

**MEETING OF
UNIVERSITY PARK MAYOR AND COMMON COUNCIL
WILL BE HELD
VIA VIDEO AND AUDIO CONFERENCE
7:00 p.m.
September 30, 2021
SPECIAL WORK 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/83932466622?pwd=LzdBMHZpeER3STdZc0VpOEFVNThsZz09>
To join with audio only, dial: (301) 715-8592
Meeting ID: 839 3246 6622
Passcode: 264327

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 #4. 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 Andrea Marcavitch at amarcavitch@upmd.org. All electronic comments must be submitted by 12 p.m. on September 30, 2021. Comments received will be read by the Town Clerk during public comment.

1. CALL TO ORDER: *Mayor Carey*

Present:	Biermann Gathercole Morrissey Morgan McGaughey Wells Stephen	Absent:	Biermann Gathercole Morrissey Morgan McGaughey Wells Stephen
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2. PLEDGE OF ALLEGIANCE – Mayor Carey

3. APPROVAL OF THE AGENDA

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

4. PUBLIC COMMENT

5. NEW BUSINESS

A. ADOPTION OF RESOLUTION 2021-R-06 RECOGNIZING THE CONTRIBUTION OF CHURCH OF THE BRETHREN PASTOR KIM MCDOWELL

Motion: To adopt Resolution 2021-R-06, proclaiming gratitude to pastor Kim McDowell for her service to our community.

Moved by:

Seconded by:

Yea:

Nay:

Abstain:

6. CONTINUING BUSINESS

A. TOWN CODE REVISION

Discussion of proposed changes to chapters 1-4 of the Town Code.

7. ADJOURNMENT

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

Agenda Item 6A
08/13/2021 Town Attorney Memo to Council
re: Summary of Changes to Town Code
Chapters 1-4



MEMORANDUM

To: Mayor and Council
From: Town Attorney Suellen M. Ferguson
Re: Summary of Changes – Chapters 1-4 of the Town Code
Date: August 13, 2021

The current review is of Chapters 1 through 4 of the Town Code. Non-substantive changes, such as updating code references, are not summarized.

CHAPTER 1 GENERAL PROVISIONS

Various definitions are added.

Question: Should the default municipal infraction fine be increased from \$25.00?

CHAPTER 2 ADMINISTRATION

§ 2-102, Annual financial statement, which requires the Council to file a statement of the financial condition of the Town has been deleted. This provision is no longer required, as the Town Council adopts a budget and there is an annual audit. This provision has not been followed in decades.

§ 2-105, Appointment and duties of the Treasurer, is amended and §2-115, Purchasing and Contracts, is added, to set a more detailed bidding process, clarify that the Clerk handles building permit applications, and that the Treasurer shall prepare for the Mayor and Council an annual financial report that has been audited by an independent certified public accountant.

§ 2-107, Homestead property tax credit, is amended to allow the Homestead Property Tax Credit to be set annually by Council resolution.

§ 2-109, Inventory of Town property amended to require an inventory of Town property on an annual basis, instead of a quarterly basis. Quarterly basis inventories are not done.

§ 2-110, Disposal of surplus Town property, is amended to delete complicated requirements for disposal of surplus Town property, some of which have little or no value, and include a provision that the Town use advertisement or auction or other method designed to get the best price.

§ 2-202, Qualifications for employment, is amended to add requirements for employment as a Town police officer, in conformance with the General Orders and current practice.

§ 2-206, Injury when on active duty is deleted. This provision authorized payment of the difference between the 2/3 of salary that police officers receive when off on workers compensation and what their normal salary would be, to the officer for up to 30 days. This had the unintended effect of increasing time off.

Question: Should § 2-108, line item control of budget, be amended to allow line item expenditures to be exceeded at the discretion of the Mayor for more than \$300, the current limit?

Question: Should the amount at which a bid procedure is required for contracting be increased from \$10,000?

CHAPTER 3 ANIMALS AND FOWL

This Chapter is almost entirely re-written. The references are updated, and made compliant with the County Code, so that the County Animal Control Board will continue to handle Town cases.

CHAPTER 4 BUILDING AND CONSTRUCTION

§4-101, Appointment of Building Inspector, application of Building Code – Changes title; deletes reference to a Building Inspector, which is a position and function that do not exist in the Town; updates to current titles and the applicable building codes also adopted in the County Building Code.

§4-102, Definitions – Deletes reference to minor construction, as this is not a term used in the Code; updates or adds definitions to be consistent with County Code.

§4-103, Permit required – Adds certain types of construction that require a building permit but are not specifically referenced.

§4-104, Permit applications – Deletes outdated reference to WSSC, police and fire department approvals. These are handled through the County permit system.

§4-105, Criteria for construction of buildings – Specifically recognizes that Town permits will not be issued unless County zoning ordinance requirements are met; deletes prohibition on construction of any improvement of any size that is likely to injure a tree of any size on adjacent properties, on the basis that this provision is not enforceable; and deletes the side lot line restriction for air conditioners, etc., because this is a zoning matter and therefore a County issue; removes restrictions on value, size, and materials for construction of single family homes, garages and other outbuildings on the basis that this is governed by County zoning ordinance. Retains restrictions on metal chimneys and outbuildings.

§4-104, Amendments. Authorizes the Office of the Mayor to amend a permit if appropriate without returning to the Council for approval.

§4-109, Construction site requirements – for more flexibility, removes specific requirements from the Code, allowing them to be included as conditions on the permit instead.

§ 4-111. Limitation on construction of swimming pools, hot tubs and other water receptacles – deleted, as these requirements are found in the County Zoning Ordinance, which has jurisdiction on this use issue.

§4-112 Signs or advertisements – deletes restrictions on signage, as this is a zoning matter that is governed by the County. The Town can issue permits for installations of signage but cannot change the County limits. Unfortunately, the County’s sign code is deficient.

§4-113 Permit expiration – Authorizes the Mayor, instead of the Council, to extend a permit and removes the 6-month automatic limit.

§4-114 Developmental non-conformities – deletes this limitation on building. The uses allowed on a property are governed by the County’s Zoning Ordinance. How and when a non-conforming construction is allowed to continue is governed by that Code.

§4-115 Special Exceptions – requires notification to abutting and confronting owners of consideration of a hearing.

§ 4-301. Drainage control – amends this section to reflect increased need for inspection by a Town selected engineer, as drainage issues increase throughout Town.

Question: Should the current initial permit fee of \$10 be changed?

Question: Should the fee for a Town selected engineer to review construction plans be required as part of the building permit fee?

Question: In 4-106, should the method for assessing the bond be changed?

Question: In 4-301, should discuss how engineering fees necessitated by drainage control issues are paid for.

Agenda Item 6A
Proposed Edits to Town Code
Chapters 1-4

Chapter 1
GENERAL PROVISIONS

§ 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.

§ 1-107. Misdemeanor for failure to give identification when requested by a police officer.

§ 1-108. Severability.

[Revised 10-2009]

[§ 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.

§ 1-102. Ordinances repealed and their effect.

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.]

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

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.

§ 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 to this Code, any reference to a chapter or section number from the *** 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.

§ 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~~[- 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.

§ 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.

§ 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.

§ 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, 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.

§ 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, ~~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:

Commented [HB1]: Prince George's County Police are also authorized to issue a municipal infraction in the town.

- (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.
 - (a) Attesting to the truth of the matters set forth in the citation; or
 - (b) 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~~. The fine for each repeated violation of any Code provision shall be double the fine for the initial infraction, not to exceed \$1,000.

Commented [SMF2]: Should the default fine be raised

- 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 judgement 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:
 - (1) Regular mail to the defendant's last known address; or
 - (2) Any other means that are reasonably calculated to bring the bill to the defendant's attention.

- (3) 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.
[Amended effective 2-12-1995]

**§ 1-107. Misdemeanor for failure to give identification when requested by a police officer.
[Effective 4-8-1984]**

It is a misdemeanor for an individual to refuse to identify himself or herself when requested by a police officer seeking to issue a citation. Where a person refuses to provide identification as set forth in this section, a violation of any section of this Code which the police officer is seeking to enforce will be treated as a misdemeanor rather than an infraction.

§ 1-108. Severability.

If any section or part of a section of this Code is held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of the Code, nor the context of its parts, except to the extent that the section or part held invalid may be inseparably connected in meaning and effect with the section or part of section to which such holdings apply.

Chapter 2
ADMINISTRATION

ARTICLE I
General Administration

- § 2-101. Petitions and request of the Council.
- § 2-102. Annual financial statement.
- § 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 surplus Town property.
- § 2-111. Appointment of the Director of Public Works.
- § 2-112. Use of Town Seal, Name or Logo.

- § 2-113. Compensation of the Mayor.
- § 2-114. Welcoming Town.

ARTICLE 2
Police Personnel

- § 2-201. **Definitions.**
- § 2-202. **Qualifications for employment.**
- § 2-203. **Personnel actions.**
- § 2-204. **Hours of duty.**
- § 2-205. **Procedures for regulating employment benefits and size of force, general operating rules.**
- § 2-206. **Injury when on active duty.**
- § 2-207. **Chief of Police: duties and powers.**
- § 2-208. **Citations: authority to issue.**

ARTICLE 1
General Administration

§ 2-101. Petitions and request of the Council.

Any petition or request presented to the Council may be acted upon without referral to committee, or may be referred to a committee in the discretion of the Council.

~~§ 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.]~~

§ 2-103. Standing committees. [Revised, effective 11-7-1990; 7-1-1994; 4-7-1997]

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.

§ 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.

§ 2-105. Appointment and duties of the Treasurer. [Revised effective 7-7-2003; amended 8-11-2014 by Ord. No. 14-0-07]

- 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.~~]

- E. 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. **[Effective 10-10-1977]**

§ 2-106. Employee benefit plans.

- A. The Common Council may elect to adopt a mandatory retirement and/or savings plan in which all ~~salaries~~ 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. **[Effective 5-14-1986, revised 1-4-1998; amended 6-7-2009]**
- B. The Common Council shall adopt a health benefit/hospitalization plan in which all ~~salaries~~ PERMANENT FULL TIME employees of the Town may participate. **[Effective 10-9-1990]**

§ 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. **[Effective 2-17-1991]**

§ 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 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. **[Effective 11-7-1993]**

Commented [SMF3]: This could be raised

§ 2-109. Inventory of Town property. [Effective 3-22-1994]

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.

§ 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.] [Effective 5-8-1994]~~ ONCE DECLARED SURPLUS, TOWN PROPERTY MAY BE DISPOSED OF BY ADVERTISEMENT, AUCTION, OR OTHER METHOD LIKELY TO RESULT IN THE HIGHEST RETURN.

§ 2-111. Appointment of the Director of Public Works. [Added 8-11-2014 by Ord. No. 14-0 -07]

The Director of Public Works shall be appointed by the Mayor and approved by the Council. The Director of Public Works shall serve at the pleasure of the Mayor and Council.

§ 2-112. Use of Town Seal, Name or Logo. [Effective 1-8-2005]

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.

§ 2-113. Compensation of the Mayor. [Adopted by Ord. No. 11-0-06; amended 3-7-2016 by Ord. No. 16-0-02]

- 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.

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1. **Editor's Note: This ordinance also provided for the repeal of former § 2-111, Employee probationary period, as amended, § 2-112, Injury While Working, as amended, and § 2-113, Employee Drug and Alcohol Testing, and the renumbering of the remainder of this article.**

§ 2-114. Welcoming Town. [Added 3-2-2020 by Ord. No. 20-0-02]

- A. In general. Except as authorized in this section, no Town official or employee may:
- (1) Inquire into an individual's citizenship or immigration status;
 - (2) Act based solely on the individual's citizenship or immigration status;
 - (3) Utilize or allow to be utilized Town resources to support federal civil immigration enforcement operations or activities;
 - (4) Detain or arrest an individual based solely on known or suspected violations of federal civil immigration law;
 - (5) Utilize any individual's citizenship or immigration status as an interrogation tool or tactic, or communicate to a suspect, detainee, or arrestee that any individual's ability to remain within the United States of America may be in jeopardy;
 - (6) Enter into an agreement under 8 U.S.C. § 1357(g) or any other federal law that permits state or local governmental entities to enforce federal civil immigration laws or detainers; or
 - (7) Participate in enforcement of civil detainers or other violations of the federal civil immigration and nationality laws.
- B. Authorized police actions. No provision in this section prevents:
- (1) The Town's Police Department, or any other Town official or employee, from investigating, detaining, or arresting violators of the criminal law or assisting any law enforcement agency with investigations or arrests relating to criminal activity and suspected criminal activity.
 - (2) Compliance with the provisions of 8 U.S.C. § 1373.
- C. Town benefits. Unless otherwise required by federal law, state law, the Town Code, or court order, the provision of Town benefits, opportunities, or services may not be conditioned:
- (1) On a person's citizenship or immigration status; or
 - (2) Based solely on the ability of the person to provide a driver's license or identification card issued by the State of Maryland.
- D. Request for and retention of information.
- (1) The Town may not request or retain information related to an individual's citizenship or immigration status, except for information required for voting or employment, unless required by federal law, state law, the Town Code, or court order.
 - (2) No provision in this section shall be construed as preventing any official or employee from complying with 8 U.S.C. § 1644.

E. Construction. This section shall be construed to comply with federal law, state law, the Town Code, and any applicable court order. This section does not prohibit disclosure of information regarding citizenship or immigration status if the disclosure is:

- (1) Required or authorized by federal law, state law, the Town Code, or court order;
- (2) Authorized in writing by the subject of the information; or
- (3) Related to the Town's eligibility requirements for employment and/or employee benefits.

§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:

Commented [SMF4]: Can be increased

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.

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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.

ARTICLE 2
Police Personnel

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§ 2-201. Definitions. [Effective 2-19-1978]

For the purpose of this article the term "police officer" shall mean a person who is employed by the Town of University Park as a police officer. The term "full-time police officer" shall mean a police officer who is paid at an annual rate for full time (40 hours per average seven-day week) police work. The term "Part-time police officer" shall mean a police officer who is paid at an hourly rate for part-time (less than 40 hours per average seven-day week) police work.

§ 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.

§ 2-203. Personnel actions. [Revised effective 1-23-1994; 7-11-1994]

All personnel actions involving full-time and part-time police officers, including all hiring, promotions, salary increases, terminations, dismissals, demotions, reductions in pay, and all suspensions shall be decided by the Chief of Police, or his designee, subject to the Law Enforcement Officer's Bill of Rights, and except as otherwise provided by law. All police officers shall serve a probation period equal to 24 months' active duty.

§ 2-204. Hours of duty. [Revised, effective 1-23-1994]

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.

§ 2-205. Procedures for regulating employment benefits and size of force, general operating rules. [Revised, effective 1-23-1994; 2-17-2002]

Resolutions shall be adopted by the Mayor and Council establishing the functions, duties, pay, leave, other employment benefits, and the number of officer positions for the police department. By resolution, the Council may amend the Police Department General Operating Rules and Regulations. Any amendments of the General Operating Rules and Regulations instituted by the Chief of Police pursuant to § 2-207 shall be forwarded by the Chief to the Council for approval. In the event that the Council fails to take action as to any amendment of the General Operating Rules within 30 days of receipt, the amendment shall be deemed approved.

~~§ 2-206. 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.]~~

§ 2-207. Chief of Police: duties and powers. [Revised, effective 1-23-1994]

The Chief of Police shall be appointed by the Mayor with the approval of the Common Council. The Chief shall be responsible for the day-to-day operations of the Police Department, including personnel matters, staffing, administration, and institution of General Operating Rules, and such related duties as may be assigned to the Chief by the Mayor or the Council. The Chief shall issue such written rules and regulations as may be needed to maintain the effective and efficient performance of the Police Department. The Chief shall issue such oral orders or instructions as may be needed to implement the written rules and regulations, and maintain an effective administration. The Chief is authorized to effect disciplinary action, including summary punishment and emergency suspension, subject to the Law Enforcement Officer's Bill of Rights and other applicable law.

§ 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 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.

Chapter 3
ANIMALS AND FOWL

§ 3-101. Prohibited animals.

§ 3-102. Control of dogs.

§ 3-103. Animal care.

§ 3-104. Confinement of female dogs in heat.

§ 3-105. Confinement of animals.

§ 3-106. Animal burial prohibited.

§ 3-107. Penalty.

~~§ 3-101. Prohibited animals.~~

A. ~~No person shall keep or permit to be kept on private or public property without first obtaining permission from the Council:~~

~~(1) Any chickens, turkeys, geese, guineas, ducks, or pigeons;~~

~~(2) Any goats, cattle, horses, or swine;~~

~~(3) Any reptile, bird, or wild animal.~~

B. ~~No person shall keep any animal in such place or condition as to become a nuisance either because of noise, odor, number or contagious disease. [Effective 10-10-1977]~~

~~§ 3-102. Control of dogs.~~

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 lead, not exceeding eight feet in length, except when such animal is on the premises owned or occupied by said person. The Town police or such person who shall be employed or designated by the Mayor and Common Council may apprehend any dog not controlled or secured as provided in this subsection and turn it over to the proper county authorities.~~

B. ~~No person owning, keeping or having custody of a dog, except a seeing eye dog, shall allow or permit excrement of such dog to remain on any property within the Town limits other than that owned and/or occupied by said person. [Effective 3-4-1985]~~

~~§ 3-103. Animal care. [Effective 10-10-1977]~~

~~No person shall keep any animal without sufficient food or water, sanitary surroundings or protection from the weather. It shall be unlawful for anyone to abandon, beat, abuse, or injure an animal, or to permit animals to fight, or to permit an animal to attack a person.~~

§ 3-104. Confinement of female dogs in heat. [Effective 10-10-1977]

Every female dog or cat while in heat shall be kept confined in a building or enclosure so that she will not be in contact with another dog or cat (except for intentional breeding) or create a nuisance.

§ 3-105. Confinement of animals.

- A. ~~The Town Police or such person who may be employed or designated by the Mayor and Common Council shall apprehend and have confined for observation any animal which bites a person. The confinement shall be at the owner's or keeper's expense at his choice or animal shelters or veterinary hospitals for a period of 10 consecutive days. [Effective 12-12-1977]~~
- B. ~~Any dangerous or vicious animal or an animal with a history of biting people shall be confined within a building or secure enclosure. When removed from confinement, such animal shall be muzzled at all times.~~

§ 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-~~107~~ 110. 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. ~~[A violation of §§ 3-101, 3-103, 3-104, 3-105 and 3-106 shall result in a penalty of \$200. A dog at large without its owner, in violation of § 3-102 shall subject the owner to a penalty of \$200.]~~

Chapter 4

BUILDING AND CONSTRUCTION

ARTICLE 1 Building Code

§ 4-101. Appointment of Building Inspector, application of Building Code.

§ 4-102. Definitions.

§ 4-103. Permit required.

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§ 4-110. Limitations on fences.

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ARTICLE 2

Erosion and Sediment Control

§ 4-201. Applicability.

§ 4-202. Standards.

§ 4-203. Erosion and sediment control plans.

§ 4-204. Inspection.

§ 4-205. Violations.

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ARTICLE 3

Drainage

§ 4-301. Drainage control.

§ 4-302. Penalties and enforcement.

ARTICLE 1
Building Code

§ 4-101. Appointment of Building Inspector, 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 'ISPPSC');
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 AND REFERENCED CODES ~~[AND THE BASIC BUILDING CODE].~~

§ 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.

§ 4-103. Permit required. [Revised, effective 2-6-1983]

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.

§ 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 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. 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. **[Revised, effective 12-12-1989; revised 5-12-2003]**
- 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.~~]

Commented [SMF6]: Should this be increased

Commented [SMF7]: Does Council want to consider raising the fee, and/or charging for review by Engineer - storm water issues

- 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.~~

§ 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) PERMITS SHALL BE ISSUED IN COMPLIANCE WITH THE COUNTY ZONING ORDINANCE INCLUDING SETBACK REQUIREMENTS.
- ~~(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. ~~[Revised, effective 12-12-1989]~~

C. Detached Garages:

- (1) No person or persons shall erect any detached garage, or make any alterations of

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.

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

(3) ~~Any detached garage must be made of materials substantially similar to those of the house it serves. [Revised, effective 12-12-1989]~~

D. ~~Other Outbuildings:~~

(1) ~~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. [Revised, effective 12-12-1989]~~

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§ 4-106. Bond required.

The Mayor and Council may require an applicant to post a bond. The bond shall be in the amount set by the Mayor and Council by resolution and shall cover the potential costs of repairing or cleaning public ways damaged or littered during the construction or removal of a building. When the work is completed, the Treasurer shall return to the permit holder the bond less the amount of any expenses incurred by the Town from cleaning or repairing.

§ 4-107. Amendments.

Any change in a project for which a building permit has been issued shall be submitted to the Office of 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.

§ 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. **[Revised 12-12-1989]**

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. **[Revised, effective 12-12-1989]**

§ 4-109. Construction site requirements. [Revised, effective 11-17-1982]

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

§ 4-110. Limitations on fences.

- A. No fence or wall or combination thereof within the Town shall:
- (1) Exceed four feet in height from existing finished grade, unless it surrounds a swimming pool, as defined in the Prince George's County Zoning Code.
 - (2) Be erected or maintained in the front yard, except as provided in Subsection C of this section.
 - (3) Impede or interfere with the natural flow of surface water from adjoining property.
 - (4) Be constructed so as to encroach into the public right-of-way.
 - (5) Be constructed in whole or in part of barbed wire.
- B. A fence, wall, or fence/wall combination may be erected or maintained in the side or rear yard of the property, but shall not be erected beyond the front building restriction line for any existing or proposed street, alley or roadway that borders the property, except as provided in Subsection C of this section and as follows:
- (1) If the main building on the lot extends beyond the front building restriction line for a bordering street, then a side yard fence may be constructed along a parallel line from the rear corner of building to the rear of the lot.
 - (2) If there are no houses facing the street on that side of the block on which a side or rear yard fence is to be built, then it may be constructed to the side or rear lot line.
- C. Retaining walls built to retain or support the lateral pressure of earth or water or other superimposed load shall be designed and constructed of approved masonry, reinforced concrete, steel sheet piling, or other approved materials within the allowable stresses of acceptable engineering practices. Retaining walls may be constructed where necessary in the front, side, or rear yard, but shall not extend more than one foot above finished grade.
- (1) Retaining walls shall be designed to restrict the pressure of the retained material, including both dead and live load surcharges, to which they may be subjected, and to ensure stability against overturning, sliding, excessive foundation pressure, and water uplift.
 - (2) Unless drainage is provided, the hydrostatic head of water pressure shall be assumed equal to the height of the wall.
 - (3) All masonry retaining walls other than reinforced concrete walls shall be protected with an approved coping.
- D. Any protective railings, fences, or barriers required by this Building Code which do not conform to this section due to location, dimensions, materials, or open percentage, must be considered as a special exception by the Common Council pursuant to § 4-115 of this article.

BUILDING AND CONSTRUCTION

- E. Notwithstanding any other provision of this section, the Common Council shall not authorize the construction of any fence, wall, or combination, which will adversely affect the public health, safety, welfare or comfort.
- F. This section shall apply to all new fences, walls, or combinations constructed, reconstructed, or replaced on or after the effective date of this section and to any fence, wall, or combination which encroaches on the public right-of-way. This section shall not apply to the reconstruction or replacement, with similar dimensions, placement and materials, of any fence, wall or combination in existence or properly permitted before the effective date of this section, or for which a special exception has previously been granted by the Council, regardless of when it was first constructed.
- G. Notwithstanding any other provision of this section, no fence, wall or combination may be reconstructed or replaced with barbed wire.
- H. Notwithstanding any other provision of this section, chicken wire may not be utilized to construct, reconstruct, or replace any fence which runs along or is within four feet of any existing or proposed street, road, alley or public right-of-way, or immediately adjacent to any property line of an adjoining lot owned by another.
- I. Trellises and arbors up to six feet in height may be installed in any area in which a fence may be constructed under this section. Trellises and arbors between six and eight feet in height may be installed in any area in which a fence may be constructed under this section, subject to the restrictions of Section 27-420 of the Prince George's County Zoning Code, prohibiting construction in required yards. Trellises and arbors may not obscure visibility from adjoining properties. **[Amended effective 2-28-1998]**

~~§ 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. **[Revised, effective 12-12-1989]**~~
 - (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. [Revised, effective 12-12-1989]~~

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

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.] [Effective: 3-31-1988]~~

~~§ 4-112. 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.]~~

~~§ 4-113. 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].~~

Commented [SMF8]: Signs are a zoning issue governed by the County. The Town can require a permit for allowable signs.

~~§ 4-114. Developmental nonconformities. [Revised, effective 12-12-1989]~~

~~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.]~~

§ 4-115. Special exceptions.

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:

- A. Will not adversely affect the public health, safety, welfare or interest, nor the reasonable use of adjoining properties;
- B. Will not violate any covenants applicable to the property;
- C. Can be granted without substantial impairment of the purpose and intent of the Town building regulations;
- D. Will not interfere with or obstruct the visibility of motorists or cyclists; and
- E. Will not unduly impede the enforcement of any other applicable law. **[Revised, effective 12-12-1989; 2-28-1998]**

Require notification of adjoining and confronting owners

§ 4-116. Penalty. [Revised 4-9-1991]

A failure to comply with the provisions of this article shall constitute an infraction. Any violation of §§ 4-103 through 4-114 of this chapter shall be subject to a penalty of \$200. A continuing failure to obtain a building permit required by this article after a citation has issued shall be subject to § 1-106J of this Code. However, no additional citation shall be issued after a permit application has been filed and is pending before the Mayor and Common Council and no further construction has occurred since the issuance of the initial citation. [Recheck numbering](#)

§ 4-117. Rules and regulations. [Revised, effective 12-12-1989]

The Council shall pass such rules and regulations as are consistent with the purpose, intent and enforcement of this article.

ARTICLE 2

Erosion and Sediment Control**§ 4-201. Applicability.**

The provisions of this article shall apply to any construction activity, public or private and including work performed by the Town of University Park, which involves the clearing, grading, or movement of earth within any dedicated public street right-of-way in the Town of University Park. The provisions of this article shall not apply to normal street repairs or small construction projects in which the amount of disturbed area lying within a public street right-of-way is less than 5,000 square feet and/or 100 cubic yards.

§ 4-202. Standards.

For the purpose of this article, the soil conservation standards currently in effect in Prince George's County, regulating similar clearing, grading, and construction operations within the county generally, are hereby made effective within the Town of University Park to regulate construction within any public street right-of-way.

§ 4-203. Erosion and sediment control plans.

Any person, partnership, governmental agency, firm, or corporation, to whom a Town permit may be issued for construction within a public right-of-way, shall submit as a part of their permit application, two copies of an erosion and sediment control plan which has been approved by the ~~[Prince George's Soil Conservation District]~~ TOWN. The permit issued for said construction shall specify that the work must conform in all respects to the approved erosion and sediment control plan. [In the case of construction projects undertaken by the Town of University Park, no work shall commence until an erosion and sediment control plan has been approved by the Prince George's Soil Conservation District, and the work shall conform- to that plan.

§ 4-204. Inspection.

All construction projects for which an erosion and sediment control plan is required shall be inspected periodically by the ~~[Town Engineer]~~ TOWN 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 inspections by the ~~[Town]~~ Engineer.

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§ 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 of other appropriate relief to correct such violations.

§ 4-206. Penalties. [Revised 4-9-1991]

Any person, partnership, firm or corporation violating the provisions of this article, ~~upon conviction of such violation, shall be~~ IS subject to a 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 3

Drainage

§ 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 ~~and plans for the work to be done and referred to the Town SELECTED Engineer for review.~~ THE TOWN MAY INCLUDE IN THE APPLICATION FEE THE COST FOR THE TOWN SELECTED ENGINEER TO APPROVE AND INSPECT THE WORK. The Town SELECTED 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. **[Effective 6-10-1985]**
- B. ~~[Upon written request addressed to t]~~The Mayor~~, the Town SELECTED 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 ~~[with 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. **[Effective 6-11-1986]**

Commented [SMF9]: Should this be changed

§ 4-302. Penalties and enforcement. [Revised 4-9-1991]

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, 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**]