

**CITY OF DISTRICT HEIGHTS
ORDINANCE NO. DH 05-01
AMENDING THE FEBRUARY 2000 EDITION OF
THE CODE OF ORDINANCES**

AN ORDINANCE of the Mayor and Commission of the City of District Heights, Maryland as provided in the City Charter Section 309 and Section 311. This ORDINANCE is necessary to correct errors in the February 2000 Edition of the City of District Heights, Code of Ordinances.

Section 1. BE IT ORDAINED BY THE MAYOR AND COMMISSION OF THE CITY OF DISTRICT HEIGHTS that the following errors in the February 2000 Edition of the Code of Ordinances are corrected as follows:

WHEREAS, Article XIV, Licenses, Permits, and Fine Schedule, Section 1401 (b) (2) ii. Sign (Projecting) states that the fee for constructing/erecting a projecting sign is \$2.00 per square feet; however, projecting signs are prohibited in the City of District Heights; and

WHEREAS, the correction will be made in the February 2005 Edition, and stated as follows in Section 203. Amendments to Maryland Building Performance Standards, (41) Amend Subsection 3102.10, "Projecting Signs," to read: Erection of projecting signs shall be prohibited in the City of District Heights; and

WHEREAS, Article XIV, Licenses, Permits, and Fine Schedule, Section 1401 (b) (2) ii. Sign (Projecting), \$2.00 per square foot, will be deleted; and

WHEREAS, XIV, Licenses, Permits, and Fine Schedule, Section 1401 (a) (11) states that Annual game/entertainment machine registration (Reference Sec. 702 c) is \$35.00 per machine; however, the correct Reference Section is 701 (c) (1), and the fee amount is \$100.00 per machine; and

WHEREAS, the correction will be made in the February 2005 Edition, and stated as follows in Section 1401 (a) (11) as Annual game/entertainment machine registration, Reference Sec. 701 (c), is \$100.00 per machine;

WHEREAS, XIV, Licenses, Permits, and Fine Schedule, Section 1401 (a)(12) states that Annual automated teller machine registration (Reference Sec. 702 c) is \$35.00 per machine; however, the correct Reference Section is 701 (c)(2), and the fee amount is \$100.00 per machine; and

WHEREAS, the correction will be made in the February 2005 Edition, and stated as follows in Section 1401 (a)(12) as Annual automated teller machine registration, Reference Sec. 701 (c)(2), is \$100.00 per machine;

WHEREAS, Article XIV, Licenses, Permits, and Fine Schedule, Section 1402 (b) (13) Improper wood storage, Reference Section 409, is a \$500.00 fine; however, the correct amount of the fine is \$50.00; and

WHEREAS, the correction will be made in the February 2005 Edition, and stated as follows in Section 1402 (b) (13) as Improper wood storage, Reference Sec. 409, is a \$50.00 fine; and

WHEREAS, Article XIV, Licenses, Permits, and Fine Schedule, Section 1402 (b) (14) Failure to maintain grass and weeds at 10 inches or less, Reference Section 412, is a \$500.00 fine; however, the correct amount of the fine is \$50.00; and

WHEREAS, the correction will be made in the February 2005 Edition, and stated as follows in Section 1402 (b) (14) as Failure to maintain grass and weeds 10 inches or less, Reference Sec. 412, is a \$50.00 fine; and

WHEREAS, Article XIV, Licenses, Permits, and Fine Schedule, Section 1402. Penalties (b) (22) Failure to obtain business license or permit, Reference Section 701 (d), is a \$500.00 fine; however, there are no "Business Permits" issued by the City of District Heights. The correct term is "Business License;" and

WHEREAS, the correction will be made in the February 2005 Edition, and stated as follows in Section 1402 (b) (22) as Failure to obtain business license, Reference Sec. 701 (d), is a \$500.00 fine; and

WHEREAS, Article XIV, Licenses, Permits, and Fine Schedule, Section 1402. Penalties (b) (23) Failure to display business license or permit, Reference Section 701 (d), is a \$50.00 fine; however, there are no "Business Permits" issued by the City of District Heights. The correct term is "Business License;" and

WHEREAS, the correction will be made in the February 2005 Edition, and stated as follows in Section 1402 (b) (23) as Failure to display business license, Reference Sec. 701 (d), is a \$50.00 fine; and

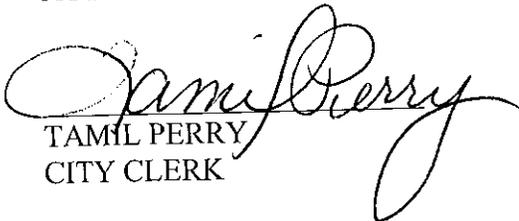
WHEREAS, the Mayor and Commissioners of the City of District Heights hereby deem that the February 2000 Edition of the Code of Ordinances is amended, and from hence forth be replaced by the February 2005 Edition of the Code of Ordinances.

Section 2. BE IT FURTHER ORDAINED BY THE MAYOR AND COMMISSIONERS OF THE CITY OF DISTRICT HEIGHTS that this ordinance shall be introduced this 25th day of January and posted in the City Clerk's Office for at least 6 days but no more than 60 after its introduction. If adopted, the ordinance shall be effective 20 days after its adoption. A notice of the passed ordinance will be posted and a summary of the ordinance will be published once in a publication of general circulation in the City of District Heights.

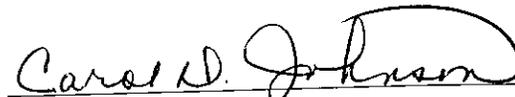
INTRODUCED: January 25, 2005.

ADOPTED: February 15, 2005.

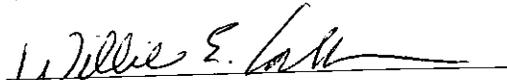
ATTEST:

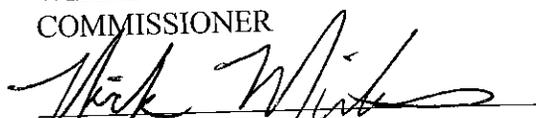

TAMIL PERRY
CITY CLERK

MAYOR AND CITY COMMISSION
OF DISTRICT HEIGHTS, MARYLAND:


CAROL D. JOHNSON
MAYOR

JAMES L. WALLS, JR.
VICE MAYOR/COMMISSIONER


WILLIE E. CALHOUN
COMMISSIONER


NICK MILES
COMMISSIONER


EDDIE L. MARTIN
COMMISSIONER

I, Tamil Perry, City Clerk of the City of District Heights, hereby certify that the following motion was made at the meeting of the Mayor and City Commission of District Heights on February 15, 2005.

Motion: I, Comr. Martin, move that the Mayor and City Commission adopt Ordinance No. DH 05-01, which is necessary to make corrections, and to amend the February 2000 Edition of the Code of Ordinances and replace it with the February 2005 Edition of the Code of Ordinances.

Motion Seconded: I, Comr. Miles, second the motion.

VOTE: AYE NAY ABSTAIN

Mayor Johnson

Comr. Walls

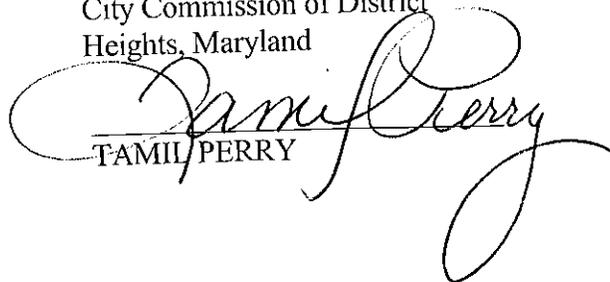
Comr. Calhoun

Comr. Miles

Comr. Martin

Effective Date: March 7, 2005.

City Clerk to the Mayor and
City Commission of District
Heights, Maryland


TAMIL PERRY

**CITY OF DISTRICT HEIGHTS, MARYLAND
ORDINANCE NO. DH 05-02**

AN ORDINANCE of the Mayor and Commissioners of the City of District Heights, Maryland, as provided in the City Charter, Section 309, Ordinances, repealing Article IX, Vehicles and Traffic, Section 901 and Section 902, subsections (a) (3) and (10) of the City of District Heights' Code of Ordinances and re-enacting them as amended:

SECTION I: WHEREAS, the Mayor and Commissioners of the City of District Heights, Maryland, have the authority to enact reasonable regulations regarding the use of public ways and sidewalks pursuant to Section 402, Subsection (49) of the City of District Heights' Charter;

WHEREAS, the Mayor and Commissioners of the City of District Heights, Maryland, believe it is in the public interest to prohibit the parking of boat trailers, buses, camping trailers, commercial vehicles, fifth wheel travel trailers, mobile homes, motor homes, pole trailers, and travel trailers on City streets;

WHEREAS, the Mayor and Commissioners of the City of District Heights, Maryland, desire to repeal Article IX, Vehicles and Traffic, Section 901 and Section 902(a) (3) and (10) and re-enact them as modified below:

SECTION II: BE IT FURTHER ORDAINED by the Mayor and Commissioners of the City of District Heights, Maryland, that Article IX, Vehicles and Traffic, Section 901, Definitions, of the Code of Ordinance, City of District Heights, is hereby repealed and re-enacted as amended, as follows:

Article IX, Vehicles and Traffic, Section 901. Definitions

For purposes of this Article, the following words have the meanings indicated, unless the context requires otherwise:

- (1) A "boat trailer" is defined as a vehicle that is:
 - (a) Designed and constructed to transport a boat used for recreational purposes; and
 - (b) Of a size and weight that does not require a special highway movement permit when towed by a motor vehicle.
- (2) A "bus" is defined as:
 - (a) A motor vehicle that is designed to carry more than ten passengers and is used to carry people; and

(b) Any other motor vehicle that is designed and used to carry people for compensation, except for a taxicab.

(3) A “camping trailer” is defined as a vehicle that:

(a) Is mounted on wheels; and

(b) Has collapsible partial sidewalls that fold for towing by another vehicle and unfold to provide temporary living quarters for recreational, camping, or travel use.

(4) (a) A “commercial motor vehicle” is defined as:

a motor vehicle or combination of motor vehicles used to transport passengers or property, if the motor vehicle:

(i) Has a gross combination weight of 26,001 or more pounds inclusive of a towed unit;

(ii) Has a gross vehicle weight of 26,001 or more pounds;

(iii) Is designed to transport 16 or more passengers, including the driver; or

(iv) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which requires the motor vehicle to be placarded under hazardous materials regulations

(b) A commercial motor vehicle does not include a vehicle that is:

(i) An emergency vehicle;

(A) Equipped with audible and visual signals;
and

(B) Operated by a member of or a person in the employ of a volunteer or paid fire or rescue organization;

(ii) A vehicle owned or operated by the United States Department of Defense if it is controlled and operated by:

(A) Any active duty military personnel; or

(B) Any member of the military reserves or National Guard on active duty, including personnel on full-time National Guard duty and personnel on part-time training; or

(iii) A motor vehicle designed and constructed primarily to provide temporary living quarters for recreational, camping or travel use.

(5) A "fifth wheel travel trailer" is defined as: a travel trailer that is designed to be linked to a motor vehicle for towing purposes by means of a device commonly referred to as a fifth wheel.

(6) A "mobile home" is defined as:

(a) A trailer or semitrailer that is designed, constructed, and equipped as a permanent or temporary living or sleeping place and for use as a conveyance on highways, but that does not qualify as a camping trailer or a travel trailer as these terms are defined in this subtitle; or

(b) A trailer or a semitrailer that has a chassis and exterior shell designed and constructed as described in item (1) of this section, but that is used instead, either permanently or temporarily, for the advertising, sale, display, or promotion of merchandise or services, as an office, or for any other similar purpose, except the transportation of property for hire or the transportation of property for distribution by a private carrier.

(7) A "motor home" is defined as: a motor vehicle that is designed and constructed primarily to provide living quarters for recreational, camping, or travel use.

(8) "To park" or "parking" is defined as the standing of a vehicle whether occupied or not, other than temporarily for the purpose of and while actually loading or unloading passengers or merchandise.

(9) A "pole trailer" is defined as a vehicle that:

(a) Has no motive power;

(b) Is designed to be towed by another vehicle and attached to the towing vehicle by a reach or pole or by being boomed or otherwise secured to the towing vehicle; and

(c) Ordinarily is used to transport long or irregularly shaped loads, such as poles, pipes, or structural members generally capable of sustaining themselves as beams between the supporting connections.

(10) A "travel trailer" is defined as a vehicle that:

(a) In general. -- "travel trailer" means a vehicle that:

(i) Is mounted on wheels;

(ii) Is of such a size and weight as not to require any special highway movement permit when towed by a motor vehicle;

(iii) Is designed and constructed primarily to provide temporary living quarters for recreational, camping, or travel use; and

(iv) Is no longer than 40 feet.

(b) Fifth wheel travel trailer. -- "Travel trailer" includes a fifth wheel travel trailer.

SECTION III: BE IT FURTHER ORDAINED by the Mayor and Commissioners of the City of District Heights, Maryland, that Article IX, Vehicles and Traffic, Section 902, Parking Violations,

Subsection (a) (3) of the Code of Ordinance, City of District Heights, is hereby repealed and re-enacted as amended, as follows:

Article IX, Vehicles and Traffic, Section 902. Parking Violations (a)

- (3) No boat trailer, bus, camping trailer, commercial vehicle, fifth wheel travel trailer, mobile home, motor home, pole trailer, or travel trailer shall be parked on any City street, except while loading, unloading or actively engaged in work on the premises. This prohibition shall not apply to any station wagon, taxi cab, panel(ed) truck or van or a pickup truck of one (1) ton or less rated capacity, commercial vehicles under City contract to provide services, or to any truck or trailer of a public utility or government agency engaged in work within the City.

SECTION IV: BE IT FURTHER ORDAINED by the Mayor and Commissioners of the City of District Heights, Maryland, that Article IX, Vehicles and Traffic, Section 902, Parking Violations, Subsection (a) (10) of the Code of Ordinance, City of District Heights, is hereby repealed and re-enacted as amended, as follows:

Article IX, Vehicles and Traffic, Section 902. Parking Violations (a)

- (10) **Parking on Private Property.** Boat trailers, buses, camping trailers, commercial vehicles, fifth wheel travel trailers, mobile homes, motor homes pole trailers, and travel trailers may only be parked on private property provided that these vehicles are parked on a pad covering the vehicle area by asphalt, brick or concrete.

SECTION V: BE IT FURTHER ORDAINED by the Mayor and Commissioners of the City of District Heights, Maryland, that this amendment will be made in the February, 2005 addition of the Codes of Ordinances.

SECTION VI: BE IT FURTHER ORDAINED by the Mayor and Commissioners of the City of District Heights, Maryland, that this Ordinance shall be introduced this 22nd day of March and posted in the City Clerk's Office for at least six (6) days but no more than sixty (60) after its introduction. If adopted, the Ordinance shall be effective twenty (20) days after approval by Prince George's County or the District Council. A notice of the passed Ordinance will be posted and a summary of the Ordinance will be published once in a publication of general circulation in the City of District Heights.

SECTION VII: BE IT FURTHER ORDAINED by the Mayor and Commissioners of the City of District Heights, Maryland, that if any provision of this Ordinance or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other applications of the Ordinance which can be given effect without the invalid provision or applications, and to this end, all the provisions of this Ordinance are hereby declared to be severable.

SECTION VIII: BE IT FURTHER ORDAINED by the Mayor and Commissioners of the City of District Heights, Maryland, that within five (5) days after enactment of this Ordinance and at

least thirty (30) days prior to the effective date of this Ordinance, a certified copy of this Ordinance shall be delivered to the Prince George's District Council.

SECTION IX: BE IT FURTHER ORDAINED by the Mayor and Commissioners of the City of District Heights, Maryland, that such Ordinance is not effective until approved by Prince George's County or the District Council.

SECTION X: BE IT FURTHER ORDAINED by the Mayor and Commissioners of the City of District Heights, Maryland, that this Ordinance shall take effect twenty (20) days from the date of its approval by Prince George's County or the District Council.

INTRODUCED: March 22, 2005

ADOPTED: April 12, 2005

ATTEST:

Tamil Perry
TAMIL PERRY

MAYOR AND CITY COMMISSION
OF DISTRICT HEIGHTS, MARYLAND:

Carol D. Johnson
CAROL D. JOHNSON
MAYOR

James L. Walls, Jr.
JAMES L. WALLS, JR.
VICE MAYOR/COMMISSIONER

Willie E. Calhoun
WILLIE E. CALHOUN
COMMISSIONER

Nick Miles
NICK MILES
COMMISSIONER

Eddie L. Martin
EDDIE L. MARTIN
COMMISSIONER

I, Tamil Perry, City Clerk of the City of District Heights, hereby certify that the following motion was made at the meeting of the Mayor and City Commission of District Heights on April 12, 2005.

Motion: I, Comr. Walls, move that the Mayor and City Commission adopt Ordinance DH 05-02, to repeal, and re-enact as amended Article IX Vehicles and Traffic, Section 901 and Section 902 (a) (3) and Section 902(a) (10).

Motion Seconded: I, Comr. Calhoun, second the motion.

VOTE:	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
Mayor Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comr. Walls	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comr. Calhoun	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comr. Miles	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comr. Martin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

City Clerk to the Mayor and
City Commission of District
Heights, Maryland
Tamil Perry
TAMIL PERRY

Effective: June 13, 2005

**CITY OF DISTRICT HEIGHTS, MARYLAND
ORDINANCE NO. DH 05-03**

AN ORDINANCE of the Mayor and Commissioners of the City of District Heights, Maryland, as provided in the City Charter, Section 309, Ordinances, repealing Article IV, Health and Nuisance, Section 413(c), Storage of Wrecked or Junked Vehicles, Penalty of the City of District Heights' Code of Ordinances and re-enacting it as amended:

SECTION I: WHEREAS, the Mayor and Commissioners of the City of District Heights, Maryland, have the authority to enact reasonable regulations regarding nuisances pursuant to Section 402, Subsection (40) of the City of District Heights' Charter;

WHEREAS, the Mayor and Commissioners of the City of District Heights, Maryland, believe it is in the public interest to prohibit the storage of partially dismantled, wrecked, junked, discarded, unused, stripped or otherwise non-operating motor vehicles, motorcycles, mopeds, watercrafts or trailers, or any unregistered or improperly registered motor vehicles stored on private or publicly owned property;

WHEREAS, the Mayor and Commissioners of the City of District Heights, Maryland, desire to repeal Article IV, Health and Nuisance, Section 413(c), Storage of Wrecked or Junked Vehicles, Penalty, and re-enact it as modified below:

SECTION II: BE IT FURTHER ORDAINED by the Mayor and Commissioners of the City of District Heights, Maryland, that Article IV, Health and Nuisance, Section 413(c), Storage of Wrecked or Junked Vehicles, Penalty, of the Code of Ordinances for the City of District Heights, is hereby repealed and re-enacted as amended, as follows:

Article IV, Health and Nuisance, Section 413(c). Storage of Wrecked or Junked Vehicles:

(c) Penalty. Violation of subsection (a) of this section shall be a misdemeanor punishable by a fine, a term of imprisonment, or both, as established by the Mayor and Commissioners and specified in Article XIV of this Code. This penalty shall be in addition to the costs imposed by subsection (b) of this section. Any partially dismantled, wrecked, junked, discarded, unused, stripped or otherwise non-operating motor vehicle, motorcycle, mopeds, watercrafts or trailer, or any unregistered or improperly registered motor vehicles stored on private or publicly owned property that is impounded under this section may not be returned to the owner or anyone else claiming a right to possess it until such time as:

- i. All outstanding citations for the City of District Heights have been satisfied, unless a timely election for trial has been made for a particular citation and the trial is pending; and
- ii. All administrative and other costs, expenses and fines regarding the citation, storage, impoundment or attachment have been satisfied.

SECTION III: BE IT FURTHER ORDAINED by the Mayor and Commissioners of the City of District Heights, Maryland, that this amendment will be made in the February, 2005 addition of the Codes of Ordinances.

SECTION IV: BE IT FURTHER ORDAINED by the Mayor and Commissioners of the City of District Heights, Maryland, that this Ordinance shall be introduced this 24th day of May and posted in the City Clerk's Office for at least six (6) days but no more than sixty (60) after its introduction. If adopted, the Ordinance shall be effective twenty (20) days after approval by Prince George's County or the District Council. A notice of the passed Ordinance will be posted and a summary of the Ordinance will be published once in a publication of general circulation in the City of District Heights.

SECTION V: BE IT FURTHER ORDAINED by the Mayor and Commissioners of the City of District Heights, Maryland, that if any provision of this Ordinance or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other applications of the Ordinance which can be given effect without the invalid provision or applications, and to this end, all the provisions of this Ordinance are hereby declared to be severable.

SECTION VI: BE IT FURTHER ORDAINED by the Mayor and Commissioners of the City of District Heights, Maryland, that within five (5) days after enactment of this Ordinance and at least thirty (30) days prior to the effective date of this Ordinance, a certified copy of this Ordinance shall be delivered to the Prince George's District Council.

SECTION VII: BE IT FURTHER ORDAINED by the Mayor and Commissioners of the City of District Heights, Maryland, that such Ordinance is not effective until approved by Prince George's County or the District Council.

SECTION VIII: BE IT FURTHER ORDAINED by the Mayor and Commissioners of the City of District Heights, Maryland, that this Ordinance shall take effect twenty (20) days from the date of its approval by Prince George's County or the District Council.

ATTEST:

Tamil Perry
TAMIL PERRY

MAYOR AND CITY COMMISSION
OF DISTRICT HEIGHTS, MARYLAND:

Carol D. Johnson
CAROL D. JOHNSON
MAYOR

James L. Walls, Jr.
JAMES L. WALLS, JR.
VICE MAYOR/COMMISSIONER

Willie E. Calhoun
WILLIE E. CALHOUN
COMMISSIONER

Edith R. Robbins-Worthy
EDITH R. ROBBINS-WORTHY
COMMISSIONER

Eddie L. Martin
EDDIE L. MARTIN
COMMISSIONER

I, Tamil Perry, City Clerk of the City of District Heights, hereby certify that the following motion was made at the meeting of the Mayor and City Commission of District Heights on June 14, 2005.

Motion: I, Comr. Walls, move that the Mayor and City Commission adopt Ordinance DH 05-03, to repeal, and re-enact as amended Article IV, Health and Nuisance, Section 413(c), Storage of Wrecked or Junked Vehicles, Penalty.

Motion Seconded: I, Comr. Calhoun, second the motion.

VOTE:	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
Mayor Johnson	<u>✓</u>	___	___
Comr. Walls	<u>✓</u>	___	___
Comr. Calhoun	<u>✓</u>	___	___
Comr. Robbins-Worthy	<u>✓</u>	___	___
Comr. Martin	<u>✓</u>	___	___

City Clerk to the Mayor and
City Commission of District
Heights, Maryland

Tamil Perry
TAMIL PERRY

Effective: Tues, Aug. 16th, 2005

**CITY OF DISTRICT HEIGHTS
ORDINANCE NO. DH 05-05**

AN ORDINANCE of the Mayor and Commission of the City of District Heights, Maryland as provided in the City Charter Section 309 and Section 311; and Special Assessments Power and Procedures per City Charter Section 901 and Section 902. This ORDINANCE is necessary to increase the amount of vehicle release fees to offset administrative processing costs.

WHEREAS, the Mayor and Commissioners of the City of District Heights, Maryland, have the authority to enact special assessments pursuant to Section 901 and Section 902, of the City of District Heights' Charter; and

WHEREAS, there will be a \$25 increase in the amount of the vehicle release fee to offset the administrative processing cost including postage and certified mailing cost; and

WHEREAS, the vehicle release fee will now be \$75; and

WHEREAS, the vehicle release fee will apply to any person whose property is impounded do to the violation of any City, County or State ordinance or law; and

WHEREAS, the vehicle release fee will be waived for persons who are victims of crime.

BE IT FURTHER ORDAINED BY THE MAYOR AND COMMISSIONERS OF THE CITY OF DISTRICT HEIGHTS that this ordinance shall be introduced this 4th day of August 2005 and posted in the City Clerk's Office for at least 6 days but no more than 60 days after its introduction. If adopted, the ordinance shall be effective 20 days after its adoption. A notice of the passed ordinance will be posted and a summary of the ordinance will be published once in a publication of general circulation in the City of District Heights.

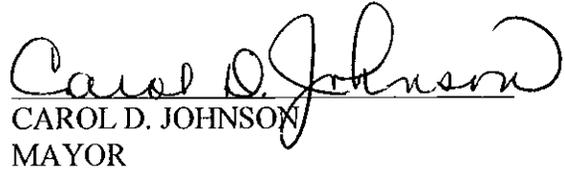
INTRODUCED: August 4, 2005.

ADOPTED: September 13, 2005.

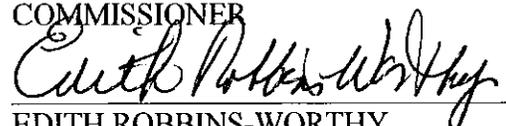
ATTEST:

MAYOR AND CITY COMMISSION
OF DISTRICT HEIGHTS, MARYLAND:


TAMIL PERRY
CITY CLERK


CAROL D. JOHNSON
MAYOR

JAMES L. WALLS, JR.
VICE MAYOR/COMMISSIONER

WILLIE E. CALHOUN
COMMISSIONER

EDITH ROBBINS-WORTHY
COMMISSIONER


EDDIE L. MARTIN
COMMISSIONER

I, Tamil Perry, City Clerk of the City of District Heights, hereby certify that the following motion was made at the meeting of the Mayor and City Commission of District Heights on September 13, 2005.

Motion: I, Comr. Martin, move that the Mayor and City Commission adopt Ordinance No. DH 05-05, which is necessary to increase the vehicle release fee from \$50 to \$75 to offset administrative processing costs.

Motion Seconded: I, Comr. Robbins-Worthy second the motion.

VOTE: AYE NAY ABSTAIN

Mayor Johnson ___ ___

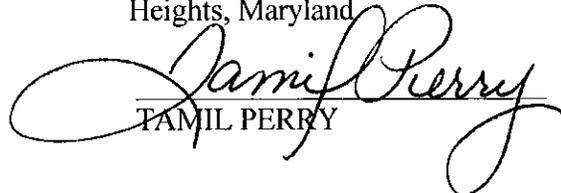
Comr. Walls ___ ___ ___

Comr. Calhoun ___ ___ ___

Comr. Robbins-Worthy ___ ___

Comr. Martin ___ ___

Effective Date: October 3, 2005.

City Clerk to the Mayor and
City Commission of District
Heights, Maryland

TAMIL PERRY

**CITY OF DISTRICT HEIGHTS, MARYLAND
ORDINANCE NO. DH 06-04**

AN ORDINANCE of the Mayor and Commissioners of the City of District Heights, Maryland, updating and clarifying the language in Article VII, Licenses and Permits, Section 710, Suspension, Revocation, to designate standards for suspension and revocation.

SECTION I: WHEREAS, the Mayor and Commissioners of the City of District Heights, Maryland, have the authority to enact reasonable regulations regarding nuisances pursuant to Section 402, Subsection (40) of the City of District Heights' Charter;

WHEREAS, the Mayor and Commissioners of the City of District Heights, Maryland, deem it appropriate to clarify the standards used to revoke or suspend permits or licenses.

SECTION II: BE IT FURTHER ORDAINED by the Mayor and Commissioners of the City of District Heights, Maryland, that Article VII, Licenses and Permits, Section 710, Suspension, Revocation, of the Code of Ordinance, City of District Heights, is hereby repealed and re-enacted as amended, as follows:

Section 710. Suspension, Revocation

(a) Right to Suspend or Revoke. **IN ADDITION TO THE PENALTIES CONTAINED IN THIS ARTICLE**, [A]all licenses and permits authorized by this article shall **AFTER NOTICE TO THE LICENSEE** be subject to suspension or revocation for cause[~~-, but not before notice to the licensee.~~] **INCLUDING THE FOLLOWING REASONS:**

(1) FRAUD, MISREPRESENTATION OR KNOWINGLY FALSE STATEMENT CONTAINED IN THE APPLICATION FOR THE LICENSE OR PERMIT;

(2) FRAUD, MISREPRESENTATION OR KNOWINGLY FALSE STATEMENT IN THE COURSE OF CARRYING ON THE LICENSED OR PERMITTED ACTIVITY;

(3) CONDUCTING THE LICENSED OR PERMITTED ACTIVITY IN ANY MANNER CONTRARY TO THE CONDITIONS OF THE LICENSE, OR THE LAWS OF THE CITY, COUNTY OR STATE;

(4) CONDUCTING THE LICENSED OR PERMITTED ACTIVITY IN SUCH A MANNER AS TO CREATE A PUBLIC NUISANCE, CAUSE A BREACH OF THE PEACE, CONSTITUTE A DANGER TO THE PUBLIC

HEALTH, SAFETY, WELFARE OR MORALS, OR INTERFERE WITH THE RIGHTS OF ABUTTING PROPERTY OWNERS; OR

(5) CANCELLATION OF HEALTH DEPARTMENT AUTHORIZATION FOR A FOOD OR BEVERAGE VENDING UNIT DUE TO UNCORRECTED HEALTH OR SANITATION VIOLATIONS.

(b) Procedure. If a license or permit holder violates applicable laws or regulations, the Code Enforcement Officer may recommend that the Mayor and Commissioners suspend or revoke the license or permit. The recommendation shall be made in writing and shall describe the reason(s) the license or permit should be suspended or revoked. A copy of the recommendation shall be sent to the license or permit holder with a notice that the license or permit holder has fifteen (15) days in which to make a written request for a hearing. If the license or permit holder requests a hearing, the Mayor and Commissioners shall schedule a hearing no earlier than fourteen (14) days and no later than thirty (30) days from the date of the request.

(c) Disposition. The Mayor and Commissioners shall decide whether to suspend or revoke the license following the hearing, if a hearing is requested, or following expiration of the fifteen (15) day request period, if no request for a hearing is made. The license or permit holder shall be notified in writing of the decision. **IF THE CITY REVOKES A LICENSE OR PERMIT, THE FEE ALREADY PAID FOR THE LICENSE OR PERMIT SHALL BE FORFEITED. A PERSON WHOSE LICENSE OR PERMIT HAS BEEN REVOKED UNDER THIS SECTION MAY NOT APPLY FOR A NEW LICENSE FOR A PERIOD OF ONE (1) YEAR FROM THE DATE THAT THE REVOCATION TOOK EFFECT. THE DECISION OF THE MAYOR AND COUNCIL SHALL BE FINAL.**

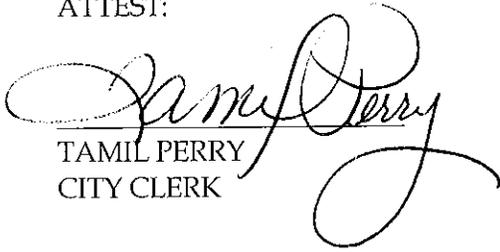
(D) A PERSON WHO OPERATES OR CAUSES TO BE OPERATED A BUSINESS WITHOUT A VALID LICENSE OR PERMIT IN VIOLATION OF THIS ARTICLE IS SUBJECT TO A SUIT FOR INJUNCTION.

SECTION III: BE IT FURTHER ORDAINED by the Mayor and Commissioners of the City of District Heights, Maryland, that this amendment will be made in the _____, 2006 addition of the Codes of Ordinances.

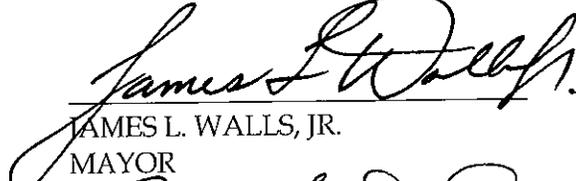
SECTION IV: BE IT FURTHER ORDAINED by the Mayor and Commissioners of the City of District Heights, Maryland, that this Ordinance shall be introduced this 3rd day of August 2006 and posted in the City Clerk's Office for at least six (6) days but no more than sixty (60) after its introduction. If adopted, the Ordinance shall be effective twenty (20) days after adoption. A notice of the passed Ordinance will be posted and a summary of the Ordinance will be published once in a publication of general circulation in the City of District Heights.

SECTION V: BE IT FURTHER ORDAINED by the Mayor and Commissioners of the City of District Heights, Maryland, that if any provision of this Ordinance or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other applications of the Ordinance which can be given effect without the invalid provision or applications, and to this end, all the provisions of this Ordinance are hereby declared to be severable.

ATTEST:


TAMIL PERRY
CITY CLERK

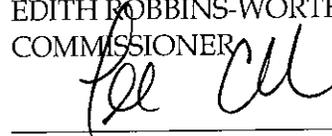
MAYOR AND CITY COMMISSION
OF DISTRICT HEIGHTS, MARYLAND:


JAMES L. WALLS, JR.
MAYOR


EDDIE L. MARTIN
VICE MAYOR/COMMISSIONER


WILLIE E. CALHOUN
COMMISSIONER

EDITH ROBBINS-WORTHY
COMMISSIONER



LEE COLLINS
COMMISSIONER

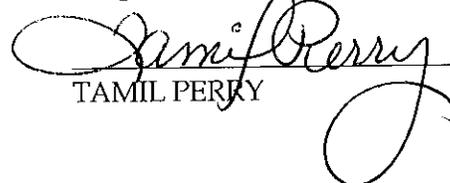
I, Tamil Perry, City Clerk of the City of District Heights, hereby certify that the following motion was made at the meeting of the Mayor and City Commission of District Heights on September 26, 2006.

Motion: I, Comr. Calhoun, move that the Mayor and City Commission adopt Ordinance DH 06-04, updating and clarifying the language in Article VII, Licenses and Permits, Section 710, Suspension, Revocation, to designate standards for suspension and revocation.

Motion Seconded: I, Comr. Martin, second the motion.

VOTE:	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
Mayor Walls	✓	—	—
Comr. Martin	✓	—	—
Comr. Calhoun	✓	—	—
Comr. Robbins-Worthy	—	—	—
Comr. Collins	✓	—	—

City Clerk to the Mayor and
City Commission of District
Heights, Maryland


TAMIL PERRY

Effective Date: October 16, 2006

**CITY OF DISTRICT HEIGHTS, MARYLAND
ORDINANCE NO. DH 07-02**

AN ORDINANCE of the Mayor and Commissioners of the City of District Heights, Maryland, updating and defining aggressive solicitation, loitering and unlawful assembly and make them illegal and provide criminal penalties for such.

SECTION I: WHEREAS, the Mayor and Commissioners of the City of District Heights, Maryland, have the authority to enact reasonable regulations regarding nuisances pursuant to Section 402, Subsection (4) of the City of District Heights' Charter;

WHEREAS, the Mayor and Commissioners of the City of District Heights, Maryland believe it is the public interest to prohibit aggressive soliciting, unlawful assembly and, illegal loitering in order to protect the citizens of the City.

SECTION II: BE IT ORDAINED by the Mayor and Commissioners of the City of District Heights, Maryland that Article VI Peace and Order, and Article XIV, Licenses, Permits and Fine Schedule of the Code of Ordinance, City of District Heights is hereby amended by adding the following sections:

610 Aggressive Solicitation

A. Definitions: For purposes of this Chapter:

(1) *SOLICIT* means to request an immediate donation of money or other thing of value. The solicitation may be, without limitation, by the spoken, written, or printed word, or by other means of communication.

(2) *AGGRESSIVE MANNER* means and includes:

(A) Intentionally or recklessly making any physical contact with or touching another person in the course of the solicitation without the person's consent;

(B) Following the person being solicited, if that conduct is: (i) intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or (ii) is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;

(C) Continuing to solicit within five (5) feet of the person being solicited after the person has made a negative response, if continuing the solicitation is: (i) intended to or is likely to cause a reasonable person to fear imminent bodily harm or

the commission of a criminal act upon property in the person's possession; or (ii) is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;

(D) Intentionally or recklessly blocking the safe or free passage of the person, or the driver of a vehicle, to take evasive action to avoid physical contact with the person making the solicitation;

(E) Intentionally or recklessly using obscene or abusive language or gestures: (i) intended to or likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or (ii) words intended to or reasonably likely to intimidate the person into responding affirmatively to the solicitation; or

(F) Approaching the person being solicited in a manner that: (i) is intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or (ii) is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation.

(3) *Public area* means an area to which the public or a substantial group of persons has access, and includes, but is not limited to, alleys, bridges, buildings, driveways, parking lots, parks, playgrounds, plazas, sidewalks, and streets open to the general public, and the doorways and entrances to buildings and dwellings, and the grounds enclosing them.

B. Prohibited Acts

It shall be unlawful for any person to solicit money or other things of value, or to solicit the sale of goods or services:

(1) In an aggressive manner in a public area:

(2) In any public transportation vehicle, or bus or subway station or stop;

(3) Within fifteen (15) feet of any entrance or exit of any bank or check cashing business or within fifteen (15) feet of any automated teller machine during the hours of operation of such bank, automated teller machine or check cashing business without the consent of the owner or other person legally in possession of such facilities. Provided, however, that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility;

(4) On private property if the owner, tenant, or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property; or

(5) From any operator of a motor vehicle that is in traffic on a public street, whether in exchange for cleaning the vehicle's windows, or for blocking, occupying, or reserving a public parking space, or directing the occupant to a public parking space; provided, however, that this paragraph shall not apply to services rendered in connection with emergency repairs requested by the operator or passengers of such vehicle.

C. Penalties

(1) A violation of any provision of this subsection shall be a misdemeanor punishable by a fine, a term of imprisonment, or both, as established by the Mayor and Commissioners and specified in Article XIV of this Code.

(2) The law is not intended to limit any persons from exercising their constitutional right to solicit funds, picket, protest or engage in other constitutionally protected activity. Rather, its goal is to protect citizens from the fear and intimidation accompanying certain kinds of solicitation that are unwelcome.

Section 611 – Loitering

(A) Definitions. As used in this chapter, the following terms shall have the meanings indicated:

(1) *ASSIGNATION* — The making of any appointment or engagement for prostitution or lewd conduct or any act in furtherance of such appointment or engagement.

(2) *COMMERCIAL PREMISES* — Any business premises operating for profit or any place of amusement or entertainment to which the general public is invited or permitted, including parking lots adjacent to or connected with such premises.

(3) *LAWFUL BUSINESS* – The act of conducting, going to or returning from any social, educational, recreational, religious, business or any other activity not prohibited by law.

(4) *LEWDNESS* – Any unnatural sexual practice.

(5) *LOITER* — To idle, stand, remain, tarry or collect, gather or be a member of a group or crowd of people who are gathered together

on any commercial or public premises (a) without conducting any lawful business or communication with the owner or operator thereof or (b) having completed such business or commencement, to remain on such premises an unreasonable length of time where prohibited by signs or after having been directed to leave by such owner, operator or authorized agent or a police officer.

(6) *PLACE OPEN TO THE PUBLIC* — Any privately owned place to which the public is invited and in, on or around any privately owned place of business, private parking lot or private institution, including places of worship, cemeteries or any place of amusement and entertainment, whether or not a charge of admission or entry thereto is made. It includes the elevator, lobby, halls, corridors and areas open to the public of any store, office or apartment building.

(7) *PROSTITUTION* — The offering or receiving of the body for sexual intercourse or sexual act for hire.

(8) *PUBLIC PLACE* — Any street, sidewalk, bridge or alley or alleyway, plaza, park, driveway, parking lot or transportation facility or a motor vehicle in or on any such place.

(B) Unlawful Conduct. The following conduct shall be unlawful, unless otherwise provided herein:

(1) It shall be unlawful for any person to disobey the direction or order of a police officer to desist in loitering, on or near a public place or place open to the public when such loitering is impeding or hindering or may impede or hinder the free passage of pedestrian or vehicular traffic to, from or within such places.

(2) It shall be unlawful for any person to disobey the direction or order of a police officer to desist in loitering at, on or near a public place or a place open to the public when such loitering constitutes a clear and present danger to the public peace.

(3) It shall be unlawful for any person to loiter, without the consent of the owner or owner's agent, on or about any place open to the public after said premises have been closed for business purposes and after said person has been directed or ordered to leave by the owner, owner's agent or by a police officer acting upon the request of the owner or owner's agent.

(4) It shall be unlawful for any person to loiter on or about any public place or place open to the public for purposes of prostitution, assignation or lewd conduct.

- (5) It shall be unlawful for any person to loiter, without the consent of the owner, operator or authorized agent, within 250 feet of the exterior entrance of any commercial premises, including but not limited to a bar, tavern, restaurant, package goods store, game room or arcade, after such premises has been closed for business purposes after such person has been requested to leave by a police officer.
- (6) It shall be unlawful for any person to loiter, idle, wander, stroll or play in or upon the public parks, grounds, buildings or other facilities owned by the City of District Heights and located within the City limits between the hours of 10:00 p.m. and 7:00 a.m. of the following day, unless said activity is done pursuant to a City sponsored event.
- (7) It shall be unlawful for any person to loiter, idle, wander, stroll or play in or upon any place, public or private, where said activity has been prohibited by the owner or owner's agent and signs that state the prohibition have been clearly posted by the owner or owner's agent.

(C) Duration of Order: The order or direction of a owner, owner's agent, or a police officer specified in Subsection (B) hereof shall unless otherwise specified, remain effective for a period of 48 hours; thus, if such person resumes loitering within the same general area in the forty-eight-hour period of time, or the time specified he or she shall be deemed to have disobeyed the direction or order of the owner, owner's agent or police officer and thus be in violation of this chapter.

(D) Penalty. Violation of this section is hereby declared to be a misdemeanor punishable by a fine, a term or imprisonment, or both, as established by the Mayor and Commissioners and specified in Article XIV of this Code.

Section 612 – Unlawful assembly.

- (A) It shall be unlawful for any person or persons to congregate or assemble at the corner or corners of any of the streets, lanes or alleys or on any of the sidewalks or approaches thereto in said town, so as to obstruct the same, or at the entrance of any public or private building within the limits of said town, and to be engaged in loud and boisterous laughing or talking or making any rude, obscene or insulting comments, remarks or observations on persons passing by the same or in their hearing or to so crowd, or obstruct the sidewalks or approaches thereto so as to prevent the free and uninterrupted passage thereto, therefrom or through the same.
- (B) It shall be unlawful for any person or persons to congregate themselves or vehicles owned, operated or controlled by them at or on any public or private thoroughfare or parking area so as to obstruct the same or the free use thereof or in any disorderly manner as would tend to cause obstruction, loud or boisterous noise or rude, obscene or insulting comments or that might tend in any way to cause to

promote violence, and said assembly shall immediately disperse upon the order of the owner of any such property or the person in control thereof or upon the order of any police officer.

- (C) It is unlawful for any person to idle, stand, remain, tarry or wander about in a public place in such a manner as to beckon to, repeatedly stop or repeatedly attempt to engage passersby in conversation, or repeatedly stop or attempt to stop motor vehicles or repeatedly interfere with the free passage of other persons, for the purpose of either engaging in or promoting prostitution, lewdness or assignation, after having been requested to leave by a police officer.
- (D) Penalty. Violation of this section is hereby declared to be a misdemeanor punishable by a fine, a term or imprisonment, or both, as established by the Mayor and Commissioners and specified in Article XIV of this Code.

ARTICLE XIV

Licenses, Permits and Fine Schedule

Section 1402. Penalties

(a) The following schedule shall prescribe fines and/or terms of imprisonment for misdemeanor violations of the provisions of this Code:

<u>Violation</u>	<u>Reference</u>	<u>Fine and/or Imprisonment</u>
*	*	*
(11A) Aggressive Soliciting	Section 610	\$250.00/15 Days
(11B) Loitering	Section 611	Max. \$1,000/30 Days
(11C) Unlawful Assembly	Section 610	\$250.00/15 Days

SECTION III: BE IT FURTHER ORDAINED by the Mayor and Commissioners of the City of District Heights, Maryland, that this amendment will become a part of the Codes of Ordinances.

SECTION IV: BE IT FURTHER ORDAINED by the Mayor and Commissioners of the City of District Heights, Maryland, that this Ordinance shall be introduced this 25th day of September and posted in the City Clerk’s Office for at least six (6) days but no more than sixty (60) after its introduction. If adopted, the Ordinance shall be effective

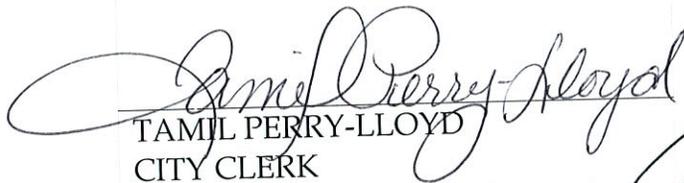
twenty (20) days after adoption. A notice of the passed Ordinance will be posted and a summary of the Ordinance will be published once in a publication of general circulation in the City of District Heights.

SECTION V: BE IT FURTHER ORDAINED by the Mayor and Commissioners of the City of District Heights, Maryland, that if any provision of this Ordinance or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other applications of the Ordinance which can be given effect without the invalid provision or applications, and to this end, all the provisions of this Ordinance are hereby declared to be severable.

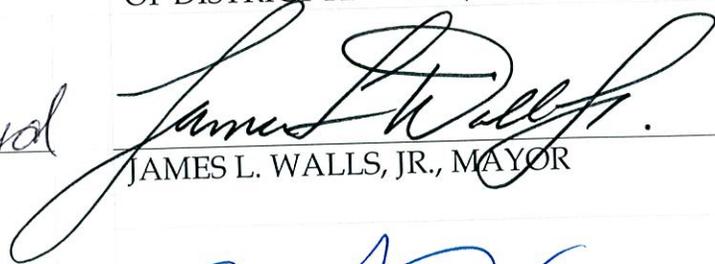
INTRODUCED: September 25, 2007.

ADOPTED: November 1, 2007

ATTEST:


TAMIL PERRY-LLOYD
CITY CLERK

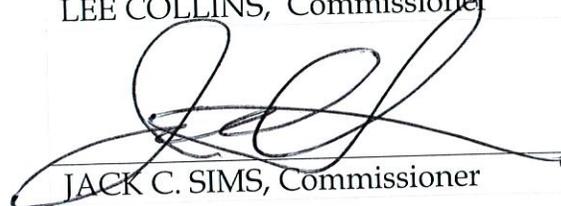
MAYOR AND CITY COMMISSION
OF DISTRICT HEIGHTS, MD


JAMES L. WALLS, JR., MAYOR


EDDIE L. MARTIN, Vice Mayor


WILLIE E. CALHOUN, Commissioner


LEE COLLINS, Commissioner


JACK C. SIMS, Commissioner

**CITY OF DISTRICT HEIGHTS, MARYLAND
ORDINANCE NO. DH 08-04**

AN ORDINANCE of the Mayor and Commissioners of the City of District Heights, Maryland, as provided in the City Charter, Section 309, Ordinances, repealing Article XIV, Licenses, Permits and Fine Schedule, Section 1401, License and Permit Fees, Subsection (a)(10), Annual business license of the City of District Heights' Code of Ordinances, 2005 Edition, and re-enacting Article XIV, Section 1401, Subsection (a)(10), as amended.

SECTION I: WHEREAS, the Mayor and Commissioners of the City of District Heights, Maryland, deem it appropriate to increase the Commercial Business, Home-Based, and Daycare License Fees in order to manage the increased administrative costs and the additional administrative duties of the Code Enforcement Office which have resulted from the City's growth ;

WHEREAS, the Mayor and Commissioners of the City of District Heights, Maryland, desire to repeal Article XIV, Licenses, Permits and Fine Schedule, Section 1401, License and Permit Fees, Subsection (a)(10), Annual business license of the City of District Heights' Code of Ordinances, 2005 Edition, and re-enact it as modified below:

SECTION I: BE IT ORDAINED by the Mayor and Commissioners of the City of District Heights, Maryland, that Article XIV, Licenses, Permits and Fine Schedule, Section 1401, License and Permit Fees, Subsection (a)(10), Annual business license of the Code of Ordinances, City of District Heights, 2005 Edition, is hereby repealed, and re-enacted as amended, as follows:

Article XIV, Licenses, Permits and Fine Schedule

Section 1401. License and Permit Fees

(a) The following schedule shall govern the fees for the various licenses and permits issued by the City, excluding building permits:

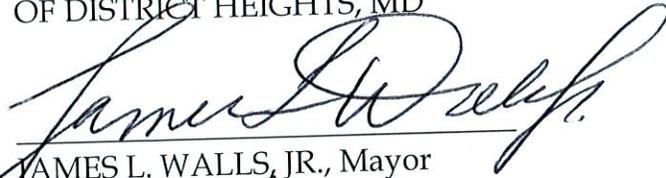
<u>Type of License or Permit</u>	<u>Reference</u>	<u>Fee</u>
(10) Annual business license:	Sec. 702(b)	
a. Commercial Business Fee		\$225.00
b. Home-Based Business Fee		\$50.00
c. Daycare Business Fee		\$50.00

SECTION II: BE IT ORDAINED by the Mayor and Commissioners of the City of District Heights, Maryland, that this Ordinance shall take effect on the 1st day of January, 2009, and notice of its passage shall be posted in a public place within the City of District Heights and published at least once in a publication of general circulation within the City of District Heights.

ATTEST:

MAYOR AND CITY COMMISSION
OF DISTRICT HEIGHTS, MD

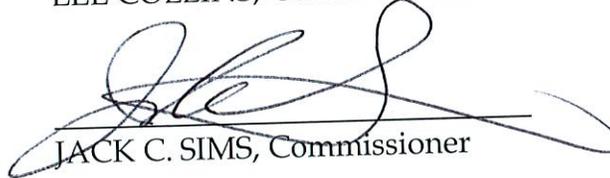

TAMIL PERRY
MANAGER/CITY CLERK


JAMES L. WALLS, JR., Mayor


EDDIE L. MARTIN, Vice Mayor


WILLIE E. CALHOUN, Commissioner

LEE COLLINS, Commissioner


JACK C. SIMS, Commissioner

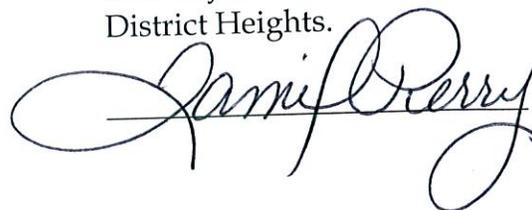
VOTE:

AYE NAY ABSTAIN

Mayor Walls	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vice Mayor Martin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comr. Calhoun	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comr. Collins	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comr. Sims	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

City Clerk to the Mayor
and City Commission of
District Heights.

Effective Date: January 1, 2009





CITY OF DISTRICT HEIGHTS

2000 MARBURY DRIVE
DISTRICT HEIGHTS, MARYLAND 20747-2399

TELEPHONE: (301) 336-1402
FAX: (301) 350-3660

JAMES L. WALLS, JR.
MAYOR

COMMISSIONERS
EDDIE L. MARTIN
WILLIE E. CALHOUN
JAMAL I. MILLER
JACK C. SIMS

ORDINANCE NO. DH 11-01

AN ORDINANCE of the Mayor and Commissioners of the City of District Heights, Maryland, updating and clarifying the language in Section 413, Storage of Wrecked or Junked Vehicles, to clarify that all expenses for enforcement are the responsibility of the owners of the vehicle and/or the violator.

SECTION 1: WHEREAS, the Mayor and Commissioners of the City of District Heights, Maryland, have the authority to enact reasonable regulations regarding nuisances pursuant to Section 402, Subsection (40) of the City of District Heights Charter;

WHEREAS, the Mayor and Commissioners of the City of District Heights, Maryland, believe it is in the public interest to prohibit the parking of wrecked or junked vehicles on private property in order to protect property values and to preserve the general character and design of lands and improvements in the City.

SECTION II: BE IT FURTHER ORDAINED by the Mayor and Commissioners of the City of District Heights, Maryland, that Article IV, Health and Nuisances, Section 413, Storage of Wrecked or Junked Vehicles, of the Code of Ordinances, City of District Heights, is hereby repealed and re-enacted as amended, as follows:

Section 413. Storage of Wrecked or Junked Vehicles

- (A) Public Health Nuisance. All partially dismantled, wrecked, junked, discarded, unused, stripped or otherwise non-operating motor vehicles, motorcycles, mopeds, watercrafts, trailers, or any unregistered or improperly registered motor vehicles stored on private or publicly owned property, are hereby declared a public health nuisance. It shall be unlawful for any person owning, leasing, occupying or having charge of any premises to allow or cause any partially dismantled, wrecked, junked, discarded, unused, stripped or otherwise non-operating vehicles, or any unregistered or improperly registered motor vehicle to be stored or to remain on such property. (Property owner may request, in writing, up to forty-eight (48) hours to allow for getting vehicle in operating condition with proper current registration.) This section shall not apply to a vehicle in a totally enclosed building. This section shall further not apply with regard to any vehicle on the premises of a lawfully licensed business enterprise operated in a lawful place, and operated in a lawful manner, when the keeping or maintenance of such vehicle is necessary to the operation of such business enterprise; or with regard to a vehicle in an appropriate storage place, or depository maintained in a lawful place and manner by the City or other public agency or entity.

(B) Enforcement.

- (1) Inspection. The Police Department of Code Enforcement Office shall have authority to enter upon and inspect any such property violation of subsection (a) of this section and to notify the owner, lessee, occupant, tenant or other person (s) in charge of the property in writing that the storage of any and all such partially dismantled, wrecked, junked, discarded, unused, stripped or otherwise non-operating vehicle or any unregistered motor vehicles constitutes a public health nuisance and that said person so notified, has **fifteen (15) days** to remove the vehicle or vehicles from the property.
- (2) Impoundment. The Police Department shall have the authority to impound and remove any motor vehicle in violation of this section.
- (3) Before impounding a vehicle on private property, the last registered owner of the vehicle and the owner, agent or tenant of the property will be notified. Notification shall ordinarily be by certified mail, return receipt requested and by posting notice at the property and on the vehicle. The notice shall require the addressee to remove the vehicle within fifteen (15) days or to show cause within fifteen (15) days why it should not be removed, unless the owner, agent or tenant has already given prior written permission to remove the vehicle. If, before the impoundment, the VIN number of the vehicle is not visible or the owner of the vehicle cannot reasonably be located, the notice to the vehicle owner may be posted on the vehicle only. As soon after the impoundment of the vehicle as the owner of the vehicle is identified, notice shall be sent to him/her pursuant to this Section, which notice shall include the original notice and date of notification, the current location of the vehicle, the date of impoundment, the fees being charged and the person to contact regarding release of the vehicle.
- (4) A vehicle may be impounded or attached by towing or conveying the vehicle to a place of storage designated by the chief of police or his/her designee, and all expenses incurred in the impoundment and storage will be the responsibility of the owner of the vehicle and any other violator of this section.

(C) Release of Vehicles and Fees.

- (1) All expenses, costs, fees and debts arising from the impoundment of a vehicle **WHETHER SUCH ARE BILLED BY THE CITY OR BY AN INDEPENDENT CONTRACTOR/TOWING COMPANY OR STORAGE FACILITY** will be the responsibility of the owner of the vehicle and /or the violator, and shall be in addition to any fine for the underlying violation. The police department may use its own personnel, equipment and facilities or use other personnel, equipment and facilities for removing, preserving, storing and disposing of vehicles.
- (2) Vehicles impounded or attached will not be released unless:
 - (A) All outstanding City citations regarding the owner and/or violator have been satisfied unless a timely election for trial has been made for a particular citation and the trial is pending; and
 - (B) All administrative and other costs, expenses, fees and fines regarding the citation, storage, impoundment or attachment have been satisfied.

- (3) The City administrative expenses incurred for locating the owner/vehicle, for collecting the unpaid money, for attaching and detaching the immobilizing device, and for the certified mail and/or newspaper publication will be set by the chief of police in sufficient amount to reasonably compensate the city for its administration and actual costs, not to exceed two hundred dollars (\$200.00).
- (4) All other costs for towing or conveying a vehicle for storage, storage costs, and all other costs incurred by the City and as a result of the impoundment shall be additional costs assessed against violators.
- (5) If the vehicle is registered in the State of Maryland, it will be subject to the state's flagging programs until all fines, fees and expenses are paid. The City shall assess no more than a fifty dollar (\$50.00) flagging fee.
- (6) The Police Department will dispose of impounded vehicles in accordance with the Maryland vehicle law.

(D) Penalty. Violation of Subsection (a) of this section shall be a misdemeanor punishable by a fine, a term of imprisonment, or both, as established by the Mayor and Commissioners and specified in Article XIV of this Code. This penalty shall be in addition to the costs imposed by subsection (b) of this section.

(E) Additional Authorized Action. If necessary, in aid of subsection (b) of this section or if the Police Department or Code Enforcement officer has reason to believe that subsection (a) of this section is being violated, then any police officer of the District Heights Police Department, or any Code Enforcement Officer, may seek an administrative search warrant pursuant to Section 414 of this Code to enter upon the premises, inspect, and give written notice of said violation.

SECTION III: BE IT FURTHER ORDAINED by the Mayor and Commissioners of the City of District Heights, Maryland, that this amendment will be made in _____, 2011 addition of the Code of Ordinances.

SECTION IV: BE IT FURTHER ORDAINED by the Mayor and Commissioners of the City of District Heights, Maryland, that this Ordinance shall be introduced this 07th day of April 2011 and posted in the City Clerk's Office for at least six (6) days but no more than sixty (60) after its introduction. If adopted, the Ordinance shall be effective twenty (20) days after adoption. A notice of passed Ordinance will be posted and a summary of the Ordinance will be published once in a publication of general circulation in the City of District Heights.

SECTION V: BE IT FURTHER ORDAINED by the Mayor and Commissioners of the City of District Heights, Maryland, that if any provision of this Ordinance or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other applications of the Ordinance which can be given effect without the invalid provision or applications, and to this end, all the provisions of this Ordinance are hereby declared to be severable.

INTRODUCED: April 07, 2011

ADOPTED: May 05, 2011

ATTEST:

SM Crutchfield
Sharlá M. Crutchfield
City Clerk

MAYOR AND CITY COMMISSION OF
DISTRICT HEIGHTS, MARYLAND:

James L. Walls, Jr.
JAMES L. WALLS, JR.
MAYOR

Eddie L. Martin
EDDIE L. MARTIN
VICE MAYOR/COMMISSIONER

Willie E. Calhoun
WILLIE E. CALHOUN
COMMISSIONER

Jamal I. Miller
JAMAL I. MILLER
COMMISSIONER

Jack C. Sims
JACK C. SIMS
COMMISSIONER

I, Sharlá M. Crutchfield, City Clerk of the City of District Heights, hereby certify that the following motion was made at the meeting of the Mayor and City Commission of the City of District Heights, Maryland on May 05th, 2011.

Motion: I, Comr. Sims, move that the Mayor and City Commission adopt Ordinance No. DH 11-01, updating and clarifying the language in Section 413, Storage of Wrecked or Junked Vehicles, to clarify that all expenses for enforcement are the responsibility of the owners of the vehicle and/or the violator.

Motion Seconded: I Comr. Martin, second the motion.

VOTE:	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
Mayor Walls	<u>✓</u>	—	—
Comr. Martin	<u>✓</u>	—	—
Comr. Calhoun	<u>✓</u>	—	—
Comr. Miller	<u>✓</u>	—	—
Comr. Sims	<u>✓</u>	—	—

Effective Date: May 26, 2011

City Clerk to the Mayor and City
Commission of the City of District
Heights, Maryland
SM Crutchfield
Sharlá M. Crutchfield



CITY OF DISTRICT HEIGHTS

2000 MARBURY DRIVE
DISTRICT HEIGHTS, MARYLAND 20747-2399

TELEPHONE: (301) 336-1402

FAX: (301) 350-3660

JAMES L. WALLS, JR.
MAYOR

COMMISSIONERS
EDDIE L. MARTIN

WILLIE E. CALHOUN

JAMAL I. MILLER

JACK C. SIMS

CITY OF DISTRICT HEIGHTS ORDINANCE NO. DH: 12-02

AN ORDINANCE whereby the City Commission generally prohibits posting of signs in the public right-of-way and regulates signs in the public right-of-way during municipal elections and certain other circumstances and sets fines and penalties for violations.

SECTION 1: WHEREAS, Maryland Annotated Code, Article 23A, Section 2 grants to municipal corporations of the State of Maryland, including the City of District Heights, the power to protect the health, comfort, and convenience of their citizens; and

WHEREAS, the Mayor and Commissioners deem it in the best interest and safety of its citizens, as well as to enhance the aesthetics of the City, to limit the use of signs in the public rights-of-way; and

WHEREAS, the Mayor and Commissioners of the City of District Heights, Maryland, have authority to enact reasonable regulations regarding nuisances pursuant to Section 402, subsection 40 of the City of District Heights' Charter;

SECTION II: BE IT FURTHER ORDAINED, by the Mayor and Commissioners of the City of District Heights, Maryland that Article 4, Health and Nuisances, is amended by addition of a new Section, Section 417, as follows:

Section 417. Signs and Advertising Devices

(a) Definition of "Sign."

- (1) A "sign" is defined as any word, numeral, figure, design, trademark, flag, pennant, twirler, light, display, banner, balloon or other device of any kind which, whether singly or in any combination, is used to direct, identify, or inform the public while viewing the same from outdoors.

(b) Application of County Code to signs in the City.

- (1) The provisions of the Prince George's County Code and all amendments thereto, shall govern the erection, location, placement, maintenance, size, quality and display of all signs in the City in public rights-of-way, except for the local requirements in this Article.

- (2) Nothing in this Article shall apply to the City or to federal, State, County governmental agencies or public utilities exercising their legal authority over public rights-of-way or their property interest and easements in such public rights-of-way.

(c) Signs in public rights-of-way prohibited.

- (1) Except as otherwise provided in this Code, no person in a public right-of-way in the City shall paint, mark, write on, post or otherwise affix any handbill, object, or sign to or upon any ground, sidewalk, crosswalk, curb, curbstone, street lamppost, hydrant, tree, shrub, tree stake or guard, electric light, power or telephone pole or wire appurtenance thereof, or any other fixture of the fire alarm or police system, or upon any lighting system, public bridge, street sign or traffic sign.

(d) City authority.

- (1) The City Commission shall have the authority to allow placement of signs in the public rights-of-way as it deems in the interest of public safety.
- (2) Signs may be placed in the public rights-of-ways forty-five (45) days before any City election day and five (5) days after election day provided the signs are made of rigid material and are freestanding, are no taller than four feet (4') from the ground, are placed only in medians, or on unpaved areas, do not obstruct the view of motorists or pedestrians or otherwise present a threat to public safety and have no balloons or streamers attached. Such signs must be behind the curb line but may not be within 80' of any intersection and must have a maximum area of no more than 6 feet.
- (3) The City Commission may by ordinance, resolution or motion authorize the placement of signs under the same conditions and duration as recited immediately above in (b) for any other election, federal, State or County.

(e) Exemptions.

- (1) Temporary real estate signs are allowed as outlined and permitted in Article 7, Section 708.
- (2) Temporary sale signs are allowed as outlined and permitted in Article 7, Section 709.
- (3) Except for the above provisions, handbills, objects, or signs shall be placed only on private property and not on the public rights-of-way.

(f) Illegal signs.

- (1) Presumption. Unless rebutted by competent evidence, any handbill, sign or object in the public right-of-way shall be presumed to be owned by and

attached by a person whose business name, business address, business telephone number or trademark or service mark is contained on the face of the sign or object.

- (2) Removal. Any sign placed in the public right-of-way in violation of the article shall be deemed abandoned by its owner at the time the sign was placed and shall be subject to removal by the City without any prior notice.
- (3) Notice and removal. Whenever the City or a designated representative determines that a sign is unsafe or illegal, instead of immediate removal, the City may (in writing) order that the sign be made safe or removed. The order shall be complied with by the person owning or using the sign within five (5) days after notice is sent. If the unsafe or illegal sign is not removed or maintained in accordance with the order, the City shall have the sign removed. The cost of removal shall be borne by the owner/user of the sign, which cost shall be a lien on the property of the owner/user in the City.

In the event of an emergency situation (when there is an immediate danger to public safety), the unsafe sign shall be made safe or removed without any delay or written order.

- (4) Entrance features. The maintenance of an entrance feature, including gateway signs and associated landscaping, shall be the responsibility of a homeowner's association or any other entity or person owning the abutting property. Any entrance which has not been maintained in a safe and attractive manner may, for the purpose of this section, be deemed to be an unsafe sign.

(g) Violations and penalties.

- (1) Violations of this Article by any person, firm or corporation are declared to be municipal infractions. The penalty for violation shall be five hundred dollars (\$500.00). Where more than one identical handbill, object, or sign shall be in violation, the items shall collectively constitute a single offense. Each day that an offense is permitted to exist shall constitute a separate violation, subject to a separate penalty.
- (2) The City or its designated representative shall have the authority to order that an illegal handbill, object or sign be removed or made to conform to the requirements of this article. The order shall be complied with by the owner or user of the sign within five (5) days or the cost of removal shall be a lien on the property of the owner of the handbill, object or sign.

SECTION III. BE IT FURTHER ORDAINED by the Mayor and Commissioners of the City of District Heights, Maryland, that this amendment will be made in the 2012 file for Code of Ordinances and the next revised publication.

SECTION IV. BE IT FURTHER ORDAINED by the Mayor and Commissioners of the City of District Heights, Maryland, that this Ordinance shall be introduced this 6th day of December 2012 and posted in the City Clerk's Office for at least six (6) days but no more than sixty (60) days after its introduction. If adopted, the Ordinance shall be effective twenty (20) days after adoption. A notice of passed Ordinance will be posted and a summary of the Ordinance will be published once in a publication of general circulation in the City of District Heights.

SECTION V. BE IT FURTHER ORDAINED by the Mayor and Commissioners of the City of District Heights, Maryland, that if any provision of this Ordinance or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other applications of the Ordinance which can be given effect without the invalid provision or applications, and to this end, all the provisions of this Ordinance are hereby declared to be severable.

INTRODUCED: December 06th, 2012.

ADOPTED: January 8th, 2013

ATTEST:

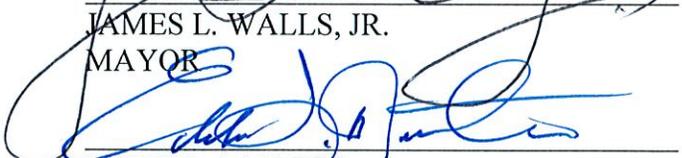


Sharlá Crutchfield
City Clerk

MAYOR AND CITY COMMISSION OF
DISTRICT HEIGHTS, MARYLAND



JAMES L. WALLS, JR.
MAYOR



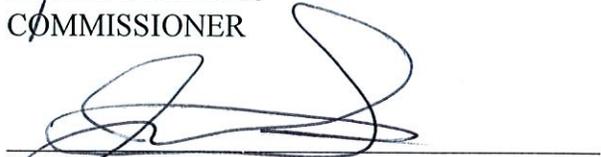
EDDIE L. MARTIN
VICE MAYOR/COMMISSIONER



WILLIE E. CALHOUN
COMMISSIONER



JAMAL I. MILLER
COMMISSIONER



JACK C. SIMS
COMMISSIONER

I, Sharlá Crutchfield, City Clerk of District Heights, hereby certify that the following motion was made at the meeting of the Mayor and City Commission of the City of District Heights, Maryland on January 8th, 2013.

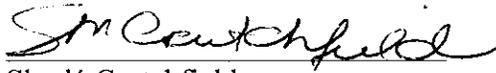
Motion: I, Commissioner Martin, move that the Mayor and Commission adopt Ordinance No. DH 12-02, thereby amending Article 4, to include the addition of Section 417, Signs and Advertising Devices.

Motion Seconded: I, Commissioner Sims, second the motion.

VOTE:	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
Mayor Walls	<u>✓</u>	_____	_____
Comm'r Martin	<u>✓</u>	_____	_____
Comm'r Calhoun	<u>✓</u>	_____	_____
Comm'r Miller	<u>✓</u>	_____	_____
Comm'r Sims	<u>✓</u>	_____	_____

Effective Date:

City Clerk to the Mayor and City
Commission of the City of District
Heights, Maryland


Sharlá Crutchfield