



## AGENDA FOR THE TOWN MEETING

Revised

August 10, 2015

7:00 p.m.

**PLEDGE TO THE FLAG**

**CALL TO ORDER**

**CONSENT AGENDA**

- [Town Meeting Minutes](#)
  - [July 27, 2015 Public Hearing and Regular Meeting](#)

**Red Indicates – Action Item**  
**Green Indicates – Ordinance Introduction**  
**Blue Indicates – Link to Additional Information**

**PERSONAL REQUESTS FOR AGENDA:**

**UNFINISHED BUSINESS:**

- [Capital Improvement Programs – General Fund and Water & Sewer Fund](#)
- [Ordinance 15-07-01 – Revisions for Middletown Zoning Fee Schedule](#)
- [Engineering Proposal for Remsberg Park Footbridge – MDE Floodplain Permit Introduction and Scheduling of Public Hearing for Ordinance 15-08-01 – Amending Procedures & Requirements for Enacting Amendments](#)
- [Chesterbrook Phase II – Broad Street Improvements](#)
- [Streetscape Lighting Limits](#)

**REPORT OF COMMITTEES:**

Water/Sewer	Commissioner Falcinelli
Public Works	Commissioner Bussard
Planning Commission Liaison	Commissioner Goodman
Parks & Recreation	Commissioner Ventre
Finance	Commissioner Dietrick
Public Information Committee	Commissioner Falcinelli

**NEW BUSINESS:**

- [Engineering Proposal for Dog Park Access – MDE Floodplain Permit](#)
  - [Dog Park Regulations and Fees Discussion](#)

## **PUBLIC COMMENTS:**

## **ANNOUNCEMENTS:**

- *Streetscape Public Information Meetings*
  - *Tuesday, August 11, 2015 at 7:00PM*
  - *Thursday, August 13, 2015 at 7:00PM*
  - *Tuesday, August 18, 2015 at 7:00PM*
  - *Thursday, August 20, 2015 at 7:00PM*
  
- *Family Movie Night – Friday, August 21, 2015 at 7pm -- Alexander and the Terrible, Horrible, No Good, Very Bad Day*

## **ADJOURNMENT**

**BURGESS AND COMMISSIONERS  
OF MIDDLETOWN MARYLAND**

**TOWN MEETING MINUTES**

**REGULAR MEETING**

**July 27, 2015**

The second monthly meeting of the Burgess and Commissioners of Middletown was called to order on July 27, 2015, by Burgess Miller at 7:00 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Commissioners Jennifer Falcinelli, Larry Bussard, Rick Dietrick, Tony Ventre and Christopher Goodman.

**PUBLIC HEARING**

Ordinance No. 15-07-02 – Infrastructure Bonds, 2015 Series A – AN ORDINANCE OF THE BURGESS AND COMMISSIONERS OF MIDDLETOWN, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND (THE “ISSUER”), PROVIDING FOR THE ISSUANCE AND SALE OF AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED SEVEN MILLION DOLLARS (\$7,000,000.00) OF BONDS OF THE BURGESS AND COMMISSIONERS OF MIDDLETOWN, MARYLAND, TO BE KNOWN AS “THE BURGESS AND COMMISSIONERS OF MIDDLETOWN, INFRASTRUCTURE BONDS, 2015 SERIES A” (OR BY SUCH OTHER OR ADDITIONAL DESIGNATIONS AS REQUIRED BY THE COMMUNITY DEVELOPMENT ADMINISTRATION IDENTIFIED HEREIN) (THE “BONDS”), TO BE ISSUED AND SOLD PURSUANT TO THE AUTHORITY OF SECTIONS 4-101 THROUGH 4 255 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AS AMENDED, FOR THE PURPOSE OF (I) PROVIDING ALL OR A PORTION OF THE FUNDS NECESSARY FOR FINANCING AND/OR REFINANCING THE FOLLOWING PROJECTS: (A) MAINSTREET WATERLINE REPLACEMENT, (B) RESERVOIR COVER REPLACEMENT, AND (C) WEST GREEN STREET IMPROVEMENTS, (II) FUNDING A PORTION OF A CAPITAL RESERVE FUND AND (III) PAYING ISSUANCE AND OTHER COSTS RELATED TO THE BONDS; PROVIDING THAT THE BONDS SHALL BE ISSUED UPON THE FULL FAITH AND CREDIT OF THE ISSUER; PROVIDING FOR THE DISBURSEMENT OF THE PROCEEDS OF THE SALE OF THE BONDS AND FOR THE LEVY OF ANNUAL TAXES UPON ALL ASSESSABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE ISSUER FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS AS THEY SHALL RESPECTIVELY MATURE; PROVIDING FOR THE FORM, TENOR, DENOMINATION, MATURITY DATE OR DATES AND OTHER PROVISIONS OF THE BONDS; PROVIDING FOR THE SALE OF THE BONDS; AND PROVIDING FOR RELATED PURPOSES, INCLUDING (WITHOUT LIMITATION) THE METHOD OF FIXING THE INTEREST RATE OR RATES TO BE BORNE BY THE BONDS, THE APPROVAL, EXECUTION AND DELIVERY OF DOCUMENTS, AGREEMENTS, CERTIFICATES AND INSTRUMENTS AND THE MAKING OF OR PROVIDING FOR THE MAKING OF REPRESENTATIONS AND COVENANTS CONCERNING THE TAX STATUS OF INTEREST ON THE BONDS.

Drew stated that the total approximate cost for all 3 of the projects is \$7 million dollars.

- Main Street - \$4.5 million – 30 years at maximum 4.3% interest
- Reservoir Covers - \$800 thousand – 20 years at maximum 3.9% interest
- West Green Street - \$1.7 million – 20 years at maximum 3.9% interest

Motion by Commissioner Bussard to approve Ordinance 15-07-02 as presented, seconded by Commissioner Ventre. Motion carried 6-0.

## **CONSENT AGENDA**

*Town Minutes – July 13, 2015*

Commissioner Bussard motioned to accept this consent agenda as presented, seconded by Commissioner Ventre and passed unanimously.

### **Personal Request for Agenda:**

**Wayne Hatcher, Goodwill Industries** – Mr. Hatcher stated that Goodwill provides a curbside pickup service to residents. Residents would need to sign up on-line for this service. Mr. Hatcher stated that this service would take place during the first week of the month on whatever day the Burgess & Commissioners chose to have this service done. Mr. Hatcher stated that Goodwill is willing to do a pilot program in Middletown to see how it works and if the Commissioners are not happy with they can end it at any time. The Town Board agreed by general consent to conduct a six (6) month pilot program in Town with staff to work out the implementation schedule with Goodwill.

Mr. Hatcher stated that Goodwill will occupy the building space in late August. There will be a drop off location at the back door to this space and it will have a camera outside the door.

### **Unfinished Business:**

**Streetscape – Pedestrian Lighting** – Burgess Miller stated that the Task Force chair received an email from SHA in regards to the pedestrian lighting along Main Street. Three options were given to the Burgess and Commissioners. After some discussion, the Board agreed to put pedestrian lights along Main Street from Elm Street to Schoolhouse Drive.

Motion by Commissioner Bussard to approve putting pedestrian lights along Main Street from Elm Street to Schoolhouse Drive (if budget allows we can extend to Bussard Drive) not exceeding \$150,000, seconded by Commissioner Dietrick. Motion carried 6-0.

**Request for Gas Easement – Remsberg Park and Cone Branch Pump Station** – Burgess Miller stated that Washington Gas would like to obtain an easement through Remsberg Park and the Cone Branch Pump Station to extend their gas lines to the Holy Family Catholic Church. Drew stated that the area they are requesting easement is a floodplain area. Washington Gas provided a price to the Town \$0.10 per square foot and the easement is approximately 16,000 feet which would be \$1,600 for the easement.

Motion by Commissioner Dietrick to accept the \$1,600 from Washington Gas for the easement through Remsberg Park and Cone Branch Pump Station, seconded by Commissioner Goodman. Motion carried 6-0.

**Introduction of Ordinances – Changes to Section 17.08.100 – Approval of Zoning Amendments** – Burgess Miller tabled this until the workshop as the Commissioners did not have the same version to review.

**Changes to Section 17.48 – Specific Standards for Special Exceptions** – will discuss more with Cindy at the workshop.

**Review and Schedule Public Hearing for Capital Improvement Projects** – Burgess Miller reviewed the General and Water & Sewer CIP budgets with the Board. Burgess Miller stated that there are a few

changes that have been made in order to get the Locust Blvd water situation taken care this budget year. Public Hearing for the CIP budgets will be held on August 6, 2015 at 7pm.

**NEW BUSINESS:**

**Community Deputy Contract for FY 2016** - Drew stated that we are little late getting this contract this year as there was some confusion on the County end as who was to sign the contract.

Motion by Commissioner Bussard to accept the Frederick County Sheriff's Office contract for 3 deputies of \$361,217, seconded by Commissioner Dietrick. Motion carried 6-0.

**Discussion of Waterline Replacement – Broad Street to East Green Street** – Included in the CIP budget.

**Discussion of Waterline Replacement – Locust Blvd and Locust Court** – included in the CIP budget.

**DNR Community Parks & Playground Application** – Received a letter from DNR about grant proposals for Community Parks & Playground. The Board agreed to submit application to replace the wooden see saws at the Memorial Park.

**Discussion of Engineering Assistant for the Town** – Burgess Miller stated that our Engineer, Bruce Carbaugh, is very overloaded with work and with some major projects coming up in the near future we need to get Bruce some help. Bruce made a suggestion to hire an inspector as we have a few projects getting ready to take off that we will need to have an inspector for which would free Bruce up some. It was agreed to have Staff compile prices with contracting out to a firm or hiring an additional person and report back to the Town Board in August.

**PUBLIC COMMENT:**

**Roger Wilson, Government Affairs and Public Policy Director** – reported on things the County Executive has been working on.

**Myron Ahalt, 308 East Main Street** – asked about running the gas line down Main Street while the streetscape project and upgrading the water line project was happening. Drew stated that Washington Gas prefers to stay off of Main Street and feed their services off the side streets.

**ANNOUNCEMENTS:**

**ADJOURNMENT**

Meeting adjourned at 8:45pm.

Respectfully submitted,

Ann Griffin  
Office Manager



# BURGESS AND COMMISSIONERS OF MIDDLETOWN

## GENERAL CAPITAL IMPROVEMENT BUDGET

FY 2016 - FY 2020

	FY '16	FY '17	FY '18	FY '19	FY '20
<b>INCOME</b>					
CASH RESERVES	\$1,186,719	\$1,117,767	\$501,610	\$313,170	\$264,087
INTEREST INCOME	\$2,967	\$2,794	\$1,254	\$783	\$660
OPERATING INCOME From Previous Years	\$304,008	\$241,894	\$300,000	\$350,000	\$400,000
PROGRAM OPEN SPACE and Community Parks & Playground	\$144,205	\$6,000			
Loan - West Green Street	\$1,000,000	\$700,000			
OTHER					
<b>SUB-TOTAL</b>	<b>\$2,637,899</b>	<b>\$2,062,455</b>	<b>\$808,864</b>	<b>\$663,953</b>	<b>\$664,747</b>
<b>PROJECTS</b>					
<b>Highways &amp; Streets</b>					
<b>1.00</b> WEST GREEN STREET IMPROVEMENTS	\$1,000,000	\$700,000	\$123,866	\$123,866	\$123,866
<b>1.83</b> Broad St. - Franklin Street (Inlets and Road Reconstruction)	\$20,000	\$250,000			
<b>2.17</b> Manda Drive - Mill & Overlay			\$125,000		
<b>2.33</b> Lombardy Court - Selective Patching, Mill & Overlay		\$78,000			
<b>2.50</b> Broad St. - Main to Locust Alley (Road Reconstruction)		\$200,000			
<b>2.50</b> Manda Court - Mill & Overlay			\$68,000		
Franklin St. to Walnut Pond - Selective Patching, Mill & Overlay	\$60,000				
Linden Blvd. (Broad Street to Pine Street)					\$25,000
Linden Blvd. Culvert Replacement					
Locust Blvd. & Court (Road Reconstruction)		\$275,000	\$20,000	\$100,000	\$25,000
Prospect St. (Road Reconstruction)			\$140,000		
Young Branch Drive - Mill & Overlay				\$35,000	\$315,000
SWM Fence Replacements	\$21,984	\$32,045			\$95,000
<b>Recreation &amp; Culture</b>					
Walking Trail Land Acquisition - East Main Street to Linden Blvd (100% POS Grant - Town Share \$0)	\$25,750				
Middletown Park - Skatespot (75% Grant POS; 25% Skateboard Group - Town Share \$0)			\$8,028		
Remsburg Park - Bleachers (90% Grant POS; 10% Town \$1,215)	\$12,150				
Remsburg Park - Walking Trail and Bridge over Cone Branch Creek (90% Grant; POS 10% Town \$4,500)	\$45,000				
Remsburg Park - Totlot (90% Grant POS; 10% Town \$2,508)	\$25,076				
Wiles Branch Park - Dog Park (75% Grant CP&P 25% Town Share \$11,968)	\$47,872				
Wiles Branch Park - Shingle Replacements	\$3,100				
Foxfield Walking Path & Booster Station Overlay	\$24,100				
Middletown Valley Historical Society (Recurring Annual Donation - Operating Expenses \$5,000)	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000
<b>General Services Administration &amp; Operations</b>					
Municipal Center - HVAC Replacement	\$90,000				
Municipal Center - Carpet Replacement 2nd Floor	\$20,000				
Municipal Center - Boiler Replacement to Natural Gas	\$30,000				
Maintenance Facility HVAC Mini-Split System	\$4,500				
Truck Replacements and New Trucks	\$65,000				
Backhoe Replacement Lease (4 years)	\$15,200	\$15,200		\$130,000	
Computer Replacements (3 Computers/Year)	\$5,400	\$5,600	\$5,800	\$6,000	\$6,200
<b>SUB-TOTAL</b>	<b>\$1,520,132</b>	<b>\$1,560,845</b>	<b>\$495,694</b>	<b>\$399,866</b>	<b>\$570,066</b>
<b>SURPLUS/(DEFICIT)</b>	<b>\$1,117,767</b>	<b>\$501,610</b>	<b>\$313,170</b>	<b>\$264,087</b>	<b>\$94,681</b>

Town of Middletown  
Water Sewer Fund  
Capital Improvement Program

Main Street Waterline Reservoir Cover Replacment Loans

		<b>Burgess and Commissioners of Middletown</b>				
		<b>Water &amp; Sewer Capital Improvement Program</b>				
		<b>FY 2016 - FY 2020</b>				
<b>INCOME</b>		<b>FY '16</b>	<b>FY '17</b>	<b>FY '18</b>	<b>FY '19</b>	<b>FY '20</b>
	CASH Reserves	\$120,000	\$32,676	\$352,500	\$821,854	\$815,123
	DEBT SERVICE FEE - NEW HOMES	\$138,800	\$149,400	\$156,400	\$161,600	\$166,800
	CAPITAL IMPROVEMENT FEE	\$139,464	\$150,192	\$160,920	\$171,648	\$178,800
	Inflow & Infiltration - Reserve Account	\$75,000		\$420,000		
	Land Leases	\$184,642	\$192,028	\$199,709	\$207,697	\$216,005
	Tap Fees (See Growth Projections)	\$1,060,000	\$700,000	\$520,000	\$20,000	\$20,000
	Main Street Waterline Loan	\$2,250,000	\$2,250,000			
	Reservoir Cover Loan		\$800,000			
	Total Revenue	\$3,967,906	\$4,274,296	\$1,809,529	\$1,382,799	\$1,396,728
<b>Debt Service</b>						
	WATER STORAGE TANK LOAN	\$111,820	\$111,806			
	EAST WWTP LOAN	\$241,265	\$241,265	\$241,265	\$241,265	\$239,265
	MAIN STREET WATERLINE & RESERVOIR LOAN	\$60,540	\$193,564	\$326,411	\$326,411	\$326,411
<b>DEVELOPMENT PROJECTS</b>						
	Brookridge WTP (Loan Payments)	\$200,000	\$201,361			
	<i>Outstanding Balance - \$401,361.82</i>					
	Total Debt Service	\$613,625	\$747,995	\$567,676	\$567,676	\$565,676
<b>Net Income</b>		<b>\$3,354,281</b>	<b>\$3,526,300</b>	<b>\$1,241,854</b>	<b>\$815,123</b>	<b>\$831,053</b>
<b>Projects</b>						
<b>Ranking</b>	<b>SYSTEM UPGRADE PROJECTS</b>					
	<b>WATER SYSTEM</b>					
	Well #15 Iron & Manganese Removal	\$160,000				
1.00	Main Street Waterline Program	\$2,000,000	\$2,500,000			
1.33	Reservoir - Dual Feed Cover/Liner Replacement	\$440,000	\$360,000			
1.50	Stream Erosion - Well Field Restoration	\$125,000				
	Reservoir - Fence Replacement/Relocation	\$38,105				
	Well Fields - Scada Control System		\$27,800			
	Booster Station - Replace Starters with VFD's		\$125,000			
	Booster Station - Pump Bypass Connections	\$8,000	\$15,000			
	Water Distribution - Repair PRV Vault & Hydrants & PLD Listening					
	Ford Transit Van - Meter Tech Vehicle	\$46,500				
	Locust Blvd & Locust Court Waterline Replacement	\$310,000				
	Broad St. to East Green St. Waterline Replacement	\$40,000				
	<b>WASTEWATER SYSTEM</b>					
	West WWTP - Curtain Replacement		\$60,000			
	West WWTP - Aerator Replacement	\$8,000				
	East WWTP - Bar Screen Refurbishment	\$40,000				
	East WWTP - Influent Flume & Ultrasonic Meter		\$14,000			
	East WWTP - Sludge Mag Meter		\$8,000			
	Inflow & Infiltration	\$75,000		\$420,000		
	Brookridge PS Vault Magmeter & Cabinet		\$11,000			
	Brookridge PS - 3 Phase VFD and New Pump Installation		\$20,000			
	Cone Branch PS - New Pumps	\$31,000	\$33,000			
	Total Projects	\$3,321,605	\$3,173,800	\$420,000	\$0	\$0
<b>Surplus / Deficit</b>		<b>\$32,676</b>	<b>\$352,500</b>	<b>\$821,854</b>	<b>\$815,123</b>	<b>\$831,053</b>

**ORDINANCE NO. 15-07-01**

**AN ORDINANCE TO REVISE THE FEE SCHEDULE PERTAINING TO APPLICATIONS FOR A SPECIAL EXCEPTION SUBMITTED FOR RESIDENTIAL PURPOSES PURSUANT TO §17.48.220 (RESIDENTIAL USES IN THE GC DISTRICT, §17.48.320 (RESTRICTED VEHICLES IN RESIDENTIAL DISTRICTS), §17.48.360 (FENCES) AND §17.48.400 (SOLAR COLLECTION SYSTEMS, FREESTANDING); TO PROVIDE THAT THE FEE FOR EACH SUCH APPLICATION SHALL BE \$150.00 PLUS \$100.00 FOR ADVERTISING.**

**SECTION I. BE IT ORDAINED AND ENACTED** by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 17, Chapter 17.52, Section 17.52.040 of the Middletown Municipal Code be, and hereby is amended as follows. New language is designated by being in **BOLD CAPITAL LETTERS OR NUMBERS**:

TITLE 17 ZONING

17.52.040 Fee Schedule

The fees for the services to be rendered as set forth in this Chapter are as stated in the following Fee Schedule.

**BURGESS AND COMMISSIONERS OF MIDDLETOWN, MARYLAND  
FEES FOR VARIOUS LAND USE, PERMITTING,  
SUBDIVISION AND ZONING PROCEDURES**

<u>Permits</u>	<u>Fee</u>
<u>Residential Permits</u>	
Internal Improvements	\$25.00
External Improvements	\$25.00
<u>New Residence Permits</u>	
Single-Family Unit-	\$200.00
Multi-Family Unit-	\$200.00 + \$100.00/additional unit
Demolition	\$50.00

<u>Commercial Permits</u>	
Internal Improvements	\$100.00
External Improvements	\$100.00
Structure Conversion	\$100.00
New Commercial	\$500.00
Demolition	\$100.00
Change of Use	\$50.00 + all other applicable fees
Home Occupation	\$50.00 + all other applicable fees

<u>Construction</u>	<u>Fee</u>
<u>New Subdivision</u>	
Construction Inspection	1% of Total Cost Estimates for Stormwater Management, Sediment & Erosion Control and Public Improvements

<u>Development</u>	<u>Fee</u>
<u>Concept Plan</u>	\$250.00 + \$200.00 Engineering Fee + \$15.00/Sheet Electronic Filing Fee
<u>Site Plan</u>	
Residential	\$250.00 + \$10/unit + \$15.00/Sheet Electronic Filing Fee
All Other	\$350.00 + \$50/acre + \$200.00 Engineering Fee + \$15.00/Sheet Electronic Filing Fee
<u>Preliminary Plan Review</u>	
All Subdivisions	\$350.00 + \$50/lot + \$200.00 Engineering Fee + \$15.00/Sheet Electronic Filing Fee
<u>Mass Grade Plan Review</u>	
All Subdivisions	\$250.00 + \$200.00 Engineering Fee + \$15.00/Sheet Electronic Filing Fee
<u>Improvement Plan Review</u>	\$300.00/page + \$200.00 Engineering Fee + \$15.00/Sheet Electronic Filing Fee

<u>Forestry Plan Review</u>	
Simplified Forest Plan	\$200.00 + \$15.00/Sheet Electronic Filing Fee
Preliminary Forest Plan	\$200.00 + \$4.00/acre + \$15.00/Sheet Electronic Filing Fee
Final Forest Plan	\$200.00 + \$4.00/acre + \$15.00/Sheet Electronic Filing Fee
Inspection Fee	\$50.00 per inspection +1% of Total Cost Estimates for Plant Material and Planting
<u>Final Plat Review</u>	
Combined Prelim/Final	\$250.00 + \$50/lot + \$200.00 Engineering Fee + \$15.00/Sheet Electronic Filing Fee
Correction Plat	\$100.00 + \$10/lot + \$15.00/Sheet Electronic Filing Fee
Addition Plat	\$100.00 + \$10/lot + \$15.00/Sheet Electronic Filing Fee
Final Plat	\$300.00 + \$25/Lot + \$100.00 Engineering Fee + \$15.00/Sheet Electronic Filing Fee
<u>Resubmission</u>	50% of original fee + 25% of Original Legal Fee and/or Engineering Fee + \$15.00/Sheet Electronic Filing Fee

<u>Administrative</u>	<u>Fee</u>
<u>Board of Appeals</u>	
Variance	\$100.00 + \$100 advertising for non principal structure \$200.00 + \$100 advertising for principal structure
Special Exception	\$300.00 + \$100 advertising
<b>SPECIAL EXCEPTION APPLICATION FOR RESIDENTIAL PURPOSES SUBMITTED UNDER §17.48.220 (RESIDENTIAL USES IN THE GC DISTRICT), §17.48.320 (RESTRICTED VEHICLES IN RESIDENTIAL</b>	<b>\$150.00 + \$100 advertising</b>

<b>DISTRICT), §17.48.360 (FENCES – IN RESIDENTIAL DISTRICT) AND §17.48.400 (SOLAR COLLECTION SYSTEMS, FREESTANDING – IN RESIDENTIAL DISTRICT)</b>	
Administrative Error	\$200.00 + \$100 advertising
<u>Text Amendment</u>	\$300.00 + \$200 advertising + \$150.00 Legal Fee
<u>Rezoning Request</u>	\$400.00 + \$20/acre + \$200.00 advertising
<u>Annexation Review</u>	\$1,000.00 + \$50/acre + \$150.00 Legal Fee + \$200.00 advertising
<u>Recording Fees</u>	
Plats	\$75 fee + \$5/plat
All other Documents	\$50.00/document
<u>Public Works Agreement Review</u>	\$225.00 + \$150.00 Legal Fee
<u>HOA Document Review</u>	\$225.00 + \$150.00 Legal Fee
<u>Water &amp; Sewer Master Plan Change</u>	\$500.00 + \$100.00 Engineering Fee

**SECTION II. BE IT FURTHER ENACTED AND ORDAINED** that this Ordinance shall take effect twenty (20) calendar days following its approval by the Burgess and Commissioners.

**INTRODUCED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015**

**PASSED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015**

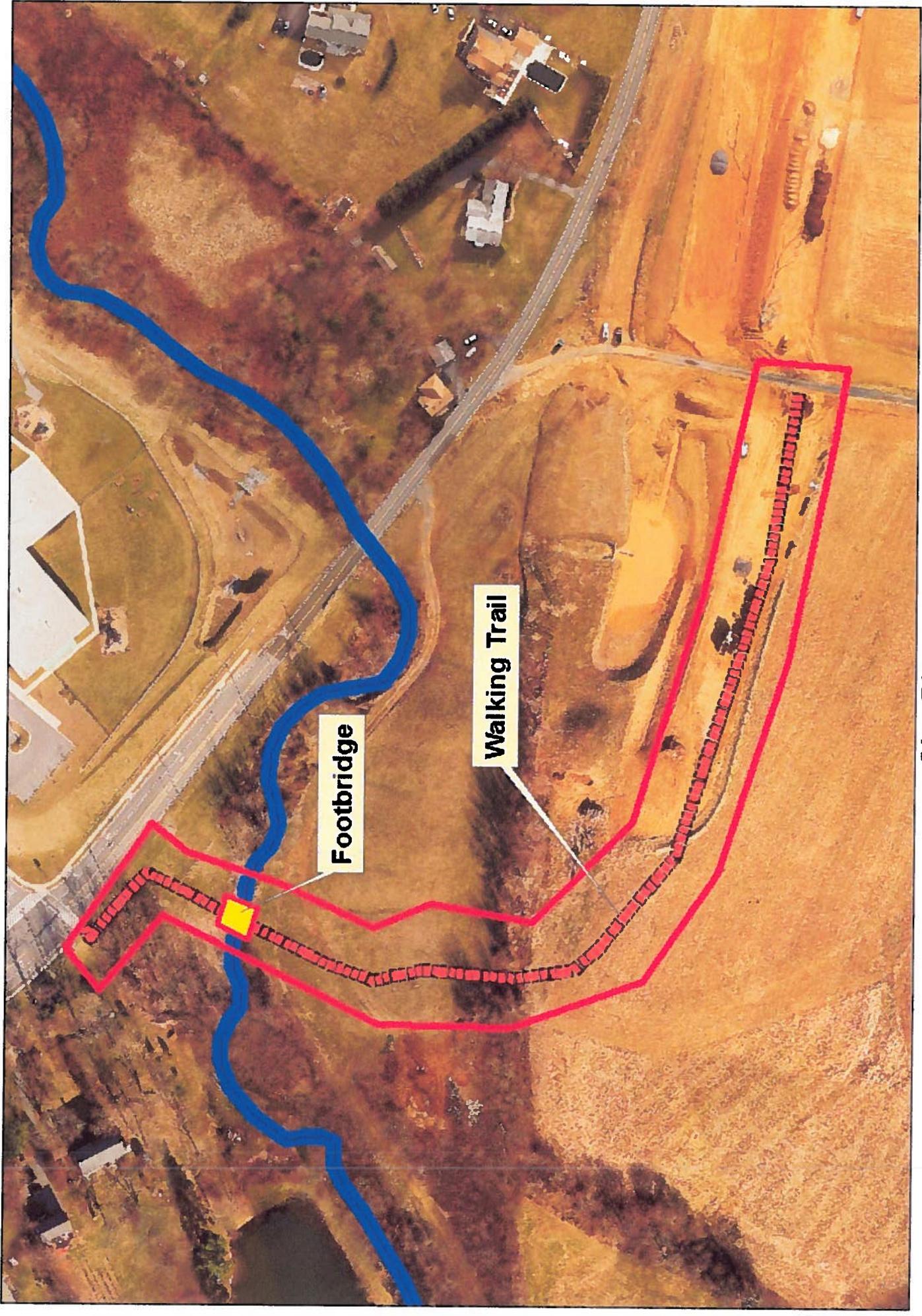
**EFFECTIVE DATE: \_\_\_\_\_, 2015**

**ATTEST:**

**BURGESS AND COMMISSIONERS  
OF MIDDLETOWN**

\_\_\_\_\_  
Andrew J. Bowen, Town Administrator

By: \_\_\_\_\_  
John D. Miller, Burgess



Footbridge

Walking Trail

**Site Plan**

**Town of Middletown - Frederick County**



**FSA**

**FREDERICK,  
SEIBERT &  
ASSOCIATES, INC.**

- Civil Engineering ■ Land Surveying ■ Land Planning ■ Landscape Architecture ■ Environmental Engineering and Design

July 29, 2015

Burgess and Commissioners of Middletown  
ATTN: Mr. Drew Bowen  
31 West Main Street  
Middletown, MD 21769

RE: Remsberg Park Walkway & Stream Crossing  
Holter Road, Middletown, MD

Dear Mr. Bowen:

Attached is the survey and design proposal for a portion of the Remsberg Park Shared Use Path and a proposed new pedestrian stream crossing of Cone Branch.

**SCOPE OF WORK**

FSA will conduct the necessary surveying and design for about 1500 LF of pedestrian pathway construction and a pedestrian stream crossing. Once all design work is completed and approved by Middletown, plans and applications for permits will be submitted to Maryland Department of the Environment, US Army Corps of Engineers and to the Catoclin/Frederick Soil Conservation District for an Erosion & Sediment Control Plan. FSA will provide any in-scope revisions during agency review (excluding any review or application fees). We will also conduct a 'presence/absence' wetland survey for regulatory agencies to determine if additional delineations are required. Geotechnical borings and analysis for the abutment foundations are included.

**WORK NOT INCLUDED**

Boundary surveys, detailed floodplain studies, wetland delineations, geotechnical engineering, construction oversight, construction stake-out, as-built surveys or other specialty engineering services are not included in this proposal. FSA can provide these services, if requested, for an additional charge.

**COMPENSATION AND TERMS**

Our estimated fee for the above work is:

Field Survey & Data Collection	\$ 2,640.00
Design & Engineering	\$ 5,360.00
<u>Agency Processing and Revisions</u>	<u>\$ 2,680.00</u>
<b>FSA TOTAL</b>	<b>\$ 10,680.00</b>
Geotechnical Borings budget (Includes \$400 boring stakeout allowance by FSA)	\$ 4,200.00
<u>Foundation Design budget</u>	<u>\$ 4,500.00</u>
<b>PROJECT TOTAL</b>	<b>\$ 19,380.00</b>

[www.fsa-md.com](http://www.fsa-md.com)

**Hagerstown, MD Office**  
128 South Potomac Street  
Hagerstown, MD 21740  
Hagerstown: 301.791.3650  
Fax: 301.739.4956

**Carlisle, PA Office**  
101 North Hanover Street  
Carlisle, PA 17013  
Carlisle: 717.701.8111  
Fax: 717.701.8254

**Greencastle, PA Office**  
20 West Baltimore Street  
Greencastle, PA 17225  
Greencastle: 717.597.1007  
Fax: 717.597.1028

Note: The geotechnical prices are budget estimates, if hired as our subconsultant we would obtain detailed proposals and pass through costs without markup.

The survey will be provided in electronic format as a PDF file. Hardcopies will be provided on request for additional cost at the following unit prices:

<b>Size of drawing</b>	<b>Blue Print Cost</b>	<b>Mylar Reproduction Cost</b>	<b>CAD Plot on Translucent Bond*</b>	<b>CAD Plot on Mylar</b>
18" x 24"	\$3.00	\$3.60	\$6.00	\$7.50
24" x 36"	\$6.00	\$7.25	\$12.00	\$15.00
30" x 42"	\$8.75	\$9.25	\$17.50	\$21.50

\*CAD plots on translucent bond will be used for producing prints for interim agency review submittals.

This proposal and its associated cost is based on the rules and regulations in affect at the date of this proposal offer. Should any rules and regulations change during the life of the contract, and should the regulations require additional work by Frederick, Seibert and Associates in order to comply with same, then the estimated cost will need to be readjusted to reflect the extra work required by the new regulations. Plan approval cannot be guaranteed by Frederick, Seibert and Associates, Inc.

Any additional work that may be requested and is not included in the contract will be billed at our unit costs.

All original plans, plats, descriptions and records are the sole property of the firm. No liability is assumed by Frederick, Seibert and Associates, Inc. for the accuracy of the data provided by the client or of data obtained or available from public or governmental records or sources in the public domain. Client shall obtain from the owner thereof any and all consents required to reproduce data protected by patent, trademark, service mark, copyright or trade secret, and client indemnifies and holds Frederick, Seibert and Associates, Inc. harmless from any claims against Frederick, Seibert and Associates, Inc. for the reproduction of such materials.

The standard of care for all professional services performed or furnished by Frederick, Seibert and Associates, Inc. (Consultant) under this Agreement will be the skill and care used by members of Consultant's profession practicing under similar circumstances at the same time and in the same locality. Consultant makes no warranties, express or implied, under this Agreement or otherwise, in connection with Consultant's services. Liability of Frederick, Seibert and Associates, Inc. shall be limited to the amount paid by client for the services provided and Frederick, Seibert and Associates, Inc. obligations hereunder shall not include any liability for special, direct, indirect, or consequential damages.

The undersigned by acceptance of this proposal, agrees to pay all attorney's and court costs incurred by Frederick, Seibert and Associates, Inc. if the matter is referred to an attorney to collect all or any portion of the actual fee for services performed.

**INVOICES METHOD**

- A. Frederick, Seibert and Associates, Inc. will bill the client monthly on a percentage of the job completed.
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If the above is acceptable to you, please sign at the bottom where indicated. Return one signed set to us for our files. Please call and inform us when we can start the design work.

Very truly yours,

FREDERICK, SEIBERT AND ASSOCIATES, INC.



Keith Moore, PE, CFM  
Director of Engineering

KDM/           middletown remsberg park pro (en).docx

\*\*\*\*\*

The terms and price above outlined meet with my and/or our approval and you are hereby authorized to proceed with the work.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Title

**ORDINANCE NO. 15-08-01**

**AN ORDINANCE TO AMEND TITLE 17, CHAPTER 17.08, SECTION 100 OF THE MIDDLETOWN MUNICIPAL CODE RELATING TO THE PROCEDURES AND REQUIREMENTS FOR ENACTING AMENDMENTS TO TITLE 17 OF THE CODE; TO DELETE PROVISIONS REQUIRING RE-SUBMISSION OF PROPOSED AMENDMENTS TO THE PLANNING COMMISSION WHEN THE BURGESS AND COMMISSIONERS PROPOSE CHANGES TO THE PROPOSED AMENDMENT AFTER THE AMENDMENT HAS BEEN REVIEWED BY THE PLANNING COMMISSION; TO MAKE OTHER GRAMMATICAL AND STYLISTIC CHANGES TO SECTION 100.**

**SECTION I. BE IT ORDAINED AND ENACTED** by the Burgess and Commissioners of Middletown that Title 17, Chapter 17.08, Section 100 of the Middletown Municipal Code be, and hereby is, amended as follows. Language being deleted is designated by being ~~{in brackets and stricken through.}~~ New language is designated by being in **BOLD CAPITAL LETTERS OR NUMBERS:**

**TITLE 17 – ZONING**

17.08.100 - Approval of zoning amendment.

A. ~~{No}~~ **AN amendment TO TITLE 17 – “ZONING” OF THE MIDDLETOWN MUNICIPAL CODE** shall **NOT** be considered or acted upon by the burgess and commissioners ~~{unless it is first submitted to for review by and recommendation of}~~ **UNTIL** the planning commission **HAS HAD AN OPPORTUNITY TO REVIEW THE PROPOSED AMENDMENT AND PROVIDE ITS COMMENTS ON THE PROPOSED AMENDMENT TO THE BURGESS AND COMMISSIONERS.** ~~{If the planning commission recommends against approval of the amendment, it may be approved and adopted only if it receives a majority vote of the entire burgess and commissioners.}~~

B. (1) Where the purpose and effect of the proposed amendment is to change the zoning classification, the burgess and commissioners shall make findings of fact in each specific case~~], including, but not limited to, the following matters: population change, availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development for the area; the recommendation of the planning commission and the relationship of such proposed amendment to the town's master plan; and may grant the amendment based upon a finding that there was a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification. A complete record of the hearing and the votes of all members of the burgess and commission shall be kept.]~~ **THAT**

**ADDRESS:**

- (i) **POPULATION CHANGE;**
- (ii) **THE AVAILABILITY OF PUBLIC FACILITIES;**
- (iii) **PRESENT AND FUTURE TRANSPORTATION PATTERNS;**
- (iv) **COMPATIBILITY WITH EXISTING AND PROPOSED DEVELOPMENT FOR THE AREA;**

- (v) **THE RECOMMENDATION OF THE PLANNING COMMISSION;**

**AND**

- (vi) **THE RELATIONSHIP OF THE PROPOSED AMENDMENT TO THE TOWN COMPREHENSIVE PLAN.**

**(2) THE BURGESS AND COMMISSIONERS MAY GRANT THE AMENDMENT TO CHANGE THE ZONING CLASSIFICATION BASED ON A FINDING THAT THERE WAS:**

**(i) A SUBSTANTIAL CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD WHERE THE PROPERTY IS LOCATED; OR**

**(ii) A MISTAKE IN THE EXISTING ZONING CLASSIFICATION.**

**(3) THE BURGESS AND COMMISSIONERS SHALL KEEP A COMPLETE RECORD OF A HEARING ON AN APPLICATION FOR RECLASSIFICATION AND THE VOTES OF THE MEMBERS OF THE BURGESS AND COMMISSIONERS.**

~~{C. An application for a reclassification shall not be accepted for filing by the burgess and commission if the application is for the reclassification of the whole or any part of land the reclassification of which has been opposed or denied by the burgess and commission within twelve (12) months from the date of the local legislative body's decision. No substantial change in or major departure from the proposed amendment, as recommended by the planning commission, shall be made unless the same is resubmitted to the commission for its further recommendations. No amendments, supplement or change shall be adopted contrary to the recommendations of the planning commission except by a majority vote of the burgess and commissioners.}~~

**C. THE BURGESS AND COMMISSIONERS MAY NOT ALLOW THE FILING OF AN APPLICATION FOR A RECLASSIFICATION OF ALL OR PART OF ANY LAND FOR WHICH A RECLASSIFICATION HAS BEEN DENIED BY THE BURGESS AND COMMISSIONERS ON THE MERITS IN THE 12 MONTHS BEFORE THE DATE OF THE APPLICATION.**

**SECTION II. BE IT FURTHER ENACTED AND ORDAINED** that this Ordinance shall take effect twenty (20) calendar days following its approval by the Burgess and Commissioners.

**INTRODUCED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015**

**PASSED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015**

**EFFECTIVE DATE: \_\_\_\_\_, 2015**

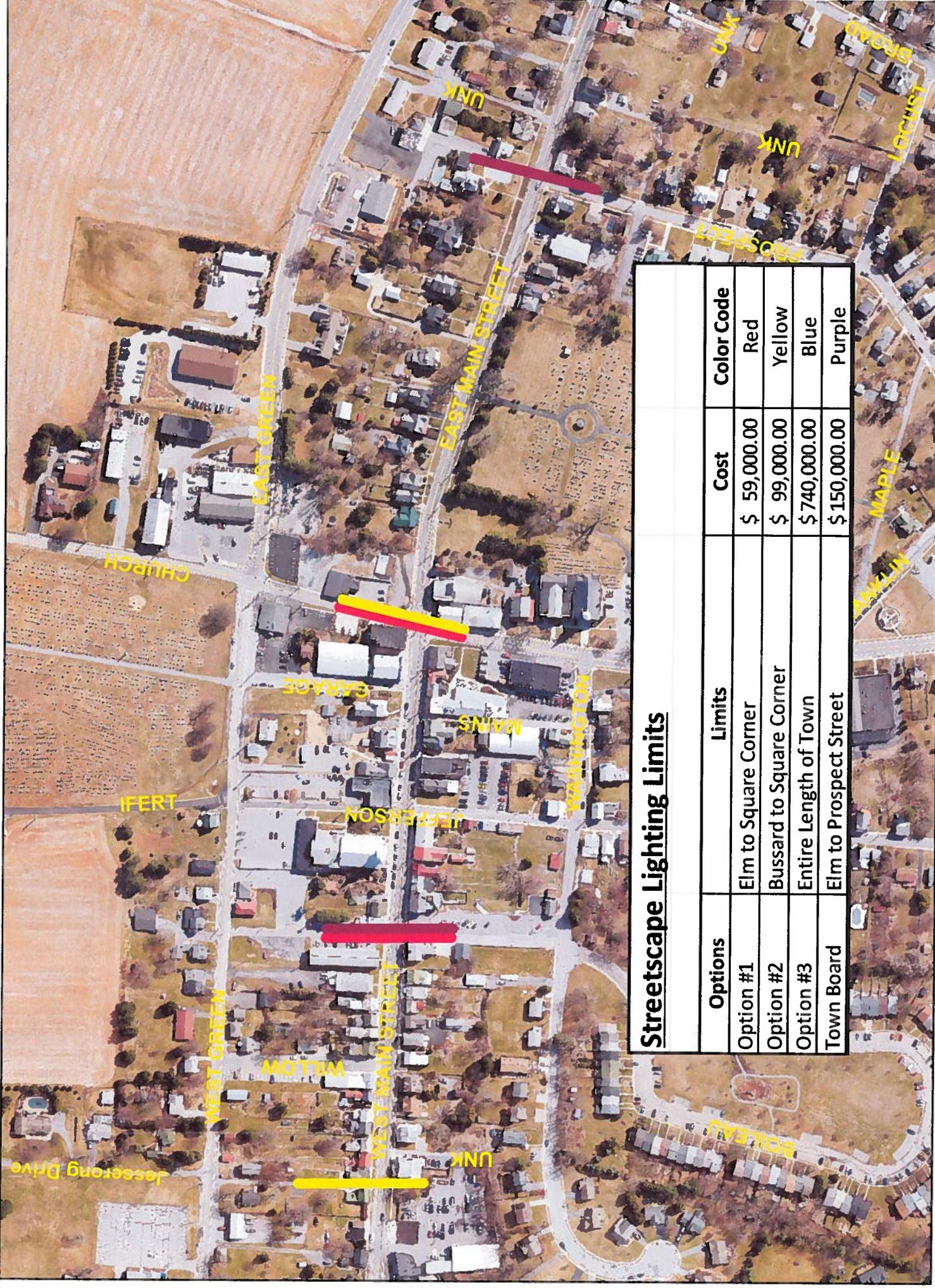
**ATTEST:**

**BURGESS AND COMMISSIONERS  
OF MIDDLETOWN**

\_\_\_\_\_  
Andrew J. Bowen, Town Administrator

By: \_\_\_\_\_  
John D. Miller, Burgess





**Streetscape Lighting Limits**

Options	Limits	Cost	Color Code
Option #1	Elm to Square Corner	\$ 59,000.00	Red
Option #2	Bussard to Square Corner	\$ 99,000.00	Yellow
Option #3	Entire Length of Town	\$740,000.00	Blue
Town Board	Elm to Prospect Street	\$150,000.00	Purple

**Streetscape Lighting Limits**

## Drew Bowen

---

**From:** Chris Weber <CWeber@sha.state.md.us>  
**Sent:** Wednesday, July 08, 2015 2:10 PM  
**To:** Daphne Gabb  
**Cc:** Drew Bowen  
**Subject:** Pedestrian Lighting along Main Street/Middletown

Daphne,

At the June 24 Task Force meeting I was asked to investigate why pedestrian lighting was not included throughout the limits of the SHA project. It took some time, but I was able to document some of the history concerning the pedestrian lighting. The following is a brief summary:

March 2000 – the corridor was segmented into several regions and only the Downtown region had pedestrian lighting.

October 2000 – there were three alternatives for pedestrian lights = 134 fixtures, 80 fixtures, and 50 fixtures.

February 2001 – it was noted that decorative street lights were important; either in the downtown section or end to end.

Sept. 2002 – the Preliminary Investigation (PI) report noted that 354 pedestrian lights were required.

Nov. 2002 – the Town wanted to maintain the current level of lighting, SHA was responsible for up to \$2,500 per light.

April 2013 – the second PI report noted that pedestrian lights would be determined.

April 2013 – the Design Request for lighting and traffic signals included incorporating existing banner poles, retrofit with pedestrian lights thru Downtown.

I was not able to find any decision document that limited the location/number of pedestrian lights.

Based upon some additional discussions internally, the design team feels the following three options should be examined by the Task Force and considered by the Town;

Option 1 – current lighting plan includes 23 pedestrian lights (Elm St. to Church St.). Estimated total cost to the Town = \$59,000.

Option 2 – extend lighting and add 20 more pedestrian lights (Bussard Dr. to Church St.). Estimated total cost to the Town = \$99,000.

Option 3 – entire project limit with 370 pedestrian lights. Estimated total cost to the Town = \$740,000.

As you know, there is a Memorandum of Understanding (MOU) being developed between SHA and the Town which will serve as a contract for the Town's reimbursement of the waterline to be installed along with the pedestrian lights. The sooner the Town reaches a decision on the pedestrian lighting, the sooner the Town's commitment can be defined in the MOU. Without the MOU, we cannot advertise the project. I would appreciate your help in resolving the pedestrian lighting issue quickly.

Thank you for your attention to this matter,

- Chris

Christopher Weber, P.E.

Community Design Division

410-545-8834



Maryland now features 511 traveler information!  
Call 511 or visit: [www.md511.org](http://www.md511.org)



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**FSA**

**FREDERICK,  
SEIBERT &  
ASSOCIATES, INC.**

■ Civil Engineering ■ Land Surveying ■ Land Planning ■ Landscape Architecture ■ Environmental Engineering and Design

July 29, 2015

Burgess and Commissioners of Middletown  
ATTN: Mr. Drew Bowen  
31 West Main Street  
Middletown, MD 21769

RE: Wiles Branch Park – Dog Park Path  
Knoll Side Lane, Middletown, MD

Dear Mr. Bowen:

Attached is the survey and design proposal for designing and permitting an access path and culvert to the existing Dog Park at Wiles Branch Park.

**SCOPE OF WORK**

FSA will conduct the necessary surveying and design for about 150 LF of pedestrian/maintenance pathway construction and a culvert crossing the existing drainage swale. Once all design work is completed and approved by Middletown, plans and applications for permits will be submitted to Maryland Department of the Environment and the US Army Corps of Engineers for work within the 100 yr. floodplain. FSA will provide any in-scope revisions during agency review (excluding any review or application fees). We assume the disturbed area for this work will be less than 5,000 SF so this would be exempt from Stormwater Management and Sediment Erosion Control plans.

**WORK NOT INCLUDED**

Boundary surveys, detailed floodplain studies, wetland delineations, geotechnical engineering, construction oversight, construction stake- out, as-built surveys or other specialty engineering services are not included in this proposal. FSA can provide these services, if requested, for an additional charge.

**COMPENSATION AND TERMS**

Our estimated fee for the above work is:

Field Survey & Data Collection	\$ 760.00
Design & Engineering	\$ 1,120.00
Agency Processing and Revisions	\$ 560.00
<b>FSA TOTAL</b>	<b>\$ 2,440.00</b>

[www.fsa-md.com](http://www.fsa-md.com)

**Hagerstown, MD Office**  
128 South Potomac Street  
Hagerstown, MD 21740  
Hagerstown: 301.791.3650  
Fax: 301.739.4956

**Carlisle, PA Office**  
101 North Hanover Street  
Carlisle, PA 17013  
Carlisle: 717.701.8111  
Fax: 717.701.8254

**Greencastle, PA Office**  
20 West Baltimore Street  
Greencastle, PA 17225  
Greencastle: 717.597.1007  
Fax: 717.597.1028

The survey will be provided in electronic format as a PDF file. Hardcopies will be provided on request for additional cost at the following unit prices:

<b>Size of drawing</b>	<b>Blue Print Cost</b>	<b>Mylar Reproduction Cost</b>	<b>CAD Plot on Translucent Bond*</b>	<b>CAD Plot on Mylar</b>
18" x 24"	\$3.00	\$3.60	\$6.00	\$7.50
24" x 36"	\$6.00	\$7.25	\$12.00	\$15.00
30" x 42"	\$8.75	\$9.25	\$17.50	\$21.50

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Very truly yours,

FREDERICK, SEIBERT AND ASSOCIATES, INC.



Keith Moore, PE, CFM  
Director of Engineering

KDM/           middletown wiles branch dog park pro (en).docx

\*\*\*\*\*

The terms and price above outlined meet with my and/or our approval and you are hereby authorized to proceed with the work.

\_\_\_\_\_

Date

\_\_\_\_\_

Authorized Signature

\_\_\_\_\_

Title

	City of Frederick	Mount Airy	West Minster	Perry Hall (NE Baltimore)	Howard County	Hagerstown	Waynesboro PA	Gettysburg PA
Membership Year	lifetime	Calendar Yr	Calendar Yr	Calendar Yr	Calendar Yr	n/a	Lifetime	n/a
Licensed	yes	yes	yes	yes	yes	yes	yes	yes
Fees								
Resident additional dogs	\$15/dog	free	\$30/house for 2 dogs \$5/each additional	\$30/2 dogs \$10/to add 1 more dog	\$40/up to 3 dogs or \$5 daily permit	free	\$5/dog	free
Non Resident additional dogs	\$30/dog	\$20/dog	same	same	same	same	same	same
Prorate	no	qtrly	1/2 price Sep-Dec.	no	no	no	no	no
Vaccinations								
Rabies	X	X	X	X	X	X	X	X
Distemper								
Bordetella								
Spay/Neuter	Required			Recommended			Required	
Number of Dogs in park at 1 time	2	2	2	3		2	2	
Age of Dogs	4mos & up**		4mos & up**	4mos & up**	4mos & up**		4mos & up	
	**dogs in heat prohibited		**dogs in heat prohibited	**dogs in heat prohibited	**dogs in heat prohibited	**dogs in heat prohibited		

**Burgess and Commissioners  
 Middletown, Maryland  
 31 West Main Street  
 Middletown, MD 21769  
 301.371.6171**

**APPLICATION FOR DOG PARK REGISTRATION**

All dogs must have a valid Frederick County or out of district license, a current rabies tag, and be spayed/neutered in order to receive and use a Middletown Dog Park Usage Tag.

PLEASE READ AND COMPLETE THE ENTIRE APPLICATION PRIOR TO SUBMITTAL.  
 FAILURE TO COMPLETE ENTIRE APPLICATION WILL RESULT IN DENIAL OF REQUEST.

<b>Dog Owner's Name:</b>	
<b>Mailing Address:</b>	
<b>Email Address:</b>	
<b>Daytime Phone:</b>	
<b>Evening Phone:</b>	
<b>Cell Phone:</b>	

<b>Name, address and phone number for veterinarian:</b>	
	<b>Phone:</b>

Dog #1 Info	Dog #2 Info	Dog #3 Info
<b>Name:</b>	<b>Name:</b>	<b>Name:</b>
<b>Breed:</b>	<b>Breed:</b>	<b>Breed:</b>
<b>Color(s):</b>	<b>Color(s):</b>	<b>Color(s):</b>
<b>Weight (lbs.):</b>	<b>Weight (lbs.):</b>	<b>Weight (lbs.):</b>
<b>Male/Female:</b>	<b>Male/Female:</b>	<b>Male/Female:</b>
<b>Spayed/neutered(Circle one): Yes No</b>	<b>Spayed/neutered(Circle one): Yes No</b>	<b>Spayed/neutered(Circle one): Yes No</b>
<b>Rabies#</b>	<b>Rabies#</b>	<b>Rabies#</b>
<b>Exp:</b>	<b>Exp:</b>	<b>Exp:</b>
<b>Lic.#</b>	<b>Lic.#</b>	<b>Lic.#</b>
<b>Exp:</b>	<b>Exp:</b>	<b>Exp:</b>
<b>Location License Issued:</b>	<b>Location License Issued:</b>	<b>Location License Issued:</b>

**FEE: \$24 per dog, Town Resident / \$28 per dog, Non-Town Resident**

I have read the rules and regulations for the Town of Middletown Dog Park and agree to abide by the same. Application will not be accepted without legal dog owner's signature. (If less than 18 years of age, please have parent or guardian sign this application).

SIGNED: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

<i>FOR OFFICE USE ONLY</i>	
City Tag # Issued:	
Date Issued:	
Fee Paid:	
Received by:	

## Middletown Dog Park Rules

### Human Rules

- Dogs with current vaccinations must be registered at the Middletown Municipal Center, 31 W. Main Street.
- USE AT YOUR OWN RISK – Owners are legally and financially responsible for their dogs and any injuries caused by them.
- Dog waste must be cleaned up IMMEDIATELY by the dog's owner.
- Gates shall be closed immediately upon entering or exiting the dog park.
- Owners must be within the dog park and supervising their dog(s) at all times with leash readily available.
- Maximum of 2 dogs per owner.
- No children under the age of 13 are allowed inside the dog park. An adult must accompany children between the ages of 13 and 16.
- Pet and human food/ treats are not allowed inside the park.
- Smoking, alcohol, and glass containers are prohibited.
- Professional dog training or grooming is prohibited.
- Lost or stolen access cards will incur a replacement fee.

### Dog Rules

- No aggressive dogs allowed. Aggressive dogs should be leashed and removed immediately.
- Excessive barking is not allowed and dogs should be removed immediately.
- Digging of holes must be repaired by owner.
- Dogs must remain leashed when outside the dog park and leashes must be removed when inside the Dog Park.
- No puppies under 4 months old.
- No dogs in heat. Spayed/neutered dogs are recommended.
- All dogs must be fully immunized with tags and I.D. on collars.
- Sick dogs are prohibited from being within the dog park.
- Frisbees and balls are the only acceptable toys allowed in the dog park. No chew toys or treats.
- No animals other than dogs are permitted within the Dog Park.
- Violators of the above rules will be subject to removal from the Dog Park and revocation of park privileges.