P.A.

SUITE 200
6200 COASTAL HIGHWAY
OCEAN CITY, MD 21842

ADOPTED AND PASSED by the required vote of the elected membership of the City Council and approved by the Mayor at its meeting held on February 6, 2012.

ATTEST:

KELLY ALLMOND, Clerk

RICHARD W. MEEHAN, Mayor

Approved as to Form:

JAMES S. HALL, President

GUY R. AYRES III, City Solicitor

LLOYD MARTIN, Secretary



**REGULAR SESSION -MAYOR AND CITY COUNCIL
MONDAY, FEBRUARY 6, 2012**

**12 – ITEMS REFERRED TO AND PRESENTATIONS
FROM THE CITY SOLICITOR**

**C. Second Reading – Ordinance to Amend Chapter 110
Entitled Zoning (to include design guidelines in the
site plan approval process)**

First Reading _____
Second Reading _____

ORDINANCE 2012-

AN ORDINANCE TO AMEND CHAPTER 110, ENTITLED ZONING,
OF THE CODE OF THE TOWN OF OCEAN CITY, MARYLAND

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE MAYOR AND CITY COUNCIL OF OCEAN CITY THAT CHAPTER 110, ENTITLED ZONING, OF THE CODE OF THE TOWN OF OCEAN CITY, MARYLAND BE, AND IT IS HEREBY AMENDED BY ADDING SUBSECTION 110-181(c), AS FOLLOWS:

Sec. 110-181. Application.

...

(c) Design guidelines.

(1) These guidelines do not constitute absolute rules and regulations. They are meant to convey to the developer and design professional the town's desire for quality appearance and to set forth the design elements that should be addressed during the site plan review process. These design guidelines are meant to implement the Comprehensive Plan to Ocean City. They apply to all of the corporate limits of the Town of Ocean City except those areas subject to the Downtown Design Overlay Zone (Chapter 110, Article 23) and the Upper Downtown Design Overlay Zone (Chapter 110, Article 26) and those properties being improved as a single family dwelling. The design guidelines address only the architectural design and appearance of buildings. Other regulations concerning permitted uses, density, bulk, parking, landscaping, signs, etc., shall supercede when inconsistencies may arise.

(2) The application of these guidelines is but one part of the site plan review process. The applicant for site plan approval should submit adequate plans and elevations to illustrate and explain to the Planning Commission how the intent and purpose of these guidelines are being addressed. The Planning Commission shall consider the design and its relation to the guidelines as part of its site plan review duties.

(3) Design elements to be considered. The following design elements should be considered by the applicant for site plan approval.

(a) Neighborhood sensitivity.

- (i) In a neighborhood where visual character is clearly defined, that character should be respected. Elements that establish character include

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AYRES, JENKINS,
GORDY & ALMAND, P.A.

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6200 COASTAL HIGHWAY
OCEAN CITY, MD 21842

- A. Building height
- B. Architectural style
- C. Roof style
- D. Architectural massing
- E. Finish materials, ornamentation and detail
- F. Landscaping
- G. Windows and doors
- H. Siding materials

- (ii) In a neighborhood that does not reflect a clear visual character, the designer may have the opportunity to set the standard for future development.

(b) Siting and location of the building on the site.

- (i) Setbacks. Underlying zoning will control setbacks in most cases. In instances where existing setbacks (especially streetside setbacks) differ from those permitted by zoning, the existing pattern should be followed as closely as possible.
- (ii) Corners. Corner lots are particularly important to the visual character of a neighborhood. The same level of interesting architectural treatment (windows, projections, ornamentation, etc.) should be given to all street sides.
- (iii) Shadows. Attention should be paid to the impacts of shadows cast by a new building on existing neighbors. Orientation and stepped-back upper stories can be used to minimize shadows.
- (iv) Building and lot orientation. New buildings and lots should be oriented similar to the existing nearby development. The relationship of buildings to buildings and buildings to streets should be consistent.
- (v) Parking. When possible, parking should be located within or to the rear of the building. When parking is located between a street and building, it should be screened from view by landscaping and/or fencing.
- (vi) Garages. Ideally, garages should not open to the front or streetside. When they must, architectural practices such as recessing the garage or the imaginative use of color or trim should de-emphasize the garage.

- (vii) Mechanical systems, dumpsters and other refuse collection items should be hidden or screened from view.

(c) Architectural envelope.

- (i) Orientation. Building orientation should reflect that of the neighboring properties. For example, where the predominant pattern in a block is gable ends of buildings oriented perpendicular to the street, infill development should be so oriented.
- (ii) Roofs. Infill development and rebuilds should have roof styles, pitches and architectural details that are complementary to the existing neighboring development.
- (iii) Massing and proportions. Massing and proportion of established nearby buildings should be reflected in new development. Massing relates to the overall bulk and size of a building. Proportion has to do with how the parts or elements of a building relate to each other. When similar massing is not possible to achieve, the building facade can be broken into smaller elements creating an illusion of a smaller building more in scale with its neighbors.

(d) Openings.

- (i) Entryways. The principle entry into a building should be apparent and easily identified. It should most often be placed on the front facade. When possible, the height of the entry should reflect that of its neighbors. Ground level entries in a block of raised entries could disrupt visual continuity. Stairs to a principle entry should be interesting from the street. They could be wide, include planters, intermediate landings, decorative banisters, and lighting.
- (ii) Windows. The proportion, size, and detailing of windows should relate to that of neighboring buildings. The ratio of window openings to solid wall should be appropriate. Careful arrangement, placement, proportioning and detailing of windows and trim can add interest, balance and order to the

exterior facade. When possible, window placement should respect the privacy of neighboring buildings.

- (iii) Porches. Porches are encouraged in locations where they have traditionally been part of the streetscape.

(e) Finishes and materials.

- (i) The choice and mix of finishes and materials is important in providing an attractive streetscape environment. Exterior finishes and materials should be consistent and compatible with those existing in the neighborhood.
- (ii) The choice of materials can help express the proportions and massing of a building. Different materials can help define different parts of the building such as the base or an entry.
- (iii) Ornamentation. Structures should have finished architectural facade treatment on all sides visible from a public way or adjoining property. Long facades should incorporate recesses and projections to break up the facade. Architectural interest can be added to large structures by introducing the use of a repeating pattern of change in color, texture and material modules at regular intervals. Ornamentation should be consistent with the predominant style of the neighborhood.

(f) Roof detail.

- (i) Pitched and gabled roofs are encouraged. When this is not practical, false gables and mansards can achieve a similar appearance.
- (ii) Mechanical fixtures on roofs should be hidden from view.
- (iii) For larger structures, variation in rooflines should be incorporated to reduce the scale and add visual interest.
- (iv) Elements such as dormers, eaves, and secondary roof elements over bay windows and porches are encouraged to reduce the impact of large roof areas.

(g) Color. Color schemes should be compatible with the existing structures in the neighborhood. Facades should use subtle or neutral colors with accent applied to trim elements. More vibrant colors should be used sparingly and with discretion.

(h) Additions should pay careful attention to the architectural style of the existing structure so as not to dramatically change the appearance of the structure and the character of the neighborhood.

- (i) The scale and mass of the addition should be in keeping with the original structure.
- (ii) Additions should only be constructed on the side or rear of the original building so as not to disrupt the established setback.
- (iii) The roof of an addition should match or complement the design of the original structure.
- (iv) Architectural elements such as windows should respect the prevailing geometry of the original structure.
- (v) Materials used in the addition should be consistent with the original structure.

INTRODUCED at a meeting of the City Council of Ocean City, Maryland held on January 17, 2012.

ADOPTED AND PASSED, as amended, by the required vote of the elected membership of the City Council and approved by the Mayor at its meeting held on February 6, 2012.

ATTEST:

KELLY ALLMOND, Clerk

RICHARD W. MEEHAN, Mayor

Approved as to Form:

JAMES S. HALL, President

GUY R. AYRES III, City Solicitor

LLOYD MARTIN, Secretary



**REGULAR SESSION -MAYOR AND CITY COUNCIL
MONDAY, FEBRUARY 6, 2012**

**12 – ITEMS REFERRED TO AND PRESENTATIONS
FROM THE CITY SOLICITOR**

**D. First Reading – Ordinance to Establish Parking Rates
for All Parking Spaces with Cale Machine Parking
(increases rate from \$1.00 to \$1.50 per hour)**

First Reading _____
Second Reading _____

ORDINANCE 2012-

AN ORDINANCE ESTABLISHING PARKING RATES
PURSUANT TO SECTION C-414(45) OF THE
CHARTER OF THE TOWN OF OCEAN CITY, MARYLAND

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE MAYOR AND CITY COUNCIL OF OCEAN CITY THAT PURSUANT TO SECTION C-414(45) OF THE CHARTER OF THE TOWN OF OCEAN CITY, MARYLAND, THAT PARKING RATES FOR ALL PARKING SPACES WITH CALE MACHINE PARKING ARE AS FOLLOWS:

A. \$1.50 per hour on Friday, Saturday and Sunday from April 1 through May 24, except that said charge shall also be in effect on the Thursday before each weekend of Springfest and Car Cruizing, with all other days in said time period without charge.

B. \$1.50 per hour from May 25 through September 3.

C. \$1.50 per hour on Friday, Saturday and Sunday from September 4 through October 14, except that said charge shall also be in effect on Thursday before each weekend of Sunfest and Car Cruizing, with all other days in said time period without charge.

D. During the dates parking charges are in effect, the times the charges are effective are as follows:

1. Municipal lots - 24 hours per day.
2. Street parking - 7a.m. until 12 midnight.

INTRODUCED at a meeting of the City Council of Ocean City, Maryland held on February 6, 2012.

ADOPTED AND PASSED by the required vote of the elected membership of the City Council and approved by the Mayor at its meeting held on February 20, 2012.

ATTEST:

KELLY ALLMOND, Clerk

RICHARD W. MEEHAN, Mayor

Approved as to Form:

JAMES S. HALL, President

GUY R. AYRES III, City Solicitor

LLOYD MARTIN, Secretary

LAW OFFICES

AYRES, JENKINS,
GORDY & ALMAND, P.A.

SUITE 200
6200 COASTAL HIGHWAY
OCEAN CITY, MO 21842



**REGULAR SESSION -MAYOR AND CITY COUNCIL
MONDAY, FEBRUARY 6, 2012**

**12 – ITEMS REFERRED TO AND PRESENTATIONS
FROM THE CITY SOLICITOR**

**E. First Reading – Ordinance to Authorize the Purchase
of Real Property Located at 105 Dorchester Street**

First Reading _____

Second Reading _____

ORDINANCE 2012-

AN ORDINANCE AUTHORIZING THE PURCHASE OF
REAL PROPERTY KNOWN AS 105 DORCHESTER STREET
OCEAN CITY, MARYLAND

WHEREAS, the Mayor and City Council of Ocean has created a program under which it purchases properties, after consideration of recommendations from the Ocean City Development Corporation, which properties are to be utilized for the development, redevelopment and revitalization of areas within the corporate limits of Ocean City; and

WHEREAS, the funding source for such purchases is from revenues generated by the Hugh T. Cropper Inlet Parking Lot facility; and

WHEREAS, the Ocean City Development Corporation has recommended the purchase of the hereinafter described property, and the funding is available from the revenue source without the necessity of borrowing or utilizing general tax revenue; and

WHEREAS, the Mayor and City Council has determined that it is in the best interest of the public health, safety and general welfare to purchase the aforementioned property.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE MAYOR AND CITY COUNCIL OF OCEAN CITY THAT THE PURCHASE OF REAL PROPERTY LYING AND BEING SITUATE IN THE CORPORATE LIMITS OF OCEAN CITY AND BEING KNOWN AS 105 DORCHESTER STREET, OCEAN CITY, MARYLAND, AND BEING LOT 83, OLD TOWN PLOT, TAX PARCELS 2544 AND 2545 AT AND FOR THE PURCHASE PRICE OF \$410,000.00; AND BE IT FURTHER;

ENACTED AND ORDAINED BY THE MAYOR AND CITY COUNCIL THAT THE CONTRACT DATED JANUARY 20TH, 2012 BY AND BETWEEN THE MAYOR AND CITY COUNCIL AND 105 DORCHESTER, LLC FOR SUCH PURCHASE BE, AND IT IS HEREBY, RATIFIED AND CONFIRMED.

INTRODUCED at a meeting of the City Council of Ocean City, Maryland held on February 6, 2012.

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AYRES, JENKINS,
GORDY & ALMAND, P.A.

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OCEAN CITY, MD 21842

ADOPTED AND PASSED by the required vote of the elected membership of the City Council and approved by the Mayor at its meeting held on February 20, 2012.

ATTEST:

KELLY ALLMOND, Clerk

RICHARD W. MEEHAN, Mayor

Approved as to Form:

JAMES S. HALL, President

GUY R. AYRES III, City Solicitor

LLOYD MARTIN, Secretary



**REGULAR SESSION -MAYOR AND CITY COUNCIL
MONDAY, FEBRUARY 6, 2012**

**12 – ITEMS REFERRED TO AND PRESENTATIONS
FROM THE CITY SOLICITOR**

- F. First Reading – Ordinance to Amend Chapter 30
Entitled Environment (to require that a noise permit
control number be displayed on the front door of
rental property)**

First Reading _____
Second Reading _____

ORDINANCE 2012-

AN ORDINANCE TO AMEND CHAPTER 30, ENTITLED ENVIRONMENT,
OF THE CODE OF THE TOWN OF OCEAN CITY, MARYLAND

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE MAYOR AND CITY COUNCIL OF OCEAN CITY THAT CHAPTER 30, ENTITLED ENVIRONMENT, OF THE CODE OF THE TOWN OF OCEAN CITY, MARYLAND BE, AND IT IS HEREBY, AMENDED BY REPEALING AND REENACTING WITH AMENDMENT SECTION 30-401, AS FOLLOWS:

Sec. 30-401. Required.

No real property situated within the corporate limits of Ocean City shall be used to provide shelter on a temporary basis unless a permit for such use shall have been issued by the Noise Control Board (the board) and the permit control number shall be conspicuously displayed on the front door of said real property in a manner prescribed and provided by the board. The City Solicitor is hereby authorized and directed to institute civil proceedings in the circuit court for Worcester County or to request the commencement of any other criminal or civil remedies provided hereunder against any person to whom this division applies for the purpose of enforcing the provisions of this section. In addition thereto, any person required to obtain the aforesaid permit who does not obtain and display same shall not be entitled to obtain a business or occupation license under chapter 14, article II of this Code.

INTRODUCED at a meeting of the City Council of Ocean City, Maryland held on February 6, 2012.

ADOPTED AND PASSED by the required vote of the elected membership of the City Council and approved by the Mayor at its meeting held on February 20, 2012.

ATTEST:

KELLY ALLMOND, Clerk

RICHARD W. MEEHAN, Mayor

Approved as to Form:

JAMES S. HALL, President

GUY R. AYRES III, City Solicitor

LLOYD MARTIN, Secretary

LAW OFFICES

AYRES, JENKINS,
GORDY & ALMAND, P.A.

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OCEAN CITY, MD 21842



**REGULAR SESSION -MAYOR AND CITY COUNCIL
MONDAY, FEBRUARY 6, 2012**

**12 – ITEMS REFERRED TO AND PRESENTATIONS
FROM THE CITY SOLICITOR**

**G. First Reading – Ordinance to Amend Chapter 14
Entitled Businesses (to change business license
categories)**

First Reading _____

Second Reading _____

ORDINANCE 2012-

AN ORDINANCE TO AMEND CHAPTER 14, ENTITLED
BUSINESSES, OF THE CODE OF THE TOWN OF
OCEAN CITY, MARYLAND

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE MAYOR AND CITY COUNCIL OF OCEAN CITY THAT CHAPTER 14, ENTITLED BUSINESSES, OF THE CODE OF THE TOWN OF OCEAN CITY, MARYLAND BE, AND IT IS HEREBY, AMENDED BY REPEALING AND REENACTING WITH AMENDMENT SUBSECTION 14-34(b), AS FOLLOWS:

Sec. 14-34. Payment of license fees, term of license, fee schedule.

...

(b) The license fees to be paid annually as above provided to the Mayor and City Council of Ocean City for conducting the businesses and engaging in occupations and activities herein named, at the place designated in the license certificate issued therefor, shall be as from time to time passed by Resolution of the Mayor and City Council of Ocean City provided, however, that any such license not timely obtained shall be subject to a late charge of ten percent after 15 days and two percent each month every 30 days thereafter:

(1) Arcade:

a. A business establishment offering for public use five or more of any form of game, machine, instrument or apparatus operated by coin, slug or similar medium, but not including automatic machines for vending food, soft drinks or tobacco (per machine).

b. In addition, subject to the conditions of subsection (b)(80):

1. Each cigarette machine
2. Cracker and candy machine
3. Other permitted food and drink machines
4. Dispensing machines other than those listed in subsection (b)(2)b.1, 2 or 3

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GORDY & ALMAND, P.A.

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(2) Art dealer and gallery:

a. Arts and crafts dealer's license

A license issued to an individual which permits the individual to sell arts and crafts owned by him or consigned to him in any building or the covered porch thereof, provided that the building or covered porch thereof is properly zoned for such business. The written permission of the property owner must be displayed at all times.

b. Arts and crafts gallery license

A license issued to a specific business location in a building, in the name of the business operator or property owner, or both. Written permission of the property owner must be furnished in order to obtain the license. The products or creations of any artist or craftsman may be displayed and sold within the building or covered porch thereof.

(3) Auction store

(4) Automatic pinball or other similar machine on which a game may be played by depositing money or tokens valued at not less than \$0.05 in a slot, slide or opening and which is kept, maintained or exhibited for the use or amusement (per machine).

(5) Automobile (electric) shuttle services

a. Per vehicle

(6) Automobile rental agency:

a. One to ten cars

b. Ten or more cars

(7) Bail bondsman

(8) Bakeshop

(9) Bank or other financial or lending associations, institutions or corporation (per office branch or separate electronic terminal).

(10) Barbershop and beauty parlor or establishment, including the privilege of selling supplies in connection therewith.

(11) Repealed

(12) Bicycle and/or EPAMD rental or repair center, which license shall include the right to sell bicycles, EPAMDs and supplies (including the right to sell non-food items at retail) in connection therewith:

a. Inventory of one to 25 bicycles and/or EPAMDs.

b. Each additional bicycle and/or EPAMDs over 25.

- (13) Bowling alley (each alley)
- (14) Bus terminal
 - Convention center shuttle bus service
- (15) Cable television
- (16) Candy manufacturing:
 - a. Where any portion of the manufactured candy is sold or intended to be sold at retail off the premises where manufactured.
 - b. Where all of the candy is sold at retail on the premises where manufactured.
- (17) Carwash:
 - a. Self-serve carwash (per bay)
 - b. Mechanical carwash (per bay)
- (18) Charter boat, head boat or sightseeing boat
- (19) Check cashing services
- (20) Child care:
 - a. Family day care
 - b. Day care center
- (21) Repealed
- (22) Concessions or seasonal amusements not in arcades and under permanent roof (per game or amusement).
- (23) Day spa facility
 - a. Provided that the facility is managed or supervised by an aesthetician, licensed by the State of Maryland; and
 - b. Provided that any deep massage is only to be performed by a massage practitioner, licensed by the State of Maryland
- (24) Detective and security agencies
- (25) Docks or wharves for public use:
 - a. Docks, wharves or boat basins for public use with slips of a size large enough to accommodate a boat in excess of 24 feet, each such slip.
 - b. Boat basins renting slips for boats up to 24 feet, each such slip
 - c. Marine railway
 - d. Permanent boat basins, marinas, docks or wharves renting sailboats, motorboats, rowboats, paddleboats, peddleboats or jet skis or any other vessel

Plus additional, per vehicle

e. Temporary facilities constructed for the rental of sailboats, motorboats, rowboats, paddleboats, peddleboats or jet skis or any other vessel

Plus additional, per vehicle

f. Any other maritime business done on or from the premises

(26) Dry cleaning, laundry or pressing establishments

(27) Electrical inspections

(28) Employment agency with office in Ocean City

(29) Exterminators

(30) Flea markets. Each stall or stand operator, or any operator connected with any flea market or similar business, shall purchase a license prior to erecting said stall. Daily or annual licenses are available. All promoters of flea markets shall provide access to their records to municipal License Inspectors upon request.

a. Daily

b. Annually

(31) Furniture leasing

(32) Repealed

(33) Gasoline and oil service stations:

a. Gasoline and oil

b. Gasoline and oil service stations connected with a store or garage:

1. No alcoholic beverage license

2. With alcoholic beverage license

Plus five percent of alcoholic beverage license.

(34) General contractors with the following number of employees:

a. One to five

b. Six to ten

c. Eleven to 20

d. Twenty-one to 40

e. Forty-one and over

(35) Golf courses (obstacle, midget or miniature)

(36) Hawkers and peddlers, if permitted. Note: No licenses will be issued for hawking and peddling on any Ocean City street or public way, boardwalk, beach or any parking lot.

- (37) Ice storage boxes and/or dispensers located on exteriors of buildings (per unit)
- (38) Insurance agency with office in Ocean City (each agent)
- (39) Jukebox
- (40) Laundromats (per machine)
- (41) Locksmiths
- (42) Management consultants
- (43) Merry-go-round, carousel or other ride (each ride)
- (44) Repealed
- (45) Noise control ordinance
- (46) Office -- Business or In-Home
- (47) Parking lots, commercial, not within an enclosed building (per parking space)
- (48) Pawnbroker or petty loan establishment
- (49) Photograph gallery or studio, or any commercial photography
- (50) Places of entertainment, including but not limited to dancehalls, barrooms, cabarets, taverns and the like:
 - a. No alcoholic beverage license
 - b. With alcoholic beverage license
Plus five percent of alcoholic beverage license fee.
- (51) Pool or billiard tables, commercial, except those owned by civic, charitable or fraternal organizations (each table)
- (52) Portrait studio
- (53) Premises for habitation:
 - a. Condominium units, cooperatives, and townhouses, whether rented individually or by a rental pool agreement, per unit.
 - b.1. Apartments, cottages
Each additional sleeping room or bedroom over one
 - b.2. Hotels, motels, inns, motor courts, cabins or other similar establishments offering accommodations on the premises for public rental
Each additional sleeping room or bedroom over one

c. Rooming houses, boarding houses, dormitories or private houses offering rooms for public rental (per room)

(54) Private clubs

(55) Promotional advertising

(56) Public utilities with a retail outlet

(57) Radio broadcasting station

(58) Real estate offices:

a. Real estate offices engaged in the sale or real estate

(59) Restaurant or hotel dining room:

a. Seating capacity of one to 25:

1. No alcoholic beverage license
2. With alcoholic beverage license

b. Seating capacity of 26 to 50:

1. No alcoholic beverage license
2. With alcoholic beverage license

c. Seating capacity of 51 to 100:

1. No alcoholic beverage license
2. With alcoholic beverage license

d. Seating capacity of over 100:

1. No alcoholic beverage license
Per seat over 100

e. With alcoholic beverage license

1. Per seat over 100

(60) Shops, stores or stands:

a. Selling groceries and/or general merchandise without an alcoholic beverage license where the store contains under 5,000 square feet.

With an alcoholic beverage license

b. Selling groceries and/or general merchandise without an alcoholic beverage license where the store contains 5,000 to 20,000 or more square feet

1. With an alcoholic beverage license

c. Selling groceries and/or general merchandise without an alcoholic beverage license where the store contains 20,000 or more square feet

1. With an alcoholic beverage license

(61) Sign painters, self-employed

(62) Sign painting and erecting companies

(63) Skating rink:

a. Ice

b. Roller

(64) Taxidermists

(65) Repealed

(66) Television rentals; crib and cot rentals; stroller and wheelchair rentals

(67) Tennis clubs

(68) Theaters showing film or having live entertainment, provided that no license fee shall be charged for a license issued to any charitable organization, public service institution, association, club or body not organized or conducted for public gain, and with vending machines up to ten in number:

a. Live

b. Film

(69) Trailer or recreational vehicle park operators
Plus additional, per space

(70) Vending machines, subject to the following conditions:

All vending machines must be binding and touching on a building or within a building.

a. Each cigarette machine

b. Each drink or food machine

c. Each cracker or candy machine

(71) Vendor - For use during special events (e.g. Bike Week)

(72) Any other business not herein classified or enumerated and not prohibited herein or by other provisions of this Code and approved by the Mayor and City Council.

INTRODUCED at a meeting of the City Council of Ocean City, Maryland held on February 6, 2012.

ADOPTED AND PASSED, by the required vote of the elected membership of the City Council and approved by the Mayor at its meeting held on February 21, 2012.

ATTEST:

KELLY ALLMOND, Clerk

RICHARD W. MEEHAN, Mayor

Approved as to form:

JAMES S. HALL, President

GUY R. AYRES III, City Solicitor

LLOYD MARTIN, Secretary

RESOLUTION 2011- 1

A RESOLUTION ESTABLISHING BUSINESS LICENSE FEES

WHEREAS, pursuant to the authority set forth in Section 14-34 of the Code of the Town of Ocean City, Maryland, the Mayor and City Council of Ocean City is empowered to set business license fees by Resolution.

NOW, THEREFORE, BE IT RESOLVED BY MAYOR AND CITY COUNCIL OF OCEAN CITY that the following business license fees be and the same are hereby adopted:

Sec. 14-34. Payment of license fees, term of license, fee schedule.

...

(b) The license fees to be paid annually as above provided to the Mayor and City Council of Ocean City for conducting the businesses and engaging in occupations and activities herein named, at the place designated in the license certificate issued therefor, shall be as from time to time passed by Resolution of the Mayor and City Council of Ocean City provided, however, that no single license for a single designated place shall exceed \$2861 per annum; further provided, however, that any such license not timely obtained shall be subject to a late charge of ten percent after 15 days and two percent each month every 30 days thereafter:

(1) Arcade:

a. A business establishment offering for public use five or more of any form of game, machine, instrument or apparatus operated by coin, slug or similar medium, but not including automatic machines for vending food, soft drinks or tobacco (per machine) 31.00

b. In addition, subject to the conditions of subsection (b)(80):

- 1. Each cigarette machine 58.00
- 2. Cracker and candy machine 14.00
- 3. Other permitted food and drink machines .. 31.00
- 4. Dispensing machines other than those listed in subsection (b)(2)b.1, 2 or 3 14.00

(2) Art dealer and gallery:

a. Arts and crafts dealer's license 116.00

A license issued to an individual which permits the individual to sell arts and crafts owned by him or consigned to him in any building or the covered porch thereof, provided that the building or covered porch thereof is properly zoned for such business. The written permission of the property owner must be displayed at all times.

b. Arts and crafts gallery license 293.00

A license issued to a specific business location in a building, in the name of the business operator or property owner, or both. Written permission of the property owner must be furnished in order to obtain the license. The products or creations of any artist or craftsman may be displayed and sold within the building or covered porch thereof.

(3) Auction store 293.00

(4) Automatic pinball or other similar machine on which a game may be played by depositing money or tokens valued at not less than \$0.05 in a slot, slide or opening and which is kept, maintained or exhibited for the use or amusement. 31.00

(5) Automobile (electric) shuttle services 306.00
a. Per vehicle 102.00

(6) Automobile rental agency:
a. One to ten cars 233.00
b. Ten or more cars 351.00

(7) Bail bondsman 293.00

(8) Bakeshop 116.00

(9) Bank or other financial or lending associations, institutions or corporation (per office branch or separate electronic terminal) 233.00

(10) Barbershop and beauty parlor or establishment, including the privilege of selling supplies in connection therewith 116.00

~~(11) Bathhouse: business open to general public and not solely reserved for business's overnight guests 116.00~~

(12) Bicycle and/or EPAMD rental or repair center, which license shall include the right to sell bicycles, EPAMDs and supplies (including the right to sell non-food items at retail) in connection therewith:

a. Inventory of one to 25 bicycles and/or EPAMDs. 233.00
b. Each additional bicycle and/or EPAMDs over 25. 9.00

(13) Bowling alley (each alley) 31.00

(14) Bus terminal 351.00
Convention center shuttle bus service 58.00

(15) Cable television 233.00

(16) Candy manufacturing:	
a. Where any portion of the manufactured candy is sold or intended to be sold at retail off the premises where manufactured	409.00
b. Where all of the candy is sold at retail on the premises where manufactured	116.00
(17) Carwash:	
a. Self-serve carwash (per bay)	58.00
b. Mechanical carwash (per bay)	233.00
(18) Charter boat, head boat or sightseeing boat	58.00
(19) Check cashing services	116.00
(20) Child care:	
a. Family day care	58.00
b. Day care center	116.00
 (21) Circus or carnival; provided, however, that no license shall be issued hereunder between June 15 and September 15	233.00
(22) Concessions or seasonal amusements not in arcades and under permanent roof (per game or amusement)	174.00
(23) Day spa facility	116.00
a. Provided that the facility is managed or supervised by an aesthetician, licensed by the State of Maryland; and	
b. Provided that any deep massage is only to be performed by a massage practitioner, licensed by the State of Maryland	
(24) Detective and security agencies	116.00
(25) Docks or wharves for public use:	
a. Docks, wharves or boat basins for public use with slips of a size large enough to accommodate a boat in excess of 24 feet, each such slip	33.00
b. Boat basins renting slips for boats up to 24 feet, each such slip	18.00
c. Marine railway	116.00
d. Permanent boat basins, marinas, docks or wharves renting sailboats, motorboats, rowboats, paddleboats, peddleboats or jet skis or any other vessel	116.00
Plus additional, per vehicle	9.00
e. Temporary facilities constructed for the rental of sailboats, motorboats, rowboats, paddleboats, peddleboats or jet skis or any other vessel	293.00
Plus additional, per vehicle	9.00

f. Any other maritime business done on or from the premises	116.00
(26) Dry cleaning, laundry or pressing establishments	174.00
(27) Electrical inspections	116.00
(28) Employment agency with office in Ocean City	175.00
(29) Exterminators	175.00
<p>(30) Flea markets. Each stall or stand operator, or any operator connected with any flea market or similar business, shall purchase a license prior to erecting said stall. Daily or annual licenses are available. All promoters of flea markets shall provide access to their records to municipal License Inspectors upon request.</p>	
a. Daily	10.00
b. Annually	116.00
(31) Furniture leasing	116.00
(32) Garage for commercial storage or parking of vehicles	174.00
(33) Gasoline and oil service stations:	
a. Gasoline and oil	175.00
b. Gasoline and oil service stations connected with a store or garage:	
1. No alcoholic beverage license	197.00
2. With alcoholic beverage license	197.00
Plus five percent of alcoholic beverage license.	
(34) General contractors with the following number of employees:	
a. One to five	116.00
b. Six to ten	233.00
c. Eleven to 20	351.00
d. Twenty-one to 40	467.00
e. Forty-one and over	583.00
(35) Golf courses (obstacle, midget or miniature)	293.00
(36) Hawkers and peddlers, if permitted. Note: No licenses will be issued for hawking and peddling on any Ocean City street or public way, boardwalk, beach or any parking lot	
	116.00
(37) Ice storage boxes and/or dispensers located on exteriors of buildings (per unit)	31.00

(38) Insurance agency with office in Ocean City (each agent)	116.00
(39) Jukebox	31.00
(40) Laundromats (per machine)	19.00
(41) Locksmiths	116.00
(42) Management consultants	116.00
(43) Merry-go-round, carousel or other ride (each ride)	116.00
(44) Mobile home trailer sales	293.00
(45) Noise control ordinance	25.00
(46) Office -- Business or In-Home	174.00
(47) Parking lots, commercial, not within an enclosed building (per parking space)	5.00
(48) Pawnbroker or petty loan establishment	583.00
(49) Photograph gallery or studio, or any commercial photography	174.00
(50) Places of entertainment, including but not limited to dancehalls, barrooms, cabarets, taverns and the like:	
a. No alcoholic beverage license	351.00
b. With alcoholic beverage license	159.00
Plus five percent of alcoholic beverage license fee.	
(51) Pool or billiard tables, commercial, except those owned by civic, charitable or fraternal organizations (each table)	31.00
(52) Portrait studio	174.00
(53) Premises for habitation:	
a. Condominium units, cooperatives, and townhouses, whether rented individually or by a rental pool agreement, per unit	116.00
b. Apartments, cottages, cabins, motor courts, hotels, motels, inns, or other similar establishments offering accommodations on the premises for public rental	116.00
Each additional sleeping room or bedroom over one	8.00
b.1. Apartments, cottages.....	116.00
Each additional sleeping room or bedroom over one.....	8.00
b.2. Hotels, motels, inns, motor courts, cabins or other similar establishments offering accommodations on the premises for public rental....	116.00
Each additional sleeping room or bedroom over one.....	8.00

	dormitories
c. Owner-occupied rooming houses, boarding houses or private houses offering rooms for public rental (per room, with a minimum of \$25.00) . . .	8.00
(54) Private clubs	116.00
(55) Promotional advertising	116.00
(56) Public utilities with a retail outlet	293.00
(57) Radio broadcasting station	235.00
(58) Real estate offices:	
a. Real estate offices engaged in the sale or real estate	174.00
(59) Restaurant or hotel dining room:	
a. Seating capacity of one to 25:	
1. No alcoholic beverage license	116.00
2. With alcoholic beverage license	116.00
Plus five percent of alcoholic beverage license.	
b. Seating capacity of 26 to 50:	
1. No alcoholic beverage license	174.00
2. With alcoholic beverage license	174.00
Plus five percent of alcoholic beverage license.	
c. Seating capacity of 51 to 100:	
1. No alcoholic beverage license	233.00
2. With alcoholic beverage license	233.00
Plus five percent of alcoholic beverage license.	
d. Seating capacity of over 100:	
1. No alcoholic beverage license	233.00
Per seat over 100	1.00
e. With alcoholic beverage license	233.00
Plus five percent of alcoholic beverage license.	
Per seat over 100	1.00
(60) Shops, stores or stands:	
a. Selling groceries and/or general merchandise without an alcoholic beverage license where the store contains under 5,000 square feet	233.00

With an alcoholic beverage license	318.00
Plus five percent of alcoholic beverage license	
b. Selling groceries and/or general merchandise without an alcoholic beverage license where the store contains 5,000 to 20,000 or more square feet	
583.00	
With an alcoholic beverage license	530.00
Plus five percent of alcoholic beverage license	
c. Selling groceries and/or general merchandise without an alcoholic beverage license where the store contains 20,000 or more square feet	
1,167.00	
With an alcoholic beverage license	1,167.00
Plus five percent of alcoholic beverage license	
(61) Sign painters, self-employed	116.00
(62) Sign painting and erecting companies	293.00
(63) Skating rink:	
a. Ice	174.00
b. Roller	174.00
(64) Taxidermists	116.00
(65) Telephone answering services	116.00
(66) Television rentals; crib and cot rentals; stroller and wheelchair rentals	116.00
(67) Tennis clubs	116.00
(68) Theaters showing film or having live entertainment, provided that no license fee shall be charged for a license issued to any charitable organization, public service institution, association, club or body not organized or conducted for public gain, and with vending machines up to ten in number:	
a. Live	116.00
b. Film	233.00
(69) Trailer or recreational vehicle park operators	116.00
Plus additional, per space	13.00
(70) Vending machines, subject to the following conditions: All vending machines must be binding and touching on a building or within a building.	
a. Each cigarette machine	58.00
b. Each drink or food machine	31.00
(71) Vendor - For use during special events (e.g. Bike Week)	233.00

c. Each cracker and candy machine 14.00

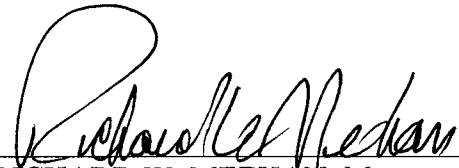
(72) ~~(71)~~ Any other business not herein classified or enumerated and not prohibited herein or by other provisions of this Code and approved by the Mayor and City Council 174.00

BE IT FURTHER RESOLVED that the effective date of these business license fees is May 1, 2011.

RESOLVED this 7th day of February, 2011 by the required vote of Mayor and City Council of Ocean City.

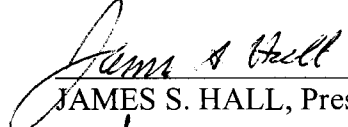
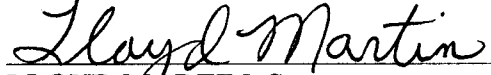
ATTEST:


KATHLEEN A.P. MATHIAS, Clerk


RICHARD W. MEEHAN, Mayor

Approved as to form:


GUY R. AYRES III, City Solicitor


JAMES S. HALL, President

LLOYD MARTIN, Secretary



**REGULAR SESSION -MAYOR AND CITY COUNCIL
MONDAY, FEBRUARY 6, 2012**

**12 – ITEMS REFERRED TO AND PRESENTATIONS
FROM THE CITY SOLICITOR**

**H. Resolution to Authorize the Disposition of Personal
Property (to sell equipment and miscellaneous items
on GovDeals.com)**

RESOLUTION 2012-

A RESOLUTION PURSUANT TO CHAPTER 2, ARTICLE VIII
OF THE CODE OF THE TOWN OF OCEAN CITY, MARYLAND,
AUTHORIZING THE DISPOSITION OF PERSONAL PROPERTY

WHEREAS, the Director of Public Works has determined that certain personal property owned by the Mayor and City Council of Ocean City has reached its useful life, is no longer needed for public use, and is, thereby, surplus property, a determination which is concurred with by the interim city manager.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of Ocean City that the personal property listed on the Vehicle List January 2012 appended hereto be, and it is hereby declared to be surplus personal property

AND BE IT FURTHER RESOLVED that said surplus personal property be offered for sale by auction through "govdeals.com"

RESOLVED AND EFFECTIVE this 6th day of February, 2012.

ATTEST:

KELLY ALLMOND, Clerk

RICHARD W. MEEHAN, Mayor

Approved as to form:

JAMES S. HALL, President

GUY R. AYRES III, City Solicitor

LLOYD MARTIN, Secretary



**REGULAR SESSION -MAYOR AND CITY COUNCIL
MONDAY, FEBRUARY 6, 2012**

**12 – ITEMS REFERRED TO AND PRESENTATIONS
FROM THE CITY SOLICITOR**

**I. Approval of General Order 400 E-1 – Vehicle
Operation – Routine and Non-Routine**



INTERDEPARTMENTAL MEMO

DATE : 26 January 2012
TO : Guy Ayres, Attorney at Law
City Solicitor
FROM : Gregory Guiton, Lieutenant
Police Department
SUBJECT : General Order (G.O.) Review

Attached you will find a revision to General Order (G.O.) 400 E-1, entitled "Vehicle Operation – Routine and Non-routine." The original policy prohibited the use of a sport utility vehicle (SUV) during a pursuit. Since the Department has purchased two "pursuit rated" two-wheel drive SUVs that will become operational within the next two months, the following definition and wording has been added to the policy to modify the restriction.

II. Definitions:

- G. **Pursuit Rated:** A term used to classify a sport utility style vehicle that is only equipped with the ability to be driven in two wheel drive (2WD). This type of police package vehicle is specifically designed and rated for pursuit driving.

VI. Rules Regarding Non-Routine Vehicle Operation – Pursuit Driving

- C. Operation of Sport Utility Style Vehicles and Prisoner Transport Vans:
1. Officers are strictly prohibited from operating prisoner transport vans during any type of pursuit driving.
 2. Officers are authorized to operate pursuit rated sport utility style vehicles equipped only with two wheel drive (2WD) during any type of pursuit driving.
 3. Officers are prohibited from operating sport utility style vehicles equipped with four wheel drive (4WD) during any type of pursuit driving, unless specifically authorized by a supervisor due to the nature and circumstances surrounding the pursuit.

If an officer is operating a sport utility style vehicle equipped with four wheel drive (4WD), the officer is required to notify his/her supervisor that a sport utility style vehicle equipped with four wheel drive (4WD) is being operated by said officer prior to engaging in pursuit driving.

- a. Officers operating any type of sport utility style vehicle during any non-routine vehicle operation shall adhere to the safety issues as outlined in Section V, Subsection F of this policy.
- b. Any officer operating a sport utility style vehicle must be aware of which model (2WD or 4WD) is being driven.

I have attached the entire policy and I have highlighted in red the new information as outlined above for your review.

I am available to address questions and/or concerns regarding these policies so please feel free to contact me at 410-723-6622.

Thank you for your assistance in this matter.



Gregory Guiton

Attachment



Ocean City Police Department General Order

Subject: Vehicle Operation - Routine and Non-Routine		No. G.O. 400 E-1	
Rescinds:		Amends: G.O. 400 E-1 (Dated: 2/22/2011)	Related Directive: S.O.P. – OPS 009
Approval Date:	Effective Date:	Distribution Date:	Distribution Type: A
References: C.A.L.E.A. Reference 41.2.1, 41.2.2, 41.2.3, 41.3.3 IACP Vehicle Pursuit Guideline			

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I. Purpose:

At all times and regardless of circumstances, employees shall operate police vehicles reasonably and with due regard for the rights and safety of others. The need to apprehend a violator of the law or to respond to a location or situation does not normally justify creation of new or additional risks of injury or death to police officers or to others. Occasionally, the need to apprehend a criminal or to provide emergency services may justify driving outside normally applicable laws and rules of the road. Maryland Transportation Article § 21-106 creates only limited exemptions for emergency vehicle operators.

II. Definitions:

A. **Emergency Call:** A call for police service that involves any of the following circumstances:

1. Traffic collision with personal injury;
2. Assist ambulance: when dispatch confirms a serious medical problem, such as cardiac arrest, drowning, or life threatening injury;
3. An officer in trouble, and requiring immediate assistance;
4. In-progress crimes against persons;
5. In-progress crimes of:
 - a. Burglary
 - b. Theft
 - c. Malicious Destruction;
6. Any other situation which may necessitate such response at the discretion of a supervisor.
7. When engaged in pursuit driving as defined in Section II, B., 2 and described in Section VI of this policy.

B. **Non-Routine Vehicle Operation:** The operation of a emergency vehicle outside normal traffic laws and rules of the road as in the case of:

1. **Emergency Response Driving:** The non-routine vehicle operation for the purpose of responding to emergency calls for police service or to a location requiring immediate police presence or service due to an emergency.
2. **Pursuit Driving:** The non-routine vehicle operation in an effort to apprehend, stop and/or pursue a violator of the law.

- C. **Reasonable Safety:** Circumstances in which the risks associated with non-routine vehicle operation are less than the risks created or perpetuated otherwise, considering on balance:
1. The seriousness and/or dangerousness of the crime or matter warranting police involvement;
 2. Pedestrian and vehicular traffic patterns and volume;
 3. Time of day;
 4. Road conditions, weather conditions, lighting, and visibility;
 5. Terrain (curves, hills, buildings, etc.);
 6. The type of roadway and speeds involved;
 7. Likely effectiveness or ineffectiveness of audible and visible warning signals;
 8. The capabilities and limitations of the police vehicle and vehicle operator;
 9. Involved officer(s) and supervisor(s) familiarity with the area of travel;
 10. The quality of radio communications;
 11. Alternate (safer) methods of resolving the incident;
 12. Likelihood of apprehending a suspect;
 13. Any other factors increasing or decreasing risks.
- D. **Routine Vehicle Operation:** The operation of a motor vehicle in conformance with normal traffic laws and rules of the road.
- E. **Primary Response Unit:** Police officer(s) dispatched to an emergency call, or specifically authorized to respond to an emergency call by Communication Center personnel or a police supervisor, or engaged in pursuit driving.
- F. **Pursuit:** When a police officer operating an authorized emergency vehicle with both lights and siren activated attempts to apprehend a fleeing suspect of a criminal or traffic offense outlined in this policy and said suspect exhibits evasive tactics to avoid apprehension.
- [G. **Pursuit Rated:** A term used to classify a sport utility style vehicle that is only equipped with the ability to be driven in two wheel drive (2WD). This type of police package vehicle is specifically designed and rated for pursuit driving.]
- I. **Termination of Pursuit:** The discontinuation of the pursuit and return to routine vehicle operation.

III. Policy:

Police vehicle operation shall be within the law, take reasonable account of all facets of public safety, and reasonably balance all competing risks. Irresponsible, careless and reckless driving is prohibited and will not be tolerated. Police vehicle operation shall be at all times consistent with the concept of "reasonable safety" (as that term is defined herein) and with all other requirements of this Policy.

IV. Rules Regarding Routine Vehicle Operation and Maintenance of Police Vehicles:

- A. Employees shall adhere to all traffic laws set forth in the Maryland Vehicle Law, the Code of the Town of Ocean City, Maryland, and Department established policies and procedures when operating a departmental vehicle.
- B. An employee, assigned as the vehicle driver, shall be responsible for the vehicle and inspect said vehicle for damage before use. The employee shall:
 - 1. Immediately report damage not previously reported to his/her supervisor (exception when dispatched to an emergency call at the beginning of a tour of duty),
 - 2. Report any damage to or malfunction of the vehicle which occurs while the vehicle is in his/her care to his/her supervisor,
 - 3. Insure the interior is kept clean and orderly, and
 - 4. Attend to or report observed vehicle maintenance and safety needs.
- C. All reported vehicle damage and maintenance needs shall be forward, via official channels, to the Department's fleet management coordinator who will maintain and publish a listing of vehicle damage reports that can be accessed by supervisors for review purposes.
- D. Vehicles shall normally be kept locked and with the engine off when unattended. An exception to this provision is a police canine vehicle.
- E. All vehicles returned to their assigned location after use (tour of duty) must contain at least 3/4th of a tank of gas.
- F. Employees shall ensure all other vehicle occupants, including arrestees, properly wear provided safety belts at all times (in vehicles so equipped) that are owned, leased, or rented by the Department. This also applies to the operation of privately owned or other vehicles if used on-duty.
- G. Employees shall notify the Emergency Communications Center and shall ensure the following information is recorded in a **Call For Service (C.F.S.)** report when transporting a citizen in a departmental vehicle.
 - 1. The starting location of the transport

2. The starting time of the transport
3. The starting mileage of the transport
4. The ending location of the transport
5. The ending time of the transport
6. The ending mileage of the transport

This requirement does not apply to a citizen participating in the Department's Ride-Along Program.

- H. The operator of a vehicle shall immediately notify a supervisor when involved in a motor vehicle collision. The investigation of the collision will be conducted in conformance with General Order 200 D-2.

V. Rules Regarding Non-Routine Vehicle Operation – Emergency Response

Driving:

- A. Only sworn police officers are permitted to engage in non-routine vehicle operation. Police officers with non-sworn passengers shall not engage in any non-routine vehicle operation except in unavoidable emergency circumstances.
- B. Police officers operating an emergency vehicle shall do so with due regard for the safety of others, recognizing the inherent civil liability associated with a collision while operating a departmental vehicle in non-routine vehicle operation. Police officers are not relieved of the duty to exercise such reasonable care and diligence as the circumstances of the situation may impose.
- C. The Maryland Transportation Article § 21-106 enumerates the privileges an operator of an emergency vehicle may exercise when responding to an emergency call; when pursuing a violator, or suspected violator; or when responding to, but not returning from, a fire alarm.
- D. During any non-routine vehicle operation, police officers shall continuously operate both audible and visible warning signals (lights and sirens) to comply with Transportation Article § 21-106. Any police officer not utilizing audio/visual signals or utilizing visual signals only when responding to a complaint or engaged in traffic enforcement actions, shall be considered as responding in routine vehicle operation, and will be held strictly accountable for the safe operation of his/her vehicle.
- E. Non-routine vehicle operation is specifically prohibited in any vehicle that is not equipped with audible and visible warning signals or is in any way unsafe or unsuitable for non-routine vehicle operation.
- F. Police officers operating sport utility style vehicles or prisoner transport vans may respond in a non-routine vehicle operation, but all operators must exercise

additional caution in these types of vehicles as they could potentially roll over at higher speeds and during evasive maneuvers.

- G. Police officers who are closer to an emergency call than the primary response unit(s) and who wish to make a non-routine response to the call must first advise the Communications Center of his/her location and receive permission to respond from the Communications Center or a supervisor.
- H. It may sometimes be tactically advantageous not to use emergency equipment in the immediate area of a crime. When an operator decides to terminate use of emergency equipment, for whatever reason, the operator is no longer in compliance with the definition of an emergency vehicle under State law and non-routine vehicle operation shall cease.
- I. Non-routine vehicle operation is prohibited except where it is possible to do so with *reasonable safety*. Non-routine vehicle operation under the reasonable safety guideline is permitted when the responding officer has been designated a primary response unit to an *emergency call* as defined in Section II of this Policy.
- J. It shall be the responsibility of the primary response unit or supervisor at the scene of an emergency call to notify the Communication Center in a timely manner when no additional units are needed at the incident. This shall include advising all other units who are responding to discontinue their response or modify their response to routine vehicle operation.

VI. Rules Regarding Non-Routine Vehicle Operation – Pursuit Driving

- A. Pursuit driving presents a danger to the lives of the public, officers, and suspects involved in the pursuit. The decision to engage in a pursuit is critical and should not be made lightly. Officers must remember that the pursuit must never create more of a risk than that originally posed by the suspect. Officers will continually weigh the risk of the pursuit against the original risk and shall discontinue a pursuit if circumstances warrant.
- B. Pursuit driving is prohibited except as allowed in the following circumstances:
 - 1. The apprehension of a person for whom there is reasonable suspicion to detain or probable cause to arrest for one or more of the following criminal violations, and who cannot likely be apprehended at a later time and/or by safer means:
 - a. Murder
 - b. Manslaughter
 - c. 1st Degree Assault
 - d. Rape
 - e. Sex Offense 1st, 2nd, and 3rd Degree

- f. Robbery
 - g. Carjacking
 - h. Kidnapping
 - i. Burglary 1st, 2nd, and 3rd Degree
 - j. 1st Degree Escape
 - k. Stolen vehicle
 - l. Any other crime that a supervisor or commander reasonably believes would require immediate attention.
2. The apprehension of a person for whom there is reasonable suspicion to detain or probable cause to arrest for one or more of the following traffic violations, and who cannot likely be apprehended at a later time and/or by safer means:
- a. Driving a motor vehicle impaired or under the influence of alcohol, prescription drugs, or a controlled dangerous substance or any combination thereof.
- NOTE:** This must be articulated by an officer's training, knowledge and experience that the operator is in violation of Transportation Article § 21-902
- b. Failure to stop and remain at the scene of any property damage, personal injury or fatal collision;
3. The following guidelines apply to VI., B., 2., a. and b.
- a. The fact that a person is operating a vehicle recklessly and/or at dangerously high speeds will not, in itself, justify a pursuit.
 - b. The fact that a person is operating a vehicle in accordance with the rules of the road, but fails to stop at the direction of a police officer operating an emergency vehicle with lights and siren activated does not constitute a pursuit unless evasive tactics are exhibited.

~~C. Officers are strictly prohibited from operating sport utility style vehicles and prisoner transport vans during any type of pursuit driving.~~

[C. Operation of Sport Utility Style Vehicles and Prisoner Transport Vans:

- 1. Officers are strictly prohibited from operating prisoner transport vans during any type of pursuit driving.

2. Officers are authorized to operate pursuit rated sport utility style vehicles equipped only with two wheel drive (2WD) during any type of pursuit driving.
3. Officers are prohibited from operating sport utility style vehicles equipped with four wheel drive (4WD) during any type of pursuit driving, unless specifically authorized by a supervisor due to the nature and circumstances surrounding the pursuit.

If an officer is operating a sport utility style vehicle equipped with four wheel drive (4WD), the officer is required to notify his/her supervisor that a sport utility style vehicle equipped with four wheel drive (4WD) is being operated by said officer prior to engaging in pursuit driving.

- a. Officers operating any type of sport utility style vehicle during any non-routine vehicle operation shall adhere to the safety issues as outlined in Section V, Subsection F of this policy.
- b. Any officer operating a sport utility style vehicle must be aware of which model (2WD or 4WD) is being driven.]

D. Any police officer who engages in pursuit driving shall immediately notify the Emergency Communications Center of:

1. The reason(s) for the pursuit,
2. The location and direction of travel,
3. The description of the suspect vehicle and the number of occupants,
4. The speeds involved, and
5. Other available information affecting public and/or officer safety.

The involved police officer shall communicate location, direction of travel, and speeds involved throughout the pursuit. As soon as reasonably possible, the police officer shall also communicate other factors enumerated in the definition of "reasonable safety" in Section II, Subsection D. of this Policy. If there is a secondary pursuit vehicle in position to do so, the operator of that vehicle shall take over communication responsibility regarding location, direction of travel, vehicle speeds, and other available information affecting "reasonable safety".

F. Once information that pursuit driving has been initiated, the Emergency Communications Center will broadcast all available information that would aid officers and/or public safety. They shall also notify other law enforcement jurisdictions that may be affected by the ongoing pursuit in a timely fashion.

G. The Emergency Communications Center will notify an on-duty supervisor and/or shift commander of the pursuit as soon as possible after the pursuit is initiated and the reason for the pursuit. The supervisor/commander shall immediately

begin monitoring the pursuit and re-evaluating whether the basic criteria justifying non-routine vehicle operation are present. If at any time, it should appear that the pursuit does not satisfy the criteria required for non-routine vehicle operation, the supervisor/commander shall immediately order the pursuit terminated.

- H. If the basic criteria for a pursuit are present, both the involved police officer and supervisor/commander shall continuously weigh all available information. If at any point the pursuit no longer satisfies the criteria required for non-routine vehicle operation, the pursuit shall be immediately terminated and the officer shall return to routine vehicle operations.
- I. No police officer or supervisor will be disciplined or criticized for a decision, based on this policy and/or the law, not to pursue.
- J. Officers engaged in pursuit driving shall maintain a safe distance behind the pursued vehicle as to assure they do not collide with the pursued vehicle in the event of a sudden stop, collision or loss of control. Only two police vehicles are authorized to engage in pursuit driving, unless another is ordered by the involved supervisor.
- K. A secondary unit may engage in pursuit driving, but shall remain so far behind the primary pursuit vehicle as to assure that they do not collide with one another. A secondary pursuit vehicle shall not pass the primary pursuit vehicle unless the primary vehicle becomes disabled or in a position that would be more advantageous for the secondary unit to assume the responsibility of the primary vehicle.
- L. Other units shall not become involved in the pursuit, shall not leave their assigned areas unless requested or ordered to do so by a supervisor, and shall not engage in non-routine vehicle operation in order to move with or toward a pursuit. Rather, they shall stay clear of the pursuit and refrain from non-emergency radio traffic while remaining alert to the location and progress of the pursuit.
- M. While "roadblocks," "boxing in," "rolling roadblocks," "channeling," and "P.I.T." maneuvers are reasonable and legally sufficient techniques to bring a pursuit to a conclusion, these types of techniques are not conducive to local conditions and officers are not properly trained to engage in these techniques. The intentional contact by police vehicles with the pursued vehicle is likely to be considered deadly force and is prohibited except as a last resort where deadly force is authorized under the Department's use-of-force policy.
- N. Police officers shall not shine lights on or toward an approaching pursued vehicle or other vehicle operators in any manner as this would likely impair vision and safety of other operators.
- O. Tire deflation devices may, with supervisory approval, be used in accordance with Department training and standard operating procedures outlined in SOP – OPS 009 in an attempt to prevent or end a pursuit.

- P. If State Police aviation is present during a pursuit and can maintain surveillance of the pursued vehicle, pursuit driving shall be minimized and further efforts to apprehend shall be directed by supervisors as aided by air surveillance information.
- Q. If the involved officer cannot maintain continuous radio contact with the Communications Center and supervisory personnel, pursuit driving shall immediately be terminated, unless compelling emergency circumstances or officer safety issues demand otherwise.
- R. Police officers involved in pursuits shall immediately comply with an order to terminate the pursuit by a supervisor or shall self terminate the pursuit when information does not support pursuit driving criteria.
- S. In the event that an officer is involved in a motor vehicle collision during the course of pursuit driving, the officer shall immediately terminate their involvement and take proper action as is required by the "Maryland Transportation Article," and all other departmental orders and directives unless:
 - 1. No unit is available to assume the pursuit or respond for the unit involved; and
 - 2. Damage to the unit is minor and it can still be operated without danger; and
 - 3. There are no apparent injuries as a result of the accident.
- T. At the conclusion of any vehicular pursuit, high risk stop tactics shall be used by all officers present when practical.

VII. Rules Governing Extra-Jurisdictional Pursuits:

- A. Inter-Jurisdictional Pursuits Initiated by the Ocean City Police Department:
 - 1. When a pursuit leaves the corporate limits of Ocean City, officers and supervisors shall re-evaluate the pursuit to include consideration of the following factors:
 - a. How long the pursuit has lasted.
 - b. Whether assistance is needed from another agency.
 - c. Whether communication can be maintained.
 - d. All the factors set forth in the policy as to whether the pursuit can be conducted in a reasonably safe manner and in compliance with state law and policy.
 - 2. The pursuing officer or supervisor shall request assistance from another agency. Whenever possible the primary unit shall surrender the pursuit to

the agency of that jurisdiction and continue to assist until properly relieved.

- B. Inter-Jurisdictional Pursuits Initiated by Outside Agencies that Enter Ocean City:
 - 1. Officers are prohibited from entering into a pursuit that was initiated by another jurisdiction or law enforcement agency unless assigned to the pursuit by a supervisor.
 - 2. A supervisor shall not assign officers to participate in such pursuits unless assistance is requested by the initiating agency, and they provide sufficient information including the crime the suspects are believed to have committed in order that a supervisor can determine if the pursuit is in compliance with the provisions of this policy.
 - 3. If insufficient information is received and/or if the outside initiated pursuit is not in compliance with this policy, the pursuit shall not be joined by Department police officers. However, a supervisor may authorize officer(s) to drive in routine operation toward the area of the pursuit to be in a relatively good position to render back up and other aid once the pursuit vehicle is stopped.

VIII. Reporting and Review

- A. Officers involved in a pursuit shall complete an incident report prior to the completion of their tour of duty. The report shall include all pertinent information as established by this policy. This requirement includes all participants of the pursuit including officer(s) who deployed stop sticks.
- B. A supervisory report and analysis of the pursuit shall be completed after a complete review of the incident report has been conducted. The supervisory report and analysis shall be completed as outlined in Section X. of this policy.
- C. All pursuits shall be reviewed by an EVOG instructor and the involved officer's/officers' Division Commander as outlined in Section X of this policy. Any violation of policy shall be documented and forward to the Office of Professional Standards for review
- D. The Office of Professional Standards shall review the pursuit report completed by the involved officer and the pursuit module completed by the shift supervisor to assure compliance with Department policy. Any deviation from policy noted in pursuit reports shall be reviewed by the Office of Professional Standards and a recommendation shall be made to the Chief of Police regarding additional action. This action may involve:
 - 1. Policy evaluation
 - 2. Training
 - 3. Counseling

4. Punitive measures

E. The Chief of Police shall review all pursuit reports and reviews.

IX. Training:

A. The Training Section, with the assistance of Department's EVOC instructors, will assure classroom and/or practical instruction in routine and non-routine vehicle operations is provided to police officers every three (3) years.

B. Non-sworn employees will be provided driver training at the direction of the Town of Ocean City's Risk Management.

X. Pursuit Module:

Immediately upon the approval of the incident report regarding the pursuit, supervisor/command analysis and review of the pursuit shall be completed to determine whether the pursuit was within the law and this policy. If supervisor and/or command review determine the pursuit does not meet established policy, steps must be addressed to assure future non-routine vehicle operation is properly conducted.

A. Records Management System I.A. Module: "Pursuit"

1. The reviewing supervisor shall go to the IA Module of the Department's Records Management System (RMS) and open the "Pursuit" sub-module. This sub-module contains five tabs titled: "Page 1", "Page 2", "Page 3", "Page 4", and "Page 5".
2. The supervisor shall select the "add" function key at the bottom of "page 1" and then place the case number of the pursuit incident in the appropriate block at the top of "page 1". RMS will automatically open a pop-up window with detailed CFS information for the case number specified. The supervisor shall review the information carefully to insure the pursuit information is being associated with the correct incident. After the supervisor acknowledges the "Case Confirm" window, the module will allow the supervisor to begin entering case information in the module. "Page 1" of the module has five highlighted fields. These fields must be completed first and the supervisor must select the "save" function after the yellow highlighted fields are completed. This will activate several other functions within the module allowing the supervisor to successfully complete the program. The supervisor shall tab through each field, providing incident specific information. Several dropdown and toggle menus are provided to assist supervisors with data collection (when selected, dropdown fields turn blue and toggle fields turn green).
3. The supervisor completing the pursuit module is required to complete all required fields on "Page 1", "Page 2", and "Page 3". Most of these fields require specific information from the incident and personnel involved or have a pick list to choose the information. Some of the fields are "free

text” fields that require the supervisor to enter specific information. Listed below are the corresponding page numbers that contain “free text” fields and examples of appropriate responses.

a. Page 1

1.) Assisting Officers

Examples:

K-9, officer name, rank, and identification number

Stop Sticks, officer name, rank, identification number, and deployment location

2.) Non-Agency Personnel Involved

Example:

Maryland State Police, trooper name, rank, identification number and involvement (assisted with pursuit, stop stick deployment, etc.)

3.) Driver's License Status (Select any of the following)

Valid, Suspended, Revoked, Canceled or None

4.) Driver's Condition (Select any of the following)

Alcohol Contributed, Drugs Contributed, Alcohol and Drugs Contributed, Prescription Drugs Contributed, Alcohol and Prescription Drugs Contributed, Drugs and Prescription Drugs Contributed or Medical Condition

5.) Other (Explain)

This field is to provide any further explanation of the driver's license status or condition

b. Page 2

1.) Suspect's Vehicle Information

Example: 2005 Dodge Charger

2.) Suspect's Reason

Provide the reason the suspect fled if provided: drunk, suspended license, did not want to go back to jail, etc.

3.) Pursuit Route

Example: Started at 100th Street and Coastal Highway and continued north on Coastal Highway. Traveled west on route 54 in Delaware and north on route 20. The suspect vehicle lost control and struck a tree at Cygnet Drive and route 20 in Delaware.

4.) Summary

Example: Officer A attempted to stop a vehicle for involvement in a burglary. The suspect vehicle fled into Delaware where it was involved in a collision and the driver and passenger were apprehended without incident.

5.) Significant or Unusual Events

Example: Maryland State Police, Worcester County Sheriff or Delaware State Police were involved in the pursuit; suspect drove west on route 90, stopped the vehicle on the bridge and then jumped off the bridge into the water, suspect jumped out of moving vehicle and vehicle struck a parked vehicle.

6.) Accident#

If the pursuit involves a collision this field requires the pre-printed number from the MAARS form. This will allow a copy of the collision report to be attached directly to the pursuit module.

7.) Property Damage \$, Vehicle \$, and Total \$

Do not complete these sections.

c. Page 3

1.) Pursuit Resulted In (Select any of the following)

Arrest, Warrant Application, Citations

2.) Methods Used

Examples: Maryland State Police helicopter followed suspect vehicle, Delaware State Police executed a rolling road block, Stop sticks were deployed by Maryland State Police, etc.

3.) Injuries (Suspect and Passenger)

Describe any injuries sustained as a result of the pursuit or fleeing on foot. Example: laceration to left hand, head

concussion from airbag, lacerations and abrasions to both knees, broken left arm, etc. If no injuries list none.

4.) Suspect Charges & Passenger Charges

List any charges that were filed against the suspect or passenger: DUI, fleeing and eluding, speeding, driving through a red signal, possession of CDS, etc.

- d. Once the supervisor has completed all required information on the above listed three pages, the supervisor shall "save" the information and he/she shall notify the shift commander via e-mail of the report so command review can be completed.

4. Shift Command Review

- a. A shift commander notified via e-mail of a pursuit by a supervisor of his shift/unit shall review the police report completed by the involved officer, as well as, the pursuit module completed by the supervisor. Both reports can be reviewed from the Pursuit record.
- b. A shift commander is required to complete all of the required fields in the Administrative Review section of "Page 4". Three of the fields require a "free text" response depending on the response to the appropriate question:
 - c. Page 4
 - 1.) Did the incident supervisor terminate the pursuit? If Yes (Y) is the response then the shift commander is required to provide an explanation. Example: the weather conditions provided limited visibility, there was too much vehicular/pedestrian traffic, the speeds in the pursuit were not practical for the violation, etc.
 - 2.) Complies with General Orders. If this box is checked then the shift commander agrees that the pursuit complied with departmental policy. If the box is not checked, then the shift commander is required to explain in detail why the pursuit did not comply with policy. Example: the pursuit did not comply with departmental policy as one of the crimes listed in the policy, the officer continued to pursue the suspect vehicle even after being instructed to terminate the pursuit, etc.
 - 3.) Was additional use of force necessary? If Yes (Y) is the response then the shift commander is required to provide an explanation. Example: the driver of the suspect vehicle fled on foot at the conclusion of the pursuit, resisted arrest,

and three knee strikes to the abdomen were initiated so the suspect may be handcuffed; Officer A used his patrol vehicle and struck the rear quarter panel of the suspect's vehicle, forcing the suspect vehicle to drive to a stop (this scenario would be based upon the use of deadly force being authorized).

- c. The shift/unit commander performing the review must notify the Department's EVOC Coordinator of the pursuit review (providing the case number) via e-mail.

4. EVOC Coordinator Review

- a. An EVOC Coordinator notified of a pursuit via e-mail shall review the pursuit report completed by the involved officer and the pursuit module completed by shift supervisor using the Records Management System's I.A. Module, "Pursuit" sub-module.
- b. The EVOC Coordinator shall indicate their approval or disapproval of the supervisor's/shift commander's review of the pursuit. If the EVOC Coordinator approves the pursuit report, it shall be indicated by placing the letter "Y" in the approval section next to the coordinator's name and documenting the appropriate date and time of approval. If the Coordinator does not agree with the pursuit, then it shall be indicated by placing the letter "N" in the approval section and documenting the date and time of the disapproval. The EVOC Coordinator must then complete a Form 95 to the Division Commander explaining the disapproval of the pursuit.
- c. The EVOC Coordinator performing the review must notify the Division Commander of the pursuit review (providing the case number) via e-mail. If the EVOC Coordinator does not approve of the pursuit, the EVOC Coordinator shall attach a copy of the Form 95 to the e-mail that was completed explaining the reasons for disapproval.

5. Division Command Review

- a. Division Commanders notified of a pursuit via e-mail shall review the pursuit report completed by the involved officer and the pursuit module completed by the shift supervisor using the Records Management System's I.A. Module, "Pursuit" sub-module.
- b. Division Commanders shall indicate their approval or disapproval of the supervisor's, the shift commander's, and EVOC Coordinator's review of the pursuit. If the Division Commander approves the pursuit report, it shall be indicated by placing the letter "Y" in the approval section next to the Division Commander's

name and documenting the appropriate date and time of the approval. If the Division Commander does not agree with the pursuit, then it shall be indicated by placing the letter "N" in the approval section and documenting the date and time of the disapproval. The Division Commander must then complete a Form 95 to the Office of Professional Standards explaining the disapproval of the pursuit.

- c. The Division Commander performing the review must notify the Office of Professional Standards of the pursuit review (providing the case number) via e-mail. If the Division Commander does not approve of the pursuit, the Division Commander shall attach a copy of the Form 95 to the e-mail that was completed explaining the reasons for disapproval. If the EVOC Coordinator submitted written documentation of the pursuit, then this document must also be forwarded to the Office of Professional Standards.

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January 27, 2012

Reply to Ocean City Office

OF COUNSEL
HAROLD B. GORDY, JR.
ARLETTE K. BRIGHT

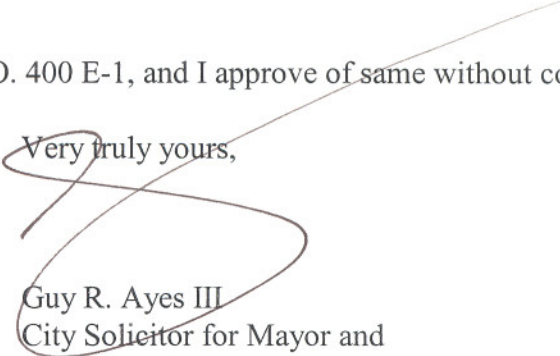
Captain Gregory Guiton
Ocean City Police Department
6501 Coastal Highway
Ocean City, MD 21842

RE: Revisions to G.O. 400 E-1

Dear Capt. ~~Guiton~~ Guiton:

I have reviewed the revisions to G.O. 400 E-1, and I approve of same without comment.

Very truly yours,


Guy R. Ayres III
City Solicitor for Mayor and
City Council of Ocean City

GRA:mh



**REGULAR SESSION -MAYOR AND CITY COUNCIL
MONDAY, FEBRUARY 6, 2012**

**13. ITEMS REFERRED TO AND PRESENTATIONS
FROM THE CITY MANAGER**

Upcoming Bid Opening for Art League Building

INTEROFFICE MEMORANDUM

TO: MAYOR MEEHAN
FROM: TERENCE MCGEAN
SUBJECT: UPCOMING BID
DATE: 2/1/2012
CC: COUNCIL AGENDA

I would like to open bids for the new Art League building on March 13, 2012.



**REGULAR SESSION -MAYOR AND CITY COUNCIL
MONDAY, FEBRUARY 6, 2012**

**14 – COMMENTS FROM CITIZENS - 5 MINUTE TIME
LIMIT**



**REGULAR SESSION -MAYOR AND CITY COUNCIL
MONDAY, FEBRUARY 6, 2012**

**15 – COMMENTS FROM THE MAYOR AND CITY
COUNCIL**