



**MEETING OF
UNIVERSITY PARK MAYOR AND COMMON COUNCIL
WILL BE HELD
VIA VIDEO AND AUDIO CONFERENCE
7:30 p.m.
January 18, 2021
REGULAR SESSION**

The Council meeting will be conducted entirely remotely with no in-person meeting attendance. To join the Council meeting through a video conference, please use the link below.

Join Meeting: <https://us02web.zoom.us/j/81705604020?pwd=YzI0RWs0M0ZpVWZ2cTdTaWVwbWk2QT09>
To join with audio only, dial: (301) 715-8592
Meeting ID: 817 0560 4020
Passcode: 579528

Public Participation:

Participants who join the video/audio conference will be muted during the meeting except for Mayor, Council, and staff. Participants can turn their video on during the meeting, so we can all see each other, or can turn it off if they would rather. Participants will have the opportunity to speak during Public Comment - agenda item #8. During that time, all participants will be taken off mute. If you would like to comment, please state your name and Mayor Carey will call on you to speak. Public comments will be limited to three minutes.

Public comments or questions may also be made by emailing the Town Clerk TC Hegeman at thegeman@upmd.org. All electronic comments must be submitted by 12 p.m. on January 18, 2022. Comments received will be read by the Town Clerk during public comment.

1. CALL TO ORDER: *Mayor Carey*

Present:	Biermann	Absent:	Biermann
	Gathercole		Gathercole
	Morrissey		Morrissey
	Morgan		Morgan
	McGaughey		McGaughey
	Wells		Wells
	Stephen		Stephen

2. PLEDGE OF ALLEGIANCE – Mayor Carey

3. APPROVAL OF THE AGENDA

Moved by:	Seconded by:		
Yea:	Nay:	Abstain:	

4. APPROVAL OF MINUTES: *January 3, 2021*

Moved by:

Seconded by:

Yea:

Nay:

Abstain:

5. PUBLIC COMMENT

6. MAYOR, COUNCIL, AND COMMITTEE COMMENTS AND REPORTS

A. MAYOR'S REPORT – *Mayor Carey*

B. COMMITTEE REPORTS AND COUNCIL COMMENTS

7. CONTINUING BUSINESS

A. ADOPTION OF LEGISLATIVE RESOLUTION 21-O-09: AMENDING TOWN CODE CHAPTER 1, GENERAL PROVISIONS (*Second Reading*)

Motion: To adopt Legislative Resolution 21-O-09 to amend Chapter 1, General Provisions of the Town Code.

The earliest date this motion may be considered for passage is January 18, 2022.

Moved by:

Seconded by:

Yea:

Nay:

Abstain:

B. ADOPTION OF LEGISLATIVE RESOLUTION 21-O-10: AMENDING TOWN CODE CHAPTER 2, ADMINISTRATION (*Second Reading*)

Motion: To adopt Legislative Resolution 21-O-10 to repeal and re-enact Chapter 2, Administration of the Town Code.

The earliest date this motion may be considered for passage is January 18, 2022.

Moved by:

Seconded by:

Yea:

Nay:

Abstain:

C. ADOPTION OF LEGISLATIVE RESOLUTION 21-O-11: REPEALING AND RE-ENACTING IN ITS ENTIRETY TOWN CODE CHAPTER 3, ANIMALS AND FOWL (*Second Reading*)

Motion: To adopt Legislative Resolution 21-O-11 to repeal and re-enact Chapter 3 of the Town Code in its entirety.

The earliest date this motion may be considered for passage is January 18, 2022.

Moved by:

Seconded by:

Yea:

Nay:

Abstain:

**D. ADOPTION OF LEGISLATIVE RESOLUTION 21-O-12: AMENDING TOWN CODE
CHAPTER 4, BUILDING AND CONSTRUCTION (*Second Reading*)**

Motion: To adopt Legislative Resolution 21-O-12 to amend Chapter 4, Building and Construction of the Town Code.

The earliest date this motion may be considered for passage is January 18, 2022.

Moved by:

Seconded by:

Yea:

Nay:

Abstain:

8. NEW BUSINESS

A. MIDYEAR BUDGET ADJUSTMENTS – TRANSFER OF FUNDS (*Introduction*)

Motion: To approve the introduction of the budget adjustments for fiscal year 2022 in the total amount of \$62,700 as recommended by the Town Treasurer in the January 13, 2022 memo to the Mayor and Council.

Moved by:

Seconded by:

Yea:

Nay:

Abstain:

The earliest this may be considered is at the February 7, 2022 Council meeting.

**B. INTRODUCTION OF EMERGENCY ORDINANCE 22-O-01 TO AMEND THE FY 2022
BUDGET ORDINANCE, LEGISLATIVE RESOLUTION 21-O-02, TO CREATE A NEW
OPERATING GENERAL GOVERNMENT EXPENDITURE LINE ITEM- 6970-09 AMERICAN
RESCUE PLAN EXPENDITURES AND TO TRANSFER \$871,708 FROM LINE ITEM 6603-08,
AMERICAN RESCUE PLAN RESERVE TO THE NEW LINE ITEM (*First Reading*)**

Motion: To introduce Legislative Resolution 22-O-01 to amend the Fiscal Year 2022 budget ordinance, Legislative Resolution 21-O-02, to create a new Operating General Government Expenditure line item- 6970-09 American Rescue Plan Expenditures, and to transfer \$871,708 from line item 6603-08, American Rescue Plan Reserve, to the new line item .

Moved by:

Seconded by:

Yea:

Nay:

Abstain:

The earliest date this motion may be considered for passage is February 7, 2022

C. INTRODUCTION OF ORDINANCE 22-O-02, TO AMEND CHAPTER 9 “TRAFFIC AND VEHICLES”, ARTICLE 1, “TRAFFIC”, SECTION 9-104, “PARKING” TO PROHIBIT PARKING AT ANY TIME ON THE NORTH SIDE OF UNDERWOOD STREET FROM ITS INTERSECTION WITH ADELPHI ROAD TO ITS INTERSECTION WITH 40TH AVENUE.

PARKING RESTRICTION ORDINANCE (*First Reading*)

Motion: To introduce Ordinance 22-O-02, to amend Chapter 9 “Traffic and Vehicles”, Article 1, “Traffic”, Section 9-104, “Parking” to prohibit parking at any time on the north side of Underwood Street from its intersection with Adelphi Road to its intersection with 40th Avenue.

Moved by:

Seconded by:

Yea:

Nay:

Abstain:

The earliest date this motion may be considered for passage is February 7, 2022

D. GRANT REQUEST FOR PEDESTRIAN BRIDGE

Motion: To authorize the Mayor to pursue a Legislative Bond to help cover the cost of repairing or replacing the pedestrian bridges located at Beechwood Road and Van Buren Street.

Moved by:

Seconded by:

Yea:

Nay:

Abstain:

E. APPOINTMENT TO COMMITTEE ON POLICY, RULES, AND MUNICIPAL STRUCTURE

Motion: Per Section 2-103 of the Town Codes, to appoint Councilmember Nathaniel Morgan to the Committee on Policy, Rules, and Municipal Structure and accept his resignation from the Development Overview Committee.

Moved by:

Seconded by:

Yea:

Nay:

Abstain:

F. APPOINTMENT TO HELPING HANDS UNIVERSITY PARK

Motion: Per Section 2-103 of the Town Codes, to appoint Edmond Shenassa as a new Member of Helping Hands University Park Committee (HHUP).

Moved by:

Seconded by:

Yea:

Nay:

Abstain

9. ADMINISTRATOR AND DEPARTMENT REPORTS

A. REPORT FROM THE TOWN ADMINISTRATOR ~ *David Deutsch*

B. REPORT FROM THE TOWN ATTORNEY ~ *Suellen Ferguson*

C. REPORT FROM THE TOWN CLERK ~ *TC Hegeman*

D. REPORT FROM THE CHIEF OF POLICE ~ *Chief Harvey Baker*

E. REPORT FROM THE TOWN TREASURER ~ *Dan Baden*

F. REPORT FROM THE DIRECTOR OF PUBLIC WORKS ~ *Michael Beall*

10. ADJOURNMENT

**** A Closed Session may be called ****

Agenda Item 4
Draft 01/03/2022 Council Minutes



**MEETING OF
UNIVERSITY PARK MAYOR AND COMMON COUNCIL
VIA VIDEO AND AUDIO CONFERENCE
7:30 p.m.
January 3, 2022
MINUTES**

1. CALL TO ORDER: *Mayor Carey* at 7:30 p.m.

Present: Mr. Biermann, Ms. Gathercole, Ms. Morrissey, Mr. Morgan, Mr. McGaughey, Ms. Wells,
Mr. Stephen
Absent: None
Excused: None

2. PLEDGE OF ALLEGIANCE – was led by Mayor Carey.

3. APPROVAL OF THE AGENDA

Moved by: Ms. Wells

Seconded by: Ms. Gathercole

Yea: 7

Nay: 0

Abstain: 0

4. APPROVAL OF MINUTES: *December 20, 2021*

Moved by: Ms. Wells

Seconded by: Mr. McGaughey

Yea: 6

Nay: 0

Abstain: 1 (Stephen)

5. PUBLIC COMMENT

- In reference to the draft letter to the County Commissioners from the Development Overview Committee, a resident informed Councilmembers that he recently sent an email with his recommendations for the letter.
- In reference to the letter regarding the Adelphi Road/Purple Line Sector Plan, a resident asked that the Committee insert language supporting a pause in passage of the Sector Plan, and encourages University Park to coordinate with other entities to broaden a better plan that fixes the many flaws in the current proposal.
- A resident encouraged Councilmembers to send a letter to the County Council proposing that they pause the Sector Plan. He suggests that the County provide an expanded opportunity for the neighboring communities to participate in the planning process.
- A resident echoed the other public comments on asking the County Council to pause the Sector Plan.

6. MAYOR, COUNCIL, AND COMMITTEE COMMENTS AND REPORTS

A. MAYOR’S REPORT – *Mayor Carey*

- After today’s major snowstorm, the County has announced that inspectors from the Department of Permitting, Inspections and Enforcement will ensure that sidewalks are cleared within the allotted time period according to County Code.
- The Maryland General Assembly has their opening session on January 12. The Maryland Municipal League has a reception at the Calvert House that evening. Councilmembers interested in attending this event should contact Mayor Carey.

B. COMMITTEE REPORTS AND COUNCIL COMMENTS

Police, Traffic and Public Safety Committee - Ms. Wells

The next meeting is scheduled for Wednesday, January 12.

- Ms. Wells sent an email to Councilmembers asking them to forward any concerns about parking restrictions in their Wards prior to the January 12 meeting.

Development Overview Committee - Ms. Wells

The next meeting is scheduled for Thursday, January 13.

- Discussion will include the Sector Plan letter and a food hall at Riverdale Park Station.
- Mr. Stephen said that he will write a letter about the No Right Turn on Red sign at East West Highway and Adelphi Road.
- The Town Attorney “via chat” reported that the hearing on the Sector Plan will be a joint public hearing by the Prince George’s County Planning Board and County Council on January 18.

Public Facilities and Services Committee - Mr. Stephen

The next meeting is scheduled for Thursday, January 20. American Rescue Plan Act funding.

Policy, Rules and Municipal Structure Committee - Ms. Morrissey

The next meeting is scheduled for Thursday, January 6.

Helping Hands - Ms. Gathercole

The next meeting is scheduled for Thursday, January 6 at 5:30 p.m.

Sustainability Committee - Mr. Biermann

The next meeting is scheduled for Wednesday, January 5

7. NEW BUSINESS

A. TOWN LETTER TO M-NCPPC REGARDING THE ADELPHI ROAD SECTOR PLAN

Motion: To authorize the Mayor and Town Attorney to submit a letter to M-NCPPC (Maryland National Capital Park and Planning Commission) regarding the Adelphi Road Sector Plan in substantially the form drafted by Councilmember Wells for the Development Overview Committee.

Motion: To authorize the Mayor and Town Attorney to submit a letter to the Maryland National Capital Park and Planning Commission and to the County Council in substantially the form drafted by Councilmember Wells and Town Attorney Ferguson for the Development Overview Committee and for the Council. To incorporate into the letter any coordination with the City of College Park and the City of Hyattsville when their decision/discussion is received and to incorporate a polite request for a pause or an extension of time and to make sure that the issues that have been discussed tonight are incorporated in the

final letter.

Moved by: Ms. Wells

Seconded by: Mr. Morgan

Yea: 7

Nay: 0

Abstain: 0

8. TOWN ADMINISTRATOR'S REPORT

- On January 3, Public Works plowed and salted the roads in town.
- Due to the heavy snow, there were 22 locations where tree limbs were affecting roadways.
- All roads and sidewalks have been cleared of down trees and branches caused by the snowstorm.
- Collection schedule: Tuesday, January 4 - Trash
Wednesday, January 5 - Yard Waste
Friday, January 7 - Recycling
- Leaf collection will resume in Wards 4, 6 and 7 as soon as possible.
- In reference to the American Rescue Plan Act, checks will soon be distributed to the various non-profit groups.
- Mr. Deutsch responded to concerns from Councilmembers regarding abandoned vehicles, downed power lines, and a broken crosswalk sign. Mr. Deutsch will inform Chief Baker, Mr. Beall, and the County of these issues.

9. ADJOURNMENT by consent at 8:38 p.m.

Agenda Item 7A

**Legislative Resolution 2021-O-09
Amending Town Code Chapter 1**

LEGISLATIVE RESOLUTION 21-0-09

Resolution and Ordinance of the Town of University Park to amend Chapter 1 “General Provisions”, by repealing and re-enacting §1-101, “Designation of Code and continuation of provisions”, §1-102, “Ordinances repealed and their effect”, §1-103, “Definitions”, §1-104, “Construction; gender, singular, and plural”, §1-105, “General Penalty” §1-105.1, “Enforcement”, § 1-106, “Municipal Infractions” of the Code of Ordinances of the Town of University Park.

WHEREAS, pursuant to §5-202 of the Local Government Article, Annotated Code of Maryland, the Mayor and Common Council of the Town of University Park have the power to pass such ordinances as deemed necessary to protect the health, safety and welfare of the residents of the municipality and to prevent and remove nuisances; and

WHEREAS, Town staff and the Town Attorney have reviewed and made certain recommendations with respect to amendment of Chapter 1, “General Provisions” to, in part, update various provisions and reflect current Town practice and procedures; and

WHEREAS, the Mayor and Common Council have determined that the said recommendations are in the public interest and should be adopted.

Section 1: NOW THEREFORE be it resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 1 “General Provisions”, §1-101, “Designation of Code and continuation of provisions” of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW

[Brackets] indicate matter deleted from existing law

* * Asterisks* * indicate existing law which are unchanged but not set forth in the ordinance

CAPITALS INDICATE MATTER ADDED BY AMENDMENT TO THE PROPOSED ORDINANCE

~~[Brackets]~~ indicate matter deleted by amendment to the proposed ordinance

§ 1-101. Designation of Code and continuation of provisions.

~~[The ordinances embraced in this and the following chapters shall constitute and be designated as the Code of the Town of University Park. Those provisions appearing in this Code so far as they are the same as those of preceding Codes and ordinances shall be continuations of those Codes and ordinances and not as new enactments.]~~

THE ORDINANCES EMBRACED IN THIS AND THE FOLLOWING CHAPTERS SHALL, AS REVISED, CODIFIED AND CONSOLIDATED INTO CHAPTERS AND SECTIONS BY GENERAL CODE, AS SET FORTH IN THE DERIVATION TABLE INCLUDED AT THE END OF THE CODE, AND AS RENUMBERED TO CONSIST OF CHAPTERS 1 THROUGH 16, ARE HEREBY APPROVED, ADOPTED, ORDAINED AND ENACTED AS THE "CODE OF THE TOWN OF UNIVERSITY PARK" HEREAFTER REFERRED TO AS THE "CODE." THOSE PROVISIONS APPEARING IN THIS CODE SO FAR AS THEY ARE THE SAME AS THOSE OF PRECEDING CODES AND ORDINANCES SHALL BE CONTINUATIONS OF THOSE CODES AND ORDINANCES AND NOT NEW ENACTMENTS.

Section 2. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 1 “General Provisions”, §1-102, “Ordinances repealed and their effect” of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

§ 1-102. Ordinances repealed and their effect.

A. All ordinances not contained in this Code are hereby repealed from and after the effective date of this Code. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor shall it affect any suit, prosecution, or proceeding pending at the time of repeal for an offense committed under the ordinances repealed.

B. IN COMPILING AND PREPARING THE ORDINANCES AND CODE FOR PUBLICATION AS THE 2020 CODE OF THE TOWN OF UNIVERSITY PARK, NO CHANGES IN THE MEANING OR INTENT OF SUCH LEGISLATION HAVE BEEN MADE. CERTAIN GRAMMATICAL CHANGES AND OTHER MINOR NON-SUBSTANTIVE CHANGES WERE MADE IN ONE OR MORE OF SAID PIECES OF LEGISLATION. CHAPTERS, ARTICLES AND SECTIONS HAVE BEEN RENUMBERED INCLUDING ALL INTERNAL REFERENCES AND CROSS-REFERENCES. IT IS THE INTENTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF UNIVERSITY PARK THAT ALL SUCH CHANGES BE ADOPTED AS PART OF THE CODE AS IF THE ORDINANCES HAD BEEN PREVIOUSLY FORMALLY AMENDED TO READ AS SUCH. THE ORDINANCES AND RESOLUTIONS SPECIFIED IN THIS SUB-SECTION ARE RECOGNIZED AS

CONTINUING IN FULL FORCE AND EFFECT TO THE SAME EXTENT AS IF SET OUT AT LENGTH HEREIN.

C. THE PROVISIONS OF THIS CODE, INsofar AS THEY ARE SUBSTANTIVELY THE SAME AS THOSE OF ORDINANCES AND THE CODE IN FORCE IMMEDIATELY PRIOR TO THE ENACTMENT OF THIS CODE BY THIS ORDINANCE, ARE INTENDED AS A CONTINUATION OF SUCH ORDINANCES AND NOT AS NEW ENACTMENTS, AND THE EFFECTIVENESS OF SUCH PROVISIONS SHALL DATE FROM THE DATE OF ADOPTION OF THE PRIOR ORDINANCE. ALL SUCH PROVISIONS ARE HEREBY CONTINUED IN FULL FORCE AND EFFECT AND ARE HEREBY REAFFIRMED AS TO THEIR ADOPTION BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF UNIVERSITY PARK, AND IT IS THE INTENTION OF SAID MAYOR AND COMMON COUNCIL THAT EACH SUCH PROVISION CONTAINED WITHIN THE CODE IS HEREBY REAFFIRMED AS IT APPEARS IN SAID CODE.

D. NOTHING IN THIS CODE OR THE ORDINANCE ADOPTING THIS CODE SHALL BE CONSTRUED TO REPEAL OR OTHERWISE AFFECT THE VALIDITY OF ANY OF THE FOLLOWING:

(1) ANY ORDINANCE OR RESOLUTION PROMISING OR GUARANTEEING THE PAYMENT OF MONEY FOR THE TOWN OR AUTHORIZING ISSUANCE OF ANY BOND OF THE TOWN OR ANY EVIDENCE OF THE TOWN'S INDEBTEDNESS;

(2) ANY APPROPRIATION ORDINANCE OR RESOLUTION PROVIDING FOR THE LEVY OF TAXES OR AN ANNUAL BUDGET;

(3) ANY ORDINANCE OR RESOLUTION APPROVING, AUTHORIZING OR OTHERWISE RELATING TO ANY CONTRACT, AGREEMENT, LEASE, DEED OR OTHER INSTRUMENT; AND

(4) ANY ORDINANCE RELATING TO THE SALARIES OF TOWN OFFICERS OR EMPLOYEES.

E. FOR PURPOSES OF TRANSITION FROM THE CODE IN FORCE IMMEDIATELY PRIOR TO THIS CODE, ANY REFERENCE TO A CHAPTER OR SECTION NUMBER FROM THE PRIOR CODE ON OR IN ANY FORM, LICENSE, PERMIT, TICKET OR OTHER TOWN OF UNIVERSITY PARK DOCUMENT SHALL BE DEEMED TO REFER TO THE CORRESPONDING CHAPTER OR SECTION IN THIS CODE UNTIL SUCH FORM, LICENSE, PERMIT, TICKET OR OTHER TOWN DOCUMENT IS REVISED OR REPRINTED TO REFER TO THE NUMBERING IN THIS CODE.

Section 3. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 1 “General Provisions”, §1-103, “Definitions” of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

§ 1-103. Definitions.

In the construction of the Code, the following words and definitions shall apply:

COUNCIL - The Common Council of the Town of University Park ~~of~~
~~Maryland~~. COUNTY - Prince George's County, Maryland.

OWNER - (Applied to a building or land) Any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land.

PERSON - A corporation, company, firm, partnership, association, governmental agency, or society as well as a natural person.

~~[PUBLIC WAYS - Any street, alley, curb, gutter, sidewalk, or bridge in the Town.]~~

RIGHT-OF-WAY - THE ENTIRE WIDTH BETWEEN ABUTTING PROPERTY LINES INCLUDING THE CURB, GUTTER, SIDEWALK, AND BRIDGES, AND THE APPROACHES TO THEM

SIDEWALK - Any portion of a street between the curblines, or the lateral lines of a roadway where there is no curb, and the adjacent property line, intended for the use of pedestrians.

STATE - The State of Maryland.

~~STREET - [The entire width between abutting property lines including the sidewalk or footpath unless otherwise specified, such as public avenues, boulevards, highways, roads, alleys, lanes, viaducts, and bridges, and the approaches to them]~~ ANY STREET, ROAD, LANE, ALLEY, VIADUCT OR BRIDGE AND THE APPROACHES TO THEM.

TENANT - Any person who occupies the whole or part of a building or land IN RETURN FOR RENT OR OTHER THING OF VALUE

TOWN - The Town of University Park, Maryland.

Section 4. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 1 “General Provisions”, §1-104, “Construction; gender,

singular, and plural” of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

§ 1-104. Construction: gender, singular, and plural.

~~[Every word in this Code importing the masculine]~~ REFERENCE TO ONE gender shall extend to and be applied to ~~[females as well as males]~~ ALL GENDERS. ~~[Every word importing the]~~ REFERENCE TO A singular number only shall extend and be applied to several persons or things as well as to one person or thing. ~~[Every word importing]~~ REFERENCE TO the plural number only shall extend and be applied to one person or thing as well as to several persons or things.

Section 5. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 1 “”General Provisions”, §1-105, “General Penalty” of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

§ 1-105 General Penalty

Every act or omission which, by ordinance, is made a misdemeanor under this Code, unless otherwise provided, shall be punishable upon conviction before any judge of the district court or circuit court for the County within which the offense was committed. The fine shall not exceed ~~[\$100]~~ \$1000 or imprisonment for ~~[90]~~ 60days ~~[in the County jail]~~, or both, in the discretion of the court or trial magistrate.

- A. The aggrieved party shall have the right of appeal as is provided under the general laws of the State.
- B. Each day that any violation of an ordinance continues constitutes a separate offense.

Section 6. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 1 “”General Provisions”, §1-105.1, “Enforcement” of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

§ 1-105.1. Enforcement.

The Mayor and Common Council may authorize the Town Attorney or any other QUALIFIED person to take necessary and appropriate legal action to prevent or abate violations of the Code of ordinances of the Town of University Park or nuisances, as defined by common law AND THE CODE ~~[, Section 81-15]~~ of the Town of University Park. Such action shall be in addition to any penalty imposed by the

provisions of the Code of Ordinances of the Town of University Park for such violations or nuisances.

Section 7. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 1 “General Provisions”, §1-106, “Municipal Infractions” of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

§ 1-106. Municipal Infractions.

- A. UNLESS STATE LAW CLASSIFIES A VIOLATION AS A CRIMINAL OFFENSE, THE TOWN MAY PROVIDE THAT A VIOLATION OF THIS CODE IS A MUNICIPAL INFRACTION. A violation of any provisions of this Code shall be considered a municipal infraction unless declared to be [~~a felony or~~] misdemeanor by law or ordinance. A municipal infraction is a civil offense.
- B. A police officer employed by the Town of University Park OR PRINCE GEORGE’S COUNTY, deputy sheriff of the Prince George's County Sheriff’s Department, or other officials authorized to act as enforcement officers, may serve a citation on any person whom they believe is committing, or has committed a municipal infraction or on the basis of an affidavit submitted to an appropriate official of the Town, citing the facts of the alleged infraction. A copy of the citation shall be retained by the enforcement office. The citation shall contain:
 - (1) Name and address of the person charged;
 - (2) The nature of the infraction;
 - (3) The location and time that the infraction occurred;
 - (4) The amount of the infraction fine assessed;
 - (5) The manner, location and time in which the fine may be paid to the municipality;
 - (6) The person's right to elect to stand trial for the infraction; and
 - (7) The effect of failing to pay the assessed fine or demand a trial within the prescribed time; and
 - (8) The enforcement officer's certification.
 - (9) Attesting to the truth of the matters set forth in the citation; or
 - (10) That the citation is based on an affidavit.

- C. The citation shall be served on the defendant;
- (1) In accordance with Rule 3-121 of the Maryland Rules; or
 - (2) For real property-related violations, if proof is made by affidavit that good faith efforts to serve the defendant under Rule 3-121(a) of the Maryland Rules have not succeeded by:
 - (a) Regular mail to the defendant's last known address;
 - (b) Posting of the citation at the property where the infraction has occurred or is occurring, and, if located within the municipality in which the infraction has occurred or is occurring, at the residence or place of business of the defendant.
- D. A fine not to exceed \$1,000 may be imposed for each municipal infraction. The fine is payable by the person charged in the citation to the Town within 20 calendar days of service OF the citation. Unless otherwise provided in this Code for specific violations or by the Mayor and Common Council by resolution, the fine for an initial infraction shall be ~~[\$25]~~ \$50.00. The fine for each repeated violation of any Code provision shall be double the fine for the initial infraction, not to exceed \$1,000.
- E. If a citation is served without a summons, a person charged in the citation for a municipal infraction may elect to stand trial for the infraction by notifying the Town in writing of the person's intent to stand trial. The written notice shall be given at least five days prior to the date of payment as set forth in the citation. Upon receipt of the written notice of the intent to stand trial, the Town shall forward to the District Court having venue a copy of the citation and the written notice. Upon receipt of the citation and the written notice, the District Court shall schedule the case for trial and notify the defendant of the trial date. All fines, penalties, or forfeitures collected by the District Court for violations of municipal infractions shall be remitted to the Town.
- F. If a person charged in a citation fails to pay the fine by date of payment set forth on the citation and fails to deliver to the Town the written notice of intent to stand trial, the person is liable for the assessed fine. The Town may double the fine to an amount not to exceed \$1,000 and request adjudication of the case through the District Court, including the filing of a demand for judgment on affidavit. The District Court shall promptly schedule the case for trial and summons the defendant to appear. If the defendant fails to respond to such summons the Town may request entry of judgment against the defendant in favor of the Town in the amount then due if proper demand for judgment on affidavit is made.
- G. An enforcement officer may also serve a summons with a citation that requires the person to appear in District Court on a specified date and time. The summons shall specify that the person is not required to appear in District Court if the fine is paid as provided in the citation. The enforcement officer shall coordinate the selection of court dates with the appropriate District Court official. If the defendant fails to pay

the fine as provided in the summons, the Town may double the fine to an amount not to exceed \$1,000 and request the Court to enter judgment against the defendant in the amount then due if the proper demand for judgment on affidavit has been made.

H. If any person shall be found by the District Court to have committed a municipal infraction:

(1) The Town may request the District Court to order the person to pay the fine, including any doubling of the fine, not to exceed the limits under Subsection D of this subsection;

(2) The person shall be liable for the costs of the proceedings in the District Court; and

(3) The Town may request the court to order the person to abate the infraction or enter an order permitting the Town to abate any such infraction at the person's expense; and

(4) The fines imposed shall constitute a judgment in favor of the Town; and

(5) If the fine remains unpaid for 30 days following the date of its entry, the Town may enforce the judgment in the same manner and to the same extent as other civil judgments for money unless the court has suspended or deferred the payment of the fine.

I. If the Town abates an infraction pursuant to an order of the District Court, the Town shall present the defendant with a bill for the cost of abatement by:

(a) mail to the defendant's last known address; or

(b) any other means that are reasonably calculated to bring the bill to the defendant's attention.

If the defendant does not pay the bill within 30 days after presentment, the Town may move the District Court to enter a judgment against the defendant for the cost of the abatement.

J. Each day that any violation of any provision of this Code continues shall be a separate offense subject to additional infraction citations.

K. The Town may designate the attorney to prosecute any municipal infraction in the same manner as the State's Attorney of ~~[any county]~~ PRINCE GEORGE'S COUNTY.

Section 8. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that this Ordinance shall become effective twenty (20) days after enactment by the Mayor and Common Council of University Park.

Section 9. Be it further resolved that, after adoption, a complete and exact copy of this Ordinance shall be posted on the entrance door of the Town Building of University Park, Maryland, for a period of not less than ten (10) days, and a fair summary of this Ordinance shall be published at least once in a newspaper having general circulation in the community.

Section 10. If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the Town that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

APPROVED this _____ day of _____, 2022

ATTEST:

MAYOR AND COMMON COUNCIL
TOWN OF UNIVERSITY PARK

By: _____
Lenford C. Carey, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
Suellen M. Ferguson, Town Attorney

Agenda Item 7B

**Legislative Resolution 2021-O-10
Amending Town Code Chapter 2**

LEGISLATIVE RESOLUTION 21-0-10

RESOLUTION AND ORDINANCE OF THE TOWN OF UNIVERSITY PARK TO AMEND CHAPTER 2 “ADMINISTRATION”, BY REPEALING § 2-102. ANNUAL FINANCIAL STATEMENT; REPEALING AND RESERVING §2-206, “INJURY WHEN ON ACTIVE DUTY”; ENACTING §2-102, “TOWN ELECTED OFFICIAL PROHIBITION”, §2-115, “PURCHASING AND CONTRACTS”, §2-116, AND “ISSUANCE OF PERMITS AND LICENSES”; AND REPEALING AND RE-ENACTING §2-103, “STANDING COMMITTEES”, §2-104, “EXECUTION OF CONTRACTS”, §2-105, “APPOINTMENT AND DUTIES OF THE TREASURER”, §2-106, “EMPLOYEE BENEFIT PLANS”, §2-107, “HOMESTEAD PROPERTY TAX CREDIT”, §2-108, “LINE ITEM CONTROL OF BUDGET”, §2-109, “INVENTORY OF TOWN PROPERTY”, §2-110, “DISPOSAL OF TOWN PROPERTY”, § 2-112, “USE OF TOWN SEAL, NAME OR LOGO”, §2-113, “COMPENSATION OF THE MAYOR”, §2-202, “QUALIFICATIONS FOR EMPLOYMENT”, §2-204, “HOURS OF DUTY”, AND §2-208, “CITATIONS: AUTHORITY TO ISSUE”

WHEREAS, pursuant to §5-202 of the Local Government Article, Annotated Code of Maryland, the Mayor and Common Council of the Town of University Park have the power to pass such ordinances as deemed necessary to protect the health, safety and welfare of the residents of the municipality and to prevent and remove nuisances; and

WHEREAS, Town staff and the Town Attorney have reviewed and made certain recommendations with respect to amendment of Chapter 2, “Administration” to, in part, update various provisions and reflect current Town practice and procedures; and

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW

[~~Brackets~~] indicate matter deleted from existing law

* * Asterisks* * indicate existing law which are unchanged but not set forth in the ordinance

CAPITALS INDICATE MATTER ADDED BY AMENDMENT TO THE PROPOSED ORDINANCE

~~[Brackets]~~ indicate matter deleted by amendment to the proposed ordinance

WHEREAS, the Mayor and Common Council have determined that the said recommendations are in the public interest and should be adopted.

Section 1: NOW THEREFORE be it resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 2 “Administration”, §2-102, “Annual Financial Statement” of the Code of the Town of University Park, be repealed, with a new §2-102, “Town elected official prohibition” enacted, to read as follows:

ARTICLE I

~~§ 2-102. Annual financial statement.~~

~~The Council shall annually prepare and file among the records of the Town a statement of the financial condition of the Town. The statement shall include the amount of all monies available to the Council for expenditure during the fiscal year, the amount expended, the object of each expenditure, and all financial liabilities and credits of the Town. The Treasurer shall make the annual financial statement available to the public upon written request.]~~

§2-102 TOWN ELECTED OFFICIAL PROHIBITION

A TOWN ELECTED OFFICIAL SHALL NOT BE HIRED AS AN INDEPENDENT CONTRACTOR FOR THE TOWN.

Section 2. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 2 “Administration”, §2-103, “Standing committees” of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

§ 2-103. Standing committees.

Each year by the first regular Council meeting in ~~[June]~~ JULY, the Council shall appoint members of the Council to one or more of the standing committees, with a designated chair for each committee. The standing committees are as follows: Police, Traffic and Public Safety; Policy, Rules and Municipal Structure; and Public Facilities and Services. Should a position on any such committee become vacant for any reason, the Council shall appoint a Council member to such position within 30 days of such vacancy. The Council, or the Mayor, with the consent of the Council, may establish such special and additional committees as appropriate. Appointments to such committees shall be governed by this section.

Section 3. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 2 “Administration”, §2-104, “Execution of contracts” of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

§ 2-104. Execution of contracts.

All contracts approved by the Council shall be signed by the Mayor. The ~~[Treasurer]~~ TOWN CLERK shall witness the signing of the contract, affix to it the Town Seal, and execute it.

Section 4. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 2 “Administration”, §2-105, “Appointment and duties of the Treasurer” of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

§ 2-105. Appointment and duties of the Treasurer.

A. General. The Treasurer shall be appointed by the Mayor and approved by the Council. The Treasurer shall serve at the pleasure of the Mayor and Council. The Treasurer shall have general supervisory and administrative authority under the Mayor, unless otherwise assigned. He/she shall be responsible for keeping the personnel records ~~[and work reports]~~ of all Town employees.

B. Purchasing. The Treasurer shall oversee all purchase orders AND ALL PURCHASES AND EXPENDITURES. ~~[Except in situations where good cause has been demonstrated to the Council, the Treasurer shall make any single purchase or expenditure of more than \$10,000 by means of sealed bids. Such bids shall be opened publicly after public notice at such time and place as the Treasurer shall determine. Whenever the State of Maryland, or any department thereof, or any Prince George's County, or the Metropolitan Washington Council of Governments or individual member government, or other local government in Maryland, has conducted a competitive bid process that is consistent with that adopted by the Town, and has awarded a contract that authorizes local governments to purchase the bid item at the bid price, the Treasurer may purchase the bid item at the bid price from the successful bidder, subject to the prior approval of the Mayor.] [A Town elected official shall not be hired as an independent contractor for the Town.]~~

C. Payment of bills. ~~[Upon orders from the Council, t]~~The Treasurer ~~[shall pay]~~ IS RESPONSIBLE FOR PROCESSING AND PAYMENT OF all bills

D. ~~[Permits and licenses. The [Treasurer] CLERK shall issue all permits and licenses required by the ordinances of the Town, unless assigned to a committee. He/she shall issue such permits and licenses only after the application has been approved by Council or one of its committees when such approval is necessary. [The Treasurer shall be responsible for providing the necessary materials to issue the permits and licenses required by the Town. The materials shall be paid for out of funds provided for the Treasurer's office.]~~

Annual report. The Treasurer shall prepare for the MAYOR AND Council an annual FINANCIAL

report THAT HAS BEEN AUDITED BY AN INDEPENDENT CERTIFIED PUBLIC ACCOUNTANT. It shall include all monies received, disbursed, expended, and on hand during the fiscal year, up to and including the 30th of June, and all accounts receivable and payable as of that date.

Section 5. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 2 “Administration”, §2-106, “Employee benefit plans” of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

§ 2-106. Employee benefit plans.

A. The Common Council may elect to adopt a mandatory retirement and/or savings plan in which all [~~salaried~~] ELIGIBLE employees of the Town [~~of University Park~~] shall participate. The Town may participate in the State of Maryland Employees' PENSION System on such terms and conditions as state law may require. The Council may adopt the terms and conditions of any such retirement, pension, or savings plan, including designation of trustees, by resolution. The said trustees shall have that discretion required by law in administering any such plans.

B. The Common Council shall adopt a health benefit/hospitalization plan in which all [~~salaried~~] PERMANENT FULL TIME employees of the Town may participate.

Section 6. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 2 “Administration”, §2-107, “Homestead property tax credit” of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

§ 2-107. Homestead property tax credit.

A. Pursuant to Section 9-105 (e) of the Tax-Property Article of the Annotated Code of Maryland, the Homestead Property Tax Credit percentage for the Town of University Park WILL BE SET ANNUALLY BY RESOLUTION, ON OR BEFORE MARCH 25, FOR THE SUBSEQUENT TAX YEAR BEGINNING JULY 1, AT NOT LESS THAN 100% AND NOT MORE THAN 110% [~~effective for the taxable year beginning July 1, 1991, and subsequent tax years, shall be 110%.~~]

B. The Homestead Property Tax Credit Program shall be implemented and administered in accordance with the provisions of State law and rules and regulations established by the State Department of Assessments and Taxation.

Section 7. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 2 “Administration”, §2-108, “Line item control of budget”

of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

§ 2-108. Line item control of budget.

A. No person, without prior approval of the Mayor and Common Council, shall expend or authorize the expenditure of Town funds in an amount, or for a purpose, other than that which has been authorized in the approved Fiscal Year Budget in a line item pursuant to which the expenditure is made. Said line item expenditures may be exceeded by up to ~~[\$300]~~ \$1,000 at the discretion of the Mayor for necessary and unexpected expenses.

B. No person shall transfer any Town funds from one line item to another without the approval of the Mayor and Common Council.

C. No person under any circumstances shall obligate non-budgetary funds of the Town without the prior approval of the Mayor and Common Council.

Section 8. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 2 “Administration”, §2-109, “Inventory of Town property” of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

§ 2-109. Inventory of Town property.

The Town Treasurer or designee shall keep and maintain an inventory of all capital Town property. The inventory shall be updated from time to time, but no less than once ~~[every three months]~~ PER YEAR ON OR BEFORE DECEMBER 31. A copy of said inventory shall be provided to each Common Council member when requested, and at least annually.

Section 9. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 2 “Administration”, §2-110, “Disposal of Town property” of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

§ 2-110. Disposal of surplus Town property.

A. Authority for disposal. The property of the Town shall be reviewed on a periodic basis to determine if any such property is surplus, obsolete, or ~~[unsuitable]~~ NOT NEEDED for a public purpose. A listing of any property determined to be surplus, obsolete, or ~~[unsuitable]~~ NOT NEEDED shall be provided by the Mayor to the Common Council, which may DECLARE IT SURPLUS AND authorize its disposal.

B. Method of disposal. ~~[Once authorized, the Mayor may dispose of said property by trade in or exchange for other needed goods, or, after notice in a newspaper of general circulation in the area, by a sealed bid process or public auction. If the value of the property to be sold at one time is~~

~~less than \$1,000, then bids may be solicited by any or all of the following methods: direct mail request to prospective buyers; telephone; and advertisement by publication in the Town newsletter, on the Town bulletin board, and/ or on the public access channel. Sales of property under this subsection shall be based, whenever possible, upon at least three competitive bids.]~~ ONCE DECLARED SURPLUS, TOWN PROPERTY MAY BE DISPOSED OF BY ADVERTISEMENT, AUCTION, OR OTHER METHOD LIKELY TO RESULT IN THE HIGHEST RETURN.

Section 10. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 2 “Administration”, §2-112, “Use of Town Seal, Name or Logo” of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

§ 2-112. Use of Town Seal, Name or Logo.

No person other than those authorized by the Mayor, THE TOWN CLERK, OR OTHER PERSON DESIGNATED BY THE MAYOR and Council may affix the Official Seal of the Town to any paper or document. No person or entity may use the Town name, seal or logo, or any replica thereof, for the purpose of conveying, or in a manner reasonably calculated to convey, the false impression that such person or entity is a department, agency or instrumentality of the Town, or is authorized to represent or act for or on behalf of the Town.

Section 11. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 2 “Administration”, §2-113, “Compensation of the Mayor” of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

§ 2-113. Compensation of the Mayor.

~~A. [A Mayor elected or appointed to a term commencing in or after May 2012 shall receive as compensation \$15,000 per year, payable as salary on a monthly basis.]~~ A Mayor elected or appointed to a term commencing in or after June 2016 shall receive as compensation \$20,000 per year, payable as salary on a monthly basis.

B. The Mayor may decline the compensation set by this section.

Section 12. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 2 “Administration”, §2-115, “Purchasing and contracts” of the Code of the Town of University Park, be enacted to read as follows:

§2-115 PURCHASING AND CONTRACTS

ALL MATERIALS, SUPPLIES, SERVICES, AND EQUIPMENT OF MORE THAN \$10,000 IN VALUE AND NOT EXCLUDED IN SUBSECTION D OF THIS SECTION SHALL BE PURCHASED BY MEANS OF A COMPETITIVE BID PROCESS, AS FOLLOWS:

A. NOTICE SHALL BE PROVIDED ON THE TOWN'S WEBSITE AND ON E MARYLAND MARKETPLACE FOR A MINIMUM OF TWO WEEKS PRIOR TO THE DATE SET FOR THE OPENING OF BIDS. SAID NOTICE SHALL INCLUDE A BRIEF DESCRIPTION OF THE ITEM OR ITEMS TO BE BID, THE TIME AND LOCATION WHERE SPECIFICATIONS MAY BE OBTAINED FOR THE ITEM OR ITEMS TO BE BID, THE TIME AND DATE ON WHICH SEALED BIDS ARE TO BE RECEIVED, THE LOCATION TO WHICH BIDS ARE TO BE RETURNED AND ANY SPECIAL CONDITIONS TO WHICH THE ITEM OR ITEMS MAY BE SUBJECT. THE NOTICE SHALL CONTAIN THE TIME, DATE AND LOCATION OF THE BID OPENING, AND ALL SUCH OPENINGS ARE TO BE PUBLIC.

B. WRITTEN SPECIFICATIONS AND BID REQUIREMENTS SHALL BE PROVIDED TO ALL PARTIES RESPONDING TO THE NOTICE OF BID. THE USE OF EXCLUSIVE SPECIFICATIONS TO THE PROHIBITION OF EQUAL ITEMS IS PROHIBITED. THE TOWN RESERVES THE RIGHT TO REJECT ANY AND ALL BIDS AS IS IN ITS BEST INTEREST.

C. TABULATION OF ALL RESPONSIVE BIDS AND A RECOMMENDATION SHALL BE PROVIDED BY THE TREASURER TO THE MAYOR AND COUNCIL.

D. THE FOLLOWING ARE EXCEPTED FROM BID REQUIREMENTS:

1. ITEMS, SERVICES OR MATERIALS OF NOT MORE THAN \$10,000 IN VALUE AND AUTHORIZED IN THE APPROPRIATION ORDINANCE FOR THE CURRENT YEAR MAY BE PURCHASED ON NEGOTIATION AT THE DIRECTION OF THE MAYOR.

2. WHENEVER A FEDERAL, STATE, COUNTY OR LOCAL GOVERNMENT, OR ANY AGENCY OR UNIT THEREOF, WHOSE PURCHASING POLICIES ARE COMPARABLE TO THOSE OF THE TOWN, HAS CONDUCTED A BID AND AWARDED A CONTRACT, THE TREASURER MAY PURCHASE THE BID ITEM AT THE BID PRICE FROM THE SUCCESSFUL BIDDER, SUBJECT, WHERE REQUIRED, TO THE APPROVAL OF THE MAYOR AND COUNCIL. WHENEVER THE TREASURER ELECTS TO PURCHASE AN ITEM, SERVICE OR MATERIAL FROM A SUCCESSFUL BIDDER OF ANOTHER JURISDICTION AS PROVIDED FOR IN THIS SECTION, THE TREASURER SHALL OBTAIN A COPY OF THE JURISDICTION'S PURCHASING POLICIES. FURTHER, THE TREASURER SHALL ENTER INTO A CONTRACT WITH THE SUCCESSFUL BIDDER SETTING OUT THE TERMS AND CONDITIONS OF THE PURCHASE.

3. WHEN THE MAYOR AND COUNCIL DETERMINE THAT THE BID PROCESS SHOULD BE OVERRIDDEN FOR GOOD CAUSE SHOWN.

Section 13. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 2 "Administration", §2-116, "Issuance of permits and licenses" of the Code of the Town of University Park, be enacted to read as follows:

§2-116 ISSUANCE OF PERMITS AND LICENSES. THE CLERK SHALL ISSUE ALL PERMITS AND LICENSES REQUIRED BY THE ORDINANCES OF THE TOWN. THE CLERK SHALL ISSUE SUCH PERMITS AND LICENSES ONLY AFTER THE

APPLICATION HAS BEEN APPROVED BY COUNCIL WHEN SUCH APPROVAL IS NECESSARY.

ARTICLE II

Section 14. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 2 “Administration”, §2-202, “Qualifications for employment” of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

§ 2-202. Qualifications for employment.

To be eligible for appointment as a full-time police officer or a part-time police officer an applicant must:

- A. Be a citizen of the United States;
- B. Be at least 21 years of age;
- C. Be of good moral character;
- D. Have satisfactorily completed the Police Minimum Standards Course or its equivalent for a position as a full-time officer, or be eligible to enroll in the police minimum standards course or its equivalent for a position as a part-time police officer; and
- E. Submit the names and addresses of three references who have personal knowledge of the applicant's moral character, experience, and competence for employment as a police officer.
- F. SUCCESSFULLY COMPLETE A PRE-EMPLOYMENT BACKGROUND INVESTIGATION.
- G. PASS DRUG SCREENING.
- H. PASS PSYCHOLOGICAL SCREENING
- I. PASS PRE-EMPLOYMENT PHYSICAL
- J. HAVE A MINIMUM OF 60 COLLEGE CREDITS.

Section 15. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 2 “Administration”, §2-204, “Hours of duty” of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

§ 2-204. Hours of duty.

The hours of active duty of all police personnel shall be established in writing by the Chief of Police and shall be nondiscriminatory. Police officers shall be on call and available for duty at all times, unless they are certified by a competent medical authority approved by the Chief of Police to be physically unable to work or have been excused by the Chief of Police or [his] designee.

Section 16. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 2 “Administration”, §2-206, “Injury when on active duty” of the Code of the Town of University Park, be repealed with the section number reserved as follows:

~~§ 2-206. RESERVED [~~Injury when on active duty. [Revised, effective 1-23-1994]~~
If a police officer is injured while acting within the scope of his employment, and the officer is found by a competent medical authority approved by the Chief of Police to be physically unable to work, the officer shall continue to receive reimbursement from the Town during the officer's convalescence for a period up to, but not exceeding, 30 calendar days. In the case of a full time police officer, the reimbursement shall be the difference between the officer's salary and any insurance benefits received by the officer as a result of the injury. No sick or annual leave shall be charged to the officer during the aforementioned convalescent period. In the case of a part time police officer, the reimbursement shall be the difference between the part time police officer's average weekly wage for the thirteen week period immediately preceding the injury, and any insurance benefits received by the officer as a result of the injury.]~~

Section 17. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 2 “Administration”, §2-208, “Citations: authority to issue” of the Code of the Town of University Park, be repealed, re-enacted, and amended to read as follows:

§ 2-208. Citations: authority to issue.
All full-time and part-time police officers are authorized to issue State, County, and Town citations for violations of State laws and County and Town ordinances occurring within the jurisdictional limits of the Town, and to issue written warnings for violations of Town ordinances occurring within the jurisdictional limits of the Town. No citation or warning may be rescinded by Town officials, Town employees, or Town police officers EXCEPT AS OTHERWISE PROVIDED BY LAW. Copies of all citations and warnings shall be retained by the Chief of Police for audit purposes for a minimum period of three years after the date of issuance.

Section 18. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that this Ordinance shall become effective twenty (20) days after enactment by the Mayor and Common Council of University Park.

Section 19: Be it further resolved that, after adoption, a complete and exact copy of this Ordinance shall be posted on the entrance door of the Town Building of University Park, Maryland, for a period of not less than ten (10) days, and a fair summary of this Ordinance shall be published at least once in a newspaper having general circulation in the community.

Section 20. If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the Town that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

APPROVED this _____ day of _____, 2022

ATTEST:

MAYOR AND COMMON COUNCIL
TOWN OF UNIVERSITY PARK

By: _____
Lenford C. Carey, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
Suellen M. Ferguson, Town Attorney

Agenda Item 7C

**Legislative Resolution 2021-O-11
Amending Town Code Chapter 3**

LEGISLATIVE RESOLUTION 21-0-11
RESOLUTION AND ORDINANCE OF THE TOWN OF UNIVERSITY PARK TO REPEAL
CHAPTER 3 “ANIMALS AND FOWL”, IN ITS ENTIRETY, AND TO ENACT A NEW
CHAPTER 3, “ANIMAL WELFARE”

WHEREAS, pursuant to §5-202 of the Local Government Article, Annotated Code of Maryland, the Mayor and Common Council of the Town of University Park have the power to pass such ordinances as deemed necessary to protect the health, safety and welfare of the residents of the municipality and to prevent and remove nuisances; and

WHEREAS, Town staff and the Town Attorney have reviewed and made certain recommendations with respect to amendment of Chapter 3, “Animals and Fowl” to, in part, incorporate Subtitle 3, “Animal Control”, of the Prince George’s County Code, update various provisions and reflect current Town practice and procedures; and

WHEREAS, the Mayor and Common Council have determined that the said recommendations are in the public interest and should be adopted.

Section 1: NOW THEREFORE be it resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 3 “Animals and Fowl”, of the Code of the Town of University Park, be repealed in its entirety, and that a new Chapter 3, “Animal Welfare”, be enacted, to read as follows:

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW

[~~Brackets~~] indicate matter deleted from existing law

* * Asterisks* * indicate existing law which are unchanged but not set forth in the ordinance

CAPITALS INDICATE MATTER ADDED BY AMENDMENT TO THE PROPOSED
ORDINANCE

~~[Brackets]~~ indicate matter deleted by amendment to the proposed ordinance

CHAPTER 3 ANIMAL WELFARE

§ 3-101. INCORPORATION OF PRINCE GEORGE'S COUNTY ANIMAL CONTROL ORDINANCE.

A. THE TOWN HEREBY INCORPORATES BY REFERENCE ALL PROVISIONS CONTAINED IN THE PRINCE GEORGE'S COUNTY ANIMAL CONTROL ORDINANCE AS IT IS AMENDED FROM TIME TO TIME. A VIOLATION OF THE PRINCE GEORGE'S ANIMAL CONTROL ORDINANCE BY ANY PERSON IN THE TOWN SHALL CONSTITUTE A VIOLATION OF THIS CHAPTER.

B. NOTWITHSTANDING THE PROVISIONS OF SUBSECTION A OF THIS SECTION, IN THE EVENT OF A CONFLICT BETWEEN THE COUNTY ANIMAL CONTROL ORDINANCE AND THIS CHAPTER, THE PROVISIONS OF THIS CHAPTER SHALL PREVAIL.

C. THIS CHAPTER MAY BE ENFORCED BY THE TOWN'S POLICE DEPARTMENT AND ANY OTHER PERSONS AUTHORIZED BY THE MAYOR AND COUNCIL. THE PROVISIONS OF THIS SECTION AUTHORIZE PRINCE GEORGE'S COUNTY THROUGH ITS ANIMAL CONTROL OFFICERS AND ITS COMMISSION FOR ANIMAL CONTROL TO ENFORCE THE PROVISIONS OF ITS ANIMAL CONTROL ORDINANCE ON PROPERTIES LOCATED WITHIN THE TOWN, INCLUDING WITHOUT LIMITATION THE PROVISIONS CONCERNING DOGS RUNNING AT LARGE AND DANGEROUS ANIMALS.

§ 3-102 CRUELTY, NEGLECT AND PROHIBITED ACTIONS.

A. EACH OWNER OR CUSTODIAN SHALL PROVIDE THE FOLLOWING, IN PROPER AMOUNT IN CONSIDERATION OF THE SPECIES, AGE, CONDITION, WEIGHT, AND SIZE, FOR EACH ANIMAL IN THAT PERSON'S CARE:

- (1) FOOD;
- (2) POTABLE WATER;
- (3) SHELTER AND PROTECTION FROM THE WEATHER;
- (4) SPACE;
- (5) EXERCISE;
- (6) CARE;
- (7) VETERINARY CARE;
- (8) GROOMING;
- (9) LIGHT;
- (10) TRANSPORTATION;
- (11) AIR; AND
- (12) SANITATION.

B. NO ANIMAL SHALL BE OVERDRIVEN, OVERLOADED, DEPRIVED OF NECESSARY SUSTENANCE, TORTURED, TORMENTED, MUTILATED, CRUELLY BEATEN, OR OTHERWISE PHYSICALLY, PSYCHOLOGICALLY, EMOTIONALLY, OR SEXUALLY ABUSED, OR CRUELLY KILLED.

C. IT SHALL BE UNLAWFUL FOR ANY PERSON TO:

- (1) CARRY AN ANIMAL UPON A VEHICLE IN A MANNER THAT JEOPARDIZES THE ANIMAL'S HEALTH AND/OR SAFETY OR CAUSES THE ANIMAL UNNECESSARY PAIN AND SUFFERING.
- (2) LEAVE AN ANIMAL UNATTENDED IN A STANDING OR PARKED VEHICLE IN A MANNER THAT JEOPARDIZES THE ANIMAL'S HEALTH AND/OR SAFETY OR CAUSES THE ANIMAL UNNECESSARY PAIN AND SUFFERING. A POLICE OFFICER OR ANIMAL CONTROL OFFICER MAY USE REASONABLE FORCE TO REMOVE AN ANIMAL LEFT UNATTENDED AND SHALL NOT BE HELD LIABLE FOR ANY DAMAGES AS A RESULT OF TAKING SUCH ACTION TO PROTECT THE ANIMAL'S HEALTH AND SAFETY.
- (3) GIVE OR EXPOSE AN ANIMAL TO POISON, GROUND GLASS, CHEMICALS, OR OTHER HARMFUL SUBSTANCES WITH THE INTENT THAT THE ANIMAL INGEST IT. THIS WILL NOT APPLY TO RODENTICIDE USED IN A RESPONSIBLE MANNER TO DESTROY VERMIN. CARE MUST BE TAKEN TO PROTECT NONTARGETED SPECIES.

§3-103 ANIMALS AT LARGE PROHIBITED.

- (A) ANY PERSON OWNING, KEEPING OR HAVING CUSTODY OF A DOG WITHIN THE TOWN LIMITS SHALL SECURE AND BE IN CONTROL OF SUCH ANIMAL BY MEANS OF A LEASH OR OTHER PHYSICAL CONNECTION, NOT EXCEEDING EIGHT FEET IN LENGTH, EXCEPT WHEN SUCH ANIMAL IS ON THE PREMISES OWNED OR OCCUPIED BY SAID PERSON. ANY DOG NOT CONTROLLED OR SECURED AS PROVIDED IN THIS SECTION AND/OR RUNNING AT LARGE AS DEFINED IN SEC. 3-101 OF THE PRINCE GEORGE'S COUNTY CODE, MAY BE APPREHENDED AND PLACED WITH PRINCE GEORGE'S COUNTY ANIMAL SERVICES AND ADOPTION CENTER.
- (B) ANY DOG FOUND AT LARGE OR RUNNING AT LARGE IS DECLARED TO BE A NUISANCE AND DANGEROUS TO THE PUBLIC HEALTH, SAFETY, AND WELFARE.
- (C) THE OWNER/CUSTODIAN OF ANY DOG RUNNING AT LARGE SHALL BE HELD STRICTLY LIABLE FOR A VIOLATION OF THIS CHAPTER, AND FOR ANY DAMAGES CAUSED BY SAID ANIMAL.
- (D) THE IDENTITY OF AN INFORMANT REPORTING A DOG RUNNING AT LARGE WITHIN THE TOWN SHALL NOT BE DISCLOSED EXCEPT TO EMPLOYEES OF THE COUNTY ANIMAL CONTROL PROGRAM AND DULY AUTHORIZED LAW ENFORCEMENT OFFICERS.
- (E) ANY COUNTY ANIMAL CONTROL OFFICER, POLICE OFFICER, OR OTHER AGENT AUTHORIZED OR EMPOWERED TO PERFORM ANY DUTY UNDER THIS CHAPTER MAY PURSUE ANY DOG AT LARGE OR RUNNING AT LARGE AND MAY GO UPON ANY PREMISES FOR IMPOUNDING THE DOG AT LARGE OR RUNNING AT LARGE. IF THE DOG RETURNS TO THE PREMISES OF ITS OWNER, THE ANIMAL CONTROL OFFICER MAY PURSUE THE ANIMAL UPON THE UNENCLOSED EXTERIOR PREMISES OF THE OWNER. IF THE OWNER OR CUSTODIAN TAKES THE DOG WITHIN THE ENCLOSED INTERIOR PORTION OF THEIR PREMISES, THE ANIMAL CONTROL OFFICER OR POLICE OFFICER MAY DIRECT THE OWNER OR CUSTODIAN TO SURRENDER THE DOG FOR IMPOUNDMENT. NO PERSON, AFTER HAVING BEEN DIRECTED BY AN ANIMAL CONTROL OFFICER OR LAW ENFORCEMENT OFFICER TO SURRENDER AN ANIMAL FOR IMPOUNDMENT, SHALL FAIL TO SURRENDER THE ANIMAL IMMEDIATELY.
- (F) NO ANIMAL RUNNING AT LARGE BY ACCIDENT WITH A PERSON IN IMMEDIATE PURSUIT OF IT SHALL BE DEEMED TO BE AT LARGE, RUNNING AT LARGE OR A STRAY.

§3-104. EXCESSIVE NOISE BY AN ANIMAL PROHIBITED.

- (A) NO PERSON WHO OWNS, KEEPS, OR HAS POSSESSION OF ANY ANIMAL OF ANY KIND WHATSOEVER SHALL PERMIT SUCH ANIMAL TO DISTURB THE QUIET OF ANY PERSON OR NEIGHBORHOOD. PERMITTING AN ANIMAL TO DISTURB THE QUIET OF ANY PERSON OR

NEIGHBORHOOD, OR FAILURE TO KEEP ANY ANIMAL FROM CAUSING FREQUENT OR LONG CONTINUED NOISE, TO THE DISTURBANCE OF THE COMFORT OR REPOSE OF ANY PERSON OR NEIGHBORHOOD, IS DECLARED TO BE A PUBLIC NUISANCE AND DETRIMENTAL TO THE PUBLIC HEALTH AND WELFARE.

(B) ANY PERSON DISTURBED BY A NOISY ANIMAL SHALL FIRST ADVISE THE OWNER OR CUSTODIAN WHO KEEPS SUCH ANIMAL OF THE FACT THAT THE ANIMAL, BY CAUSING FREQUENT OR LONG CONTINUED NOISE, IS DISTURBING THE COMPLAINANT AND THE NEIGHBORHOOD.

(C) NO OWNER OR CUSTODIAN SHALL FAIL TO ABATE A NUISANCE CAUSED BY THE FREQUENT, HABITUAL OR LONG CONTINUING NOISE OF HIS ANIMAL AFTER HAVING BEEN NOTIFIED IN ACCORDANCE WITH THIS SECTION.

§3-105 ANIMAL WASTE.

NO PERSON OWNING, KEEPING OR HAVING CUSTODY OF A DOG, EXCEPT A SERVICE DOG, IN THE TOWN SHALL ALLOW OR SUFFER THE SOLID WASTE OF THAT ANIMAL TO REMAIN IN ANY PUBLIC PLACE, EXCEPT IN RECEPTACLES AUTHORIZED FOR THAT PURPOSE BY THE TOWN, OR ON ANOTHER'S PRIVATE PROPERTY, WITHOUT THE EXPRESS CONSENT FROM THE OWNER OR OCCUPANT THEREOF.

§ 3-106. ANIMAL BURIAL PROHIBITED.

NO PERSON SHALL DEPOSIT OR BURY THE BODY OF ANY DEAD ANIMAL WITHIN THE TOWN.

§3-107 FARM ANIMALS.

FARM ANIMALS MAY BE KEPT ONLY ON PROPERTY WHICH HAS BEEN SPECIFICALLY ZONED BY PRINCE GEORGE'S COUNTY TO PERMIT SUCH KEEPING.

§3-108 LICENSES AND PERMITS REQUIRED.

EVERY ANIMAL KEPT WITHIN THE TOWN SHALL BE LICENSED BY PRINCE GEORGE'S COUNTY IF COUNTY LAW REQUIRES A LICENSE FOR AN ANIMAL OF THAT TYPE. EVERY PERSON WHO IS REQUIRED BY COUNTY LAW TO OBTAIN AN ANIMAL HOBBY PERMIT OR OTHER PERMIT SHALL OBTAIN SUCH PERMIT FROM THE COUNTY.

§ 3-109 RABIES VACCINATION.

ALL CATS, DOGS, AND FERRETS AT LEAST FOUR MONTHS OF AGE OR OLDER SHALL BE PROPERLY VACCINATED AGAINST RABIES WHILE KEPT WITHIN THE TOWN.

§ 3-110 CONFINEMENT AND MUZZLING OF ANIMALS

NOTWITHSTANDING ANY OTHER PROVISION IN THIS CHAPTER, UPON ORDER OF THE TOWN, ANY DANGEROUS OR VICIOUS ANIMAL OR AN ANIMAL WITH A HISTORY OF BITING PEOPLE OR OTHER ANIMALS SHALL BE CONFINED WITHIN A BUILDING OR SECURE ENCLOSURE. WHEN NOT CONFINED, SUCH ANIMAL SHALL BE MUZZLED AT ALL TIMES.

§ 3- 111. PENALTY.

A VIOLATION OF ANY PROVISION OF THIS CHAPTER SHALL CONSTITUTE AN INFRACTION AND SHALL SUBJECT THE OWNER/CUSTODIAN OF THE DOG TO A FINE OF \$200.

Section 2. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that this Ordinance shall become effective twenty (20) days after enactment by the Mayor and Common Council of University Park.

Section 3: Be it further resolved that, after adoption, a complete and exact copy of this Ordinance shall be posted on the entrance door of the Town Building of University Park, Maryland, for a period of not less than ten (10) days, and a fair summary of this Ordinance shall be published at least once in a newspaper having general circulation in the community.

Section 4. If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the Town that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

APPROVED this _____ day of _____, 2022

ATTEST:

MAYOR AND COMMON COUNCIL
TOWN OF UNIVERSITY PARK

By: _____
Lenford C. Carey, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
Suellen M. Ferguson, Town Attorney

Agenda Item 7D

**Legislative Resolution 2021-O-12
Amending Town Code Chapter 4**

Amending Chapter 4, Building and
Construction
Sponsored by: Councilmember McGaughey

LEGISLATIVE RESOLUTION 21-0-12

RESOLUTION AND ORDINANCE OF THE TOWN OF UNIVERSITY PARK TO AMEND CHAPTER 4 “BUILDING AND CONSTRUCTION”, BY REPEALING § 4-111, LIMITATION ON CONSTRUCTION OF SWIMMING POOLS, HOT TUBS AND OTHER WATER RECEPTACLES, AND § 4-114, “DEVELOPMENTAL NONCONFORMITIES”; BY REPEALING AND RE-ENACTING §4-101, “APPOINTMENT OF BUILDING INSPECTOR, APPLICATION OF BUILDING CODE”, §4-102, “DEFINITIONS”, §4-103, “PERMIT REQUIRED”, § 4-104, “PERMIT APPLICATIONS”, §4-105, “CRITERIA FOR CONSTRUCTION OF BUILDINGS”, §4-107, “AMENDMENTS”, §4-108, “SITE INSPECTION”, § 4-109, “CONSTRUCTION SITE REQUIREMENTS”, §4-204, “INSPECTION”, §4-205, “VIOLATIONS”, § 4-206, “PENALTIES”, §4-301, “DRAINAGE CONTROL”, §4-302, “PENALTIES AND ENFORCEMENT”; BY REPEALING, RE-ENACTING AND RENUMBERING §4-112, “SIGNS OR ADVERTISEMENTS”, §4-113, “PERMIT EXPIRATION”, AND §4-115, “SPECIAL EXCEPTIONS” AND BY RENUMBERING §4-116, “PENALTY” AND 4-117, “RULES AND REGULATIONS”.

WHEREAS, pursuant to §5-202 of the Local Government Article, Annotated Code of Maryland, the Mayor and Common Council of the Town of University Park have the power to pass such ordinances as deemed necessary to protect the health, safety and welfare of the residents of the municipality and to prevent and remove nuisances; and

WHEREAS, Town staff and the Town Attorney have reviewed and made certain recommendations with respect to amendment of Chapter 4, “Building and Construction” to, in part, update various provisions and reflect current Town practice and procedures and amendments to the County Zoning Ordinance; and

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW

[Brackets] indicate matter deleted from existing law

* * Asterisks* * indicate existing law which are unchanged but not set forth in the ordinance

CAPITALS INDICATE MATTER ADDED BY AMENDMENT TO THE PROPOSED ORDINANCE

~~[Brackets]~~ indicate matter deleted by amendment to the proposed ordinance

WHEREAS, the Mayor and Common Council have determined that the said recommendations are in the public interest and should be adopted.

Section 1: NOW THEREFORE be it resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 4 “Building and Construction”, §4-101, “Appointment of Building Inspector, application of Building Code” of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

ARTICLE I

Building Code

§ 4-101. ~~Appointment of Building Inspector, a~~Application of Building Code.

A. ~~[The Mayor, with the advice and consent of the common Council, shall select and appoint a Building Inspector for the Town, who shall, unless otherwise decided, be the Town Engineer.]~~

[B.]The rules and regulations for the construction of buildings known as the "Building Code of Prince George's County, Maryland," ~~[1983 edition,]~~ as amended, including references therein to the FOLLOWING REFERENCED CODES~~[Basic Building Code, ninth edition, 1984,]~~ and cumulative supplements thereto, is hereby adopted as the Building Code for the Town of University Park for the control of buildings, structures and grading; and is hereby established and made a part hereof and will be followed and complied with by all builders, contractors, AND individuals ~~[and the Building Inspector]~~, where said provisions are not in conflict with or different from the specific provisions of this chapter or the building restrictions which are incorporated in applicable deeds of conveyance and/or restrictive covenants:

1. THE INTERNATIONAL BUILDING CODE;
2. THE INTERNATIONAL MECHANICAL CODE;
3. THE INTERNATIONAL ENERGY CONSERVATION CODE, 2018 EDITION (HEREINAFTER REFERRED TO AS THE 'IECC'); AND
4. THE INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, 2018 EDITION (HEREINAFTER REFERRED TO AS THE 'IRC');
5. THE INTERNATIONAL SWIMMING POOL AND SPA CODE, 2018 EDITION (HEREINAFTER REFERRED TO AS THE 'ISpsc');
6. THE INTERNATIONAL EXISTING BUILDING CODE 2018 EDITION (HEREINAFTER REFERRED TO AS THE 'IEBC').

B. UPDATED STANDARDS. WHERE EXISTING STANDARDS OR REQUIREMENTS ADOPTED HEREIN HAVE BEEN UPDATED OR SUPERSEDED BY THE PROMULGATING AUTHORITY, SUCH REVISED STANDARD OR REQUIREMENT SHALL BE DEEMED AS THE CURRENT CODE ADOPTED AND AS PRIMA FACIE EVIDENCE OF COMPLIANCE WITH THE INTENT OF THE CHAPTER.

C. CONFLICT WITH THE WASHINGTON SUBURBAN SANITARY COMMISSION PLUMBING AND FUEL GAS CODE: IF A CONFLICT EXISTS BETWEEN THE STANDARDS OR REQUIREMENTS SET FORTH IN THE ADOPTED CODES AND THE STANDARDS AND REQUIREMENTS FOR PLUMBING AND GAS FITTING AS SET FORTH IN THE WASHINGTON SUBURBAN SANITARY COMMISSION PLUMBING AND FUEL GAS CODE, THE STANDARDS OR REQUIREMENTS SET FORTH IN THE LATTER SHALL GOVERN.

D. THE ADOPTION OF THIS SECTION SHALL INCLUDE INCORPORATION BY REFERENCE OF FUTURE AMENDMENTS TO THE PRINCE GEORGE'S COUNTY BUILDING CODE.

Section 2. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 4 "Building and Construction", §4-102, "Definitions" of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

§ 4-102. Definitions.

As used in this chapter, the following terms mean:

BUILDING RESTRICTION LINE - The setback line established by the Prince George's County Zoning Code for the R-55 Zone and RSF-65 zone, by plat, or by covenant or agreement, whichever is applicable, beyond which no part of a main building or other structure may extend.

FENCE - Any structure, wall, retaining wall, barrier, partition or combination thereof erected for the purpose or with the effect of enclosing a piece of land, dividing a piece of land into distinct portions, separating two contiguous estates, or stopping and/or creating an obstacle to pedestrian crossings, or consisting of a section or sections of any type or fencing material, including chain, railing, arbor, or trellis, or any other type of similar structure constructed or set in place and made of any material such as bricks, blocks, stones, wood, iron, wire, plastics, concrete or any other building or construction material. Fence does not include underground, invisible animal restraint barriers.

FRONT LOT LINE - The line running along the "Front of the Lot" and separating it from the Street. In this Subtitle, the Front Lot Line is also called the Front Street Line. In a Through Lot, all lines abutting the Streets are Front Street Lines.

FRONT YARD - All that area between an existing or proposed street, alley or roadway, and the front building restriction line extending from side to side on the property. If the main building on the lot is not contiguous with the front building

restriction line, then the front yard is that area between an existing or proposed street, alley or roadway and a line running parallel to the existing or proposed street, alley or roadway across the front of the main BUILDING (OR ITS ENCLOSED OR COVERED PROJECTION) and running the full width of the lot.

~~[MINOR CONSTRUCTION — The construction of:~~

~~A. Patios;~~

~~B. Prefabricated sheds;~~

~~C. Enclosures of existing porches or patios;~~

~~D. Curb cuts;~~

~~E. Additions to existing structures extending enclosed floor space by 100 square feet or less; and~~

~~F. Sidewalks, steps, driveways or new paving.]~~

REAR LOT LINE - The lot line generally opposite or parallel to the front street, except in a through lot, WHICH HAS NOT REAR LOT LINE. If a rear lot line is less than 10 feet long, or the lot comes to a point at the rear, said rear lot line is assumed to be a line at least 10 feet long, lying wholly within the lot, parallel to the chord of the arc of said front street line.

REAR YARD – ~~[All that area between the rear lot line and a line drawn across the rear of the house or main building on the lot, running the full width of the lot.]~~ THE YARD EXTENDING ACROSS THE WIDTH OF A LOT, BETWEEN THE REAR LOT LINE AND THE NEAREST PART OF A "MAIN BUILDING" (OR ITS ENCLOSED OR COVERED PROJECTION). A THROUGH LOT HAS NO REAR YARD.

SIDE LOT LINE: ANY LOT LINE OTHER THAN A FRONT STREET LINE OR A REAR LOT LINE. A SIDE LOT LINE SEPARATING THE LOT FROM A STREET IS A SIDE STREET LINE. IN THE ABSENCE OF A FRONT STREET LINE, ALL LOT LINE ARE SIDE LOT LINES.

SIDE YARD – ~~[All that area which is not part of the front yard or rear yard, and which is behind the building restriction line.]~~ THE YARD BETWEEN THE SIDE LOT LINE OR SIDE STREET LINE AND THE NEAREST PART OF A MAIN BUILDING (OR ITS ENCLOSED OR COVERED PROJECTION), EXTENDING FROM THE FRONT YARD TO THE REAR YARD OR, IN THE ABSENCE OF EITHER OF THESE YARDS, TO THE FRONT STREET LINE AND REAR LOT LINE. IN THE ABSENCE OF A FRONT STREET LINE, ALL YARD ARE SIDE YARDS. IN A THROUGH LOT, ANY YARD THAT DOES NOT ABUT A STREET IS A SIDE YARD.

Section 3. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 4 ““Building and Construction”, §4-103, “Permit required” of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

§ 4-103. Permit required.

No person shall construct or erect any building, structural addition, ACCESSORY BUILDING, fence, swimming pool, HOT TUB, PATIO, DRIVEWAYS OR WALKWAYS THAT CROSS TOWN RIGHTS-OF-WAY, or other improvement; or move or demolish any sound structure or improvement, without a valid building permit issued by the Clerk~~[-Treasurer or his]~~ OR designee. A permit is not required for the demolition or removal of fences or collapsed structures, or for decorative or preventative maintenance. No construction OR DEMOLITION REQUIRING A PERMIT shall proceed without a validly issued permit being prominently displayed for inspection at the site of construction.

Section 4. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 4 “Building and Construction”, §4-104, “Permit applications” of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

§ 4-104. Permit applications.

A. Applications for Building Permits. All applications for building permits shall be made to the Office of the Mayor and shall be accompanied by a non-refundable filing fee of ~~[\$10]~~ \$50 and the plans and specifications for the work to be done. The plans and specifications shall be accompanied by a survey and a plat of the lot with the location and plan of the structure or structures indicated thereon together with an approved, valid county permit. All applicants shall include the name of the owner, lot and block number, kind of structure, number of stories, structure dimensions, lot coverage and location on the lot, projected use, estimated value of the work to be done, and zoning approval. THE FEE FOR ANY REQUIRED REVIEW BY AN ENGINEER, TO INCLUDE WITHOUT LIMITATION FOR STORM WATER MANAGEMENT REVIEW, SHALL BE PAID BY THE PERMIT APPLICANT. Whenever any work for which a permit is required under this article has been started prior to obtaining a permit, a special review shall be made before the permit is considered and a special review fee of \$100 shall be due and payable, in addition to any other fee noted herein, at the time of filing the application for the required permit. Upon approval by the Town of the application, the applicant shall pay to the Town ~~{Treasurer}~~ CLERK an additional permit fee which shall be calculated by multiplying the permit fee computed by the county pursuant to § 4-~~[2]~~352, by a multiplier of 0.1. The permit fee and any special review fees shall be paid in full prior to the issuance of the permit.

B. ~~[Exceptional requirements. Any plan for the construction of a new building shall demonstrate that the sewer construction or disposal system has been approved by the Washington Suburban Sanitary Commission. Any plans for the demolition or removal of a building shall show that Town and County Police and Fire Departments have approved the plans.~~ C.] Procedures. To be eligible for consideration, permit applications must be submitted to the Office of the Mayor at least five calendar days prior to the date of the meeting at which consideration of the permit is requested. COMPLETED Permit

applications will be considered by the Council at the public meeting. ~~[Each completed application shall be considered by t]~~The Council ~~[which]~~ shall grant or deny a permit. The granting of a permit shall certify to the county that the Town has approved the proposed activity. All application fees are non-refundable and all plans and specifications submitted to the Office of the Mayor shall be kept on file for public inspection, as required by state law.

Section 5. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 4 “Building and Construction”, §4-105, “Criteria for construction of buildings” of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

§ 4-105. Criteria for the construction of buildings.

A. Building and construction: general prohibitions.

(1) No person or persons shall erect any structure, or make any alterations, repairs or additions to any existing structure, and no permit shall issue therefore, unless said structure alterations, repairs and/or additions conform to the building restrictions set forth in this chapter and restrictions which are or may be incorporated in applicable deeds of conveyance and restrictive covenants.

(2) All houses in the Town shall be built and used for residence purposes exclusively, except accessory buildings for use in connection with such residences, and no trade, business, manufacture or sales, or nuisance of any kind shall be carried on or permitted upon any premises, except as provided in the Prince George's County Zoning ~~[Code]~~ ORDINANCE, as amended and applicable Town zoning rules and regulations.

(3) No permit shall be issued for the construction of any dwelling unless it shall be located to conform to the requirements and covenants of any applicable deeds of conveyance and/or restrictive covenants.

~~(4) [No permit shall be issued for construction of any improvement which may reasonably be expected to injure any tree of any size on an abutting or nearby property or to violate any other Town ordinance concerning trees.]~~

~~(5) Air conditioners, heat pumps and accessories shall not be constructed within seven feet of any side lot line or rear lot line nor in the front yard of any property.~~

~~[Revised, effective 12-12-1989]~~

~~B. Residences:~~

~~(1) A permit for a proposed residential structure shall not be issued unless the plans indicate that the value of the proposed residential structure, exclusive of the land, shall equal or exceed \$200,000.~~

~~(2) — A proposed residential structure shall be a minimum of 3,500 square feet in size, including the basement.~~

~~(3) — Brick, natural stone, stucco, clapboard, or a compatible mix of such materials must compose a minimum of 75% of the exterior of the proposed residential structure, exclusive of the doors and windows.]~~

(4) Construction of exposed metal chimneys is prohibited.

~~[(C)Detached Garages:~~

~~(4) — No person or persons shall erect any detached garage, or make any alterations or additions to any existing garage within the Town, so that the structure exceeds one story, or 15 feet in height at its highest point, or exceeds 24 feet by 24 feet in width and depth.~~

~~(5) — No garage shall exceed 75% of the exterior dimensions of the residence it serves.~~

~~(6) — Any detached garage must be made of materials substantially similar to those of the house it serves.~~

~~C. — Other Outbuildings:~~

~~(4)] 5. No outbuilding or other accessory building, or alteration or addition to such existing outbuilding, may be constructed of metal.~~

~~[(2) Any outbuilding larger than 100 square feet must meet the requirements for detached garages.]~~

B. ZONING. PERMITS SHALL BE ISSUED IN COMPLIANCE WITH THE COUNTY ZONING ORDINANCE INCLUDING SETBACK REQUIREMENTS.

Section 6. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 4 “Building and Construction”, §4-107, “Amendments” of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

§ 4-107. Amendments.

Any MINOR change in a project for which a building permit has been issued shall be submitted ~~[to the Office of the Mayor]~~ FOR APPROVAL BY THE MAYOR as an amendment to the plans and specifications of the project. ~~[No work on the change shall commence until the Council has approved the amendment. The Mayor shall issue a]~~ A stop-work order MAY BE ISSUED against any person violating this section.

Section 7. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 4 “Building and construction”, §4-108, “Site inspection”

of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

§ 4-108. Site inspection.

A. Right of inspection. The ~~[Mayor and Building Inspector appointed by the Council]~~ TOWN shall have the right to inspect any activity for which a building permit has been issued and/or requested. This right of inspection shall be exercised only during reasonable hours of the day and shall extend through the duration of the activity.

B. Penalties. The Council ~~[shall]~~ MAY revoke and/or refuse to issue, the permit of any person or his agent who impedes or refuses an inspection, or who deviates from the plans or specifications unless amended.

Section 8. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 4 “Building and Construction”, §4-109, “Construction site requirements” of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

§ 4-109. Construction site requirements.

Persons engaged in activities regulated by building permits may occupy street space with building materials with the consent of and for the time period allotted by the Council~~]. Each contractor or owner occupying a public way with building materials shall exhibit two red lights at each end of the obstruction and red lights not more than 10 feet apart so as to clearly show a passage in the public way. No dirt or rubbish shall be stored on any public way at any time, SUBJECT TO APPROVED CONDITIONS.~~

Section 9. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 4 “Building and Construction”, §4-111, “Limitation on construction of swimming pools, hot tubs and other water receptacles” of the Code of the Town of University Park, be repealed as follows:

~~**§ 4-111. Limitation on construction of swimming pools, hot tubs and other water receptacles.**~~

~~A. Swimming Pools. Every swimming pool constructed in the Town shall:~~

~~(1) Have a water level below ground level;~~

~~(2) Have a filtering system that has been approved by Prince George's County;~~

~~(3) Provide complete drainage by gravity or a pump;~~

~~(4) Be completely enclosed by a fence not less than six feet high, which shall be maintained free of any vegetation, or natural or man-made fibers and which shall not obscure visibility adjoining properties without the approval of the Council.~~

~~(5) Be set back at least 10 feet from both side property lines and at least 20 feet from the rear~~

~~property line. Such measurement shall be made from the inside wall of the swimming pool. No swimming pool apron, deck or diving board shall be placed within 10 feet of any side or rear lot line. No swimming pool pumps, filters or other pool accessories shall be constructed or installed within seven feet of any side or rear lot lines.~~

~~(6) Be equipped with self latching latches on all gates, which shall be placed in such a way as to be inaccessible to small children and said gates shall also be equipped with approved locking devices which shall be locked when the pool is unattended.~~

~~(7) Shall be constructed only on owner occupied property.~~

~~(8) Lighting. Lights used to illuminate any swimming pool shall be so arranged and shaded as to reflect light away from adjoining premises, and shall be maintained and operated in such a manner as not to be a nuisance or an annoyance to any neighboring properties. In no event shall any such lights be on after 11:00 p.m. on any night. Lights and electric outlets and conduits installed under or near the pool surface or within the surrounding deck area shall not be over 12 volts and in all other respects shall comply with the Electrical Code of the county.~~

~~(9) Noise. All pools shall be maintained and operated so that they do not cause nuisances or annoyances to neighboring property owners or any residents of the Town; no person shall make, continue, or cause to be made or continued at any swimming pool, any loud, unnecessary or unusual noise; or any noise which annoys, distorts, injures or endangers the comfort, repose, health, peace or safety of others. Any diving board included as part of a swimming pool shall be so constructed, fastened or snubbed as to eliminate unnecessary noise in its use.~~

~~B. Hot tubs, Jacuzzis and other similar water receptacles. Every outdoor hot tub, Jacuzzi or other similar water receptacle with a depth of more than 24 inches or equipped with a water circulating system constructed in the Town shall:~~

~~(1) Have a filtering system approved by Prince George's County;~~

~~(2) Provide complete drainage by gravity or pump;~~

~~(3) Be equipped with an approved device to completely cover such receptacle when not in use, which shall be locked with approved locking mechanisms when the receptacle is unattended;~~

~~(4) Be placed at the rear of the residential structure and in any event in such a way as to avoid disturbing adjoining properties.]~~

Section 10. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 4 “Building and Construction”, §4-112, “Signs or advertisements” of the Code of the Town of University Park, be repealed, re-enacted, renumbered and amended to read as follows:

§ 4-[112]111. Signs [or advertisements].

~~[No sign or advertisement connected with any business enterprise shall be erected or maintained in the Town. Signs advertising the sale or rent of the property on which they are located are exempt from this provision.]~~ THE PROVISIONS OF SUBTITLE 27, ZONING, SEC. 27-61500 *ET SEQ.*, “SIGNAGE”, OF THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE, AS AMENDED FROM TIME TO TIME, ARE HEREBY ADOPTED AND INCORPORATED HEREIN BY REFERENCE. ANY SIGN ERECTED IN VIOLATION OF THE AFOREMENTIONED PROVISIONS OF THE

PRINCE GEORGE'S COUNTY ZONING ORDINANCE SHALL BE AN ILLEGAL SIGN.

Section 11. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 4 “Building and Construction”, §4-113, “Permit expiration” of the Code of the Town of University Park, be repealed, re-enacted, renumbered and amended to read as follows:

§ 4-~~113~~112. Permit expiration.

A Town permit under which no work is commenced within six months after the date of issuance, shall expire and become null and void unless, prior to expiration, the permit is extended BY THE MAYOR’S OFFICE. [~~for a period not to exceed an additional six months by the Council~~].

Section 12. . Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 4 “Building and Construction”, §4-114, “Permit expiration” of the Code of the Town of University Park, be repealed as follows:

~~§ 4-114. Developmental nonconformities.]~~

~~Any part or aspect of a structure which no longer meets the requirements and specifications set forth in this Building Code, which is part of a residence or a structure attached to a residence, may be replaced or repaired. A developmental nonconformity which is detached from a residence may not be replaced. No developmental nonconformity may be expanded. An air conditioner or heat pump which is a developmental nonconformity may not be replaced.]~~

Section 13. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 4 “Building and Construction”, §4-115, “Special exceptions” of the Code of the Town of University Park, be repealed, re-enacted, renumbered and amended to read as follows:

§ 4-~~115~~ 113. Special exceptions.

A. The Common Council may consider an application for a special exception based upon a particular case or situation, and may approve the application provided that there is a showing of hardship, unique topography, unusual circumstances or safety considerations that warrant an exception. Special exceptions shall be granted by the Council only if it finds that such exception:

1. Will not adversely affect the public health, safety, welfare or interest, nor the reasonable use of adjoining properties;
 2. Will not violate any covenants applicable to the property;
 3. Can be granted without substantial impairment of the purpose and intent of the Town building regulations;
 4. Will not interfere with or obstruct the visibility of motorists or cyclists; and
 5. Will not unduly impede the enforcement of any other applicable law.
- B. ALL ABUTTING AND CONFRONTING OWNERS TO THE PROPERTY SHALL BE NOTIFIED IN WRITING AT LEAST 10 DAYS PRIOR TO A COUNCIL MEETING AT WHICH A REQUEST FOR A SPECIAL EXCEPTION WILL BE CONSIDERED.

Section 14. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 4, “Building and Construction”, §4-116, “Penalty” and 4-117, “Rules and Regulations”, of the Code of the Town of University Park, be renumbered as §4-114 and §4-115, respectively.

ARTICLE II

Erosion and Sediment Control

Section 15. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 4 “Building and Construction”, §4-204, “Inspection” of the Code of the Town of University Park, be repealed, re-enacted, and amended to read as follows:

§ 4-204. Inspection.

All construction projects for which an erosion and sediment control plan is required shall be inspected periodically by the Town DESIGNATED Engineer to determine compliance with the plan. The Town [Engineer] shall [immediately] notify the permittee in writing of any [~~exceptions to~~] NON-COMPLIANCE WITH the approved plan [~~noted in his inspection~~] and shall specify a reasonable number of days in which the work must be corrected to conform to the plan. [~~A final inspection shall be made and a report of same referred to the Prince George's Soil Conservation District.~~] In addition to any other permit fees and charges, the Town may charge an additional fee, in an amount sufficient to cover the cost of inspections by the Town DESIGNATED Engineer.

Section 16. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 4 “Building and Construction”, §4-205, “Violations” of the Code of the Town of University Park, be repealed, re-enacted, and amended to read as follows:

§ 4-205. Violations.

Upon failure to take the directed corrective action within the time specified by the Town [Engineer], the permittee shall be deemed to be in violation of this article. Each day a violation continues uncorrected shall be deemed a separate offense. In addition, the Mayor may authorize the Town Counsel or other legal counsel to seek injunction or other appropriate relief to correct such violations.

Section 17. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 4 “Building and Construction”, §4-206, “Penalties” of the Code of the Town of University Park, be repealed, re-enacted, and amended to read as follows:

§ 4-206. Penalties.

Any person, partnership, firm, ENTITY or corporation violating the provisions of this article~~[, upon conviction of such violation, shall be]~~ IS subject to a MUNICIPAL INFRACTION AND penalty of \$200. ~~[Imprisonment in default of fine shall not exceed 25 days and shall be regulated by the provisions of Section 4 of Article 38 of the Annotated Code of Maryland.]~~

ARTICLE III
Drainage

Section 18. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 4 “Building and Construction”, §4-301, “Drainage control” of the Code of the Town of University Park, be repealed, re-enacted, and amended to read as follows:

§ 4-301. Drainage control.

A. No person shall construct, install, erect or establish any device, structure, or system for the removal of surface or subsurface water, OR EXCAVATE, ALTER OR REGRADE THE SURFACE TO CHANGE THE FLOW OF SURFACE OR SUBSURFACE WATER, from any property within University Park without a permit issued by the Town. Applications for drainage permits shall be

made to the [~~Chairman of the Building Specifications Committee~~] with a non-refundable filing fee of [~~\$1~~] \$50.00 and plans for the work to be done and referred to the Town's SELECTED Engineer for review. THE TOWN MAY INCLUDE IN THE APPLICATION FEE THE COST FOR THE TOWN DESIGNATED ENGINEER TO APPROVE AND INSPECT THE WORK. The Town DESIGNATED Engineer may approve the application upon a finding that the proposed [~~drainage system or structure~~] WORK shall not result in an alteration of the natural drainage patterns in a manner adversely affecting Town property or adjacent properties. Notwithstanding anything contained herein, a permit will not be required of any person establishing a drainage system which connects an established storm drain system maintained and operated by a public or governmental agency.

B. [~~Upon written request addressed to t~~]The Mayor[~~, the Town Engineer~~] may require any person or property owner to remove or modify any established device, drainage system or structure for the removal of surface or subsurface water from any property [~~within University Park,~~] OR ANY EXCAVATION, ALTERATION OR REGRADING OF THE SURFACE at the expense of the owner of the property upon which the system or structure is located, upon a finding that the continued maintenance of the system or structure, EXCAVATION, ALTERATION OR REGRADING is changing the natural flow of water from said property in a manner adversely affecting Town property or adjacent properties.

Section 19. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 4 "Building and Construction", §4-302, "Penalties and enforcement" of the Code of the Town of University Park, be repealed, re-enacted, and amended to read as follows:

§ 4-302. Penalties and enforcement.

Any violation of this article, including a failure to comply with an order of the Town [~~Engineer~~], shall constitute an infraction subject to a penalty of \$200 and further shall be subject to injunction and other appropriate legal remedies requiring removal of the structure, device or system, AND/OR EXCAVATION, ALTERATION OR REGRADING at the expense of the person installing or authorizing the installation of the system and/or the owner of the property.

- * On September 17, 1984, the Town adopted CB-52-1984 of Prince George's County, Maryland as the Town's Stormwater Management Ordinance and delegated the authority for administration and enforcement to Prince George's County. The text of CB-52-1984 is attached to this Code of Ordinances as Appendix A and is made a part hereof [**Resolution 84-10; 9-17-1984**]

Section 20. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that this Ordinance shall become effective twenty (20) days after enactment by the Mayor and Common Council of University Park.

Section 21: Be it further resolved that, after adoption, a complete and exact copy of this Ordinance shall be posted on the entrance door of the Town Building of University Park, Maryland, for a period of not less than ten (10) days, and a fair summary of this Ordinance shall be published at least once in a newspaper having general circulation in the community.

Section 22. If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the Town that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

APPROVED this _____ day of _____, 2022

ATTEST:

MAYOR AND COMMON COUNCIL
TOWN OF UNIVERSITY PARK

By: _____
Lenford C. Carey, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY


By: _____
Suellen M. Ferguson, Town Attorney

Agenda Item 8A
Budget Adjustment Memo

MEMO

Date: January 13, 2022

To: Mayor and Council

From: Dan Baden, Treasurer 

Re: Budget Adjustment Substantiation

An analysis of the fiscal year 2022 Budget has been performed and the adjustments shown below outline the proposed changes that should be made to the FY2022 Budget. All these adjustments are covered from other line items within each Departmental Budget.

The Adjustments are as follows:

<u>Account Name</u>	<u>From</u>	<u>To</u>
General Government		
Salaries – General Government	\$3,400	
Building Maintenance		\$3,400
Police Department		
Salaries – Police	\$15,000	
Police Supplies & Manuals		\$5,000
Travel, Meetings Professional Dues		5,000
Vehicle Maintenance		5,000
Public Works		
Salaries – Public Works	\$14,300	
Work Storage	30,000	
Uniforms		\$500
Medical Exams		500
Training		1,400
Park Upkeep		1,500
Recycling		3,000
Fuel		5,000
Park Tree Maintenance		7,500
Street Tree Maintenance		7,500
Public Works Garage – Capital Outlay		7,400
Vehicle Maintenance		10,000

Prior Years Surplus

Increase by **\$402,998** to agree with the FY2021 audit. Total Fund Balance at 7/1/21 is \$2,998,035.

The transfer to Building Maintenance in the General Government Budget is needed to cover the cost to sand and refinish the hardwood floors in the conference room of the Town Hall. This is needed due to water damaged caused by a leaky air conditioner. The cost of this repair is \$2,524. The insurance deductible is \$2,500 so this is not covered by insurance. In addition, we also are proposing that we sand and refinish the hallway and stairs that lead to the conference room at the same time at an additional cost of \$1,212.

Additional explanation for the Police and Public Works proposed changes can be found on the attached memos from Chief Baker and Mickey Beall.

The transfers proposed will be presented at the January 18, 2022 Town Meeting. If you have any questions before the meeting please feel free to contact me.

MEMO

Date: January 12, 2022
To: Mayor Carey
From: Mickey Beall
Re: Mid-Year Line Item Transfers

I request the transfer of \$44,300 from DPW line items for which an FY22 budget surplus is expected, to cover added costs in other line items as follows:

FROM:

DPW Work Storage \$30,000
Salaries \$14,300

TO:

Uniforms: \$500

To cover greater than anticipated expenses due to the hiring of several individuals.

Medical Exams: \$500

To cover greater than anticipated expenses due to the hiring of several individuals.

Training: \$1,400

To cover additional costs related to snowplow simulator training for several inexperienced plow drivers.

Park Upkeep: \$1,500

To cover additional costs related to the repair of the 9/11 Bridge.

Recycling: \$3,000

To cover an increase in costs related to the semi-annual drop off events, and general recycling volume.

Fuel: \$5,000

To cover additional costs due to a increase in fuel prices. The price of diesel rose nearly 20% from April through December.

Park Tree Maintenance: \$7,500

To cover additional costs related to the storm damage on January 3rd.

Street Tree Maintenance: \$7,500

To cover additional costs related to the storm damage on January 3rd.

Public Works Garage: \$7,400

To cover settlement costs for the purchase of the maintenance garage.

Vehicle Maintenance: \$10,000

To cover greater than anticipated costs for maintenance due to the overly optimistic Director of Public Works

I request this be included among the transfers on the agenda for the council meeting scheduled for January 18, 2022.



UNIVERSITY PARK POLICE DEPARTMENT

6724 Baltimore Avenue

University Park, Maryland 20782

(301) 277-0050

FAX (301) 779-1905

January 10, 2022

To: Mayor Len Carey

Via: Dan Baden

From: Chief Harvey R. Baker

Subject: **FY22 Mid-Year Budget Transfers**

I would like to transfer a total of \$15,000 from an account for which a FY22 budget surplus is expected to cover added costs in other line items as follows:

From:

6345-03 Police – Regular: \$15,000

To:

6315-03 Police Supplies & Manual: \$5,000

To cover unanticipated costs associated with community policing initiatives.

6330-03 Travel, Meetings, Prof. Dues: \$5,000

To cover costs associated with attending MML Conference and MD Chief of Police Professional Development Seminar.

6370-03 Vehicle Maintenance: \$5,000

To cover unanticipated dealership repairs to P31, 2017, Unmarked Ford Interceptor.

Agenda Item 8B
Emergency Ordinance
for ARPA Fund Transfer

Ordinance to Amend the Fiscal Year 2022 Budget
Sponsored by: Councilmember

EMERGENCY LEGISLATIVE RESOLUTION 22-O-01

Resolution and Ordinance of the Town of University Park, to amend the FY 2022 Budget Ordinance, Legislative Resolution 21-O-02, to establish a new expenditure line item Operating General Government - 6970-09 American Rescue Plan Expenditures, and to transfer \$871,708 from Unreserved-Designated Funds line item 6603-08, American Rescue Plan Reserve, to the new 6970-09 American Rescue Plan Expenditures line item to enable payments approved by the Mayor and Council.

Section 1: Be it resolved and ordained by the Mayor and Common Council of the Town of University Park that Legislative Resolution 21-O-02, Fiscal Year 2022 Budget Ordinance, be and is hereby amended to:

1. Establish a new “Operating General Government, 6970-09 American Rescue Plan Expenditures” expenditure line item; and
2. Transfer \$871,708 from the “Unreserved – Designated Funds 6603-08, American Rescue Plan Reserve” line item to the “Operating General Government- 6970-09 American Rescue Plan Expenditures” line item.

Section 2. Be it further resolved that this resolution shall become effective immediately as emergency legislation upon enactment by four members of Common Council of University Park.

Section 3. If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW

~~[Brackets]~~ indicate matter deleted from existing law

* * Asterisks* * indicate existing law which are unchanged but not set forth in the ordinance

CAPITALS INDICATE MATTER ADDED BY AMENDMENT TO THE PROPOSED ORDINANCE

~~[Brackets]~~ indicate matter deleted by amendment to the proposed ordinance

remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the Town that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

Section 4: Be it further resolved that a complete and exact copy of this proposed Ordinance shall be posted on the entrance door of the Town Building of University Park, Maryland, for a period of not less than ten (10) days, and a fair summary of this Ordinance shall be published at least once in a newspaper having general circulation in the community.

INTRODUCED by the Mayor and Common Council of the Town of University Park, at a regular meeting on the ____ day of _____, 2022.

ADOPTED by the Mayor and Council of the Town of University Park, Maryland at a regular meeting on the _____ day of _____ 2022.

EFFECTIVE the _____ day of _____, 2022.

ATTEST:

MAYOR AND COMMON COUNCIL
TOWN OF UNIVERSITY PARK

By: _____
Lenford C. Carey, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
Suellen M. Ferguson, Town Attorney

Agenda Item 8C
Parking Restriction Ordinance

Amending Section 9-104 Parking
Sponsored by: Councilmember

LEGISLATIVE RESOLUTION 22-0-02

Resolution and Ordinance of the Town of University Park to amend Chapter 9 “Traffic and Vehicles”, Article 1, “Traffic”, Section 9-104, “Parking” to prohibit parking at any time on the north side of Underwood Street from its intersection with Adelphi Road to its intersection with 40th Avenue.

WHEREAS, pursuant to §5-202 of the Local Government Article, Annotated Code of Maryland, the Mayor and Common Council of the Town of University Park have the power to pass such ordinances as deemed necessary to protect the health, safety and welfare of the residents of the municipality and to prevent and remove nuisances; and

WHEREAS, the Transportation Article, Annotated Code of Maryland, authorizes the Town to adopt parking and traffic regulations; and

WHEREAS, the Mayor and Common Council have adopted Chapter 9, “Traffic and Vehicles”, of the Town Code to regulate parking and traffic in the Town; and

WHEREAS, issues with parking, traffic and pedestrian safety have arisen on the 3900 block of Underwood Street; and

WHEREAS, the Mayor and Common Council, have determined that it is in the public interest to prohibit parking at any time on the north side of Underwood Street from its intersection with Adelphi Road to its intersection with 40th Avenue.

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW

[~~Brackets~~] indicate matter deleted from existing law

* * Asterisks* * indicate existing law which are unchanged but not set forth in the ordinance

CAPITALS INDICATE MATTER ADDED BY AMENDMENT TO THE PROPOSED ORDINANCE

~~[Brackets]~~ indicate matter deleted by amendment to the proposed ordinance

Section 1: NOW THEREFORE be it resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 9 “Traffic and Vehicles”, Article 1 “Traffic”, Section 9-104 “Parking”, of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

Section 9-104 Parking

A. Prohibitions * * * *

(1) * * * *

(2) Parking. No person shall park any vehicle at any time in the specified places on the following streets:

Name of Street	Side	Location
	* * * *	
xxii. Underwood Street	[South] BOTH	From Adelphi Road to 40 th Avenue and the entire park turnaround
	* * * *	

Section 2. Be it further resolved that this ordinance shall become effective twenty (20) days after enactment by the Mayor and Common Council of University Park. If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the Town that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

Section 3: Be it further resolved that a complete and exact copy of this proposed Ordinance shall be posted on the entrance door of the Town Building of University Park,

Maryland, for a period of not less than ten (10) days, and a fair summary of this Ordinance shall be published at least once in a newspaper having general circulation in the community.

APPROVED this _____ day of _____, 2022

ATTEST:

MAYOR AND COMMON COUNCIL
TOWN OF UNIVERSITY PARK

By: _____
Lenford C. Carey, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
Suellen M. Ferguson, Town Attorney