

T A B L E _ _ _ O F _ _ _ C O N T E N T S

Charter and Local Laws

1. General Provisions
3. Administration
4. Admissions and Amusement Tax
5. Animals and Animal Establishments
9. Building Code
- 9A. Minimum Livability and Property Maintenance Code
12. Burning and Smoke Control
14. Cable Communications
15. Checks, Uncollectible
16. Electrical Code
17. Ethics, Public
18. Fences, Walls and Plantings
20. Fire Prevention and Fire Protection
23. Garbage, Refuse and Trash
26. Infractions, Municipal
27. Indemnification
28. Licensed Occupations
29. Littering and Dumping
31. Lot and Property Maintenance
35. Peace and Good Order
36. Playgrounds
37. Plumbing and Sewage Facilities
40. Purchasing Procedures
41. Streets and Sidewalks
44. Traffic

47. Vehicles, Impounding
48. Vehicles, Repairing in Public View
49. SFD Rental Licensing and Inspection
50. MFD Rental Licensing and Inspection

APPENDIX

DISPOSITION LIST

INDEX

Chapter 1

GENERAL PROVISIONS

[HISTORY: Adopted by the Mayor and Town Council of the Town of Edmonston 2-10-1997 by Ord. No. 96-002 as Ch. 1 of the 1997 Code. Amendments noted where applicable.]

ARTICLE I

Adoption of General Ordinances, 1997

~ 1-1. Repealer; adoption of general ordinances.

A. All existing ordinances adopted by the Mayor and Town Council of Edmonston are hereby repealed; and in lieu thereof the following is respectively adopted, ratified, enacted and ordained as the general ordinances of the Mayor and Town Council of Edmonston.

B. The repeal of an ordinance shall not revoke any ordinances in force before or at the time the ordinance repealed took effect. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

~ 1-2. Printed copy of general ordinances to serve as original document.

It shall not be necessary for the Town Clerk to record the aforesaid ordinance, but the printed copy of the original of this ordinance shall be under the signature of the Town Clerk, attested by the Seal of the town, and shall be deposited in the office of the Town Clerk to be safely kept and preserved as and for the original of said ordinance.

~ 1-3. Severability of parts of Code.

It is hereby declared to be the intention of the Town Council that the sections, paragraphs, sentences, clauses or words of the Code are severable, and if any word, clause, sentence, paragraph or section of this Code is held to be unconstitutional or invalid for any reason, such holding shall not be construed as affecting the validity of any remaining section or part of a section of such ordinance or article, it being the legislative intent of the Mayor and Town Council of Edmonston that the remainder of such ordinance or article shall stand notwithstanding the invalidity of such section or part of a section.

~ 1-4. Effective date.

Adopted and effective this _____ day of _____, 1996.

Chapter 3

ADMINISTRATION

[HISTORY: Adopted by the Mayor and Town Council of the Town of Edmonston 2-10-1997 by Ord. No. 96-002 as Ch. 3 of the 1997 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Public ethics -- See Ch. 17.

Indemnification -- See Ch. 27.

ARTICLE I

Personnel Administration

~ 3-1. Personnel administration.

A. Establishment of a merit system. The Town of Edmonston merit system is hereby established. The merit system shall embrace all employees of the Town of Edmonston except the Chief of Police and such other positions designated by resolution of the Mayor and Council as exempt positions. Elected public officials shall not be considered employees of the town, and their positions are exempt from the merit system. [Amended 7-9-2001 by Ord. No. 01-002]

B. Personnel administration and authority. Except where it may be otherwise specifically delegated under this section, the responsibility for administering the provisions of this section and for the general supervision of the personnel system shall be vested in the appropriate appointing authority. The Mayor and Council are the appointing authority for all employees except police officers other than the Chief of Police. The Chief of Police is the appointing authority for the Police Department. For purposes of this section responsibilities granted to the appointing authority are defined to include, but are not limited to, the right to hire, terminate or

promote employees, to administer disciplinary action, approve or disapprove leave requests and maintain personnel records. However, the hiring decisions of the Chief of Police are subject to approval and ratification by a majority of the Mayor and Town Council. The Mayor and Council may delegate the daily administration of the merit system to the Mayor and/or the Councilperson in charge of a particular function. In the absence of the Chief of Police, the Councilperson in charge, or in his absence, the Mayor, may discipline a police officer.

C. Personnel files.

(1) A personnel file shall be maintained on each employee which shall contain a personal history form or application and all other records, memoranda and documents which will aid in developing a complete history of the employee's service with the town. Personnel records shall be secured so as to ensure the confidentiality of their contents. Except as otherwise required by law, no person may have access to an employee's personnel file, or be provided information concerning its contents, except the employee, persons authorized by the employee and the duly appointed and elected officials who supervise the employee's work.

(2) All information regarding an employee's medical condition, including the results of an alcohol/drug screening and referral to the employee assistance program will be treated as a confidential medical record and will be maintained and secured separate from the employee's personnel file. Except as otherwise required by law, no one will be allowed access to confidential medical records except those persons who require such access in order to make decisions concerning the employee's ability to perform the essential functions of his job.

D. Method of selecting new employees.

(1) All appointments shall be made on the basis of merit, without regard to race, color, creed, sex or national origin. Honorably discharged veterans of the United States Armed Forces shall be granted preference over others equally qualified.

(2) At the Mayor's discretion, a post offer, pre-employment medical examination may be required for certain

classes of work. This examination shall be by a licensed physician of the personnel officer's selection, said examination to be paid for by the town.

(3) Before hiring a police officer, the Mayor and Town Council, or the Chief of Police, shall secure a Federal Bureau of Investigation report and a report from prior employers and may interview the prospective employee's family. No person shall be employed as a police officer of this town who is not at least 21 years of age, in good health and possessed of a high school education or certificate equivalent of high school education. A person hired as a police officer by the town shall either possess a certificate from the Maryland Police Training Commission or obtain such a certificate within one year of the person's date of hire.

E. Probationary period. All appointments to positions within the merit system shall be subject to a ninety-day probationary period, except that the probationary period for police officers is one year. During this period, the appointee's performance shall be closely reviewed to determine his ability to carry out his assigned tasks, efficiency and other characteristics relative to the requirements of the position. Such a review shall be conducted by the appointing authority after 90 days of employment. Additionally, supervisors and probationary employees shall discuss the employee's job performance at a reasonable interval during the probationary period. If the appointing authority determines that the probationary employee is not satisfactory, he may release the employee from the job on one week's notice. The dismissed employee will be placed on administrative leave pending the effective date of the dismissal. While on administrative leave, an employee is excused from work but entitled to receive compensation. Probationary employees who satisfactorily complete the probationary period will be granted regular employment status.

F. Work period/hours of business.

(1) Administrative and clerical employees shall work a forty-hour workweek. They shall be entitled to a one-hour unpaid lunch period Monday through Friday.

(2) Public works employees shall work a forty-hour workweek. They shall be entitled to a one-hour unpaid lunch period,

Monday through Friday.

(3) Police Department employees shall work at least eighty hours per pay period. They shall be entitled to a one-hour paid working lunch.

G. Performance evaluations. There is hereby established an annual performance appraisal requirement for all employees of the town. Supervisors shall conduct an annual performance appraisal for all employees within their charge on or before their annual anniversary date of employment with the town. The format for the performance appraisal shall be approved by the Mayor and Town Council. Performance appraisals for department heads and the Clerk-Treasurer shall be conducted by the Mayor and reviewed by the Town Council.

H. Employee benefits.

(1) Upon action of the Mayor and Town Council, the Town of Edmonston is hereby authorized to implement an employee benefit program providing for life insurance and such other employee benefits deemed to be in the interest of the town, including the right to make payroll deductions therefor, as may be necessary.

(2) Health insurance. All regular employees in the personnel system shall be eligible to participate in a group health insurance plan provided by the town.

(3) Savings plan. The Mayor and Council will match annual employee contributions to an individual retirement account to a maximum of Two Thousand (\$2,000) for employees who have been employed by the town for one year or more. **[Amended by Ord. No. 2006-O-007]**

(4) Holidays. The following holidays are observed by the town. **[Amended 1-11-1999 by Ord. No. 98-006]**

(a) New Year's Day.

(b) Presidents' Day.

(c) Memorial Day.*

- (d) Independence Day.*
 - (e) Labor Day.
 - (f) Columbus Day.
 - (g) Veterans Day.*
 - (h) Thanksgiving Day.*
 - (i) Christmas Day.*
 - (j) Martin Luther King Day.*
- (5) Leave.
- (a) Sick leave.

[1] Regardless of the number of years of service, full-time employees shall earn sick leave at the rate of four hours per two-week pay period. Permanent part-time employees shall earn sick leave at the rate of two hours per two-week pay period. Any request for absence in excess of three days must be accompanied by a doctor's slip stating the illness and the date the employee is able to return to work. Sick leave may be accumulated without limitation from year to year but is forfeited upon termination of employment. **[Amended 1-11-1999 by Ord. No. 98-006; Amended 4-1-2002 by Ord. No. 02-O-002]**

[2] Whenever the appointing authority has reason to believe that an employee's health is impeding the satisfactory performance of the duties, tasks and responsibilities assigned to the employee, the appointing authority may require such employee to undergo a medical examination by a licensed physician of the appointing authority's selection, said examination to be paid for by the town.

- (b) Annual leave. [Amended 1-11-1999 by Ord. No. 98-006]

[1] Leave earned.

[a] Full-time employees shall earn annual leave at the following rates: service of fewer than three years shall earn four hours per two-week pay period. Service between three to 15 years shall earn six hours per two-week pay period. Service of greater than 15 years shall earn eight hours per two-week pay period.

[b] Permanent part-time employees shall earn annual leave at the following rates: Service of fewer than three years shall earn two hours per two week pay period. Service between three and fifteen years shall earn three hours per two week pay period. Service of greater than fifteen years shall earn four hours per two week pay period. **[Amended 4-1-2002 by Ord. No. 02-O-002]**

[2] Employees may not use any annual leave during the first 90 days of employment and may not carry over more than 200 hours of annual leave from one calendar year to another. [Amended 7-9-2001 by Ord. No. 01-002]

[3] Full-time employees who are exempt from the overtime provisions of the Federal Fair Labor Standards Act may annually redeem up to 80% of their accrued unused annual leave. An employee permitted to redeem leave pursuant to this section shall communicate his election to redeem leave to the Town Clerk in writing, stating the number of hours to be redeemed, at least one week before the end of the pay period during which the employee wishes to be paid for the redeemed leave. Leave, once redeemed, cannot be repurchased. [Added 7-9-2001 by Ord. No. 01-002]

(c) Special leave. Special leave may be granted to employees attending meetings involving Town business or in the event of a death in the immediate family. Immediate family includes father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, grandmother, grandfather or any relative who is domiciled in the employee's household. Death leave is limited to three days. Additional unpaid death leave may be granted for bona fide reasons.

(d) Compensatory leave/overtime. All overtime

credit shall be used by employees as compensatory leave unless otherwise authorized by the Mayor and Council. Compensatory time will be earned in increments of at least 1/2 hour. Compensatory time should be used within 60 days of its accrual. Subject to availability of funds, time not used within 60 days may be paid directly to the employee. In the event that funds are not available and an employee is unable to use compensatory time within 60 days, compensatory time may be carried over beyond 60 days, but in no event shall any employee, except police officers, accrue more than 240 hours of compensatory time within a calendar year. Police officers may not accrue more than 480 hours of compensatory time within a calendar year.

[1] Administrative/clerical employees will accrue compensatory time at a rate of one hour for each hour worked between 35 and 40 hours per week. Compensatory time for hours worked in excess of 40 hours per week shall accrue at a rate of 1 1/2 hours for each hour worked.

[2] Public works employees shall accrue compensatory time at a rate of 1 1/2 hours for each hour worked in excess of 40 hours per week.

[3] Police officers shall accrue compensatory time at a rate of 1 1/2 hours for each hour worked over 86 hours within a two-week work period.

I. Separation.

(1) Resignation. An employee resigning his position shall give at least two weeks' prior notice, in writing. Whenever the date of departure falls during an established pay period, the employee may be paid on the date of the next scheduled payday after the employee's date of departure for the time worked. A departing employee will be paid for accrued but unused vacation leave and compensatory time.

(2) Severance pay. The appointing authority may, in his/her discretion, pay to any employee upon termination of employment, by resignation or dismissal, except employees that have not completed their probationary period, severance pay in an amount not to exceed the employee's salary for two weeks at the

time of termination of employment with the town.

(3) Predissmissal meeting. The appointing authority may dismiss any regular employee, with cause. The appointing authority shall present the employee with a written statement of charges prior to dismissal and will have a meeting with the employee to permit the employee an opportunity to respond to the grounds for his/her proposed dismissal. Employees have the right to submit written comments, for inclusion in their personnel file, responding to the grounds for dismissal, and any statement of charges shall also be included in an employee's personnel file. Predissmissal proceedings for police officers are subject to the law enforcement officers' bill of rights and will be governed by state law.

(4) Appeal of dismissal. An employee dismissed for cause shall have the right to appeal the dismissal to the Mayor and Town Council, by request for a hearing, unless the dismissal is governed by the law enforcement officers' bill of rights, in which case state law shall apply to the dismissal. A request for a hearing before the Mayor and Town Council must be submitted, in writing, to the Mayor within five days following the dismissal meeting provided for in Subsection (I)(3) above.

J. Employee conduct.

(1) All employees, whether on duty or off duty, shall be governed by the ordinary and reasonable rules of good conduct and behavior and shall not commit any act tending to bring reproach or discredit upon the town.

(2) Grounds for dismissal. The following conduct, and other acts not specifically enumerated herein, involving conduct which would bring the town into disrepute or which does not affirm that a public office is a public trust, or which is clearly contrary to common sense, decency or ethical behavior, may be sufficient cause for immediate removal, provided that all classified town employees shall be protected from any arbitrary, capricious or illegal termination of loyal career service:

(a) The employee is incompetent or inefficient in the performance of his or her duty.

(b) The employee has been brutal, abusive, disrespectful or has engaged in sexual harassment in his or her treatment of the public or fellow employees.

(c) The employee has violated any lawful and reasonable direction given by the employee's supervisor.

(d) The employee has accepted any service, valuable thing or benefit, such as a loan or discount not available to the general public, given directly or indirectly by any person, firm or corporation where it may be reasonably implied that the gift may have been given in the hope or expectation of influencing the employee's judgment or receiving preferential treatment from such employee; provided, however, that this subsection shall not apply to acceptance of a reduction in rent by a police officer maintaining a residence within the Town of Edmonston, where the amount of such reduction of rent is disclosed in advance to the Mayor and Council, in writing, and approved by the Mayor and Council.

(e) The employee is engaged in any private endeavor in conflict with the town's business or that the time spent on such outside endeavor is so excessive as to make it reasonable to assume that the employee may jeopardize his health or ability to perform efficiently.

(f) The employee has solicited a gift in connection with the performance of his/her duties.

(g) The employee has been convicted of or received probation before judgment for a criminal offense involving a felony, fraud or theft or found by a court of competent jurisdiction to have committed a criminal offense involving moral turpitude.

(h) The employee, through negligent or willful conduct, has caused damage to public property or waste of public supplies.

(i) The employee has made any assessment or solicitation of any kind for political purposes upon anyone in the town's employ.

(j) The employee has engaged in political

campaigning or electioneering during his/her town work hours.

(k) The employee:

[1] Used, or was under the influence of, intoxicating liquors or narcotic drugs while on duty or while engaging in town business.

[2] Loaned identification or town property to any person without proper authorization.

[3] Stole, tampered with or willfully destroyed, marred or defaced town property.

[4] Used town property, such as supplies or vehicles, for personal use, without proper authorization.

[5] Willfully made a false official statement, falsified a record, time card, time sheet or report, or defrauded the town.

[6] Assaulted a fellow employee or member of the public or created a disturbance while engaging in town business.

[7] Carried an unauthorized deadly weapon.

[8] Was excessively tardy or absent from work, or abused the use of sick leave privileges.

[9] Sold any tickets, posted any bills, circulated any petitions, solicited any employees or asked for any donations for charitable cause while engaging in town business without the specific approval of the appointing authority.

[10] Gambled while on duty or engaged in town business.

(l) In addition, any employee is subject to dismissal in the event that the employee's job is abolished.

K. Drug-free workplace policy.

(1) Definitions. As used in this subsection, the following terms shall have the meanings indicated.

EMPLOYEE -- A person, independent contractor or person hired by an independent contractor who performs services for the town.

JOB APPLICANT -- A person, independent contractor or person hired by an independent contractor who applies to become an employee of the town.

REASONABLE SUSPICION -- An articulable belief based on specific objective facts and reasonable inferences drawn from those facts.

UNDER THE INFLUENCE -- Having the presence of a drug or alcohol at or above the level of a positive test result.

(2) Drugs to be tested for. When drug and alcohol screening is required under the provisions of this policy, a urinalysis test will be given to detect the presence of the following drugs:

- (a) Alcohol (ethyl).
- (b) Amphetamines (e.g., speed).
- (c) Barbiturates (e.g., amobarbital, butabarbital, phenobarbital, secobarbital).
- (d) Cocaine.
- (e) Methaqualone (e.g., Quaalude).
- (f) Opiates (e.g., codeine, heroin, morphine, hydromorphone, hydrocodone).
- (g) Phencyclidine (PCP).
- (h) THC (marijuana).
- (i) Drugs specified by the State of Maryland as controlled dangerous substances in Article 27, ~ 279 of the Annotated Code of Maryland.

(3) Job applicant testing; general standard. Job applicants offered the following safety-sensitive positions and positions which allow access to sensitive information will be required to undergo a drug and alcohol test as part of a pre-employment physical examination prior to their final appointment:

- (a) Police officers.
- (b) Public works employees.

(4) Current employee testing; general standard.

(a) The town may require a current employee to undergo drug and alcohol testing if there is reasonable suspicion that the employee is under the influence of drugs or alcohol during work hours. Circumstances which constitute a basis for determining reasonable suspicion may include, but are not limited to:

- [1] A pattern of abnormal or erratic behavior;
- [2] Information provided by a reliable and credible source;
- [3] Direct observation of drug or alcohol use; or
- [4] Presence of the physical symptoms of drug or alcohol use (i.e., glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes).

(b) Supervisors are required to detail, in writing, the specific facts, symptoms or observations which formed the basis for their determination that reasonable suspicion existed to warrant the testing of an employee. This documentation shall be forwarded to the appropriate department head or designee. The facts underlying the determination of reasonable suspicion should be disclosed to the employee at the time the demand is made.

(5) Supervisor training. The town shall develop a program of training to assist supervisory personnel in identifying drug and alcohol use among employees. Such training will be directed towards helping supervisors to recognize the conduct and behavior giving rise to a

reasonable suspicion of drug or alcohol use, to identify employees who need drug counseling and employee assistance programs and to be aware of those employees who pose an immediate safety threat.

(6) Prior notice of testing policy. The town shall provide written notice of its drug and alcohol testing policy to all employees and job applicants. The notice shall contain the following information.

- (a) The need for drug and alcohol testing.
- (b) The circumstances under which testing may be required.
- (c) The procedure for confirming an initial positive drug test result.
- (d) The consequences of a confirmed positive test result.
- (e) The consequences of refusing to undergo a drug and alcohol test.
- (f) The right to explain a positive test result and the appeal procedures available.
- (g) The availability of drug abuse counseling and referral services.

(7) Consent. Before a drug and alcohol test is administered, employees and job applicants will be asked to sign a consent form authorizing the test and permitting release of test results to those municipal officials with a need to know. The consent form shall provide space for employees and applicants to acknowledge that they have been notified of the town's drug testing policy. Employees and applicants may at this time provide a list of those medications that he or she has recently used. The list of medications, if provided, shall be sealed and held as confidential until there has been a positive test result. In the event of a confirmed positive test result, the list of medications shall only be disclosed to the medical official who will determine whether the positive result was due to the lawful use of any of the listed medications. Employees and applicants may choose to provide such a list after being notified of a confirmed positive result. The consent form shall also set forth the following information:

- (a) The procedure for confirming an initial positive test result.
- (b) The consequences of a confirmed positive test result.
- (c) The right to explain a confirmed positive test result and the appeal procedures available.
- (d) The consequences of refusing to undergo a drug and alcohol test.

(8) Refusal to consent; applicants. A job applicant who refuses to consent to a drug and alcohol test will be denied employment with the town.

(9) Refusal to consent; employees. An employee who refuses to consent to a drug and alcohol test when reasonable suspicion of drug or alcohol use has been identified is subject to disciplinary action up to and including termination. An employee, upon written request to the appropriate department head within five days of his or her refusal, shall be entitled to a hearing prior to the town's decision that such refusal warrants disciplinary action. The reason(s) for the refusal shall be considered in determining the appropriate disciplinary action.

(10) Confirmation of test results.

(a) An employee or job applicant whose drug test yields a positive result shall be given a second test using a gas chromatography/mass spectrometry (GC/MS) test. The second test shall use a portion of the same test sample withdrawn from the employee or applicant for use in the first test.

(b) If the second test confirms the positive test result, the employee or applicant shall be notified of the results, in writing, by the appropriate department head or designee. The letter of notification shall identify the particular substance found and its concentration level.

(c) An employee or applicant whose second test confirms the original positive test result may, at the employee's or applicant's own expense, have a third test conducted using the same sample at a laboratory selected by the town.

(11) Consequences of a confirmed positive test result.

(a) Applicants. Job applicants will be denied employment with the town if their initial positive test results have been confirmed. Applicants shall be informed, in writing, if they are rejected on the basis of a confirmed positive drug test result.

(b) Employees. If an employee's positive test result has been confirmed, the employee is subject to disciplinary action up to and including termination. Factors to be considered in determining the appropriate disciplinary response include the employee's work history, length of employment, current job performance and the existence of past disciplinary actions.

(12) The right to a hearing.

(a) If an employee's positive test result has been confirmed, the employee is entitled to a hearing prior to the imposition of any disciplinary action. The hearing should be conducted by an official who did not take part in the initial decision to require the drug test. The employee must make a written request for a hearing to the appropriate department head or designee within 10 days of receipt by the employee of the confirmed test results. Employees may be represented by legal counsel, present evidence and witnesses on their behalf and confront and cross-examine any witnesses testifying against them.

(b) No adverse personnel action may be taken against an employee based on a confirmed positive drug test result unless the hearing officer finds by a preponderance of the evidence that:

[1] The employee's supervisor had reasonable suspicion to believe that the employee was under the influence of drugs or alcohol while on the job; and

[2] The employee's drug test results are accurate.

(c) Within 30 days following the close of the hearing, the hearing officer shall issue a written decision and brief summary of the facts and evidence supporting that decision.

(13) Confidentiality of test results. All information from an

employee's or applicant's drug and alcohol test is confidential, and only those with a need to know are to be informed of test results. Unless otherwise required by law, disclosure of test results to any other person, agency or organization is prohibited unless written authorization is obtained from the employee or applicant. The results of a positive drug test shall not be released until the results are confirmed. The records of unconfirmed positive test results and negative test results shall be destroyed by the testing laboratory.

(14) Privacy in drug testing. Urine samples shall be provided in a private rest room stall or similar enclosure so that employees and applicants may not be viewed while providing the sample. Employees and applicants will be given hospital gowns to wear while they are providing test samples in order to ensure that there is no tampering. Street clothes, bags, briefcases, purses and other containers may not be carried into the test area. The water in the commode shall be colored with blue dye to protect against dilution of test samples.

(15) Laboratory testing requirements. All drug and alcohol testing of employees and applicants shall be conducted at medical facilities or laboratories selected by the town. To be considered as a testing site, a medical facility or lab must submit, in writing, a description of the procedures that will be used to maintain test samples. The town shall not select a test facility that does not employ:

(a) Testing procedures that ensure privacy to employees and applicants consistent with the prevention of tampering;

(b) Methods of analysis that ensure reliable test results, including the use of gas chromatography/mass spectrometry to confirm positive test results;

(c) Chain-of-custody procedures that ensure proper identification, labeling and handling of test samples; and

(d) Retention and storage procedures that ensure reliable results on confirmatory tests of original samples.

L. Discrimination in employment.

(1) Declaration of policy. It is hereby declared to be the policy of the Town of Edmonston to assure all persons equal opportunity in

receiving employment and in all labor relations, regardless of race, color, religion, ancestry or national origin, sex, age, marital status or physical or mental handicap unrelated in nature and extent so as to reasonably preclude the performance of the employment and, to that end, to prohibit discrimination by the town in the exercise of its employment practices by its municipal officials and employees.

(2) Unlawful employment practices. It shall be unlawful for any person, on behalf of the town:

(a) To fail or to refuse to hire or discharge any individual or otherwise to discriminate against any individual with respect to his compensation, terms or conditions or privileges of employment because of such individual's race, color, religion, sex, age, national origin, marital status or physical or mental handicap unrelated in nature and extent so as to reasonably preclude the performance of the employment; or

(b) To limit, segregate or classify employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee because of the individual's race, color, religion, sex, age, national origin, marital status or physical or mental handicap unrelated in nature and extent so as to reasonably preclude the performance of the employment.

(3) Violations and penalties. Any town official or employee found to have violated this section may be subject to disciplinary or other appropriate personnel action, including but not limited to suspension of town salary or other compensation.

~ 3-2. (Reserved).

ARTICLE II Fiscal and Taxation Procedures

~ 3-3. Dates of finality of assessments.

The date of finality of assessments for the fiscal year is January 1, and the semiannual date of finality therefor is July 1 of each year following the date of this article.

~ 3-4. Fiscal year.

The fiscal year of the town shall begin on the first day of July and shall end on the last day of June each year.

~ 3-5. Taxable year.

The "taxable year" means the period between July 1 and June 30, both inclusive, for which the town computes, imposes and collects property taxes.

~ 3-6. Taxes to be levied for taxable year.

All taxes, whether they are levied for the general fund, bond retirement of principal and interest, special area or ad valorem taxes, shall be levied for the taxable year, as herein defined.

~ 3-7. Final date for tax levies.

All such taxes shall be levied as of the date of finality or semiannual date of finality as provided for in this article.

~ 3-8. Annual assessments.

In the event that assessments are made by any authority other than the Department of Assessments and Taxation, such as benefit charges for streets or public services of any nature and upon tangible personal property by whomsoever assessed, taxes thereon shall be levied for the taxable year and as of the date of finality.

~ 3-9. Semiannual assessments.

For real property becoming usable after the last preceding date of finality, as defined in this article, there shall be established a semiannual date of finality as hereinbefore set forth, and taxes based upon an assessment

made as of a semiannual date of finality shall be levied for the full taxable year beginning on the same day.

~ 3-10. Payment of ordinary taxes.

A. All ordinary taxes, whether they shall be levied for the general fund, bond retirement as to principal and interest, special area or ad valorem taxes, are due on the first day of July in each taxable year. Property tax that is due on July 1 of the tax year may be paid without interest on or before September 30 of the tax year and shall be overdue and in arrears on the first day of the succeeding October, except as provided herein, and from and after the first day of October they shall bear interest at the prevailing rate of interest per month charged by Prince George's County for the collection of overdue taxes.

B. An optional semiannual payment schedule for town property taxes due on owner-occupied residential property. A semiannual payment schedule hereunder:

(1) May be elected at the time of transfer of property purchased on or after July 1, 1995; and

(2) May be elected on an annual basis by any current or future owner of owner-occupied residential property regardless of whether the property was purchased before July 1, 1995.

C. A semiannual payment schedule election under Subsection B(1) of this section shall apply to the property tax due for the tax year following transfer of the property.

D. A property owner electing to pay real property taxes under a semiannual payment schedule shall pay a service charge with the second installment.

E. The service charge shall be:

(1) Adopted by the town as part of the adoption of the town's property tax rate;

(2) Expressed as a percent of the amount of tax due at the second installment and shown on the tax bill as a percent and actual dollar

amount charged; and

(3) Calculated in an amount:

(a) Reasonably equivalent to the anticipated lost interest income associated with the delay in payment of the second installment; and

(b) Covering administrative expenses associated with the semiannual payment not exceeding 25% of the charge for lost interest, and may not be considered to be property tax for the purposes of any provision of a local law or charter that limits the property tax rate or property tax revenue.

F. A payment under semiannual schedule is due:

(1) For the first installment:

(a) On July 1 of the tax year; and

(b) May be paid without interest on or before September 30 of the tax year; and

(2) For the second installment:

(a) On January 1 of the tax year; and

(b) Except for the service charge, may be paid without interest on or before January 31 of the tax year.

G. If an escrow account is established for the payment of the property taxes, the tax shall be paid in annual or semiannual installments as directed by the property owner or borrower.

~ 3-11. Payment of taxes levied semiannually.

Notwithstanding anything to the contrary in this article, any taxes levied as of a semiannual date of finality are due on the later of January 1 of the taxable year or the date after January 1 of the taxable year that the tax bill therefor was or reasonably should have been received or available. Property tax imposed under this section may be paid without interest or penalty on or before 30 days after the date the tax bill is mailed or made available.

From and after the date such taxes levied as of a semiannual date of finality are overdue and in arrears, the rates of interest and penalties as provided for in this article shall be applied and imposed.

~ 3-12. Payment of taxes due to improvements.

All improvements on real property completed during the period after July 1 in any year and through January 1 in the next succeeding year or otherwise added to the tax rolls during this period are subject to the payment of property taxes for the six months beginning on that January 1 and ending on the next succeeding June 30. The taxes for these six months shall be computed by using the assessed valuation of the property at 1/2 the current annual tax rate. Taxes imposed for these six months are due and payable as of the specified day of January or as of the day a tax bill therefor was or reasonably should have been received or available, whichever is the later day. From and after April 1 of each year, all such taxes are overdue and in arrears, and they shall bear interest at the rate provided for in this article for delinquent taxes, and there shall be imposed the same penalty as provided herein for failure to make payment by the date taxes are declared to be overdue and in arrears.

~ 3-13. Homestead property tax credit.

A. Pursuant to ~ 9-105(e) of the Tax-Property Article of the Annotated Code of Maryland, the Homestead Property Tax Credit percentage for the Town of Edmonston, Maryland, effective for the taxable year beginning July 1, 1996, shall be 105%. In subsequent tax years the town shall set, by ordinance, prior to November 25, the Homestead Property Tax Credit percentage for the taxable year beginning the following July 1.

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

~ 3-14. Payment of personal property taxes.

All personal property taxes are due and may be paid without interest or penalty on or before September 30 if the tax bill is submitted to the

taxpayer on or before August 31 of a tax year, or on or before 30 days after the date the tax bill is received or reasonably should have been received or available if the tax bill is submitted to the taxpayer after September 1 of the tax year. If a person fails to pay the personal property taxes when due, then said personal property taxes shall be deemed to be in arrears and shall be subject to penalty and bear interest at the prevailing rate of interest per month charged by Prince George's County for collection of overdue taxes.

~ 3-15. Repealer.

All ordinances, laws, rules, regulations and procedures of the Town of Edmonston which are inconsistent in any respect with the act pursuant to which this article is passed, or with the ordinance, are repealed to the extent of any inconsistency.

~ 3-16. Incorporation of state statutes by reference.

The provisions set forth in this article are intended to be consistent with and pursuant to the provisions of the Tax-Property Article (1994. Ed.) and Tax-General Article (1988 Ed.) of the Annotated Code of Maryland, as the same may be amended from time to time, and to the extent that such provisions may be adopted by this chapter and are applicable, the same are incorporated herein by reference as though they were fully set forth herein.

ARTICLE III

Police

~ 3-17. Councilperson in charge; rules and regulations.

The Councilperson in charge, as designated by the Mayor and Council from time to time, shall promulgate written rules and regulations for the town police, which rules and regulations may be disapproved by the Mayor and Town Council. In the event of emergency or particularly extenuating circumstances, the Mayor or Councilperson in charge may verbally supplement, modify or rescind any written rules or regulations. In the event of any inconsistency between the Town Charter or ordinances and the Police Rules and Regulations, such inconsistency shall be resolved in favor of the Town Charter or ordinances.

~ 3-18. General responsibilities.

Police officers shall take appropriate action to detect and arrest violators of the law and of the ordinances of the town; protect life and property; preserve the peace; and enforce all laws and ordinances, where applicable, within the town.

~ 3-19. Committees **[Added 2-6-2006 by Ord. No. 2006-O-004]**

A. The Mayor, annually with the approval of the Town Council shall appoint standing and other committees of the Town Council to perform such functions and be composed of such members as the Mayor may designate. The standing committees shall be Finance, Public Works, Public Safety and Administration.

(a) Finance is concerned with expenditures, revenue and budgetary items.

(b) Public Works is concerned with maintenance of streets, public grounds and trash service.

(c) Public Safety is concerned with police, fire and safety matters.

(d) Administration is concerned with the adequacy of office staffing, salary structure, office and Town supplies and equipment.

B. Additional details and requirements for committees shall be added by simple resolution of the Town Council at any regular or special meeting of the Town Government.

~ 3-20. Town Administrator **[Added 2-6-2006 by Ord. No. 2006-O-004]**

There is hereby established the position of Town Administrator who is responsible for the overall supervision of all town employees and operations and reports to the Mayor and Town Council.

A. This position may be filled as determined by the Mayor and Town Council when required by procedures determined by resolution of the Town council.

B. Duties and Responsibilities

All duties and responsibilities of the position of Town Administrator shall be as outlined in a job description adopted by resolution of the Mayor and Town Council which may be amended from time to time as required.

ⁱ Determining holidays: When a holiday falls on a Sunday, the following Monday will be observed as the holiday. When a holiday falls on a Saturday, the preceding Friday will be observed as the holiday.

Chapter 4

ADMISSIONS AND AMUSEMENT TAX

[HISTORY: Adopted by the Mayor and Town Council of the Town of Edmonston 2-10-1997 by Ord. No. 96-002 as Ch. 4 of the 1997 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Fiscal and taxation procedures -- See Ch. 3, Art. II.
Licensed occupations -- See Ch. 28.

~ 4-1. Imposition of tax.

Pursuant to the authorization of ~ 4-101(B)(1) of the Tax-General Article, Annotated Code of Maryland, as amended or recodified from time to time, a tax is imposed on the gross receipts derived from any admissions and amusement charge as defined in ~ 4-101(B), Tax-General Article, as amended or recodified from time to time, at the rate of 4%.

~ 4-2. Collection of tax.

The Comptroller of the Treasury of the State of Maryland is authorized to collect and pay over said tax to the town pursuant to ~~ 2-201, 2-202 and 2-203, Tax General Article, Annotated Code of Maryland.

Chapter 5

ANIMALS AND ANIMAL ESTABLISHMENTS

[HISTORY: Adopted by the Mayor and Town Council of the Town of Edmonston 2-10-1997 by Ord. No. 96-002 as Ch. 5 of the 1997 Code. Amendments noted where applicable.]

~ 5-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ANIMAL AT LARGE -- An animal not under restraint.

ANIMALS -- Any and all types of animals, both domesticated and wild, male and female, except humans.

ANIMAL UNDER RESTRAINT -- An animal secured by a leash or lead and under the control of a responsible person or confined within a vehicle or within the real property limits of its owner.

CONTINUOUS -- Extending or prolonged without interruption or cessation; unceasing.

CRUELTY -- An act of commission or omission whereby unjustifiable physical pain, suffering or death is caused or permitted, including failure to provide proper drink, air, space, shelter, protection from the elements, sanitary conditions, veterinary care or nutritious food in sufficient quantity. Customary and normal veterinary and agricultural

husbandry practices, including, but not limited to, dehorning, castration, docking tails and limit feeding, are not considered to be acts of cruelty.

DOG -- Any member of the canine species, male or female.

FOWL -- Any and all kind of bird, domesticated and wild, male and female.

KENNEL -- An establishment wherein a person engages in boarding, breeding, buying, grooming, letting for hire, training (for a fee) or selling dogs or cats. The ownership of dogs which are part of the household or are maintained in a building or structure adjoining a private residence and are kept for hunting, practice tracking or for exhibiting in dog shows or field or obedience trials or for guarding or protecting the household's property, and sale of no more than one litter per year, shall not constitute the operation of a kennel. The ownership of cats which are part of the household or are kept for exhibiting in shows, and sale of no more than one litter per year, shall not constitute the operation of a kennel.

OWNER -- Any person owning, keeping, harboring or acting as custodian of an animal.

PERSON -- Includes individuals, corporations, firms, partnerships and all other clubs or organizations.

PIT BULL TERRIER -- Any and all of the following dogs:

A. Staffordshire Bull Terrier breed of dogs;

B. American Staffordshire Terrier breed of dogs;

C. American Pit Bull Terrier breed of dogs;

D. Dogs which have the appearance of being predominantly of the breed of dogs known as Staffordshire Bull Terrier, American Staffordshire Terrier or American Pit Bull Terrier. "Predominantly" shall mean that the dog exhibits the physical characteristics

of a Pit Bull Terrier more than of any other breed of dog; and

- E. Dogs which have been registered at any time as a Pit Bull Terrier.

PROPER ENCLOSURE -- Secure confinement indoors or secure confinement in a locked pen or structure measuring at least five feet in width, 10 feet in length and six feet in height, with secure sides and secure top, which provides protection from the elements for the dog, is suitable to prevent the entry of young children and is designed to prevent the animal from escaping while on the owner's property.

PUBLIC NUISANCE ANIMAL -- Any animal which does or is described by any one of the following:

- A. Is repeatedly found at large.
- B. Damages the property of anyone other than its owner.
- C. Is a vicious animal.
- D. Causes fouling of the air by odors.
- E. Causes unsanitary conditions in enclosures or surroundings.
- F. By virtue of the number or types of animals maintained, are offensive or dangerous to the public health, safety or welfare.
- G. Makes excessive disturbing noises.
- H. Molests passersby or passing vehicles.
- I. Attacks other domestic animals.
- J. Has been designated by the County Animal Control Commission or the Mayor and Town Council to be a public nuisance animal by virtue of being a menace

to the public health, welfare or safety.

PUBLIC NUISANCE FACILITY -- Any holding facility harboring a public nuisance animal.

VICIOUS ANIMAL -- Any animal which is dangerously aggressive without provocation, or any animal that attacks, bites or has a known propensity to attack or bite human beings or other animals on streets, sidewalks or other public or private places.

~ 5-2. Prohibited animals.

A. No person shall keep or permit to be kept on private or public property within the corporate town limits of Edmonston any swine, sheep, goats, horses, cows and/or other livestock of the horse or bovine kind, pigeons, fowl, poisonous reptiles or wild animals.

B. Except as provided in ~ 5-3, no person shall own, keep or harbor a Pit Bull Terrier within the town.

C. It shall be the duty of the Police Department of the Town of Edmonston and of any person so authorized by the Mayor and Town Council of Edmonston to impound any animal kept in violation of Subsections A or B of this section and to notify immediately the owner or custodian, if known, where the animal can be reclaimed. Any animal impounded by the town shall be turned over to the proper county authorities and disposed of according to county law. In addition to or in lieu of impounding any animal kept in violation of Subsection A or B, the Mayor and Town Council may issue a notice of violation and a cease and desist order, as provided for in ~ 5-18 herein.

~ 5-3. Pit Bull Terriers.

Any person owning a Pit Bull Terrier prior to November 1, 1996, may continue to harbor the animal on his premises under the following conditions:

A. The animal shall be registered with the Prince George's County Administrator of Animal Control and must at all times wear a tag provided by the Administrator which will readily identify it as a registered Pit Bull Terrier.

B. The owner shall maintain the dog within a building or proper enclosure at all times. Whenever the dog is removed from the building or enclosure it shall be secured by an unbreakable or unseverable leash and maintained under the control of an adult.

C. A person may temporarily hold a Pit Bull Terrier in the town for the purpose of showing the dog in a place of public exhibition, contest or show sponsored by a dog club, association or similar organization. The sponsor of the exhibition or show must obtain written permission from Prince George's County and must provide protective measures adequate to prevent all dogs participating in the show or exhibition from escaping or injuring the public. All such dogs shall at all times during the transportation to and from the show or exhibition be confined in a secure temporary enclosure.

~ 5-4. Beekeeping prohibited; exceptions.

No person shall keep or permit to be kept within the corporate town limits of Edmonston any bees or hives of bees at any place within a radius of 500 feet of any private residence or building used by the public, provided that this restriction shall not apply to bees confined at all times in closed hives or on property so enclosed that the bees cannot stray therefrom.

~ 5-5. Permit for keeping rabbits or fowl; information required.

No person shall maintain or keep any kind of rabbit within the corporate limits of the town without a permit from the Mayor and Town Council of Edmonston, to be issued after findings by the Mayor and Town Council that such maintenance will not be a threat to the health or safety of residents of the town. Application for the permit shall be made to the Clerk and shall include the name and address of the applicant, the proposed location, an

accurate description of the kind and number of rabbits to be kept and the proposed owner of said rabbits. No rabbit shall be kept within 100 feet of a building used by the public. The owner of the rabbits shall provide them with adequate coops, pens or other shelter and water, food and sanitary conditions, free from obnoxious odors.

~ 5-6. Running at large prohibited; impoundment.

A. No person owning, keeping or having custody of animals or fowl shall permit said animals or fowl to run at large upon the streets or other public property within the town. Such action shall be deemed a nuisance and dangerous to the public health and safety.

B. Every female dog or cat, while in heat, shall be confined in a building or secure enclosure by the owner in such manner that she will not be in contact (except for intentional breeding purposes) with any other dog or cat or create a nuisance by attracting other animals.

C. 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.

D. It shall be the duty of the Police Department of the Town of Edmonston and of any person so authorized by the Mayor and Town Council of Edmonston to impound any animal or fowl not restrained properly pursuant to Subsection A, B or C above and to immediately notify the owner or custodian, if known, where the animal or fowl can be reclaimed. Any animal or fowl impounded by the town shall be turned over to the county or other appropriate authorities for disposition according to county law. In addition to or in lieu of impounding any animal or fowl not restricted properly pursuant to Subsection A, B or C above, the Mayor and Town Council may issue a notice of violation and a cease and desist order, as provided for in ~ 5-18 herein.

~ 5-7. Animal waste.

A. No person owning, keeping or having custody of any animal, except a Seeing Eye dog, shall allow or permit excrement of such animal to remain on any property within the town limits other than that owned and/or occupied by said person without the consent of the owner or occupant thereof.

B. No person owning, keeping or having custody of any animal shall allow or permit excrement of such animal to remain on any property if doing so causes obnoxious odors, unsanitary conditions and is offensive and/or dangerous to the public health and welfare. Such action shall be deemed a nuisance and dangerous to the public health and welfare.

~ 5-8. Kennels.

It shall be unlawful for any person to own, operate or maintain a kennel on any residentially zoned property within the corporate limits of the town.

~ 5-9. Vicious or biting animals.

A. Any animal which two or more times bites or injures any human being or habitually attacks or injures other animals or which has a known propensity to attack or bite human beings or animals is defined to be a "biting animal" for purposes of this section.

B. It shall be the duty of the Police Department of the Town of Edmonston or any person so authorized by the Mayor and Town Council of Edmonston to receive and investigate complaints against biting animals. Whenever any animal complained against shall be reasonably determined to be a vicious animal by the above officers, said officers will assist the complaining party in filing a complaint with the County Animal Control Commission for a hearing on the facts. In addition, the Mayor and Town Council may issue a cease and desist order preventing the animal from running at large or being upon

any street or public place, except while securely confined by an adequate leash and humanely muzzled, until a final determination of the complaint is made by the County Animal Control Commission. Violation of such order shall be a misdemeanor. The complaining party or animal's owner shall notify the Town Police Department of the final decision of the County Animal Control Commission.

C. No animal which has been determined by the County Animal Control Commission to be a vicious animal shall be permitted to run at large or be upon any street or public place, except while securely confined by an unbreakable leash and humanely muzzled.

~ 5-10. Cockfights and dogfights.

It shall be unlawful for any person to hold or to aid or abet in the holding of any cockfight or to incite dogs to fight.

~ 5-11. Unnecessary noise.

A. No person shall keep any animal which, by causing frequent or continuous noise and/or barking, shall disturb the comfort or repose of persons in the vicinity. Such action shall be a public nuisance and detrimental to the public health and welfare.

B. Any person disturbed by a noisy animal shall advise the owner or custodian who keeps such animal of this fact. If the nuisance is not abated, the person shall notify the Police Department of the Town of Edmonston or any other person authorized by the Mayor and Town Council of Edmonston to receive such complaints. The officer shall then advise the owner or custodian of the complaint and of the provisions of this section prohibiting such violation.

C. No owner or custodian shall fail to abate a nuisance caused by the frequent, habitual and long-continuing noise of his animal after having been notified in accordance with Subsection B above. Any person failing to abate such nuisance shall be guilty of a

misdemeanor in accordance with ~ 5-18 herein.

~ 5-12. Cruelty to animals.

No person shall engage in cruelty to any animal, fowl or bird by any act, omission or neglect. Abandonment of any animal, fowl or bird within the town shall be deemed a form of cruelty for purposes of this section.

~ 5-13. Public nuisance animals and facilities.

No person shall establish, have, maintain, own or otherwise keep in the corporate town limits of Edmonston a public nuisance animal or a public nuisance facility, as defined in ~ 5-1.

~ 5-14. Vaccination.

No person shall own or harbor within the corporate town limits any animal over the age of four months which is susceptible to or capable of contracting the rabies virus, including but not limited to dogs and cats, without a valid rabies vaccination. Vaccinations shall be performed and a valid rabies certificate shall be signed by a licensed veterinarian or approved county or other governmental agency. Said rabies certificate must be readily available for inspection by the Town Police Department. Nothing herein shall be deemed to alter, preempt or diminish any state or county regulations regarding the vaccination of animals.

~ 5-15. Report of person bitten by animal; confinement.

A. A report of the circumstances of a person's being bitten by an animal shall be made promptly to the Town Police Department by anyone having personal knowledge of the incident.

B. The owner or custodian of an animal who has bitten a person shall confine the animal for clinical observation for a period of 10 consecutive calendar days. Such confinement shall be on the premises of the animal's owner, either indoors or in a proper enclosure. The animal will be permitted out of the confined area only for the purpose of ridding itself of waste and only when it is placed on a lead of no more than eight feet and under the supervision of a competent adult. Such animal shall be examined by a licensed veterinarian for suspected rabies before the expiration of its confinement period. In the alternative, the animal may be confined at any animal shelter, veterinary hospital or humane shelter, at the owner's option and expense.

C. It shall be the duty of the Police Department of the Town of Edmonston or any person so authorized by the Mayor and Town Council to impound any animal not quarantined pursuant to Subsections A and B above and to immediately notify the owner or custodian, if known, where the animal can be reclaimed. Any animal so impounded shall be turned over to the proper Prince George's County authorities for disposition according to Prince George's County law. The owner or custodian may not remove the animal from impoundment until after the expiration of the ten-day quarantine period. The cost of such impoundment shall be borne by the owner or custodian.

~ 5-16. Injuring animals; report.

A. No person who accidentally or otherwise strikes an animal with a motor vehicle and injures it shall fail to notify the Town Police or, if they are unavailable, the Prince George's County Police of the location of such accident. Failure to do so may result in such person's being charged with violation of the State Motor Vehicle Law, Transportation Article of the Annotated Code of Maryland, ~ 20-106.

B. No person shall willfully or negligently injure, harm or destroy any animal by any means, including but not limited to poisoning, cutting, suffocating, drowning, trapping, shooting or striking.

~ 5-17. Number of animals permitted on premises.

No person shall own, keep or harbor more than four animals over the age of four months on his premises at any one time. A person may request of the Mayor and Town Council a special permit to maintain, harbor or own more than four animals on his premises. The request must be made in writing. Said permit may be issued for a specified time period not to exceed six months.

~ 5-18. Violations and penalties.

A. Violations of this chapter are municipal infractions, unless otherwise noted, subject to the penalty and enforcement provisions of this Code. Upon observing a violation of this chapter or upon the signed affidavit of a person who has observed a violation of this chapter, the Police Department of the Town of Edmonston may issue the person committing the violation a written municipal infraction citation and a cease and desist order.

B. A municipal infraction citation issued pursuant to Subsection A above for violations of ~ 5-2A, 5-4, 5-5, 5-7, 5-14, and 5-17 shall impose a civil monetary penalty of: [Amended 10-8-2001 by Ord. No. 01-005] [Amended 5-11-2009 by Ord. No. 2009-O-005]

- (1) First offense: **\$75.00.**
- (2) Second offense in a twenty-four-month period: **\$100.00**
- (3) Third offense in a twenty-four-month period: **\$150.00**
- (4) Fourth or further offense in a twenty-four-month period: **\$200.00**

C. A notice of violation issued pursuant to Subsection A above for violations of ~ 5-8, 5-9 and 5-15 shall impose a civil monetary penalty of:

- (1) First offense: **\$100.00**

(2) Each subsequent offense: **\$200.00** [Amended 10-8-2001 by Ord. No. 01-005]

D. A municipal infraction citation issued pursuant to Subsection A above for violations of ~ 5-6 shall impose a civil monetary penalty of: [Added 10-8-2001 by Ord. No. 01-005]

(1) First offense: **\$100.00**

(2) Each subsequent offense: **\$200.00**

E. In addition, the Police Department of the Town of Edmonston may apply to the district court for issuance of a criminal summons for violation of this chapter. Any person who shall violate ~ 5-9, 5-10, 5-11, 5-12, 5-13 and 5-16 or who shall fail to comply with their requirements shall, upon conviction, be found to be guilty of a misdemeanor and shall be subject to a fine of not less than \$25 and costs nor more than \$500 and costs for each offense, as well as to imprisonment for a period not exceeding six months.

F. An owner of a Pit Bull Terrier who violates the provisions of ~ 5-2B or ~ 5-3 shall be fined **\$300.00** for the first offense and **\$500.00** for each subsequent offense.

G. Additional action.

(1) In addition to or in lieu of imposing civil and criminal penalties for any violation of this chapter deemed a public nuisance, the Mayor and Town Council of the Town of Edmonston may:

¹ Editor's Note: This ordinance also redesignated former Subsections D through F as Subsections E through G, respectively.

(a) Issue a cease and desist order.

(b) Issue other orders necessary to abate the nuisance.

(c) Recommend that the Police Department of the Town of Edmonston or any other person so authorized by the Mayor and Town Council impound the animal and turn it over to the appropriate county authorities.

(2) If compliance with the decision of the Mayor and Town Council does not take place within the time specified by the Mayor and Town Council, the Mayor and Town Council may institute legal action to enforce the order and to terminate the nuisance.

Chapter 9

BUILDING CODE

[HISTORY: Adopted by the Mayor and Town Council of the Town of Edmonston 2-10-1997 by Ord. No. 96-002 as Ch. 9 of the 1997 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Electrical Code -- See Ch. 16.

Fire prevention and fire protection -- See Ch. 20.

Plumbing and sewage facilities -- See Ch. 37.

~ 9-1. Compliance with standards.

In order that the health, welfare, safety and morals of the citizens and residents of the Town of Edmonston may be protected from the ill effects of substandard construction and all of the ramifications arising there from, and in order that the value of property within the corporate limits of the town may be protected from said ill effects and ramifications, all buildings, structures and/or improvements and additions thereto hereafter constructed within the corporate limits of the town for any reason whatsoever shall be constructed in accordance with the provisions of the Building Code, which shall be as follows.

~ 9-2. Adoption of code by reference; enforcement authority.

A. The Maryland Building Performance Standards (MBPS), as adopted by Prince George's County and amended from time to time, shall be the official Building Code of the Town of Edmonston, Maryland. In addition, further provisions of the Building Code shall be such as are set forth herein and as are adopted from time to time by Prince George's County.

B. In conformance with the Annotated Code of Maryland, Article 28, ~ 8-116, the Prince George's County government and its designated officers are exclusively responsible for enforcing compliance with the MBPS Building Code in connection with construction in the Town of Edmonston. The Code Enforcement Officer (s) or Police Officer are responsible and may enforce the compliance with all other sections of this Code. In addition, the Mayor and Council of the Town of Edmonston have adopted a "Minimum Livability and Property Maintenance Code"; Chapter 9A as contained herein. The Town Administrator or his designee, Code Enforcement Officer (s) or Police Department shall be responsible for the enforcement of these codes and penalties as contained therein. The Town may from time to time adopt additional standards which may apply to residential, commercial, industrial or other types of buildings or structures but not necessarily limited to buildings or structures containing occupants. **[Amended 4-9-2007 by Ord. No. 2007-OR-03]**

~ 9-3. Permit required.

There is hereby established a town building permit requirement. Every construction, alteration, enlargement, removal or demolition within the town that requires a permit from the Department of Environmental Resources of Prince George's County shall also require a permit from the town. A valid county building permit is a prerequisite for issuance of a town building permit, except when the requirement of a town permit results from the local application of stricter standards regarding work for which the county would not generally require a building permit.

A. Applications for permits shall be made in writing and signed by the owner or builder and shall be accompanied by proof that the applicant has received a building permit from Prince George's County.

B. Construction permits shall be valid and in force for a period not exceeding six months, except that buildings started within this time and continuously under construction for more than six months may proceed to completion within a reasonable time

under authority of the original permit.

C. All applications for issuance of a town building permit must be accompanied by:

(1) Two copies of specifications and drawings as may be required by the town, drawn to scale with sufficient clarity and detailed dimensions to show the nature and character of the work to be performed. The town may waive the necessity for filing specifications and plans when the work involved is of a minor nature.

(2) Two copies of a site plan drawn to scale, showing the size, location and use of all existing and proposed structures and other improvements on the site, the distances of structures from property lines, the limits of the work to be performed, an analysis of the existing and proposed lot coverage, including the square footage and percentage of the existing lot coverage, the square footage and percentage of the proposed additional lot coverage and the total square footage and percentage of lot coverage proposed and the existing and proposed grades on the site. For purposes of this chapter, lot coverage shall include buildings, covered porches and any impervious surfaces and active and passive recreational areas, such as patios and game courts. The site plan shall be drawn in accordance with an accurate boundary survey.

(3) Performance and payment bonds when required under this Code.

D. Applications for permits which are not accompanied by clear and complete drawings shall not be received for consideration.

E. It shall be unlawful to deviate in any manner from or to erase, alter or modify any lines or figures contained upon drawings approved by the Towns Representative, provided that, if during the progress of the execution of such work, it is desired to deviate in any manner affecting the construction or other essentials of the building from the terms of the application or drawing, notice of such intention to alter or deviate shall be given, in writing, to the Towns Representative, and his written assent shall be obtained before such alterations or deviations may be made. **[Amended 9-12-2005 by**

Ord. No. 2005-O-03]

F. Applications for town building permits will be reviewed for compliance with Town Building Code provisions, when applicable, and for their impact on local public regulatory issues, including but not limited to:

- (1) The effect of approved erosion, sediment and stormwater management control plans on town property and facilities.
- (2) Residential parking, storage and fences.
- (3) Lot and property maintenance standards.
- (4) Required improvements to town roads.

G. The fee for the building permit shall be a minimum filing fee of **\$50.00**. However, that the building permit fee shall not exceed 75% of the building permit fee charged by Prince George's County for the same building, improvement or structure. [Amended 9-12-2005 by Ord. No. 2005-O-03] **[Amended 5-11-2009 by Ord. No. 2009-O-006]**

~ 9-4. Residential grading and paving.

A. All grading and paving activities on residential property within the Town of Edmonston are considered construction and as such are subject to the building permit requirements of ~ 9-3 of this chapter.

B. It shall be unlawful to pave or cover more than 30% of any residential lot within the R-55 Zone within the town with impervious surfaces. In addition, all other requirements of county and state law must be met when undertaking grading or paving activity within the town, including but not limited to requirements related to Chesapeake Bay Critical Areas, soil erosion and sediment control and floodplain management.

C. No permit shall be issued for a driveway wider than its entrance from the public right-of-way.

D. No permit will be issued for paving proposed between the front building restriction line and the front property line of any residential lot which exceeds the width and length of a driveway and/or a porch.

~ 9-5. (Reserved)

~ 9-6. Street cuts, driveways, sidewalks, curbs, gutters and storm-drain facility.

A. Construction projects involving street cuts, commercial, industrial or residential driveways, sidewalks, curbs, gutters and storm drain facilities shall require issuance of a town building permit.

B. All street cuts, driveways, sidewalks, curbs, gutters, storm drain facilities and driveway openings into or on any street, road, alley or highway within the corporate limits of the town shall conform to such rules and regulations and shall meet such requirements as are now in force or which shall be set forth by the town.

C. All street or sidewalk cuts of any nature on public rights-of-way shall be closed promptly. Temporary closures shall be limited to a two-week period and be subject to the approval of the town. All such cuts left open overnight shall be adequately illuminated and barricaded to ensure the safety of the public. At the completion of each project, the project site shall be promptly cleared of all debris, rubbish, piles of earth, etc., resulting from the project; all holes shall be filled or mounds leveled to match the grade of the adjoining grounds; sod shall be replaced in grassy areas, and the site shall otherwise be left in good condition.

~ 9-7. Zoning regulations.

All structures newly constructed or improvements to existing structures shall meet all requirements, rules and regulations as set forth in the zoning ordinance for the Maryland-Washington Regional

District in Prince George's County, Maryland, as amended.

~~ 9-8, House Numbers

The owner or occupant of any Building or Structure within the Town shall have and keep affixed thereto the appropriate house number of a size and type and so placed as to be clearly legible from the street. The size shall be no less than Three (3) inches in height and of a bold character, and the color shall be of a contrasting shade so that the numbers shall be easily discernable. The number shall be placed on the front of the house or the side that faces the street to which the address is assigned. **[Amended 4-10-2006 by Ord. No. 2006-O-005]**

~~9-9. (Reserved)

~ 9-10. Razing.

All razing or demolition of buildings or other structures must comply with the rules set forth in this section, in addition to complying with standards established by Prince George's County, the State Department of the Environment and any other governmental agency with jurisdiction. For purposes of this section, razing includes the purposeful burning of structures by a professional, volunteer, public and/or private fire company for training purposes.

A. All structures must be razed to ground level.

B. All lots or parcels of ground must be cleared of all debris, rubble or other materials resulting from the demolition within 10 days. Debris, rubble and other materials shall be hauled to a sanitary landfill or rubble fill licensed by the Maryland Department of the Environment.

C. No debris, rubble or other materials resulting from a demolition shall be burned or buried within the Town of Edmonston, except when the method of razing is by burning conducted by approved fire-fighting organizations.

D. All basements, wells or other depressions shall be filled

with earth, and the entire area of the lot or parcel which has been the subject of razing shall be graded to ensure proper draining of runoff to an outfall approved by the town. The town may require the permittee to take appropriate measures to prevent the depositing of sediment onto adjacent property or the public right-of-way.

E. All outer areas of the resulting vacant parcel shall be graded to conform to adjoining grade levels.

F. At the completion of the razing and the grading required by Subsections D and E, the entire affected area shall be vegetatively stabilized to prevent soil erosion, in accordance with the standards and specifications for sediment and erosion control, published by the State of Maryland Department of Natural Resources Water Resources Administration.

G. A permit from the town is required for any razing projects, and the permitting process shall be administered through ~ 9-3 and any other applicable sections of this chapter. A permit for razing shall not be issued until a release is obtained from the utilities serving the structure stating that their respective service connections and appurtenant equipment have been removed or sealed and plugged in a safe manner.

H. All demolition, clearing, grading and dust treatment shall be finished within 60 days of the issuance of a permit.

I. If the work is not accomplished in conformance with all of the above-mentioned rules, the town may enter on the property and finish the work, the charge therefore to be placed against the property and to be collectible in the same manner as taxes.

~ 9-11. Construction safety rules.

All equipment, tools and material left at a project site overnight shall be left secured in a non hazardous condition in order to protect the safety of the workers and general public.

~ 9-12. Landscaping. [Amended 1-11-1999 by Ord. No. 98-005]

A. All areas which are not covered by vegetation and are subject to the blowing of dust shall be treated so as to prevent the blowing of dust. Oil or temporary treatment with chemicals shall not be an acceptable treatment.

B. All trees, shrubs, grass or plants located on public property which are removed, damaged or destroyed as a result of construction activity shall be replaced at the expense of the person, firm or corporation causing such damage. In the event that the town is unable to determine who caused the damage, the owner of the property on which the construction activity is being performed shall be responsible for the replacement of such trees, shrubs, grass or plants. The replacement of trees, shrubs, grass or plants pursuant to this subsection may be waived by the Mayor and Town Council when it would interfere with the normal course of business or use of such construction.

C. Planting required.

(1) In addition to the replacement of trees, if any, required by Subsection B of this section, every owner of property abutting a town right-of-way who is required to obtain a permit for the construction of a new structure thereon shall be required to plant a Japanese cherry tree(s) within the town right-of-way abutting their property within 30 days of the completion of construction under the permit in question according to the following schedule:

(a) All lots which have 50 feet or less of frontage on a public right-of-way: a minimum of two trees.

(b) All lots which have between 50 and 75 feet of frontage on a public right-of-way: a minimum of three trees.

(c) All lots which have in excess of 75 feet of frontage on a public right-of-way: a minimum of one street tree for every 25 feet of street frontage.

(2) To ensure that the tree or trees required under this section are planted, all persons making application for a town building permit for new construction shall submit to the Town Clerk a fee in the amount of \$100 which shall be returned to the applicant

upon the verification by the town that the tree or trees has/have been properly planted.

D. If the requirement that a tree be planted within thirty days of the completion of construction will result in a tree being planted at a time when it is not during the optimum growing season for the tree, any property owner may apply to the Mayor and Town Council for an extension of time of the requirements of this subsection. Furthermore, any property owner who believes that the planting of a tree pursuant to this subsection would be infeasible or would cause undue hardship may apply to the Mayor and Town Council for a waiver of the requirements of this subsection.

E. All landscaping, buffering and screening shall be maintained in a healthy condition. Failure to maintain or to replace dead or diseased trees and other plant material shall constitute a municipal infraction subject to the penalties set forth in ~ 9-18.

F. Application for a waiver of the requirements of Subsection B or C of this section shall be made by submitting a written request for same to the Town Clerk, together with a nonrefundable fee in the amount of \$30. Requests for a waiver shall be accompanied by sufficient explanation and justification, written and/or graphic, to allow appropriate evaluation and decision. Upon receipt of a request for waiver, the Town Clerk shall schedule the matter for a public hearing before the Mayor and Town Council.

G. All trees planted within the public right-of-way pursuant to this section shall be guaranteed for a period of one year from the date the tree is planted. In the event that a tree becomes diseased or dies within the one-year time frame, the owner shall replace the tree with a tree of the same type and caliper. Failure of a property owner to replace a tree which becomes diseased or dies within one year of the date which it is planted shall be guilty of a municipal infraction and shall be subject to the penalties set forth in ~ 9-18 of this chapter.

~ 9-13. Parking and loading areas.

A. All loading areas, automobile service stations, drive-in establishments and other parking areas of a commercial or

industrial nature shall be paved with bituminous, concrete or equivalent surfacing.

B. When lighted for nighttime use, lights shall not be permitted to reflect or cause glare into any residential zone.

C. All unpaved areas for parking or loading areas abutting on residential property shall be sodded or otherwise properly landscaped.

~ 9-14. Utility service.

A. Within all new residential subdivisions of six or more building lots, all new multifamily structures or groups of structures containing four or more dwelling units, all new commercial or office buildings or groups of commercial or office buildings containing four or more units, all new shopping centers or similar commercial developments and all new primary and secondary electrical distribution lines, wires and cables serving such building developments shall be placed underground. Associated pad-mounted transformers and pad-mounted fuses and switches may be surface-mounted within such areas after permit therefore has been obtained from the town. Pole-mounted transformers will be permitted to serve new buildings in an established area after a permit therefore has been obtained from the town.

B. Within the building developments referred to in Subsection A of this ~ 9-14, all telephone and other communication wires and cables shall be placed underground.

C. The building or developer shall provide the public utility involved with such easements as may be necessary to accommodate such underground installations.

~ 9-14.1. Permittee's responsibility to upgrade local roads; authority to waive requirements; performance and payment bond required.

A. Any person seeking to undertake building, alteration, reconstruction or other development or redevelopment of a lot or

parcel which fronts on an existing or proposed public road shall be responsible for funding, constructing or improving that road, including drainage facilities, sidewalks, street trees, street lights, signage and other incidental structures, to an approved standard. No person shall undertake any building, alteration, reconstruction or other development or redevelopment on a property, and no building permit shall be issued for such activities unless the Town Engineer has determined compliance with the requirements of the chapter. The road shall be constructed to its ultimate cross section in accordance with the design and construction standards adopted by the town.

B. Where an applicant proposes to develop a property abutting an existing or proposed town-maintained road, the applicant shall be required to dedicate to public use and deed to the town sufficient right-of-way, and provide the necessary easements to enable the improvements to be constructed in accordance with the town's design and construction standards.

C. The Mayor and Town Council shall have the authority to waive, defer or accept payment in lieu of compliance with the requirements of this section, in whole or in part, where construction of the improvements is not practicable or desirable due to scattered ownership of lots in the area, insufficient area to accommodate the improvements or other factors determined to constitute an unreasonable hardship to the applicant or permittee, or hazard or nuisance to the public. The town shall not be obligated to assume responsibility for the maintenance, repair or improvement of the road or portion of the road where road construction requirements have been waived or deferred.

D. When road improvements as outlined in Subsection A commence, the permittee is required to post a performance bond equal to 125% of the cost estimated of the improvements as approved by the Town Engineer. Additionally, a payment bond, for an amount not less than 50% of the total cost of the project as estimated by the Town Engineer, for the protection of all persons performing labor or furnishing material or leasing equipment in the prosecution of the work defined in the construction permit, shall be posted. The payment security shall be held until one year after the date of final acceptance of the permit or earlier upon receipt of a release.

E. Any payment and or performance bond shall be in a form established by the Mayor and Town Council and approved by the Town Attorney.

~ 9-15. Gaseous or particulate discharges.

No pipes, ducts, conductors, fans or blowers discharging gases, steam, vapor, hot air, grease, smoke, odor or other gaseous or particulate wastes shall be constructed so as to discharge directly upon the property of another; however, such discharge may be permitted into the public right-of-way with the approval of the town.

~ 9-16. Drainage.

A. All portions of a premises, including unimproved lots, shall be so graded that there is no pooling of water or damage to adjoining properties.

B. All wastewater of any kind, including condensate from cooling systems, shall be discharged into the proper sewer system. The condensate from window-type air conditioners is excepted, unless they overhang public rights-of-way.

C. No person shall construct, install, erect or establish any device, structure or system for the removal of surface or subsurface water from any property within the Town of Edmonston without a permit issued by the town.

D. After notification to the Mayor and Town Council, the Town Engineer may require any person or property owner to remove or modify any established device, drainage system or structure for the removal of surface or subsurface water from any property within the Town of Edmonston, 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 is changing the natural flow of water from said property in a manner adversely affecting town property or adjacent properties, or that such drainage system does not connect with an established storm drainage system maintained and operated by a public or governmental agency.

~ 9-17. Performance/maintenance and payment bond for projects on public property.

A. Persons, firms or corporations shall be required to give a performance/maintenance bond or cash deposit to insure the faithful performance of any and all work done on public property. For projects costing \$100 or less, a cash deposit of \$25 shall be required. Said deposit shall be held by the town until the project has been inspected and approved by the town, at which time, upon application, the cash deposit shall be released. The amount of bond or cash deposit for projects costing more than \$100 shall be 125% of the total cost of the project and shall be in force or, in the case of a cash deposit, shall be held by the town until the project has been inspected and finally approved by the town, at which time, upon application, 50% of the bond or cash deposit shall be released. At the expiration of six months from the date of completion of the project, upon inspection of the project, upon inspection and approval by the town and upon application, the remaining bond or deposit shall be released. If any project does not meet the specifications as required by the town, the bond or cash deposit shall be declared forfeit, and the town shall correct or complete the project according to town specifications. Additionally, a payment bond, for an amount not less than 50% of the total cost of the project as estimated by the Town Engineer, for the protection of all persons performing labor or furnishing material or leasing equipment in the prosecution of the work defined in the construction permit, shall be posted. The payment security shall be held until one year after the date of final acceptance of the permit or earlier upon receipt of a release.

B. Any payment and or performance bond shall be in a form established by the Mayor and Town Council and approved by the town attorney.

~ 9-18. Violations and penalties; inspections; stop-work orders.

A. Any person who shall violate any provision of this chapter, or any provision of any rule or regulation adopted by the Mayor and Town Council, pursuant to authority granted by this

chapter, except as specified in Subsection B of this section, shall be guilty of a municipal infraction, punishable by a fine of **\$200.00** for the first offense and **\$500.00** for each subsequent offense.

[Amended 10-8-2001 by Ord. No. 01-005] **[Amended 5-11-2009 by Ord. No. 2009-O-006]**

B. When construction activities are commenced in violation of the Town of Edmonston Building Code, the town shall issue a stop-work order. Upon issuance of a stop-work order advising that work on any building or structure is being prosecuted contrary to the provisions of this Building Code or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop-work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent or to the person doing the work, and shall state the conditions under which work may be resumed. The stop-work order may be served by the Town Engineer or any authorized official of the town. Any person, firm, association, partnership or corporation, or combination thereof, who shall continue work in violation of the provisions of a stop-work order, or shall remove or caused to be removed a "stop-work order" sign still in effect and operation, shall be guilty of a municipal infraction, punishable by a fine of \$500.

C. In addition to any other remedy set forth in this chapter, pursuant to Art. 28, ~ 8-120(d) of the Annotated Code of Maryland, whenever violations of the Town of Edmonston Building Code have not been corrected within five calendar days after issuance of a stop-work order, the town may institute injunction, mandamus or other appropriate action or proceeding to prevent the unlawful construction, reconstruction, erection, alteration or use.

~ 9-19. Conflict of ordinances; repealer.

In any case where a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this chapter is found to be in conflict with a provision of any other ordinance or code existing on the effective date of this chapter which establishes a lower standard for the promotion and protection of the

health and safety of the people, the provisions of this chapter shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this chapter.

~ 9-20. Severability.

In any section, subsection, paragraph, sentence, clause or phrase of this chapter should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this chapter, which shall remain in full force and effect; and to this end the provisions of this chapter are hereby declared to be severable.

Chapter 9A

[HISTORY: Adopted by the Mayor and Town Council of the Town of Edmonston 4-9-2007 by Ord. No. 2007-OR-03 as Ch. 9A of the 1997 Code. Amendments noted where applicable.]

Minimum Livability and Property Maintenance Code

9A-1 ADMINISTRATION

- A. **PURPOSE.** The purpose of this Code is to protect the public health, safety and welfare in occupied buildings or structures used for dwelling purposes or commercial/industrial work space as hereinafter provided by:
1. Establishing minimum standards for exterior property areas, exterior structure, interior structure, basic facilities, installation and maintenance, occupancy, light and ventilation, and fire safety as to occupancy of occupied buildings.
 2. Providing for administration, enforcement and penalties.
- B. **MATTERS COVERED.** The provisions of the Building Code shall apply to all structures used for human habitation, with respect to structure, protection against fire hazard, equipment or maintenance, inadequate provisions for light and air, lack of proper heating, unsanitary conditions and overcrowding, or otherwise may be deemed to constitute a menace to the safety, health or welfare of the community. The existence of such conditions, factors or characteristics adversely affect public safety, health and welfare and lead to the continuation, extension and aggravation of urban blight. Adequate protection of the public, therefore, requires the establishment and enforcement of these minimum standards.
- C. **APPLICABILITY.** Every portion of a building or premise used or intended to be used for residential or commercial purposes, shall comply with the provisions of this code, irrespective of when such buildings shall have been constructed, altered or repaired.

9A-2 DEFINITIONS

For the purposes of this Code the following words and phrases shall have the meaning respectively ascribed to them by this section.

- A. "BASEMENT" A portion of the building partly underground, and having less than half of its clear height below the average grade of the adjoining ground.
- B. "BUILDING CODE" The Basic Building Code, latest edition and current accumulative supplement officially adopted by Prince George's County and the Town for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of buildings and structures.
- C. "CELLAR" (see Basement)
- D. "COMMERCIAL BUILDINGS" Any building or structure used or zoned for business, commercial or industrial purposes and any residentially zoned building or structure which is used for a purpose other than a residential purpose.
- E. "COMMERCIAL UNIT" One or more rooms arranged for the use of one (1) or more individuals working together as a single enterprise, with offices or other working areas and sanitary facilities.
- F. "DWELLING (S)" A building or structure, or portion thereof, used for human occupancy. An attached garage, used for storage purposes, shall not be included in this definition. The following are types of dwellings:
 - 1. Single-family dwelling. A building containing one (1) dwelling unit.
 - 2. Multifamily dwelling. A building containing two (2) or more dwelling units.
 - 3. Hotel. A building arranged or used for sheltering, sleeping or feeding ten or more individuals for which compensation is received.
- G. "DWELLING UNIT". One or more rooms arranged for the use of one (1) or more individuals living together as a single house-keeping unit, with cooking, living, sanitary and sleeping facilities.

- H. "EMERGENCY". The existence of circumstances constituting an immediate danger to the public health or safety and requiring prompt enforcement or remedial action under this Code.
- I. "EXTERIOR PROPERTY AREA". The open space on the premises and on adjoining property under the control of owner or operators of such premises.
- J. "EXTERMINATION". The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poison spraying, fumigating, trapping, or by any other pest elimination methods.
- K. "FAMILY". A group of persons related by blood, marriage or adoption within and including the degree of first cousins.
- L. "GARBAGE". The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- M. "GROSS FLOOR AREA". The total area of all habitable space in a building or structure.
- N. "HABITABLE ROOM". A room or enclosed floor space arranged for living, eating, and sleeping purposes (not including bathrooms, water closet compartment, laundries, pantries, foyers, hallways, and other accessory floor spaces.)
- O. "HOTEL". (see Dwellings)
- P. "INFESTATION". The presence within or contiguous to a Dwelling, Dwelling unit, or Commercial Building of insects, rodents, vermin or other pests.
- Q. "MOTEL". For purposes of this Code, a motel shall be defined the same as a hotel. (see Dwellings)
- R. "MULTIFAMILY (multiple) Dwelling". (see Dwellings)
- S. "NOT NATURALLY WEATHER RESISTENT". This term shall include but not be limited to the following materials: wood, pressboard, fiberboard, wood clapboard, and metal surfaces subject to rust or corrosion.
- T. "OCCUPANT". Any person over one (1) year of age (including owner or operator) living and sleeping in a dwelling unit or

having actual possession of said dwelling or rooming unit or any person having actual possession of any commercial building or commercial unit.

- U. "OPENABLE AREA". That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.
- V. "OPERATOR". Any person who has charge, care or control of a multifamily dwelling or rooming house, in which dwelling units or rooming units are let or offered for occupancy.
- W. "OWNER". The owner or owners of the freehold interest in the premises or lesser estate therein, a mortgagee or vendor in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a building; or their duly authorized agents.
- X. "PERSON". An individual, firm, corporation, association or partnership.
- Y. "PLUMBING OR PLUMBING FIXTURES". A receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water therefrom; or discharges waste water, liquid-borne waste materials; or sewage either directly or indirectly to the drainage system of the premises; or which requires both a water supply connection and a discharge for the drainage system of the premises.
- Z. "PREMISES". A lot, plot or parcel of land including the building or structures thereon.
- AA. "RENTAL DWELLING". Any rented room or group of rooms forming a single habitable unit occupied by one or more persons which is used or intended to be used by the occupants for living or sleeping.
- BB. "RESIDENCE BUILDING". A building in which sleeping accommodations or sleeping accommodations and cooking facilities as a unit are provided; except when classified as an institution under the Building Code.
- CC. "ROOMING HOUSE". A "Dwelling" in which (for compensation) lodging (excluding meals) is furnished by the inhabitants to four (4) or more, but not over nine (9) guests.

- DD. "RUBBISH". Combustible and/or non-combustible waste materials, except garbage, and the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, and dust and other similar materials.
- EE. "SINGLE-FAMILY DWELLING". (see Dwellings)
- FF. "SUPPLIED". Installed furnished or provided by the owner operator
- GG. "VENTILATION". The process of supplying and removing air by natural or mechanical means to or from any space.
- HH. "MECHANICAL". Ventilation by power-driven devices.
- II. "NATURAL". Ventilation by opening to outer air through windows, skylights, door, louvers, or stacks without wind driven devices.
- JJ. "WORKMANLIKE". Whenever the words "workmanlike state of maintenance and repair" are used in this Code, they shall mean that such maintenance and repair shall be made in a reasonably skillful manner.
- KK. "YARD". An open unoccupied space on the same lot with a building extending along the entire length of a street, or rear, or the interior lot line.

9A-3 STANDARDS

- SCOPE.** The provisions of this section shall govern the minimum SCOPE conditions of property and buildings to be used for occupancy. Every building or structure constructed for the purpose of occupancy and the premises on which it stands shall comply with the conditions herein prescribed as they may apply thereto.

Under the applicable Prince George's County Zoning Ordinance, no rooming houses are permitted in the Town, but guest rooms may be rented by a family of

one (1) individual, any number of related individuals, or not more than two (2) unrelated individuals, to not more than three (3) roomers or boarders.

A. EXTERIOR PROPERTY AREAS. The exterior property areas of any residential or commercial structure, whether occupied or unoccupied, shall comply with the following requirements:

1. **Landscaping of premises.** The landscaping of premises shall be maintained in an orderly state with lawns and bushes trimmed and free from becoming overgrown, premises free from dead trees or shrubs, and free from being littered or unsightly where such would constitute a nuisance or a blighting effect on nearby property.
2. **Sanitation.** All exterior property areas shall be maintained in a clean and sanitary condition, free from any accumulation of litter, rubbish, refuse, trash or garbage, including but not limited to paper, boxes, cans, bottles, tires, construction materials, trimmings from lawns, hedges, shrubs, or trees, fuel oil, lubricating oil, gravel, broken stone, mortar, and unused accumulations of mulch, hay, straw, manure, shavings, sawdust, coal, or ashes.
3. **Grading and drainage.** All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon or within any building or structure located thereon. Water in swimming pools, wading pools, and fish ponds shall not be allowed to stagnate and shall be maintained in a clean and sanitary condition at all times. Water from gutters, downspouts, sump pumps, swimming pools, wading pools and fish ponds shall not be drained in such a manner as to flow on neighboring property or to cause erosion.
4. **Noxious plant growth.** All exterior property areas shall be kept free from species of weeds or plant growth which are noxious or detrimental to the public health.
5. **Insect and rodent harborage.** All exterior property areas shall be kept free from rodent infestation, and

where rodents are found, they shall be promptly exterminated by acceptable processes which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation; such precautions shall include construction designed to prevent rodents, vermin or other pests from entering a building by blocking off or stopping up all passages by which rodents, vermin and other pests may gain entry, closing openings in exterior walls with materials through which rodents, vermin, and other pests cannot penetrate, together with such interior rat stoppage, harborage removal, and cleanup as may be necessary to reduce or eliminate breeding places.

6. **Open Storage.** Exterior property areas shall not be utilized for any period of time for the open storage of building rubbish or refuse, bathroom or kitchen fixtures, household appliances, glass, furniture, tires, automotive parts, or similar items or materials, irrespective of age or condition.
7. **Accessory Structures.** Any building or structure, the use of which is incidental to that of the main building or residence and which is located on the same lot or ground, including but not limited to, the following: fences, attached or detached garages, storage sheds or buildings, and exterior stairways and walkways, shall be maintained structurally safe and sound and in good repair, and free from rust, corrosion and graffiti.
8. **Appurtenance or appurtenant structure.** All exterior decorative, aesthetic or other devices such as, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes, exhaust ducts, shutters, flower boxes, cupolas, steps, porches, and other similar structures that are attached to walls or railings or other parts of the structure shall be maintained in safe, weather resistant and structurally sound condition and shall be free of unsafe obstructions or hazardous conditions, and free from rust, corrosion and graffiti.
9. **Firewood Storage.** No person shall permit the storage on any lot in the Town of any woods, logs, branches or other wood products to be used for burning in an

interior or exterior woodstove or fireplace unless the same shall be stored evenly on a concrete, asphalt, brick or wood deck, patio, porch, or be placed on open racks that are elevated above ground with minimum clearance consistent with County regulations, and evenly piled so that these materials will not afford shelter or harborage for rodents. The area beneath the firewood rack shall be kept free of all debris and weeds. Fire wood shall not be stored in any manner beyond the front building lines of the house.

10. **Vehicle Repair Facilities.** All vehicle repair facilities, towing stations and storage lots abutting areas used for residential purposes shall be completely screened in accordance with the requirements of Subtitle 27 of the Code of Prince George's County, Maryland notwithstanding the nonconforming status of a property.

B. EXTERIOR STRUCTURE. Every residential or commercial building or structure, whether occupied or unoccupied, shall comply with the following requirements.

1. **Foundations, walls and roof.** Every foundation, exterior wall, roof, and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair and shall be kept in such condition as to exclude rodents.
2. **Foundations.** The foundation elements shall adequately support the building at all points.
3. **Exterior walls and exposed surfaces.** Every exterior wall and weather-exposed exterior surface or appurtenance shall be free of rust, corrosion, graffiti, holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or dampness to the interior portions of the walls or the occupied spaces of the building. All exterior surfaces shall be covered by materials customarily used for exterior surfaces including, but not limited to, brick, aluminum, copper, masonry, stone, stucco or decay-resistant or treated woods. Treated wood coverings shall be made substantially impervious to the adverse effects of weather by periodic reapplication of an approved protective coating of weather-resistant

preservative, as necessary to maintain such coverings in such condition.

4. **Roofs.** The roof shall be structurally sound, tight, and have no defects which might admit rain, and roof drainage shall be adequate to prevent rain water from causing dampness in the walls or interior portion of the building.
5. **Stairs, porches and railings.** Stairs and other exit facilities shall be adequate for safety as provided in the Building Code, and shall comply with the following subsections:
 - a. **Structural Safety.** Every outside stair, every porch, and every appurtenance attached thereto shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected as required by the Building Code and shall be kept in sound condition and good repair.
 - b. **Handrails.** Every flight of stairs, which is more than two (2) risers high, shall have handrails which shall be located as required by the Building Code; and every porch which is more than two (2) risers high shall have handrails so located and of such design as required by the Building Code. Every handrail and balustrade shall be firmly fastened and shall be maintained in good condition.
6. **Windows, doors and hatchways.** Every window, exterior door, and basement hatchway, shall be substantially tight and shall be kept in sound condition and repair.
7. **Windows to be glazed.** Every window sash shall be fully supplied with glass window panes or an approved substitute which is without open cracks or holes.
 - a. **Windows to be tight.** Every window sash shall be in good condition and fit reasonably tight within its frame.

- b. **Windows to be operable.** Every window, other than a fixed window, shall be capable of being easily opened and shall be held in position by window hardware.
8. **Door hardware.** Every exterior door, door hinge, door latch and closing mechanism used with said door, shall be maintained in good condition.
9. **Door locks.** The entrance door to an individual rental dwelling unit shall be provided with locking devices so as to provide security against unauthorized entry.
10. **Doors to fit in frame.** Every exterior door, when closed, shall fit reasonably well within its frame.
11. **Window and door frames to fit in wall.** Every window, door, and frame shall be constructed and maintained in such relations to the adjacent wall construction so as to exclude rain as completely as possible, and to substantially exclude wind from entering the dwelling or multifamily dwelling or commercial building.
12. **Basement hatchways.** Every basement hatchway shall be so constructed and maintained as to prevent the entrance of rodents, rain, and surface drainage water into the dwelling or multifamily dwelling or commercial building.
13. **Exit doors.** Every door available as an exit shall be capable of being opened from the inside, easily and without the use of a key.
14. **Screening.** Guards and screens shall be supplied for protection against rodents and insects. They shall be supplied in and shall remain maintained in good condition, without cracks, holes or tears by which would allow the entry of rodents or insects.
15. **Gutters and downspouts.** All gutters and downspouts shall be properly connected and be maintained in good condition, free of holes and obstructions. Water shall be conveyed off premises in an acceptable manner and not in a manner that may cause erosion of any neighboring property.

16. **Shutters.** All shutters shall be uniform in style and color. Pairs of shutters shall be maintained consistently on the dwelling or commercial building or both shall be removed. If they are removed, all hardware must also be removed off of the structure. All slats on shutters must be maintained and in good condition.
17. **Chimney pipe.** All exterior metal chimney pipe shall be enclosed in an approved continuous enclosure of brick, block or wood with siding and trim to match the existing structure. The enclosure must start at the bottom edge of the house. This provision shall be waived provided that no more than six (6) linear feet of chimney pipe is exposed and the chimney pipe transitions through the roof of the structure, as opposed to a transition through the wall.

C. INTERIOR STRUCTURE. No person shall occupy as owner-occupant, or let to another for occupancy, any dwelling, or portion thereof, which does not comply with the following requirements.

1. **Free from dampness.** Cellars, basements, crawl spaces, and interior portions of a dwelling shall be maintained reasonably free from dampness so as to prevent conditions conducive to decay or deterioration of the structure as required by the Building Code
2. **Structural members.** Supporting structural members shall be maintained in sound condition; showing no evidence of deterioration which would render them incapable of carrying the imposed loads in accordance with the provisions of the Building code.
3. **Interior stairs and railings.** Stairs shall be provided as required by the Building Code.
4. **Maintained in good repair.** All interior stairs shall be maintained in sound condition and good repair by replacing treads and risers that evidence excessive wear or are broken, warped or loose. Every inside stair shall be so constructed and maintained as to be safe to use and capable of supporting a load as required by the provisions of the Building Code.

5. **Handrails.** Every stairwell and every flight of stairs, which is more than two (2) risers high, shall have handrails or railings located in accordance with the provisions of the Building Code. Every handrail or railing shall be firmly fastened and must be maintained in good condition. Properly balustraded railing capable of bearing normally imposed loads as required by the Building Code shall be placed on the open portions of stairs, balconies landings and stairwells.
6. **Bathroom floors.** Every toilet and bathroom floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.
7. **Sanitation.** All interior spaces shall be maintained in a clean and sanitary condition free from any accumulations of rubbish or garbage. Rubbish, garbage, and other refuse shall be properly kept inside temporary storage facilities and as further set forth elsewhere in this code.
8. **Insect and rodent harborage.** Dwelling shall be kept free from insect or rodent infestation, and where insects and rodents are found they shall be promptly exterminated by acceptable processes which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation; such precautions shall include construction designed to prevent rodents, vermin or other pests from entering a building by blocking off or stopping up all passages by which rodents, vermin and other pests may gain entry, and includes the closing of openings in exterior walls with materials through which rodents, vermin, and other pests cannot penetrate, together with such interior rat stoppage, harborage removal, and cleanup as may be necessary to reduce or eliminate breeding places.
9. **Interior walls, floors and ceilings.** Every interior wall, floor and ceiling shall be maintained in a clean, sanitary, safe and structurally sound condition, free from holes, cracks, loose plaster or wallpaper, flaking

or scaling paint, and shall be substantially insect and rodent proof. When pain is applied to interior surfaces of habitable spaces, it must be lead free.

10. **Caulking.** The caulking around all fixtures and surfaces which require caulking shall be maintained so as to be substantially impervious to water and so as to permit such fixtures and surface areas to be easily kept in a clean and sanitary condition.
11. **Interior doors.** All interior bathroom, bedroom and utility room doors shall be maintained in good repair and shall fit properly in their frames and shall retain all necessary hardware.

D. BASIC FACILITIES. No person shall occupy as owner-occupant, or let to another for occupancy, any dwelling, or portion thereof, which does not contain the following basic facilities.

1. **Bathroom.** Every dwelling unit shall contain within its walls a room, separate from the habitable rooms, which affords privacy.
2. **Lavatory.** Every dwelling unit shall contain a toilet, which, when a bathroom is required, shall be in the same room with said bathroom.
3. **Bathtub and shower.** Every dwelling unit shall contain a room which affords privacy to a person in said room and which is equipped with a bathtub or shower.
4. **Kitchen sink.** Every dwelling unit shall contain a kitchen sink apart from the lavatory required elsewhere by this code.
5. **Cooking facilities.** Every dwelling unit shall contain cooking and baking facilities for the purpose of preparing food, and such facilities shall be properly installed and operated and kept in a clean and sanitary condition.
6. **Refrigeration for food preservation.** Every dwelling unit shall contain a refrigeration unit adequate for the

temporary preservation of perishable foods. Such refrigeration unit shall be capable of maintaining an average temperature of below forty-five (45) degrees Fahrenheit, shall be properly installed and operated, and kept in a clean and sanitary condition.

7. **Water and sewer system.** Every kitchen sink, lavatory basin, bathtub or shower and bathroom required under the provisions of this Code, shall be properly connected to either a public water and sewer system or to a private water and sewer system. All sinks, lavatories, bathtubs and showers shall be supplied with hot and cold running water.
8. **Water heating facilities.** Every dwelling unit shall be supplied with water heating facilities which are installed in an approved manner, properly maintained, and properly connected with hot water lines to the fixtures required to be supplied with hot water elsewhere in this Code. Water heating facilities shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub, shower, and laundry facility or other similar units, at a temperature of not less than one hundred thirty (130) degrees Fahrenheit at any time needed.
9. **Heating facilities.** Every dwelling units shall have heating facilities and the owner of the heating facilities shall be required to see that they are properly installed, safely maintained and in good working condition, and that they are capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms located therein, to a temperature of at least an average of sixty-eight (68) degrees Fahrenheit with an outside temperature of ten (10) degrees below zero. The owner shall maintain a minimum average room temperature of sixty-eight (68) degrees Fahrenheit in all habitable rooms including bathrooms and toilet rooms when rented, at all times on the basis of ten (10) degrees below zero outside.
10. **Operation of heating facilities.** Every heating or water heating facility shall be installed and shall operate in accordance with the requirements of the Building Code or air pollution control ordinances.

11. **Storage and removal of rubbish and garbage.** Every dwelling unit shall be supplied with containers and covers for the temporary storage of rubbish and garbage. There shall also be a method for the removal of said rubbish and garbage from the premises.

E. INSTALLATION AND MAINTENANCE. No person shall occupy as owner-occupant, or let to another for occupancy, any dwelling, or portion thereof which does not comply with the following requirements.

1. **Facilities and equipment.** All required equipment and facilities shall be constructed and maintained so as to properly and safely perform their intended function in accordance with the provisions of the Building Code.
2. **Maintained clean and sanitary.** All facilities shall be maintained in a clean and sanitary condition so as not to breed insects and rodents or produce dangerous or offensive gases or odors.
3. **Plumbing fixtures.** Water lines, plumbing fixtures, vents and drains shall be properly installed, connected and maintained in working order and shall be kept free from obstructions, leaks and defects and capable of performing the function for which they are designed. All repairs and installations shall be made in accordance with the provisions of the Building Code or Plumbing Code.
4. **Plumbing systems.** Every plumbing stack, waste and sewer line shall be so installed and maintained as to function properly and shall be kept free from obstructions, leaks, and defects to prevent structural deterioration or health hazards. All repairs and installations shall be made in accordance with the provisions of the Building Code or Plumbing Code.
5. **Heating equipment.** Every required room heating, water heating, and cooking device shall be properly installed, connected and maintained, and shall be capable of performing the function for which it was

designed in accordance with the provisions of the Building Code.

6. **Electrical outlets and fixtures.** Every electrical outlet and fixture required by this code shall be installed, maintained and connected to the source of electrical power in accordance with the provisions of the Building Code or Electrical Code.
7. **Electrical system.** The electrical system shall be maintained in such a manner that it will not constitute a hazard to the occupants of the building by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installations, deteriorations or damage, or for similar reasons.

F. OCCUPANCY REQUIREMENTS. No person shall occupy as owner-occupant, or let to another for occupancy, any dwelling, or portion thereof, which does not comply with the following requirements.

1. **Minimum ceiling heights.** Habitable rooms shall have a clear ceiling height of not less than seven and one-third (7-1/2) feet, except that in attics or top half stories the ceiling height shall be not less than seven (7) feet or not less than one third (1/3) of the area when used for sleeping, study or similar activity. In calculating the floor area of such rooms only those portions of the floor area of the rooms having a clear ceiling height of five (5) feet or more may be included.
2. **Required space in dwelling units.** Every dwelling unit shall contain a minimum gross floor area of not less than one hundred fifty (150) square feet for the first occupant and one hundred (100) square feet for each additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms.
3. **Required space in sleeping rooms.** Every room occupied for sleeping purposes by one (1) occupant shall have a minimum gross floor area of at least seventy (70) square feet. Every room occupied for sleeping purposes by more than one (1) occupant shall

contain at least fifty (50) square feet of floor area for each occupant thereof.

4. **Access limitation of dwelling unit to commercial uses.** No habitable room, or bathroom which is accessory to a dwelling unit shall open directly into or shall be used in conjunctions with a food store, barber or beauty shop, doctor's or dentist's examinations or treatment room, or similar room used for public purposes.
5. **Location of bath and second sleeping room.** No dwelling unit containing two (2) or more sleeping rooms shall have such room arrangements that access to a bathroom intended for use by occupants of more than one (1) sleeping room can be had only by going through another sleeping room; nor shall the room arrangement be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom. No bathroom shall be so located that access thereto is solely through a kitchen.
6. **Occupancy of dwelling units below grade.** No dwelling unit partially below grade shall be used for living purposes unless:
 - a. Floors and walls are watertight;
 - b. Total window area, total openable area and ceiling height are in accordance with this Code; and
 - c. Required minimum window area of every habitable room is entirely above the grade of the ground adjoining such window area.

G. LIGHT AND VENTILATION. No person shall occupy as owner-occupant, or let to another for occupancy, and dwelling, or portion thereof which does not comply with the following requirements.

1. **Natural light in habitable rooms.** Every habitable room shall have at least one (1) window facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every habitable room shall be ten percent (10%) of the floor

area of such room, except in a kitchen when artificial light may be provided in accordance with the provisions of the Building code. When ever walls or other portions of the structure face a window of any room and such obstructions are located less than three (3) feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors or to a court and shall not be included as contributing to the required minimum total window area for the room.

2. **Light in non-habitable workspace.** Every laundry, furnace room, and all similar non-habitable work spaces shall have a minimum of one (1) supplied electric light fixture available at all times.
3. **Light in public halls and stairways.** Every public hall and inside stairway shall be adequately lighted at all times with an illumination of at least five (5) lumens per square foot in the darkest portion of the normally traveled stairs and passageways.
4. **Electric outlets required.** Where there is electric service available to the building or structure, every habitable room shall contain at least two (2) separate and remote outlets, one (1) of which may be a ceiling or wall-type electric light fixture. In kitchens three (3) separate and remote wall type convenience outlets or two (2) such convenience outlets and one (1) ceiling or wall type electric light fixture shall be provided. Every public hall, bathroom, laundry room or furnace room shall contain at least one (1) electric light fixture. In addition to the electric light fixture in every bathroom and laundry room, there shall be provided at least one (1) electric outlet.
5. **Adequate ventilation.** Every habitable room shall have at least one (1) window which can be easily opened or such other devise as will adequately ventilate the room. The total openable window area in every habitable room shall be equal to at least forty-five percent (45%) of the minimum window area size required by the light and ventilation requirements of this Code except where mechanical ventilation is provided in accordance with the provisions of the Building Code.

6. **Ventilation and light in bathroom.** Every bathroom compartment shall comply with the light and ventilation requirements for habitable rooms as required by the Building Code, except that no window shall be required in bathrooms equipped with an adequate ventilation system.

H. FIRE SAFETY. No person shall occupy as owner-occupant, or shall let to another for occupancy, any dwelling, or portion thereof, which does not comply with the applicable provisions of the fire preventions sections of the Building Code, the Code for Safety to Life and the following additional requirements for safety from fire or hazards.

1. **Smoke detectors.** All rental dwellings units shall be equipped with smoke detectors of a type, make and model approved by the Prince George's County Fire Protection Codes and mounted in locations as set forth in the aforementioned Fire Protection Codes. Smoke detectors required by this section shall be installed and in operation by October 1, 1980 and maintained thereafter. All non-rental dwelling units shall be equipped with smoke detectors as well, also in accordance with Prince George's County Fire Protection Codes. This provision applies only to those non-rental dwelling units constructed after January 1, 1992.
2. **Carbon Monoxide Detectors (CO).** All
3. **Storage of flammable liquids prohibited.** The dispensing or storage of flammable liquids with a flash point of one hundred ten (110) degrees Fahrenheit or lower shall not be permitted within a dwelling.
4. **Cooking and heating equipment.** All cooking and heating equipment, components, and accessories in every heating, cooking and water heating device shall be maintained free from leaks and obstructions, and kept functioning properly so as to be free from fire, health, and accident hazards. All installations and repairs shall be made in accordance with the provisions of the Building Code.

5. **Kerosene heaters and wood stoves.** Only recognized and approved units may be used and then only if installed as per manufacturer's and testing laboratory specifications. Open flame devices may not be used for cooking or heating unless specifically intended for and approved for such use.
6. All multifamily apartments constructed after April 1, 1987 and all rental properties licensed by the Town of Edmonston after January 1, 2006 shall have:
 - a. A fire extinguisher in each unit or located in a place accessible to all units.
 - b. A card posted beside all central fire alarm switches which gives simple directions on the use of the central fire alarm switch as well as the street name and address of the building in which the central fire alarm switch is located.
 - c. Entrance doors to each multifamily unit secured by a dead-bolt lock shall be easily opened from within without the use of a key.

9A-4. INSPECTION OF OTHER BUILDINGS AND STRUCTURES.

- A. **Inspections.** The Town Administrator, Code Enforcement, Police Department or duly authorized representative as appointed by the Mayor and Council shall hereby be authorized to inspect all dwellings, dwelling units, rooming units, commercial buildings, commercial units and premises to determine if they are in violation of the provisions of the Building Code.
- B. **Entry.** If any owner, occupant, or other person in charge of a structure subject to the provisions of this Code prevents entry and free access to any part of the structure or premises, the Town Administrator or his designee, upon the basis of an exterior inspection from the property line, shall make a determination as to whether there is reason to believe that a serious clear and present danger to the health and safety of the occupants or community exists.
 1. **Serious violations.** If such a clear and present danger exists, the Town Administrator or his designee, may initiate any appropriate action or proceedings and

seek any appropriate order necessary to enforce the Town's right of entry.

2. **Less serious violations.** In the absence of such a clear and present danger, the Town Administrator or his designee, is authorized to conduct an exterior inspection from the property line. The owner shall be notified of exterior violations and prosecuted in the manner provided elsewhere in this Code.

9A-5. UNFIT DWELLINGS, BUILDINGS OR STRUCTURES.

- A. **DANGEROUS STRUCTURES.** Any building or structure which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the Town Administrator or his designee.
 1. One which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public.
 2. One which lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or of the public.
 3. One which because of its general condition or location is unsanitary, or otherwise dangerous to the health or safety of the occupants or of the public.
- B. **POSTING OF PLACARD.** Any building or structure declared as unfit for human habitation shall be posted with a placard reading "UNFIT FOR HUMAN HABITATION" at each entrance by the Town Administrator or his designee. It shall be unlawful for any person to enter such building or structure (after the date set forth in the placard to vacate) except for the reason of making the required repairs or of demolishing the same.

The Placard shall include the following:

1. Name of the Town;

2. the Chapter and section of the Code under which it is issued;
3. An order that the dwelling or multifamily dwelling or structure shall be vacated by a stated date, and must remain vacant until the order to vacate is withdrawn;
4. the date that the placard is posted;
5. A statement of the penalty for defacing or removal of the placard; and
6. a statement saying "This building is unfit for human habitation and its use or occupancy has been prohibited by the Town of Edmonston" and the placard shall bear the signature of the Town Administrator or Town Code Enforcement or Police Officer.

C. **REMOVAL OF PLACARD OR NOTICE.** No person shall deface or remove the placard from any building or structure which has been declared or placarded as unfit for human habitation except by authority in writing from the Town Administrator or his designee. Violation of this order shall be punishable by a Municipal Infraction fine of **\$500.00**. Each offense shall be considered a separate violation.
[Amended 5-11-2009 by Ord. No. 2009-O-006]

D. **VACATING OF DECLARED BUILDINGS.** Any building or structure declared as unfit for human habitation and so designated and posted shall be vacated within a reasonable time as ordered by the Town Administrator or his designee, and it shall be unlawful for any owner or operator to let any person inhabit said building or structure which has been declared and properly posted as unfit for human habitation after the date set forth in the placard.

The Town Administrator or his designee shall remove such placard whenever the defect or defects upon which the declaration and placarding action were based have been eliminated.

E. **NOTICE TO OWNER.** Whenever the Town Administrator or his designee has declared a building or structure as unfit for human habitation, he shall give written notice to the owner.

Such notice to the owner shall:

1. Be in writing;
2. Include a description of the real estate sufficient for identification;
3. Include a statement of the reason or reasons why it is being issued;
4. State the date occupants must vacate the dwelling units if the defects have not been eliminated and the order to vacate withdrawn.

F. **SERVICE OF NOTICE.** Service of notice that the building is unfit and must be vacated is required as follows:

1. By delivery to the owner personally, or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion; or
2. By depositing the notice in the United States Post Office addressed to the owner at his last known address with postage prepaid thereon; or
3. By posting a copy of the notice in placard form in a conspicuous place on the premises to be vacated.

G. **SEALING OF UNFIT STRUCTURE.** It shall be the responsibility of the owner of the property to remove all unsanitary or flammable material and to board up all windows and doors after a building or structure has been properly determined to be unfit for human habitation, if such boarding up is determined by the Town Administrator or his designee to be necessary for reasons of health or safety. In the event that the owner of the property fails to properly seal the structure against unlawful entry, the Town shall take action to remove unsanitary or flammable waste material and to board up all windows and doors so as to prevent entrance. The cost of said action shall be a lien on the property and collectible in the same manner as delinquent taxes.

H. **DEMOLITION OF UNFIT STRUCTURES.** The Town Administrator shall order a building to be demolished if it has been designated unfit for human habitation, has been posted as such, has been vacated, and has not been put into

proper repair as to rescind the designation as unfit for human habitation and to cause the placard to be removed. After the Town Administrator has given an order to demolish an unfit structure, the following procedure shall be followed:

1. The owner of any building or structure which has been ordered demolished, shall be given notice in the manner provided for service of notice for unfit buildings and shall be given reasonable time, not to exceed ninety (90) days, to demolish such structure.
2. When the owner fails, neglects or refuses to demolish an unfit, unsafe or unsanitary building or structure unit within the requisite time, the Town Administrator or his designee may apply to a court of competent jurisdiction for a demolition order to undertake the demolition. The cost of demolition shall be a lien on the property and collectible in the same manner as delinquent taxes.

9A-6. EMERGENCIES

- A. **EMERGENCY ACTION.** Whenever in the judgment of the Town Administrator, an emergency exists which requires immediate action to protect the public health, safety or welfare, an order may be issued without notice, conference or hearing, directing the owner, occupant, operator or agent to take such action as is appropriate to correct or abate the emergency.
- B. **VACATING BUILDINGS.** When in the opinion of the Town Administrator or his designee, there is a clear and present danger to the health or safety of the occupants, the Town Administrator or his designee is authorized and empowered to order and require the occupants to vacate the same forthwith. He shall cause to be posted at each entrance to such building a notice reading as follows: "This Building is Unsafe and its Use or Occupancy Has Been Prohibited by the Town Administrator of Code Enforcement Officer". And it shall be unlawful for any person to enter such building or structure except for the purpose of making the required repairs or of demolishing the same.
- C. **TEMPORARY SAFEGUARDS.** When, in the opinion of the Town Administrator or his designee, there exists grossly unsanitary conditions or an immediate danger of collapse or

failure of a building or structure or part thereof which could endanger life, he shall cause the necessary work to be done to render such building or structure or part thereof temporarily safe, whether or not the legal procedure herein described has been initiated.

- D. **CLOSING STREETS.** When necessary for the public safety, the Town Administrator or his designee, may temporarily close sidewalks, streets, buildings and structures and places adjacent to such unsafe buildings, and prohibit the same from being used.
- E. **EMERGENCY REPAIRS.** For the purpose of this section, the Town Administrator shall employ the necessary labor and materials to perform the required work as expeditiously as possible.
- F. **COSTS OF EMERGENCY REPAIRS.** Costs incurred in the performance of emergency work shall be a lien on the property and collectible in the same manner as delinquent taxes.

9A-7. VIOLATIONS.

- A. **NOTICE.** Whenever the Town Administrator, Code Enforcement or Police Officer or designee so appointed by Mayor and Council shall determine that there has been a violation of the provisions of this Code, notice shall be given to the owner. Such notice shall:
 - 1. Be in writing;
 - 2. Include a description of the real estate sufficient for identification;
 - 3. Include a statement of the reason or reasons why it is being issued; and
 - 4. State the time to correct the conditions.

Service of notice that a dwelling is in violation shall be as follows:

- a. By delivery to the owner personally or by leaving the notice at the usual place of abode of

the owner with a person of suitable age and discretion, or

- b. By depositing the notice in the United States Post Office addressed to the owner at his last known address with postage prepaid thereon.

B. **PENALTY FOR VIOLATIONS.** Violations of this Chapter are municipal infractions, subject to the penalty and enforcement provisions of Chapter 26 of this Code. Violations of this Chapter are subject to a fine of One Hundred Dollars **(\$100.00) for the first violation**, Two Hundred Fifty Dollars **(\$250.00) for a second violation**, Four Hundred Dollars **(\$400.00) for a third violation** and Six Hundred Dollars **(\$600.00) for each repeat violation** in excess of four. Each thirty (30) day period that the fine goes unpaid, or the violation remains uncorrected, or with no evidence of attempted correction, the fine will double up to a maximum of One Thousand Dollars (\$1,000.00). **[Amended 5-11-2009 by Ord. No. 2009-O-006]**

C. **WHENEVER VIOLATIONS OF THIS ARTICLE** have not been corrected within sixty (60) days of issuance of same, the Town Administrator or his designee is authorized to apply to the Circuit Court of Prince George's County for an injunction to counsel the owner to correct the violation (s), and to make such other provision to secure compliance with this Code as the Court sees just and proper. In particular, the Town Administrator or his designee is authorized to request the Court to appoint a trustee to exercise the owner's rights at the earliest time permitted by law to terminate the occupancy rights of the existing tenants; and to request the Court to enjoin the renting or re-renting of the premises upon the termination of the existing tenancy and to request the Court to order the Town to perform or have performed all repairs necessary to bring the structure into compliance with this Code and to charge the cost of such repairs as a lien on the property to be included in the next tax bill and to further request the Court to allow a judgment against the owner for the reasonable attorney's fees of the Town and for the reasonable administrative costs, including salary and overhead, incurred in connection with the enforcement effort.

9A-8. HEARINGS.

Any person aggrieved by an action of the Town Administrator, Code Enforcement Officer or designee under the provisions of this Chapter may, within fifteen (15) days of receipt of notice of action by the Town Administrator or Code Enforcement Officer or designee request a hearing before the Property Inspection Review Board. Hearing requests shall be on forms provided by the Town Administrator and shall be filed with the Town Administrator who will notify the appellant, in writing, of the time and place set for the hearing. A hearing shall not operate to stay the action of the Town unless the Town Administrator stays the action for good cause. The hearing shall be open to the public and records and minutes shall be maintained by the said Committee at all such hearings. Within ten (10) days after said hearing, the Committee shall make a recommendation to the Town Administrator as to the reversal, modification or affirmations of the action complained of, and shall issue its recommendation in writing and provide a copy thereof to the person aggrieved. The Property Inspection Review Board may be the same sitting personnel as the Rental Inspection Review Board or as so designated by the Town Administrator or Mayor and Council.

Chapter 12

BURNING AND SMOKE CONTROL

[HISTORY: Adopted by the Mayor and Town Council of the Town of Edmonston 2-10-1997 by Ord. No. 96-002 as Ch. 12 of the 1997 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention and fire protection -- See Ch. 20.

~ 12-1. Emissions from chimneys and furnaces.

It shall be unlawful for any person, firm or corporation to allow cinders, soot or dense smoke to escape from any chimney, smokestack or furnace within the Town of Edmonston onto or over the property of another in such quantities as to become uncomfortable and annoying to the occupants of private residences.

~ 12-2. Burning materials which emit offensive odors.

It shall be unlawful for any person to set on fire or cause to be burned within the limits of the Town of Edmonston, except within stoves or furnaces located within buildings, any garbage, filth, rags, rubber or other substance which emits strong offensive odors.

~ 12-3. Burning on streets or public places; restrictions on outdoor fires.

It shall be unlawful for any person to burn any paper, trash or other combustible material on any of the streets, sidewalks or other public places in the Town of Edmonston.

~ 12-4. Open outdoor fires.

It shall be unlawful for any person to start or build, or for any person to cause to be started or built, any fire on the open ground of any private property within the limits of the Town of Edmonston. **[Amended 10-8-2001 by Ord. No. 01-008]**

~ 12-5. Violations and penalties.

Violations of sections 1 thru 5 of this Chapter are Municipal Infractions, punishable by a fine of **\$100.00** for each offense. **[Amended 5-11-2009 by Ord. No. 2009-O-007]**

Chapter 14

CABLE COMMUNICATIONS

[HISTORY: Adopted by the Mayor and Council of the Town of Edmonston 3-8-1999 by Ord. No. 003-99. (This ordinance also repealed former Ch. 14, Cable Television, adopted 6-9-1997 by Ord. No. 97-0-002.) Amendments noted where applicable.]

ARTICLE I General Provisions

~ 14-1. Title.

This chapter shall be known and may be cited as the "Town Cable Communications Regulatory Code."

~ 14-2. When effective.

This chapter shall take effect and be in force from and after passage. All prior ordinances or parts of ordinances in conflict with the provisions of this chapter are hereby repealed.

~ 14-3. Findings and purpose; construal of provisions.

A. The Mayor and Council find that the further development of cable communications may result in great benefits for the people of the town. Cable technology is rapidly changing, and cable plays an essential role as part of the town's basic infrastructure. Cable television systems occupy and extensively make use of scarce and valuable public rights-of-way, in a manner different from the way in which the general public uses them, and in a manner reserved primarily for those who provide essential services to the public subject to special public interest obligations, such as utility companies. The town finds that public convenience, safety and general welfare can best be served by establishing regulatory powers vested in the town or such persons as the town so designates to protect the public and to ensure that any franchise granted is operated in the public interest.

B. Further, it is recognized that cable systems have the capacity to provide not only entertainment and information services to the town's residents but can provide a variety of broadband, interactive communications services to institutions and individuals.

C. In light of the foregoing, the following goals, among others, underlie the provisions set forth in this chapter:

(1) Cable service should be available to as many town residents as possible.

(2) A cable system should be capable of accommodating both present and reasonably foreseeable future cable-related needs of the town.

(3) A cable system should be constructed and maintained during a franchise term so that changes in technology may be integrated to the maximum extent possible into existing system facilities.

(4) A cable system should be responsive to the needs and interests of the local community and shall provide a diversity of information sources and service to the public.

(5) A cable operator should pay fair compensation to the town for the use of local public rights-of-way.

D. All provisions set forth in this chapter shall be construed to serve the public interest and the foregoing public purposes, and any franchise issued pursuant to this chapter shall be construed to include the foregoing findings and public purposes as integral parts thereof.

~ 14-4. Delegation of powers.

The town may delegate the performance of any act, duty or obligation, or the exercise of any power, under this chapter or any franchise agreement to any employee, officer, department or agency, except where prohibited by applicable law.

ARTICLE II Definitions and Word Usage

~ 14-5. Definitions; word usage.

A. Definitions and usage general. For the purposes of this chapter, the following terms, phrases, words and abbreviations shall have the meanings given herein, unless otherwise expressly stated. When not inconsistent with the context, words used in the present tense include the future tense; words in the plural number include the singular number, and words in the singular number include the plural number; and the masculine gender includes the feminine gender. The words "shall" and "will" are mandatory, and "may" is permissive. Unless otherwise expressly stated, words not defined herein shall be given the meanings set forth in Title 47 of the United States Code, as amended, and, if not defined therein, their common and ordinary meaning.

B. As used in this chapter, the following terms shall have the meanings indicated:

ACCESS CHANNEL -- Any channel on a cable system set aside

by a franchisee for public, educational or governmental use.

AFFILIATE -- Any person who owns or controls, is owned or controlled by or is under common ownership or control with a franchisee.

BASIC SERVICE -- Any service tier that includes the retransmission of local television broadcast signals and/or public, educational and governmental access signals.

CABLE ACT -- The Cable Communications Policy Act of 1984, 47 U.S.C. ~ 521 et seq., as amended from time to time.

CABLE SERVICE:

(1) The one-way transmission to subscribers of video programming or other programming services; and

(2) Subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

CABLE SYSTEM or SYSTEM -- A facility consisting of a set of closed transmission paths and associated signal generation, reception and control equipment that is designed to provide cable television service which includes video programming and which is provided to multiple subscribers within the town, but such term does not include a facility that serves only to retransmit the television signals of one or more television broadcast stations; a facility that serves subscribers without using any public rights-of-way; a facility of a common carrier which is subject, in whole or in part, to the provisions of Title II of the Communications Act, except that such facility shall be considered a cable system if such facility is used in the transmission of video programming directly to subscribers; an open video system that complies with 47 U.S.C. ~ 573; or any facilities of any electric utility used solely for operating its electric utility system. A reference to a "cable system" refers to any part thereof, including, without limitation, converters. The foregoing definition of "cable system" shall not be deemed to circumscribe or limit the valid authority of the town to regulate or franchise the activities of any other communications system or provider of communications services to the full extent permitted by law. Any franchise agreement shall define the services any franchisee is authorized to use the public rights-of-way to provide.

CHANNEL -- A six megahertz (MHz) frequency band, or equivalent capacity, which is capable of carrying either one standard video signal, a number of audio, digital or other nonvideo signals or some combination of such signals.

CONTROL -- For purposes of this definition means the legal or practical ability to exert actual working control over the affairs of the franchisee, either directly or indirectly, whether by contractual agreement, majority ownership interest, any lesser ownership interest or in any other manner.

CONVERTER -- An electronic device which may serve as an interface between a system and a subscriber's television receiver or other terminal equipment and which may perform a variety of functions, including signal security, descrambling, electronic polling, frequency conversion and channel selection.

COUNCIL -- The governing body of the town.

CUSTOMER -- Same as "subscriber."

EDUCATIONAL ACCESS CHANNEL or EDUCATIONAL CHANNEL -- Any channel on a cable system set aside by a franchisee for educational use.

FCC -- The Federal Communications Commission, its designee or any successor governmental entity thereto.

FRANCHISE -- A nonexclusive authorization granted pursuant to this chapter to construct, operate and maintain a cable system along the public rights-of-way to provide cable service within all or a specified area of the town. Any such authorization, in whatever form granted, shall not mean or include any general license or permit required for the privilege of transacting and carrying on a business within the town as required by the ordinances and laws of the town, or for attaching devices to poles or other structures, whether owned by the town or a private entity, or for excavating or performing other work in or along public rights-of-way.

FRANCHISE AGREEMENT -- A contract entered into pursuant to this chapter between the town and a franchisee that sets forth, subject to this chapter, the terms and conditions under which a franchise will be granted and exercised.

FRANCHISE AREA -- The area of the town that a franchisee is authorized to serve by its franchise agreement.

FRANCHISEE -- A natural person, partnership, domestic or foreign corporation, association, joint venture or organization of any kind that has been granted a franchise by the town.

GOVERNMENTAL ACCESS CHANNEL -- Any channel on a cable system set aside by a franchisee for government use.

INSTALLATION -- The connection of system services to subscribers' television receivers or other subscriber-owned or -provided terminal equipment.

LEASED ACCESS CHANNEL or COMMERCIAL ACCESS CHANNEL -- Any channel on a cable system designated or dedicated for use by a person unaffiliated with the franchisee.

MAYOR -- The Mayor of the town.

NET PROFIT -- The amount remaining after deducting from

gross revenues all of the actual, direct and indirect expenses associated with operating the cable system, including the franchise fee, interest, depreciation and federal or state income taxes.

NORMAL BUSINESS HOURS -- Those hours during which most similar businesses in the community are open to serve customers, including some evening hours at least one night per week and/or some weekend hours.

NORMAL OPERATING CONDITIONS -- Those service conditions that are within the control of a franchisee. Conditions that are not within the control of a franchisee include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages and severe weather conditions. Conditions that are ordinarily within the control of a franchisee include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods and maintenance or upgrade of a cable system.

OVS -- An open video system that complies with 47 U.S.C. ~ 653, as amended.

PERSON -- An individual, partnership, association, joint stock company, organization, corporation or any lawful successor thereto or transferee thereof, but such term does not include the town.

PROGRAMMER -- Any person or entity that produces or otherwise provides program material or information for transmission by video, audio, digital or other signals, either live or from recorded traces or other storage media, to users or subscribers by means of a cable system.

PUBLIC ACCESS CHANNEL -- Any channel on a cable system set aside by a franchisee for use by the general public, including groups and individuals, and which is available for such use on a nondiscriminatory basis.

PUBLIC RIGHTS-OF-WAY -- The surface, the air space above the surface and the area below the surface of any public street, highway, lane, path, alley, sidewalk, boulevard, drive, bridge, tunnel, park, parkway, waterway, easement or similar property within the town, which, consistent with the purposes for which it was dedicated, may be used for the purpose of installing and maintaining a cable system. No reference herein, or in any franchise agreement, to a "public right-of-way" shall be deemed to be a representation or guarantee by the town that its interest or other right to control the use of such property is sufficient to permit its use for such purposes, and a franchisee shall be deemed to gain only those rights to use as are properly in the town and as the town may have the undisputed right and power to give.

SECURITY FUND -- A performance bond, letter of credit or cash deposit, or any or all of these, to the extent required by a franchise agreement.

SERVICE INTERRUPTION -- Loss of picture or sound on one or more cable channels, as described in FCC regulations as of December 1, 1998.

SUBSCRIBER -- Any person who legally receives any service delivered over a cable system.

TOWN -- The Town of Edmonston, Maryland, and any agency, department or agent thereof.

TRANSFER -- Any transaction in which:

(1) Any ownership or other right, title or interest of more than 10% in a publicly traded corporation controlling a franchisee, its cable system or any person that is a cable operator of the cable system (or in the franchisee itself, if it is a publicly traded corporation) is transferred, sold, assigned, leased or sublet, directly or indirectly;

(2) Any ownership or other right, title or interest cognizable under FCC regulations of 50% or more in an entity other than a publicly traded corporation controlling a franchisee, its cable system or any person that is a cable operator of the cable system (or in the franchisee itself, if it is a publicly traded corporation) is transferred, sold, assigned, leased or sublet, directly or indirectly, to an entity that does not presently control such entity other than a publicly traded corporation;

(3) There is any transfer of control of a franchisee;

(4) A franchise is transferred to another entity;

(5) Any change or substitution occurs in the managing general partners of a franchisee, where applicable; or

(6) A franchisee, or its corporate parents at any level, enter into any transaction that materially increases the debt that is to be borne by the system directly or indirectly, in a manner that creates a risk of an adverse effect on system rates or services; but transfer shall not include transactions in which a franchisee is reorganized within another corporation owned, owning or commonly controlled with the franchisee, if such transaction does not materially affect the ultimate control of the franchisee or the sources and amounts of funds available to the franchisee.

USER -- A person or organization using a channel or equipment and facilities for purposes of producing or transmitting material, as contrasted with the receipt thereof in the capacity of a subscriber.

ARTICLE III Grant and Conditions of Franchise

~ 14-6. Grant of franchise.

A. The town may grant one or more cable franchises, and each such franchise shall be awarded in accordance with and subject to the provisions of this chapter.

B. Franchises shall be granted by action of the Council pursuant to applicable law.

C. No person may construct or operate a cable system without a franchise granted by the town. No person may be granted a franchise without having entered into a franchise agreement with the town pursuant to this chapter.

~ 14-7. Term of franchise.

No franchise shall be granted for a period of more than 15 years, except that a franchisee may apply for renewal or extension pursuant to applicable law.

~ 14-8. Franchise characteristics.

A. A franchise authorizes use of public rights-of-way for installing cables, wires, lines, optical fiber, underground conduit and other devices necessary and appurtenant to the operation of a cable system to provide cable service within a franchise area but does not expressly or implicitly authorize a franchisee to provide service to, or install a cable system on, private property without owner consent (except for use of compatible easements pursuant to Section 621 of the Cable Act, 47 U.S.C. ~ 541(A) (2) and common law) or to use publicly or privately owned conduits without a separate agreement with the owners.

B. A franchise shall constitute both a right and an obligation to provide the cable services regulated by the provisions of this chapter and the franchise agreement.

C. A franchise is nonexclusive and will not explicitly or implicitly preclude the issuance of other franchises to operate cable systems within the town; affect the town's right to authorize use of public rights-of-way by other persons to operate cable systems or for other purposes as it determines appropriate; or affect the town's right to itself construct, operate or maintain a cable system, with or without a franchise.

D. All privileges prescribed by a franchise shall be subordinate to (without limitation) the town's use and any prior lawful occupancy of the public rights-of-way

E. The town reserves the right reasonably to designate where a franchisee's facilities are to be placed within the public rights-of-way and to resolve any disputes among users of the public rights-of-way.

~ 14-9. Franchisee subject to other laws and police power.

A. A franchisee shall at all times be subject to and shall comply with all applicable federal, state and local laws. A franchisee shall at all times be subject to all lawful exercise of the police power of the town, including all rights the town may have under 47 U.S.C. ~ 552. Nothing in a franchise agreement shall be deemed to waive the requirements of the various codes and ordinances of the town regarding permits, fees to be paid or manner of construction.

B. No course of dealing between a franchisee and the town, or any delay on the part of the town in exercising any rights hereunder, or any acquiescence by the town in the actions of a franchisee that are in contravention of such rights (except to the extent such rights are expressly waived by the town) shall operate as a waiver of any such rights of the town.

C. The town may, from time to time, issue such reasonable rules and regulations concerning cable systems as are consistent with applicable law.

~ 14-10. Interpretation of franchise terms.

A. The provisions of this chapter and any franchise agreement will be liberally construed in favor of the town in order to effectuate their purposes and objectives and to promote the public interest.

B. Subject to federal law or regulation, a franchise agreement will be governed by and construed in accordance with the laws of the State of Maryland.

~ 14-11. Operation of cable system without franchise.

Any person who occupies the public rights-of-way of the town for the purpose of operating or constructing a cable system or an OVS and who does not hold a valid franchise (or other authority allowing such entity to be in the public rights-of-way to provide video services) from the town shall nonetheless, to the extent allowable by law, be subject to all provisions of this chapter, including but not limited to its provisions regarding construction and technical standards and franchise fees. Such person shall apply for a franchise within 30 days of receipt of a written notice by the town that a franchise agreement is required. The town may, in its discretion, require such person to remove its property and restore the area to a condition satisfactory to the town within a reasonable time period, as the town shall determine; remove the property itself and restore the area to a satisfactory condition and charge the person the costs therefor; and/or take any other action it is entitled to take under applicable law, including filing for and seeking damages under trespass. In no event shall a franchise be created unless it is issued by action of the town and subject to a written franchise agreement.

~ 14-12. Acts at franchisee's expense.

Any act that a franchisee is or may be required to perform under this chapter, a franchise agreement or applicable law, including but not limited to removal, replacement or modification of the installation of any of its facilities and restoration to town standards and specifications of any damage or disturbance caused to the public rights-of-way as a result of its operations or construction on its behalf, shall be performed at the franchisee's expense, unless expressly provided to the contrary in this chapter, the franchise agreement or applicable law.

~ 14-13. Eminent domain.

Nothing herein shall be deemed or construed to impair or affect, in any way or to any extent, the town's rights of eminent domain to the extent to which they may apply to any public utility or cable system.

ARTICLE IV Franchise Applications

~ 14-14. Franchise applications.

Application required.

A. A written application shall be filed with the town for grant of an initial franchise or modification of a franchise agreement pursuant to 47 U.S.C. ~ 545.

B. To be acceptable for filing, a signed original of the application shall be submitted together with 12 copies. The application must be accompanied by any required application filing fee, conform to any applicable request for proposals and contain all required information. All applications shall include the names and addresses of persons authorized to act on behalf of all applicants with respect to the application.

C. All applications accepted for filing shall be made available by the town for public inspection.

~ 14-15. Application for grant of initial franchise.

A. A person may apply for an initial franchise by submitting an application containing the information required in ~ 14-16 of this chapter. Upon receipt of such an application, the town may either evaluate the application pursuant to Subsection C, conducting such investigations as it deems necessary; or issue a request for proposals (RFP), after conducting, if necessary, a proceeding to identify the future cable-related needs and interests of the community. Any such RFP shall be mailed to the person requesting its issuance and made available to any other interested

party. The RFP may contain a proposed franchise agreement.

B. An applicant shall respond to an RFP by filing an application within the time directed by the town, providing the information and material set forth in ~ 14-16 of this chapter. The procedures, instructions and requirements set forth in the RFP shall be followed by each applicant. Any applicant that has already filed materials pursuant to Subsection A herein need not refile the same materials with its RFP response but must amplify its application to include any additional or different materials required by the RFP. The town or its designee may seek additional information from any applicant and establish deadlines for the submission of such information.

C. In evaluating an application for a franchise, the town shall consider, among other things, the following factors:

(1) The extent to which the applicant has substantially complied with the applicable law and the material terms of any existing cable franchise for the town.

(2) Whether the quality of the applicant's service under any existing franchise in the town, including signal quality, response to customer complaints, billing practices and the like, has been reasonable in light of the needs and interests of the communities served.

(3) Whether the applicant has the financial, technical and legal qualifications to provide cable service.

(4) Whether the application satisfies any minimum requirements established by the town and is otherwise reasonable to meet the future cable-related needs and interests of the community, taking into account the cost of meeting such needs and interests.

(5) Whether, to the extent not considered under Subsection C(4) of this section, the applicant will provide adequate public, educational and governmental access channel capacity, facilities or financial support.

(6) Whether issuance of a franchise is warranted in the public interest considering the immediate and future effect on the public rights-of-way and private property that would be used by the cable system, including the extent to which installation or maintenance as planned would require replacement of property or involve disruption of property, public services or use of the public rights-of-way; the effect of granting a franchise on the ability of cable to meet the cable-related needs and interests of the community; and the comparative superiority or inferiority of competing applications.

(7) What effects a grant of the application may have on competition in the delivery of cable service in the town.

D. If the town finds that it is in the public interest to issue a franchise considering without limitation the factors set

forth above, and subject to the applicant's entry into an appropriate franchise agreement, it shall issue a franchise. If the town denies a franchise, it will issue a written decision explaining why the franchise was denied. Prior to deciding whether or not to issue a franchise, the town may hold one or more public hearings or implement other procedures under which comments from the public on an application may be received. The town also may grant or deny a request for a franchise based on its review of an application without further proceedings and may reject any application that is incomplete or fails to respond to an RFP. This chapter is not intended and shall not be interpreted to grant any party standing to challenge the denial of an application or the issuance of a franchise unless such standing is necessary to enforce a party's rights under its franchise agreement or applicable law.

~ 14-16. Contents of application.

An RFP for the grant of an initial franchise shall require, and any such application shall contain, at a minimum, the following information:

A. The name and address of the applicant and identification of the ownership and control of the applicant, including the names and addresses of the 10 largest holders of an ownership interest in the applicant and affiliates of the applicant, and all persons with 5% or more ownership interest in the applicant and its affiliates; the persons who control the applicant and its affiliates; all officers and directors of the applicant and its affiliates; and any other business affiliation and cable system ownership interest of each named person.

B. A demonstration of the applicant's technical ability to construct and/or operate the proposed cable system, including identification of key personnel.

C. A demonstration of the applicant's legal qualifications to construct and/or operate the proposed cable system, including but not limited to the following factors:

(1) The town shall consider whether an applicant has had previous requests for a franchise denied by the town or other franchising authorities.

(2) The applicant must have the necessary authority under Maryland law to operate a cable system.

(3) The applicant must have the necessary authority under federal law to hold the franchise and operate a cable system. An applicant must have, or show that it is qualified to obtain, any necessary federal franchises or waivers required to operate the system proposed.

(4) The town shall consider whether, at any time during the 10 years preceding the submission of the application, the

applicant or any officer, director, partner or major shareholder thereof was convicted of any act or omission of such character that the applicant cannot be relied upon to deal truthfully with the town and the subscribers of the cable system, or to substantially comply with its lawful obligations under applicable law, including obligations under consumer protection laws and laws prohibiting anticompetitive acts, fraud, racketeering or other similar conduct.

(5) The town shall consider whether an applicant files materially misleading information in its application or intentionally withholds information that the applicant lawfully is required to provide.

(6) The town shall consider whether any elected official of the town holds a controlling interest in the applicant or an affiliate of the applicant.

(7) The town shall provide an opportunity to an applicant to show that it would be inappropriate to deny it a franchise by virtue of the particular circumstances surrounding the matter and the steps taken by the applicant to cure all harms flowing therefrom and prevent their recurrence, the lack of involvement of the applicant's principals or the remoteness of the matter from the operation of cable systems.

D. A demonstration of financial qualifications to complete the construction and operation of the cable system proposed.

E. A description of any prior experience in cable system ownership, construction and operation and identification of communities in which the applicant or any of its principals have, or have had, a cable franchise or any interest therein.

F. Identification of the area of the town to be served by the proposed cable system, including a description of the proposed franchise area's boundaries.

G. A detailed description of the physical facilities proposed, including channel capacity, technical design, performance characteristics, head end and access facilities.

H. Where applicable, a description of the construction of the proposed system, including an estimate of plant mileage and its location; the proposed construction schedule; and a description, where appropriate, of how services will be converted from existing facilities to new facilities.

I. A demonstration of how the applicant will reasonably meet the future cable-related needs and interests of the community, including public, educational and governmental access channel capacity, facilities or financial support to meet the community's needs and interests.

J. If necessary at the town's discretion, pro forma financial projections for the proposed franchise term, including a statement of projected income and a schedule of planned capital

additions, with all significant assumptions explained in notes or supporting schedules.

K. Any other information that may be reasonably necessary to demonstrate compliance with the requirements of this chapter.

L. Any additional information that the town may reasonably request of the applicant that is relevant to the town's consideration of the application.

M. An affidavit or declaration of the applicant or authorized officer certifying the truth and accuracy of the information in the application, acknowledging the enforceability of application commitments and certifying that the application meets all federal and state law requirements.

N. The town may, at its discretion and upon request of an applicant, waive, in writing, the provision of any of the information required by this ~ 14-16.

~ 14-17. Application for grant of renewal franchise.

The renewal of any franchise to provide cable service shall be conducted in a manner consistent with Section 626 of the Cable Act, 47 U.S.C. ~ 546, as from time to time amended.

~ 14-18. Application for modification of franchise.

An application for modification of a franchise agreement shall include, at minimum, the following information:

A. The specific modification requested;

B. The justification for the requested modification, including the impact of the requested modification on subscribers and others, and the financial impact on the applicant if the modification is approved or disapproved, demonstrated through, inter alia, submission of financial pro formas;

C. A statement whether the modification is sought pursuant to Section 625 of the Cable Act, 47 U.S.C. ~ 545, and, if so, a demonstration that the requested modification meets the standards set forth in 47 U.S.C. ~ 545;

D. Any other information that the applicant believes is necessary for the town to make an informed determination on the application for modification; and

E. An affidavit or declaration of the applicant or authorized officer certifying the truth and accuracy of the information in the application and certifying that the application is consistent with all federal and state law requirements.

~ 14-19. Public hearings.

An applicant shall be notified of any public hearings held in connection with the evaluation of its application and shall be given an opportunity to be heard. In addition, prior to the issuance of a franchise, the town shall provide for the holding of a public hearing within the proposed franchise area, following reasonable notice to the public, at which every applicant and its applications shall be examined and the public and all interested parties afforded a reasonable opportunity to be heard.

~ 14-20. Acceptance of franchise.

Following approval by the town, any franchise granted pursuant to this chapter, and the rights, privileges and authority granted by a franchise agreement, shall take effect and be in force from and after the first date on which both the franchisee and the town have accepted and signed the franchise agreement.

ARTICLE V Filing Fees

~ 14-21. Filing fee required.

To be acceptable for filing, any application of the type listed below submitted after the effective date of this chapter shall be accompanied by a nonrefundable filing fee of \$5,000, payable to the town, to cover costs incidental to the awarding or enforcement of the franchise, as appropriate:

- A. Application for an initial franchise or for issuance of an RFP.
- B. Application for renewal of a franchise.
- C. Application for modification of a franchise agreement.
- D. Application for approval of a transfer.

~ 14-22. Reimbursement of expenses; construal of franchise fee.

To the extent consistent with applicable law:

A. The town may require the franchisee or, where applicable, a transferor or transferee to reimburse the town for its reasonable out-of-pocket expenses in considering the application, including consultants' fees;

B. No payments made hereunder shall be considered a franchise fee, but fall within one or more of the exceptions in 47 U.S.C. ~ 542(G) (2).

ARTICLE VI
Provision of Cable Service

~ 14-23. Availability of cable service.

A franchisee shall construct and operate its system so as to provide service to all parts of its franchise area having a density of at least 20 residences per mile of system. In addition, all areas which reach such density at any time during the franchise term shall be provided service upon reaching the minimum density.

~ 14-24. Line extension requirement.

Except as federal law may otherwise require, and subject to the minimum density requirement specified in ~ 14-23 of this chapter, a franchisee shall, upon request, extend its trunk and distribution system to any subscriber located within 250 feet of a main distribution cable located in the public rights-of-way at its standard installation charge, unless the franchisee demonstrates to the town's satisfaction that extraordinary circumstances exist; and extend its trunk and distribution system to any potential subscriber outside the two-hundred-fifty-foot limit, provided that the franchisee may charge the potential subscriber for the cost of the actual length of the installed drop, or the shortest distance to the point where the franchisee would be required to extend its distribution system, whichever is shorter, except where the franchisee has demonstrated to the town's satisfaction that extraordinary circumstances exist. In areas where the minimum density requirement is not met, or where extraordinary circumstances exist, a franchisee shall, upon request, extend its cable system to a potential subscriber, provided that the subscriber shall pay the additional extension costs.

~ 14-25. Cost sharing.

A. "Additional extension costs" as used in ~ 14-24 herein shall mean a subscriber's pro rata share of a franchisee's total construction costs at the actual density of affected potential subscribers, less the total construction costs that the franchisee would incur if it were extending its system to make service available to the same number of potential subscribers at a density of 20 residences per mile.

B. "Total construction costs" are defined for purposes of this ~ 14-25 as the actual turnkey cost to construct the entire extension, including electronics, pole make-ready charges and labor, but not the cost of the house drop.

~ 14-26. Continuity of service.

A. It is the right of all subscribers in the franchise area to receive all available services from a franchisee, as those services become available, as long as their financial and other

obligations to the franchisee are satisfied.

B. A franchisee shall ensure that all subscribers receive continuous uninterrupted service. At the town's request, a franchisee shall, as trustee for its successor in interest, operate its system for a temporary period (the "transition period") following the termination, sale or transfer of its franchise as necessary to maintain service to subscribers and shall cooperate with the town to assure an orderly transition from it to another franchisee.

C. During such transition period, a franchisee shall not sell any of the system assets, nor make any physical, material, administrative or operational change that would tend to reduce the quality of service to subscribers, decrease the system's income or materially increase expenses without the express permission, in writing, of the town.

D. The town may seek legal and/or equitable relief to enforce the provisions of this section.

E. The transition period shall be no longer than the reasonable period required to ensure that cable service will be available to subscribers and shall not be longer than 36 months, unless extended by the town for good cause. During the transition period, a franchisee will continue to be obligated to comply with the terms and conditions of the agreement and applicable laws and regulations.

F. If a franchisee abandons its system during the franchise term, or fails to operate its system in accordance with the terms of its franchise agreement during any transition period, the town, at its option, may operate the system, designate another entity to operate the system temporarily until the franchisee restores service under conditions acceptable to the town or until the franchise is revoked and a new franchisee selected by the town is providing service, or obtain an injunction requiring the franchisee to continue operations. If the town is required to operate or designate another entity to operate the cable system, the franchisee shall reimburse the town or its designee for all reasonable costs and damages incurred that are in excess of the revenues from the cable system.

G. A franchisee shall forfeit its rights to notice and hearing, and the Council may by resolution declare its franchise immediately terminated, in addition to any other relief or remedies it may have under its franchise agreement, this chapter or other applicable law, if:

(1) The franchisee fails to provide cable service in accordance with its franchise over a substantial portion of the franchise area for 96 consecutive hours, unless the town authorizes a longer interruption of service or the failure is due to force majeure as characterized in its franchise agreement; or

(2) The franchisee, for any period, willfully and

without cause refuses to provide cable service in accordance with its franchise over a substantial portion of the franchise area.

ARTICLE VII
Design and Construction

~ 14-27. System construction schedule.

Every franchise agreement shall specify the construction schedule that will apply to any required construction, upgrade or rebuild of the cable system.

~ 14-28. Construction procedures.

A. A franchisee shall construct, operate and maintain its cable system in strict compliance with all applicable laws, ordinances, rules and regulations, including but not limited to the National Electrical Safety Code and the National Fire Protection Association National Electrical Code, as such may be amended from time to time.

B. The system, and all parts thereof, shall be subject to the right of periodic inspection by the town.

C. No construction, reconstruction, installation or relocation of the system or any part thereof within the public rights-of-way shall be commenced until all applicable written permits have been obtained from the proper town officials. In any permit so issued, such officials may impose such conditions and regulations as a condition of the granting of the permit as are necessary for the purpose of protecting any structures in the public rights-of-way and for the proper restoration of such public rights-of-way and structures and for the protection of the public and the continuity of pedestrian and vehicular traffic.

D. A franchisee shall, by a time specified by the town, protect, support, temporarily disconnect, relocate or remove any of its property when required by the town by reason of traffic conditions; public safety; public right-of-way construction; public right-of-way maintenance or repair (including resurfacing or widening); change of public right-of-way grade; construction, installation or repair of sewers, drains, water pipes, power lines, signal lines, tracks or any other type of government-owned communications system, public work or improvement or any government-owned utility; public-right-of-way vacation; or for any other purpose where the convenience of the town would be served thereby; provided, however, that a franchisee shall, in all such cases, have the privilege of abandoning any property in place, after obtaining permission from the town.

E. If any removal, relaying or relocation is required to accommodate the construction, operation or repair of the facilities of another person that is authorized to use the public rights-of-way, a franchisee shall, after reasonable advance written

notice, take action to effect the necessary changes requested by the responsible entity. The town may resolve disputes as to responsibility for costs associated with the removal, relaying or relocation of facilities as among entities authorized to install facilities in the public rights-of-way if the parties are unable to do so themselves and if the matter is not governed by a valid contract between the parties or a state or federal law or regulation.

F. In the event of an emergency, or where a cable system creates or is contributing to an imminent danger to health, safety or property, the town may remove, relay or relocate any or all parts of that cable system without prior notice.

G. A franchisee shall, on the request of any person holding a building moving permit issued by the town, temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal or raising or lowering of wires shall be paid by the person requesting same, and a franchisee shall have the authority to require such payment in advance, except in the case where the requesting person is the town, in which case no such payment shall be required. A franchisee shall be given not less than 72 hours' advance notice to arrange for such temporary wire changes.

H. A franchisee shall participate in any Miss Utility program active in its franchise area with regard to giving and receiving notice of the location of facilities and excavations.

~ 14-29. Restoration.

Any and all public rights-of-way, public property or private property that is disturbed or damaged during the construction, repair, replacement, relocation, operation, maintenance or construction of a cable system shall be repaired, replaced and restored, as appropriate, in substantially the same condition and in a good workmanlike, timely manner, in accordance with the standards for such work set by the town. With respect to damage or disturbances to public rights-of-way or public property, all repairs and restoration shall be performed in accordance with Subtitle 23 of the Prince George's Town Code or any successor provision. All repairs, replacements and restoration shall be undertaken within no more than 30 days after the damage is incurred and shall be completed as soon as reasonably possible thereafter. A franchisee shall guarantee and maintain such restoration for at least one year against defective materials or workmanship.

~ 14-30. Use of public property.

A. Should the grades or lines of the public rights-of-way that the franchisee is authorized by a franchise to use and occupy be changed at any time during the term of a franchise, the franchisee shall, if necessary, relocate or change its system so as to conform with the new grades or lines.

B. Any alteration to the water mains, sewerage or drainage system or to any town, state or other public structures in the public rights-of-way required on account of the presence of a franchisee's system in the public rights-of-way shall be made at the sole cost and expense of the franchisee. During any work of constructing, operating or maintaining of a system, the franchisee shall also protect any and all existing structures belonging to the town and any other person. All work performed by the franchisee shall be done in the manner prescribed by the town or other officials having jurisdiction therein.

~ 14-31. Interference with public projects.

Nothing in this chapter or any franchise agreement shall be in preference or hindrance to the right of the town and any board, authority, commission or public service corporation to perform or carry on any public works or public improvements of any description, and should a franchisee's system in any way interfere with the construction, maintenance or repair of such public works or public improvements, the franchisee shall protect or relocate its system, or part thereof, as reasonably directed by any town official, board, authority, commission or public service corporation.

ARTICLE VIII
Channels and Facilities for
Public, Educational and Governmental Use

~ 14-32. Management of channels.

A. The town may designate one or more entities, including a nonprofit access management corporation, to perform any or all of the following functions:

(1) To manage any necessary scheduling or allocation of capacity on the institutional network; and/or

(2) On the town's behalf, to program any public, educational or governmental access channel.

B. Educational and public access channels shall not be managed by the same entity; provided, however, that until such entities have been designated, the town shall be responsible for these functions.

~ 14-33. Public access programming rules.

For any public access channel, the entity managing such channel shall establish rules that prohibit the presentation of any advertising material designed to promote the sale of commercial products or services (including advertising by or on behalf of candidates for public office), lottery information and obscene

matter; rules requiring first-come, nondiscriminatory access; and rules permitting public inspection of the complete record of the names and addresses of all persons and groups requesting access time. Such a record shall be retained for a period of two years.

~ 14-34. Use of access channels.

Governmental access channel(s) shall be for the noncommercial use of the town and/or other governmental entities. Educational access channel(s) shall be for the noncommercial use of the educational community.

ARTICLE IX Consumer Protection

~ 14-35. General provisions.

This article sets forth customer service standards that a franchisee must satisfy. In addition, the franchisee shall at all times satisfy any additional or stricter requirements established by FCC regulations, or other applicable federal, state or local law or regulation, as the same may be amended from time to time.

A. Nothing in this chapter may be construed to prevent or prohibit:

(1) The town and a franchisee from agreeing to customer service requirements that exceed the standards set forth in this chapter;

(2) The town from enforcing, through the end of a franchise term, preexisting customer service requirements that exceed the standards set forth in this chapter and are contained in current franchise agreements;

(3) The town from enacting or enforcing any customer service or consumer protection laws or regulations; or

(4) The town from waiving, for good cause, requirements established in this article.

B. Nothing in this chapter in any way relieves a franchisee of its obligation to comply with other applicable consumer protection laws and its franchise agreement.

~ 14-36. Installations, connections and other franchisee services.

A. Installation of drops. A subscriber's preference as to the point of entry into a residence shall be observed whenever feasible. Runs in building interiors shall be as unobtrusive as possible. A franchisee shall use due care in the process of installation and shall repair any damage to a subscriber's property caused by said installation. Such restoration shall be undertaken

within 30 days after the damage is incurred and shall be completed as soon as reasonably possible thereafter.

B. Location of drops. In locations where a franchisee's system must be underground, drops must be placed underground as well. In all cases where new development and subdivisions are to be constructed and to be served in whole or in part by underground power and telephone utilities, the owner or developer of such areas shall provide reasonable notice to the franchisee of the availability of trenches, backfill and specifications of all necessary substructures in order that the franchisee may install all necessary cable facilities. In no event shall such undergrounding be at any cost or expense to the town.

C. Time for extension/installation. Where a franchisee is required under Article VI to provide service to a person that resides within 250 feet from the franchisee's distribution system, the franchisee must provide such service within seven business days of the person's request. If the person resides more than 125 feet from the franchisee's distribution system, the town may waive this seven-day requirement upon a showing of good cause by the franchisee and provided that the franchisee specifies the time period within which service will be provided. This standard shall be met 95% of the time, measured on a quarterly basis.

D. Antennas and antenna switches. A franchisee shall adhere to FCC regulations regarding antenna switches. A franchisee shall not, as a condition to providing cable service, require any subscriber or potential subscriber to remove any existing antenna structures for the receipt of over-the-air television signals.

E. Delinquent accounts. A franchisee shall use its best efforts to collect on delinquent subscriber accounts before terminating service. In all cases, the franchisee shall provide the customer with at least 10 working days' written notice prior to disconnection.

~ 14-37. Telephone and office availability.

A. Each franchisee shall maintain offices at convenient locations within Prince George's County, as specified in its franchise agreement, that shall be open during normal business hours to allow subscribers to request service, pay bills and conduct other business.

B. Each franchisee will maintain at least one local, toll-free or collect call telephone access line which will be available to subscribers 24 hours a day, seven days a week. Trained representatives of a franchisee shall be available to respond to subscriber telephone inquiries during normal business hours.

C. Each franchisee shall be subject to the following standards, except that such franchisee shall not be subject to penalty as long as it meets such standards under normal operating conditions at least 90% of the time, measured quarterly.

(1) Telephone answering time shall not exceed 30 seconds, and the time to transfer the call to a customer service representative (including hold time) shall not exceed an additional 30 seconds.

(2) A customer will receive a busy signal less than 3% of the time.

(3) When the business office is closed, an answering service where a person receives and records service complaints and inquiries shall be employed. Inquiries received after hours must be responded to by a trained representative of a franchisee on the next business day. To the extent possible, the after-hours answering service shall comply with the same telephone answer time standard set forth in this section.

D. In any case, at all times a franchisee shall provide an answering machine so that callers will have the option to leave messages.

E. A franchisee must hire sufficient competent customer service representatives and repair technicians so that it can adequately respond to customer inquiries, complaints and requests for service in its office, over the phone and at a subscriber's residence; provide prompt and effective service to subscribers; and, as a rule, complete repairs within a subscriber's home upon a single visit.

~ 14-38. Scheduling and completing service.

Under normal operating conditions, each of the following standards shall be met by all franchisees at least 95% of the time, as measured on a quarterly basis:

A. Prompt service. Excluding conditions beyond the control of the franchisee, repairs and maintenance for service interruptions must begin promptly and in no event later than 24 hours after the subscriber reports the problem to the franchisee or its representative or the interruption or need for repairs otherwise becomes known to the franchisee. All such work must be completed within three days from the date of the initial request, except installation requests, provided that a franchisee shall complete the work in the shortest time possible where, for reasons beyond the franchisee's control, the work could not be completed in those time periods even with the exercise of all due diligence; the failure of a franchisee to hire sufficient staff or to properly train its staff shall not justify a franchisee's failure to comply with this provision.

B. Service times. Each franchisee shall perform service calls, installations and disconnects at least during normal business hours. In addition, maintenance service capability enabling the prompt location and correction of major system malfunctions shall be available Monday through Friday from the end

of normal business hours until 12:30 a.m., and from 8:00 a.m. until 12:30 a.m. on Saturdays, Sundays and holidays.

C. Appointments. The appointment window for installations, service calls and other installation activities will be either a specific time or, at maximum, a two-hour time block during normal business hours, or such greater time as the town may authorize. Where a subscriber cannot conveniently arrange for a service call or installation during normal business hours, a franchisee shall also schedule service and installation calls outside normal business hours for the express convenience of the subscriber.

D. Cancellations. A franchisee may not cancel an appointment with a subscriber after the close of business on the business day preceding the appointment. If a franchisee's representative is running late for an appointment with a subscriber and will not be able to keep the appointment as scheduled, the subscriber will be contacted, and the appointment rescheduled, as necessary, at a time which is convenient for the subscriber.

E. Emergency maintenance. A franchisee shall keep an emergency system maintenance and repair staff, capable of responding to and repairing system malfunctions or interruptions, on a twenty-four-hour basis.

F. Other inquiries. Under normal operating conditions, billing inquiries and requests for service, repair and maintenance not involving service interruptions must be acknowledged by a trained customer service representative within 24 hours, or prior to the end of the next business day, whichever is earlier. A franchisee shall respond to all other inquiries within five business days of the inquiry or complaint.

G. If a subscriber experiences a missed appointment due to the fault of a franchisee, the franchisee shall credit the subscriber's account \$20 for each missed appointment, or grant the subscriber such other equivalent remedy as the subscriber and franchisee may agree. This is in addition to any other penalties or liquidated damages.

H. Upon subscriber request, each franchisee shall arrange for pickup and/or replacement of converters or other franchisee equipment at the subscriber's address or by a satisfactory equivalent (such as the provision of a postage-prepaid mailer). At a subscriber's request, a franchisee shall make such pickup or replacement at the same time as any disconnection or other related service call, so as to avoid an additional visit. If a franchisee charges a fee for such pickup or replacement, such fee shall be clearly disclosed at the time of the subscriber's request.

~ 14-39. Interruptions of service.

A. A franchisee shall, when practicable, schedule and conduct maintenance on its cable system so that interruption of service is minimized and occurs during periods of minimum

subscriber use of the cable system. The franchisee shall provide reasonable prior notice to subscribers and the town before interrupting service for planned maintenance or construction, except where such interruption is expected to be one hour or less in duration. Such notice shall be provided by methods reasonably calculated to give subscribers actual notice of the planned interruption.

B. A franchisee may intentionally interrupt service on the cable system after 7:00 a.m. and before 1:00 a.m. only with good cause and for the shortest time possible and, except in emergency situations, only after publishing notice of service interruption at least 24 hours in advance of the service interruption. Service may be intentionally interrupted between 1:00 a.m. and 7:00 a.m. for routine testing, maintenance and repair, without notification, any night except Friday, Saturday or Sunday or the night preceding a holiday.

~ 14-40. Notice to subscribers.

A. Unless otherwise provided for herein, a franchisee shall provide the following materials to each subscriber at the time cable service is installed, at least annually thereafter, and at any time upon request. Copies of all such materials provided to subscribers shall also be provided to the town.

(1) A written description of products and services offered, including a schedule of rates and charges, a list of channel positions and a description of programming services, options and conditions.

(2) A written description of the franchisee's installation and service maintenance policies, delinquent subscriber disconnect and reconnect procedures and any other of its policies applicable to its subscribers.

(3) Written instructions on how to use the cable service.

(4) Written instructions for placing a service call;

(5) A written description of the franchisee's billing and complaint procedures, including the address and telephone number of the town office responsible for receiving subscriber complaints.

(6) A copy of the service contract, if any (at installation or on request, but need not be provided annually).

(7) Notice regarding subscribers' privacy rights pursuant to 47 U.S.C. ~ 551.

(8) Notice of the availability of universal remote controls and other compatible equipment (a list of which, specifying brands and models, shall be provided to any subscriber

upon request).

B. Subscribers will be notified of any changes in rates, programming services or channel positions, and any significant changes in any other information required to be provided by this section, as soon as possible, in writing, unless such notice is waived by operation of applicable law. Notice must be given to subscribers a minimum of 30 days in advance of such changes if the change is within the control of the cable operator. Notwithstanding the above, a cable operator shall not be required to provide prior notice of any rate change that is the result of a regulatory fee, franchise fee or any other fee, tax, assessment or charge of any kind imposed by any federal agency, state or franchising authority on the transaction between the operator and the subscriber.

C. All franchisee promotional materials, announcements and advertising of residential cable service to subscribers and the general public, where price information is listed in any manner, shall clearly and accurately disclose price terms. In the case of pay-per-view or pay-per-event programming, all promotional materials must clearly and accurately disclose price terms, and, in the case of telephone orders, a franchisee shall take appropriate steps to ensure that price terms are clearly and accurately disclosed to potential customers before the order is accepted.

D. Copies of all notices provided to subscribers under these customer service standards, as well as all promotional or special offers made to subscribers, and of any agreements used with subscribers, shall be filed promptly with the town.

~ 14-41. Billing.

A. Bills shall be clear, concise and understandable. Bills must be fully itemized with itemizations, including, but not limited to, basic service, cable programming service and premium service charges and all equipment charges. Bills shall clearly delineate all activity during the billing period, including optional charges, rebates and credits.

B. Refund checks to subscribers shall be issued promptly, but no later than the later of:

(1) The subscriber's next billing cycle, or 30 days, following resolution of the refund request, whichever is earlier; or

(2) The return of all equipment supplied by the franchisee, if service is terminated.

C. Credits for service shall be issued no later than the subscriber's next billing cycle following the determination that a credit is warranted.

D. A franchisee's first billing statement after a new installation or service change shall be prorated as appropriate and

shall reflect any security deposit.

E. Late fees will not be assessed for payments after the due date until 45 days after the beginning of the service period for which the payment is to be rendered. In addition, subscribers will receive the benefit of any change in the late fee amount, and of any increases in the time allowed before assessment of late fees, that may result from litigation over late fees pending as of the effective date of this chapter.

F. A franchisee must notify the subscriber that he or she can remit payment in person at the franchisee's business office and inform the subscriber of the address of that office.

G. Subscribers shall not be charged a late fee or otherwise penalized for any failure by a franchisee, including failure to timely or correctly bill the subscriber or failure to properly credit the subscriber for a payment timely made.

H. A subscriber who asks a franchisee for credit for an outage shall receive credit for the actual time period of the outage as a pro rata fraction of the monthly charges for any outage lasting between two and six hours, without reference to the time the subscriber contacts the franchisee. A subscriber shall receive credit for one full day's monthly charges for any outage of between six and 24 hours, whether or not the subscriber reports such an outage, if the franchisee becomes aware of such outage, either through reports by subscribers or otherwise. Each franchisee shall place a message in subscribers' bills at least quarterly, explaining how to report an outage, how to obtain a credit and under what conditions credits are available. A franchisee shall also establish a mechanism by which subscribers may reliably and immediately contact the franchisee by telephone and report an outage for credit purposes, either by ensuring that they can reliably and immediately reach a live person or by another method (for example, by leaving a voice message or entering the subscriber's telephone number). Upon receiving such reports, the franchisee shall promptly contact the subscriber to confirm that the report has been received and apply the credit to the subscriber's bill, unless the franchisee reasonably concludes that the subscriber's report is false.

I. The franchisee shall respond to all written billing complaints from subscribers within 30 days.

~ 14-42. Disconnection/downgrades.

A. A subscriber may terminate service at any time.

B. A franchisee shall promptly disconnect or downgrade any subscriber. No period of notice prior to voluntary termination or downgrade of service may be required of subscribers by any franchisee. So long as the subscriber returns, or permits the franchisee to retrieve, any equipment necessary to receive a service within five business days of the disconnection, no charge

may be imposed by any franchisee for any cable service delivered after the date of the disconnect request.

C. A subscriber may be asked, but not required, to disconnect a franchisee's equipment and return it to the business office.

D. Any funds due the subscriber shall be refunded on disconnected accounts after any customer premises equipment provided by the franchisee has been recovered by the franchisee. The refund must be made within 30 days or by the end of the next billing cycle, whichever is earlier, from the date disconnection was requested (or, if later, the date on which any customer premises equipment provided by the franchisee is returned).

E. If a subscriber fails to pay a monthly subscriber fee or other fee or charge, a franchisee may disconnect the subscriber's service; however, such disconnection shall not be effected until at least 45 days after the bill is due, plus at least 10 days' advance written notice to the subscriber in question of intent to disconnect, but in no event before the date when the franchisee would be entitled to charge a late fee. If the subscriber pays all amounts due, including late charges, before the date scheduled for disconnection, the franchisee shall not disconnect service. After disconnection, upon payment by the subscriber in full of all proper fees or charges, including the payment of the reconnection charge, if any, the franchisee shall promptly reinstate service.

F. A franchisee may immediately disconnect a subscriber if the subscriber is damaging or destroying the franchisee's cable system or equipment. After disconnection, the franchisee shall restore service after the subscriber provides adequate assurance that it has ceased the practices that led to disconnection and paid all proper fees and charges, including any reconnect fees and amounts owed the franchisee for damage to its cable system or equipment.

G. A franchisee may also disconnect a subscriber that causes signal leakage in excess of federal limits. A franchisee may disconnect a subscriber without notice where signal leakage is detected originating from the subscriber's premises in excess of federal limits, provided that the franchisee shall immediately notify the subscriber of the problem and, once the problem is corrected, reconnect the subscriber.

H. The disposition of cable home wiring in residential single-family homes shall be governed by FCC rules regarding cable home wiring as of December 1, 1998.

I. A franchisee shall reconnect service to customers wishing restoration of service, provided that such a customer shall first satisfy any previous obligations owed.

A. At the time a franchisee alters the service it provides to a class of subscribers, it must provide each subscriber 30 days' notice, explain the substance and full effect of the alteration and provide the subscriber the right to opt to receive any combination of services thereafter offered by franchisee.

B. No charge may be made for any service or product that the subscriber has not affirmatively indicated it wishes to receive.

~ 14-44. Parental control option.

A franchisee shall make available to any subscribers upon request the option of blocking the video or audio portion of any channel or channels of programming entering the subscriber's home. The control option described herein shall be made available to all subscribers requesting it when any cable service is provided, or reasonably soon thereafter.

~ 14-45. Enforcement.

A. A franchisee shall keep such records as are necessary to show compliance with these customer service standards and FCC customer service standards.

B. The town shall have the right to observe and inspect a franchisee's customer service procedures.

C. Except as prohibited by federal law, a franchisee shall be subject to penalties, forfeitures and any other remedies or sanctions available under federal, state or local law, including without limitation this chapter and a franchisee's franchise with the town, if it fails to comply with the standards herein.

D. A franchisee shall not be subject to penalties or liquidated damages as a result of any violations of these customer service standards that are due to force majeure as characterized in its franchise agreement.

~ 14-46. Anticompetitive acts prohibited.

A. No franchisee or OVS operator shall demand the exclusive right to provide cable service to a person or location as a condition of extending cable service or a cable system. This provision is not intended and shall not be interpreted to prohibit voluntary exclusive agreements to provide cable service to create any private cause of action for any person; or to prohibit exclusive agreements permitted by federal law.

B. No franchisee or OVS operator shall engage in unfair methods of competition or unfair or deceptive acts or practices, the purpose or effect of which is to hinder significantly or to prevent any multichannel video programming distributor, as defined in federal law, from providing cable service or services similar to

cable service in the town. This provision does not apply to methods, acts or practices allowed by federal or state law. Any allegation that a franchisee has engaged in methods, acts or practices that would be prohibited by this subsection will be considered by the town only after exhaustion of federal remedies. This subsection is not intended to create a private cause of action.

ARTICLE X Rate Regulation

~ 14-47. General authority.

The town reserves the right to regulate all rates and charges except to the extent it is prohibited from doing so by law.

~ 14-48. Nondiscrimination.

A. Nondiscriminatory rates. Subject to applicable law, a franchisee shall establish rates that are nondiscriminatory within the same general class of subscribers and which must be applied fairly and uniformly to all subscribers in the franchise area for all services. Nothing contained herein shall prohibit a franchisee from offering, by way of illustration and not limitation, discounts to senior citizens or economically disadvantaged groups; discounts to commercial and multiple-family dwelling subscribers billed on a bulk basis; promotional discounts; or reduced installation rates for subscribers who have multiple services.

B. Applicability. The provisions of this section shall apply to all rates, whether or not they are otherwise subject to rate regulation, except to the extent specifically prohibited by law.

ARTICLE XI Franchise Fee

~ 14-49. Findings.

The town finds that public rights-of-way of the town to be used by a franchisee for the operation of a cable system are valuable public property acquired and maintained by the town. The town further finds that the grant of a franchise to use public rights-of-way is a valuable property right without which a franchisee would be required to invest substantial capital.

~ 14-50. Payment of franchise fee.

Each franchisee shall pay a franchise fee of 5% of gross revenues.

~ 14-51. Method of payment.

The franchisee shall file with the town, within 30 days after the expiration of each of the franchisee's fiscal quarters, a financial statement clearly showing the gross revenues received by the franchisee during the preceding quarter. The quarterly portion of the franchise fee shall be payable to the town at the time such statement is filed.

~ 14-52. Not a tax or in lieu of any other tax or fee.

A. Payment of the franchise fee shall not be considered in the nature of a tax or in lieu of other taxes or fees of general applicability imposed by the town.

B. The franchise fee is in addition to all other taxes and payments that a franchisee may be required to pay under its franchise agreement or any federal, state or local law and to any other tax, fee or assessment imposed by utilities and cable operators for use of their services, facilities or equipment, including any applicable amusement taxes, except to the extent that such fees, taxes, or assessments must be treated as a franchise fee under Section 642 of the Cable Act, 47 U.S.C. ~ 522.

C. No franchisee may designate the franchise fee as a tax in any communication to a subscriber.

~ 14-53. Late payments.

In the event that any franchise fee payment or recomputation amount is not made on or before the required date, the franchisee shall pay additional compensation and interest charges computed from such due date, at an annual rate equal to the commercial prime interest rate of the town's primary depository bank during the period such unpaid amount is owed, in addition to any applicable penalties or liquidated damages.

~ 14-54. Audit.

A. The town shall have the right to inspect records, to require a franchisee to provide copies of records at the franchisee's expense and to audit and to recompute any amounts determined to be payable, whether the records are held by the franchisee, an affiliate or any other entity that collects or receives funds related to the franchisee's operation in the town, including, by way of illustration and not limitation, any entity that sells advertising on the franchisee's behalf, for a period of five years from the date a payment was made, or, if no payment was made, from the date the town believes payment was owed, after which time all payments are final.

B. A franchisee shall be responsible for providing to the town all records necessary to confirm the accurate payment of franchise fees, without regard to by whom they are held. Such

records shall be made available pursuant to the requirements of this chapter. The franchisee shall maintain such records for the term of its franchise agreement and any renewals or extensions thereof.

C. The town's audit expenses shall be borne by the town unless the audit discloses an underpayment of 5% or more of the amount due, in which case the costs of the audit shall be borne by the franchisee as a cost incidental to the enforcement of the franchise. Any additional amounts due to the town as a result of the audit shall be paid within 30 days following written notice to the franchisee by the town of the underpayment, which notice shall include a copy of the audit report. If recomputation results in additional revenue to be paid to the town, such amount shall be subject to a ten-percent interest charge.

~ 14-55. No accord or satisfaction.

No acceptance of any payment by the town shall be construed as a release or an accord and satisfaction of any claim the town may have for further or additional sums due or for the performance of any other obligation of a franchisee or as an acknowledgment that the amount paid is the correct amount due.

ARTICLE XII Reports and Records

~ 14-56. Open books and records.

A. The town shall have the right to inspect records and to require a franchisee to provide copies of records at the franchisee's expense at any time during normal business hours at the Town Hall for all books, receipts, maps, plans, contracts, service complaint logs, performance test results, records of requests for service, computer records, disks or other storage media and other like material which the town deems appropriate in order to monitor compliance with the terms of this chapter, its franchise agreement or applicable law. This includes not only the books and records of a franchisee but any books and records the town reasonably deems relevant held by an affiliate, a cable operator of the cable system or any contractor, subcontractor or any person holding any form of management contract for the cable system. A franchisee is responsible for collecting the information and producing it at the location specified above, and, by accepting its franchise, it affirms that it can and will do so. A franchisee will be given reasonable advance written notice of any inspection request, which shall serve as notice that any or all of the above materials may be inspected.

B. A franchisee shall maintain financial records that allow analysis and review of its operations in each individual franchise area.

C. Access to a franchisee's records shall not be denied by

such franchisee on the basis that said records contain proprietary information. Refusal to provide information required herein to the town shall be grounds for revocation. All confidential information received by the town shall remain confidential insofar as permitted by law.

D. A franchisee shall maintain a file of records open to public inspection in accordance with applicable FCC rules and regulations.

E. Each report filed by a franchisee pursuant to this chapter shall be certified by a corporate officer as accurate or complete.

~ 14-57. Communication with regulatory agencies.

A. If and to the extent requested by the town, a franchisee shall file with the town in a form acceptable to the town all reports and materials submitted to the FCC, the Security and Exchange Commission or any other federal or state regulatory commission or agency, including, but not limited to, any proof of performance tests and results, equal employment opportunity reports and all petitions, applications and communications of all types regarding the cable system, or a group of cable systems of which the franchisee's cable system is a part, submitted by the franchisee, an affiliate or any other person on the behalf of the franchisee.

B. Materials filed with the town pursuant to Subsection A of this section shall be filed as follows: materials submitted by the franchisee, an affiliate or any other person on the behalf of a franchisee shall be filed with the town at the time they are submitted to the receiving agency.

~ 14-58. Annual report.

Unless this requirement is waived in whole or in part by the town, by April 1 of each year for the previous calendar year, a franchisee shall submit a written report to the town, in a form directed by the town, which shall include:

A. A summary of the previous year's activities in development of the cable system, including but not limited to descriptions of services begun or dropped, the number of subscribers gained or lost for each category of service, the number of pay units sold, the amount collected annually from users of the system and the character and extent of the services rendered to such users, including leased access channel users.

B. A summary of complaints, identifying both the number and nature of the complaints received and an explanation of their dispositions, to the extent such records are kept by the franchisee. Where complaints involve recurrent system problems, the nature of each problem and the corrective measures taken shall be

identified.

C. A report showing the number of service calls received by type during the prior quarter and the percentage of service calls compared to the subscriber base by type of complaint.

D. A certification of compliance with applicable customer service standards. If a franchisee is in noncompliance with any standard during any calendar quarter, it shall include in its annual filing a statement specifying areas of noncompliance, the reason for the noncompliance and a remedial plan.

E. A copy of the franchisee's rules and regulations applicable to subscribers of the cable system.

F. An annual statement showing the yearly gross revenues, prepared and audited by a certified public accountant acceptable to the town.

G. An annual financial report for the previous calendar year, audited and certified by an independent certified public accountant, including year-end balance sheet; income statement showing subscriber revenue from each category of service and every source of nonsubscriber revenue, line item operating expenses, depreciation expense, interest expense and taxes paid; statement of sources and applications of funds; capital expenditures; and depreciation schedule.

H. An annual list of officers and members of the Board of Directors or similar controlling body of the franchisee and any affiliates.

I. An organizational chart showing all corporations or partnerships with more than a five-percent ownership interest in the franchisee and the nature of that ownership interest (limited partner, general partner, preferred shareholder, etc.) and showing the same information for each corporation or partnership that holds such an interest in the corporations or partnerships so identified and so on until the ultimate corporate and partnership interests are identified.

J. An annual report and ~ 10(K) filing for each entity identified in Subsection I of this section that generates such documents.

K. A summary of the results of and/or, at the franchisee's option, copies of the system's technical tests and measurements performed during the past year.

L. A detailed copy of updated maps depicting the location of all cable plant, showing areas served and locations all trunk lines and feeder lines in the town and including changes in all such items for the period covered by the report.

M. A full schedule of all subscriber and other user rates, fees and charges;

N. Such other information as the town may direct.

~ 14-59. Semiannual report.

Unless this requirement is waived in whole or in part by the town, twice each year (by January 31 for the previous six months ending December 31 and by July 31 for the previous six months ending June 30) a franchisee shall submit written reports to the town, in a form acceptable to the town.

~ 14-60. Monthly report.

Unless this requirement is waived in whole or in part by the town, no later than 10 days after the end of each month, a franchisee shall submit a written report to the town regarding the preceding month, in a form acceptable to the town, which shall include:

A. The active system plant in miles, specifying aerial and underground mileage.

B. The new system segments built, in miles, if any, specifying aerial and underground mileage.

C. The number of subscribers and the penetration rate for each type of service and equipment offered.

D. The number of disconnects.

E. The number of outages, identifying separately each outage; whether planned or unplanned; the time it occurred, its duration, when the franchisee responded and when the outage was corrected; the estimated area; and a description of the subscribers affected; in addition, for each unplanned outage, its cause, the number of subscribers affected and the total hours of outages as a percentage of total hours of cable system operation.

F. The number of cases in which installation was not provided within the time established in this chapter.

G. The average telephone answering and hold times and the number of instances in which those telephone answering and hold times exceeded the time limits established in this chapter.

H. The percentage of customer calls that received a busy signal.

I. The average and minimum number of customer service representatives on the franchisee's staff for telephone answering purposes.

J. The number of times in which interruptions of service under ~ 14-39 of this chapter was not in compliance with the times

established in this chapter.

K. The number of times scheduling and completing customer service did not occur in accordance with ~ 14-39C.

~ 14-61. Special reports.

Unless this requirement is waived in whole or in part by the town, the franchisee shall deliver the following special reports to the town:

A. A franchisee shall submit quarterly construction reports to the town after the franchise is awarded for any construction undertaken during the term of the franchise until such construction is complete, including any rebuild that may be specified in the franchise. The franchisee must submit to the town as part of the quarterly construction report, or make available for inspection with notice of their availability as part of the quarterly construction report, updated as-built system design maps depicting construction completed in the previous quarter. The maps shall be developed on the basis of postconstruction inspection by the franchisee and construction personnel to assess compliance with the system design. Any departures from design must be indicated on the as-built maps, to assist the town in assessing operator compliance with its obligations.

B. A franchisee must submit a copy of any notice of deficiency, forfeiture or other document issued by any state or federal agency instituting any investigation or civil or criminal proceeding regarding the cable system, the franchisee or any affiliate of the franchisee to the extent the same may affect or bear on operations in the town. This material shall be submitted in accordance with the deadlines specified in ~ 14-57B herein.

C. The franchisee must submit a copy of any request for protection under bankruptcy laws, or any judgment related to a declaration of bankruptcy by the franchisee or by any partnership or corporation that owns or controls the franchisee directly or indirectly. This material shall be submitted in accordance with the deadlines specified in ~ 14-57B herein.

~ 14-62. Additional reports.

A franchisee shall provide such other information or reports as the town may request for the purpose of enforcing any provision of the franchise agreement or this chapter.

~ 14-63. Records required.

The franchisee shall at all times maintain:

A. Records of all complaints received. The term "complaints" as used herein and throughout an agreement refers to complaints

about any aspect of the cable system or the franchisee's operations, including, without limitation, complaints about employee courtesy. Complaints recorded may not be limited to complaints requiring an employee service call.

B. A full and complete set of plans, records and as-built maps showing the exact location of all system equipment installed or in use in the town, exclusive of subscriber service drops.

C. A comprehensive record of all personnel transactions and utilization of contractors, subcontractors, vendors and suppliers by race and sex.

D. Records of outages, indicating date, duration, area and the subscribers affected, type of outage and cause.

E. Records of service calls for repair and maintenance indicating the date and time service was required, the date of acknowledgment and date and time service was scheduled (if it was scheduled) and the date and time service was provided and (if different) the date and time the problem was solved.

F. Records of installation/reconnection and requests for service extension, indicating date of request, date of acknowledgment and the date and time service was extended.

G. A public file showing its plan and time table for construction of the cable system.

~ 14-64. Performance evaluation.

A. The town may, at its discretion, hold performance evaluation sessions. All such evaluation sessions shall be open to the public. The franchisee may be required by the town to notify subscribers of all such evaluation sessions by announcement on a designated local access channel on the system between the hours of 9:00 a.m. and 9:00 p.m. for five consecutive days preceding each session.

B. Topics that may be discussed at any evaluation session may include, but are not limited to, system performance and construction, franchisee compliance with this chapter and its franchise agreement, customer service and complaint response, subscriber privacy, services provided, programming offered, service rate structures, franchise fees, penalties, free or discounted services, applications of new technologies, judicial and FCC filings and line extensions.

C. During the evaluation process, the franchisee shall fully cooperate with the town and shall provide such information and documents as the town may need to reasonably perform its review, including information and documents that may be considered proprietary or confidential.

~ 14-65. Voluminous materials.

If any books, records, maps or plans or other requested documents are too voluminous, or for security reasons cannot be copied and moved, then the franchisee may request that the inspection take place at some other location, provided that the franchisee must make necessary arrangements for copying documents selected by the town after review; and the franchisee must pay all travel and additional copying expenses incurred by the town in inspecting those documents or having those documents inspected by its designee.

~ 14-66. Retention of records; relation to privacy rights.

The franchisee shall take all steps that may be required to ensure that it is able to provide the town all information which must be provided or may be requested under this chapter or its franchise agreement, including by providing appropriate subscriber privacy notices. Nothing in this section shall be read to require the franchisee to violate 47 U.S.C. ~ 551. Each franchisee shall be responsible for redacting any data that federal law prevents it from providing to the town. The town retains the right to question any such redaction and to challenge it in any forum having jurisdiction over such a challenge. Records shall be kept for at least five years.

~ 14-67. Waiver of reporting requirements.

The town may, at its discretion, waive, in writing, the requirement of any particular report specified in this article.

ARTICLE XIII Insurance, Surety and Indemnification

~ 14-68. Insurance required.

A. The franchisee shall maintain, and by its acceptance of the franchise specifically agrees that it will maintain, throughout the entire length of the franchise period, at least the following liability insurance coverage insuring the town and the franchisee: worker's compensation and employer liability insurance to meet all requirements of Maryland law and comprehensive general liability insurance with respect to the construction, operation and maintenance of the cable system and the conduct of the franchisee's business in the town, in the following minimum amounts, but in any event no less than the liability limits specified by the Local Government Tort Claims Act:

(1) Five hundred thousand dollars for property damage resulting from any one accident; \$1,000,000 for property damage aggregate;

(2) One million dollars for personal bodily injury or

death for one person; \$2,000,000 for bodily aggregate per single accident and occurrence;

(3) A general comprehensive public liability policy indemnifying, defending and saving harmless the town, its officers, boards, commissions, agents or employees from any and all claims by any person whatsoever on account of injury to or death of a person or persons occasioned by the operations of the franchisee under the franchise herein granted or alleged to have been so caused or occurred, with a minimum liability of \$1,000,000 per personal injury or death of any one person and \$2,000,000 for personal injury or death of two or more persons in any one occurrence;

(4) Two million dollars for all other types of liability; and

(5) Automobile liability insurance for owned or leased vehicles in the minimum amount of \$2,000,000 for bodily injury and consequent death per occurrence, \$1,000,000 for bodily injury and consequent death to any one person and \$500,000 for property damage per occurrence.

B. Such general liability insurance must include coverage for all of the following: all risks from premises operations, explosion and collapse hazard, underground hazard, products/completed operations hazard, contractual insurance, broad-form property damage and personal injury.

C. The town may review these amounts no more than once a year and may require reasonable adjustments to them consistent with the public interest.

~ 14-69. Endorsements.

A. All insurance policies and certificates maintained pursuant to a franchise agreement shall contain the following endorsement:

It is hereby understood and agreed that this insurance coverage may not be canceled by the insurance company nor the intention not to renew be stated by the insurance company until 30 days after receipt by the town's Secretary or Clerk, by registered mail, of a written notice of such intention to cancel or not to renew.

B. All contractual liability insurance policies and certificates maintained pursuant to a franchise agreement shall include the provision of the following hold harmless clause:

The company agrees to indemnify, save harmless and defend each municipality, its agents, servants, and employees and each of them against and hold it and them harmless from any or all lawsuits, claims, demands, liabilities, losses and expenses, including court costs and reasonable attorney's fees for or on account of any injury to any person, or any death at any time

resulting from such injury, or any damage to any property which may arise or which may be alleged to have risen out of or in connection with the work covered by this agreement. The foregoing indemnity shall apply except if such injury, death or damage is caused directly by the negligence or other fault of the town, its agents, servants or employees or any other person indemnified hereunder.

~ 14-70. Qualifications of sureties.

All insurance policies shall be with sureties qualified to do business in the State of Maryland, with an A-1 or better rating of insurance by Best's Key Rating Guide, Property/Casualty Edition, and in a form acceptable to the town.

~ 14-71. Policies available for review.

All insurance policies shall be available for review by the town, and the franchisee shall keep on file with the town certificates of insurance.

~ 14-72. Additional insureds; prior notice of policy cancellation.

All general liability insurance policies shall name the town, its officers, boards, commissions, commissioners, agents and employees as additional insureds and shall further provide that any cancellation or reduction in coverage shall not be effective unless 30 days' prior written notice has been given to the town. A franchisee shall not cancel any required insurance policy without submission of proof that it has obtained alternative insurance satisfactory to the town which complies with its franchise agreement.

~ 14-73. Failure constitutes material violation.

Failure to comply with the insurance requirements set forth in this article shall constitute a material violation of a franchise.

~ 14-74. Indemnification.

A. A franchisee shall, at its sole cost and expense, indemnify, hold harmless and defend the town, its officials, boards, commissions, commissioners, agents and employees against any and all claims, suits, causes of action, proceedings and judgments for damages arising out of the construction, maintenance or operation of its cable system; copyright infringements or a failure by the franchisee to secure consents from the owners, authorized distributors or franchisees of programs to be delivered by the cable system; the conduct of the franchisee's business in the town; or in any way arising out of the franchisee's enjoyment or exercise of the franchise, regardless of whether the act or omission complained of is authorized, allowed or prohibited by this

chapter or its franchise agreement.

B. Specifically, a franchisee shall fully indemnify, defend and hold harmless the town and, in its capacity as such, the officers, agents and employees thereof from and against any and all claims, suits, actions, liability and judgments for damages or otherwise subject to 47 U.S.C. ~ 558 arising out of or alleged to arise out of the installation, construction, operation or maintenance of the system, including but not limited to any claim against the franchisee for invasion of the right of privacy, defamation of any person, firm or corporation or the violation or infringement of any copyright, trade mark, trade name, service mark or patent, or of any other right of any person, firm or corporation. This indemnity does not apply to programming carried on any channel set aside for PEG use or channels leased pursuant to 47 U.S.C. ~ 532, except that this indemnity shall apply to any actions taken by a franchisee pursuant to 47 U.S.C. ~ 531(E) or 47 U.S.C. ~ 532(C)(2) concerning the programming carried on PEG or leased access channels or an institutional network.

C. The indemnity provision includes, but is not limited to, the town's reasonable attorneys' fees incurred in defending against any such claim, suit or proceeding, in addition to the reasonable value of any services rendered by the Town Attorney or town staff or employees.

~ 14-75. No limit of liability.

Neither the provisions of this section nor any damages recovered by the town shall be construed to limit the liability of the franchisee for damages under the franchise.

ARTICLE XIV Performance Guaranties and Penalties

~ 14-76. Violations and penalties.

A. For violation of provisions of this chapter or a franchise agreement entered into pursuant to this chapter, penalties shall be assessable against a franchisee and shall be chargeable to the franchisee's security fund in any amount up to the limits specified below, at the town's discretion:

(1) For failure to submit any required plans indicating expected dates of installation of various parts of the system: \$400 per day for each violation for each day the violation continues.

(2) For failure to commence operations in accordance with the requirements of the franchise agreement: \$1,000 per day for each violation for each day the violation continues after a thirty-day cure period, if the franchisee has not undertaken substantial corrective action to cure the violation within that thirty-day period.

(3) For failure to substantially complete construction in accordance with a franchisee's franchise agreement: \$1,000 per day for each violation for each day the violation continues after a thirty-day cure period, if the franchisee has not undertaken substantial corrective action to cure the violation within that thirty-day period.

(4) For transferring the franchise without approval: \$2,000 per day for each violation for each day the violation continues.

(5) For failure to comply with requirements for public, educational and governmental use of the system: \$1,000 per day for each violation for each day the violation continues after a fourteen-day cure period, if the franchisee has not undertaken substantial corrective action to cure the violation within that fourteen-day period.

(6) For failure to supply information, reports or filings lawfully required under the franchise agreement or applicable law or by the town: \$500 per day for each violation for each day the violation continues after a thirty-day cure period, which shall begin to run on the due date of any regularly scheduled report and on the date of a deadline reasonably set by the town for any report or information request not regularly scheduled, unless the franchisee shows that it was not in fact aware of the requirement in question, in which case the thirty-day cure period shall begin to run upon written notice of such requirement by the town to the franchisee.

(7) For violation of customer service standards or failure to file a compliance certification or noncompliance statement as required herein: \$200 per day or per event, as applicable.

(8) For failure to pay franchise fees or liquidated damages: \$100 per day, in addition to any monetary payment due under a franchise agreement or this chapter, for each violation for each day the violation continues after a seven-day cure period, if the franchisee has failed to make payment within that seven-day period, provided that these penalties shall be in addition to any late fees that may apply.

(9) For failure to file, obtain or maintain any required security fund in a timely fashion: \$200 per day.

(10) For failure to restore damaged property: \$200 per day, in addition to the cost of the restoration and any other penalties or fees as required elsewhere herein or in a franchise agreement, for each day the violation continues after a thirty-day cure period, if the franchisee has not undertaken substantial corrective action to cure the violation within that thirty-day period.

(11) For violation of technical standards established by the FCC: \$100 per day for each day the violation continues after a thirty-day cure period after the town gives the franchisee notice of such violation.

(12) For knowingly and intentionally signing a false report or statement: \$1,000 per report or document.

(13) For any other violations of this chapter, a franchise agreement or other applicable law: \$500 per day for each violation for each day the violation continues.

B. The franchisee shall pay any penalty assessed in accordance with this chapter within 14 days after receipt of notice from the town of such penalty.

C. To the extent that penalties are applied to a franchisee under this section, a franchisee shall not be subject to liquidated damages payable to the town for the same violation.

D. The town may reduce or waive any of the above-listed penalties for good cause shown.

E. Pending litigation or any appeal to any regulatory body or court having jurisdiction over a franchisee shall not excuse the franchisee from the performance of its obligations under this chapter or its franchise agreement unless a stay is obtained or the franchisee is otherwise excused from performance by operation of law. Failure of the franchisee to perform such obligations because of pending litigation or petition, in the absence of a stay issued by a forum of competent jurisdiction, may result in forfeiture or revocation pursuant to the provisions of this chapter and/or its franchise agreement.

~ 14-77. Termination on account of certain assignments or appointments.

A. Any franchise shall be deemed revoked 120 calendar days after an assignment for the benefit of creditors or the appointment of a receiver or trustee to take over the business of a franchisee, whether in a receivership, reorganization, bankruptcy assignment for the benefit of creditors or other action or proceeding; provided, however that a franchise may be reinstated at the town's sole discretion if, within that one-hundred-twenty-day period:

(1) Such assignment, receivership or trusteeship has been vacated; or

(2) Such assignee, receiver or trustee has fully complied with the terms and conditions of this chapter and the applicable franchise agreement and has executed an agreement, approved by a court of competent jurisdiction, under which it assumes and agrees to be bound by the terms and conditions of this chapter and the applicable franchise agreement and such other conditions as may be established or as are required by applicable law.

B. Notwithstanding the foregoing, in the event of foreclosure or other judicial sale of any of the facilities, equipment or property of a franchisee, the town may revoke the franchise, following a public hearing, by serving notice on the franchisee and the successful bidder, in which event the franchise and all rights and privileges of the

franchise will be revoked and will terminate thirty calendar days after serving such notice, unless:

(1) The town has approved the transfer of the franchise to the successful bidder; and

(2) The successful bidder has covenanted and agreed with the town to assume and be bound by the terms and conditions of the franchise agreement and this chapter, and such other conditions as may be established or as are required pursuant to this chapter or a franchise agreement.

~ 14-78. Remedies cumulative.

All remedies under this chapter and the franchise agreement are cumulative unless otherwise expressly stated. The exercise of a remedy or the payment of liquidated damages or penalties shall not relieve a franchisee of its obligations to comply with its franchise or applicable law.

~ 14-79. Relation to insurance and indemnity requirements.

Recovery by the town of any amounts under insurance, the security fund, the performance bond or letter of credit or otherwise does not limit a franchisee's duty to indemnify the town in any way; nor shall such recovery relieve a franchisee of its obligations under a franchise, limit the amounts owed to the town or in any respect prevent the town from exercising any other right or remedy it may have.

ARTICLE XV Transfers

~ 14-80. Town approval required.

A. A franchise granted under this chapter shall be a privilege to be held in personal trust by the franchisee.

B. No transfer, as that term is defined in this chapter, shall occur unless prior application is made by a franchisee to the town, and the town's prior written consent is obtained, pursuant to this chapter and the franchise agreement, and only then upon such terms and conditions as the town deems necessary and proper. Any such transfer without the prior written consent of the town shall be considered to impair the town's assurance of due performance. The granting of approval for a transfer in one instance shall not render unnecessary approval of any subsequent transfer.

~ 14-81. Application.

A. A franchisee shall notify the town as so as possible of any proposed transfer.

B. At least 120 calendar days prior to the contemplated effective date of a transfer, a franchisee shall submit to the town a written application for approval of the transfer. Such an application shall provide complete information on the proposed transaction, including details on the legal, financial, technical and other qualifications of the transferee and on the potential impact of the transfer on subscriber rates and service. At a minimum, the following information must be included in the application, unless these requirements are waived, reduced, or modified by the town as stated herein:

(1) All information and forms required under federal law.

(2) A detailed statement of the corporate or other business entity organization of the proposed transferee, together with an explanation of how decisions regarding the system will be made if the proposed transaction is approved.

(3) Any contracts, financing documents or other documents that relate to the proposed transaction and all documents, schedules, exhibits or the like referred to therein.

C. At a franchisee's option, the franchisee may notify the town of the proposed transaction in general terms at least 150 days prior to the contemplated effective date of a transfer, and request that the town waive some or all of the information requirements specified in Article IV. To the extent consistent with applicable law, the town may waive, in writing, any such requirement that information be submitted as part of the initial application, without thereby waiving any rights the town may have to request such information after the initial application is filed.

D. For the purposes of determining whether it shall consent to a transfer, the town or its agents may inquire into all qualifications of the prospective transferee and such other matters as the town may deem necessary to determine whether the transfer is in the public interest and should be approved, denied or conditioned. A franchisee and any prospective transferees shall assist the town in any such inquiry, and if they fail to provide such reasonable assistance, the request for transfer may be denied.

~ 14-82. Determination by town.

In making a determination as to whether to grant, deny or grant subject to conditions an application for a transfer, the town may consider, without limitation, the legal, financial and technical qualifications of the transferee to rate the system; any potential impact of the transfer on subscriber rates or services; and whether operation by the transferee or approval of the transfer would adversely affect subscribers, the town's interest under a franchise agreement, this chapter or other applicable law; and is otherwise in the public interest.

~ 14-83. Unauthorized transfers subject to cancellation.

Any transfer without the town's prior written approval shall be ineffective and shall make the franchise subject to cancellation at the

town's sole discretion and to any other remedies available under this chapter, a franchise agreement or other applicable law.

~ 14-84. Notification of certain transactions.

A. A franchisee shall give the town reasonable advance notice of any change of ownership or other right, title or interest of 10% or more in an entity other than a publicly traded corporation controlling the franchisee, its cable system or any person that is a cable operator of the cable system (or in the franchisee itself, if it is not a publicly traded corporation), directly or indirectly, to an entity that does not presently control such entity other than a publicly traded corporation. If the town does not have the right under a franchise agreement and applicable law to approve or deny a change of the type defined in the preceding sentence, the franchisee shall warrant to the town the legal, financial and character qualifications of the entity acquiring such an interest.

B. A franchisee will notify the town if at any time there is a mortgage or security interest granted on substantially all of the assets of a franchisee's cable system and will provide the town with copies of all loan documents with respect to such transaction as soon as such documents become publicly available and, if such documents do not become publicly available within ten business days after loan closing, will make such documents available for inspection within 10 business days after loan closing.

~ 14-85. Approval does not constitute waiver.

Approval by the town of a transfer does not constitute a waiver or release of any of the rights of the town under this chapter or a franchise agreement, whether arising after the date of the transfer.

ARTICLE XVI Open Video Systems

~ 14-86. Applicability.

A. This chapter shall apply to open video systems that comply with 47 U.S.C. ~ 573, to the extent permitted by applicable law, except that the following sections shall not apply: ~~ 3A through 3C (regarding grant of franchise), ~ 4 (franchise applications), ~ 5 (filing fees), ~ 6 (provision of service), ~ 7A (construction schedule), ~ 10 (rate regulation), ~~ 11B through 11C (regarding franchise fees), ~ 13F (failure to comply with insurance requirements a material violation of franchise), ~~ 14A(1)(b) through 14A(1)(c) and 14A(1)(h) (certain penalties), ~ 14B (franchise termination due to bankruptcy).

B. In applying this ordinance to an open video system, "franchisee" shall be taken to refer to the open video system operator, "cable system" to the open video system, and similar terms shall apply similarly.

~ 14-87. Fee in lieu of franchise fee.

An open video system operator shall pay to the town a fee in lieu of the franchise fee required in ~ 14-50 of this chapter, pursuant to the procedures and conditions specified in Article XI and generally herein.

~ 14-88. Public, educational, and governmental access obligations.

An open video system operator shall be subject to obligations pertaining to public, educational, and governmental access pursuant to applicable law and to the requirements herein.

~ 14-89. Right-of-way usage.

An open video system operator shall be subject to all requirements of state and local law regarding authorization to use or occupy the public rights-of-way, except to the extent specifically prohibited by federal law. FCC approval of an open video system operator's certification pursuant to 47 U.S.C. ~ 573 shall not be taken to confer upon such operator any authority to use or occupy the public rights-of-way that such operator would not otherwise possess.

ARTICLE XVII Rights of Individuals Protected

~ 14-90. Discriminatory practices prohibited.

A. A franchisee shall not deny service, deny access or otherwise discriminate against subscribers, programmers or residents of the town on the basis of race, color, religion, national origin, sex or age.

B. A franchisee shall not discriminate among persons or take any retaliatory action against a person because of that person's exercise of any right it may have under federal, state or local law, nor may the franchisee require a person to waive such rights as a condition of taking service.

C. A franchisee shall not deny access or levy different rates and charges on any group of potential residential cable subscribers because of the income of the residents of the local area in which such group resides.

D. Subject to applicable law and except to the extent the town may waive such a requirement, a franchisee is prohibited from discriminating in its rates or charges or from granting undue preferences to any subscriber, potential subscriber or group of subscribers or potential subscribers; provided, however, that a franchisee may offer temporary, bona fide promotional discounts in order to attract or maintain subscribers, so long as such discounts are offered on a nondiscriminatory basis to similar classes of subscribers throughout the town; and a franchisee may offer discounts for the elderly, the handicapped, non-for-profit persons or organizations or the economically

disadvantaged, and other discounts in conformance with federal law, if such discounts are applied in a consistent and nondiscriminatory manner, and provided that a franchisee may provide such other bulk discounts as are permitted by the cable uniform rate structure provisions of federal law as they may exist from time to time. A franchisee shall comply at all times with all applicable federal, state and town laws and all executive and administrative orders relating to discrimination.

E. Information accessibility. Each document required to be maintained, filed or submitted under the provisions of this chapter or a franchise agreement, except those specifically designated as confidential by a franchisee, subject to the town's review, pursuant to applicable law, is a public document, available for public inspection and copying at the requestor's expense, at the office of the franchisee or the town during normal business hours.

~ 14-91. Equal employment opportunity.

A franchisee shall not refuse to employ, discharge from employment or discriminate against any person in compensation or in terms, conditions or privileges of employment because of race, color, religion, national origin, sex or age. A franchisee shall comply with all federal, state and local laws and regulations governing equal employment opportunities, as the same may be from time to time amended.

~ 14-92. Subscriber privacy.

A. A franchisee shall at all times protect the privacy rights of all subscribers, including but not limited to those rights secured by the provisions of Section 631 of the Cable Act, 47 U.S.C. ~ 551.

B. The franchisee shall not permit the transmission of any signal, aural, visual or digital, including polling the channel selection, from any subscriber's premises without first obtaining such subscriber's valid authorization. Neither the franchisee nor any other person shall initiate in any form the discovery of any information on or about an individual subscriber's premises without prior valid authorization from the subscriber potentially affected. This provision is not intended to prohibit the transmission of signals useful only for the control or measurement of system performance or for detection of theft of service.

C. The franchisee shall not permit the installation of any special terminal equipment in any subscriber's premises that will permit transmission from such subscriber's premises of two-way services utilizing aural, visual or digital signals without such subscriber's prior valid authorization.

D. The franchisee shall strictly observe and protect the rights of privacy and property rights of subscribers and users at all times. Individual subscriber preferences of any kind, viewing habits, political, social or economic philosophies, beliefs, creeds, religions or names, addresses or telephone numbers shall not be revealed to any person, governmental unit, police department or investigating agency unless, upon the authority of a court of law, a valid search warrant or subpoena, or

upon prior voluntary valid authorization of the subscriber or as may be permitted by operation of law.

E. The franchisee shall not tabulate any test results that would reveal the commercial product preferences or opinions of individual subscribers, members of their families or their invitees, licensees or employees, nor permit the use of the system for such tabulation, without the subscriber's prior valid authorization.

F. A subscriber may at any time revoke any valid authorization to release information by delivering to the franchisee, in writing, by mail or otherwise, the subscriber's decision to revoke the authorization. Any such revocation shall be effective upon receipt by the franchisee.

G. A franchisee shall not condition subscriber service on the subscriber's valid authorization or grant or denial of permission to collect, maintain or disclose personally identifiable information, except to the extent that such information is necessary for credit check or billing purposes.

ARTICLE XVIII Theft of Service

~ 14-93. Theft prohibited.

It shall be unlawful for any person to attach or affix or to cause to be attached or affixed any equipment or device that allows access or use of the cable system without lawful payment to the franchise for same. A violation of this section shall be a municipal infraction punishable by a fine of \$250 for each offense.

ARTICLE XIX Miscellaneous Provisions

~ 14-94. Compliance with regulations required.

Each franchisee shall comply with all federal, state and local laws and regulations heretofore and hereafter adopted or established during the entire term of its franchise.

~ 14-95. No recourse against town.

Without limiting such immunities as the town or other persons may have under applicable law, a franchisee shall have no recourse whatsoever against the town or its officials, boards, commissions, agents or employees for any loss, costs, expense or damage arising out of any provision or requirement of this chapter or because of the enforcement of this chapter or the town's exercise of its authority pursuant to this chapter, a franchise agreement or other applicable law, unless the same shall be caused by criminal acts or by willful or gross negligence.

~ 14-96. Rights and remedies.

A. The rights and remedies reserved to the town by this chapter are cumulative and shall be in addition to and not in derogation of any other rights and remedies which the town may have with respect to the subject matter of this chapter.

B. The town hereby reserves to itself the right to intervene in any suit, action or proceeding involving any provision of this chapter or a franchise agreement.

C. Specific mention of the materiality of any of the provisions herein is not intended to be exclusive of any others for the purpose of determining whether any failure of compliance hereunder is material and substantial.

D. No franchisee shall be relieved of its obligation to comply with any of the provisions of this chapter or a franchise agreement by reason of any failure of the town to enforce prompt compliance, nor shall any inaction by the town be deemed to waive or void any provision of this chapter or a franchise agreement.

~ 14-97. Amendments.

Notwithstanding any other provision in this chapter or a franchise agreement, nothing in this chapter or a franchise agreement shall preclude the town from exercising its police powers to enact, amend or supplement any law or regulation governing cable communications within the town.

~ 14-98. Public emergency.

In the event of a major public emergency or disaster as determined by the County Executive of Prince George's County, a franchisee shall immediately make the entire cable system, employees and property, as may be necessary, available for use by the town or other civil defense or governmental agency designated by the town to operate the system for the term of such emergency or disaster for the emergency purposes. In the event of such use, a franchisee shall waive any claim that such use by the town constitutes a use of eminent domain, provided that the town shall return use of the entire system, employees and property to the franchisee after the emergency or disaster has ended or has been dealt with.

~ 14-99. Connections to system; use of antennas.

A. Subscribers shall have the right to attach devices to a franchisee's system and the right to use their own remote control devices and converters and other similar equipment, consistent with FCC equipment compatibility rules and other applicable law, and a franchisee shall provide information to consumers which will allow them to adjust such devices so that they may be used with the franchisee's system.

B. A franchisee shall not, as a condition of providing service,

require a subscriber or potential subscriber to remove any existing antenna or disconnect an antenna, or prohibit or discourage a subscriber from installing an antenna switch, provided that such equipment and installations are consistent with applicable codes and technically able to shield the cable system from any interference.

~ 14-100. Calculation of time.

Unless otherwise indicated, when the performance or doing of any act, duty, matter or payment is required under this chapter or any franchise agreement, and a period of time or duration for the fulfillment of doing thereof is prescribed and is fixed herein, the time shall be computed so as to exclude the first and include the last day of the prescribed or fixed period of duration time.

Chapter 15

CHECKS, UNCOLLECTIBLE

[HISTORY: Adopted by the Mayor and Town Council of the Town of Edmonston 2-10-1997 by Ord. No. 96-002 as Ch. 15 of the 1997 Code. Amendments noted where applicable.]

~ 15-1. Charge assessed; notification to be posted.

The town shall assess a collection fee in accordance with ~ 3-502 of the Commercial Law Article of the Annotated Code of Maryland in the amount of \$25 to any person or entity which tenders to the town an uncollectible check, returned by the payor financial institution due to insufficient funds or any other reason. Said assessment shall be deemed a debt to the town which must be satisfied prior to issuance of a valid trader's license or other permit for which the dishonored check was tendered. If the dishonored check was for payment of a parking ticket, the Motor Vehicle Administration shall be notified. Notification of the potential of this assessment shall be conspicuously posted in the office of the Town Clerk-Treasurer.

Chapter 15A

ELECTION PROCEDURES

[HISTORY: Adopted by the Mayor and Town Council of the Town of Edmonston 2-10-1997 by Ord. No. 96-002 as Ch. 15A of the 1997 Code. Amendments noted where applicable.]

~ 15A-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated unless a contrary meaning is clearly intended from the context in which the term appears:

BOARD LIAISON -- The person chosen by the election officers pursuant to ~ 3-2(D)(4) of Article 33 of the Annotated Code of Maryland (1957), as amended, to work with the County Board of Supervisors of Elections in the development and implementation of a plan of universal registration.

COUNTY BOARD LIAISON -- The person chosen by the County Board of Supervisors of Elections pursuant to ~ 3-2 of Article 33 of the Annotated Code of Maryland (1957), as amended, to work with the election officers in the development and implementation of a plan of universal registration.

ELECTION OFFICERS -- Those persons appointed pursuant to ~ 7A of the Charter of the Town of Edmonston to conduct an election.

LIST OF REGISTERED VOTERS -- The list of registered voters of the town established and prepared by the County Board of Supervisors of Elections.

SUPPLEMENTAL LIST OF REGISTERED VOTERS (SUPPLEMENTAL LIST) -- The list of registered voters of the town established and prepared by the election officers.

VOTER -- A person whose name appears on the list of registered voters or supplemental list of registered voters.

VOTER REGISTER -- An index of all registered voters whose names appear either on the list of registered voters or the supplemental list.

~ 15A-2. Election officers.

The election officers shall be appointed as provided in ~ 7A of the Town Charter.

~ 15A-3. Town Clerk-Treasurer to act in lieu of election officers.

The Mayor and Town Council may designate the Town Clerk-Treasurer to act in lieu of election officers.

~ 15A-4. Duties of election officers.

The election officers or Town Clerk-Treasurer, if designated in lieu of the election officers, shall be in charge of any supplemental registration lists, nominations and all town elections.

~ 15A-5. Notice of elections.

Notice of elections shall be as provided for in ~ 7A of the Town Charter.

~ 15A-6. Voter lists.

A. Voter registration shall consist of the combined list of registered voters and the supplemental list.

B. List of registered voters. All eligible persons registered to vote with the County Board of Supervisors of Elections who reside in the town and whose names appear on the list of registered voters supplied to the election judges by the County Board of Supervisors of Elections shall be considered registered voters of the town and shall have their names placed upon the voter registers.

C. Supplemental list of registered voters.

(1) There is hereby established a supplemental list of registered voters of the town.

(2) The supplemental list of registered voters shall be established through the registration of eligible applicants by the election officers of those persons who are residents of the town and who have not registered to vote with the County Board of Supervisors of Elections.

(3) Registration of voters in the town shall be conducted continuously under the direction of the election officers.

(4) The election officers shall take all reasonable steps to enable registration by citizens who cannot conveniently register in person or by mail.

(5) All persons whose names appear on the supplemental list of registered voters shall have their names placed upon the voter register.

D. Any person registered to vote in town elections at the time of adoption of this chapter shall be registered to vote.

~ 15A-7. Hours and places of registration.

The Town Clerk-Treasurer's office shall be open during normal town business hours and at such other times and places as may from time to time be determined. A person may register any time the Town Clerk-Treasurer's office is open for business.

~ 15A-8. Term of registration.

Registration shall be permanent for all those persons who properly register to vote, until such time as the person shall move, die or otherwise become ineligible to vote.

~ 15A-9. Voter qualifications.

The election officers shall register all citizens of the town who are at least 18 years of age at the time of application and who possess the qualifications necessary to entitle them to register as legally qualified voters of the State of Maryland.

~ 15A-10. Registration.

A. Any person eligible to vote and desiring to register may register by registration with the County Board of Supervisors of Elections or by registration with the election officers or the Town Clerk-Treasurer.

B. The registration of voters shall be entered on books provided by the Mayor and Town Council which shall be kept in the custody of the Town Clerk-Treasurer.

~ 15A-11. Change of address or name.

A. Persons whose names appear on the list of registered voters shall make application to the County Board of Supervisors of Elections requesting name or address changes.

B. Person whose names appear on the supplemental list shall notify the election officers or Town Clerk-Treasurer of a name or address change.

~ 15A-12. Universal registration.

A. Not less than six months prior to each election, the election officers shall submit a request to the County Board of Supervisors of Elections for the development of a plan and a

schedule to implement universal registration.

B. The application shall include the name of the person designated the Board's liaison who is responsible for working with the County Board of Supervisors of Elections in the development of the plan and the schedule for implementation of the plan.

C. Upon receipt of notice from the County Board of Supervisors of Elections or its designated liaison, the County Board liaison and the Board liaison shall conduct meetings at a mutually agreed upon time with other appropriate persons, if required, for the purpose of developing a schedule and a plan for implementing universal registration. The plan shall include:

(1) Procedures for identifying by geographical reference the boundaries and election districts of the town and the methods for including this information on the list of registered voters.

(2) The format of the list of registered voters and whether it is to be divided according to a registrant's town polling place.

(3) Information on whether:

(a) The dates of birth are to be printed on the list of registered voters.

(b) The names of registrants under the age of 18 years of age are to be included on the list of registered voters.

(4) The timing for furnishing the list of registered voters for use in the town elections, including the deadline for accepting voter registration applications of those persons residing in the town prior to the Town Election.

(5) Procedures for obtaining, updating and maintaining in the County Board of Supervisors of Elections files the voter history of registrants on the list who vote in town elections.

(6) Procedures for obtaining, updating and maintaining changes to the boundaries and election districts that result from annexations, subdivision development, street name changes, street abandonments and other changes.

D. The County Board of Supervisors of Elections shall, as required by law, provide to the town, at no cost, a certified list of registered voters in compliance with the agreed upon timing and format referred to in Subsection C of this section.

E. On request by the town, the County Board of Supervisors of Elections shall, at no cost, as provided by law, deliver a certified preliminary list not later than 90 days prior to any town election. The request for this preliminary list of voters shall be made to the County Board of Supervisors of Elections before or during the negotiations authorized in Subsection C of this section. Within 20 days after receiving the preliminary list of registered

voters, the election officers shall notify the County Board of Supervisors of Elections of any potential errors in the preliminary list of registered voters, including errors in the residency of registered voters. If the actual residency of any person listed on the preliminary list of registered voters is in doubt, the County Board of Supervisors of Elections shall notify such person within 10 days after receiving notification from the election officers and shall thereafter verify, in accordance with the procedures of the County Board of Supervisors of Elections, the residency of such person. Should the County Board of Supervisors of Elections determine that such person is not a resident of the town, it shall inform the election officers and such person of its determination and, thereupon, strike such person from the preliminary list of registered voters.

F. If, upon receipt of the preliminary list of registered voters or during the combining of the list of registered voters and the supplemental list, the election officers determine that names on the preliminary list of registered voters are found on the supplemental list, then the election officers shall strike such names from the supplemental list as duplicate registrations.

~ 15A-13. Absentee ballots.

A. Who may vote.

(1) Any employee of a Board of Elections or a Board of Supervisors of Elections, including any judges of elections who, as a condition of his employment on any election day, is required to be absent from the election district, ward or precinct in which he/she is registered to vote, who chooses to vote shall cast his vote by an absentee ballot.

(2) Any qualified voter of the town may vote in any municipal election by absentee ballot if the voter:

(a) May be absent for any reason from the town on election day;

(b) Is a full-time student at a college or university located outside the precinct but within the county in which the student is registered to vote and whose academic requirements preclude the student from being present at the polls on any election day;

(c) Has a physical disability or is confined in or restricted to an institution which precludes the voter from being present and personally voting at the polls on any election day;

(d) Is unable to be present at the polls on election day because of a death or serious illness in the voter's immediate family; or

(e) Is unable to be present at the polls on election day as a result of illness or accident.

B. Requests to vote by absentee ballot must be received by the election judges not later than the Tuesday prior to any town election.

(1) After the Tuesday preceding an election through the close of business on the day preceding an election, any person registered and otherwise qualified to vote may apply, in person or through a duly authorized agent, who appears in person to the election judges for an emergency absentee ballot if the voter is within the provisions of Subsection A.

(2) The application shall be made under penalty of perjury but without formal oath, setting forth the reasons why the voter is unable to be present at the polls on the day of election.

(3) Upon receipt of the application, the election judges, if satisfied that the person cannot, in fact, be present at the polling place on the day of the election, shall issue to the applicant, or his duly authorized agent, an absentee ballot which shall be marked by the voter, placed in a sealed envelope and returned to the election judges.

C. The election judges shall mail absentee ballots to qualified voters, at the request of those voters, not less than six days prior to the election.

D. Completed absentee ballots must be returned to the election judges prior to election day or on election day before the polls close.

Chapter 16

ELECTRICAL CODE

[HISTORY: Adopted by the Mayor and Town Council of the Town of Edmonston 2-10-1997 by Ord. No. 96-002 as Ch. 16 of the 1997 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Building Code -- See Ch. 9.

Fire prevention and fire protection -- See Ch. 20.

~ 16-1. County Electrical Code adopted.

The Electrical Code for Prince George's County, Maryland, codified as Subtitle 9, Division 1 of the Prince George's County Code (1995 edition), as amended from time to time, is hereby made applicable and enforceable in its entirety within the Town of Edmonston by the appropriate officials of Prince George's County.

Chapter 16A

EROSION AND SEDIMENT CONTROL

[HISTORY: Adopted by the Mayor and Town Council of the Town of Edmonston 2-10-1997 by Ord. No. 96-002 as Ch. 16A of the 1997 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Stormwater management -- See Ch. 40A.

ARTICLE I Regulations

~ 16A-1. Applicability.

The provisions of this chapter shall apply to any construction activity, public or private, and including work performed by the Town of Edmonston which involves the clearing, grading or movement of earth within any dedicated public street right-of-way in the town. The provision of this chapter 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 in 100 cubic yards.

~ 16A-2. Standards.

For the purposes of this chapter, 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 to regulate construction within any public street right-of-way.

~ 16A-3. Plan required.

Any person, partnership, firm or corporation to whom a town permit may be issued for construction within a public street 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. 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, 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.

~ 16A-4. Inspection; fee.

All construction projects for which an erosion and sediment control plan is required shall be inspected periodically by the Town Engineer to determine compliance with the plan. The Town Engineer shall immediately notify the permittee, in writing, of any exceptions to 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 the same referred to the Prince George's Soil Conservation District. In addition to any other permit fees and charges, the town may charge an additional fee in an amount sufficient to cover the cost of said inspections by the Town Engineer.

~ 16A-5. Violations and penalties.

A. 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 chapter. Each day a violation continues uncorrected shall be deemed a separate offense.

B. Any person, partnership, firm or corporation violating the provisions of this chapter shall be guilty of a misdemeanor and shall be, upon conviction of such violation, fined an amount of \$100. Imprisonment in default of fine shall not exceed 25 days and shall be regulated by the provisions of ~ 4 of Article 38 of the Annotated Code of Maryland (1957) Edition, as amended.

Chapter 17

ETHICS, PUBLIC

[HISTORY: Adopted by the Mayor and Town Council of the Town of Edmonston 2-10-1997 by Ord. No. 96-002 as Ch. 17 of the 1997 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Administration -- See Ch. 3.

~ 17-1. Applicability.

The provisions of this chapter shall apply to all elected and appointed officials of the Town of Edmonston and all full- and part-time employees of the Town of Edmonston, including the Town Attorney and the Town Engineer.

~ 17-2. Conflicts of interest.

Except in the exercise of an administrative or ministerial duty which does not affect the disposition or decision with respect to the matter, Edmonston officials and employees who are subject to this chapter shall not:

A. Participate on behalf of the town in any matter which would have a direct financial impact on them, their spouse, child, parent, brother or sister or a business entity with which they are affiliated. Nothing in this section shall be construed to preclude the Town Attorney or Town Engineer from collecting fees from the town for services performed on its behalf.

B. Solicit any gift or accept gifts of any value from any person or entity that has or is negotiating a contract with the town or is regulated by the town. For purposes of this section, "gift" does not include unsolicited gifts not exceeding a total value of \$25 in a calendar year or trivial items of informational value.

C. Use the prestige of their office for their own benefit or that of another.

D. Use confidential information acquired in their official town position for their own benefit or that of another.

~ 17-3. Violations and penalties.

A. A town official or employee found to have violated this chapter may be subject to disciplinary or other appropriate personnel action, including suspension of salary or other compensation.

B. Any person who knowingly or willfully violates any provision of this chapter shall be deemed guilty of a municipal infraction, and subject to a fine of \$100.

Chapter 18

FENCES, WALLS AND PLANTINGS

[HISTORY: Adopted by the Mayor and Town Council of the Town of Edmonston 2-10-1997 by Ord. No. 96-002 as Ch. 18 of the 1997 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Building Code -- See Ch. 9.

Lot and property maintenance -- See Ch. 31.

Streets and sidewalks -- See Ch. 41.

~ 18-1. Permits required to erect solid fences or walls contiguous to streets.

It shall be unlawful for any person to erect any solid fence or wall around any property lying contiguous to any public street or alley within the corporate limits of the Town of Edmonston without a permit from the Mayor and Town Council of Edmonston.

~ 18-2. Height restrictions for certain fences, walls or plantings.

A. It shall be unlawful for the owner or the occupant of any premises within the subdivided portion of the Town of Edmonston to erect any fence or wall to a height of more than 48 inches, or to permit any hedge or fence of shrubbery on said premises to grow to a height of more than 48 inches, nearer to any street or alley than the building line along such street or alley, nor more than six feet high behind such building line. The

height of any fence or hedge along any street or alley shall be measured from the surface of the sidewalk.

B. On a corner lot, no visual obstruction more than three feet high above the curb level shall be located within the triangle formed by the intersection of the street lines and points on the street lines 25 feet from the intersection.

~ 18-3. Noncompliance procedures.

Whenever any fence, hedge or fence of shrubbery is found to be higher than is permitted by the preceding section, the Code Enforcement Officer shall mail or cause to be delivered to the owner or occupant of such premises a written notice of such violation requiring the owner or occupant of such premises to comply with the section within seven days from the date of mailing or delivery of such notice, as the case may be; and if the same is not corrected within the time specified in such notice, such person, firm or corporation shall be subject to the penalties provided for the violation; provided, however, that if any person, firm or corporation feels aggrieved by the application of this provision in his or its particular case, he or it may appeal, at any time before the expiration of such notice, to the Mayor and Town Council of Edmonston, where he or it shall be given a hearing, and if the Mayor and Town Council shall find that an exceptional condition exists resulting from the location or contour of the land which would make the application of this provision as to height manifestly unreasonable in such particular case, the Mayor and Town Council shall determine what is a reasonable height for such particular location under the circumstances, and for such person, firm or corporation shall, from and after the expiration of two days from the time of such determination, not permit such fence, hedge or fence of shrubbery to be or to grow to a height greater than that determined upon as aforesaid.

~ 18-4. Violations and penalties. [Amended 10-8-2001 by Ord. No. 01-005]

Violations of this chapter shall be deemed municipal infractions, subject to a fine of \$50.00.

Chapter 18

FENCES, WALLS AND PLANTINGS

[HISTORY: Adopted by the Mayor and Town Council of the Town of Edmonston 2-10-1997 by Ord. No. 96-002 as Ch. 18 of the 1997 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Building Code -- See Ch. 9.

Lot and property maintenance -- See Ch. 31.

Streets and sidewalks -- See Ch. 41.

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A. It shall be unlawful for the owner or the occupant of any premises within the subdivided portion of the Town of Edmonston to erect any fence or wall to a height of more than 48 inches, or to permit any hedge or fence of shrubbery on said premises to grow to a height of more than 48 inches, nearer to any street or alley than the building line along such street or alley, nor more than six feet high behind such building line. The

height of any fence or hedge along any street or alley shall be measured from the surface of the sidewalk.

B. On a corner lot, no visual obstruction more than three feet high above the curb level shall be located within the triangle formed by the intersection of the street lines and points on the street lines 25 feet from the intersection.

~ 18-3. Noncompliance procedures.

Whenever any fence, hedge or fence of shrubbery is found to be higher than is permitted by the preceding section, the Code Enforcement Officer shall mail or cause to be delivered to the owner or occupant of such premises a written notice of such violation requiring the owner or occupant of such premises to comply with the section within seven days from the date of mailing or delivery of such notice, as the case may be; and if the same is not corrected within the time specified in such notice, such person, firm or corporation shall be subject to the penalties provided for the violation; provided, however, that if any person, firm or corporation feels aggrieved by the application of this provision in his or its particular case, he or it may appeal, at any time before the expiration of such notice, to the Mayor and Town Council of Edmonston, where he or it shall be given a hearing, and if the Mayor and Town Council shall find that an exceptional condition exists resulting from the location or contour of the land which would make the application of this provision as to height manifestly unreasonable in such particular case, the Mayor and Town Council shall determine what is a reasonable height for such particular location under the circumstances, and for such person, firm or corporation shall, from and after the expiration of two days from the time of such determination, not permit such fence, hedge or fence of shrubbery to be or to grow to a height greater than that determined upon as aforesaid.

~ 18-4. Violations and penalties. [Amended 10-8-2001 by Ord. No. 01-005]

Violations of this chapter shall be deemed municipal infractions, subject to a fine of \$50.00.

Chapter 19

GREEN STREET ZONE; Walls, Fences and Hedges

§ 19-1. Type of Walls and Fences, Prohibitions

A. Height of Walls and Fences

It shall be unlawful for any person to erect any wall of fence or combination thereof of excess of four (4) feet in height measured from the surface of the finished grade located to the front of the building line without approval of the Mayor and Council.

B. Prohibited Fences, Front Yard

Except as otherwise provided all, chain link fences are prohibited between the front building line of property and other adjacent property, dwelling, private street or parking area along the entire "Green Street Zone".

a. Side and Rear Yard Fences

Nothing in this section shall affect the design, permitting or erection of side and rear yard fences within the Town of Edmonston. The building code of the Town of Edmonston and Prince George's County, Maryland, as well as Section 18-1 of the Ordinance codes of the Town of Edmonston shall govern such fences.

b. Permitted Front Yard Fences

Fences that otherwise meet all design and construction specifications of the building codes of the Town of Edmonston and Prince George's County, Maryland, as well as the Ordinance Code of the Town of Edmonston shall be permitted as front yard fences so long as they are not constructed of chain-link.

c. Corner Lots- Special Rule of Construction

For any property deemed to be a corner lot under this section, in addition to other proscriptions of the section, no chain-link fence may be erected along the side yard that abuts a public right of way.

d. Chain-Link Fence Defined

For purposes of this section, "chain-link fence" shall be defined as a fence made from wire helically wound and interwoven in such manner as to provide a continuous mesh without knots or ties, except in the form of knuckling or of twisting the ends of the wires to form the selvages of the fabric, as well as all posts, clamps, and other accessories necessary for the stable construction of the chain-link fabric into a fence.

e. Grandfather Clause.

All front yard fences legally existing as of the date of introduction of the ordinance resolution creating section 18-1.1 which do not comply with any subsection (i.e., front yard chain-link fences), shall be deemed non-conforming uses. All front yard fences erected subsequent to the introduction of the resolution creating section 18 1.1 that are intended to replace those fences deemed non-conforming uses shall conform to the requirements of this section. A fence deemed to be a non-conforming use under this subsection which has been removed or destroyed through no fault of, and due to circumstances beyond the control of the owner, may be replaced or repaired in a manner substantially identical in all material respects to the fence so removed or destroyed. Consideration shall be given to the similarity of such factors as materials, height, length and fence location between the original fence and the replacement fence. Nothing contained in this subsection shall be construed to prohibit the maintenance and repair of a non-conforming fence so long as the fence is not changed in character and all repairs are made with materials substantially the same as the materials requiring maintenance or repair.

C. Removal of Existing Fences

In order to promote the overall appearance of the “Green Street Zone,” owners of properties along the entire length of the zone will be offered an incentive in form of a tax relief for the removal of existing “chain link” fences from the front of the building line in the amount of cost for the removal spread over a five year period at the rate of twenty percent (20%) of the total cost each year. Also, permitting fees will be waived for any upgrade of existing chain-link material to approved fencing material.

D. Approved Fences Types

When chain link fences are removed from the front building line in the Green Zone and a property owner desires to install a new type fence they will be required to install only the following type fences:

- i. Picketed fences of either wood or recycled plastic composite.
- ii. Ranch type fences of either wood or recycled plastic composite.
- iii. Decorative fence of wrought iron or other metal material.

E. Hedges and Shrubbery

- a. All hedges or shrubbery shall be planted sufficiently back of the front property line so that when grown to a height of three (3) feet and trimmed they shall not extend over the sidewalks and impede the foot traffic or create a safety hazard.

- b. It shall be unlawful for the owner or occupant of any premises within the town to permit any hedge or shrubbery within three (3) feet of any public sidewalk or public path to grow to a height of more than three (3) feet, measured from the surface of the sidewalk grade or path.
- c. On any corner lot in any residential zone, there shall be no fence, hedge, wall, terrace, structure, shrubbery, planting or other obstruction to vision having a height greater than three (3) feet above the curb level for a distance of twenty-five (25) feet from the intersection of the front and side street lines.
- d. Whenever any hedge or shrubbery is found to be higher than is permitted by the preceding section, the town shall mail or cause to be delivered to the owner or occupant of such premises a written notice of the violation, requiring the owner or occupant of the premises to comply with the preceding section within ten (10) days from the date of service of the notice, and if the same be not corrected to conform to this chapter within the time specified in the notice, the person responsible for the condition of the property shall be cited for a violation of this chapter; provided, however, that if any person interested in the property feels aggrieved by the application of this provision to his particular case, he may appeal, at any time before expiration of the notice, to the Mayor and Council where he shall be given a hearing. If the Mayor and Council find that an exceptional condition exists which would make the application of this provision as to height unreasonable in the particular case, and that permitting the greater height would result in no traffic or other hazard to the public, then the Mayor and Council may determine what is a reasonable height for the particular location under the circumstances, and such person shall, from and after the expiration of three (3) days from the time of such determination, not permit such hedge, fence or shrubbery to be or grow to a height greater than that determined.

§ 19-2. Retaining Walls

All retaining walls constructed along a sidewalk shall require a building or construction permit.

Construction plans must be submitted to the Town of Edmonston prior to construction for approval and payment of building permit fee.

§ 19-3. Violations and Penalties

Violations of the provisions of this chapter are declared to be municipal infractions, the penalty for which shall be fifty dollars (\$50) for each offense. Each day that a violation continues after initial notice shall constitute a separate offense.

Chapter 20

FIRE PREVENTION AND FIRE PROTECTION

[HISTORY: Adopted by the Mayor and Town Council of the Town of Edmonston 2-10-1997 by Ord. No. 96-002 as Ch. 20 of the 1997 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Building Code -- See Ch. 9.
Burning and smoke control -- See Ch. 12.
Electrical Code -- See Ch. 16.
Lot and property maintenance -- See Ch. 31.

~ 20-1. County Fire Safety Code adopted.

The Fire Safety Code for Prince George's County, Maryland (codified as Subtitle 11, Division 4 of the Prince George's County Code, 1995 Edition), as amended from time to time, is hereby made applicable and enforceable in its entirety within the town. Nothing herein shall be construed as preventing county personnel from performing inspections and enforcing the county's fire safety laws.

~ 20-2. Enforcement Authority.

Police Officers or Code Enforcement Officers of the Town of Edmonston shall have the power to enforce the County Fire Safety Code as adopted. Violations of this code shall be punishable by a Municipal infraction. A fine of **\$150.00** for the first offense and **\$250.00** for a second and subsequent offenses within a 24 month period. Each day a violation remains uncorrected constitutes a subsequent offense. **[Amended 5-11-2009 by Ord. No. 2009-O-008]**

(RESERVED)

¹ Editor's Note: Former Ch. 21, Fire Protection, adopted 3-8-1948, was repealed 2-10-1997 by Ord. No. 96-002. See Ch. 20, Fire Prevention and Fire Protection.

Chapter 23

GARBAGE, REFUSE AND TRASH

[HISTORY: Adopted by the Mayor and Town Council of the Town of Edmonston 2-10-1997 by Ord. No. 96-002 as Ch. 23 of the 1997 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Burning and smoke control -- See Ch. 12.
Littering and dumping -- See Ch. 29.
Lot and property maintenance -- See Ch. 31.

~ 23-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CURBSIDE SERVICE -- Collection of garbage and trash from in front of the house, and in no case from the rear lot of the property.

GARBAGE -- Fruit, animal and vegetable food wastes collected in normal household usage.

RUBBISH -- All solid wastes other than garbage, offal and ashes from homes; further classified as combustible (mostly paper, wood and cloth) and noncombustible (metals, glass and crockery).

TRASH -- Includes rubbish and ashes. Trash does not include leaves in quantity, large tree limbs; rocks, dirt and building materials in quantity; or large bulky items, such as old refrigerators, washing machines, water heaters, bed springs, mattresses, sofas, etc.

~ 23-2. Permit required.

It shall be unlawful for any person, firm or corporation to collect, purchase or accept or to offer to collect, purchase or accept, within the corporate limits of the town, any garbage, waste, scrap, trash or recyclable materials of any kind or description, except where a permit from the Mayor and Town Council has first been had and obtained, authorizing such collection, purchase or acceptance.

~ 23-3. Collection and disposal of refuse.

A. Refuse containers shall be provided by the town for all single-family residences of the town. Owners and occupants of town residences shall keep the refuse containers sanitary and in good condition.

B. Refuse containers shall be stored behind the front building facade of each resident's dwelling unit. [Amended 5-10-1999 by Ord. No. 99-005]

C. Refuse, in containers, shall be placed for collection at the designated curb, but not in the street, alley or other public right-of-way, by 7:00 a.m. on the scheduled day of collection, but no earlier than 6:00 p.m. on the prior day, and shall be returned to their original location no later than 9:30 a.m. the following day. [Amended 5-10-1999 by Ord. No. 99-005]

D. Collection of regular garbage and trash shall be twice a week throughout the year from the curbside of each residential dwelling and from the dumpsters provided for townhouses. All garbage and trash left at curbside of a residence for collection by the town shall be limited to garbage and trash generated at that residence. Bulk items, including refrigerators, large appliances, items incapable of being lifted by one employee alone, bricks, heavy soil and limbs greater than four feet in length and/or three inches in diameter shall not be included in regular trash pickup. Tree trimmings less than four feet in length and three inches in diameter will be included in regular trash pickup, provided that they do not exceed two bundles weighing no more than 60 pounds per bundle. There shall be no more than two bags of leaves and two packs of limbs per house per regular trash pickup. On holidays where there is no collection of refuse, collection shall be on the next regular trash day.

E. Garbage and trash shall be prepared for collection and kept by residents, in accordance with rules and regulations pertaining thereto adopted by the Mayor and Town Council from time to time.

~ 23-4. Requirements relating to commercial receptacles.

Commercial receptacles shall be maintained in a manner to prevent rodent access and harborage, in sanitary and structurally sound condition, secured in a manner so as to prevent the scattering or discharge of any contained refuse material.

~ 23-5. Recycling program.

A. It is hereby encouraged that all residents of the town participate in a recycling program established by the town for the separation, collection and depositing of recyclable materials.

B. Recyclable materials shall be collected from the curb in front of each residence in the town on a weekly basis. Residents should place recyclables curbside by 7:00 a.m. on the designated

collection day, but in no event prior to 6:00 p.m. of the day prior. All recycling containers shall be retrieved from curbside no later than 8:00 p.m. on the day of collection.

C. Recyclable materials should be prepared for collection and placed in accordance with the rules and regulations relating thereto adopted by the Mayor and Town Council from time to time.

~ 23-6. Violations and penalties.

Violations of this chapter are municipal infractions, subject to a fine of **\$50.00** for each offense. Each day a violation continues shall constitute a separate offense. **[Amended 5-11-2009 by Ord. No. 2009-o-009]**

(RESERVED)

¹ Editor's Note: Former Ch. 25, Health and Sanitation, adopted 3-8-1948, was repealed 2-10-1997 by Ord. No. 96-002.

Chapter 26

INFRACTIONS, MUNICIPAL

[HISTORY: Adopted by the Mayor and Town Council of the Town of Edmonston 2-10-1997 by Ord. No. 96-002 as Ch. 26 of the 1997 Code. Amendments noted where applicable.]

~ 26-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

MISDEMEANOR -- A criminal offense, not amounting to a felony, arising from a violation of a law of the state, which violation is defined as a misdemeanor, or arising from a violation of an ordinance of the town which is designated as a misdemeanor. All violations of this code shall be treated as misdemeanors unless specifically declared to be infractions.

MUNICIPAL INFRACTIONS (INFRACTIONS) -- Any violation of this Code, which violation has been specifically declared to be an infraction. For purposes of this Code, an infraction is a civil offense.

~ 26-2. Declaration of infraction; fine.

The Council shall, by official act, declare the violation of which ordinance or ordinances the violation of which shall be an infraction or infractions, and for each such violation, a specific fine shall be set. This fine shall not exceed \$1,000 for each infraction and for each repeat or continuous violation. The fine shall be expressed as a discrete amount rather than being expressed in terms of a maximum or minimum amount. The Mayor and Town Council is authorized by Article 23A Corporations-Municipal, ~ 3, Violations of ordinances and resolutions, of the Annotated Code of Maryland to declare that violations of municipal ordinances are infractions and to set fines for the violation thereof. These powers shall not be delegated by the Council to any other administrative or legislative body.

~ 26-3. Citation.

Those officials authorized by the Council to enforce this Code may deliver a citation to any person whom they adjudge to be committing an infraction or on the basis of an affidavit submitted to an appropriate official of the town setting forth the facts of the alleged violation. The Code Enforcement Officer shall serve a citation in accordance with Maryland Rule ~ 3-121, or, 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 regular mail to the defendants last known address; and by posting of the citation at the property where the infraction has occurred or is occurring, and, if located within the town, at the residence or place of business of the defendant. A copy of the citation shall be retained by the town and shall bear the certification of the enforcing official attesting to the truth of the matter set forth in the citation. The citation shall contain at a minimum for following information:

- A. The name and address of the person charged.
- B. The nature of the infraction.
- C. The location and time that the infraction occurred or was observed.
- D. The amount of the infraction fine assessed.
- E. The manner, location and time in which the fine may be paid to the town.
- F. The right of the accused to stand trial for the infraction.
- G. The effect of failure to pay the assessed fine or to demand a trial within the prescribed time.
- H. The issuing authority's certification attesting to the truth of the matter set forth in the citation.

~ 26-4. Payment of fine.

The fine for an infraction shall be as specified in the law violated. The fine is payable by the recipient of the citation to the town within 20 calendar days of receipt of the citation.

~ 26-5. No formal hearing.

The town shall not conduct any formal hearing for those persons in receipt of a citation of infraction. Any offender so cited may pay the fine as indicated in the citation or elect to stand trial for the offense. This provision shall not prevent an offender from requesting, either personally or through an attorney, additional information concerning the infraction.

~ 26-6. Election to stand trial.

A person receiving the citation for an infraction may elect to stand trial for the offense by notifying the town, in writing, of his intention to stand trial. The notice shall be given at least

five days prior to the date of payment as set forth in the citation. Upon receipt of the notice of the intention to stand trial, the town shall forward to the district court having venue a copy of the notice form the person who received the citation indicating his intention to stand trial. Upon receipt of the citation, 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 infractions shall be remitted to the general fund of the town.

~ 26-7. Failure to pay fine.

If a person receiving a citation for an infraction fails to pay the fine for the infraction by the date of payment set forth on the citation and fails to file a notice of his intention to stand trial for the offense, 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 summon the defendant to appear. The defendant's failure to respond to such summons shall result in the entry of judgment against the defendant in favor of the town and the amount then due if a proper demand for judgment on affidavit has been filed.

~ 26-8. Conviction not criminal.

A. Conviction of a municipal infraction, whether by the District Court or by payment of the fine to the town, is not a criminal conviction for any purpose, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

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

(1) The person shall be required to pay the fine determined by the District Court, not to exceed the limits set forth in ~ 26-2 of this chapter;

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

(3) The fine imposed shall constitute a judgment in favor of the town and, if it remains unpaid for 30 days following the date of entry, shall be enforceable in the same manner as other civil judgments.

C. 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 in accordance with Article 23A, ~ 3 of the Annotated Code of Maryland. If the defendant does not pay the bill within 30 days after presentment, upon a motion by the town, the District Court shall enter a judgment against the defendant for the cost of the abatement.

~ 26-9. Rights of accused.

In any proceeding for a municipal infraction, the accused shall have the same rights as for the trial of criminal cases, except that the accused shall not have the right to invoke the protections of the double jeopardy clause of the Fifth Amendment to the United States Constitution as a defense to subsequent prosecutions. He shall have the right to cross-examine witnesses against him, to testify or introduce evidence in his own behalf and to be represented by an attorney of his own selection and at his own expense.

~ 26-10. Certain violations declared infractions.

Violation of the following chapters are hereby declared to be municipal infractions: Chapters 9, 12, 16, 20, 23, 29, 31, 37, 46 and 48.

Chapter 27

INDEMNIFICATION

[HISTORY: Adopted by the Mayor and Town Council of the Town of Edmonston 2-10-1997 by Ord. No. 96-002 as Ch. 27 of the 1997 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Administration -- See Ch. 3.

~ 27-1. Definitions.

As used in this chapter, the following words shall have the meanings indicated:

TOWN EMPLOYEE -- Includes all salaried employees of the town other than those persons falling within the definition of town official.

TOWN OFFICIAL -- Includes the Mayor and members of the Town Council, Town Clerk-Treasurer, Town Attorney and Town Engineer.

~ 27-2. Sovereign immunity; statute of limitations.

Nothing contained herein shall constitute a waiver by the town, on its own behalf or by any town official or town employee, of the defenses of sovereign immunity or governmental immunity, by whatever name known, or of the defense of statute of limitations or of any other defense in any suit or claim brought against any town official or town employee.

~ 27-3. Indemnification and defense.

To the extent permitted by law and to the extent of the town's insurance coverage, the town shall hold harmless and pay on behalf of any town official all sums which such official becomes obligated to pay by reason of the liability imposed upon such official by law if the official, at the time of the incident or occurrence giving rise to such liability, was acting within the scope of his or her duties or office for the town and the incident or occurrence arose out of such duties or office. It shall also be the duty of the town to provide the defense, by the Town Attorney or by other counsel in the discretion of the town, for any claim or action arising from an assertion of liability against such official while acting within the scope of his or her duties or office for the town. The

indemnification and/or defense herein provided for shall not be available to one who willfully and intentionally disregards the instructions or directions issued by the Mayor and Town Council.

~ 27-4. Availability of coverage.

The indemnification and defense provided for in ~ 27-3 above shall only attach and become available after all other insurance for such indemnification or defense has been exhausted.

~ 27-5. Effective date.

The effective date of this chapter shall be retroactive to May 1, 1981.

Chapter 28

LICENSED OCCUPATIONS

[HISTORY: Adopted by the Mayor and Town Council of the Town of Edmonston 2-10-1997 by Ord. No. 96-002 as Ch. 28 of the 1997 Code. Amendments noted where applicable.]

~ 28-1. Licenses required; applications; conditions of issuance.

A. No person shall engage in or carry on any business, trade or profession or calling in the Town of Edmonston for which a license fee is imposed by the terms of this chapter without having first obtained a license so to do.

B. No owner of commercial real property in the Town shall permit such property to be occupied by a person or entity engaged in any business, trade, profession or calling without a valid license where such license is required by this chapter.

C. No license to carry on any business, trade, profession or calling in the Town of Edmonston shall be issued until the applicant shall have provided evidence to the Town Clerk that:

(1) The business, trade, profession or calling is a corporation in good standing if the applicant is doing business as a corporation.

(2) The applicant is in possession of a valid use and occupancy permit issued by Prince George's County to carry on the business, trade or profession at the identified premises.

(3) The applicant possesses a valid state license if the business, trade or profession is one which is also licensed by the State of Maryland.

(4) The applicant has paid all applicable real estate and personal property taxes.

(5) The applicant is in compliance with all state and Prince George's County laws and municipal ordinances which govern the conduct of the business, trade or profession sought to be licensed.

D. Applications for license shall be made to the Town Clerk, and no license shall be granted until payment for the same shall have been made.

Every license shall specify the name of the business, the person, firm or corporation to which the license shall be issued, the state of incorporation and the name and address of the officers and resident agent, if appropriate, and the location at which such business, trade, profession or calling is to be carried on.

E. Licenses granted under the terms of this chapter may be assigned or transferred, on application, upon the conditions applicable to granting the original license, and the Town Clerk shall issue a certificate of such assignment or transfer upon the payment to the Town of Edmonston of a fee of \$10 therefore.

~ 28-2. Form and term of license; determination of fees.

Licenses shall be in the form and tenor herein outlined and shall be issued for a one-year period (or any portion thereof) beginning July 1 and extending to and including June 30 of the following year. The fee in each case shall be such as, in the sound judgment of the Mayor and Town Council, will be sufficient to cover all costs of regulation, issuance of licenses, supervision, policing and other regulatory activities or expenditures and which are deemed necessary to protect the public health, safety and morals.

~ 28-3. Fee schedule for certain businesses and professions.

[Amended 9-12-2005 by Ord. No. 2005-O-02] **[Amended 5-11-2009 by Ord. No. 2009-O-004]**

Subject to the provisions of state law, owners or operators of business trades or professions shall pay an annual license fee as follows:

Type	Fee
All Businesses, Trades and Professions	\$250.00
Mobile Vendors	\$100.00

~ 28-4. (Reserved)

~ 28-5. Permits required for soliciting.

No person shall solicit funds for any cause by calling in person from door to door in the town without a permit so to do having been first obtained from the Mayor and Town Council.

~ 28-6. Revocations of licenses.

A. All licenses for the conduct of any business shall be subject to

revocation by the Mayor and Town Council after a public hearing, if it is shown that the license was erroneously issued or was obtained by fraud, misrepresentation or concealment of material facts or that the business or the manner in which such business is conducted is obnoxious to the public or constitutes a nuisance or if such business is being conducted in violation of any law or ordinance of the United States, the State of Maryland or any subdivision thereof, including the Maryland National Capital Park and Planning Commission and the District Council created in connection therewith, or if such place of business is being used for any illegal purpose.

B. Before any license shall be revoked, a notice shall be served on the holder of such license or left at his place of business, warning him to be and appear before the Mayor and Town Council at a time to be stated therein, and show cause why such license should not be revoked.

C. If such license is revoked, it shall thereafter be unlawful for any person, firm or corporation to engage in or be employed in any business at such location until a license shall again be obtained.

D. All licenses shall contain the following sentence: "This license is subject to revocation by the Mayor and Town Council."

~ 28-7. Alcoholic beverage licenses.

- A. Every holder of a license issued by the clerk of the Circuit Court for the County to sell alcoholic beverages whose place of business is located within the Town of Edmonston shall procure from the Town an Annual License of the same type as the County License so held, and shall pay therefore an annual license fee to the Town which is equal to Twenty Percent (20%) of alcoholic beverage license fee payable to the Circuit Court for Prince George's County as prescribed by Article 2B § 8 through 24A of the Annotated Code of Maryland.
- B. Application for a Town license as required in this section shall be made to the Town of Edmonston and upon payment of the fee prescribed above; a License shall be issued by the Town of Edmonston. Every license thus issued shall expire on the 30th day of April next after issuance. The fee for every license issued for a period of less than one (1) year shall be calculated pro rata from the date of issuance until the 30th day of April next after the date of issue, both inclusive. It shall be unlawful for any person to sell alcoholic beverages within the scope of this section within the Town unless and until he or she shall have procured a Town license as required in this section.
- C. In the event of a sale of the licensed business, such issued Town license is not transferable and the new purchasers must apply for a new Alcoholic Beverage License.
- D. The license also requires the license holder to pay the annual Town Business License fee established by the Mayor and Council as a

requirement to operate a business within the Town of Edmonston.
[Amended 9-7-2007 by Ord. No. 2007-OR-012]

~ 28-8. Fortunetelling.

A. Every person who shall demand or accept any remuneration or gratuity for the forecasting or foretelling or for pretending to forecast or foretell the future of another by cards, palm reading or any other scheme, practice or device shall be deemed guilty of a misdemeanor.

B. Any person, firm or corporation who violates Subsection A of this section shall be guilty of a municipal infraction and shall be subject to a fine of \$25.

~ 28-9. Severability.

Should any of the provisions of ~ 28-1 to 28-8 inclusive of this chapter or any part thereof be held to be invalid for any reason, such holding shall not be construed as affecting the validity of any remaining sections or part of a section thereof, it being the intent of the Mayor and Town Council that the remainder shall stand notwithstanding the invalidity of such section or part of a section.

~ 28-10. Display of license; due date of fees; enforcement.

A. Each license and certificate of assignment or transfer of license shall be conspicuously displayed on the licensed premises.

B. All license fees shall be due and payable to the Town Clerk on July 1 of each year, and all licenses shall expire on June 30 of the following year.

1. The fee for any business begun after the first quarter of the license year shall be prorated on a quarterly basis for the number of quarters remaining in the year. However, the fee for mobile vendors licenses shall not be prorated under any circumstance. **[Amended 7-10-2006 by Ord. No. 2006-OR-009]**

2. Penalty for late fee.

An additional penalty of Twenty-Five (\$25) dollars shall be added to the license fee if the license is paid between July 1 and July 31 of the calendar year in which the fee is due. After July 31 any business which has not yet paid it's license fee for the calendar year will be determined to be unlicensed, violators of which are subject to the provisions of section 28-11 A and B of this chapter.
[Amended 7-10-2006 by Ord. No. 2006-OR-009]

C. All Code Enforcement Officers and Police Officers of the Town of Edmonston shall have authority to enter, at all reasonable times, all premises within the corporate town limits for which a license is required pursuant to this chapter and to issue to any person violating this chapter a written citation

apprising him of his specific violation. In the absence of the person affected or his agent or employee, a copy of said citation shall be forwarded to the business owner or agent by registered mail, return receipt required. **[Amended 7-10-2006 by Ord. No. 2006-OR-009]**

- D. For purposes of this chapter, the term "person" shall include an individual, partnership, association, corporation, club or other business, and the agents and employees thereof.
- E. All Code Enforcement Officers and Police Officers of the Town of Edmonston shall have authority to enter, at all reasonable times, all premises within the Corporate Town limits for which a license is required pursuant to this chapter for the purpose of conducting periodic inspections of the business. Such inspections shall be to assess the general condition of the business to ensure that it is a safe environment for employees and customers of the business to conduct business there and to identify any violations of local, state or federal codes or laws which may be occurring there. **[Amended 7-10-2006 by Ord. No. 2006-OR-009]**
- F. All Code Enforcement Officers and Police Officers of the Town of Edmonston shall have authority to enter, at all reasonable times, all premises within the Corporate Town limits for which a license is required pursuant to this chapter that repair, sell or assess a fee for storage of vehicles at that location for the purpose of conducting periodic inspection of vehicles, vehicle parts, registration and title documents. Such inspections are to determine if these items have been reported as stolen and to ensure that vehicles are not or will not be titled or registered in a fraudulent manner. **[Amended 7-10-2006 by Ord. No. 2006-OR-009]**

~ 28-10.1 Mobile Vendor Licenses **[Amended 5-11-2009 by Ord. No. 2009-O-003]**

- A. Licenses issued to Mobile Vendors shall be assigned to the owner of the vehicle actually selling a product; ice cream, vegetables, fruits, etc.
- B. The License shall also contain the vehicle registration number and is NOT transferable to any other vehicles without notification to the Town of Edmonston.
- C. The license shall be in the vehicle at all times and available for inspection by the Town of Edmonston Police or Code Enforcement Personnel.

~ 28-11. Violations and penalties.

- A. Violations of this chapter are deemed municipal infractions punishable by a fine of **\$100.00** Each day any violation of any provision of this chapter shall continue or reoccur shall constitute a separate offense. [Amended 10-8-2001 by Ord. No. 01-005] **[Amended 5-11-2009 by Ord. No. 2009-O-**

004]

B. In addition to the fines and penalties herein described, the Mayor and Town Council of Edmonston may avail themselves of any and all civil and equitable remedies for the purpose of enforcing the provisions of this chapter. The amount of any unpaid license fee, the payment of which is required hereunder, shall constitute a debt due the Town of Edmonston and may be recovered as provided by law.

§28-12. Tree removal, Tree trimming; Permit Required

A. Any person or business hired for the purpose of trimming or removing trees, on private property, greater than 50" Caliper are required to obtain a permit from the Town of Edmonston prior to the trimming or removal.

B. Before any permit is granted the following documents must be presented to the Town of Edmonston. Evidence of Insurance for:

1. Workman's Compensation
2. Liability

C. Each permit will be only valid for a single property and must be returned to the Town of Edmonston at the conclusion of the work and upon satisfactory inspection of any public right of ways for possible cleanup and damage.

D. Fee:

1. The fee for this permit is \$150.00

E. Violations and Penalties

Violations of this section are deemed Municipal Infractions and are punishable by a fine of **\$200.00**. Each day any violation of this section shall occur or reoccur shall constitute a separate offense.

Chapter 29

LITTERING AND DUMPING

[HISTORY: Adopted by the Mayor and Town Council of the Town of Edmonston 2-10-1997 by Ord. No. 96-002 as Ch. 29 of the 1997 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Garbage, refuse and trash -- See Ch. 23.

Lot and property maintenance -- See Ch. 31.

~ 29-1. Depositing wastes and trash; allowing accumulations.

It shall be unlawful for any person or persons to throw or place or to allow the accumulation of trash or waste material or any offensive or dirty material on any real estate owned, leased, occupied or possessed by him, her or them or to throw or place any such material on the land of another within the Town of Edmonston.

~ 29-2. Depositing certain materials on streets or sidewalks.

It shall be unlawful for any person, firm or corporation to place or deposit any tin cans, paper bags, rags, garbage, grass clippings, yard waste or trash on any street, road or sidewalk within the Town of Edmonston. **[Amended 10-8-2001 by Ord. No. 01-007]**

~ 29-3. Depositing certain materials from vehicles.

It shall be unlawful to cause or permit any earth, clay, dirt, sand, gravel, broken stone, mortar, hay, straw, manure, shavings, sawdust, coal, ashes, paper, rubbish or any loose material of any kind to be scattered, dropped, leaked, spilled or let fall from any

cart, wagon, dray, truck or other vehicle in which the same may be carried upon any of the streets or roadways within the Town of Edmonston, and this prohibition shall apply to the owner, driver, operator, contractor, manager, agent, foreman, superintendent or person or persons in charge of any such cart, wagon, dray, truck or other vehicle from which any of the materials hereinbefore mentioned shall be scattered, dropped, leaked, spilled or let fall upon any street or roadway.

~ 29-4. Depositing certain materials on lands of another.

It shall be unlawful for any person to throw, cast, scatter, drop, deposit or leave in and upon the land of any other person within the Town of Edmonston any garbage, litter, paper, tin cans, dead animal, vegetable or animal matter, trash, rubbish, refuse, waste matter or any substance or matter injurious to the public health.

29-4A. Temporary Storage

It shall be unlawful for any vehicle operator to temporarily store vehicles of any type containing garbage, litter, paper, dead animals, vegetable or animal matters, and trash rubbish, refuse waste matter or any other substance or matter injurious to the public health or bearing obnoxious odors. **[Amended 10-9-2006 by Ord. No. 2006-OR-011]**

~ 29-5. Depositing certain materials on private property; permission required to use land for dumping.

It shall be unlawful for any owner, tenant, occupant or person in charge of any lot or parcel of land within the Town of Edmonston to permit or suffer any other person to throw, case, scatter, drop, deposit, leave or keep upon said land or any part thereof any garbage, litter, paper, tin cans, tires, old automobiles or parts thereof or any material causing an unsightly appearance, dead animal, vegetable or animal matter, trash, rubbish, refuse, waste matter or any substance or matter injurious to the public health or to permit or suffer said land or any part thereof to be used by the public as a dumping place for the disposal of the substances hereinbefore enumerated without first having obtained permission so to do from the Mayor and Town Council.

29-5A. Allowing temporary storage

It shall be unlawful for any owner tenant, occupant or person in charge of any lot or parcel of land within the town of Edmonston to permit or suffer any other person to temporarily store any vehicle containing garbage, litter, paper dead animals, vegetable or animal matter, trash, rubbish, refuse, waste matter or any substance or matter injurious to the public health or bearing abnoxious odors. .
[Amended 10-9-2006 by Ord. No. 2006-OR-011]

~ 29-6. Maintaining dumpsters on commercial and multifamily residential property.

A. Definitions. As used in this section, the following terms shall have the meanings indicated.

COMMERCIAL PROPERTY -- Any lot or parcel of land within the Town of Edmonston which is zoned for commercial or industrial use, as defined in Subtitle 27, Zoning, of the Prince George's County Code, or used for commercial or industrial purposes, as defined in Subtitle 27, Zoning, of the Prince George's County Code.

DUMPSTER -- A commercially available metal container with a watertight, leakproof body and a tight-fitting lid for use outdoors.

REFUSE -- Any and all garbage, litter, paper, tin cans, bottles, trash, rubbish, refuse, solid waste matter, offal waste, the entrails or waste products of any animal, fish or fowl, sludge, refuse animal or vegetable matter, scrap metal, glass, ashes, cinders, industrial and/or manufacturing waste of any type and any other material causing an unsightly appearance or which is injurious to the public health.

B. It shall be the duty of every person, partnership, corporation or other entity as owner, occupant, lessee or agent in charge of commercial or multifamily residential property within the Town of Edmonston to have, keep and maintain on said commercial or multifamily residential property an adequate number of dumpsters to properly store, collect and dispose of any and all

refuse on the property. **[Amended 7-9-2001 by Ord. No. 01-004]**

C. Every dumpster maintained pursuant to Subsection B of this section shall remain tightly closed at all times when garbage is not in the process of being placed therein. With respect to every dumpster maintained pursuant to Subsection B of this section, a person, partnership, corporation or other entity as owner, occupant, lessee or agent in charge of the property upon which such dumpster is located shall be responsible for either: [Added 7-9-2001 by Ord. No. 01-004]

(1) Ensuring that the cover of the dumpster is locked between deposits of garbage; or

(2) Checking the dumpster at least once every six hours to ensure that the dumpster is tightly closed and maintaining a signed log demonstrating that the dumpster has been checked; or

(3) For taking other steps approved by the Town Council in writing and reasonably calculated to ensure that the condition of the dumpster does not violate this subsection.

D. With respect to every dumpster maintained pursuant to Subsection B of this section, it shall be the duty of every person, partnership, corporation or other entity as owner, occupant, lessee or agent in charge of the property upon which such dumpster is located and of every person or entity responsible for garbage collection from such dumpster by virtue of public or private contract to ensure that such dumpster is not placed, in whole or in part, on public property, including the public right-of-way. [Added 7-9-2001 by Ord. No. 01-004]

~ 29-6.1. Notice to remove accumulations of litter.

The town is hereby authorized to notify, in writing, the owner or the person responsible for the maintenance of property to remove or properly dispose of litter from the subject property within 10 days, inclusive of Sundays and holidays, after the date of such notice. Such notice shall advise the owner or responsible person that the town shall take action, and the owner or responsible person shall

bear the cost if he fails to remove or properly dispose of the litter.

~ 29-6.2. Authority of town to remove accumulations of litter when owner fails to do so.

A. Failure, neglect or refusal of any owner or responsible person so notified to properly dispose of litter within the time frame specified in ~ 29-6.1 after receipt of written notice shall constitute a violation, and a municipal infraction will be issued.

B. Upon failure to remove and properly dispose of the litter within the time specified, the litter shall be removed by the town, and the cost thereof shall be charged to the person so failing unless good cause to the contrary is shown by filing objection, in writing, with the town on or before the expiration date of such notice and the town, in its sole discretion, accepts such cause.

C. If the litter is not removed and properly disposed of within the specified time and no written objections have been filed, then the town is authorized to incur the necessary expense in removing the litter, and shall place a charge against the property of the person who fails to remove or dispose of such litter for such cost and proceed to collect the same by entering the same on the tax records as a tax upon such property or by suit for injunction or other relief if deemed necessary, or both.

D. It shall be unlawful for any property owner or his/her agent to permit goods and materials of an evicted tenant who has vacated such property to remain on the public right of way adjacent to such property for more than Twenty-Four (24) hours following such evictions or such vacating of this property. In the event such goods or materials remains beyond Twenty-Four hours, the Town of Edmonston may employ a person to remove such items and the cost of such services shall be assessed against the owner of said property and collected as an action for debt. [**Amended 7-14-2008 by Ord. No. 2008-OR-005**]

~ 29-7. Violations and penalties.

Violations of this chapter are municipal infractions, punishable by a fine of **\$250.00** for each offense, except that violations of ~ 29-3, 29-4, 29-5 and 29-6 shall be punishable by a fine of \$250.00 for each offense. For the purposes of this chapter, each day a violation goes uncorrected shall constitute a separate offense. [Amended 7-9-2001 by Ord. No. 01-004; Amended 10-9-2006 by Ord. No. 2006-OR-011] **[Amended 5-11-2009 by Ord. No. 2009-O-010]**

Chapter 31

LOT AND PROPERTY MAINTENANCE

[HISTORY: Adopted by the Mayor and Town Council of the Town of Edmonston 2-10-1997 by Ord. No. 96-002 as Ch. 31 of the 1997 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Fences, walls and plantings -- See Ch. 18.
Garbage, refuse and trash -- See Ch. 23.
Littering and dumping -- See Ch. 29.

~ 31-1. UPHOLSTERED FURNITURE RESTRICTED

- A. As a measure towards the prevention of fires and a deterrent against an infestation or nesting of rodents or other vermin either of which would constitute a detriment to the public health and well being, any and all upholstered or otherwise permeable furniture manufactured exclusively for intended indoor use shall not be placed outside of a building or structure, including but not limited to porches, decks, driveways or carports.
- B. Notice of violation shall be in writing and shall be served upon the occupant in person, by registered mail or by posting of violation upon the property where violation has occurred. Additionally, the owner of the property may be served in person, by registered mail or by posting of notice of violation at their last known/recorded address.

Upon notice of violation the responsible party shall have seven (7) days to comply with the orders to remove. Failure to comply shall result in the issuance of a municipal citation in the amount of \$200.00 for the first offense and \$500.00 for the second and each subsequent offense thereafter within a 24 month period. furthermore, each offense which remains non compliant beyond the seven (7) days shall be considered unwanted trash or debris and shall be collected and disposed of by the town of Edmonston. All associated costs shall be billed to the occupant/owner and upon failure to remit payment within thirty (30) days to the town will constitute an uncollected bill for services which shall be forwarded and attached as a lien upon the property tax of the said property.

[Amended 7-13-2009 by Ord. Number 2009-O-022]

~ 31-2. Unsafe conditions; penalties.

A. Whenever any dwelling or any building, structure, excavation, matter, condition or anything in or about a dwelling or lot on which it is situated, or the plumbing, sewerage, drainage, light or ventilation thereof, is found by the Mayor and Town Council of Edmonston to be dangerous or detrimental to life, health or safety of the occupants or to the public by reason of lack of maintenance, disrepair or unsanitary or rodent-infested or vermin-infested condition, or because it otherwise fails to comply with the minimum conditions of the Building Code of Edmonston¹ in such a way as to cause such an unsafe condition, the Mayor and Council may order that the matter, condition or thing be removed, abated, suspended, altered or otherwise improved as the order shall specify. If any such order of the Mayor and Council issued under the authority of the provisions of this chapter is not complied with within 30 days after the service thereof, then the order may be executed by the Town of Edmonston through its officer, agents, employees or contractors, and any expense incurred in the execution of said order shall be paid by the owner of said property; such expense may be recovered by the town by appropriate legal action. The Mayor and Council may also order such premises vacated until such premises shall be made to comply with the conditions of this chapter. The cost to the town of executing such order shall constitute a lien on the property and may be billed and collected in the same manner as town property taxes are now billed and collected by the Town Treasurer.

B. Notice. The order shall be in the form of a written notice and shall be sent by registered or certified mail to the owner of the property. If the owner does not occupy the premises, a copy of the notice shall also be served on the occupant of the property; provided, however, that if the identity of the occupant cannot be readily determined, it shall be sufficient to address the notice merely to "occupant of premises at _____ Street, Edmonston, Maryland" and to serve the notice upon any responsible adult at the premises. If the owner cannot be located through reasonable diligence and if the property is unoccupied, the order shall be posted in a conspicuous manner on the premises. Notice shall also be served personally or by registered or certified mail on any mortgagee or trustee under a deed of trust of the premises whose name so appears in the land records of Prince George's County, Maryland.

C. Penalties. Any person, firm or corporation failing to comply with the order of the Mayor and Town Council provided for in this chapter shall be deemed guilty of a municipal infraction, subject to a fine of \$100.

D. Right to hearing. Any owner or other person upon whom an order has been served pursuant to this chapter or who is aggrieved by this order shall have the right to a hearing before the Mayor and Town Council, provided that he make a written request to the Mayor and Council, either personally through the Town Clerk or by registered mail, within 14 days of the service of said order. Upon receipt of such a request, the Mayor and Town Council shall grant a hearing either at its next regular meeting or earlier at a special meeting called for this purpose, provided that at least 15 days' notice of the hearing be given to the party requesting the hearing.

¹ Editor's Note: See Ch. 9, Building Code.

~ 31-3. GRAFFITI

All property owners within the corporate limits of the Town of Edmonston whether such property be improved or unimproved shall be responsible for the removal of any graffiti placed on any part of the property within 48 hours after graffiti has been applied or after notice is given by the Code Enforcement Officer or Edmonston Police of the nuisance. Upon failure to remove such public nuisance within the time specified the nuisance will be removed by the Town or their agents and the cost thereof be charged to him, her, or them, as the case may be.

Failure to pay such costs necessary to cause removal of graffiti by the proper person or persons within the time specified shall cause the Town of Edmonston to collect same by entering same on the tax records as a tax upon such real estate or by suit deemed necessary, or both.

~ 31-4. Accumulations of trash and wastes and obnoxious growths deemed nuisances; abatement procedures. [Amended 8-17-1998 by Ord. No. 98-003]

Any trash, waste material, garbage, offensive and dirty material or grass, weeds, briars and brush more than eight inches tall which has been or which may hereafter be allowed to accumulate or grow on any private property in the Town of Edmonston is hereby declared to be a public nuisance. It shall be the duty of the Code Enforcement Officer to notify the owner or owners, tenant or tenants or person or persons in possession of any real estate where such public nuisance exists to remove such public nuisance within seven days, inclusive of Sundays and holidays, after the date of such notice, and that upon failure to remove such public nuisance within the time specified, the nuisance will be removed by the Town and the cost thereof be charged to him, her or them, as the case may be, unless cause to the contrary be shown by filing objections, in writing, with the Code Enforcement Officer on or before the expiration date of such notice. If such written objections are filed, it shall be the duty of such person to appear before the Mayor and Town Council at its next meeting, when public hearing shall be accorded to such person. Such notice shall be given by placing the same in the United States mail, addressed to the last known address of such person or persons, and with sufficient postage prepaid. If such public nuisance is not removed within the time specified in such notice, and no written objections have been filed, or filed and overruled by the Mayor and Town Council, then the Code Enforcement Officer shall cause the public nuisance to be removed, and he is authorized to incur the necessary expense in so doing, and shall place a charge against the proper person or persons for such costs and proceed to collect the same by entering same on the tax records as a tax upon such real estate, or by suit if deemed necessary, or both.

~ 31-5. Weeds, litter and other obstructions in street and sidewalk area.

All property owners within the corporate limits of the Town of Edmonston,

whether such property be improved or unimproved, shall be responsible for and shall keep the property cleared of weeds, debris and litter or other obstruction the entire distance to the street or sidewalk even though a portion of the land lying between the lot and the sidewalk may not be titled to the property owner abutting, but may even belong to the town. Upon failure of any person to keep such property clear the entire distance to the walk or street, the owner shall have the usual ten-day notice served before the town may have the property cleared and taxed to such owner. **[Amended 1-22-2007 by Ord. No. 2007-OR-001]**

31-5A Snow and ice removal.

The owner or owners, tenant or tenants, person or persons in possession of any building whether commercial or residential, located in the town, which abuts a paved public sidewalk must remove, or cause to be removed within twenty-four (24) hours after the cessation of a snow or ice fall and all snow or ice from the public sidewalk in front of or abutting said building or property.

~ 31-6. Violations and penalties.

Violations of this chapter are municipal infractions, subject to a fine of **\$100.00** for each offense. Each day a violation continues constitutes a separate offense. **[Amended 5-11-2009 by Ord. No. 2009-O-011]**

Chapter 35

PEACE AND GOOD ORDER

[HISTORY: Adopted by the Mayor and Town Council of the Town of Edmonston 2-10-1997 by Ord. No. 96-002 as Ch. 35 of the 1997 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Animals and animal establishments. -- See Ch. 5.

Burning and smoke control -- See Ch. 12.

~ 35-1. Tampering with or damaging public property.

It shall be unlawful for any person, without lawful authority so to do, to destroy, injure, mutilate, deface, remove or otherwise interfere with any property of the Town of Edmonston or to interfere in any way with any of the sewers or drains in the town or to cut or mutilate any of the shade trees in the parking or along the streets.

~ 35-2. Interfering with officers.

It shall be unlawful for any person to resist or to interfere with any officer of the town in the legal discharge of his duties.

~ 35-3. Indecent exposure.

It shall be unlawful for any person to indecently expose his/her person.

~ 35-4. Firearms and weapons.

It shall be unlawful for any person other than an officer in the line of duty or a person in the necessary defense of his life or property to discharge any firearm of any kind, or any air rifle, within the town; nor shall any person other than a law enforcement officer have in his or her possession while on the streets of the town any revolver, pistol, blackjack, brass knuckles, razor or other dangerous weapon, except guns used for the hunting of game, which shall be carried unloaded and "broke."

~ 35-5. Throwing objects; depositing injurious materials in streets.

It shall be unlawful for any person to throw any stone, fireworks or other missile of any kind in the Town of Edmonston in any way that is likely to do harm or injury to any person or property, or in such a manner as to cause reasonable apprehension of such harm or injury. No glass, nails, tacks or other articles shall be thrown or broken in the streets which would be injurious to automobile tires or other vehicles.

~ 35-6. (Reserved)

~ 35-7. Disturbing the peace.

It shall be unlawful for any person to disturb the peace and quiet of the neighborhood by loud and unseemly noise, by fighting, by using profane or vulgar language, by making rude or insulting remarks, by being drunk or by being disorderly; nor shall any person disturb any religious worship or any public meeting.

~ 35-8. **Environmental Noise Control**

Definitions.

(1) Definitions. For the purposes of this section, the following terms, phrases, words and their derivations shall have the meanings given herein:

"Commercial land use"- Property zoned or used for the sale of goods and services or for office uses.

"dB (A)"-Abbreviation for the sound level in decibels determined by the A-weighting network of a sound level meter or by calculations from octave band or 1/3 octave band data.

"Daytime"- Between 7:00 a.m. and 9:00 p.m.

local time.

"Nighttime"- Between 9:00 p.m. and

7:00 a.m. local time.

"Decibel" - A unit of measure equal to ten times the logarithm to the base often of the ratio of a particular sound pressure squared. For purposes of this section, twenty (20) micropascals shall be the standard reference pressure.

"Industrial land use" - Property zoned or used for manufacturing or

storing goods.

"Person" - Any individual, group, firm, association, agency, or other entity. **"Residential land use"** - Property zoned for the use of habitation dwellings.

"Sound" - An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of the medium. The description of sound may include any characteristic of such sound, including duration, intensity, and frequency.

"Sound level" - The weighted sound pressure level obtained by the use of a sound level meter and frequency weighing network, such as A, B, or C as specified in American Standards Institute specifications for sound level meters (ANSI SI.4-1971, or the latest approved revision thereof). If the frequency weighing employed is not indicated, the A-weighing shall apply.

"Sound level meter" - An instrument designed to measure noise levels, meeting ANSI SI.4-1971 (or latest approved revision thereof) specifications.

"Trained operator" - A person who has been trained in the use of the specific sound level meter and can demonstrate proficiency in the operation of such, and has a general working knowledge of instrument employed.

"Unnecessary noise" - Excessive or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the Town limits.

A. Standards.

(1) No person shall operate, play or permit the operation or playing of any radio, television, record player, tape recorder, musical instrument, amplifier or any similar device so as to cause sound measurable beyond the property line of the source at levels greater than the following:

Industrial	75 " dB (A) " daytime or nighttime
Commercial	67 " dB (A) " daytime 62 " dB (A) " nighttime
Residential	60 " dB (A) " daytime 50 " dB (A) " nighttime

(2) Sound level measurements may be taken anywhere beyond the property line of the source, on public or private property, five feet above the ground. In the case of a multiple dwelling unit, the property line shall be defined as that area beyond the walls of an individual dwelling unit. Measurements from unzoned property shall conform with those standards for residential zoned

property.

(3) Sound level measurements shall be taken by a trained operator using a sound level meter set on the "slow" setting. The sound level meter shall be maintained and calibrated and remain in good working order.

B. Exceptions:

1. Construction or demolition activities shall be permitted during daytime hours, provided that such activity shall not exceed a level of ninety (90) **"dB (A)"**
2. Household tools and portable appliances in normal usage.
3. Lawn care and snow removal equipment (daytime only) when used and maintained in accordance with the manufacturer's specifications.
4. Agricultural field machinery when used and maintained in accordance with manufacturer's specifications.
5. Blasting operations for demolition, construction and mining or quarrying (daytime only).
6. Motor vehicles on public roads.
7. Aircraft.
8. Motor vehicles or boats on state lands or waters.
9. Emergency utility operations.
10. Pile-driving equipment during the daytime hours of 8:00 a.m. to 5:00 p.m.
11. Sound not electronically amplified created by sporting, amusement and entertainment events and other public gatherings operating according to terms and conditions of the appropriate local jurisdictional body. This includes but is not limited to athletic contests, amusement parks, carnivals, fairgrounds, sanctioned auto racing facilities, parades and public celebrations.
12. Rapid rail transit vehicles and railroads.
13. Any activity causing noise if a variance for such activity and the noise resulting there from has been obtained from the environmental health administration of the Maryland Department of Health and Mental Hygiene or is being processed pursuant to the rules and regulations of that Department.

This exception shall apply only to the extent of any such variance so granted or being processed.

14. Use of any machinery or vehicles by personnel of the State of Maryland or any political subdivision thereof.
15. This section shall not apply to activities or events conducted, sponsored, or permitted by the Town of Edmonston.
16. This section shall not apply to sound equipment used by any Public Service Company as defined in Article 78 of the Annotated Code of Maryland, or to federal, state or local governmental agencies.

C Loud Noise Prohibited

(1) Generally - Loud and unnecessary noise which disturbs the public peace between the hours of 9:00 p.m. and 7:00 a.m., local time, except as otherwise provided in this section, shall be deemed a public nuisance and is prohibited. Sound levels measured from the property line of the source not in compliance with levels specified in section 35-8 A of this chapter are presumed a public nuisance, and subject the violator to the penalties set forth in section 35-8 E.

a.. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street, way, avenue or alley or other public place of the city, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; the sounding of any such device for any unnecessary or unreasonable length of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.

b. Use of radios, phonographs and musical instruments. The using of, operating of or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The using of, operating of or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound between the hours of 9:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located.

c. Yelling, shouting, hooting, whistling and singing. Yelling, shouting, hooting, whistling or singing on the public streets or from private property at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence or any persons in the vicinity. Yelling, shouting, hooting, whistling or singing on the public streets or private property at any time or place in such a manner as to be plainly audible at a distance of fifty (50) feet from the

building, structure or vehicle from which the noise emanates.

d. The operation of any vehicle equipped with any broadcasting, recording or amplification system when any music, the human voice or any other noise shall be broadcast from said vehicle except as authorized by Section 35-24.

D. Responsibility of property owner.

Any owner of property who shall permit loud and unnecessary noise or noises which is in violation of the level established by this chapter shall be subject to the penalties hereof in addition to any and all occupants or visitors of said property causing prohibited noises.

E. Penalties

(a) Generally - Violation of any subsection of section 35-8 of the Ordinance Code of the Town of Edmonston shall be deemed a municipal infraction. Violators shall be subject to a fine of ONE HUNDRED DOLLARS (\$ 100.00; first violation and \$250.00 for the second violation, each hour any violation of any provision of this section shall continue after citation for said offense by any peace officer or other authorized official of the Town of Edmonston shall constitute a separate offense. The first and second violations are civil citations.

(b) Repeat Violations – Charges for the third violation of this section must be leveled by a Certified Police Officer and conviction under this section shall be deemed a misdemeanor, with violators subject to a fine of FIVE HUNDRED DOLLARS (\$500.00) and up to six months incarceration. The third conviction may also subject violators to confiscation and forfeiture of the device used to create unnecessary noise, with the right of entry by the Town of Edmonston, or its authorized representative.

~ 35-9. Drinking alcoholic beverages in street.

It shall be unlawful for any person to drink any alcoholic beverage on any street within the Town of Edmonston.

~ 35-9A. Exhibiting obscene materials to minors.

It shall be unlawful to exhibit any obscene picture or obscene writing to any minor within the town.

~ 35-10. Begging.

It shall be unlawful for any tramp, vagrant or beggar to beg or solicit anything of value in the Town of Edmonston.

~ 35-11. Disorderly houses.

It shall be unlawful for any person or group of persons to keep or maintain a disorderly house in Edmonston. A "disorderly house," within the meaning of this section, is hereby defined to be any building in which any immoral or illegal conduct is carried on with the knowledge of the owner, tenant or occupant of said building.

~ 35-12. Selling or giving tobacco to certain minors.

It shall be unlawful for any person to sell or give tobacco in any form to any child under the age of 18 years.

~ 35-13. Gambling houses.

It shall be unlawful for any person or persons to operate a gambling house or a place where wagers or bets are taken within the Town of Edmonston, or knowingly let or lease a house or any part thereof to be so kept or used.

~ 35-14. Noise by businesses during certain times.

It shall be unlawful for any person to operate or cause to be operated within the town any manufacturing or industrial plant or place of business so as to disturb the peace and quiet of the neighborhood between the hours of 8:00 p.m. and 7:00 a.m. or at any time on Sunday.

~ 35-15. Selling or giving firearms or ammunition to certain minors.

It shall be unlawful for any person, be he a licensed dealer or not, to sell, barter or give away shotguns, fowling pieces, rifles or any firearms whatsoever, or any ammunition, powder, shot or shells for any deadly weapon, to any minor under the age of 21 years.

~ 35-16. (Reserved)

~ 35-17. Obstructing persons on streets.

It shall be unlawful for any person willfully to obstruct or hinder the free passage of persons passing along or by any public street or highway within the limits of the Town of Edmonston.

~ 35-18. Unlawful assembly.

It shall be unlawful for persons to congregate in crowds in any paved area of a public street or highway within the limits of the Town of Edmonston or for the members thereof to engage in disorderly conduct or to indulge in loud, boisterous or profane language.

~ 35-19. (Reserved)

~ 35-20. (Reserved)

~ 35-21. (Reserved)

~ 35-22. Trespassing on posted property.

It shall be unlawful for any person or persons to enter upon or cross over the land, premises or private property of another in the Town of Edmonston or on or over any property which is posted against trespassers in a conspicuous manner.

~ 35-23. (Reserved)

~ 35-24. Vendors ringing bells or signals.

It shall be unlawful for the owner, operator or person in charge of a vehicle vending ice cream, soft drinks or other products on the streets or highways of the Town of Edmonston to ring or permit the ringing of bells continuously by electronic means except for mechanical bells or operate any other signaling device playing music or voice at anytime. **[Amended 11-13-2006 by Ord. No. 2006-O-012]**

~ 35-25. Violations and penalties.

A. Any person who shall violate the provisions of ~ 35-26 shall be subject to the penalty provisions contained therein.

B. Any person who shall violate ~ 35-1, 35-2, 35-3, 35-4, 35-5, 35-7, 35-8, 35-9a, 35-11, 35-13, 35-14, 35-15, 35-17, 35-18 and 35-22 of this chapter shall, upon conviction, be guilty of a misdemeanor, subject to a fine not to exceed \$1,000 and six months in jail.

C. Any person who shall violate ~ 35-9, 35-10, 35-12 and 35-24 shall be guilty of a municipal infraction and shall be subject to a fine in the

amount of \$50. **[Amended 11-13-2006 by Ord. No. 2006-O-012]**

~ 35-26. Conduct of minors.

A. Definitions and word usage.

(1) Definitions. For the purposes of this section, the following terms, phrases, words and their derivations shall have the meanings given herein.

EMERGENCY -- An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, natural disaster or automobile accident or any situation requiring immediate action to prevent serious bodily injury or loss of life.

ESTABLISHMENT -- Any privately-owned place of business operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment.

JUVENILE or MINOR -- Any unemancipated person under the age of 17 or, in equivalent phrasing often herein employed, any person 16 or less years of age.

OPERATOR -- Any individual, firm, association, partnership or corporation operating, managing or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

PARENT -- Any person having legal custody of a juvenile as a natural or adoptive parent, as a legal guardian, as a person who stands in loco parentis or as a person to whom legal custody has been given by court order.

PUBLIC PLACE -- Any place to which the public or substantial group of the public has access and includes, but is not limited to, streets, common areas of schools, shopping centers, parking lots, parks, playgrounds, transportation facilities, theaters, restaurants, shops, bowling alleys, taverns, cafes, arcades and similar areas that are open to the use of the public. As a type of public place, a street is a way or place, of whatever nature, open to the use of the public as a matter of right for purposes of vehicular travel or, in the case of a sidewalk thereof, for pedestrian travel. "Street" includes that legal right-of-way, including but not limited to the cartway of traffic lanes, the curb, the sidewalks, whether paved or unpaved, and any grass plots or other grounds found within the legal right-of-way of a street.

REMAIN -- To stay behind, to tarry and to stay unnecessarily in a public place, including the congregation of groups (or of interacting minors) totaling four or more persons in which any juvenile involved would not be using the streets for ordinary or serious purposes, such as mere passage or going home, or to fail to leave the premises of an establishment when requested to do so by a

police officer or the operator of an establishment. To implement this provision with additional precision and precaution, numerous exceptions are expressly defined in this section. More and more exceptions become available with a juvenile's increasing years and advancing maturity as appropriate in the interest of reasonable regulation.

TIME OF NIGHT -- Referred to herein is based upon the prevailing standard of time, whether Eastern standard time or Eastern daylight savings time, generally observed at that hour by the public in the town; prima facie the time then observed in the town administrative offices and police station.

TOWN -- The Town of Edmonston, Maryland.

YEARS OF AGE -- Continues from one birthday, such as the 16th birthday to (but not including the day of) the next, such as the 17th birthday, making it clear that 16 or fewer years of age is herein treated as equivalent to the phrase "under 17 years of age," the latter phrase in practice, unfortunately, having confused a number of persons into the mistaken belief that 17 year olds might be involved. Similarly, for example, 11 or fewer years of age means "under 12 years of age."

(2) Word usage. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory.

B. It shall be unlawful for any person 16 or fewer years of age (under 17) to be or remain in or upon a public place within the town during the period ending at 6:00 a.m. and beginning:

- (1) At 11:59 p.m. on Friday and Saturday nights; and
- (2) 10:00 p.m. on all other nights.

C. The following shall constitute valid exceptions to the operation of this section:

- (1) When a juvenile is accompanied by a parent of such a juvenile.
- (2) When a juvenile is accompanied by an adult authorized by a parent of such juvenile to take said parent's place in accompanying said juvenile for a designated period of time and purpose within a specified area.
- (3) When the juvenile is on an errand as directed by his/her parent until the hour of 12:30 a.m.
- (4) When a juvenile is exercising first amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly, by first delivering to the person designated by the town's Chief of Police to receive such information a written communication,

signed by the juvenile and countersigned, if practicable, by a parent of the juvenile, with their home address and telephone number, specifying when, where and in what manner the juvenile will be in a public place during hours when this section is applicable to said minor in the exercise of a First Amendment right specified in such communication.

(5) In case of reasonable necessity for the juvenile remaining in a public place, but only after the juvenile's parent has communicated to the Chief of Police or the person designated by the Chief of Police to receive such notifications of the facts establishing the reasonable necessity relating to a specified public place at a designated time for a described purpose, including points of origin and destination. A copy of the communication, or of the police record thereof, duly certified by the Chief of Police to be correct, with an appropriate notation of the time it was received and of the names and addresses of the parent and juvenile, shall be admissible evidence.

(6) When a juvenile is on the sidewalk or property where the juvenile resides, or on either side of or across the street from the place where the juvenile resides, and the adult owner or resident of that property has given permission for the juvenile to be there.

(7) When a juvenile is returning home by a direct route (without any unnecessary detour or stop) from and within one hour of the termination of a school activity or an activity of a religious or other voluntary association or a place of public entertainment, such as a movie, play or sporting event. If the event is not commercial in nature or does not have a fixed, publicly known time at which it will or does end, the sponsoring organization must register the event with the Chief of Police (or his assigned representative) at least 24 hours in advance, informing the Police Department of the time that such event is scheduled to begin, the place at which it shall be held, the time at which it shall end and the name of the sponsoring organization.

(8) When authorized, by special permit from the Chief of Police carried on the person of the juvenile thus authorized, as follows: when necessary nighttime activities of a juvenile may be inadequately provided for by other provisions of this section, then recourse may be had to the Chief of Police, either for a regulation as provided in Subsection C(1) or for a special permit as the circumstances warrant. Upon the findings of reasonable necessity for the use of a public place to the extent warranted by a written application signed by a juvenile and by a parent of the juvenile, if feasible, stating the name, age and address of the juvenile; the name, address and telephone number of a parent thereof; the height, weight, sex, color of eyes and hair and other physical characteristics of the juvenile; the necessity that requires the juvenile to remain upon a public place during the curfew hours otherwise applicable; the public place; and the beginning and ending of the period of time involved by date and hour, the Chief of Police may grant a permit, in writing, for the juvenile's use of a public place at such hours as in the opinion of the Chief of Police may reasonably be necessary and consistent with the purposes of this section. In an emergency this may be handled by telephone or other effective communication, with a corresponding record being made contemporaneously to the Chief of Police or to the person designated by the

Chief of Police to act on his behalf in an emergency, at the police station.

(9) When authorized, by regulation issued by the Chief of Police in other similar cases of reasonable necessity, similarly handled but adapted to reasonably necessary nighttime activities of more juveniles than can readily be dealt with on an individual special permit basis. Normally such regulation by the Chief of Police permitting use of public places should be issued sufficiently in advance to permit appropriate publicity through news media and through other agencies, such as the schools, and shall define the activity, the scope of the use or the public places permitted, the period of time involved not to extend more than one hour beyond the time for termination of the activity, and the reason for finding that the regulation is reasonably necessary and is consistent with the purpose of this section.

(10) When the juvenile is legally employed and carries a certified card of employment, renewable each calendar month when the current facts so warrant, dated or reissued not more than 45 days previously, signed by the Chief of Police and briefly identifying the juvenile, the addresses of the juvenile's home and of the juvenile's place of employment and the juvenile's hours of employment.

(11) When the juvenile is, with parental consent, engaged in normal interstate travel through the town or originating or terminating in the town.

(12) When the juvenile is married pursuant to state law.

(13) In the case of an operator of an establishment, when the operator has notified the police that a juvenile was present on the premises of the establishment during curfew hours and refused to leave.

(14) Each of the foregoing exceptions and their several limitations, such as provisions for notification, are severable, as hereinafter provided but here re-emphasized, and will be considered by the Mayor and Town Council when warranted by future experience illuminated by the views of student government associations, school personnel, citizens, associations, parents, officers and persons in authority concerned positively with juveniles as well as with juvenile delinquency.

D. Unlawful conduct of parents. It shall be unlawful for a parent having legal custody of a juvenile knowingly to permit or by inefficient control to allow the juvenile to remain in any town public place under circumstances not constituting an exception to, or otherwise beyond the scope of, this section. The term "knowingly" includes knowledge that a parent should reasonably be expected to have concerning the whereabouts of a juvenile in that parent's legal custody. This requirement is intended to hold a neglectful or careless parent up to a reasonable community standard of parental responsibility through an objective test. It shall, therefore, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such juvenile.

E. Unlawful conduct of owners and operators of establishments. It shall be unlawful for any operator of an establishment knowingly to permit a juvenile to remain at the establishment under circumstances not constituting an exception to, or otherwise beyond the scope of, this section. The term "knowingly" shall be applied through an

objective test: whether a reasonable person in the operator's position should have known that the patron was a juvenile in violation of this section.

F. Enforcement and penalty; procedures.

(1) If a police officer reasonably believes that a juvenile is in a public place in violation of this section, the officer shall notify the juvenile that he/she is in violation of this section and shall require the juvenile to provide his/her name, address and telephone number and how to contact his/her parent or guardian. In determining the age of the juvenile and in the absence of convincing evidence, such as a birth certificate, a police officer shall, in the first instance of violation of this section, use his/her best judgment in determining age.

(2) The police officer shall issue the juvenile a written warning that the juvenile is in violation of this section and order the juvenile to go promptly home. The Chief of Police shall send the parent or guardian of the juvenile written notice of the violation pursuant to Section D.

(3) Police procedure shall constantly be refined in the light of experience and may provide that the police officer may deliver to a parent or guardian thereof a juvenile under appropriate circumstances; for example, a juvenile of tender age, near home, whose identity and address may readily be ascertained or are known.

(4) Notwithstanding Subsection F (2) of this section, when: a juvenile has received one previous written warning for violation of this section, or a police officer has reasonable grounds to believe that the juvenile has engaged in delinquent conduct, the procedure shall then be to take the juvenile to the police station where a parent or guardian shall immediately be notified to come for the juvenile, whereupon the parent or guardian and the juvenile shall be questioned. This is intended to permit ascertainment, under constitutional safeguards, of relevant facts, and to centralize responsibility in the person designated there and then on duty for accurate, effective, fair, impartial and uniform enforcement, and recording, thus, making available experienced personnel and access to information and records.

(5) When a parent or guardian, immediately called, has come to take charge of the juvenile, and the appropriate information has been recorded, the juvenile shall be released to the custody of such parent. If the parent cannot be located or fails to take charge of the juvenile, then the juvenile shall be released to the juvenile authorities, except to the extent that, in accordance with police regulations, approved in advance by juvenile authorities, the juvenile may temporarily be entrusted to an adult, neighbor or other person who will on behalf of a parent or guardian assume the responsibility of caring for the juvenile pending the availability or arrival of a parent or guardian.

(6) In the case of a first violation of this section by a juvenile, the Chief of Police shall by certified mail send to a parent or guardian written notice of the violation with a warning that any subsequent violation will result in full enforcement of this section, including enforcement of parental responsibility and of applicable penalties.

(7) For the first violation of this section by an operator of an establishment who permits a juvenile to remain on the premises, a police officer shall issue a written

notice of the violation with a warning that any subsequent violation will result in full enforcement of this section, including enforcement of operator responsibility and of applicable penalties.

(8) In any event the police officer shall, within 24 hours, file a written report with the Chief of Police or shall participate to the extent of the information for which he/she is responsible in the preparation of a report on the curfew violation. It is not the intention of this subsection to require extensive reports that will prevent police officers from performing their primary police duties. The reports shall be as simple as is reasonably possible and may be completed by police departmental personnel other than sworn police officers.

G. Penalties.

(1) If, after the warning notice pursuant to Subsection F of the first violation by a juvenile, a parent violates Subsection D (in connection with a second violation by the juvenile), this shall be treated as a first offense by the parent. For the first offense by a parent, the fine shall be in an amount not to exceed \$100, and for each subsequent offense by a parent the fine shall be increased by an additional \$100, (e.g., \$200 for the second offense, \$300 for the third offense) up to a maximum fine of \$1,000. The Judge of the District Court of Maryland for Prince George's County, upon finding a parent guilty, shall sentence the parent to pay this fine and the cost of prosecution.

(2) The parent or legal guardian having custody of a juvenile subject to this subsection shall be liable for all costs incurred by the town for providing personnel to remain in the company of a juvenile who has been detained as a curfew violator if the parent or guardian does not pick up the juvenile within one hour after receiving notice from the town that the town is detaining the juvenile for a curfew violation. The amount to be paid by the parent or guardian shall be based on the hourly wage of the town employee who is assigned to remain with the juvenile plus the cost of benefits for that employee.

(3) The parent or legal guardian having custody of a juvenile subject to this subsection shall be liable for any fine or condition of restitution or reparation imposed by a court upon a curfew violator, provided that the curfew violator has not paid the fine or made restitution or reparation within the time ordered by the court, and further provided that the parent or legal guardian has been made a party defendant in all enforcement proceedings against the curfew violator and shall be served with all citations, summons complaints, notices and other documents required to be served on the curfew violator defendant.

(4) Any juvenile who shall violate any of the provisions of this section more than three times shall be reported by the Chief of Police to the juvenile authorities as a juvenile in need of supervision, and the Chief of Police may proceed to file such charges with the juvenile court as he may deem appropriate.

(5) If, after the warning notice pursuant to Subsection F of a violation of this section, an operator of an establishment violates Subsection E a second time, this shall be treated as a first offense by the operator. For the first offense by an operator, the fine shall be in an amount not to exceed \$100, and for each subsequent offense by an operator the fine shall be increased by an additional \$100, (e.g., \$200 for the second

offense, \$300 for the third offense) up to a maximum fine of \$1,000.

H. Construction and severability.

(1) Severability is intended throughout and within the provisions of this section. If any provision, including any exception, part, phrase or term, or the application thereof to any person or circumstances, is held invalid, the application to other persons or circumstances shall not be affected thereby, and the validity of this section in any and all other respects shall not be affected thereby.

(2) Advisory opinions. The Mayor, after consultation with the Town Attorney, is hereby authorized to give advisory opinions, in writing, which shall be binding and shall be adhered to by the police, until this section is amended in such respect, interpreting terms, phrases, parts or any provisions. Normally such advisory opinions shall be in response to good faith, signed letters addressed to the Mayor or to a member of the Town Council, questioning the curfew ordinance as: ambiguous; having a potentially chilling effect on constitutional rights specifically invoked; or otherwise invalid, in all three categories with respect to proposed conduct definitely described. This administrative remedy must be exhausted prior to presenting to any court a question in any of the three categories. The Mayor and Town Council do not intend a result through the enforcement of this section that is absurd, impossible of execution or unreasonable. The Mayor and Town Council intend that this section be held inapplicable in such cases, if any, where its application would be unconstitutional under the Constitution of the State of Maryland or the Constitution of the United States of America.

I. Continuing evaluation. The Mayor and Town Council shall continue its evaluation and updating of this section through methods including but not limited to:

(1) Within six months after the implementation of this section, the Chief of Police shall provide the Mayor and Town Council with a report concerning the effect of this section on crimes committed by and against minors, and of the number of warnings issued and arrests of minors, parents and operators hereunder, and such other information as the Mayor and Town Council may request.

(2) On a regular basis, the Mayor and Town Council shall receive informal reports of all exceptional cases hereunder of reasonable necessity, the notices of school and other activities, the special permits and the regulations authorized above and the advisory opinions for consideration by the Mayor and Town Council in further updating and continuing evaluation of this section.

J. Notice. Notice of the existence of this section and of the curfew regulations established by it shall be posted in, on or about such public or quasi-public places as may be determined by the Mayor or the Police Department in order that the public may be constantly informed of the existence of this section and its regulations.

K. Repealer. All ordinances and parts of ordinances inconsistent with the provisions of this section are hereby repealed.

L. Expiration date. This section shall expire and shall be null and void after the first day of January, 1999. This provision, commonly known as a "sunset provision," is

included in this section to ensure that this section, its effectiveness and its necessity will be reviewed by the Mayor and Town Council within a reasonable time after its adoption.

Chapter 36

PLAYGROUNDS

[HISTORY: Adopted by the Mayor and Town Council of the Town of Edmonston 2-10-1997 by Ord. No. 96-002 as Ch. 36 of the 1997 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Peace and good order -- See Ch. 35.

~ 36-1. Playground locations established.

There is hereby established a playground for public health, recreation and entertainment, together with recreational facilities and equipment, in Edmonston on the lands owned by this town at Taylor Road.

~ 36-2. Adoption of rules and regulations.

The Mayor and Town Council of Edmonston may from time to time adopt such written rules or regulations as will ensure that residents of the town are able to secure maximum use of the playground.

~ 36-3. Prohibited acts.

A. No person shall do any of the following things at or upon said place of recreation:

(1) Throw, drop, discard or leave any wastepaper, garbage or other refuse, or sell, peddle or hawk any food, drink or confections.

(2) In any way litter, make unsightly, damage, destroy or disfigure said recreation area or any public or private property thereat.

(3) Make any loud noise, sound or music to the annoyance of any other person.

(4) Disrobe, dress or undress on the recreation area or parking lot or in automobiles there at.

(5) Use loud, profane or indecent language.

(6) Play ball or any other game or engage in any

activity which will endanger another person or interfere with the enjoyment of the quiet use of the recreation area of said place of public resort by another person.

(7) Conduct or engage in any party, picnic or similar outing on the recreation area without first obtaining a permit therefor. Intoxicating liquor shall not be taken upon any public recreation area.

(8) Take, permit, allow or suffer his or her dog to be or go upon the recreation area.

(9) Molest or disturb any person in the peaceful enjoyment of said recreation area.

(10) Do anything which shall endanger the life or safety of himself, herself or any other person.

(11) Dump or throw garbage or other refuse at the recreation area.

(12) Refuse or neglect to obey the orders and directions of any supervisory personnel.

(13) Interfere with or obstruct a police officer or supervisory personnel in the performance of his duty.

(14) Operate a privately owned motor vehicle and/or motorbike or bikes on the recreation area at any time.

(15) Bring glass containers into the playground.

B. In addition to any other sanctions provided in this chapter, repeated violations of any of the provisions of Subsection A shall constitute cause for banning an individual from use of this playground for a period not to exceed one year.

~ 36-4. Applicability.

All provisions of this chapter shall be applicable to and shall pertain to the recreation area of the town hereinabove noted.

~ 36-5. Repealer.

Any and all inconsistent ordinance, ordinances, resolution or resolutions, or parts thereof, are hereby repealed and rescinded.

~ 36-6. Violations and penalties.

Any person convicted of a violation of this chapter shall suffer a penalty of a fine not exceeding \$25 or not more than 30 days' imprisonment in the County Jail.

~ 36-7. Severability.

The various sections, paragraphs and portions of this chapter shall be construed as severable, so that if one section, paragraph or provision shall be found to be illegal or unconstitutional, such finding shall not affect the remaining sections, paragraphs and provisions of this chapter.

Chapter 37

PLUMBING AND SEWAGE FACILITIES

[HISTORY: Adopted by the Mayor and Town Council of the Town of Edmonston 2-10-1997 by Ord. No. 96-002 as Ch. 37 of the 1997 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Building Code -- See Ch. 9.

~ 37-1. Toilets required; sewerage connections required when available.

It shall be unlawful for the owner or the tenant in possession of any business establishment, dwelling or place of habitation within the corporate limits of the Town of Edmonston to maintain, use, occupy, rent or reside in, or permit the use, maintenance, occupancy, rental or residence of, any business establishment, dwelling or place of habitation within the corporate limits of the Town of Edmonston, unless the same be provided with a sanitary toilet connected with a sewer if and when a sewer is available, and said toilet shall be placed and erected inside of the business establishment, dwelling or place of habitation.

~ 37-2. Private sewage disposals prohibited where water and sewer mains are available.

No privy, vault or cesspool shall be erected, used or maintained within the corporate limits of the Town of Edmonston upon any premises adjacent to an avenue, street, road or alley in which water and sewer mains have been installed and are available adjacent to said premises.

~ 37-3. Plumbing work to comply with state and county regulations.

All plumbing work done within the Town of Edmonston shall be in accordance with the Maryland Plumbing Code adopted by the State Department of Health and any and all rules and regulations of Prince George's County.

~ 37-4. Violations and penalties.

Any person, persons, firm, corporation or stock company violating any provision of this chapter shall be guilty of a misdemeanor and shall, on conviction thereof, be punished by a fine of **\$50.00** and

costs for each offense, and in case of failure to pay the fine, shall be committed to such place of confinement as may be provided by law until the fine be paid, not to exceed 30 days. If the offender be a corporation or stock company, said fine may be imposed upon any officer or director of said corporation upon whom process may be had. **[Amended 5-11-2009 by Ord. No. 2009-O-012]**

Chapter 40

PURCHASING PROCEDURES

[HISTORY: Adopted by the Mayor and Town Council of the Town of Edmonston 2-10-1997 by Ord. No. 96-002 as Ch. 40 of the 1997 Code. Amendments noted where applicable.]

~ 40-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CONTRACTUAL SERVICES -- Includes all engineering, public improvement, water, electric light and power service; towel and cleaning service; insurance; leases for all grounds, buildings, office or other space required by the town; and the rental, repair or maintenance of equipment machinery, vehicles and other town-owned property. The term shall not include professional and other contractual services which are in their nature unique and not subject to competitive bidding, including but not limited to accounting, architecture, auditing, engineering, law, planning and surveying.

PURCHASING AGENT -- The Clerk of the Town of Edmonston or such person as may be designated by the Mayor and Town Council.

SUPPLIES -- Includes all supplies, materials, equipment, machinery or other personal property.

~ 40-2. Competitive bidding required; waiver of bid procedure. [Amended 10-11-1999 by Ord. No. 99-007]

A. All purchases of and contracts for supplies and contractual services and all sales of personal property which has become obsolete and unusable to the town, except as specifically provided herein, shall be based wherever possible on competitive bids.

B. The Mayor and Council shall be permitted to convey real or leasehold property belonging to the town upon a determination that there is no longer a public use for the property and after 20 days public notice of the proposed conveyance.

C. The Mayor and Town Council may, when it is deemed to be in the best interest of the town and for the good government, health and improvement of the town, waive the requirement to have competitive bidding for a specific purchase or sale, provided that such decision shall be approved by a vote of three (3) members of the Town Council, or two (2) members of the Town Council and the Mayor in the event of a tie vote of the Council. **[Amended 10-10-2005 by Ord. No. 2005-O-05]**

~ 40-3. Exceptions to bidding requirements; Council approval.

A. Competitive bidding is not required for supplies and contractual services related to the construction or reconstruction of public improvements and/or engineering/construction work, provided that the estimated total cost thereof shall not exceed \$3,000.

B. Competitive bidding is not required for supplies and contractual services related to maintenance and/or administrative costs of the Town of Edmonston, provided that the estimated total costs thereof shall not exceed \$3,000.

C. Competitive bidding is not required for sales of personal property which has become obsolete and unusable by the town when the estimated value of the sale does not exceed \$3,000.

D. Competitive bidding is not required for supplies and contractual services purchased from Prince George's County or any other government agency or any utility company having an exclusive franchise in the town.

E. The Mayor and Town Council shall authorize all expenditures by a procedure to be established by Resolution and approved by a majority vote of the Town Council. **[Amended 2-6-2006 by Ord. No. 2006-O-003]**

~ 40-4. Powers and duties of purchasing agent.

The purchasing agent shall have the power and it shall be his/her duty to:

A. Make, certify and/or verify that there are sufficient funds available, oversee and keep a record of all purchases or contracts for all supplies and contractual services for the town and to ensure that all purchases and/or contracts for purchases exceeding \$3,000 are approved by the Mayor and Town Council prior to becoming effective.

B. Act to procure for the Town of Edmonston the highest quality in supplies and contractual services at the least expense to the town.

C. Discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases or sales.

D. Keep informed of current developments in the field of purchasing, prices, market conditions and new products and secure for the town the benefits of research done in the field of purchasing by other governmental jurisdictions, national technical societies, trade associations having national recognition and by private businesses and organizations.

E. Prescribe and maintain such forms as are found reasonably necessary to the operation of this chapter.

F. Exploit the possibilities of buying in bulk so as to take full advantage of discounts.

G. Have the authority to declare vendors who default on their quotations irresponsible bidders and to disqualify them from receiving any business from the town for a stated period of time.

H. Carry out all competitive bidding procedures as set forth in ~ ~ 40-5 and 40-6 of this chapter.

I. Authorize and approve expenditures for normal operating expenses on behalf of the Town of Edmonston for supplies and contractual services not exceeding \$3,000, provided that the category

of expenditure is listed under a general government appropriation for personnel or operating expenses in the adopted town budget.

~ 40-5. Competitive bidding procedures.

A. All supplies and contractual services, except as otherwise provided in this chapter, shall be purchased by formal written contract from the lowest responsible bidder, after due notice inviting proposals, and all sales of personal property which has become obsolete and unusable by the town, when the estimated value shall exceed \$3,000, shall be sold by written contract to the highest responsible bidder, after due notice inviting proposals.

B. In all purchases and or sales requiring competitive bidding, the purchasing agent shall:

(1) Provide that notice inviting bids be published once a week for a minimum of two weeks in at least one official newspaper of general circulation in Prince George's County. Said notice shall run once at least five days preceding the last day set for the receipt of proposals. 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 and 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. The notice shall also contain the name of the purchasing agent.

(2) Provide written specifications to all parties responding to the notice of the bid. Said specifications shall contain sufficient information to reasonably describe the item or items, services, materials, equipment, etc., being sought for purchase. The use of exclusive specifications to the prohibition of equal items, etc., is prohibited. The specifications shall also contain any bond and/or other special conditions attached or made a part of the bid requirements. Bid forms may be provided.

C. The purchasing agent shall also solicit sealed bids from all responsible prospective suppliers who have requested their names be added to a bidders' list, which the purchasing agent shall maintain, by

sending them a copy of such newspaper notice or such other notice as will acquaint them with the proposed purchase or sale. In any case, invitations sent to the vendors on the bidders' list shall be listed to commodities that are similar in character and ordinarily handled by the trade group to which the invitations are sent.

D. The purchasing agent shall also advertise all pending purchases or sales by a notice posted on the public bulletin board in the Town Hall. Deposits shall be prescribed in the public notices inviting bids. Unsuccessful bidders shall be entitled to return of surety. A successful bidder shall forfeit any surety upon failure on his part to enter a contract with the town within 15 days after the award.

~ 40-6. Bid opening procedure; rejection of bids.

A. Bids shall be submitted sealed to the purchasing agent and shall be identified as bids on the envelope. Bids shall be opened in public at the time and place stated in the public notices. A tabulation of all bids received shall be posted for public inspection.

B. The purchasing agent, with the approval of the Mayor and Town Council, shall have the authority to reject all bids, parts of all bids or all bids for any one or more supplies or contractual services included in the proposed contract when the public interest will be served thereby. The purchasing agent shall not accept the bid of a contractor who is in default on the payment of taxes, licenses or other moneys due the town.

~ 40-7. Award of contract.

A. The Mayor and Town Council shall have the authority to award contracts within the purview of this section.

B. Contracts shall be awarded to the lowest responsible bidder. In determining the lowest responsible bidder, in addition to price, the town shall consider:

(1) The ability, capacity and skill of the bidder to perform the contract or provide the service required.

(2) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference.

(3) The character, integrity, reputation, judgment, experience and efficiency of the bidder.

(4) The quality of performance of previous contracts or services.

(5) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service.

(6) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service.

(7) The quality, availability and adaptability of the supplies or contractual services to the particular use required.

(8) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract.

(9) The number and scope of conditions attached to the bid.

C. When the award is not given to the lowest bidder, a full and complete statement of the reasons for placing the order elsewhere shall be prepared by the purchasing agent and filed with the other papers relating to the transaction.

D. In the event of tie bids, the following procedure shall be followed: if all bids received are for the same total amount or unit price, quality and service being equal, the contract shall be awarded to a local bidder. If there are not local bidders, the contract shall be awarded to one of the tie bidders by drawing lots in public.

E. The Mayor and Town Council shall have the authority to require a performance bond before entering a contract in such amount as they shall find reasonably necessary to protect the best interests of the town.

F. No contract or purchase shall be subdivided to avoid the

requirements of this chapter.

~ 40-8. Antidiscrimination.

It shall be unlawful for the Mayor and Town Council and any town purchasing agent or other person authorized to make purchasing recommendations to fail or refuse to award a contract to any individual, company or corporation, in awarding a contract with respect to a bid, terms or conditions of the contract, or privileges, because of such individual's, company's or corporation's composition with respect to race, color, religion, sex, age, national origin, marital status or physical handicap unrelated in nature and extent so as to reasonably preclude the performance of the contract. It shall also be unlawful to limit, segregate or classify bids or bidders in any way which would deprive any bidder of contract opportunities because of his race, color, religion, sex, age, national origin, marital status or physical handicap unrelated in nature and extent so as to reasonably preclude the performance of the contract.

~ 40-9. Protest procedures.

A. A participant in the bid process who wishes to contest an award may file a written protest with the Mayor and Town Council on or before seven days from the date of notification of award by submitting a statement identifying the bid proposal in question and stating the reasons for the protest as well as any other pertinent information.

B. Upon receipt of such protest, the Mayor and Town Council shall schedule a hearing as soon as possible for the purpose of reviewing the protest.

C. The award of the bid in question shall not be finalized until after such hearing and subsequent decision of the Mayor and Town Council.

D. At the time of the hearing, the protestant shall present his case and shall answer any questions directed to him with regard to the protested bid.

E. The Mayor and Town Council shall review the record and shall issue a decision on the protest in a timely manner and shall inform the protestant, in writing, of the decision.

F. If the Mayor and Town Council determines that the bid was not awarded in proper fashion, the Mayor and Town Council shall take such action as they shall deem necessary for the good government, health and improvement of the town in a subsequent award of the bid.

G. Any decision rendered by the Mayor and Town Council shall be made public in the same manner as the original award and in conformance with this this chapter.

Chapter 40A

STORMWATER MANAGEMENT

[Ordinance No. 84-CR-2, adopted 8-13-1984 by the Mayor and Town Council of the Town of Edmonston, adopted Prince George's County's Stormwater Management Ordinance CB-52-1984 and any regulations promulgated thereunder pursuant thereto and provided that the county shall administer and enforce the provisions of said county ordinance within the corporate limits of the Town of Edmonston. Said ordinance is on file in the office of the Clerk-Treasurer and may be examined there during normal business hours.]

Chapter 41

Streets and Sidewalks

[HISTORY: Adopted by the Mayor and Town Council of the Town of Edmonston 2-10-1997 by Ord. No. 96-002 as Ch. 41 of the 1997 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Fences, walls and plantings -- See Ch. 18.
Littering and dumping -- See Ch. 29.
Lot and property maintenance -- See Ch. 31.
Vehicles, repairing in public view -- See Ch. 48.

~ 41-1. Encroachments on parking.

No person, without the written authority of the Mayor and Town Council, shall change the grade of any parking, or pave or cover any portion thereof, or construct any walls, steps, coping, fences or other structures thereon, and every day such changing of grade, paving or covering thereof, or said walls, steps, coping, fencing or other structures thereon, shall remain or continue shall constitute and be a separate offense.

~ 41-2. Use of streets by vehicles having wheels or devices that may injure pavement.

It shall be unlawful for any person to operate over or park upon any of the improved streets, roads, highways or curbs within the limits of the Town of Edmonston any vehicle so constructed or equipped as to cause any unusual amount of damage to streets, roads, highways or curbs, or to operate over or park upon such streets, roads, highways or curbs any wagon, truck, road engine, traction engine or other vehicle equipped with metal tires or treads, having upon the wheels any clamps, spikes, ribs or other devices which may cut into or injure the road surface or curbs, or to operate over or park upon such highways any wagon or vehicle of any kind equipped with a rough lock or similar device under one or more of the wheels or treads thereof in such manner as to cut into or injure the road surface or curbs.

~ 41-3. Tunneling under streets and sidewalks.

No person shall tunnel under the roadway or any street or sidewalk or the surface of any improved street or alley without special permission from the Mayor and Town Council of Edmonston.

~ 41-4. Constructing driveways over sidewalks.

It shall be unlawful within the corporate limits of the Town of Edmonston for any person or corporation to construct any driveway from a public street or alley to the property of such person or corporation over any sidewalk of the Town of Edmonston, except upon plans submitted to the Mayor and Town Council and approved by them, or submitted to and approved by any agent or officer of the town duly appointed for that purpose by the Mayor and Town Council.

~ 41-5. Permits required to erect or relocate utility poles.

It shall be unlawful for any electric light company, telephone company or telegraph company to erect any poles or relocate any poles within the Town of Edmonston without first obtaining a permit for that purpose from the Mayor and Town Council. Such permit shall show the location of such pole and may refer to a stake previously placed to identify the location. All such permits shall be issued without charge.

~ 41-6. Driving on closed streets.

A. Definitions. Words and phrases used in this section shall have their usual meanings, except words and phrases defined below:

CLOSING or CLOSURE -- Permanently prohibiting motorized vehicles from using or from having access to or from a public road within the Town of Edmonston. Closing does not include prohibiting use of a portion of a roadway if motorized vehicles can continue to use or have access to or from the remainder of the roadway.

RELOCATION -- Any permanent improvement or permanent alteration to a public road within the Town of Edmonston where a part or all of the new public road does not overlap or is not contiguous with the previously existing public road.

B. Authority to close roads.

(1) No road within the Town of Edmonston may be closed or relocated unless the Mayor and Town Council have approved the closing or relocation.

(2) When the closing of a road is in connection with the construction of a new road and users of the road or a portion of the road to be closed will not be denied access to any property or area which was previously accessible, the Mayor and Town Council may authorize the closing without public hearing, upon the certification of such facts as to access by the developer and upon the submission of any other documentation requested by the Mayor and Town Council, including but not limited to copies of plans or studies required by and approved by Prince George's County, Maryland.

(3) Where the closing of the road will deny access to public users to areas or properties accessible from the road to be closed or will take from an abutting property owner the only direct access to a public road, the Mayor and Town Council shall first hold a public hearing. The purpose of the hearing shall be to take testimony to determine that reasonable or alternative means of access exist to property formerly accessible by the road to be closed and that the road is no longer needed as a public way. Each property owner as shown on the assessment books of the Town of Edmonston and/or Prince George's County abutting a portion of the road to be closed shall be notified, in writing, of the closing and of the date, time and place a hearing will be held. In addition thereto, a notice shall be posted in such manner and size to give reasonable notice to the users of the road of the intended closing and time and place of hearing. Notification is the responsibility of the Mayor and Town Council.

(4) This chapter shall have no effect on roads which are under the jurisdiction of Prince George's County or the State of Maryland.

C. Effect of closing. A closing of a road shall constitute the termination of the general public's right to use the right-of-way but shall have no effect on private rights of ownership or easements in the roadway.

D. Barricades. Upon a road closing, the Mayor and Town Council may cause the road to be barricaded in such a manner as will not deny individual property rights.

E. Prohibited acts. No person shall drive any vehicle across or over any public road in the Town of Edmonston at which there is any barrier, sign, lantern or flare or authorized person indicating that the road is closed.

F. Abandonment of subdivision. This chapter shall have no effect on the procedure for abandonment of a subdivision.

G. Procedure for initiating a road closing.

(1) A road closing may be initiated as follows:

(a) By petition. An individual, group of individuals, corporation, partnership or association may initiate the closing or relocation of a road within the Town of Edmonston by petitioning the Mayor and Town Council to introduce an ordinance approving the closing or relocation. The petitioner shall supply the information required in Subsection G(2) below with the petition.

(b) The Mayor and Town Council may initiate the closing or relocation of a road when it is deemed to be in the best interest of the Town of Edmonston.

(2) Information to be provided. The following information shall be supplied in order to prepare an ordinance to

close or relocate a road:

(a) A detailed description of the road to be closed or relocated.

(b) A certified plan signed and sealed by a professional land surveyor or property line surveyor particularly describing the road to be closed or relocated.

(c) Identification of ownership of the roadbed and rights-of-way, including any easements which may exist.

(d) A plan for changes to traffic control which may result from the proposed closing or relocation.

(e) Any additional information which may be required by the Mayor and Town Council.

(3) Fees. An individual, group of individuals, corporation, partnership or association initiating a road closing or relocation shall pay fees which have been set by the Mayor and Town Council. These fees shall be set by the Mayor and Town Council so as to cover the costs associated with the road-closing petition, including but not limited to the costs of advertising the proposed closing, notifying persons whose property adjoins the road and posting the road.

H. Review and recommendation. The Mayor and Town Council shall review petitions for a road closing or relocation. The Mayor and Town Council shall consider the effect which a closing or relocation will have on zoning, police, fire or rescue services, public safety, traffic and public convenience. The Mayor and Town Council may request assistance and/or recommendations from appropriate town, county or state agencies in its review.

I. Ownership of roadbed.

(1) Approval of a road closing or relocation does not affect the legal ownership of the roadbed, rights-of-way or any easements.

(2) Upon a road closing or relocation, fee ownership of the roadbed, rights-of-way or easement shall thereafter belong solely to the abutting property owners whose ownership was subject to the public easement right to use the road prior to the road closing or relocation.

(3) If the Town of Edmonston is the owner of the roadbed, rights-of-way or easement and the Mayor and Town Council determines it to be in the best interest of the Town of Edmonston to sell or otherwise transfer the roadbed, rights-of-way or easement of a closed or relocated road, the Mayor and Town Council may provide for such sale, lease, transfer or other disposition by resolution.

~ 41-7. Tampering with barriers or signs on closed streets.

It shall be unlawful for any person to remove, tamper, damage or destroy any barrier, barricade, lantern or flare or sign indicating that a street is closed.

~ 41-8. Interfering with improvements or maintenance of streets.

It shall be unlawful for any person to interfere in any manner with any improvement, any construction repairs or maintenance on any street, highway or property of the Town of Edmonston.

~ 41-9. Permits required to improve or repair streets.

No developer of any subdivision, property owner or any other person shall grade, repair, construct or improve any street, alley or public highway or any part thereof within the corporate limits of the Town of Edmonston without first obtaining permission from the Mayor and Town Council to perform such work. Any work of the nature and description herein outlined shall, after a permit from the Mayor and Town Council is obtained, be performed strictly in accordance with the established standards and specifications supplied by the Engineer for the Town of Edmonston and shall also be strictly in accordance with such standards as may be heretofore or hereafter established by the county.

~ 41-10. Obstructing streets or sidewalks with merchandise or other articles.

It shall be unlawful for any person to place or leave any merchandise or other article upon any street or sidewalk in the town so as to interfere with the full and free use of any part of such street or sidewalk by the public, except temporarily while in the course of delivery or removal when it is reasonably necessary.

~ 41-11. Washing vehicles on streets.

It shall be unlawful for any person to wash any car or other vehicle in any manner that constitutes a nuisance (i.e., obstruction of the roadway) on the public streets of the Town of Edmonston or on the public right-of-way of such street or sidewalk.

~ 41-12. Violations and penalties.

A. Any person who shall violate ~ 41-7 of this chapter shall, upon conviction, be deemed guilty of a misdemeanor and subject to a fine of **\$500.00** and up to six months in jail.

B. Any person violating any other section of this chapter shall, upon conviction, be deemed guilty of a municipal infraction, subject to a fine of **\$100.00** [Amended 5-11-2009 by Ord. No. 2009-0-013]

Chapter 44

TRAFFIC

[HISTORY: Adopted by the Mayor and Town Council of the Town of Edmonston 2-10-1997 by Ord. No. 96-002 as Ch. 44 of the 1997 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Impounding vehicles -- See Ch. 47.

Repairing vehicles in public view -- See Ch. 48.

~ 44-1. Driving on sidewalks.

It shall be unlawful for any person to ride any automobile, bicycle or any vehicle of any kind on any of the sidewalks of the Town of Edmonston.

~ 44-2. Carrying passengers on bicycles and motor scooters; lights and reflectors required at nighttime.

Except as provided in ~ 44-3 of this chapter, it shall be unlawful for any person riding a bicycle or motor scooter on the streets of Edmonston to take any other person on the same bicycle or motor scooter at the same time; and no bicycle shall be allowed on the streets of the town at nighttime without a white light on the front which is visible for at least 200 feet and a red light or reflector on the rear which is plainly visible.

~ 44-3. Riding on handlebars; facilities required for passengers on motor scooters and motorcycles.

No operator of any bicycle, motor scooter or motorcycle when upon

any street, highway or avenue within the Town of Edmonston shall carry any person or persons upon the handlebars or the frame of such vehicle, nor shall any person so ride upon any such vehicle nor shall any motor scooter be used to carry two or more persons unless said motor scooter is equipped with a tandem adjustment or auxiliary set equipped with a seat, handlehold and footrest for each person in excess of the operator carried there, the upper half of the rear wheel to be so enclosed as to shield completely the clothing of the person occupying the seats of said motor scooter from contact with the upper half of the rear wheel.

~ 44-4. Clinging or attaching to other vehicles. **(\$100.00)**

A. No person traveling on any bicycle, motorcycle, motor scooter, sled, scooter, toy wagon, roller skates or any toy vehicle shall cling to or attach himself or his vehicle to any other moving vehicle upon any of the streets or upon any roadway within the Town of Edmonston.

B. No person shall ride upon any portion of any vehicle not designed or intended for the use of passengers when the vehicle is in motion. This provision shall not apply to any employee involved in the necessary execution of his duties.

~ 44-5. No parking in specific areas and posted places.

A. No person shall park any automobile or any other vehicle:

(1) On any sidewalks or in front of any private driveway or any part of any private driveway so as to deny reasonable access thereto.

(2) Nearer than 15 feet to any fireplug. **(\$150.00)**

(3) Nearer than 15 feet on the approach side to any stop sign or other traffic sign, except where there is a pedestrian crosswalk, and then there shall be no parking within 20 feet of the crosswalk on the approach side to any stop sign or other traffic sign.

(4) Nearer to any intersecting street than 15 feet from

the curb fillet of said street.

(5) In any space where parking has been prohibited by order of the Mayor and Town Council and where the parking prohibition is indicated by a traffic control device erected under the authority of the Mayor and Council or where the curbing has been painted or marked to indicate the prohibition.

(6) On any sidewalk, footway, curbing or space between a footway and the street in the town.

(7) On any unpaved area.

(8) On land belonging to the town abutting any street, avenue, alley, road, sidewalk, footway or curbing of the town, whether paved or unpaved, without the express consent of the town.

(9) In a space or zone marked as restricted for the use of handicapped individuals, unless the vehicle so parked displays an official state handicapped license plate or placard. **(\$300.00)**

(10) In a fire lane. **(\$300.00)**

(11) In front of the building restriction line on any residential property in Town except where such vehicle is parked in a bona fide and paved driveway. **[Amended 6-2-2003 by Ord. No. 03-003]**

(12) Prohibiting parking other than on a street, upon any private property, unless with permission of the person in control thereof or an occupant thereof, under any of the following conditions: If such driveway or property is posted to indicate that parking thereon is prohibited. **[Amended 7-9-2007 by Ord. No. 2007-0-009]**

B. Any unattended vehicle found parked in violation of any of the parking ordinances of the town shall be presumed to have been so parked and left unattended by its owner.

C. Where the Town of Edmonston has created parking spaces by painted or marked stripes, all vehicles must be parked within the confines of the designated parking space. Failure to park within spaces designated by striping or parking in such a manner so

as to occupy more than one designated parking space shall constitute an infraction punishable by fine as provided in ~ 44-16 of this chapter.

~ 44-6. Continuous parking restricted. **(\$100.00)**

A. Except as provided in Subsection B hereof, it shall be unlawful for any person to park any automobile or other vehicle on any of the streets of the Town of Edmonston for a continuous period of more than 48 hours at any one time. Any vehicle so parked shall become an abandoned vehicle, as defined in Chapter 47, Vehicles, Impounding, ~ 47-1, and shall be subject to the provisions of Chapter 47.

B. The prohibition contained in Subsection A hereof shall not apply to a vehicle which is owned and operated by a resident of the town and is properly tagged, operative and parked in compliance with all laws on a street fronting or in close proximity to that individual's residence.

~ 44-7. Driving on sidewalks and footways.

It shall be unlawful for any person to drive or cause to be driven any motor vehicle or other vehicle upon any sidewalk, curbing or footway in the Town of Edmonston except at the intersection of streets, avenues, alleys, roads or at properly constructed driveways.

~ 44-8. Parking procedures.

All vehicles on the streets of Edmonston, when not in motion, shall stand with their right sides parallel to and not more than 12 inches from the curb or curblin, and no driver shall park or stop a vehicle otherwise on the public highways of the town. All vehicles shall be parked in the direction of traffic; provided, however, that it shall be lawful to park vehicles in either direction on both sides of the end block of a dead-end street.

~ 44-9. Driving trucks on streets posted against through truck

traffic.

It shall be unlawful for any person to operate or permit the operation of any truck through a street in the Town of Edmonston where such street has been designated as a street on which through truck traffic is not allowed by the posting of signs authorized by the Mayor and Town Council.

~ 44-10. Parking of unregistered vehicles.

It shall be unlawful to park any inoperable vehicle as that term is defined in section 47-2 of the Town Code or any motor vehicle that is required to be registered under state law that has expired registration, no registration, altered registration or registration listed to another vehicle on a public street, alley or highway or private property used by the public in general, including but not limited to parking lots of shopping centers, condominiums, apartments and townhouse developments within the town. A violation of this section shall be deemed a municipal infraction. A violation of not more than thirty (30) days shall be considered an expired registration, punishable by a fine of **\$75.00**. Any violation of more than thirty (30) days shall be considered as unregistered and therefore inoperable and shall be punishable by a fine of **\$500.00** and as otherwise outlined under section 47-2. **[Amended 8-8-2007 by Ord. No. 03-O-04] [Amended 9-8-2009 by Ord. No. 2009-O-019]**

~ 44-11. Residential permit parking program. **(\$150.00)**

A. Preamble. The Mayor and Town Council find and declare that serious adverse conditions in certain areas and neighborhoods of the Town of Edmonston result from motor vehicle congestion, particularly long-term parking of motor vehicles on the streets of such areas and neighborhoods by nonresidents thereof. The permit parking program herein established is intended to reduce hazardous traffic conditions resulting from the use of streets within these areas or neighborhoods by nonresidents; to protect the residents of these areas from unreasonable burdens in gaining access to their residences; to preserve the value of the property residential districts; to preserve the value of the property in those districts; and to preserve the safety of children and other pedestrians and for the

peace, good order, comfort, convenience and welfare of the inhabitants of the town.

B. Definitions. For the purposes of this section, the following terms shall have the meanings listed below:

HOUSEHOLD -- All persons occupying a single housing unit (house, apartment, group of rooms or single room intended for occupancy as separate living quarters).

MOTOR VEHICLE -- A vehicle licensed as a private passenger car or a motorcycle, including all vehicles designated as multipurpose passenger vehicles under the Transportation Article of the Annotated Code of Maryland.

PARKING MANAGEMENT PLAN -- A method specifically designed to address the identified parking needs of a clearly defined area through use of techniques such as a residential permit parking program, parking time restrictions, special meter zones and one-way street patterns.

PEAK PERIOD -- That time interval between the hours of 7:00 a.m. and 7:00 p.m. on weekdays during which the highest percentage of overall resident and nonresident parking utilization as well as nonresidential parking utilization occurs.

RESIDENTIAL AREA OR DISTRICT -- A contiguous or nearly contiguous area containing public streets and highways or parts thereof primarily abutted by residential property, including but not limited to schools, parks, churches, hospitals and nursing homes, which is within an area zoned as a residence district.

RESIDENTIAL PERMIT PARKING PROGRAM AREA -- A residential area designated as herein provided, wherein a vehicle belonging to a resident displaying a valid permit as described herein shall be exempt from parking time restrictions established pursuant to this section.

C. Procedure for designating residential permit parking areas. There is established a residential permit parking program designed to meet those needs which shall be available to all resident areas or neighborhoods of the town which are zoned residential. In

order to qualify for the program, such areas or neighborhoods must meet the criteria set forth herein. Such areas shall be established only after completion of the procedure outlined herein. This procedure shall be as follows:

(1) Petition. In order to be considered for a residential permit parking program, a neighborhood group, group of residents or community association must submit a petition to the Town Council containing the signature of an adult member of at least 80% of the households in the residential area. Petitions will be considered for areas as small as one complete street, both sides included. The boundaries of and the streets within the proposed permit parking area must be clearly identified on each page of the petition. A cover letter explaining the reason for the request and containing the boundaries of streets within the proposed permit parking area should accompany the petition.

(1A) Designation by the Mayor and Council.

Notwithstanding the provisions of 44-11 C (1) the Mayor and Council by majority vote may establish by resolution any street within the Town of Edmonston as residential parking permit area. **[Amended 12-12-05 by Ord. No. 2005-O-06]**

(2) Public hearing. Upon receipt of a valid petition or if designated by the Mayor and Town Council, a public hearing will be conducted. The hearing shall be held only after due notice has been published in a newspaper of general circulation in the town, provided in the town newsletter or posted in the Town Hall. The notice shall state the purpose of the hearing, the exact location and boundaries of the area under consideration and the permit fees. The creation, alteration or elimination of a residential parking district shall take into account, among other things: **[Amended 12-12-05 by Ord. No. 2005-O-06]**

(a) The effect on the safety of residents of the area under consideration from intensive use by nonresidents for parking of vehicles;

(b) The need of the residents of the area to obtain adequate on-street parking adjacent to or close by their places of residence;

(c) The difficulty or inability of residents of the area to secure adequate on-street parking adjacent to or close by their places of residence because of widespread use of available parking spaces in that area by nonresident transient motorists;

(d) The impact of public facilities and programs on the health, safety and welfare of the residents of the area and any unreasonable burdens placed on those residents in securing adequate on-street parking and gaining access to their places of residence by virtue of such facilities and programs;

(e) The likelihood of alleviating, by the creation, alteration or elimination of a residential parking district, of any problem of nonavailability of residential parking spaces;

(f) The desire of the residents in the area for the creation, alteration or elimination of a residential parking district, and the willingness of those residents to bear the administrative costs incidental to the issuance of permits authorized;

(g) The need for some parking spaces to be available in the area under consideration for use by visitors and the general public; and

(h) Such other factors as shall be deemed relevant.

(3) Adoption. Within 60 days following the public hearing, the Mayor and Town Council shall act upon the recommendation to create, alter or eliminate a residential parking district. The Mayor and Town Council may create, alter or eliminate a residential parking district by adoption of a resolution which identifies the boundaries of the district and establishes the times, locations and conditions under which parking is limited by permit.

D. Implementation and administration of the program.

(1) Any street within the Corporate limits of the Town of Edmonston that has been designated by resolution of the Town Council by majority vote as a residential permit parking program area shall be subject to regulation by this chapter. Any area designated as a residential permit parking program will be marked

by signs which designate the area as “Permit Parking Only – violators will be ticketed and towed”, or other words to that effect. Motor vehicles parked in areas so marked must display a properly issued residential parking permit which was lawfully obtained in the manner described in this chapter.

(1a) The provisions of this chapter shall be enforced only during the hours designated by the Mayor and Town Council.

b. The issuance of a residential parking permit does not allow for the parking of any motor vehicle in violation of any other parking restrictions, such as fire lanes or handicapped parking spaces.

c. Once the Town Council designates a particular area as a residential permit parking program area, the Town shall erect signs that clearly mark the area for enforcement of the provisions of this chapter. Enforcement of these marked areas will not start until 30 days after the posting of the signs in the area to allow for households to obtain the required permit.

d. Only three types of residential parking permits will be recognized as legitimate. The permanent parking permit will be a sticker that is issued to a single vehicle and may only be removed from that vehicle or transferred to another vehicle in compliance with the requirements set forth in section D (7) in this chapter.

e. A visitor’s parking permit is transferable between vehicles.

f. A one-time parking permit is issued by the Town of Edmonston to a household that makes applications for them for the purpose of allowing the member of a household to have a number of vehicles parked near his or her home for an occasional event. These permits shall be issued at a cost of \$1.00 per permit and are only valid for the day that they are issued.

g. The designs of each of the types of permits shall be approved by the Mayor and Town Council based on a resolution that passes by a majority vote.

(2) Qualifications for permits.

Permits shall be issued to any resident of a household who makes proper application for them as described in section D (4) of this chapter, provided that only two visitor's permits shall be issued for each household as described in section D (5) of this section.

(3) Expiration of permits; transfers of permits.

A permit shall expire and be void when the licensee no longer resides within the Town of Edmonston and the licensee shall remove the permit sticker from any vehicle registered to park within the Town upon moving outside of the Town. Permits shall be transferred from one vehicle to another in accordance with section D (7) of this chapter.

(4) Application for permit.

(a) The application for a permit shall contain information to verify that the applicant is a bona fide resident of the Town for which application has been made and has legal title to or the right to possession of the motor vehicle to be registered at that address, including, but not limited to the following:

[1] The name and address of the owner of the motor vehicle.

[2] The applicant's address.

[3] The make, model, color, state or registration and license number of the motor vehicle.

[4] The principal driver's name, operator's license number and state of issuance.

[5] The motor vehicle registration, operator's license and any other relevant documents.

(b) The Town shall issue the parking permit, upon finding that the applicant meets the requirements specified herein.

(5) Fee

Households that make proper application for permits shall receive their permits and two visitor permits at no charge.

(6) Display of permit.

The permanent residential parking permit shall be a sticker affixed to the rear of the inside rear view mirror. The display of the visitors or one time use permits shall be on the center of the vehicles dashboard. Temporary or visitor permits shall be removed upon operation of the vehicle.

(7) Transfer of permit; replacement permit.

When a motor vehicle to which a permit is affixed is sold, transferred, demolished or in any other manner rendered unusable to the licensee, or if the permit is lost or stolen, the licensee shall remove the permit from the motor vehicle and may request the issuance of a replacement permit to the Town of Edmonston. If the permit is still in the licensee's possession, the permit must be returned to the Town of Edmonston. An application for a replacement permit will render the original permit null and void, whether that permit is a permanent or visitor permit. Any vehicle found to be displaying such voided permits will be found in violation and will be fined and towed in accordance to section E of the chapter. The fee for a replacement permit shall be \$10.00 per permit.

E. Violations and penalties.

The parking of any vehicle or the use of any parking permit in a manner contrary to the residential parking provisions established in this section is prohibited, and the same is hereby declared to be municipal infraction. Any person violating the same shall be fined **\$150.00** for each violation. Additionally, any motor vehicle parked in violation shall be impounded and towed.

F. Severability. The provisions of this section are severable, and if any provision, clause, sentence, section, word or part thereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts of the act or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this section would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, section, word or part had not been included therein and if the person or circumstances to which the act or part thereof is inapplicable had been specifically exempted therefrom. **[Amended 12-12-2005 by Ord. No. 2005-O-06 sections D, E & F]**

~ 44-12. Parking restrictions for certain types of vehicles.

A. Definitions. When used in this section, the words enumerated below shall have the following meanings:

BOAT -- An open vessel designed to use on the water propelled by oars, sails or engine.

CAMPING VEHICLE -- A vehicle originally sold to the consumer by a manufacturer or dealer for recreational purposes which is self-propelled or capable of being towed by a passenger motor vehicle and which provides facilities for temporary camping or sleeping, or both, including a unit designed to be carried by an open pickup truck. The term "camping vehicle" includes "travel trailer," "camper," "recreational vehicle," "motor home" and "truck camper." The term "camping vehicle" shall also include all those vehicles which are converted from other uses for the purposes described in this definition.

TRAILER -- A cart, wagon, van or device designed to be pulled by an automobile, truck or tractor for hauling freight or a boat.

B. No camping vehicle, trailer or boat may be parked on any street in the town except for temporary purposes, such as for the loading or unloading thereof.

C. Camping vehicles, boats, trailers and trailers containing boats may be parked on any residential lot in the town, provided that they are parked beyond the front building restriction line of the lot.

~ 44-13. Entrusted, Impounded or Towed Vehicle:

It shall be unlawful for any business or commercial entity, to which an owner of an automotive vehicle has entrusted such vehicle to said business or entity, for any purpose, or for any public or private tow company, who has towed by contract or result of impound, to park or store such vehicle on any street(s) within the town of Edmonston, except where specifically authorized by Council or designee. Any such violation of this code may be subject to a fine of \$200.00 for the first offense and \$300.00 for each subsequent offense within a twelve (12) month period. Furthermore, an operator and /or owner of any business, commercial entity, public or private tow company who violates or allows such violation of this Chapter, shall be subject to a Municipal Civil Citation in the amount of \$250.00 for the first offense and \$500.00 for each and every subsequent offense within a twelve (12) month time period. In addition to any fine imposed for a violation of this section, any vehicle parked in violation of this section shall be subject to immediate impoundment without prior notice. The said business, commercial entity, public or private tow company shall be held responsible for any and all incurred fines and/or costs associated with said impoundment. **[Amended 5-11-2009 by Ord. No. 2009-O-016]**

~ 44-14. Double-parking; loading and unloading.

A. No motor, electric or horse-drawn vehicle shall be double-parked on any of the streets of the Town of Edmonston at any time, except while actually being loaded or unloaded, and then only if and when absolutely necessary. When vehicles are being loaded or unloaded, such activity shall be done continuously and without any unnecessary delay, and immediately upon completion the vehicle shall be forthwith moved from its double-parked position.

B. Except as provided in Subsection D of this section, it shall be unlawful for any person to park a commercial motor vehicle, other than automobiles, station wagons or pickup trucks and panel body delivery trucks having not more than a one-ton manufacturer's rating capacity, used for commercial purposes on the public streets within the corporate limits of the Town of Edmonston, except for loading or unloading passengers or materials as provided herein. In no case shall the stop for loading and unloading of passengers or materials exceed three hours. However, this subsection shall not prohibit the stopping, standing or parking of fire-fighting equipment or other emergency vehicles of public utilities or contractors while engaged in the repair, maintenance or construction of the streets or street utilities within the town. "Commercial motor vehicle" shall be defined, for the purposes of this section, as every motor vehicle and every trailer or semitrailer designed and used for carrying freight, merchandise or materials in furtherance of any commercial enterprise and every motor vehicle designed for carrying more than 10 passengers and/or use for the transportation of persons for compensation and shall include but not be limited to trucks over one ton, dump trucks and all trash trucks.

C. Notwithstanding Subsection A and B hereof, it shall be unlawful for any person to park any commercial motor vehicle, as defined in Subsection B above, within the corporate limits of the Town of Edmonston for the purpose of loading and unloading so as to completely obstruct a right-of-way within the Town. [Amended 8-17-1998 by Ord. No. 98-002]

D. The Mayor and Council of the Town of Edmonston may, from time to time, designate, by resolution, areas in which it shall be lawful for persons to park commercial motor vehicles used for commercial purposes on public streets.

~ 44-15. Right-of-way for emergency vehicles.

Any ambulance, Fire, Police, Water Department or emergency vehicle shall have the right-of-way. A vehicle on the approach of fire apparatus shall immediately draw near and parallel with the curb and stop.

~ 44-16. Violations and penalties.

A. All nonmoving violations of this chapter shall be deemed municipal infractions, governed by the provisions of Chapter 26, Municipal Infractions, of the Town Code, and shall subject the violator to a fine of **\$75.00** which, if not paid within 20 days of the date of violation of notice, shall double to a fine of **\$150.00**; provided, however, that the fine for parking in an area designated as a fire lane shall be **\$300.00** and, if not paid within 20 days, shall double to a fine of **\$600.00**. The fine for a violation of ~ **44-4** with respect for clinging to a vehicle shall be **\$100.00**. The fine for violation of ~ **44-5A; 2** with respect to parking within 15 feet of a fire plug shall be \$150.00. The fine for a violation of ~ **44-5A(9)**, illegally parking in a designated handicapped parking space, shall be **\$300.00** and, if not paid within 20 days, shall double to a fine of **\$600.00**. The fine for a violation of ~ **44-6; A** with respect to 48 hour parking shall be **\$100.00**. The fine for a violation of ~**44-10** with respect to parking of inoperable vehicles shall be **\$500.00** for each offense. Violations of ~**44-14**; parking of Commercial Vehicles on any road in Edmonston shall be **\$100.00**. For the purposes of this chapter, each day a violation goes uncorrected shall constitute a separate offense. [Amended 10-12-1998 by Ord. No. 98-004; 10-8-2001 by Ord. No. 01-005; Amended 8-8-2003 by Ord. No. 03-O-04; 10-10-2005 by Ord, No. 2005-0-04] **[Amended 5-11-2009 by Ord. No. 2009-O-014]**

B. All moving violations, including those by any individual violating ~ 44-8, shall, upon conviction, be fined and/or penalized in accordance with the schedule of fines and penalties determined by the state and set out in a document prepared by the Chief Administrative Judge and referred to as the "Schedule of Preset Fines and/or Penalty Deposits," as such document may be amended from time to time.

C. Any person who shall violate any other provision of this chapter or fail to comply with its requirements shall, upon conviction, be deemed guilty of a municipal infraction, subject to a fine of **\$75.00**.

¹ Editor's Note: This reference is to former ~ 44-8, Maximum speed limit, for which there is no corresponding section in this chapter adopted by Ord. No. 96-002.

(RESERVED)

¹ Editor's Note: Former Ch. 46, Vehicles, Unlicensed and Unused, adopted 12-9-1963, was repealed 2-10-1997 by Ord. No. 96-002.

Chapter 47

VEHICLES, JUNK VEHICLES, IMPOUNDING

§ 47- 1. Definitions

A. Words and phrases, when used in this chapter, shall have the meanings ascribed to them in the Maryland Vehicle Law (Titles 11 through 27 of the Transportation Article of the Annotated Code of Maryland), as now in force or as hereafter amended, enacted or reenacted, except where the context clearly indicates a different meaning.

§ 47- 2. Abandoned and Inoperable Vehicles

A. It shall be unlawful for any person to junk any vehicle or leave any inoperable or unregistered vehicles at any place within the Town, nor shall any owner, lessee or custodian in charge of any lot, field, road, street, lane or other property, including private property, permit any junked vehicle to remain on such property within the city except in an enclosed garage.

B. Presumption; exempt properties.

For the purpose of this Article, any partially dismantled or substantially damaged, inoperable vehicle or one that is unlicensed or bearing an expired license shall be presumed to have been junked.

(1) Properties exempt from this Article are: licensed motor vehicle dealers, motor vehicle mechanical or body repair facilities and towing storage compounds. However, such vehicle must be stored on the licensed property. Storage of any vehicle shall be limited to no more than ninety (90) days, in accordance with the provisions of Section 27-107. 1(a)253.3 of the Prince George's County Code.

C. Under the authority of this Article, any sworn police officer of the Town of Edmonston or a Code Enforcement Officer for the Town of Edmonston may impound the junked vehicle, after first attaching a police notice on the presumed junked vehicle which shall state, in part, "The attached vehicle is presumed junked. If not removed or brought into compliance with The Town of Edmonston Code within seven (7) days from the date upon this notice, this vehicle shall be impounded and sent to a scrap processor. Likewise, the vehicle owner will be held liable for all towing, storage, preservation and all other charges relating to the disposition of the vehicle."

D. The Chief of Police for the Town shall have the authority to extend the seven day period before impoundment for a time not to exceed thirty (30) days, upon receipt of a written statement setting forth the reasons for requesting such extension; the Town Administrator shall also have the authority to extend the seven day period for any definite time in excess of thirty (30) days,

upon receipt of a written statement setting forth the reasons for requesting such extension.

E. Violations of this section shall be punishable as a municipal infraction. The fine for any single violation shall be fifty dollars (\$50.00), and the fine for each repeat offense shall be one hundred dollars.

F. The removal of any sticker, posted notice or marking which is placed upon any vehicle to identify a violation of state or local laws or municipal ordinances, without first obtaining compliance with the laws or ordinances shall be considered an intentional violation of this ordinance; Orders to abate or correct the violation and shall therefore be punishable by Municipal Civil Citation of \$500.00. Each occurrence shall be considered a separate offense. **[Amended 6-8-2009 by Ord. No. 2009-O-018]**

§ 47 - 3. Impoundment procedures; reclamation

A. The Town of Edmonston Police Officers and Code Enforcement Officers, except as otherwise stated may take into custody and impound:

(1) Any unattended vehicle parked or left standing on any highway or street in the city or on any property owned or leased by the city in violation of the following parking regulations:

(2) Any unattended vehicle for which five (5) or more outstanding parking or parking meter violation citations have accumulated and matured to the maximum fine.

(3) Any vehicle in which the driver has been arrested by the Edmonston Police Department.

(4) Any vehicle parked blocking a fire hydrant.

(5) Any vehicle that is parked which creates hazardous conditions.

(6) Any vehicle that is unregistered, does not display license plates or is displaying license plates that are issued to another vehicle.

(7) Any vehicle that is determined to be stolen, for the purpose of safekeeping and will be stored until returned to the owner. (May be towed and impounded only by Police Officers)

(8) Any vehicle that is parked on a public street and is blocking a private driveway after the owner of said driveway makes an official complaint and requests the offending vehicle be towed.

(9) Any vehicle that is parked upon any public street or public right of way in the Town longer than 48 consecutive hours, as determined by direct observation, i.e. tires marked, by a police officer or code enforcement officer.

(10) Any vehicle in violation of Section 47-2 Abandoned, Junked

and Inoperable Vehicles that have remained on property as described in Section 47 -2 longer than the specified and allotted time.

Exemptions:

- Legally parked and properly licensed vehicles.
- Operable vehicles, which are parked on the public street area directly adjacent to the property owner or resident to which the vehicle is registered with the Maryland Motor Vehicle Administration.
- Operable vehicles, which are parked on the public street area directly adjacent to the property owner or resident, who is a member of the armed forces of the United States and the vehicle is registered with the State of their listed residence.

B.The provisions of Title 25, Subtitle 2, of the Maryland Vehicle Law (§ 25-201 et seq. of the Transportation Article of the Annotated Code of Maryland) shall apply with respect to the removal, storage, reclamation and disposal of any vehicle taken into custody pursuant to Subsection A above.

C.In addition to any information required to be contained in the notices given under Title 25, Subtitle 2, of the Maryland Vehicle Law, information as to the nature and circumstances of the traffic or parking violation or violations on account of which a vehicle is impounded shall be given to the owner or other person normally in charge of such vehicle.

D.In addition to paying all towing, preservation and storage charges resulting from taking or placing the vehicle in custody, the owner or person normally in charge of such vehicle shall also be liable for any fine (Town Codes and Town Parking Violations only) or forfeiture resulting from the violation or violations for which the vehicle was impounded.

Chapter 48

VEHICLES, REPAIRING IN PUBLIC VIEW

[HISTORY: Adopted by the Mayor and Town Council of the Town of Edmonston 2-10-1997 by Ord. No. 96-002 as Ch. 48 of the 1997 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Streets and sidewalks -- See Ch. 41.
Impounding vehicles -- See Ch. 47.

~ 48-1. Working on motor vehicles restricted.

It shall be unlawful to perform mechanical or body work of any kind on any automobile, truck or other motor vehicle in public view on private property or on any street, alley or right-of-way in the Town of Edmonston, except in the following situations:

A. Work being done on private property which is zoned for such activity, provided that the owner of such property, or his agent, lessee or employee, is actively engaged in a licensed business involving the working on automobiles, trucks or other motor vehicles; or

B. Work in the nature of minor repairs to an automobile, truck or other motor vehicle of the owner of the property or member of his immediate household.

~ 48-2. Violations and penalties. **[Amended 5-11-2009 by Ord. No. 2009-O-015]**

A. Any person who violates the provisions of ~ 48-1, either personally or by allowing violations to occur on property which he owns or has under his control, shall be guilty of a municipal infraction and be subject to a fine of **\$150.00** for each offense. Each day during which any violation of this section occurs shall constitute a separate offense.

B. Any person convicted a second time for violations of ~ 48-1 shall be punished by a fine of **\$300.00**.

Chapter 49
RENTAL LICENSING AND INSPECTION

§ 49-1. Purpose.

§ 49-2. Matters covered.

§ 49.3. Definitions.

§ 49-4. License required prior to occupancy; exceptions.

§ 49-5. Applications; forms; fees.

§ 49-6. Temporary certificates; inspections; issuance or denial of license.

§ 49-7. Expiration of license; renewal; reapplication.

§ 49-8. Periodic inspections; time limit for correction of violations; revocation of license.

§ 49-9. Appeals; procedure.

§ 49-10. Display of license required

§ 49-11. Local agent; service.

§ 49-12. Penalty.

REFERENCES

Municipal infractions – see Chapter 26

§ 49-1. Purpose.

The purpose of this chapter is to protect the health, safety, and welfare of the general public by:

- (a) Establishing minimum standards, in accordance with the Prince George’s County Housing Code and applicable town ordinances, for basic equipment and facilities for light, ventilation, space heating, and sanitation; structural soundness for safety from fire; for space use, and location; for safe sanitary maintenance; and for cooking equipment in all single family rental units/dwellings;
- (b) Establishing the responsibilities of owners and occupants of single family rental units/dwelling; and
- (c) Providing for administration, enforcement and penalties.

§ 49-2. Matters covered.

- (a) The provisions of this chapter shall apply to all single family rental units/dwellings used for human habitation with respect to structure, protection against fire hazard, equipment or maintenance, adequate provisions for light and air, proper heating, and sanitary conditions, and with respect to matters of over-crowding, illegal activities, or factors otherwise deemed to constitute a menace to the safety, health or welfare of the occupants or adjacent property owners, or such conditions, factors or characteristics that adversely affect public safety, health and welfare, and may lead to the continuation, extension, or aggravation of urban blight. Adequate protection of the public, therefore, requires establishment and enforcement of the licensing and inspection of single family rental units/dwellings.
- (b) The Housing Code of Prince George’s County, Maryland, as compiled and amended from time to time, (“Housing Code”) is hereby incorporated by reference in this chapter to the extent it is not inconsistent herewith.

§ 49-3. Definitions

The terms used in chapter are defined as follows;

“Town” is the Town of Edmonston.

“Town administrator” is the town administrator of the Town of Edmonston.

“Code enforcement officer” is code enforcement officer of the Town of Edmonston.

“Minimum standards” are the provisions of the Prince George’s County Housing Code, as amended from time to time and applicable town ordinances.

“Rental unit” for purposes of this chapter shall be defined as any rented room or group of rooms in a structure forming a single habitable unit that is used or intended to be used by one or more occupants for living and sleeping.

“Rental dwelling” for purposes of this chapter shall be defined as structure being occupied or intended to be occupied by a single family and/or one or more individuals(s) who are not the legal owners of record of the property.

“ Local agent is Maryland resident appointed by the owner to supervise and/or care for the property and to respond to any violations concerning the property.

§ 49-4. License required prior to occupancy; exceptions.

- (a) The legal owner of record of any rental unit or rental dwelling located within the town shall not , except as provided by the terms of temporary certificate issued upon applications for rental license, permit or allow such unit or dwelling to be occupied without first having obtained a rental license from the town.
- (b) All rental units within a single family dwelling shall be individually licensed in accordance with this chapter.
- (c) Any owner of record of a multi-family apartment house, as defined in § H-210.0 of the Housing Code, shall be exempt from this section upon showing to the town administrator or the person(s) or firm designated by the Mayor and/or Council that the owner has obtained a license or temporary certificate issued pursuant to § 13-181 of the Housing Code Chapter and shall be governed by Chapter 50 of the Town of Edmonston Code.
- (d) Any single family dwelling that is occupied by a legal owner as principal place of residence containing no more than one (1) rental unit/dwelling shall be exempt from the provisions of this chapter.
- (e) Any rental unit/dwelling leased by a legal owner to relative related to the owner to the second degree of consanguinity or less – that is, grandparents, children, grandchildren, aunts and uncles, nephews and nieces, and first cousins -- shall be exempt from the provisions of this chapter.

§ 49-5. Application; forms; fees.

- (a) Within thirty (30) days after the effective date of this chapter, owners of all existing rental units/dwellings shall make written application to the town for a rental unit/dwelling license upon such form or forms as the town shall, from time to time, designate. All new rentals shall be initiated by application thirty (30) days prior to occupancy. Such applications(s) shall be submitted together with the license and inspection fee(s). The initial amount of such fee shall be two hundred dollars (\$200). The amount of such fee may be revised from time to time by the Council in the same manner as an ordinance an shall be posted on the face of the application form.
- (b) A late fee of ten dollar (\$10) per day shall be assessed to the applicant for every day the application is delinquent.

§49-6. Temporary certificates; inspections; issuance or denial of license.

- (a) Upon receipt of a completed application for a license with tender of the appropriate license and inspection fee for an existing rental unit/dwelling, “the town shall issue a temporary certificate indicating that a license has been duly applied for that will be issued or denied following inspection of the rental unit/dwelling and authorizing continued occupancy of the rental unit/dwelling without penalty pending the issuance or denial of a license.
- (b) Upon receipt of a completed application for a license with tender of the appropriate license and inspection fee for a new rental unit/dwelling, the town shall inspect the property within thirty days and issue or deny the license.
- (c) An inspection of the rental unit or dwelling shall be conducted by the town’s code enforcement officer or by the person(s) or firm so designated by the Mayor and Council, who shall certify that the rental unit or dwelling is in compliance with all applicable provisions of the Prince George’s County Housing Code – specifically, Subtitles 4, Building; 11, Fire Safety; 12 Health; 13, Housing; and 27, Zoning, of Title 17 – and all applicable provisions of town ordinances. The inspection may, but shall not be required to, include a check of all subsystems. The town may, but shall not be required to, have experts such as engineers of the like check any and all systems or subsystems. The town’s inspection may be limited to obvious visible problems and shall not be deemed to include any latent or hidden defects or problems.
- (d) Should the inspection reveal violations of any of the provisions set forth in subsection (c), above, then the Town shall notify the applicant in writing, specifying each violation and the relevant code section violated. The applicant shall then have not more than fifteen (15) days to initiate correction of the specified violations and not more than sixty (60) days within which to complete correction of the violations, unless otherwise specified. Within such period, the Council shall have the authority to extend the time for correcting such violations at the written request of the applicant upon a showing that a good faith effort has been initiated to correct such violations but that they cannot be corrected within the established period. Permission for such inspections, without the necessity for obtaining any further permission or judicial warrant, is a condition of any license or temporary certificate. Failure upon reasonable notice, to allow entry for such inspection or to require any tenant or occupant to allow entry for such inspection shall constitute sufficient reason for the denial of revocation of the rental license or temporary certificate and is a violation of this ordinance.
- (e) Failure of an applicant to correct all violations within the 60 day period or the time allowed shall result in the application for the license being denied. No further temporary or permanent certificates or licenses shall be issued until all violations have been corrected.

§ 49-7. Expiration of license; renewal; reapplication.

- (a) Each license issued pursuant to this chapter shall expire one year from the date of issuance.
- (b) Application for the renewal of an existing license shall be made at least thirty (30) days prior to the expiration date and shall be submitted together with the appropriate license and inspection fee. The late fee for applicants shall also be applicable to renewals.
- (c) Every applicant whose application for a license has been denied or whose license has been revoked may not reapply for the rental unit/dwelling license within ninety (90) days from such denial or revocation.
- (d) When reapplying after a denial, a new applications shall be submitted together with all applicable fees.

§49-8. Periodic inspections; time limit for correction of violations; revocation of license.

The town’s code enforcement officer or other designated person(s) or firm shall have the authority to conduct periodic inspections of any licensed property to determine whether it continues to be in compliance with the requirements for a rental unit or dwelling. The licensee as a condition of the license shall allow said inspections to take place at any and all reasonable times and upon reasonable notice, which for purposes of this chapter shall be seventy-two (72) hours as requested by the town. These inspections shall occur prior to the issuance of a license; prior to the renewal of a license; and when violations are reasonably suspected to exist. The procedures set forth in § 49-6(d) shall be followed for compliance.

- (a) Any appointment for inspections which is not kept by the applicant for any reason which is not given to the Town Twenty-four hours (24) prior to the time set for inspection shall be subject to penalty fee of fifty dollars (\$50). Each additional appointment not kept shall be at a penalty fee of one hundred dollars (\$100).

§ 49-9. Appeals; procedure.

(a) Designation of Housing Review Board. A Housing Review Board is hereby established and designated to hear appeals from the application of this chapter. The Board shall consist of a chairman and two (2) members to be appointed by the Mayor and confirmed by the Council of two years terms of that shall begin on January 1. The terms of the initial members of the board shall begin after confirmation by the Council and shall expire the following January.

(b) Rules and Procedure. All persons challenging and action under the provisions of this chapter may, within ten (10) days date of violation notice, request a hearing before the Board. The hearing request will be on forms provided by the town administrator and shall be filed with the town administrator, who will notify the appellant in writing of the time and place set for the hearing. Within thirty (30) days of the filing of the notice of hearing, the Housing Review Board shall conduct a hearing at which time an opportunity shall be given to both the person(s) challenging and the town staff to present evidence. The hearing shall be open to the public and records and minutes shall be maintained by the Board at all such hearings. Within ten (10) days after the hearing, the Board shall present its findings of fact and decisions. Said decisions may reverse, modify, or affirm the action taken by the town's code enforcement officer or by the person (s) or firm designated. The decision of the Housing Review Board Shall is final.

(c) Failure to abide by the decision of the Housing Review Board shall constitute a violation of this chapter.

§49-10. Display of license required.

The license issued under this chapter shall be prominently and publicly displayed on the premises of the structure or produced on demand of the tenant or prospective tenant and shall be available at the reasonable times for inspection by the town's code enforcement officer or such person(s) or firm designated.

§49-11 Local agent; service.

(a) Requirement of local agent. The legal owner of record of any rental unit/dwelling required by this chapter to obtain a license shall appoint a local agent for each licensed premises. The local agent shall be over the age of eighteen (18) and reside in the State of Maryland.

(b) Filing for the local agent's name and address. The name and address of the local agent shall be filed in writing during normal business hours with the town administrator upon issuance of any license herein. The legal owner of record shall notify the town administrator in writing of any changes with respect to the local agent within thirty (30) days of such changes.

(c) Service of complaint for municipal infraction. Notice of a complaint or municipal infraction with respect to premises required to be licensed may be brought by service upon the owner of recorded of the property or upon the local agent. Service on the owner of the property shall be deemed appropriate if mailed by certified mail, return receipt requested, to the owner at his or her last know address as provided on the license of application. In the event that the certified mail is returned unclaimed for any reason, service may be affected by posting the notice on the front door of the premises. Service may also be affected by the certified mail, return receipt requested, to the local agent as designated by the owner. Personal service on either the local agent or the owner shall also be deemed appropriate service.

§49-12. Penalty.

(a) It shall be unlawful for any person or persons, firm or corporation to violate any of these provisions, which are hereby declared by the Council to be municipal infractions, and will be subject to pay a fine of one hundred dollars (\$100) for each offense. Each day that a violation continues after assessment of the initial fine shall constitute a separate or repeat offense. Payment of the fines without correction of violation(s) does not constitute abatement of the violation(s).

(b) For purposes of enforcing this chapter, the town is authorized to exercise all powers available to it under state and county law and the Housing Code to prohibit or prevent occupancy of an unlicensed premises subject to licensing under this chapter for which a temporary certificate has not been issued or has expired, or for which license has expired or been revoked, including, but not limited to, eviction of the occupants and barring entry by occupants to the unlicensed premises.

Chapter 50
MULTIFAMILY RENTAL LICENSING AND INSPECTION

§50-1. Purpose

§50-2. Matters covered.

§50-3. Definitions.

§50-4. License required prior to occupancy; exceptions.

§50-5. Applications; fees; information.

§50-6. Temporary certificates; inspection; issuance or denial of license.

§50-7. Expiration of license; renewal; reapplication.

§50-8. Additional inspections; time limit for correction of violations; revocation of license.

§50-9. Appeals procedure.

§50-10. Display of license required.

§50-11. Local agent.

§50-12. Obligations of owners regarding inspections.

§50-13. Violations, penalties and enforcement.

REFERENCES

Municipal infractions – See Chapter 26.

§50-1. Purpose.

The purpose of this chapter is to protect the health, safety and welfare of the general public by:

(a) Establishing minimum standards in accordance with the Prince George's County housing code and applicable Town ordinances, for basic equipment and facilities for light, ventilation, space heating, and sanitation; structural soundness for safety from fire; for space, use, and location; for safe and sanitary maintenance; and for cooking equipment in all multifamily rental and dwelling units;

(b) Establishing the responsibility of owner and occupants of multifamily rental units/dwellings; and

(c) Providing for administration, enforcement and penalties.

§50-2. Matters covered.

(a) The provisions of this chapter shall apply to all multifamily rental dwellings and units used for human habitation with respect to structure, protection against fire hazards, equipment or maintenance, adequate provisions for light and air, proper heating, and sanitary conditions, and with respect to matters of sanitary conditions, and with respect to matters of overcrowding, illegal activities, or factors otherwise deemed to constitute a menace to the safety, health, or welfare of the occupants or adjacent property owners, or such conditions, factors or characteristics that adversely affect public safety, health, and welfare, and may lead to the continuation, extension, or aggravation of urban blight. Adequate protection of the public therefore, requires establishment and enforcement of the licensing and inspection of multifamily rental dwellings and units.

(b) The housing code of Prince George’s County, Maryland, as compiled and amended from time to time (“housing code”), is hereby adopted as the housing code for the Town of Edmonston and incorporated by references in this chapter the extent it is not inconsistent herewith.

§50-3. Definitions.

The terms used in this chapter are defined as follows;

“Town” is the Town of Edmonston.

“Town Administrator” is the Town Administrator of the Town of Riverdale Park.

“Code Enforcement Officer” or “Inspector” is the Town’s Code Enforcement officer, and other person or persons designated by the Mayor and Council to perform all, or any part of, multifamily dwelling rental inspections in the Town of Edmonston.

“Minimum Standards” are provisions of the Prince George’s County Housing Code, as amended from time to time and applicable Town Ordinances.

“Rental Unit” is any room or group of rooms in a rental dwelling that forms a single habitable unit that is used or intended to be used by one or more occupants for living and sleeping in exchange for the payment of rent or other consideration. For purposes of this chapter, in the case of a rooming house in which rooms are let for rent, but where occupants may share common eating or communal facilities, each room let for rent shall be considered a separate rental unit.

“Rental Dwelling” is a structure that contains more than one rental unit.

“Local Agent” is a Maryland Resident appointed by the owner to supervise and/or care for a rental dwelling and to respond to any violations concerning the rental dwelling and any rental units in the rental dwelling.

§50-4. License Required Prior to Occupancy; Exceptions.

(a) The owner of any rental dwelling located within the Town shall not, except as provided by the terms of a temporary certificate issued upon application for a rental license permit or allow such rental dwelling or any rental unit in the rental dwelling to be occupied without first having obtained a rental license issued under this chapter.

(b) Any rental dwelling containing two (2) or fewer rental units and which is occupied by an owner as the owner’s principal place of residence shall be exempt from this chapter.

§50-5. Application; Fees; Information.

(a) Within sixty (60) days after the enactment of this chapter, the owner of each rental dwelling in the Town shall make written application to the Town for rental license upon such form or forms as the Town shall designate from time to time. For rental dwellings to come into existence after the enactment of this chapter, the owner of such rental dwelling shall apply for and obtain a rental license before making any rental units in the rental dwelling available for rent. The application shall identify with specificity the rental dwellings and each rental unit within the rental dwelling that is to be included under the license. Each applicant for a rental license shall be submitted, together with the annual rental license fee, a fifty dollar (\$50) application fee, and a statement by the owner of the rental dwelling that, as a condition of issuance of any license or temporary certificate, the owner, on behalf of the owner and behalf of any present or future tenants, grants permission to the Town and the Town’s officials, employees and agent to inspect the rental dwelling and each rental unit in the rental dwelling without the necessity of obtaining any further permission or judicial warrant. The owner shall have a continuing obligation to update the information submitted as a part of the rental license application and to supply additional information as the Town reasonably may require.

(b) The annual rental license for each rental dwelling is an amount equal to seventy five dollars (\$75) multiplied by the number of rental units in each dwelling.

(b) The owner of a rental dwelling is liable for payment of a late fee for every day that an application for rental license is delinquent. The amount of the late fee is five dollars (\$5) per day multiplied by the number of rental units located in the rental dwelling for which the rental license application is delinquent.

§50.6. Temporary Certificates; Inspection; Issuance or Denial of License.

(a) When the Town receives a completed application for a rental license, together with the statement of the owner granting consent to inspection of the rental dwelling and rental units as required by section 50-5 (a) of this chapter and the appropriate rental license and application fees, the Town shall issue a temporary certificate indicating that a license has been duly applied for and will be issued or denied after the rental unit has been inspected.

(b) A temporary certificate shall authorize continued occupancy, without penalty, of a rental unit pending the issuance or denial of license.

(c) Prior to the issuance of a rental license, an inspection of the rental unit shall be conducted by the Code Enforcement Officer. The Code Enforcement Officer shall provide the owner of the rental dwelling with at least three (3) weeks written notice prior to the date of inspection. The purpose of this inspection shall be to determine whether the rental dwelling and each rental unit in the rental dwelling are in compliance with all applicable provisions of the Prince George's County Housing Code (Subtitles 4, building; 11, fire safety; 12, health; 12, housing; and 27, zoning) and the Town of Edmonston Code (Chapters 15, building code; and 35, peace and good order). When the inspector certifies that the rental dwelling and each rental unit complies with all of these provisions of law, a rental license shall be issued. The inspection may, but shall not be required to, include a check of all systems and subsystems in the rental dwelling and each rental unit for safety are not a warrant by the Town as to the safety or operation of any systems and subsystems. The Town's inspection may be limited to obvious visible problems and shall not be deemed to include any latent or hidden defects or problems.

(d) If any inspection reveals violation of any of the codes or ordinances referred to in subsection (c) above, then the code enforcement officer or other person designated shall notify the applicant, in writing, within fifteen (15) days following the inspection, specifying each violation and the corrective action required to remedy the violation. The applicant shall then have a reasonable time, but not more than sixty (60) days, to correct such violations. Within such period the Mayor and Town Council shall then have the authority to extend the time for correcting such violations at the request of the applicant upon showing by the applicant that a good-faith effort has been initiated to correct such violations but that remedial actions cannot be completed within the established period.

(e) Failure of an applicant to correct all the violations within the sixty-day period or time allowed by Mayor and Council, if it has been extended, shall result in the rental license application being denied. No further temporary or permanent certificates or licenses shall be issued until all violations have been corrected.

(f) The owner's permission for such inspections, without the necessity of obtaining any further permission or judicial warrant, is a condition of any license or

temporary certificate. Failure, after reasonable notice, to allow entry for such inspection or to require any tenant or occupant to allow entry for such inspection shall constitute sufficient reason for the denial or revocation of the rental license or temporary certificate and is a violation of this chapter.

§50-7. Expiration of License; Renewal; Reapplication.

(a) Each rental license issued pursuant to this chapter shall expire on June 31 of each year. Owner of a rental dwelling may not allow a rental dwelling and all rental units within the rental dwelling to continue to be occupied unless the owner had filed an application for the renewal of the rental license.

(b) The application form from renewal of a rental license shall be prescribed by the Town Administrator and shall be substantially similar to the form for an initial rental license.

(c) On or before June 1 of each year, the owner of a rental dwelling shall submit an application to the Town for the renewal of an existing rental license. The completed application form shall be accompanied by the statement of the owner granting consent to inspection of the rental dwelling and rental units as prescribed by 50-5 (a) of this chapter and by the annual rental license fee in the amount determined in accordance with §50-5 (b) of this chapter. The late fee specified in 50-5 (c) of this chapter also shall apply to the application for renewal of a rental license.

(d) After an application for renewal of a rental license, together with the statement of the owner granting consent to inspection of the rental dwelling and rental units prescribed by §50-5 (a) of this chapter and by the annual rental license fee in the amount determined in accordance §50-5 (b) of this chapter, have been filed with the Town, the Town shall process the rental license renewal application and issue the renewal license. The current rental license shall remain in effect until the Town issues a new license.

(e) Every applicant whose application for a license had been denied or whose license has been revoked may not reapply for a rental license within sixty (60) days from such denial or revocation.

(f) When an owner applies for a rental license after an application for a rental license has been denied, the application shall be treated as a new application and subject to the provisions of §50-5 of this chapter.

§50-8 Additional Inspections; Time Limit for Correction of Violations; Revocation of License.

(a) After a rental dwelling and the rental units within the rental dwelling have been inspected as required by §50-5 of this chapter and the Town has issued an initial rental license, the code enforcement officer shall inspect such rental dwelling and the rental units within the rental dwelling at not more than two (2) year intervals as long as the rental dwelling remains licensed. The Code Enforcement Officer shall provide the owner of the rental dwelling with at least three (3) weeks written notice prior to the date of inspection. The purpose of this inspection shall be to determine whether the rental dwelling and each rental unit in the rental dwelling continue to be in compliance with all applicable provisions of the Prince Georges County Housing code (Subtitles 4, Building; 11, Fire Safety; 12, Health; 13 Housing; and 27, Zoning) and the Town of Edmonston Code (Chapters 9, Building Code; and 50, Peace and Good Order). The inspection may, but shall not be required to include a check of all systems and subsystems in the rental dwelling and each rental unit for safety and operation. The Town's inspection may be limited to obvious visible problems and shall not be deemed to include any latent or hidden defects or problems.

(b) In addition to the inspection required by subsection (a) of this section, when the Town has a reasonable belief that a violation exists in a rental dwelling or in a rental unit, the Code Enforcement Officer may conduct an inspection of the rental dwelling or rental unit to determine if the dwelling or unit continues to be in compliance with the requirements for the rental license. Such inspections shall take place at any and all reasonable times and upon not less than seventy-two (72) hours notice to the owner of the rental dwelling, except where the Town has reasonable information that a condition exists in a rental unit that may pose imminent threat to health or safety of persons or property, in which case an inspection may be made with such minimal notice to the owner as may be reasonable under the circumstances.

(c) The owner, as a condition of the rental license, shall allow such inspections as requested by the Town Pursuant to Subsections (a) and (b) of this section. The notice shall specify each violation and the corrective action required to remedy the violation.

(d) If the inspector finds violations, the inspector shall notify the license holder, in writing, within fifteen (15) days following the inspection. The notice shall specify each violation and the corrective action required to remedy the violation. The license holder shall then have a reasonable time, but not more than sixty (60) days, to correct the violations, unless otherwise extended by the Mayor and Council for good cause shown. If the violations are not corrected within the time specified, the Town shall revoke the rental license.

§50-9. Appeals Procedure.

(a) Any person aggrieved by an action of the Code Enforcement Officer of the Town under this chapter may appeal such an action by filing a written notice thereof with the Town Administrator, on a form provided by the Town Administrator, and paying an appeal fee in the amount of one hundred dollar (\$100). The notice of appeal shall attach a copy of the order or decision from which the appeal is taken and shall set forth all legal and factual bases upon which the appellant contends that the order or decision appealed from is erroneous. The notice to appeal shall be filed within fifteen (15) days after the date of the decision or order from which the appeal is taken. In a proper and complete notice of appeal, including the appeal fee, is not timely filed, the appeal is barred. An appeal shall not operate to stay any of the provisions or requirements of this chapter, or any order or decision issued under this chapter, or any order or decision issued under this chapter, unless the Mayor and Town Council shall otherwise order. Within thirty (30) days after a timely and complete notice of appeal is filed, a hearing shall be conducted before the Mayor and Council, or before Hearing Board as the Mayor and Council may, from time to time, designate for such a purpose. Any hearing board designated by the Mayor and Council shall consist of five persons, two of whom shall be members of the Town Council, at least another of whom shall be experienced in matters that are the subject of the appeal and at least two members, in addition to the two members of the Town Council who shall be residents of the Town. . The hearing shall be open to the public, records and minutes shall be maintained, and the person aggrieved, the Town and other interested persons shall be given an opportunity to present evidence. At the hearing the board shall take such evidence that the board deems necessary and proper, and the burden shall be on the appellant to demonstrate that the decision or order appealed from is arbitrary, capricious, or erroneous as a matter of law. The Hearing Board shall, within thirty (30) days after conclusion of the hearing, reverse, modify, or affirm the action complained of and cause a copy of the board's decision to be sent to the appellant and other interested persons.

(b) Any person aggrieved by a decision of the Mayor and Council or a Hearing Board may appeal the decision to the Circuit Court for the Prince George's County, Maryland by filing a petition for judicial review with the court within fifteen (15) days after the decision of the board.

(c) Failure to abide by an unappealed decision rendered by the Mayor and Council or a Hearing Board shall constitute a violation of this chapter.

§50-10. Display of License Required.

Licenses issued under this chapter shall be maintained on the premises of the rental dwelling in which leased rental units are located and shall be produced for inspection at reasonable times on demand of a tenant, a prospective tenant, and Code Enforcement Officer.

§50-11. Local Agent.

(a) The owner of any rental unit required by this chapter to obtain a rental unit license shall appoint a local agent of each licensed premises. The local agent shall be at least eighteen (18) years of age and reside in Maryland.

(b) The name and address of this local agent shall be filed in writing with an application for a rental unit license or renewal of a rental unit license. The name, address, and telephone number of the local agent may be changed by the owner of the rental unit by notifying the Town Administrator, in writing within seven (7) days after such change.

(c) To the extent allowed by law, a citation for municipal infraction for a violation of this chapter with respect to a licensed rental unit may be served on the local agent.

§50.12. Obligations of Owners Regarding Inspections.

(a) The Town shall send all notices required by this chapter to the owner of the rental dwelling and to the local agent designated by the owner. All notices shall be hand delivered or sent by United States mail, postage prepaid, return receipt requested, and shall be addressed to the most recent address for the owner and local agent on file with the Town.

(b) Although the local agent may act for the owner, the owner of the rental dwelling is responsible for complying with the requirements of this chapter and with any notices issued pursuant to this chapter, and is liable for any violations of this chapter. The local agent is jointly responsible with the owner for complying with the provisions of subsections (c) and (d) of this section, and is liable for any violations of those provisions.

(c) Upon receipt of notice setting forth the date and time of an inspection of a rental dwelling and one or more rental units within the rental dwelling, the owner promptly shall notify all tenants and other occupants of all rental units to be inspected of the date and time of the inspection. The owner also shall notify all tenants and occupants that the Code Enforcement Officer will enter the units for purposes of such inspection, and that the owners and occupants must secure all pets and remove any other potential dangers to the Inspector. The owner shall be responsible for ensuring that the Code Enforcement Officer is able to obtain timely and safe access of each unit for purposes of inspection.

(d) The owner or the local agent shall accompany the Code Enforcement Officer on each inspection and shall ensure that the Code Enforcement Officer is provided with timely and safe access to each unit for purpose of inspection. The Code Enforcement Officer may, but is not required to conduct an inspection if the owner or local agent is not present.

§50.13. Violations, Penalties and Enforcement

(a) Any person who violates any provision of the chapter is guilty of a municipal infraction as provided in Chapter 26 of this code. A municipal infraction citation from a violation of this chapter may be issued and served by the Code Enforcement Officer or a sworn Officer of the Edmonston Police Department. The fine for any single initial violation shall be one hundred (\$100), and the fine for each repeat of that offense shall be two hundred fifty dollars (\$250). Each day that a violation continues after assessment of any initial fine shall constitute a separate or repeat offense. Payment of the fines without correction of the violation(s) does not constitute abatement of the violations(s).

(b) Any person who knowingly and willfully violates any provisions of this chapter is guilty of a misdemeanor and, upon conviction, is subject to a fine of not more than \$1,000 and imprisonment for not more than six (6) months, or both fine and imprisonment.

(c) For purposes of enforcing this chapter, the Town may exercise any and all powers available to it to prohibit or prevent occupancy of unlicensed premises subject to licensing under this chapter for which a temporary certificate has not been issued or has expired, or for which a license has expired or been revoked. The Town's remedies include, but are not limited to, eviction of the occupants and barring entry by occupants to the unlicensed premises.

CHARTER AND LOCAL LAWS

[HISTORY: Article I enacted by the General Assembly of Maryland as Ch. 154, L 1924; approved by voters of the Town of Edmonston 6-2-1924. Article II enacted by the General Assembly of Maryland as Ch. 264, L 1947. Article III, ~ 28, adopted by the Mayor and Town Council of the Town of Edmonston 4-23-1956 by resolution; ~ 29 adopted by the Mayor and Town Council of the Town of Edmonston 8-24-1959 by resolution. Article IV adopted by the Mayor and Town Council 1-26-1970 by resolution, effective 3-17-1970. Article V adopted by the Mayor and Town Council 1-10-1977 by Resolution No. 76-CR-2. Amendments noted where applicable.]

ARTICLE I

Charter

[Ch. 154, L 1924]

~ 1. Incorporation.

The citizens of the Town of Edmonston are a body corporate, by the name of the Mayor and Town Council of Edmonston, and by that name may have perpetual succession, sue and be sued, have and use a common seal and may purchase and hold real, personal and mixed property or dispose of the same for the benefit of said town.

[Ch. 154, ~ 1, L 1924; as amended by Ch. 913, ~ 512, L 1945]

~ 2. Boundaries.

¹ Editor's Note: An Official Map was adopted by Resolution 86-CR-012 of the Mayor and Township Council 6-9-1986.

The boundaries of said town shall be as follows: Beginning where the Shepard Branch of the Baltimore & Ohio Railroad intersects the eastern branch of the Potomac River, said point being in the corporation line of the Town of Hyattsville, then running with the Hyattsville corporation boundary line northerly to the Riverdale corporation line, then with the Riverdale corporation line to a point north seventy degrees west from the intersection of the Edmonston Road with Carter's Lane, running from thence to a point four hundred thirty-five feet west of the center line of Edmonston Road as it now runs and parallel with the Edmonston Road maintaining at all points a distance of four hundred thirty-five feet from said road to the Bladensburg corporation line; then with the north line of the Bladensburg corporation line to the eastern branch; then with the eastern branch to the beginning.

[Ch. 154, ~ 2, L 1924; as amended by resolution of the Mayor and Town Council 1-26-1970]

A. First 1986 annexation. The following described land in Prince George's County, Maryland, which is contiguous to the corporate town limits is annexed as follows: Beginning for the subject property at the intersection of the Town of Edmonston Line as per 1956 annexation as per Annotated Code of the Town of Bladensburg and the westerly line of Kenilworth Avenue (State Route No. 201) as shown on State Roads Commission Right-of-Way Plat No. 11617 and thence with the westerly right-of-way line of Kenilworth Avenue as shown on State Roads Commission Plat Nos. 11617 and 11618, the following five courses and distances (1) along the arc of a curve deflecting to the left, said curve having a radius of 3774.72 feet and a long chord bearing and distance of North 43° 35' 09" East, 608.05 and an arc distance of 608.71 feet to a point and thence (2) North 51° 02' 02" East, 15.00 feet to a point and thence (3) North 38° 44' 28" East, 29.53 feet to a point and thence (4) South 51° 27' 50" East, 15.00 feet to a point and thence (5) along the arc of a curve deflecting to the left, said curve having a radius of 3,774.72 feet and a long chord bearing and distance of North 36° 00' 04" East, 33.30 feet to a point and an arc distance of 331.41 feet to a point and thence with the original easterly line of the incorporation of Town of Edmonston as per the 1924 Annotated Code Par. 26-2 the

²Editor's Note: For additional annexations, see Art. III, Annexations.

following two courses and distances (1) North 40° 45' 03" East, 419.06 feet to a point and thence (2) North 33° 15' 08" East, 1017.02 feet to a point and thence with the southerly line of the 1959 annexation as per Par. 29 Section A of the Annotated Code and thence with the westerly line of lot 4 in Hyattsville Building Association Subdivision (unrecorded) South 19° 57' 30" West, 190.00 feet to a point and thence crossing Decatur Street South 39° 06' 52" West, 59.23 feet to a point and thence with the easterly right-of-way line of 53rd Avenue (45 feet right-of-way) South 34° 13' 06" West, 589.95 feet to a point and thence along the arc of a curve deflecting to the left said curve having a radius of 20.00 feet and a long chord bearing and distance of South 17° 02' 54" East, 31.20 feet an arc distance of 35.79 feet to a point and thence crossing Crittenden Street South 04° 19' 56" East, 56.91 feet to a point with the westerly line of Lots 1 through 7 in the Eugene Brocks addition to Hyattsville (unrecorded) South 21° 41' 06" West, 260.47 feet to a point and thence with the division line between Lots 7 and 8 South 58° 46' 54" East, 154.10 feet to a point and thence with the easterly line of Lots 8 and 9 South 31° 13' 06" West, 72.51 feet to a point and thence with the intersection of Buchanan Street and Edmonston Road South 42° 15' 12" West, 55.76 feet to a point and thence with the easterly line of Lots 12 and 13 South 40° 17' 06" West, 103.70 feet to a point and thence with the Town of Bladensburg line and the northerly line of Parcels O and P in Prince George's Industrial Development Subdivision which is as recorded in Plat Book WWW 47 at Folio 100 among the Land Records of Prince George's County, Maryland North 77° 31' 39" West, 388.69 feet to a point and thence with the easterly right-of-way line of aforesaid Kenilworth Avenue the following sixteen courses and distances (1) along the arc of a curve deflecting to the right said curve having a radius of 3,864.72 feet and a long chord bearing and distance of South 36° 21' 44" West, 294.84 feet and an arc distance of 294.91 feet to a point and thence (2) South 51° 27' 06" East, 15.00 feet to a point and thence (3) South 33° 46' 24" West, 30.47 feet to a point and thence (4) North 51° 00' 06" West, 15.00 feet to a point and thence (5) along the arc of a curve deflecting to the right said curve having a radius of 3,864.72 feet and a long chord bearing and distance of South 39° 26' 29" West, 59.75 feet and an arc distance of 59.75 feet to a point and thence (6) South 53° 01' 16" East, 29.58 feet to a point and thence (7) South 47° 23' 13" West, 52.63 feet to a point and thence (8) South 39° 24' 45" West, 66.95 feet to a point and thence (9) South 42° 14' 57" West, 85.80 feet to a point and thence (10) South 52° 24' 25" West, 30.94 feet to a point and thence (11) South 43° 23' 28" West, 8.13 feet to a point and thence (12) South 35°

59' 43" West, 51.37 feet to a point and thence (13) North 45° 47' 56" West, 12.00 feet to a point and thence (14) South 44° 15' 40" West, 8.12 feet to a point and thence (15) North 45° 40' 44" West, 15.00 feet to a point and thence (16) along the arc of a curve deflecting to the right and having a radius of 3,864.72 feet and a long chord bearing distance of South 46° 01' 02" West, 228.78 feet and an arc distance of 228.82 feet to a point and thence crossing Kenilworth Avenue with the boundary line of the town of Bladensburg to the point of beginning and containing 9.7088 acres of land more or less. [As added by Resolution 86-CR-004 of the Mayor and Town Council 6-9-1986]

~ 3. Wards.

The Town of Edmonston shall be divided into two (2) wards, as follows: First Ward, that portion of the town lying between the western boundary line and the East Branch of the Potomac River; Second Ward, that portion of the town lying between the East Branch of the Potomac River and the eastern boundary line of said town.

[Ch. 154, ~ 3, L 1924]

~ 4. Officers; oaths of office.

The officers of said town shall consist of a Mayor and four (4) Councilmen, the Mayor to be elected by the combined vote of said town, and four (4) Councilmen to be elected, two (2) by each ward, and such appointive officers as are hereinafter designated or shall be appointed by the Mayor and Town Council, and each officer appointed shall continue to hold office for such term as the Mayor and Town Council shall designate or until his successor is duly qualified. Before entering upon the duties of his office, each officer shall take oath that he will diligently and faithfully discharge all duties of his office without favor,

³ Editor's Note: This resolution also provided that it shall take effect 7-29-1986.

⁴Editor's Note: Regarding subsequent additions, see Article III, Annexations.

⁵Editor's Note: Regarding installation of officers, see Ch. 3, Administration, Article I.

partiality or prejudice, and said oath shall be filed among the records of said town.
[Ch. 154, ~ 4, L 1924; as amended by resolution of the Mayor and Town Council
8-14-1972]

~ 5. Election of officers; compensation of Mayor and Councilmen.

At the first election of officers held under this Charter, after notice printed in some county newspaper, the qualified voters of the town shall elect a Mayor to serve the term of one (1) year, and shall elect four (4) Councilmen, two (2) from each ward, to be voted for by the qualified voters of each ward, one (1) from each ward to serve for the term of two (2) years and one (1) from each ward to serve for the term of one (1) year. At the first meeting, the Mayor and Councilmen shall designate the time to be served by each Councilman. At each successive annual election the qualified voters of each ward shall elect a Councilman to serve for two (2) years, after notice printed in some county newspaper. Beginning with the annual election in 1935 and thereafter, the Mayor shall be elected and hold office for the term of two (2) years. The Mayor must continually reside in said town and each Councilman in his respective ward during his term of office. As compensation the Mayor shall receive [nine hundred dollars (\$900.) per year] seventy-five dollars (\$75.) per month and each Councilman shall receive [six hundred dollars (\$600.) per year] fifty dollars (\$50.) per month to reimburse them for their expenses in connection with their respective offices. Provided, however, that the monthly compensation of the Mayor and of each Councilman be increased to one hundred fifty dollars (\$150.) and one hundred dollars (\$100.), respectively; the said increase to become effective June 1, 1979.

[Ch. 154, ~ 5, L 1924; as amended by Ch. 407, ~ 402, L 1933; Ch. 175, ~ 402, L 1935; Ch. 913, ~ 516, L 1945; Ch. 748, L 1947; resolution of the Mayor and Town Council 7-18-1966; 6-10-1968; 8-14-1972; Resolution 78-CR-1 of the Mayor and Town Council 3-13-1978]

~ 5A. Commencement and termination of terms of elected officials.

Beginning with the elections to be held in 1975, the Mayor and Councilmen elected in

that year shall only serve until May 30, 1977, and the newly elected officials in 1977 shall serve from June 1, 1977. Each annual election of Mayor and/or Councilmen, after the 1975 election, shall provide for those officials to hold office starting on the first Monday in June of the year in which they are elected and conclude on the last day prior to the first Monday of June two (2) years thereafter. [As added by Resolution 74-CR-1 of the Mayor and Council 7-8-1974]

~ 6. Mayor and Town Council meetings; vacancies in offices.

The Mayor and Town Council shall meet in some convenient place in said town on or before the first Monday in August of each year and as often thereafter as may be necessary in the discharge of their duties; provided, however, that they shall meet not less than once in every month. The majority shall form a quorum for the transaction of business and the presence of the Mayor shall be counted toward such quorum; and upon each action taken the yea and nay vote of each Councilperson shall be recorded opposite his or her name. The Mayor shall cast a vote upon such action only in the event that the votes of the Council members are otherwise tied. The Mayor and Council shall pass rules and regulations consistent with the provisions of this subtitle for their own government while in session. The absence of any Councilperson from three (3) consecutive meetings, shall constitute a vacancy, which vacancy shall be declared by duly adopted motion of the Council. In the event of a vacancy in the office of Mayor or Councilperson, or if at any election of officers held under this Charter any two (2) or more candidates for the same office shall have the highest and equal number of votes, the Mayor and Town Council, or a majority of them, shall elect a Mayor or Councilperson, as the case may be (in the case of a Councilperson, from the ward in which the vacancy or tie election occurred), to hold office until his successor shall have been elected at the next regular town election and shall have qualified. The new or incoming Mayor and Town Council shall elect the officers to hold office in the cases of tie elections. In the case of a vacancy in the first year of a Councilperson's term or of a tie election in the office of Councilperson, the successor so

⁶Editor's Note: As to special meeting for installation of officers, see Ch. 3, Administration, ~ 3-2.

elected at the next regular town election shall hold office only for the one (1) year being the unexpired balance of the original term. In the event that a vacancy cannot be filled by a majority vote of the Mayor and Council, a special election by the registered voters of the town may be called, by resolution, at such time and place as determined by the Mayor and Town Council, subject to the provisions of this Charter. The person elected at the special election shall serve the remainder of the term of office of the position being filled. All special elections shall be conducted by the election judges in the same manner and with the same personnel, as far as practicable, as regular town elections. The Mayor shall preside at the meeting of the Council and shall call meetings from time to time as he may deem necessary, but in case of his absence from any meeting, the Council present shall elect one (1) of their members to preside, who shall for the time being have all the authority of the Mayor.

[Ch. 154, ~ 6, L 1924; as amended by Ch. 407, L 1933; resolution of the Mayor and Town Council 8-14-1972; Resolution 86-CR-013 by the Mayor and Town Council 3-3-1987; Resolution 04-CR-004 of the Mayor and Town Council 8-9-2004]

~ 7. Election procedures; registration of voters.

A. Annually on or before the first Monday in April, after notice printed in the Town newsletter or in a newspaper of general circulation within the Town of Edmonston, the Mayor and Town Council shall appoint election officers, including not less than one (1) judge and one (1) clerk, to conduct an election by ballot on the first Monday of May, if not a legal holiday, and if a legal holiday, then on the day following, for the election of officers provided for in ~ 5 of this Charter. Such election officers shall themselves be eligible for registration as voters under the provisions of this subtitle, and each ward shall be represented by having either a judge or clerk appointed from its vicinage. The judge or judges appointed in each year shall be registration officers for each year as hereinafter mentioned and shall perform such duties as prescribed by town regulation and state law. The Mayor and Town Council shall appoint the place of election and shall give public notice of not less than fifteen (15) days of the time and place of the election by advertisement in at least the Town Newsletter or one (1) newspaper published in Prince George's County, and also by notice posted in at least five (5) public places in the town. If at the time the notice is advertised, the election judge(s) determine(s) that all of the

offices in the election are uncontested, the notice shall so state and shall also state that if all of the offices are still uncontested five (5) days prior to the election, the election judge(s) may exercise their option, as more fully described below, to reduce the number of hours that the polling place will be opened to between 4:00 p.m. and 8:00 p.m. inclusive. In contested elections the polls shall be opened between the hours of 7:00 a.m. and 8:00 p.m.; only those voters registered upon the books of the town and who are actual residents of the town upon the day of the election shall be allowed to vote at such elections. If, within five (5) days prior to an election, the election judge(s) determine that an uncontested election is scheduled, the election judges may shorten the number of hours that the polling place will be open. In such event the polls shall be open between the hours of 4:00 p.m. and 8:00 p.m. inclusive. The election judges shall prepare ballots containing the names of those persons who have complied with the provisions of this subtitle making them eligible to become a candidate for the office which they seek. The election judges shall receive all returns of elections and determine all questions arising there under, and shall, at the request of a candidate made in writing and delivered to the Chief Election Judge within seventy-two hours of the original posting of the election results at town hall, conduct such recount according to procedures they shall adopt prior to the election, provided that the candidate has paid in advance any fee for such recount as may be set from time to time by the Town Council by resolution. Any such fee paid by a candidate for a recount shall be returned to the candidate in the event that the recount shows a counting error in the candidates favor that alters the outcome of the election. **[As amended 5-5-1969 by referendum, effective 6-9-1969; Resolution 87-CR-004 of the Mayor and Town Council 1-11-1988; Resolution 94-CR-001 of the Mayor and Town Council 9-12-1994; Resolution 04-CR-002 of the Mayor and Town Council 3-8-2004]**

B. The City Council shall provide, by ordinance, for the universal registration of all eligible voters, in accordance with state law and the establishment and maintenance of voter registration lists, including the procedures to be used for the removal of any name from the

voter registration lists. [As amended by resolution of the Mayor and Town Council 2-8-1971; 2-12-1973; Resolution 84-CR-2(a) of the Mayor and Town Council 10-8-1984; Resolution 89-CR-005 of the Mayor and Town Council 8-14-1989] [Ch. 154, ~ 7, L 1924; as amended by Ch. 407, ~ 404, L 1933; and Ch. 175, ~ 404, L 1935]

~ 8. Qualifications for offices.

A. Any person desiring to run for the office of Mayor of the Town of Edmonston shall be at least twenty-three (23) years of age, shall have resided within the corporate limits of said town at least one (1) year prior to the election and be registered to vote in the town for at least one (1) year prior to the election. Any person desiring to run for a Council position of said Town shall be at least twenty-one (21) years of age, shall have resided within the corporate limits of said Town at least one (1) year prior to the elections and be registered to vote in the Town for at least one (1) year prior to the election. Any person elected to the position of councilmember may not run for or hold another position as councilperson from the same ward until the expiration of his or her current term, regardless of whether such councilperson vacates his or her council position prior to the election. Any person desiring to run for Mayor of said town shall in person obtain from the Town Clerk a petition form, developed by the election judges, and place his or her signature on the Town Clerk's roster; and file in person with the Town Clerk the petition containing the names of at least twenty (20) voters of the Town of Edmonston and pay a filing fee of ten dollars (\$10.); and any person desiring to run for a Council position from the ward in which the person resides shall in person obtain from the Town Clerk a petition form developed by the election judges and place his or her signature on the Town Clerk's

⁷Editor's Note: Former Subsection C, which required the keeping of books for the registration of voters, and Subsection D, which provided that the election laws of the State of Maryland should apply to town elections, both of which immediately followed this subsection, were repealed 8-14-1989 by Resolution 89-CR-005.

⁸Editor's Note: This resolution also provided that it shall take effect 9-30-1989.

roster; and file in person said petition with the Town Clerk containing the names of at least ten (10) voters in that ward, no later than 5:00 p.m. local time on the 30th day prior to the election, and pay a filing fee of ten dollars (\$10.). The Town Clerk shall cause to be published in some manner as shall give general notice to residents of the Town of Edmonston the names of the persons who have filed their petitions in accordance herewith and the positions to which they aspire. **[As amended by Resolution 89-CR-005 of the Mayor and Town Council 8-14-1989; Resolution 01-CR-001 of the Mayor and Town Council 8-13-2001; Resolution 04-CR-001 of the Mayor and Town Council 3-8-2004]**

B. Any person desiring to run for Mayor or Town Council who does not file a petition as provided in Paragraph A of this section may qualify to run for such office as a write-in candidate by obtaining from the Town Clerk a petition form developed by the election judges and placing his or her signature on the Town Clerk's roster, and filing in person with the Town Clerk, at least five (5) calendar days before the date of the election, said petition to run as a write-in candidate containing the names of at least ten (10) persons who are qualified voters, and a filing fee of ten dollars (\$10.).

C. Any person desiring to run for Mayor or a Council position must qualify as a candidate under Paragraph A or Paragraph B of this section. All votes cast in an election for persons who are not qualified as candidates shall be void.
[Ch. 154, ~ 8, L 1924; as amended by Ch. 407, ~ 406, L 1933; resolution of the Mayor and Town Council 8-14-1972; 2-12-1973; Resolution 87-CR-004 of the Mayor and Town Council 1-11-1988]

~ 9. Appointments; powers and duties of certain officers.

A. Upon the recommendation of the Mayor, the majority of the Mayor and Town Council shall appoint the following subordinate officers; Chief of Police, Health Officer, Building Inspector, Treasurer and Clerk, who shall hold office for the period of one (1)

⁹ Editor's Note: This resolution also provided that it shall take effect 9-30-1989.

year or until their successors are appointed and qualified. The Mayor and Town Council shall fix the amount and authorize the payment of the salary of such subordinate officers, and shall prescribe their duties except as herein provided. [As amended by resolution of the Mayor and Town Council 1-26-1970; 8-14-1972]

B. The Chief of Police and the Health Officer, with the approval of the Mayor and Town Council, shall each appoint such assistant or assistants as the Council will allow, who shall be paid compensation in such amount as may be fixed by the Mayor and Town Council.

C. The Clerk shall keep a careful record of minutes, proceedings and ordinances, which shall be open to the inspection of all persons interested therein, and shall safely keep all records and documents, issue licenses, collect moneys therefor, and turn same over to the Town Treasurer. He shall also keep proper accounts as Clerk, and shall perform such other duties as the Mayor and Town Council may assign to him.

D. The Treasurer shall make all collections of taxes and receive all money paid for the use and benefit of said Town of Edmonston, and shall, upon the order of the Mayor and Town Council, make all the authorized disbursements of said town. He shall keep an account of the funds and financial records of the town, and shall render an account to the Mayor and Town Council when required by them. He shall receive for his services such sum as the Mayor and Town Council shall fix. [As amended by resolution of the Mayor and Town Council 1-26-1970]

E. The Clerk and Treasurer shall each give bond to the Mayor and Town Council in such penalties and with such sureties as they may require.

F. The Chief of Police, and his assistant or assistants, if any, shall preserve the peace and good order of the town, and for this purpose they are hereby vested with the same power and authority as county police officers now have or may have hereafter under the laws of this state, within the corporate limits of said town.

G. The Health Officer, and his assistant or assistants, if any, are hereby vested with the same power and authority as health officers in this state. They shall make as frequent inspections as may be necessary to preserve the public health and make the town sanitary.

[Ch. 154, ~ 9, L 1924; as amended by Ch. 546, L 1927; and Ch. 913, ~ 520, L 1945]

~ 10. Misdemeanors.

Every act or omission which, by ordinance, is a violation is hereby made a misdemeanor and, unless otherwise provided, shall be punishable upon conviction by the district court sitting in the county within which the offense is committed by a fine not exceeding one hundred dollars (\$100.) or imprisonment for thirty (30) days in the county jail, or both, in the discretion of the court. Where the act or omission is of a continuing nature and is persisted in, a conviction for

one (1) offense is not a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

[As added by resolution CR74-1 of the Mayor and Town Council 3-11-1974]

~ 11. Powers and duties of Mayor and Town Council regarding streets and subdivisions.

The Mayor and Town Council are hereby authorized to make or cause to be made a plat of said town upon which shall be shown all streets, roads and public ways, whether theretofore or hereafter laid out or projected, and by which all lots or property therein shall hereafter be described; to control the subdivision of all lands and property within the corporate limits of said town; to establish building lines and to require all persons erecting

¹⁰Editor's Note: See Ch. 3, Administration, Article III.

¹¹Editor's Note: Former ~ 10, Conservators of the peace, adopted as Ch. 154, ~ 10, L 1924, as amended by Ch. 544, L 1927, was repealed by this resolution.

building in said town to conform thereto; to establish grades of the streets, gutters and sidewalks of said town and to fix the width thereof; to open and keep open and free from obstruction, all streets and public reservations, to grade, close or alter the same; and their rights, powers and duties in relation thereto shall, except as hereinafter otherwise prescribed, be the same as is provided by the Code of Public General Laws of this state for opening, altering and closing public roads by the Board of County Commissioners, with the right to appeal to the Circuit Court for the county.

[Ch. 154, ~ 11, L 1924]

~ 12. Ordinance powers of Mayor and Town Council.

The Mayor and Town Council shall have full power to pass such ordinances as they may deem necessary for the good government, health and improvement of the town, and for the preservation of peace and good order therein. They may provide by ordinance for the opening and closing of streets, alleys, the straightening, widening and improvement of same, for the establishment of width and care of sidewalks and the construction of the same: and for the purposes set forth in this section they shall have full power of condemnation to be exercised in accordance with the Public General Laws of Maryland. They may by ordinance cause such licenses to be issued as the state laws may permit, upon such terms and conditions as to them may seem proper. They shall have full power to provide for such fines, penalties and punishment for the breach of their ordinances as they may think proper.

[Ch. 154, ~ 12, L 1924; as amended by resolution of 6-11-1956]

~ 12A. Additional powers of Mayor and Town Council.

In addition to the powers mentioned or enumerated elsewhere in the herein Charter, the Mayor and Town Council of Edmonston shall have all of those powers enumerated under Article 23A, ~ 2 of the Annotated Code of Maryland, as amended.

[As added by resolution of the Mayor and Town Council 2-12-1973; as amended by Resolution 99-CR-001 of the Mayor and Town Council 10-11-1999]

~ 12(a)-1. Condemnation.

The town may condemn property of any kind, or interest therein or franchise connected therewith, in fee or as an easement, within the corporate limits of the town, for any public purpose. Any activity, project or improvement authorized by the provisions of this charter or any other state law applicable to the town is a public purpose. The manner of procedure in case of any condemnation proceeding shall be that established in Title 12 of the Real Property Article of the Code.

[As added by Resolution 84-CR-1(a) of the Mayor and Town Council 10-8-1984]

~ 12B. Passage of ordinances.

No ordinance shall be passed at the meeting at which it is introduced. Introduction of an ordinance may be made by motion of any Councilman and shall not require a second to the motion. At any regular or special meeting of the Mayor and Town Council held not less than ten (10) nor more than forty (40) days after the meeting at which an ordinance was introduced, it shall be passed, or passed as amended, or rejected, or its consideration deferred to some specific future date. In cases of emergency the above requirements may be suspended by the affirmative vote of three (3) members of the Town Council and an emergency ordinance shall become effective after passage. Every ordinance, unless otherwise specified, shall become effective at the expiration of twenty (20) calendar days following passage by the Mayor and Town Council. A fair summary of each ordinance shall be published in a newspaper having a general circulation in Prince George's County or published in a town newsletter. [As added by Resolution 76-CR-1 of the Mayor and Town Council 4-12-1976]

~ 13. Sanitation and health regulations.

The Council shall have the same power as the State Board of Health, within the corporate limits of the said town. They may adopt and provide an efficient system of drainage. They may adopt suitable measures for the removal of garbage, sewerage, etc.,

and fix the amount to be paid therefore.

[Ch. 154, ~ 13, L 1924]

~ 14. Public streets established.

Those parts of the several county roads within the limits of said town, and all roads, streets, avenues or alleys, which now are or shall hereafter be shown on any plat or addition to the platted part of said town as public highways, and accepted by the Mayor and Town Council as such, are hereby made and declared to be public streets, avenues and alleys of said town, and shall be from time to time improved and repaired as the public interest may require and the resources of the town justify.

[Ch. 154, ~ 14, L 1924]

~ 15. County roads taxes.

The County Commissioners of Prince George's County and the Board of Road Commissioners of said county shall pay to the Mayor and Town Council of Edmonston, or the Treasurer thereof, three-fourths (3/4) of all taxes collected for roads and bridges levied on the property within the limits of said town, and said sums so paid shall be expended by the Mayor and Town Council in the repairs and improvements of the streets and roadways of said town, said payment to include three-fourths (3/4) of said taxes so paid on the levy of 1924, in the event of a vote adopting this Charter as hereinafter provided.

[Ch. 154, ~ 15, L 1924]

~ 16. Taxation.

The Mayor and Council shall have the power to levy, on or before the 30th day of May for

¹²Editor's Note: As to fiscal and taxation procedures, see Ch. 3, Administration, Article II.

each year, taxes for the calendar year in which the levy is made, at such rates as they may find necessary for expenses for that year, based on the state and county assessments for all purposes, and all taxes so levied shall be a lien on any and all property of the person, company or corporation against whom the tax may be levied, and the taxes for each year are payable on the first day of July next succeeding the levy thereof, and will be in arrears and subject to a legal interest from and after that date.

[Ch. 154, ~ 17, L 1924; as amended by Ch. 407, ~ 415, L 1933; Resolution 85-CR-001 of the Mayor and Town Council 1-14-1985; Resolution 99-CR-002 of the Mayor and Town Council 12-13-1999; Resolution 04-CR-003 of the Mayor and Town Council 7-12-2004]

~ 17. Tax sales.

It shall be the duty of the Town Treasurer as soon as the annual tax levy is made and placed in his hands for collection, to give notice by advertisement in one (1) newspaper published in the county, and proceed to the collection of taxes through the Town of Edmonston in compliance with the laws for collection of state and county taxes in Prince George's County.

[Ch. 154, ~ 18, L 1924; as amended by Ch. 407, ~ 416, L 1933; and Ch. 913, ~ 529, L 1945]

~ 18. Public grounds.

The Mayor and Council shall have full power to control and protect public grounds owned by the Town of Edmonston, whether within the corporate limits or outside of said town.

[Ch. 154, ~ 19, L 1924]

~ 19. Ethical restrictions regarding contracts.

It shall not be lawful for any member of the Town Council, the Mayor and the Town Treasurer of the Town of Edmonston, during his or her term of office, to be a party to, or

to hold, possess, purchase or acquire any share or interest in, any agreement or contract made, entered into or concluded with any party or parties, corporations or persons whomsoever by the Mayor and Town Council of Edmonston, in their character and capacity as such, or to have, receive, enjoy or participate, either directly or indirectly, in any of the benefits, profits or emoluments of any such agreement or contract. Any Mayor, Councilman or Treasurer who shall violate the aforesaid provisions during his term of office shall forthwith forfeit his office and his vacancy shall be filled by the Mayor and Town Council. He further shall be subject to indictment, as provided by law, and upon conviction shall further forfeit and pay over to the Town of Edmonston his share or interest in the agreement or contract or claim, as aforesaid, as the case may be.

[As added to Ch. 154, L 1924, by Ch. 175, ~ 417A, L 1935]

ARTICLE II

Street and, Sidewalk Improvements

[Ch. 264, L 1947]

~ 20. Construction authorized.

The Mayor and Town Council of Edmonston, Maryland, a municipal corporation, be and the same are hereby authorized to construct roadways, alleys, curbs, sidewalks and gutters in the said Town of Edmonston, Maryland, when, where and in the manner to be determined by the Mayor and Town Council.

[Ch. 264, ~ 1, L 1947]

~ 21. Bonds or certificates to pay for improvements.

To effectuate the construction of roadways, alleys, curbs, sidewalks and gutters

¹³Editor's Note: Ch. 11, L 1947, also deals with public improvements. The Resolution of 2-28-1961 adopted by the Mayor and Town Council amended ~ 1, 2, 3 and 4 of Ch. 11, L 1947.

mentioned in the preceding section, the Mayor and Town Council of Edmonston, Maryland, are hereby authorized and empowered to borrow from time to time on the credit of the Town a sum or sums of money in conformance with the provisions of Article IV, Authority to Borrow Funds and to issue bonds or certificates of indebtedness therefore, which shall be payable as set forth in the governing resolution and in the manner prescribed in Article IV. The funds derived from the sale of said bonds or certificates of indebtedness shall be deposited as set forth in Article IV and shall be used only for the proper expenses for the negotiation, sale and liquidation of said bonds or certificates of indebtedness and for the planning and construction of the roadways, alleys, curbs, sidewalks and gutters as provided herein.

[Ch. 264, ~ 2, L 1947; as amended 1-26-1970 by resolution of the Mayor and Town Council; Resolution 90-CR-001 of the Mayor and Town Council 12-10-1990]

~ 22. Issuing and selling bonds or certificates.

The Mayor and Town Council of Edmonston, Maryland, be and they are hereby authorized to do all acts not specifically mentioned herein which may be necessary to issue and sell said bonds or certificates of indebtedness, provide for the payment thereof and the interest thereon, and to arrange for and construct the roadways, alleys, curbs, sidewalks and gutters as provided for herein. The bonds or certificates of indebtedness hereunder shall be the direct obligation of the Mayor and Town Council of Edmonston, Maryland, and the said corporation shall be responsible therefore.

[Ch. 264, ~ 3, L 1947]

~ 23. Assessment powers.

The Mayor and Town Council of Edmonston, Maryland, shall have power to assess against the abutting property and collect from the owners thereof the costs of roadways, alleys, curbs, sidewalks and gutters, assessment being in proportion to the number of assessable front feet owned, abutting on the streets where same are constructed or about to be constructed; provided that when property fronts or abuts on two (2) or more streets where such improvements are made or about to be made, the abutting front feet shall be

computed, for the purpose of assessment hereunder, as one-half (1/2) of the total front feet abutting on said improvements.

[Ch. 264, ~ 4, L 1947]

~ 24. Assessment procedures.

Such assessments, when made, shall constitute a tax or lien upon such abutting property with priority over all liens recorded after the passage of this act, and shall be payable in ten (10) equal installments from the date of said assessment, said installments to bear interest at a rate not to exceed six per centum (6%) per annum, and any assessment or part thereof remaining due and unpaid shall be enforced and collected by the Mayor and Town Council in the same manner as town taxes are collected, provided the Mayor and Town Council shall give two (2) weeks' notice to the owners of all abutting property, by advertisement published at least once a week in one (1) or more newspapers published in Prince George's County, having a circulation in Edmonston, which advertisement shall state the date on which such assessment shall be made and warning all abutting owners to appear at the time and place stated in said advertisement or notices, to show cause, if any there be, why said assessment should not be made as proposed. Any person aggrieved by the action of the Mayor and Town Council of Edmonston shall have the right to appeal to the Circuit Court for Prince George's County, Maryland, provided such appeal is taken within ten (10) days next succeeding the day on which said assessment is made.

[Ch. 264, ~ 5, L 1947]

~ 25. Petitions for improvements.

The Mayor and Town Council of Edmonston, Maryland, shall give prior consideration to the construction of roadways, alleys, curbs, sidewalks and gutters as provided for herein whenever the owners of fifty-one per centum (51%) of the property, where property shall abut upon such streets, shall petition the said Mayor and Town Council to that effect, but the Mayor and Town Council of Edmonston shall have the discretion and final determination as to the construction of all of said work, notwithstanding such petition.

[Ch. 264, ~ 6, L 1947]

~ 26. Resurfacing and reconstruction authorized.

The authority to construct roadways, alleys, curbs, sidewalks and gutters, as used in ~~ 20 to 25 hereof, inclusive, shall be deemed to include the authority to resurface or to reconstruct such roadways, alleys, curbs, sidewalks and gutters in the Town of Edmonston, Maryland, when, where and in the manner to be determined by the Mayor and Town Council.

[Ch. 264, ~ 7, L 1947]

~ 27. Emergency nature of act; when effective.

This act is hereby declared to be an emergency measure and necessary for the immediate preservation of the public health and safety, and having been passed by a ye and nay vote, supported by three-fifths (3/5) of all the members elected to each of the two (2) Houses of the General Assembly of Maryland, the same shall take effect from the date of its passage.

[Ch. 264, ~ 8, L 1947]

ARTICLE III

Annexations

~ 28. Annexation: 1956.

A. Whereas, the Mayor and Town Council of Edmonston, Maryland, a municipal corporation, have received a petition signed by more than twenty-five per centum (25%) of the persons who reside in the area to be annexed and who are registered as voters in county elections, and the owners of twenty-five per centum (25%) of the assessed valuation of the real property located in the area to be annexed, described as: Beginning

¹⁴Editor's Note: As to original boundaries and wards, see Article I, Charter, ~~ 2 and 3.

for the tract of land at a point on the west right-of-way line of the new relocation of River Road as shown on plats No. 11617 and No. 11618, on file with the State Roads Commission of Maryland, at the intersection of said right-of-way line with the existing Town of Bladensburg boundary line; thence running in a westerly direction 101 feet to a point at the intersection of the north boundary line of the Town of Bladensburg with the east boundary line of the Town of Edmonston, said point also being 420 feet west of the present Edmonston Road; thence running in a northeasterly direction along the Edmonston town line to the State Roads Commission right-of-way line as shown on the aforesaid plats; thence running with the right-of-way line of the relocated River Road to the point of beginning.

B. Whereas, the Mayor and Town Council have verified the signatures appearing on the petition and finding that the petition conforms to the requirements of law, now, therefore, be it resolved, that the territory described herein be and it is hereby annexed to the existing Town of Edmonston, Maryland, and included in the Second Ward thereof.

C. All of the inhabitants of the territory, and the territory itself, annexed to the Town of Edmonston by this resolution, shall in all respects and to all intents and purposes be subject to the powers, jurisdiction and authority vested or to be vested by law in the Mayor and Town Council of Edmonston, and to all the laws and ordinances now in force in said town or which may hereafter be enacted and ordained by it, so far as same may be consistent with the provisions of this resolution, and the territory so annexed shall in all respects be taken and considered as a part of the municipal corporation of the Mayor and Town Council of Edmonston.

D. This resolution shall become effective forty-five (45) days from April 23, 1956, as provided by Section 19 of Article 23A of the Annotated Code of Maryland (1951 Cumulative Supplement).

[Adopted 4-23-1956 by resolution]

A. Whereas, the Mayor and Town Council of Edmonston, Maryland, a municipal corporation, have received a petition signed by more than twenty-five per centum (25%) of the persons who reside in the area to be annexed and who are registered as voters in county elections, and the owners of twenty-five per centum (25%) of the assessed valuation of the real property located in the area to be annexed, described as: A tract of land known as O.P.Q.R. and beginning for the same at the corner formed by the intersection of the easterly side of 90-foot-wide Kenilworth Avenue with the southerly side of 30-foot-wide Emerson Street (formerly known as Lowndes Avenue) and thence running with the said side of Emerson Street, south 87 degrees 04 minutes 40 seconds east 293.18 feet to a pipe set; thence leaving Emerson Street and running south 33 degrees 40 minutes 20 seconds west 306.80 feet to a pipe set; thence running north 70 degrees 54 minutes 20 seconds west 252.95 feet to a pipe set in the easterly right-of-way line of the said 90-foot-wide Kenilworth Avenue; thence running with Kenilworth Avenue, north 31 degrees 48 minutes 50 seconds east 220.68 feet to the point of beginning, containing approximately 1.5 acres.

B. Whereas, the Mayor and Town Council have verified the signatures appearing on the petition and find that the petition conforms to the requirements of law, now, therefore, be it resolved, that the territory described herein be and it is hereby annexed to the existing Town of Edmonston, Maryland, and included in the Second Ward thereof.

C. All of the inhabitants of the territory, and the territory itself, annexed to the Town of Edmonston by this resolution, shall in all respects and to all intents and purposes be subject to the powers, jurisdiction and authority vested or to be vested by law in the Mayor and Town Council of Edmonston, and to all the laws and ordinances now in force in said town or which may hereafter be enacted and ordained by it, so far as same may be consistent with the provisions of this resolution, and the territory so annexed shall in all respects be taken and considered as a part of the municipal corporation of the Mayor and Town Council of Edmonston.

D. This resolution shall become effective forty-five (45) days from August 24, 1959, as provided by Section 19 of Article 23A of the Annotated Code of Maryland (1956 Cumulative Supplement).

[Adopted 8-24-1959 by resolution]

~ 29A. Annexation: 1984.

Metes and bounds description: Part of Parcel A Fountain Park Subdivision Hyattsville District, Prince George's County, Maryland. Beginning for the subject property at the northeast corner of Parcel A Fountain Park Subdivision which is as recorded in Plat Book WWW 48 at Folio 81 among the Land Records of Prince George's County, Maryland and thence with the westerly right-of-way line of Kenilworth Avenue State Route No. 201 (ninety-foot right-of-way) as shown on State Highway Administration Right-of-Way Plat No. 11620 the following five courses and distances: (1) along the arc of a curve deflecting to the left said curve having a radius of 2909.79 feet and a long chord bearing and distance of South 47° 36' 08" West, 221.73 feet and an arc distance of 221.78 feet to a point and thence (2) North 44° 34' 52" West, 30.00 feet to a point and thence (3) along the arc of a curve deflecting to the left, said curve having a radius of 2,939.79 feet and a long chord bearing and distance of South 45° 14' 20" West, 18.47 feet and an arc distance of 18.47 feet to a point and thence (4) South 44° 56' 28" East, 30.00 feet to a point and thence (5) along the arc of a curve deflecting to the left said curve having a radius of 2909.79 feet and a long chord bearing and distance of South 43° 13' 07" West, 186.86 feet and arc distance of 186.89 feet to a point and thence with the existing Town of Edmonston boundary line the following two courses and distances (1) North 30° 09' 06" East, 231.34 feet to a point and thence (2) North 39° 08' 53" East, 125.00 feet to a point and thence with part of the northerly line of aforesaid Parcel A Fountain Park South 56° 54' 17" East, 100.00 feet to the point of beginning and containing 21,958 square feet of land more or less.

[As added by Resolution 84-CR-1 of the Mayor and Town Council 6-11-1984]

ARTICLE IV

Authority to Borrow Funds

¹⁵Editor's Note: This resolution also provided that it shall become effective 7-26-1984

[Adopted 1-26-1970 by resolution, effective 3-17-1970]

~ 30. Bonds.

The Town of Edmonston, Maryland, is hereby empowered to borrow money for any proper public purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds.

~ 31. Tax anticipation notes.

The Town of Edmonston, Maryland, shall likewise have authority to borrow money in anticipation of the receipt of current taxes and to evidence such borrowing by the issuance and sale of tax anticipation notes, payable as to principal and interest from said taxes when received.

~ 32. Manner of authorization.

All bonds of the Town of Edmonston shall be authorized by resolution of the Mayor and Town Council of Edmonston which shall contain the following:

A. A statement of the public purpose upon which the proceeds of said bonds have to be expended.

B. The complete form of said bonds which shall include the place or places and time or times of payment thereof, the rate or rates of interest payable thereon, or a space for the insertion of such rate or rates of interest upon a determination thereof, the title of the officials whose signatures shall be affixed to or printed on said bonds, the authority for issuance thereof, and the taxes and any special revenues from which the principal of and interest on said bonds will be payable.

C. If the bonds are sold at public sale after solicitation of competitive bids, the form of the notice soliciting bids for the purchase of said bonds which shall set forth the

date, place and time for receiving and opening of bids, and a brief description of the purpose or purposes for which said bonds are to be issued, a brief description of the denominations, maturities, terms and conditions of said bonds, a statement of the rate or rates of interest to be borne by said bonds or the manner of determining the same, a precise statement of the manner in which the best offer for said bonds will be determined and a reference to the resolution authorizing the same. Said notice of sale may also require the prospective purchasers to submit bids on specified forms, may require such prospective purchasers to accompany their bids with good faith deposits in specified amounts, may make appropriate provisions for approval of legality of such bonds, and may contain a financial statement of such municipal corporation.

The foregoing provisions which may be included in such a notice of sale may also be separately set forth in a circular or official statement, the form of which shall likewise be adopted by a resolution or ordinance of the Town of Edmonston.

D. Specific provision for the appropriation and disposal of the proceeds of the sale of any such bonds and any specific provision for the payment of the principal thereof and the interest thereon, which provision shall specify the source or sources of payment, and shall constitute a covenant binding the Town of Edmonston to provide the funds from such source or sources as and when said principal and interest shall be due and payable.

E. Municipal bonds or notes may be sold for any public purpose by private negotiated sale without advertisement or publication of notice of sale or at public sale after solicitation of competitive bids, as determined by the resolution or ordinance authorizing the issuance of the bonds or notes.

F. (1) Any public sale of municipal bonds or notes may be held only after one (1) or more insertions of a notice of the sale in either a newspaper of general circulation in the town or a publication having a circulation primarily among the investment and financial community.

(2) The first insertion of the notice of sale shall be published at least ten (10) days before the date fixed for the sale.

G. (1) Municipal bonds or notes issued under this subsection may be sold or redeemed for a price or prices which may be at, above or below the par value of the bonds or notes, as provided in the authorizing resolution or ordinance.

(2) The resolution or ordinance that authorizes the municipal bonds or notes may provide for prior redemption of the bonds or notes.

(3) Municipal bonds or notes may be issued, sold and delivered on such terms and conditions, including fixed or variable rate or rates of interest or method of determining interest rate or rates, as provided in the authorizing resolution or ordinance.

H. Municipal bonds or notes may be issued for either cash or other valuable consideration.

I. The official signatures and seals affixed to any municipal bonds or notes may be imprinted in facsimile.

J. The town may enter into agreements with agents, banks, fiduciaries, insurers or others for the purpose of enhancing the marketability of or as security for the bonds or notes and for securing any tendered option granted to holders.

[As amended by Resolution 90-CR-001 of the Mayor and Town Council 12-10-1990]

~ 33. Adoption of resolution.

Each such resolution shall be adopted by the Mayor and Town Council of the Town of Edmonston by a majority vote of the Mayor and the Council members, and it shall not be necessary to submit any such resolution to a referendum of voters unless such resolutions shall so provide. Each such resolution may contain such other provisions, not inconsistent with this section, as the Mayor and Town Council may deem appropriate.

~ 34. Issuance of tax anticipation notes.

A. During the first six (6) months of any fiscal year, the Town may borrow in anticipation of the collection of the property tax imposed for that fiscal year and may issue tax anticipation notes or other evidences of indebtedness as evidence of such borrowing.

B. Such tax anticipation notes or other evidences of indebtedness shall be a first lien upon the proceeds of such tax and shall mature and be paid not later than six (6) months after the beginning of the fiscal year in which they are issued.

C. No tax anticipation notes or other evidences of indebtedness shall be issued which will cause the total tax anticipation indebtedness of the town to exceed ten percent (10%) of the property tax imposed for the fiscal year in which the notes or other evidences of indebtedness are issued.

D. All tax anticipation notes or other evidences of indebtedness shall be authorized by resolution before being issued.

E. The Council shall have the power to regulate all matters concerning the issuance and sale of tax anticipation notes.

[As amended by Resolution 90-CR-001 of the Mayor and Town Council 12-10-1990]

~ 35. Limitations.

No tax anticipation notes shall be issued which shall mature later than eighteen (18) months from their respective dates of issue, and no bonds shall be issued by the Town which shall mature later than forty (40) years from their respective date of issue.

[As amended by Resolution 90 -CR-001 of the Mayor and Town Council 12-10-1990]

~ 36. Maximum debt limit.

The amount of money borrowed by the Town shall not exceed at any one time of total sum of ten percent (10%) of the assessed valuation of all real and personal property in the town appearing on the assessments books of Prince George's County, Maryland.

~ 37. Miscellaneous.

A. The power and obligation of the Town to pay any and all bonds, notes or other evidences of indebtedness issued by it under the authority of this Charter shall be unlimited and the Town shall levy ad valorem taxes upon all the taxable property of the Town for the payment of such bonds, notes or other evidences or indebtedness and interest thereon, subject to the limitations contained in ~ 36 of this Charter. The faith and credit of the Town is hereby pledged for the payment of the principal of and the interest on all bonds, notes or other evidences of indebtedness issued under the authority of this Charter, whether or not such pledge be stated in the bonds, notes or other evidences of indebtedness or in the ordinance authorizing their issuance.

B. The funds derived from the sale of bonds or certificates of indebtedness shall be deposited by the Mayor and Town Council at some safe banking institution of the State of Maryland to be determined by them and to be subject to the check of the Town Treasurer only when countersigned by the Mayor and two (2) members of the Town Council. Out of said funds shall be paid only the proper expenses for the negotiation of sale and liquidation of said bonds or certificates of indebtedness.

C. All bonds, notes or other evidences or indebtedness validly issued by the Town previous to the effective date of this Charter and all ordinances passed concerning them are hereby declared to be valid, legal and binding and of full force and effect as if herein fully set forth.

[As amended by Resolution 90-CR-001 of the Mayor and Town Council 12-10-1990]

ARTICLE V

Additional Provisions

[Adopted 1-10-1977 by Resolution No. 76-CR-2]

~ 38. Budget.

A. The Mayor shall submit a budget to the Council at least thirty-two (32) days before the beginning of the fiscal year. The budget shall provide a complete financial plan for the budget year (fiscal year) and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The total of anticipated revenues shall equal or exceed the total of the proposed expenditures.

B. This budget shall be adopted by a majority vote of the total elected membership of the Mayor and Town Council before the first day of the new fiscal year.

C. The Mayor and Town Council may make modifications to the budget upon thirty (30) days' advance public notice of such proposed change by posting a copy of such notice at the Town Hall.

DISPOSITION LIST

The following is a chronological listing of legislation of the Town of Edmonston adopted since the republication of the Code, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).] Information regarding legislation which is not included in the Code nor on this list is available from the office of the Town Clerk-Treasurer. The last legislation reviewed for the republication of the Code was Ord. No. 97-0-002, adopted 6-9-1997.

Enactment	Adoption Date	Subject	Disposition
Ord. No. 98-002	8-17-1998	Traffic amendment	Ch. 44
Ord. No. 98-003	8-17-1998	Lot and property maintenance amendment	Ch. 31
Ord. No. 98-004	10-12-1998	Traffic amendment	Ch. 44
Ord. No. 98-005	1-11-1999	Building Code amendment	Ch. 9
Ord. No. 98-006	1-11-1999	Administration amendment	Ch. 3
Res. No. 99-CR-001	10-11-1999	Charter amendment	Charter, ~ 12A

Res. No. 99-CR-002	12-13-1999	Charter amendment	Charter, ~ 16
Ord. No. 003-99	3-8-1999	Cable communications	Ch. 14
Ord. No. 004-99	3-8-1999	Cable franchsie agreement	NCM
Ord. No. 99-005	5-10-1999	Garbage, refuse and trash amendment	Ch. 23
Ord. No. 99-007	10-11-1999	Purchasing procedures amendment	Ch. 40
Res. No. 01-CR-001	8-13-2001	Charter amendment	Charter, ~ 8
Ord. No. 01-002	7-9-2001	Administration amendment	Ch.3
Ord. No. 01-003	7-9-2001	Parking restriction	NCM
Ord. No. 01-004	7-9-2001	Littering and dumping amendment	Ch. 29
Ord. No. 01-005	10-8-2001	Increased fines for violations amendment	Chs. 5, 9, 12, 18, 28, 44
Ord. No. 01-006	10-8-2001	Impounding vehicles amendment	Ch. 47
Ord. No.	10-8-2001	Littering and dumping	Ch. 29

01-007 amendment

Ord. No. 10-8-2001 Burning and smoke Ch. 12
01-008 control amendment

Ord. No. 10-8-2001 Impounding vehicles Ch. 47
01-009 amendment