

Title:	Vehicle Impounds	Order #	2011-150
New/Amends/Resc:	New	Page:	01
Approved by:	Chief Ken K. Antolik	Officer Signature:	
Effective Date:	July 01, 2011		
Review Date:			

01 PURPOSE:

To establish policy and procedures to be followed regarding impound motor vehicles.

02 POLICY:

It shall be the policy of this Department to impound motor vehicles only as an action of last resort. Moreover, it often times creates an unnecessary and avoidable expense and inconvenience on the part of the citizen. In addition, it is recognized that the impounding process is often lengthy and time consuming and places an unneeded and unwanted burden on the officer. Therefore, officers of this Department will avoid, whenever possible and practical, the impoundment of motor vehicles. It is required that all tow services utilized by this Department be provided by Greenbelt Road Shell towing company. Further, it is prohibited that any vehicles be towed from a location unless it is with the express consent of the owner/operator or under the direction of an officer. The officer is entrusted with the direct impounding of any and all vehicles towed without the consent of the owner, including those on private property.

03 IMPOUNDING GUIDELINES:

A. In matters in which the vehicle is used in a crime, the vehicle may be impounded for evidentiary or identification purposes.

B. In motor vehicle collisions in which the damage to the vehicle is such that the vehicle cannot be driven away safely or the occupants have been transported to a medical facility, and is illegally parked, the vehicle may

be impounded. If the vehicle is left legally parked, the owner/operator shall be advised of the 72 hour parking ordinance.

C. If an operator is arrested for an offense and the vehicle can be left lawfully parked, or if the owner/operator can arrange for legal removal of the vehicle by a licensed operator at the scene, the vehicle will not be impounded unless additional circumstances dictate impoundment.

D. Vehicles will not be impounded solely because the owner does not have a registration card available unless there is no other means of establishing proper registration, ownership or possession of the vehicle to the satisfaction of the officer. If it is not possible to reasonably establish proper registration possession or ownership, the vehicle may be impounded to include violations of the Maryland Transportation Articles:

16-303[c] Driving on Suspended Lic & Priv.

16-303[d] Driving on Revoked Lic & Priv.

16-303[f] Driving on Suspended Out of State Lic.

To include any and all Must Appear [MA] offenses.

E. Vehicles should not normally be impounded for parking violations. If practical, and if circumstances do not dictate immediate removal of the vehicle, the officer should give the owner/operator a reasonable opportunity to remove the vehicle prior to the impoundment. (This in no way restricts officers from issuing parking and/or traffic summons). However, if the nature of the parking violation is such that the officer

feels that impoundment cannot be delayed, vehicles may be impounded under the following circumstances:

- If the vehicle is parked or standing in such a manner as to interfere with the normal flow of traffic or is blocking a driveway or entrance, or is left unattended on any highway, alley or parking lot so as to constitute a threat to public safety
- If the vehicle is parked in a fire lane, or is parked in such a way as to interfere with access to fire hydrants, or in such a way to interfere with the passage of emergency vehicles (ingress/egress)
- If the vehicle is parked on a snow emergency route and is interfering with snow removal efforts, or the vehicle is disabled on a snow emergency route and is impeding traffic during a declared snow emergency.
- If a vehicle is parked in an area marked "No Parking."
- If a vehicle is parked in an area where the Department of Public Works has posted no parking signage.

F. Vehicles which are abandoned according to the definition established in the Maryland Transportation Article 25-201, if practical, and circumstances do not necessitate immediate removal of the vehicle, the vehicle should not be impounded until 72 hours after a warning notice has been placed on the vehicle or issued to the owner. A reasonable effort must be made to notify the owner.

G. Vehicles with defective, deficient or altered equipment should not be impounded unless the continued operation of such vehicles poses an immediate danger to person or property.

H. Recovered stolen vehicles or vehicles which have been reported in unauthorized use cases may be

impounded. However, if the owner of the vehicle lives in the proximity of the recovery location, the vehicle has been active stolen less than thirty days, and the vehicle appears to be operative, the officer should make an attempt to contact the owner and request that he/she immediately respond to the scene to take custody of the vehicle. If the owner is not able to do so the vehicle should be impounded and inventoried.

04 PROCEDURES FOR TOWING ABANDONED VEHICLES:

A. The BHPD officer will issue a written warning and place a "TOW" sticker in the **UPPER LEFT FRONT** (driver's side) of the windshield of the vehicle informing the owner of imminent removal of the vehicle after 72 hours.

B. If the vehicle is not moved within 72 hours, a parking citation will then be issued and the vehicle impounded. A reasonable effort must be made to notify the owner before the vehicle is removed.

05 SEIZURE/FORFEITURE OF VEHICLES:

A. In the event that a vehicle is held for seizure, the impounding officer shall complete the following items, which are part of the Department's Vehicle Forfeiture Summary report that required by the State's Attorney's Office:

- Basis for seizure;
- Impound Report
- Description of CDS/paraphernalia seized from vehicle, indicating where or from whom each item was seized;
- Who seized the evidence from the vehicle;
- Identify all persons in vehicle at time of seizure (name, address, DOB and phone number); and,
- Name of other witnesses necessary to prove forfeiture.

B. The Vehicle Forfeiture Summary report will be forwarded to the Supervisor, who will immediately review the case with the Asset Forfeiture Division of the State's Attorney's Office.

06 IMPOUND AND RELEASE PROCEDURES:

IMPOUND REPORTS

A. An officer impounding a vehicle will complete a Vehicle Impound Report. All applicable information will be legibly documented.

B. The contents of all impounded vehicles shall be inventoried and noted on the Vehicle Impound Report.

C. A Vehicle Impound Report is not necessary in the event of an accident where the vehicle is towed at the owner's (operators) request or was subsequently released from the scene.

D. Document damage on the Impound Report.

ISSUANCE OF VEHICLE RELEASES

E. Except in cases in which a vehicle is impounded for evidentiary purposes, a vehicle release will not be denied to a person who has produced adequate documentary evidence that he/she is entitled to the vehicle.

F. In order to preclude the improper release of recovered stolen vehicles for which an insurance company already reimbursed the registered owner, the Police Clerk, or a Supervisor, upon written notification from an insurance company that the registered owner has already been reimbursed for the stolen vehicle and no longer have a claim for it, shall ensure a copy of this information is placed on the Vehicle Impound Report.

IMPOUNDING OFFICERS RESPONSIBILITIES

G. Complete the Vehicle Impound Report and any required supplements neatly, completely and accurately.

H. Submit the Vehicle Impound Report to the Supervisor for review and approval.

SUPERVISOR RESPONSIBILITY

I. Review Vehicle Impound Report for completeness, accuracy and legibility.

J. In the case of a vehicle seizure, ensure that the Vehicle Forfeiture Summary has been completed and a copy was placed in the Supervisor's box.

POLICE CLERK'S RESPONSIBILITIES

A. Print out Vehicle Impound Reports.

B. Release vehicles to owners after being provided proper ownership documentation. Make copies of any and all supporting ownership documentation and staple it to the impound form.

C. If a vehicle for which a release has been issued is still impounded the Police Clerk will notify the last known owner within a reasonable time.

D. In cases where the last known registered owner has not been notified, a certified mail notification will be prepared and sent to him/her.

E. If mail notification is returned unclaimed or undelivered; the BHPD may place a Notice of Intent to make Disposal with a newspaper of general circulation for seven (7) to fourteen (14) days of the impoundment.

F. Following expiration of twenty-one (21) days from the date of notice by mail or publication, SMVA Form CS-78 will be issued to the appropriate tow agency for disposal to a wrecker or scrap processor.

G. When applicable, arrangements will be made for vehicle disposal under the Maryland Transportation Article. If the Department has no further interest in the vehicle it shall be released to the crane service to facilitate their obtaining a mechanic's lien. If the Department has an interest in the vehicle, it will be prepared for auction or other Department use.

07 NOTIFICATIONS AND DISPOSITION PROCEDURES:

A. In cases in which a vehicle is impounded without the owner's knowledge, the impounding officer shall notify the owner as soon as possible. If the impounding officer is unable to contact the owner, the Vehicle Impound Report shall state so and upon receipt of the report to the Police Clerk, an impounding letter shall be sent to the owner and lien holder within seven (7) business days. The lien holder information may be obtained from the MVA record. The letter shall be sent by certified mail, return receipt requested, to be signed by the addressee only, with a copy forwarded to the BHPD Police Clerk and the letter shall contain that information in accordance with the Maryland Traffic Law.

B. The return address must indicate that returned receipt and undelivered mail shall be returned to the Police Department. The impound number shall be placed on the return receipt form and envelope.

C. In cases in which all efforts to release the vehicle are unsuccessful (for example, if a certified letter cannot be delivered or if the vehicle still has not been released twenty-one (21) days after the date of the certified notification letter), the Police Clerk shall be responsible for assisting the towing agency in completing appropriate disposition procedures for such vehicles.

D. If the towing agency wishes to dispose of the motor vehicle by sale at a public auction, the BHPD Supervisor shall advise them of the procedures in accordance with the Maryland Transportation Article.

08 RELEASE OF MOTOR VEHICLE FOLLOWING REQUEST FOR TOW:

A. When a tow truck has been called for impound and the owner/custodian arrives at the scene prior to the hook-up by the crane and is entitled to the vehicle, the officer will turn the vehicle over to the custodian.

B. If the tow truck has hooked-up but has not left the scene upon arrival of the owner/custodian, the officer

should release the vehicle on the scene. Once the vehicle release has occurred, the matter becomes a civil nature to be settled by the vehicle owner and the tow truck operator.

09 TOW DISPUTES:

Police Officer cannot tow a car when the owner comes and say "I'll move it", and it is the opinion that whoever called the tow company should pay the fee. This section can be found in the Commercial Law Article of the Annotated Code and it is a civil matter, not criminal.

Title:	AWARDS PROGRAM	Order #	2-001
New/Amends/Resc:	New Revised	Page:	01 of 05
Approved by:	Chief Ken K. Antolik	Officer Signature:	
Effective Date:	July 1, 2013		
Review Date:			

I. PURPOSE

The purpose of this policy is to set forth guidelines to standardize the awards program within the agency and recognized the outstanding performance by an individual or a group of BHPD employees. Nothing in this section shall prevent a civilian employee from receiving an award or ribbon if they meet the criteria. It is recognized that an officer's actions during an incident may merit more than one award, however, only one award per incident will be given in recognition of the officer's efforts and the award should be the highest award available fitting the prescribed criteria.

II. POLICY

It is the policy of this agency that all personnel will recognized and may displayed their awards on their duty shirt. However, while officers must displayed their awards with pride while in their class 'A' uniform.

- a. All recommendation for awards listed must be submitted through the chain of command as soon as possible to be review by the Awards Review Committee;
 - Gold Medal of valor
 - Silver Medal of Valor
 - Bronze Medal of Valor
 - Combat Cross
 - Injury/Wound Citation
 - Life Saving Award

- b. All other awards recommendations shall be forwarded through the chain of command to the Chief of Police.

III. REPORTING

1. The Chief of Police will promptly initiate the proceedings toward recognition of outstanding performance.
2. It is the duty and privilege of all BHPD employees to report such instances, which will then be promptly forwarded through the chain of command and to the Chief of Police for his approval or dissenting recommendations.
3. All letters, memoranda and recommendations from any source pertaining to an outstanding performance, either operational or administrative directed towards individuals, groups or the department will be referred promptly to the Chief of Police, together with a BHPD Form # 45 that contains the following:
 - Whether the action was taken as a matter of routine or was it beyond recognized limits of duty.
 - If the employee's life was at risk in the performance of this action.

- If the employee's action contribute to the saving of a life.
- A copy of any procedural report pertinent to the incident.
- Witness statements.

IV. AWARDS REVIEW COMMITTEE 'ARC'

The ARC will be a group composed of a Chairperson and the following five members:

- Council Member (Public Safety) (Chairperson)
- Town Administrator (Vice Chairperson)
- Military Veteran – Appointed by Chief of Police
- Military Veteran, or retired police officer Appointed by the Chief of Police, or a Sergeant
- Open – Appointed by the Chief of Police, or a Sergeant

A. MEDAL OF VALOR

GOLD – The highest agency award; may be awarded in recognition of acts involving extreme risk clearly above and beyond the call of duty. Awarding the Gold Medal must be carefully monitored so that the acts of valor attached to the medal are never compromised.

SILVER - The second highest agency award; may be awarded in recognition of acts involving unusual personal risks beyond that which is normally expected of an officer.

BRONZE – The third highest agency award; may be awarded in recognition of acts involving unusual personal risks beyond that which is normally expected of an officer.

B. COMBAT CROSS

This ribbon is awarded to an officer for the successful performance of an act of extraordinary danger and hazard to life in

personal combat with an armed adversary in the intelligent performance of duty.

C. MERITORIOUS AWARD

Awarded for an act of outstanding personal bravery, intelligent performed in the line of duty under adverse conditions with some degree of hazard to life and limb to the nominee or where death or serious physical injury to a third party is prevented.

D. INJURY / WOUND CITATION

An employee receives a life threatening or non-life threatening injury sustained while engage in law enforcement activities (i.e. effecting an arrest or engaged in enforcement of the law or related activities) and not through negligence on the part of the employee.

E. LIFE SAVING AWARD

Awarded for an intelligent act performed in the line of duty which through disregard of personal safety or prompt and alert action, such as providing essential medical treatment prior to arrival of EMS personnel, results in saving a life.

F. COUNCIL SPECIAL ACHIEVEMENT CITATION

Reserve for Council

G. CHIEF's AWARD

Awarded by the Chief of Police to employee who exemplify the highest standards of service to the community by virtue of their diligence, dedication and character. This award may also be granted to employees who develop new, innovative programs, which clearly enhance the mission of the department or improve the quality of life for the residents of Berwyn Heights.

H. OFFICER of the YEAR

Reserved for the Chief of Police

I. SERGEANT's AWARD

This award is reserved for nomination only by the Patrol Sergeant. Awarded for any act as, serving the public, devotion to duty or a result of training, that brings public

J. OUTSTANDING PERFORMANCE AWARD

Authorized where a BHPD employee or a group of BHPD employees has demonstrated superior performance during a calendar year that is clearly deemed exceptional and worthy of recognition.

K. ALLIED AGENCY CITATION

Employees whom have received honors or awards from outside agencies or organization may be issued an Allied Agency Citation to be displayed in recognition of the honor. Award ribbons issued by other agencies, the military or civilian organizations are not authorized for display upon departmental uniform.

L. NATIONAL DEFENSE AWARD

The National Defense Award will be given to the employee, both sworn and non-sworn, who has been deployed or activated in support of a military operation or engagement. The award will indicate the branch of service.

M. EDUCATION AWARD

- **AA** – Awarded to the employee who has completed an associate degree and is awarded a diploma from that educational institute.
- **BS** – Awarded to the employee who has completed a Bachelors degree and is awarded a diploma from that educational institute.
- **MS** – Awarded to the employee who has completed a Master degree and is awarded a diploma from that educational institute.

N. LONGEVITY RIBBONS

The longevity ribbon is awarded on the basis of total time served in law enforcement including correctional facility employment. The years of services is in 5 (five) year increments and it is printed on the ribbon. Only the highest years of service ribbon shall be worn.

O. OUTSTANDING CITIZEN AWARD

Any departmental employee may nominate a private citizen for an Outstanding Citizen Award as means of recognizing that citizen's contribution to the public or Department. The citizen's action may be heroic, or may reflect an unusual degree of cooperation or assistance in an operational, administrative or community service action. Nominations shall be submitted as the aforementioned policy in this section. The award will be in a certificate.

P. DISPLAY OF AWARDS

Generally, issued ribbons or medals are displayed on the dress blouse and ribbons only are optional on the short and long sleeved uniform shirts. Award ribbons are not authorized for display on any other uniformed or civilian garment.

1. NUMBER OF RIBBONS TO BE WORN AT ONE TIME

- If more than two ribbons are worn they will be worn on approved ribbon holders with no more than three abreast.

2. NUMBER OF MEDALS TO BE WORN

- Only one medal will be worn while wearing the Class A uniform. It shall be the officer's choice of which medal is worn around his / her neck. Medals may be worn at ceremonial occasion but will not be worn at funerals.

3. PLACEMENT OF RIBBONS ON UNIFORM

- All ribbons will be worn on the officer's right side of the uniform. Ribbons of the highest category will be worn in the highest row, closest to the heart. Only one ribbon of any type may be worn regardless of how many times the officer received the

award. However, one ribbon may have up to three of four stars to signify the amount of awards given.

- The ribbon shall be centered 1/8" over the name plate.
- Two toned ribbons such as the Chief's Award and Life Saving Award, shall be worn with the red portion of the ribbon, closest to the heart.

Q. AWARD CEREMONY AND PRESENTATION

An award presentation will be held during special formation or department meetings. The agency top awards can be presented in a manner at a location reserved by the Chief of Police.

R. MEDAL OF VALOR (MEDAL)

The three medals of valor include a medal that is to be worn with Class A uniform only. The medal shall be issued along with the corresponding ribbon. Only one medal shall be worn around the officer's neck, while wearing the Class A uniform.

S. SUBSEQUENT AWARDS

Upon an officer being presented a subsequent award of the same category, a ribbon with an additional gold star shall be issued. At no time will an officer wear two ribbons of the same award. If the original ribbon is issued with a gold star, the award will display a maximum of 4 (four) gold stars. If the award is received a fifth time, the ribbon will display a gold oak leaf. If the original ribbon is issued without a gold star, the award will display a maximum of 3 (three) gold stars

T. AWARDS AND ORDER OF PRECEDENCE

1. **Gold Medal of Valor** – Medal #A8365 with Maryland State seal, engraved "Berwyn Heights Police" Ribbon # RC-8, white center, blue ends with 'V' centered.

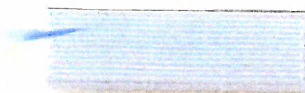


RC-8



A8365

2. **Silver Medal of Valor** – Medal # A4117. With Maryland State Seal, and white neck ribbon. Ribbon # RC-7 solid light blue.



RC-7



A4117 1/2" seal

3. **Bronze Medal of Valor** – Medal #A4912 with Maryland State Seal and red neck ribbon. Ribbon # RC-46 solid burgundy.



RC-46



A4912

4. **Combat Cross** – Ribbon # RC5 solid navy blue.



RC-5

5. **Meritorious Award** – Ribbon # RC26
White center with blue ends.



RC-26

6. **Injury /Wound Citation** – Ribbon # RC45, solid purple.



RC-45

7. **Life Saving Award** – Ribbon # RC-2,
Red and White.



RC-2

8. **Council's Award** - #RC-27, Blue center,
two whites, and red ends.



RC-27

9. **Chief's Award** – Ribbon # RC-28, White
center with red and blue follow by white
ends.



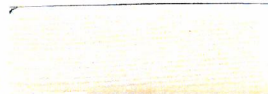
RC-28

10. **Officer of the Year** – Ribbon # RC-1,
solid red.



RC-1

11. **Sergeant Award** – # RC-20, solid white.



RC-20

12. **Outstanding Performance Award** –
Ribbon # RC-37, Green middle with two
blue stripes with white ends.



RC-37

13. **Allied Agency Citation** – Ribbon # RC-
32, Red middle, two white striped and blue
ends.



RC-32

14. **National Defense Award**

➤ **Army** - # RC-13, Solid Green



RC-13

➤ **USAF** - #RC- 30, Blue and Gold



RC-30

➤ **NAVY** - # RC- 10, Gold and White



RC-10

➤ **USMC** - # RC- 4, Red and Green



RC-4

➤ **USCG** - # RC- 16 Green and
Orange



RC-16

15. **EDUCATIONAL AWARDS**

AA - # 0081, Education Achievement.



BS - # 1183, Bachelor's Degree.



MS - # 0533, Master's Degree.



PHD - # 0684 Doctorate Degree.



16. **OUTSTANDING CITIZEN AWARD**

A certificate, suitable for framing.

17. Sharpshooter Qualification Ribbon



18. Rifle Qualification Ribbon



19. Marksman Qualification Ribbon



20. Expert Qualification Ribbon



21. Distinguished Expert/Master



22. FBI LEEDA/NATIONAL Academy



23. Bicycle Patrol Certification Ribbon



24. School Resource Certification Ribbon



25. Criminal Investigation Certification



26. Crime Scene Investigation Certification



27. Field Training Officer Ribbon # 0515



28. Firearms Instructor Ribbon # 0752



29. Polygrapher Certification Ribbon # 1145



30. EMT/First Responder Ribbon # 0602



31. Accident Reconstruction Certification



32. Drug Recognition Expert Ribbon # 0423



*All Ribbons are from the Blakinton and Public Safety Specialties Inc.

32. Police Safety Aide 'PSA' awards / ribbons

0588 PSA Life Saving Award	1021 Community Service	1094 Perfect Attendance	0664 Crime Prevention	1150 PSA First Aid Responder Award	0365 Emergency Preparedness	1101 Citizen Police Academy
0737 PSA Chief's Award	0032 Law Enforcement Training	0231 PSA Citizen's Award	0736w PSA of the Year	0756w PSA Council's Award	0739w PSA 4.0 EDU Award	0747w Drug Abuse Prevention

***All Ribbons
are from the
Blakinton and
Public Safety
Specialties Inc.**

Red gold red gold red

 = Dare.

Berwyn Heights Police Department

Agency Award Nomination Form

Check all that apply: Definitions for awards located in BHPD manual.

<input type="checkbox"/> Medal of Valor	<input type="checkbox"/> Gold <input type="checkbox"/> Silver <input type="checkbox"/> Bronze	<input type="checkbox"/> Combat Cross	<input type="checkbox"/> Meritorious Award	<input type="checkbox"/> Injury/Wound Citation
<input type="checkbox"/> Life Saving		<input type="checkbox"/> Council's Citation	<input type="checkbox"/> Chief's Award	<input type="checkbox"/> Officer of the Year
<input type="checkbox"/> Sergeant's Award		<input type="checkbox"/> Outstanding Performance	<input type="checkbox"/> Allied Agency Citation	<input type="checkbox"/> National Defense Award
<input type="checkbox"/> Education (AA)		<input type="checkbox"/> Education (BS)	<input type="checkbox"/> Longevity	<input type="checkbox"/> Outstanding Citizen Award

Name of Nominee: _____ Rank: _____ Date of Occurrence: _____

Did you witness the event? Yes No Case #: _____ Officer's Status: On Duty Off Duty

Name of Nominator: _____ Rank: _____ Date: _____

Signature of Nominator: _____

I CERTIFY THAT THE FACTS PRESENTED ON THIS NOMINATION FORM ARE KNOWN TO ME OR A MATTER OF RECORD.

Witness information - Attach witness statements.

Name	Address or Phone Number

Summary of Circumstances Justifying Award:

Award Committee Action

Date Reviewed: _____ Committee Consensus: _____

Chairperson's signature: _____ Date: _____

Title:	Court Postponement Policy	Order #	2-002
New/Amends/Resc:	New	Page:	01
Approved by:	Chief Ken K. Antolik	Officer Signature:	
Effective Date:	July 01, 2011		
Review Date:	October 3, 2013		

GENERAL

By Administrative Orders previously adopted by the Courts of Appeals, procedures have been established for the resolution of conflicts in case assignments among the various courts, and the responsibilities of council and the court have been enumerated when a postponement has been requested. Pertinent provisions of those Administrative Orders provide:

1. All request of postponement must be in writing and signed by a supervisor and with a copy of your summons attached. A request for postponement shall be made as soon as request is known to the officer, and sufficiently in advance of the trial date to minimize inconvenience to all parties involved. The aforementioned will include conflicting trial dates.
2. When requesting a postponement, officer shall to the extent possible, attach supporting documents of evidencing conflict, e.g. travel itinerary, doctor's note, leave request, etc.
3. Unless of exigent circumstances exists, a case shall not be postponed if the officer's scheduling conflict arose after the trial date was set by said Court.
4. Officer requesting a postponement shall notify the State Attorney's Office, seek their consent, and shall notify his / her supervisor.
5. Officers may not assume that a postponement will be granted, even if the Defense Attorney, Defendant, or the Assistant State's Attorney does not object,

and all parties must appear on the schedule trial date unless the court instruct otherwise.

NOTIFICATION:

Officers are responsible to make proper notification to the State Attorney's Office when he / she are requesting postponement. The Prince George's County Court liaison will not accommodate any outside jurisdictions when making sick notification.

SICK / EXIGENT CIRCUMSTANCE:

1. Officer shall notify the State Attorney's Office at 301-952-3500 and make notification when he / she are sick.
 - a. Document the name of the person you notified including date and time.
 - b. Provide a written BHPD inter-Departmental Memo for the supervisor and a copy stapled to your court disposition log.

VACATION / SICK THREE [3] DAYS OR MORE:

1. Officer shall notify the Office of the State Attorney via US Postal certified at: STATE ATTORNEY'S OFFICE 14735 Main Street, Upper Marlboro, MD 20772
 - a. Provide the State Attorney's Office with a copy of approved leave, or doctor's note etc.
 - b. Provide your supervisor a copy of letter to the State Attorney's Office and keep one for your record.



Thomas J. Love
Administrative Judge

DISTRICT COURT OF MARYLAND
Fifth District

Courthouse, Suite 345B
Upper Marlboro, Maryland 20772
(301) 298-4081

Hyattsville District Court Building
4990 Rhode Island Avenue
Hyattsville, Maryland 20781, Suite 250
(301) 298-4220

September 30, 2013

Chief Antolik
Berwyn Heights Police Dept.
5700 Berwyn Road
Berwyn Heights, MD 20740

Re: Criminal citations

Dear Chief Antolik:

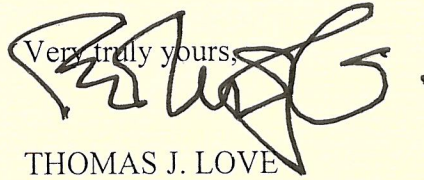
As you know, the General Assembly has passed legislation that allows police officers to charge a larger number of misdemeanors by way of a criminal citation, the expected result of which has been a marked increase in the number of citations received by our clerk's office. Quite often these criminal citations are being issued in connection with a traffic stop, where a particular defendant has also been issued motor vehicle citations.

However, a growing number of police officers are failing to list the related traffic citations in the appropriate space on the criminal citation, and vice versa. As such, the clerk's office has no way to relate the citations. Consequently, two separate trial dates are established; one for the criminal citation, the other for the traffic tickets. This causes much confusion, creates an extra court appearance for the defendants and officers and may result in bench warrants being issued unnecessarily. The purpose of this correspondence is to request that you remind your department of the importance of listing any related charge on each charging document filed with our office, accompanied by the appropriate transmittal list.

Let me also take this opportunity to provide you with a copy of the District 5 postponement policy, which sets forth how, and under what circumstances, a case may be postponed. The policy applies to cases when a police officer is unavailable for court. If, for example, an officer is required to miss a court appearance due to an event that has been scheduled far in advance, such as military or training commitments or scheduled leave, he/she is required to make any request for postponement (to the State's Attorney or, in minor motor vehicle cases directly to the court) as soon as the reason for the request is known. It is also necessary for the officer to append any supporting documentation evidencing the conflict when making a request to postpone a case.

The policy also requires, to the extent possible, documentation supporting a request for postponement when an officer is ill. The members of this bench generally do not accept a representation that a case should be postponed merely because an officer's name has been placed on the "sick log."

Thank you for giving these matters your attention.

Very truly yours,

THOMAS J. LOVE
Administrative Judge

cc: Judge Robert W. Heffron, Jr.
Mary Brennan, Division Chief
Mary J. Abrams, Administrative Clerk

DISTRICT 5 POSTPONEMENT POLICY

By Administrative Orders previously adopted by the Court of Appeals, procedures have been established for the resolution of conflicts in case assignments among the various courts, and the responsibilities of counsel and the court have been enumerated when a postponement has been requested. Pertinent provisions of those Administrative Orders provide:

1. If counsel accepts a case knowing that there is a conflict with the scheduled hearing date, counsel should not expect to be granted a continuance.

2. If a conflict arises after counsel enters an appearance, counsel shall make every effort to obtain coverage by a partner or associate before requesting a continuance. A request for continuance shall include a statement of compliance with this rule.

3. When counsel accepts a case which creates a conflict, a continuance may be granted only in the judge's discretion and under extraordinary circumstances. In the exercise of that discretion, the judge shall first assure that all parties, witnesses, and counsel in the case can be notified of the continuance sufficiently in advance of the trial date to avoid undue inconvenience; that the case has not been continued an unreasonable number of times; and that the continuance would not otherwise impede the proper administration of justice.

4. Except in certain enumerated circumstances, when there is a conflict between hearing or trial dates, priority shall be given in accordance with the earliest date on which assignment for hearing or trial was made.

In order to implement the above Orders, and in an effort to promote the prompt and efficient scheduling and disposition of cases filed in the District Court of Maryland for Prince George's County, the following guidelines will also apply, **effective October 1, 2008:**

All requests for postponements must be in writing and signed by a party or, if represented, by his or her attorney, and contain a certificate of service on opposing parties and/or counsel. To be assured of prompt consideration of a motion for postponement, counsel should include a proposed order when submitting the motion.

A request for postponement shall be made as soon as the reason for the request is known, and sufficiently in advance of the trial date to minimize inconvenience to parties and witnesses.

Generally, priority among conflicting hearing or trial dates will be given to the date first set. Court hearings will take priority over administrative hearings and depositions.

When a request for postponement is based upon a conflict in counsel's trial schedule, a copy of the notice illustrating the conflict shall be attached to the postponement request.

When a request for postponement is based upon any other conflict, the party seeking a postponement shall, to the extent possible, attach supporting documentation evidencing the conflict (e.g. travel itinerary, doctor's note, etc.) Unless good cause exists, a case shall not be postponed if the party's scheduling conflict arose after the trial date was set by this Court.

The party requesting a postponement shall notify the opposing party or counsel, and to the extent practicable, seek their consent, and shall advise the court of the opposing party's position regarding the postponement. [If a motion for postponement is granted a new trial date will be set by the court, unless at least three proposed new trial dates, agreed upon by all counsel or parties, are submitted with the motion or response to the motion.]

A party requesting a postponement may not assume that it will be granted, even if the opposing party does not object, and all parties must appear on the scheduled trial date unless the court instructs otherwise.

A party who has been advised of the right to counsel, either by a judge or by a commissioner, is not entitled to a postponement unless there is a meritorious reason for a postponement.

Specially set cases and cases set by agreement of counsel will not be postponed unless extraordinary cause exists for a postponement.

All parties, witnesses and counsel shall bring their calendars to court, so that cases continued in open court may be rescheduled without conflict.

Trial dates will be assigned by the clerk of the court in accordance with Maryland Rule 3-102. All parties and counsel are expected to be cognizant of this rule when filing a case, pursuant to subsection (c) of Rule 3-102. A postponement of the case may not be granted if some, but not all of the defendants in the case have been served, if the request for postponement is made less than ten (10) days prior to the trial date.

Postponements will be considered on a case-by-case basis, and in light of the exigency which exists at the time of the request. Further, the time management standards implemented by the Administrative Office of the Courts will affect consideration of the request. The following types of cases are to be concluded within the time frame indicated: small claims civil - 120 days from the date of service; large claims civil - 250 days from the date of service; payable traffic cases - 120 days from the date a request for hearing is received; DUI, must-appear traffic and criminal cases - 180 days from entry of the case into the scheduling system. Counsel are to be cognizant of the time standards when preparing the case for trial and are to be mindful of those standards when requesting a postponement.

THOMAS J. LOVE
Administrative Judge

Amended: August 14, 2013

Title:	CELL PHONE	Order #	2-003
New/Amends/Resc:	New	Page:	01
Approved by:	Chief Ken K. Antolik	Officer Signature:	
Effective Date:	October 15, 2013		
Review Date:			

PURPOSE:

The purpose of this policy is to set forth guideline to standardize the policy and procedures for proper use of personal / departmental issued hand held cell phones while driving. All BHPD personnel shall comply with the law whether on-duty or off-duty, unless you are involved in an emergency. BHPD personnel shall set examples of safe driving.

POLICY:

All Berwyn Heights Police employees regardless of commissioned or non-commissioned personnel shall be prohibited from the use of handheld cell phones under a new law that became effective October 1, 2013. All BHPD

employees are prohibited from using hand-held cell phones while operating departmental motor vehicles, except when the cell phone is being operated in a hands-free manner. This is to include writing or sending a text message while operating a motor vehicle that is in motion or in the travel portion of the highway. All BHPD employees are expected to comply with the aforementioned directive.

EXCEPTIONS:

Phone calls placed to 9-1-1, ambulance, hospital, fire, or communication with law enforcement agencies is allowed.

Title:	Emergency Action Plan	Order #	B2011-8
New/Amends/Resc:	New	Page:	01
Approved by:	Chief Ken K. Antolik	Officer Signature:	
Effective Date:	July 01, 2011		
Review Date:			

I. PURPOSE

The purpose of an Emergency Action Plan is to protect the Town of Berwyn Heights, residents and employees from serious injury, property loss, or loss of life, in the event of an actual or potential major disaster. A major disaster may include, but not limited to, any of the following: fire, tornado, earthquake, bomb threat, whether from natural disasters and, or domestic threats. In the event of a major disaster, this Emergency Action Plan describes the initial responsibilities and actions to be taken to protect all residents and employees.

II. GENERAL PROCEDURES

It is impossible to provide specific information for all situations. There is no guarantee implied by this plan that a perfect response to disaster emergency incidents will be practical or possible. Therefore, this plan is a guide for the employees of the BHPD to familiarize themselves with basic emergency planning, and response.

A. Pre-planning

Preparation will increase the margin of safety in any emergency;

1. A briefing along with essential employees of the Town of Berwyn Heights to include the Mayor.

2. Inform all employees how to communicate in an emergency. Send updates via text and internet from your mobile phone to essential personnel and utilize social channels in case voice communications are not available. Text messages and the internet often have the ability to work in the event of a phone service disruption.

3. Assign specific tasks to essential employees.

4. Identify residents with specific needs such as the disables or seniors.

5. Provide a building specific plan for shelter and command center.

B. Notification of Emergency Warning

In the event of a disaster, the warning may come from any of the following sources. Commercial radio or television. It is recommended that several sources be monitored to assist in determining when emergency situations exist since no one system can cover all circumstances. Any members of the BHPD personnel receiving notification of a possible disaster or an emergency should immediately notify the Chief of Police and or inform immediate supervisor who will continue notification up the Chain of Command.

C. Homeland Security Advisory System (HSAS)

The Homeland Security provides a means of disseminating information regarding the risk of terrorist acts.

a. *Low Condition* – **Green** Low risk of terrorist attacks.

b. *Guarded Condition* – **Blue** General risk of terrorist attack.

c. *Elevated Condition* – **Yellow** Significant risk of terrorist attacks.

d. *High Condition* – **Orange** High risk of terrorist attacks.

e. *Severe Condition* – **RED** Severe risk of terrorist attacks.

III. ASSIGNMENTS AND RESPONSIBILITIES

The Chief of Police or his designee will assign volunteers 'personnel of the Berwyn Heights Emergency Preparedness' to perform the duties of welfare check on residents with specific needs, maintaining the command center and answering telephones. If the situation is severe, officers of the BHPD will be on stand-by and ready to be deployed for the safety of the residents and employees of the Town.

A. Responsibilities of the Chief of Police or his Designee

1. Chief of Police or his Designee will review plan annually, revise as necessary, and make copy available to the Town Administrator, or any elected officials.

- Plan training exercises to test emergency Action plan.
- Instruct personnel including volunteers of their duties.
- Determine method of monitoring for emergency situations.
- Direct all initial emergency actions including the following:

2. Assign tasks to personnel to carry out specific actions.

3. Identify emergency shelter / command center, if deemed necessary.

4. Identify or assist persons who need assistance.

4. Take any other action necessary to protect life;

- Provide status and other reports to the Mayor or his /her designee or to the Crisis Management Team if 'CMT' was notified.
- Assess nature and extent of all emergencies.
- Assume initial control of all emergency actions until relief or threat level is eliminated.

IV. RESPONDING TO EMERGENCIES

Each emergency requires a different response. In bomb threat, hazardous material spill, hurricane or tornado emergencies, residents may be sheltered in place. At other times building evacuation is the appropriate action. Following is information to assist the BHPD in the event of an emergency in regards to evacuating a building, or other events:

1. Fire:

To evacuate the building upon seeing smoke/fire or hearing the fire alarm (other types of evacuation are covered elsewhere in this document):

a. Verbally warn persons in the immediate area, (such as, yelling "FIRE!") and activate alarm upon discovery of smoke or fire, if activation has not occurred.

The signal for a building wide evacuation will be the sound of the fire alarm. All persons are required to evacuate the building.

b. Contact the dispatcher of the incident and have them notify the Firer-board and EMS Personnel. To include the location and type of emergency.

c. Stay on the scene, assist the injured and take command of the scene until backup arrives.

Berwyn Heights Elementary School 'BHES'

Identify faculty and or persons in charge of the school and evacuate the building depending on the nature of the emergency. When out, move away from the building to a prearranged assembly area for a head count of all the students. You should be as far out from the building especially from the kitchen area due to natural gas. Once out and clear of any danger zone;

- Identify all faculty members.
- Identify safe zones where faculty members and students are;
- Assemble a head count of all students.
- Established a command post.
- Secured scene and assist faculty in charge.

2. Tornado or Severe Thunderstorm Procedures:

In the event of a tornado or severe weather warning, the following procedure should be put into effect.

a. Monitor all emergency broadcasting system 'EBS'

b. Tornado or Thunderstorm Watch:

Weather conditions are favorable for the possible development of tornadoes or severe thunderstorms.

c. Tornado or Thunderstorm Warning: A tornado or thunderstorm is occurring or sighted in the area. In addition to dark clouds and/or hail the emergency siren may sound.

The Chief of Police or his designee will initiate a Nixle alert and make notification to all employees, residents, the Mayor, elected officials including DPW and EPP. Once informed, Officer(s) of the BHPD will perform a patrol check of the Town and immediately notify residents, employees and any persons to take cover. For example, a restroom, center stairwell,

basement, and if in a building, stay away from windows and doors. If you are outside, take cover in a building close by. Officer(s) should then proceed to a tornado shelter, or safe area if available.

d. After tornado passes, restore calm and check for injuries and report the damages to the Chief of Police.

3. *Blizzard:*

1. Officers of the BHPD will utilize the police SUV and make an assessment of the Town. The information gathered will be relay to the Chief of police and DPW. The Chief or his designee will notify and report to the Mayor and make a decision if EPP is needed.

- a. BHPD personnel will inform residents to stay indoors.
- b. If there is no heat, it is suggested that all unneeded rooms or area be closed off.
 - Stuff towels or rags in cracks under doors.
 - Cover windows at night.
 - Eat and drink. Food provides the body with energy and heat. Fluids prevent dehydration.

4. *Earthquake:*

An earthquake usually occurs without any type of warning. Due to the suddenness, if at the HQ, all personnel should attempt to get under a table or desk, or any place that the employee feels is safe. After an earthquake has stopped, initiate the following procedure:

a. On duty officer will notify the Chief of Police or his designee immediately and make an assessment of the Town. Starting with the BHES and follow proper protocol as stated. Chief or his designee will make a determination if additional personnel support will be needed.

b. Check for injuries and provide assistance as needed.

3. Officer(s) with the assistant from Fireboard should check for fires and shut off utilities to control gas and water leaks at the Town Hall and Senior Center, including the BHES.

c. If major structural damage has occurred, the officer on duty should order a complete evacuation and the building should be inspected by the Prince George's County inspector for damage before reentry.

d. All damages and any pertinent information will be relay to the Chief of Police and or his Designee.

5. *Flood:*

1. 1. On duty officer will notify the Chief of Police or his designee immediately and make an assessment of the Town. Start with the flood area near the Indian Creek. Chief of Police or his designee will make a determination if additional personnel support will be needed.

a. Officers of the BHPD will utilize the police SUV and make an assessment of the Town and avoid walking or driving through flood water. If car or SUV stalls, abandon it immediately and climb to higher ground.

6. *CHEMICAL, BIOLOGICAL, RADIOLOGICAL, NUCLEAR, EXPLOSIVE THREAT 'CBRNE':*

The Berwyn Heights Police Department policy is to evaluate bomb, biological, radiological, nuclear and explosive threats in order to determine the appropriate action that must be taken. The threat that a bomb/CBRNE has been planted is usually made via the telephone. In the majority of cases, these threats have been proved to be false and no device or material was located. However, the potential for loss of human life and property is so great that each situation must be pursued and evaluated.

A. *Telephone Threat:* Personnel of the BHPD receiving a telephone bomb/CBRNE threat should remain professional, calm and obtain as much information as possible by completing the following:

- When is the bomb going to explode?
- Where is it?
- What building?
- What floor?
- What does it look like?
- What kind of bomb is it?
- What will cause it to explode?
- Did you place the bomb? Why?
- What is your address? Name?
- Can we help you?

EXACT WORDING OF THREAT:

- Male or Female
- Race and Age
- Number received from the caller
- Date and Time
- Nationality

B. Written Threat:

Written threats can come in the form of a note, letter or fax, through the U.S mail. Any document will become evidence at the trial of any perpetrator. It may, in fact, be critical to a successful prosecution and positive identification of the perpetrator. It therefore is extremely important that the BHPD officers or personnel:

1. **DO NOT** handle the envelope or letter/note any more than is necessary and limit the number of persons who touch these items. Know who the people are that have touched these items so elimination fingerprints can be obtained.

BHPD Investigative Services will place the item(s) in a folder or large envelope to protect them and tell others not to handle them.

2. Immediately notify the Federal Bureau of Investigation.

3. Safeguard the received material until it is given to the proper authority.

C. **Suspicious Package:** If a suspicious package or device is found, **immediately** notify the Chief of Police or his/her designee. **Do not touch or handle** any suspicious item!

Request all persons to leave the room the package is in.

If the package is a suspected bio-hazard (e.g. Anthrax): It is unlikely that any threat of exposure to a bio-hazard, such as anthrax, will be found, but the potential exists. All such threats should be taken seriously.

V. NEWS INFORMATION

Information to the news media will only be released through the Office of the Chief of Police.

VI. DEBRIEFING-EMERGENCY EVALUATION

Following any emergency, a debriefing -emergency evaluation will be conducted to evaluate the cause, Officers of the BHPD and outside department actions, and to determine what corrective or preventative actions are necessary. All reports will be given to the Mayor and Council to include Department Directors.

BERWYN HEIGHTS POLICE DEPARTMENT

EXACT WORDING OF THREAT

Sex of caller: M / F Race: _____ Approximate age: _____ Length of call: _____

Telephone # at which call received: _____ Time received: _____ Time ended: _____

Date call received: ____ / ____ / ____ Nationality: _____

CALLER'S VOICE

<input type="checkbox"/> Calm	<input type="checkbox"/> Nasal	<input type="checkbox"/> Soft	<input type="checkbox"/> Angry	<input type="checkbox"/> Stutter	
<input type="checkbox"/> Loud	<input type="checkbox"/> Excited	<input type="checkbox"/> Lisp	<input type="checkbox"/> Laughter	<input type="checkbox"/> Slow	
<input type="checkbox"/> Raspy		<input type="checkbox"/> Crying	<input type="checkbox"/> Rapid	<input type="checkbox"/> Deep	<input type="checkbox"/> Normal
<input type="checkbox"/> Distinct	<input type="checkbox"/> Slurred	<input type="checkbox"/> Whispering	<input type="checkbox"/> Clearing Throat		<input type="checkbox"/> Ragged
<input type="checkbox"/> Deep Breathing	<input type="checkbox"/> Disguised	<input type="checkbox"/> Cracking Voice	<input type="checkbox"/> Accent		

BACKGROUND SOUNDS/NOISES

<input type="checkbox"/> Street Noise	<input type="checkbox"/> Voices/Talking	<input type="checkbox"/> Wildlife Sounds	<input type="checkbox"/> PA System	<input type="checkbox"/> Music
<input type="checkbox"/> Static	<input type="checkbox"/> Motor	<input type="checkbox"/> Factory Machinery	<input type="checkbox"/> Clear	
<input type="checkbox"/> Radio/TV	<input type="checkbox"/> Long Distance	<input type="checkbox"/> Local	<input type="checkbox"/> Office Sounds	<input type="checkbox"/> Weather
<input type="checkbox"/> Cell Phone	<input type="checkbox"/> Restaurant Sounds	Other (Specify) _____		

CALLER'S ATTITUDE & LANGUAGE

<input type="checkbox"/> Well Spoken (education)	<input type="checkbox"/> Incoherent	<input type="checkbox"/> Profane/Foul	<input type="checkbox"/> Irrational
<input type="checkbox"/> Taped Message	<input type="checkbox"/> Message being Read		

REMARKS _____

Officer's name: _____ Rank: _____

Witness of call: _____ Date checklist done: _____
(Keep this checklist near your phone.)



TOWN OF BERWYN HEIGHTS

5700 Berwyn Road
Berwyn Heights, MD 20740
(301) 474-5000
Fax: (301) 474-5002

MAYOR
Cheye M. Calvo

COUNCIL MEMBERS
James T. Wilkinson (Mayor Pro Tem)
Richard A. Ahrens
Patricia D. Dennison
Jodie A. Kulpa-Eddy

ORDINANCE No. 153 NOISE

AN ORDINANCE TO ESTABLISH A COMMUNITY ENVIRONMENTAL NOISE STANDARD WITHIN THE BOUNDARIES OF THE TOWN OF BERWYN HEIGHTS, MARYLAND

WHEREAS, the Charter of the Town of Berwyn Heights, pursuant to Section 401 *General Powers of the Council*, authorizes the Town Council to adopt ordinances to preserve the peace and good order and protect the health, safety, comfort and welfare of residents of the Town and visitors thereto; and

WHEREAS, the Town Council finds that the residents of the Town have the right to an environment free from noise that may jeopardize their health, comfort and general welfare and further finds that there is a substantial body of knowledge of the adverse effects of excessive noise on public health and the general welfare; and

WHEREAS, the Town Council of the Town of Berwyn Heights has concluded there is a need to establish a community environmental noise standard within the boundaries of the Town of Berwyn Heights to protect the health, safety, comfort and welfare of the residents of the Town and visitors thereto.

WHEREAS, the Town of Berwyn Heights enjoys a proud history as an inclusive, friendly community, where residents are encouraged to reach out to their neighbors on a person-to-person basis to address noise problems when they arise, and where good relations with one's neighbors, consideration for others, mutual respect for privacy, and enjoyment of life should provide the basis for the solution to most common problems, including noise; therefore, the purpose of this Ordinance is to inform residents of the standards and give examples of acceptable noise levels, to enumerate reasonable exceptions; and to clearly define the role of the Town and its employees if and when enforcement becomes necessary.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Berwyn Heights, the following:

ORDINANCE NO. 153 - NOISE

Section 1. Findings.

The Town Council hereby finds and declares that the occurrence of those activities prescribed in this Ordinance is contrary to the health, safety and well being of the residents of the Town, and all such activities are hereby declared to be nuisances which are to be specifically controlled and abated pursuant to this Ordinance, Prince George's County ordinances, and/or State of Maryland statutes.

Section 2. Definitions.

In this Ordinance, the following words have the meanings indicated. Where terms are not defined, they shall have their ordinarily accepted meanings such as the context may imply. Words used in the present tense include the future; words used in the masculine gender include feminine and neuter; and the singular includes the plural and the plural the singular. The word "shall" is always mandatory and not merely directory.

A. AGENT OR LICENSEE – A person who has been expressly authorized by another person (called the "principal") to act for the principal. An agent or licensee shall include an employee acting within the actual or apparent scope of his employment for his employer; an officer of a corporation or other legal entity acting within the scope of his actual or apparent authority; and a person who is expressly placed in a position of, allowed to act in, temporary control of property by a person who has the legal right to control or occupy the property.

B. ANSI – The American National Standards Institute or its successor bodies.

C. CODE COMPLIANCE OFFICIAL – A person or persons appointed or designated by the Town Council to enforce the Noise Ordinance.

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

E. dBA – The abbreviation for the sound level in decibels determined by the A-weighting network of a sound-level meter or by calculation from octave band or 1/3 octave band.

F. DECIBEL (DB) – A unit of measure, on a logarithmic scale, or the ratio of a particular sound pressure squared to a standard reference pressure squared. For the purpose of this Ordinance, 20 micropascals shall be the standard reference pressure.

G. DEMOLITION – Any dismantling, destruction, or removal activities.

H. DIRECTOR – The Director of the Department of Code Compliance, Construction and Transportation.

ORDINANCE NO. 153 - NOISE

I. **EMERGENCY** – Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage, which demands immediate action.

J. **ENVIRONMENTAL NOISE** – The noise that exists at any location from all sources.

K. **ENVIRONMENTAL NOISE STANDARDS** – The goals for environmental noise, the attainment and maintenance of which, in defined areas and under specific conditions, are necessary to protect public health and general welfare.

L. **HOWLING OR BARKING DOGS** – Loud and sustained barking or howling of dogs or other animal noises that disturb the comfort, repose, or quiet of any person or persons in the vicinity.

M. **LAW ENFORCEMENT OFFICER** – Any sworn police officer of the Town, the sheriff and any deputy sheriff of the county, or a sworn member of the county or state police.

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

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

P. **PERIODIC NOISE** – Noise possessing a repetitive on-and-off characteristic with a rapid rise to maximum and short delay not exceeding 2 seconds, such as car alarms.

Q. **PERSON** – Any individual, natural person, legal entity, joint stock company, partnership, voluntary association, society, club, firm, company, corporation, business trust, organization, owner, occupant, or any other group acting as a unit, principal or agent, or the manager, lessor, lessee, agent, servant, partner, member, administrator, trustee, receiver, or other representative appointed according to law

R. **PROPERTY** – Any tract, lot or parcel of land and any dwelling or other structure erected or located thereon.

S. **SOUND** – A vibration of sufficient intensity to cause another person to be aware of such vibration by the sense of hearing.

T. **SOUND AMPLIFIER** – Any radio receiving set, microphone, musical instrument, phonograph, speaker(s) or other machine or device for the producing or reproducing of sound.

U. **SOUND LEVEL** — In decibels, the weighted sound-pressure level measured by the use of a sound-level meter satisfying the requirements of ANSI S1.4, 1971 Specifications for Sound-Level Meters, or successor requirements. "Sound level" and "noise level" are synonymous.

ORDINANCE NO. 153 - NOISE

V. SOUND-LEVEL METER – An instrument meeting International Electrotechnical Commission and ANSI SL4, 1971 Specifications for Sound-Level Meters, comprising a microphone, an amplifier, an output meter and a frequency-weighting network or networks that is used for the measurement of sound-pressure levels in a specified manner or successor ANSI specifications or as required by the State of Maryland.

W. SOUND PRESSURE – Minute fluctuations in atmospheric pressure which accompany the passage of a sound wave.

X. SOUND-PRESSURE LEVEL – In decibels, 20 times the logarithm to the base 10 of the ratio of sound pressure to the reference sound pressure of 20 micropascals (20 micronewtons per square meter). In the absence of any modifier, the level is to be that of a root mean square pressure

Y. SOURCE – Any person or property, real or personal, contributing to noise pollution.

Z. TOWN ADMINISTRATOR – The person appointed by the Town Council to monitor the enforcement of all ordinances and regulations of the Town.

AA. VIBRATION – Any oscillatory motion of solid bodies.

BB. ZONING DISTRICT – A general land use category as defined by the Prince George's County Zoning Ordinance as to land that is zoned commercial, industrial and residential.

Section 3. Notification to State of Effect on State Standards.

A. Nothing herein shall be construed as promulgating a standard less stringent than the environmental noise standards and sound-level limits adopted under Title 3 of the Environment Article of the Annotated Code of Maryland, as amended from time to time.

B. In accordance with Title 3 of the Environment Article of the Annotated Code of Maryland, the Town shall send to the Maryland Department of the Environment a copy of each noise control ordinance, rule or regulation that it adopts and identify on each Zoning Map, Comprehensive Plan or other appropriate document the sound-level limits that are adopted.

Section 4. Responsibility for Violation.

Whenever disturbing noise or sound is made, created or continued, whether generated by animal, human or mechanical means, in violation of the provisions of this Ordinance, the owner, or his licensee or agent in control of the property, shall be held responsible for the violation regardless of whether the disturbing noise was made, created or continued by the owner, licensee,

ORDINANCE NO. 153 - NOISE

agent, occupant, tenant, subtenant, guest or invitee. In the event the owner, his licensee or agent is absent, the code compliance official, law enforcement officer, or designated Town employee is authorized to order the persons who are not living at the property to disperse and leave the property. Failure to do so by any person or persons can be in and of itself an infraction or violation of applicable Prince George's County or Town of Berwyn Heights ordinances, or State of Maryland statutes.

Section 5. General Violations.

Generally. It shall be unlawful for any owner, his licensee or agent, occupant, tenant, subtenant, guest, or invitee or for any person or persons in the public right-of-way to make or cause to be made, permit to be made, or assist in making any sound that exceeds the noise levels specified in *Section 6. Maximum Allowable Sound Levels*. For the purpose of this Ordinance, sound shall include vibrations caused by animal, human or mechanical means. A person shall not be in violation of this Ordinance unless such sound is perceived on another property or from the public right-of-way, it being the intent of this Ordinance to prohibit sounds that exceed the Maximum Allowable Sound Levels in Section 6. during the times set forth in this Ordinance from carrying from one property to an adjacent or a nearby property or into or from the public right-of-way.

A. Examples of noise that are prohibited if they produce audible sound beyond the property line of the property on which these activities are being conducted or from the public right-of-way, and exceed the noise levels specified in *Section 6. Maximum Allowable Sound Levels*, include, but are not limited to:

1. Sound amplifiers;
2. Yelling, shouting or the making of loud or disturbing noises;
3. Dogs, birds or other animals that cause frequent or sustained noise;
4. Any automobile or vehicle operated in such a manner as to create loud and unnecessary noise;

5. Car alarms will be subject to the aforementioned decibel level as follows: If the Town receives at least three (3) complaints within any thirty (30) day period about a car alarm sounding, the owner of the vehicle will be subject to sanctions enumerated in this Ordinance for excessive noise. The owner may produce as a defense to the violation an official police report showing that at least one of the alarms was the result of actual illegal activity. In that case the owner will not be subject to sanctions. Unless otherwise noted in this Ordinance, any violation reoccurring within a six (6) month period shall be considered a repeat of the original violation. Repeated occurrences within the succeeding six (6) months will be treated as violations of this Ordinance;

B. In the Commercial Office, Commercial Shopping Center, District Overlay, Light Industrial and Mixed Use-Transportation Oriented land use zones as defined, now or in the future,

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by the Prince George's County Government Zoning Ordinance, the owner, occupant person or persons shall comply with Table 1 in Section 6. Allowable Maximum Sound Levels.

Section 6. Maximum Allowable Sound Levels.

A. With the exception of those specific acts and circumstances described in Section 7 of this Ordinance, any sound produced, reproduced, or amplified at a level that exceeds the limits of Table 1 below is hereby declared to be noise pollution.

Table 1
Maximum Allowable Noise Level (dBA) for Receiving Land Use Categories

	Industrial	Commercial	Residential
Day	75	67	65
Night	75	62	55

B. The following table displays when "Day" and "Night" starts for the Industrial, Commercial and Residential land use zones

Table 2
Daytime and Nighttime starting times.

	Industrial	Commercial	Residential	Residential	Residential	Residential
			Mon - Thu	Friday	Saturday	Sunday
Day	7 :00 AM	7:00 AM	8:00 AM	8:00 AM	9:00 AM	9:00 AM
Night	10:00 PM	10:00 PM	9:00 PM	10:00PM	10:00PM	9:00PM

C. Measurements to determine compliance with the limits in Table 1 shall be as below unless otherwise stated in Section 5 - General Violations or Section 7 - Exceptions Enumerated:

1. Employ an instrument meeting International Electrotechnical Commission and ANSI S1.4, 1971 Specifications for Sound-Level Meters or successor specifications.
2. Employ sound level meters set to the A-weighting network for all measurements.
3. If the source of the sound is in a residential land use zone, multiple measurements shall be taken from different locations along the property line of the sending property, as close as possible to the noise source, or at the curb line of the sending property or other properties.

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4. If the source of the sound is in a non-residential zoning district, multiple measurements shall be taken from different locations along the property line of the sending property or at the boundary of the zoning district as close as possible to the sound source. Additional measurements may be taken from points farther away.

5. Measurements may be taken on any property reached by the sound provided permission of the owner or occupant to enter upon said property has been sought.

Section 7. Exceptions Enumerated.

The following activities and their related noise are excepted from the provisions of this Ordinance to the extent noted below:

A. Activities or operations of governmental units or agencies.

B. Testing of authorized emergency equipment or devices used for the purpose of warning, protecting or alerting the public of the existence of a danger, an emergency situation, or a crime, such as ambulances, fire trucks, police cruisers and the like, except car alarms. Car alarms are subject to aforementioned decibel limitations.

C. Emergency operation work necessary to restore property to a safe condition following an accident, fire or natural disaster, restore public utilities, or protect persons or property from an imminent danger.

D. Amusement, entertainment, or sporting events, and other public gatherings operating under permit or permission of Town of Berwyn Heights between 7:00 a.m. and midnight. This exemption includes, but is not limited to, athletic contests, amusement park carnivals, fairs at fairgrounds, parades, and other public celebrations.

E. Church bells and chimes.

F. Motor vehicles on public roads.

G. Rapid rail transit vehicles and railroads.

H. Operation of hand and power tools, or household appliances and the like, shall be permitted for normal usage during daytime hours.

I. Operation of leaf blowers, power lawn mowers, other lawn care equipment, and snow removal equipment shall be permitted for normal usage during day time hours.

J. Air conditioning and heat pump equipment used to cool or heat housing on residential property. A person may not cause or permit noise levels that exceed 70 dBA for air condi-

ORDINANCE NO. 153 - NOISE

tioning units at receiving residential property and 75 decibels for heat pump equipment that exceed 75 dBA at receiving residential property.

K. Construction and repair work on public property.

L. Pile driving equipment during daytime hours of 8:00 a.m. to 5:00 p.m. Monday through Saturday only, provided noise levels do not exceed 90 dBA.

M. Blasting operations for construction, demolition, and mining or quarrying during the daytime hours of 8:00 a.m. to 5:00 p.m., Monday through Saturday only, provided noise levels do not exceed 90 dBA.

N. Commercial contractors' operation of tools, equipment and machinery for excavation, grading, dredging, erection, demolition, alteration, renovation, or repair of any premises, street, building or structure on Mondays through Fridays between 7:00 a.m. to 7:00 p.m. and on Saturdays during the day time hours of 8:00 a.m. to 6:00 p.m., or such similar activities as may be required during other times under emergency conditions, provided noise levels do not exceed 90 decibels A-weighted.

O. Commercial loading or unloading of any truck or vehicle, or the opening and closing of garbage, refuse and rubbish containers between the hours of 7:00 a.m. and 8:00 p.m., Mondays through Fridays, and between the hours of 8:00 a.m. and 6:00 p.m. on Saturdays and Sundays.

Section 8. Coordinate Exchange of Noise Control Information.

The Director of Code Compliance shall assist and advise the Town in its noise control efforts; and coordinate the exchange of noise control information with the Maryland Department of Health and Mental Hygiene and other public bodies, agencies or commissions.

Section 9. Enforcement.

It shall be the duty and responsibility of the Town to enforce the provisions of this Ordinance as herein provided:

A. *Generally*, the Director of Code Compliance shall be responsible for the administration of the enforcement of the Noise Ordinance.

B. Any code compliance official, sworn police officer, or Town Council designated employee is hereby authorized to enforce the provisions of this Ordinance. Whenever a code compliance official, sworn police officer or designated Town Council employee has determined, based upon the results of a test conducted using a calibrated sound-level meter, that the noise being generated is in violation of this Ordinance, said person may issue a verbal warning or a written cita-



TOWN OF BERWYN HEIGHTS

MAYOR
Cheye M. Calvo

5700 Berwyn Road
Berwyn Heights, MD 20740
(301) 474-5000
Fax: (301) 474-5002

COUNCIL MEMBERS
James T. Wilkinson (Mayor Pro Tem)
Richard A. Ahrens
Patricia D. Dennison
Jodie A. Kulpa-Eddy

Resolution 01-2011 ***Ordinance No. 153 – Noise Ordinance Fine Schedule***

WHEREAS, Section 401– General Powers and Section 402 – Specific Powers of the Town Charter of the Town of Berwyn Heights vests the Mayor and Town Council with the authority to establish and enact a fine schedule; and

WHEREAS, the Mayor and Town Council adopted *Ordinance 153 – Noise* at its Town Meeting of March 9, 2011; and

WHEREAS, the Mayor and Town Council established Wednesday, March 30, 2011 as the date that *Ordinance 153 – Noise* shall become effective; and

WHEREAS, the Mayor and Town Council desire to establish a fine schedule as authorized by *Ordinance 153 – Noise*.

NOW, THEREFORE, BE IT RESOLVED AND, IT HEREBY IS RESOLVED, that the Mayor and Town Council this 13th day of April 2011 does hereby adopt the following *Ordinance 153 – Noise* fine schedule.

BE IT FURTHER RESOLVED that the fine schedule for *Ordinance 153 – Noise* adopted at the Town Meeting of the Town Council of the Town of Berwyn Heights on the 13th day of April 2011 shall become effective on Thursday, April 14, 2011.

Section 1.

Any person or persons found violating *Section 5 - General Violations* of the Noise Ordinance and exceeding the maximum allowable decibel levels set forth in *Section 6 - Maximum Allowable Sound levels* of the Noise Ordinance, or the prohibited times set forth in *Section 7 - Exceptions Enumerated* will receive a warning for the first violation.

Any person or persons found to have violated any of the aforementioned sections for the second time may receive a warning notice or be fined at the discretion of the code compliance official or designated employee. The fine schedule is as follows:

	First Fine	Second Fine	Third & Subsequent Fines
10 Decibels or Less over Noise Limit	\$25.00	\$50.00	\$100.00
More than 10 Decibels over Noise Limit	\$50.00	\$100.00	\$100.00
Noise Violations at Prohibited Times	\$50.00	\$100.00	\$150.00
Frequent and Sustained Noise by Domestic Animals	\$15.00	\$30.00	\$45.00


Section 2.

If after a warning notice has been issued for a second documented violation, or a violation continues for an extended period of time, or a person has received multiple warnings or written citations, the code compliance official shall issue an immediate fine of \$100.00 and for each succeeding violation of a similar nature.

Section 3.

Failure of an owner to pay a noise violation fine or fines will result in the amount of any fine being recorded as a lien against the property and collected in the same manner as delinquent Town taxes.

By Order of the Mayor and Town Council


 Cheye M. Calvo
 Mayor, Town of Berwyn Heights

ATTEST:

Kerstin Harper, Town Clerk

Adopted: April 13, 2011

Effective: April 14, 2011



TOWN OF BERWYN HEIGHTS

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Berwyn Heights, MD 20740
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MAYOR
Cheye M. Calvo

COUNCIL MEMBERS
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Resolution No. 05-2011 ***Speed Camera Violation Late Payment Penalty Fees***

WHEREAS, Section 401– General Powers and Section 402 – Specific Powers of the Town Charter of the Town of Berwyn Heights vests the Mayor and Town Council with the authority to establish and enact penalty schedules; and

WHEREAS, Maryland law, §21-809 of the Transportation Article allows municipalities to levy a civil penalty for a Speed Monitoring System violation; and

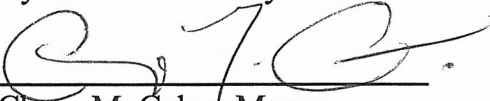
WHEREAS, the Mayor and Town Council desires to set a late fee of \$40 for a Speed Monitoring System violation that is unpaid longer than forty-five (45) days after issuance; and

WHEREAS, the Mayor and Town Council desire to set a municipal flagging fee of \$40 for a Speed Monitoring System violation that is unpaid longer than sixty (60) days after issuance in addition to any Maryland Motor Vehicle administration fees.

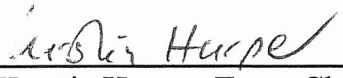
NOW, THEREFORE, BE IT RESOLVED AND, IT HEREBY IS RESOLVED, that the Mayor and Town Council of the Town of Berwyn Heights this 13th day of July 2011 does hereby adopt the above late payment penalty fee and flagging fee schedule.

AND BE IT FURTHER RESOLVED by the Mayor and Town Council that this Resolution shall become effective on the 13th day of July, 2011.

By Order of the Mayor and Town Council


Cheye M. Calvo, Mayor

ATTEST:


Kerstin Harper, Town Clerk



TOWN OF BERWYN HEIGHTS

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MAYOR
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Richard A. Ahrens
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Resolution 01-2011 ***Ordinance No. 153 – Noise Ordinance Fine Schedule***

WHEREAS, Section 401– General Powers and Section 402 – Specific Powers of the Town Charter of the Town of Berwyn Heights vests the Mayor and Town Council with the authority to establish and enact a fine schedule; and

WHEREAS, the Mayor and Town Council adopted *Ordinance 153 – Noise* at its Town Meeting of March 9, 2011; and

WHEREAS, the Mayor and Town Council established Wednesday, March 30, 2011 as the date that *Ordinance 153 – Noise* shall become effective; and

WHEREAS, the Mayor and Town Council desire to establish a fine schedule as authorized by *Ordinance 153 – Noise*.

NOW, THEREFORE, BE IT RESOLVED AND, IT HEREBY IS RESOLVED, that the Mayor and Town Council this 13th day of April 2011 does hereby adopt the following *Ordinance 153 – Noise* fine schedule.

BE IT FURTHER RESOLVED that the fine schedule for *Ordinance 153 – Noise* adopted at the Town Meeting of the Town Council of the Town of Berwyn Heights on the 13th day of April 2011 shall become effective on Thursday, April 14, 2011.

Section 1.

Any person or persons found violating *Section 5 - General Violations* of the Noise Ordinance and exceeding the maximum allowable decibel levels set forth in *Section 6 - Maximum Allowable Sound levels* of the Noise Ordinance, or the prohibited times set forth in *Section 7 - Exceptions Enumerated* will receive a warning for the first violation.

Any person or persons found to have violated any of the aforementioned sections for the second time may receive a warning notice or be fined at the discretion of the code compliance official or designated employee. The fine schedule is as follows:

	First Fine	Second Fine	Third & Subsequent Fines
10 Decibels or Less over Noise Limit	\$25.00	\$50.00	\$100.00
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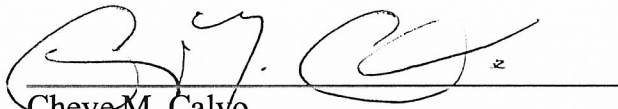
Section 2.

If after a warning notice has been issued for a second documented violation, or a violation continues for an extended period of time, or a person has received multiple warnings or written citations, the code compliance official shall issue an immediate fine of \$100.00 and for each succeeding violation of a similar nature.

Section 3.

Failure of an owner to pay a noise violation fine or fines will result in the amount of any fine being recorded as a lien against the property and collected in the same manner as delinquent Town taxes.

By Order of the Mayor and Town Council


 Cheye M. Calvo
 Mayor, Town of Berwyn Heights

ATTEST:

Kerstin Harper, Town Clerk

Adopted: April 13, 2011

Effective: April 14, 2011

Title:	Field Training Program 'EPO'	Order #	2011-01T
New/Amends/Resc:	New	Page:	01
Approved by:	Chief Ken K. Antolik	Officer Signature:	
Effective Date:	March 01, 2011		
Review Date:			

In an effort to ensure that FTO maintains a high level of skill, performance and interest, this critique form is presented to the recruit officer for completion. It is to the FTO's benefit that he/she knows the impression he/she is making on those he/she is training. This critique should be objective and honest in order to evaluate the FTO.

INSTRUCTIONS: Circle one of the responses which are beneath each of the seven statements. A circle of POOR or FAIR must be explained. AVERAGE, GOOD, or EXCELLENT rating does not require an explanation. Remember to be objective and not subjective when evaluating / critiquing the FTO.

1.	His/her ability as a police officer?				
Poor	Fair	Average	Good	Excellent	
Explanation: _____					
2.	His/her interactions with the community?				
Poor	Fair	Average	Good	Excellent	
Explanation: _____					
3.	His/her knowledge of police work?				
Poor	Fair	Average	Good	Excellent	
Explanation: _____					
4.	His/her ability to communicate with you?				
Poor	Fair	Average	Good	Excellent	
Explanation: _____					
5.	His/her skills as an instructor/teacher/trainer?				
Poor	Fair	Average	Good	Excellent	
Explanation: _____					
6.	The ability of fairness and objectivity in training?				
Poor	Fair	Average	Good	Excellent	
Explanation: _____					
7.	The over general appearance, attitude, knowledge, and performance of your FTO?				
Poor	Fair	Average	Good	Excellent	
Explanation: _____					

Signature of Officer in Training

Signature of Supervisor or 2nd in Command

Title:	Field Training Program 'EPO'	Order #	2011-02T
New/Amends/Resc:	New	Page:	01
Approved by:	Chief Ken K. Antolik	Officer Signature:	
Effective Date:	March 01, 2011		
Review Date:			

In an effort to ensure that the BHPD maintains a high level of skill, performance and interest, this critique form is presented to the FTO for completion. It is to the officer in training benefits that he/she knows the progression and the department's objective. This critique should be objective and honest in order to evaluate the officer in training.

INSTRUCTIONS: Circle one of the responses which are beneath each of the seven statements. A circle of POOR or FAIR must be explained. AVERAGE, GOOD, or EXCELLENT rating does not require an explanation. Remember to be objective and not subjective when evaluating / critiquing the officer in training.

1. His/her general appearance?
 Poor Fair Average Good Excellent
 Explanation: _____
2. His/her interactions with the community and or attitude towards police work?
 Poor Fair Average Good Excellent
 Explanation: _____
3. His/her knowledge of police work, general policies, procedures?
 Poor Fair Average Good Excellent
 Explanation: _____
4. His/her ability to communicate with you, citizens?
 Poor Fair Average Good Excellent
 Explanation: _____
5. His/her skills on report [writing] [organization] [grammar/spelling/neatness] [safety] [stress level]?
 Poor Fair Average Good Excellent
 Explanation: _____
6. The ability of fairness and objectivity in responding to calls?
 Poor Fair Average Good Excellent
 Explanation: _____
7. The over acceptance of feedback and criticism from FTO?
 Poor Fair Average Good Excellent
 Explanation: _____

 Date and total time of training

 Signature of FTO, Supervisor or 2nd in Command

THE MOST/LEAST SATISFACTORY PERFORMANCE AREA OF THE DAY WAS IN CATEGORY NUMBER(S) [] [] [] []
A SPECIFIC INCIDENT WHICH JUSTIFIES THE RATING IS:

DOCUMENTATION OF PERFORMANCE AND COMMENTS

CATEGORY

REASON

WRITE ANY FURTHER COMMENTS AND ATTACH IT TO THIS FORM

TRAINEE'S SIGNATURE

FTO'S SIGNATURE

SUPERVISOR, OR 2ND IN COMMAND

DATE