

Adding § 1-109 Exemption from County
legislation
Sponsored by: Councilmember Verrill

LEGISLATIVE RESOLUTION 20-O-07

Resolution and Ordinance of the Town of University Park to amend Chapter 1 “General Provisions”, by enacting §1-109, “Exemption from County legislation” of the Code of Ordinances of the Town of University Park, to clarify those powers that it has retained and exercises in lieu of County legislation, as per §4-111 of the Local Government Article, Annotated Code of Maryland.

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, pursuant to §4-111, “Application of county legislation to municipalities”, Local Government Article, Annotated Code of Maryland, the Town retains the power to legislate with respect to certain subject matters, and can exempt itself from the application of County legislation; and

WHEREAS; the Mayor and Council wish to clarify those powers that it has retained and exercises in lieu of County legislation.

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 ORDAINED AND ENACTED, by the Mayor and Common Council of the Town of University Park, Maryland that Chapter 1 “General Provisions”, §1-109 "Exemption from County legislation", be, and is hereby enacted to read as follows:

§1-109 EXEMPTION FROM COUNTY LEGISLATION

(A) EXCEPT AS PROVIDED IN THIS SECTION, THE MAYOR AND COMMON COUNCIL HEREBY EXEMPT THE TOWN OF UNIVERSITY PARK, A MUNICIPAL CORPORATION, FROM ALL LEGISLATION HERETOFORE OR HEREAFTER ENACTED BY PRINCE GEORGE’S COUNTY, MARYLAND, RELATING TO ANY SUBJECT UPON WHICH THE MAYOR AND COMMON COUNCIL OF THE TOWN HAVE HERETOFORE BEEN OR ARE HEREAFTER GRANTED LEGISLATIVE AUTHORITY EITHER BY PUBLIC GENERAL LAW OR BY THE TOWN CHARTER.

(B) THE FOREGOING EXEMPTION SHALL NOT REPEAL OR PROHIBIT ANY TOWN ORDINANCE THAT SPECIFICALLY ADOPTS OR INCORPORATES BY REFERENCE ANY COUNTY LEGISLATION, AND SUCH COUNTY LEGISLATION ADOPTED OR INCORPORATED BY THE TOWN CODE AS OF _____ OR ADOPTED OR INCORPORATED BY REFERENCE INTO THE TOWN CODE IN THE FUTURE SHALL HAVE FULL FORCE AND EFFECT TO THE EXTENT PROVIDED IN THE TOWN ORDINANCE ADOPTING OR INCORPORATING THE SAME.

(C) THE FOLLOWING CHAPTERS OF THE PRINCE GEORGE’S COUNTY CODE, AS AMENDED, OR PORTIONS THEREOF, ENACTED BY PRINCE GEORGE’S COUNTY, AS THEY NOW EXIST AND AS MAY HEREAFTER BE AMENDED, ARE EXCEPTIONS TO THE GENERAL EXEMPTION SET FORTH IN SUBSECTION (A) ABOVE, AND SHALL BE APPLICABLE WITHIN THE TOWN UNTIL SUCH TIME AS THE MAYOR AND COMMON COUNCIL SHALL DULY EXEMPT THE TOWN FROM THEIR APPLICATION:

- (1) SUBTITLE 1, GENERAL PROVISIONS, SHALL APPLY WITHIN THE TOWN ONLY TO THE EXTENT THAT SUCH APPLICATION IS NECESSARY TO EFFECTIVELY IMPLEMENT OTHER COUNTY LAWS THAT APPLY WITHIN THE TOWN.
- (2) SUBTITLE 2, ADMINISTRATION, SHALL APPLY WITHIN THE TOWN ONLY TO THE EXTENT THAT SUCH APPLICATION IS NECESSARY TO EFFECTIVELY IMPLEMENT OTHER COUNTY LAWS THAT APPLY WITHIN THE TOWN.
- (3) SUBTITLE 3, ANIMAL CONTROL
- (4) SUBTITLE 4, BUILDING
- (5) SUBTITLE 5, BUSINESSES AND LICENSES, WITH THE EXCEPTION OF DIVISION 8, SHORT TERM RENTALS
- (6) SUBTITLE 6, EMERGENCY MANAGEMENT

- (7) SUBTITLE 7, COURT SYSTEM
- (8) SUBTITLE 9, ELECTRICITY
- (9) SUBTITLE 10, FINANCE AND TAXATION
- (10) SUBTITLE 11, FIRE SAFETY, WITH THE EXCEPTION OF SEC. 11-293
- (11) SUBTITLE 12, HEALTH
- (12) SUBTITLE 13, HOUSING AND PROPERTY STANDARDS, DIVISION 6, DIVISION 9A, DIVISION 12, DIVISION 12A, AND DIVISION 13 ONLY
- (13) SUBTITLE 17, PLUMBING AND GAS FITTING
- (14) SUBTITLE 18, POLICE
- (15) SUBTITLE 19, POLLUTION
- (16) SUBTITLE 20, TAXICABS AND LIMOUSINES
- (17) SUBTITLE 20A, TRANSPORTATION
- (18) SUBTITLE 21, REFUSE
- (19) SUBTITLE 22, ON-SITE SEWAGE DISPOSAL SYSTEMS
- (20) SUBTITLE 23, ROADS AND SIDEWALKS
- (21) SUBTITLE 24, SUBDIVISIONS
- (22) SUBTITLE 24A, TELEVISION AND RADIO EQUIPMENT REPAIR
- (23) SUBTITLE 25, TREES AND VEGETATION
- (24) SUBTITLE 26 VEHICLES AND TRAFFIC
- (25) SUBTITLE 26A MOTOR VEHICLE REPAIR
- (26) SUBTITLE 27 ZONING
- (27) SUBTITLE 27A URBAN CENTERS AND CORRIDOR NODES DEVELOPMENT AND ZONING CODE
- (28) SUBTITLE 29 PRESERVATION OF HISTORIC RESOURCES
- (29) SUBTITLE 32 WATER RESOURCES PROTECTION AND GRADING CODE

(D) NOTWITHSTANDING ANY OF THE FOREGOING, COUNTY LEGISLATION SHALL APPLY WITHIN THE TOWN WHERE:

- (1) LEGISLATION IS ENACTED BY PRINCE GEORGE'S COUNTY COUNCIL SITTING AS A BOARD OF HEALTH FOR PRINCE GEORGE'S COUNTY PURSUANT TO STATE LAW.
- (2) A LAW OR REGULATION AS ENACTED BY PRINCE GEORGE'S COUNTY, MARYLAND, INVOLVING COUNTY REVENUE OR TAXATION PURSUANT TO THE PROVISIONS OF THE TAX-GENERAL OR TAX-PROPERTY ARTICLES OF THE ANNOTATED CODE OF MARYLAND, AS AMENDED, OR LEGISLATION ADOPTING THE COUNTY BUDGET.
- (3) A LAW ENACTED BY THE GENERAL ASSEMBLY SO PROVIDES.

(E) PRINCE GEORGE'S COUNTY, MARYLAND, IS HEREBY REQUESTED TO ENFORCE THE CHAPTERS DESCRIBED IN SUBSECTIONS (C) AND (D) WITHIN THE

TOWN AS COUNTY LAWS TO THE SAME EXTENT AND IN THE SAME MANNER THAT SUCH COUNTY LAWS ARE ENFORCED IN UNINCORPORATED AREAS OF THE COUNTY.

(F) WHENEVER COUNTY AND TOWN LEGISLATION APPLY WITHIN THE TOWN ON THE SAME SUBJECT MATTER, THEY SHALL BE CONSTRUED TOGETHER IN SUCH MANNER AS TO BOTH BE EFFECTIVE WITHIN THE TOWN. NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (C) OF THIS SECTION, WHENEVER A CONFLICT EXISTS BETWEEN A PROVISION OF THE TOWN CODE AND A COUNTY LAW WHICH APPLIES WITHIN THE TOWN AS A COUNTY LAW, THE TOWN CODE PROVISION SHALL SUPERSEDE THE CONFLICTING COUNTY LAW. NOTHING CONTAINED IN SUBSECTION (C) SHALL BE DEEMED TO REPEAL OR OTHERWISE AFFECT ANY TOWN ORDINANCE. (G) NOTHING CONTAINED IN THIS SECTION SHALL LIMIT OR OTHERWISE AFFECT THE TOWN'S AUTHORITY, WHETHER EXERCISED PREVIOUSLY OR IN THE FUTURE, TO REQUEST THE ENFORCEMENT OF TOWN LEGISLATION IN WHOLE OR IN PART BY PRINCE GEORGE'S COUNTY AND TO ENTER INTO AGREEMENTS PROVIDING FOR THE SAME.

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 14th day of September, 2020

ATTEST:

MAYOR AND COMMON COUNCIL
TOWN OF UNIVERSITY PARK

Andrea D. Marcavitch
Andrea D. Marcavitch, Town Clerk

By: *Lenford C. Carey*
Lenford C. Carey, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: *Suellen Ferguson*
Suellen M. Ferguson, Town Attorney

TUP Adopted 20-O-07 Amendment of Chapter 1 General Provisions

Final Audit Report

2020-09-15

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