

ARTICLE I

General Provisions

Section 101. How Code Designated and Cited

The ordinances embraced in this and the following articles and sections shall constitute and be designated “The Code of Ordinances of the City of District Heights, Maryland, 1999 Edition” and may be so cited. Such ordinances may also be cited as the “District Heights Code.”

Section 102. Definitions and Rules of Construction

(a) For purposes of this Code the following words have the meanings indicated:

(1) “Alley” shall mean a public way behind or along the side of private property and used or intended for use by residents of the adjacent properties but not intended for customary and general continuous use of the residents of the City as a whole.

(2) “Animal” shall mean any species, regardless of sex or pedigree, unless otherwise expressly indicated.

(3) “Bus” shall mean any and every vehicle, other than taxi cabs, automobiles, or vans, specifically constructed to transport ten or more persons.

(4) “Cart” shall mean any and every mobile unit which shall require auxiliary force for its locomotion.

(5) “Charter” shall mean the Charter of the City of District Heights, Maryland, which document defines the powers of the City and regulates how the powers are to be exercised under municipal home rule granted by the Constitution of Maryland.

(6) “City” shall mean the municipal corporation incorporated under the Laws of Maryland as such under the name of the “City of District Heights,” and shall be construed to refer to the corporate geographical and governmental limits of said Municipal Corporation.

(7) “City offices” shall mean the offices of the City of District Heights located in the E. Michael Roll Municipal Building, unless otherwise indicated.

(8) “Code” shall mean the Code of Ordinances of the City of District Heights, Maryland, which document is a compilation of the ordinances of general application and continuing force enacted by the Mayor and Commissioners of the City of District Heights.

(9) “Commercial vehicle” shall mean any motor vehicle, trailer, or semi-trailer designed and used for carrying freight or merchandise, and any motor vehicle, trailer, or semi-trailer used for carrying freight or merchandise in the furtherance of any commercial enterprise, except those light-weight, pickup and panel-body trucks described as three-quarter (3/4) ton rated capacity.

(10) “Commission” shall mean the four (4) City Commissioners and the Mayor of the City of District Heights. The term “Commission” shall have the same meaning as the term “Mayor and Commissioners.”

(11) “Commissioner” shall mean one (1) of the four (4) City Commissioners elected from one (1) of the two (2) wards into which the City is divided.

(12) “County” shall mean Prince George’s County, Maryland, unless indicated to the contrary.

(13) “Mayor” shall mean the presiding officer of the City.

(14) “Misdemeanor” shall mean a violation of any ordinance, code, or state statute provision which has been deemed to be a criminal offense not amounting to a felony and which has not been specifically declared to be a municipal infraction.

(15) “Motor vehicle” shall mean a vehicle that is self-propelled or propelled by electric power obtained from overhead electrical wires, and is not operated on rail. Motor vehicle does not include a bicycle that is equipped with an assisting motor as described in Sec. 11-134.1 of the Transportation Article of the Annotated Code of Maryland.

(16) “Municipal infraction” shall mean a civil offense which results from the violation of any ordinance or Code provision specifically declared to be punishable as a municipal infraction by this Code and not otherwise deemed to be a criminal offense under state law.

(17) “Parking violation” shall mean a violation of a provision of the Code of Ordinances or state law that regulates the parking of motor vehicles. A parking violation is a misdemeanor under state law.

(18) “Police Department” shall mean that governmental department of the City of District Heights (unless otherwise expressly indicated), which is maintained by the City and staffed as permitted by law, City ordinances and resolutions of the Commission.

(19) "Public place" shall mean any geographical area dedicated for public use or owned by the City, Prince George's County, or any governmental authority for the purpose of general public use -e.g., streets, alleys, sidewalks, parks, etc.

(20) "Sidewalk" shall mean a public or private way constructed or dedicated to public pedestrian use.

(21) "State" shall mean the State of Maryland, unless indicated to the contrary.

(22) "Street" shall mean a public or private way constructed or dedicated to general public use for mobile transportation. Except where otherwise expressly indicated, streets shall include roads, avenues, boulevards, parkways, and other arteries used by vehicles.

(23) "Vehicle" shall mean any device in, on, or by which any individual or property is or might be transported or towed on a street and shall include motor vehicles, bicycles, carts, or other mobile units.

(b) In the construction of this Code and of all ordinances, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the Commission:

(1) The term "may" is permissive.

(2) The term "shall" is mandatory.

(3) The term "person" or "persons" shall include an adult or adults, a child or children, association(s), partnership(s), corporation(s), or business (es).

Section 103. Numbering System

(a) Every number assigned to identify a section of this Code shall indicate the position of that section within the Code and shall be consistent with the following system:

(1) For Articles I through IX, the first digit of the section number indicates the article of which the section is a part.

(2) For Articles X through XCIX, the first two (2) digits of the section number indicate the article of which the section is a part.

(3) The last two digits of the section number indicate the sequence of the section within the article, beginning with "01" and progressing to "99."

(b) The number of articles in the Code shall not exceed 99.

(c) The number of sections in an article shall not exceed 99.

Section 104. Catch lines of Sections

The catch lines of the several sections of this Code are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of those sections, nor as any part of those sections, nor unless expressly so provided, shall they be deemed when any of those sections, including the catch lines, are amended or re-enacted.

Section 105. Computation of Time

In computing any period of time prescribed or allowed by any applicable provision of this Code, the day of the action, event, or default, after which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday, or legal holiday, in which case the period of time shall end on the next calendar day that is not a Saturday, Sunday, or legal holiday. When the period of time allowed includes intermediate Saturdays, Sundays, and legal holidays, such days shall be counted in computing the period of time.

Section 106. References to the Laws of Other Jurisdictions

Whenever a provision of this Code refers to any portion of a state or county law, the reference includes any subsequent amendment to that law, unless the referring provision expressly provides otherwise.

Section 107. Provisions Deemed Continuations of Existing Ordinances

The provisions appearing in this Code, so far as they are the same in substance as ordinances existing at the effective date of this Code, shall be considered as continuations thereof and not as new enactments.

Section 108. Severability of Parts of Code

It is hereby declared to be the intention of the Commission that the sections, paragraphs, sentences, clauses and words of this Code are severable, and if any word, clause, sentence, paragraph or section of this Code shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, that unconstitutionality or invalidity shall not affect any of the remaining words, clauses, sentences, paragraphs and sections of this Code, since the same would have been enacted by the Commission without the incorporation in this Code of any unconstitutional or invalid word, clause, sentence, paragraph or section.

Section 109. Repeal of Prior Ordinances

All ordinances or parts of ordinances adopted by the Commission prior to the adoption of The Code of Ordinances of the City of District Heights, Maryland, 1999 edition, are

hereby repealed, except those that are temporary although general in effect or special although permanent in effect.

Section 110. Adoption

The Code of Ordinances of the City of District Heights, Maryland, 1999 edition as compiled, codified, edited, and published by the Institute for Governmental Service, University of Maryland, in consultation with the Commission is adopted as the code of laws of general application and continuing force in the City from and after July 1, 1999.

Section 111. Effective Date

This Code does not affect any of the following occurring before July 1, 1999: any offense or act committed or performed; any contract or right established; any penalty or forfeiture incurred; any prosecution, suit or proceeding pending; any judgment rendered; any budget adopted; any tax levied; any bonds authorized or issued; any special assessment or charge; any franchise granted by the City; or any pension or honorarium paid to any individual.

Section 112. Amendment to Code

(a) All ordinances passed subsequent to this Code of Ordinances which amend, repeal or in any way affect this Code of Ordinances, shall be numbered in accordance with the numbering system of this Code and printed for inclusion therein. When subsequent ordinances repeal any article, section or subsection or any portion thereof, those repealed portions may be excluded from this Code by omission from reprinted pages.

(b) Amendments to any of the provisions of this Code shall be made by amending those provisions by specific reference to the section of this Code in substantially the following language: "Section of the Code of Ordinances of the City of District Heights, Maryland is hereby amended to read as follows:" (set out new provisions in full).

(c) All sections, articles, or provisions of this Code that the Commission desires to repeal should be specifically repealed by section or article, as the case may be. The repeal of an ordinance or Code section shall not revive any ordinance or Code section in force before or at the time such repeal took effect, nor shall such repeal affect any suit, prosecution or proceeding pending at the time thereof.

(d) When the Commission desires to enact an ordinance of general and permanent nature on a subject not heretofore existing in the Code, a section in substantially the following language shall be made part of the ordinance: "Section. It is the intention of the Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of District Heights, Maryland, and the sections of the Code of Ordinances may be re-numbered to accomplish inclusion of this ordinance into the Code of Ordinances."

Section 113. Special Ordinances

All ordinances enacted by the Commission subsequent to the adoption of this Code which do not amend, repeal, or in any way affect said Code or which are of less than general application and continuing force shall be designated “special ordinances” and shall not be codified. An index and a copy of each such special ordinance shall be maintained by the City Clerk for public inspection and a full index of such special ordinances shall be prepared for publication from time to time.

Section 114. Misdemeanor Enforcement

In accordance with the Charter of the City of District Heights, a violation of any provision of this Code shall be a misdemeanor unless specifically declared by the Commission to be a municipal infraction. A misdemeanor is a criminal offense.

Section 115. Amount of Misdemeanor Penalty

Unless otherwise specified by this Code, a misdemeanor is punishable by a fine not to exceed one thousand dollars (\$1,000) and imprisonment of up to six (6) months upon conviction in accordance with state law.

Section 116. Serving Citations for a Misdemeanor Violation

(a) Under state law, a sworn police officer that has probable cause to believe a person is committing a misdemeanor may:

(1) Arrest the person, or

(2) Issue a citation in lieu of arrest if:

a. The penalty for the offense is less than ninety (90) days imprisonment and a fine of less than five hundred dollars (\$500), and

b. The officer is reasonably certain of the person’s identity and that the person will cease the prohibited conduct and appear in court to answer the charge. A refusal to sign for the citation is sufficient evidence that the person most likely will not appear in court to answer the charge, and

c. No provision of federal, state, or county law prohibits the issuance of a citation in lieu of arrest to the person for the offense being charged.

(b) Any official of the City that is authorized by the Mayor and Commissioners of the City of District Heights to enforce this Code and that witnesses a violation of this Code constituting a misdemeanor may:

(1) Seek an arrest warrant or,

(2) In lieu of seeking an arrest warrant, issue a citation if:

- a. The official believes that issuance of a citation would best meet the needs of justice and expediency under the circumstances, and
- b. The person accused of the violation consents voluntarily in writing to accept such citation and to appear in court to answer the charge.

(c) A citation for a misdemeanor violation other than a parking violation shall be served upon the defendant at the time of its issuance.

(d) Under state law, parking violations are misdemeanors. Citations for parking violations shall be issued in accordance with Section 26-302 of the Transportation Article of the Annotated Code of Maryland. If a person charged in a parking violation citation fails to pay the fine or appear in court, the person is subject to provisions of state law which may prevent renewal or transfer of vehicle registration tags or impose other penalties in addition to any penalties imposed by the City of District Heights.

Section 117. Municipal Infractions

(a) A violation of a provision of this Code shall be a municipal infraction if the Commission specifically declares the violation to be a municipal infraction and the violation does not constitute a felony under state law or other ordinance. For purposes of this Code, “municipal infraction” is a civil offense.

(b) Each day a violation continues shall constitute a separate offense.

Section 118. Fine for Municipal Infractions

Unless otherwise specified, a violation that constitutes a municipal infraction is punishable by a fine not to exceed one thousand dollars (\$1,000). The fine is payable to the City of District Heights by the recipient of the citation within twenty (20) days of the issuance of the citation.

Section 119. Issuance of Municipal Infraction Citation

(a) The Code Enforcement Officer, a police officer, or any other person authorized by the Mayor and Commissioners for the City of District Heights to enforce its ordinances may serve a municipal infraction citation on any person:

(1) Whom they believe is committing or has committed a municipal infraction; or

(2) On the basis of an affidavit submitted to the Code Enforcement Officer, a police officer, or other person authorized by the Mayor and

Commissioners for the City of District Heights to enforce its ordinances, stating the facts of the alleged infraction.

(b) The citation for a municipal infraction shall be served on the defendant:

(1) In accordance with the Maryland Rules of Civil Procedure; or

(2) For real property-related violations, if proof is made by affidavit that good faith efforts to serve the defendant under the Maryland Rules of Civil Procedure have not succeeded, by:

a. Regular mail to the defendant's last known address; and

b. Posting of the citation at the property where the infraction has occurred or is occurring, and at the residence or place of business of the defendant, if located within the City of District Heights.

(c) The citation for a municipal infraction shall contain:

(1) The authorized person's certification:

a. Attesting to the truth of the matter set forth in the citation; or

b. That the citation is based on an affidavit;

(2) The name and address of the person charged;

(3) The nature of the infraction;

(4) The location and time that the infraction occurred;

(5) The amount of the infraction fine assessed;

(6) The manner, location, and time in which the fine may be paid to the City;

(7) The person's right to elect to stand trial for the infraction; and

(8) The effect of failing to pay the assessed fine or to demand a trial within the prescribed time.

(d) The person issuing the municipal infraction citation shall retain a copy of the citation.

Section 120. Right to Elect to Stand Trial

(a) Any person receiving a citation for a municipal infraction may choose to stand trial for the infraction by notifying the City in writing of the person's intent to stand trial.

(b) The person shall submit the written notice of intent to stand trial at least five (5) days prior to the date of payment as set forth in the citation.

(c) Upon receipt of the written notice of the intent to stand trial, the City shall forward to the District Court for Prince George's County a copy of the citation and the written notice.

(d) Upon receipt of the citation and the written notice, the District Court will schedule the case for trial and notify the defendant of the trial date.

Section 121. Failure to Pay Fine or Elect to Stand Trial

(a) If a person charged in a citation fails to pay the fine by the date of payment set forth on the citation and fails to deliver to the City the written notice of intent to stand trial, the person is liable for the assessed fine.

(b) The City may double the fine to an amount not to exceed one thousand dollars (\$1,000) and request adjudication of the case through the District Court, including the filing of a demand for judgment on affidavit.

(c) If the City requests adjudication of the case through the District Court, the District Court will schedule the case for trial and summons the defendant to appear.

(d) The defendant's failure to respond to such summons may result in the entry of judgment against the defendant in favor of the City in the amount then due if a proper demand for judgment on affidavit has been made.

Section 122. Failure to Pay Fine or Appear as Required by Summons

If a person charged in a citation fails to pay the fine as provided in the citation and fails to appear in District Court as provided in the summons:

(a) The person is liable for the assessed fine, and

(b) The City may double the fine to an amount not to exceed one thousand dollars (\$1,000), and

(c) The court may enter judgment against the defendant in the amount then due if the proper demand for judgment on affidavit has been made.

Section 123. District Courts Determination that a Municipal Infraction was Committed

(a) Upon a determination that a municipal infraction was committed, the District Court may order the person to pay a fine, including any doubling of the fine, not to exceed one thousand dollars (\$1,000). The fine imposed shall constitute a judgment in favor of the City of District Heights.

(b) If the fine remains unpaid for thirty (30) days following the date of its entry, the judgment shall be enforceable in the same manner and to the same extent as any other civil judgment for money unless the court has suspended or deferred the payment of the fine as provided under subsection (c) of this section;

(c) The District Court may suspend or defer the payment of any fine under conditions that the court sets.

(d) The person shall be liable for the costs of the proceedings in the District Court.

Section 124. Abatement of the Infraction

(a) In addition to the District Court's authority as set forth above, the court may order the person to abate the infraction or enter an order permitting the City of District Heights to take measures to abate the infraction at the person's expense.

(b) If the City of District Heights abates an infraction pursuant to an order of the District Court, the City shall present the defendant with a bill for the cost of abatement by:

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

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

(c) If the defendant does not pay the bill within thirty (30) days after presentment, upon a motion of the City, the District Court may enter a judgment against the defendant for the cost of the abatement. The judgment will be enforceable in the same manner and to the same extent as any other civil judgments for money unless the court has otherwise suspended or deferred payment of the fine.

Section 125. Remittance of Monies

All fines, penalties, or forfeitures collected by the District Court for a municipal infraction will be remitted to the City of District Heights.

Section 126. Contempt Proceedings

If a defendant fails to pay any fine or cost imposed by the District Court without good cause, the District Court may punish the failure as contempt of court.

Section 127. Conviction for Municipal Infraction not Criminal Offense

Adjudication of a municipal infraction as provided in this Code is not a criminal conviction for any purpose, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

Section 128. Court Proceedings and Rights of Accused

In any proceeding for a municipal infraction:

(a) It shall be the burden of the City to prove that the defendant has committed the infraction by clear and convincing evidence, and in any such proceeding the District Court will apply the evidentiary standards as prescribed by law or rule for the trial of civil causes.

(b) The District Court will ensure that the defendant has received a copy of the charges against the defendant and that the defendant understands those charges.

(c) The defendant will be entitled to cross-examine all witnesses who appear against the defendant, to produce evidence or witnesses in the defendant's own behalf, or to testify in the defendant's own behalf, if the defendant elects to do so.

(d) The defendant will be entitled to be represented by counsel of the defendant's own selection and at the defendant's own expense.

(e) The defendant may enter a plea of guilty or not guilty of the infraction as charged, and the District Court may render a verdict of guilty of a municipal infraction, or the District Court may, before entering judgment, place the defendant on probation.

(f) The court costs in a municipal infraction proceeding in which costs are imposed are five dollars (\$5.00). A defendant may not be liable for payment to the Criminal Injuries Compensation Fund.

(g) The State's Attorney for Prince George's County is authorized to prosecute a municipal infraction and is authorized to enter a nolle prosequi in such cases or to place such cases on the stet docket.

(h) Notwithstanding the foregoing, the City may designate an attorney to prosecute any municipal infraction in the same manner as the State's Attorney for Prince George's County.

ARTICLE II Building Regulations

Section 201. Maryland Building Performance Standards

(a) Pursuant to state law, the building regulations of the City are those regulations contained in the Maryland Building Performance Standards as amended by ordinance by the Mayor and Commissioners of District Heights.

(b) The Building Officials and Code Administrators International, Inc. (BOCA) National Building Code, Thirteenth Edition, 1996 (hereinafter the BOCA Code), with modifications contained in the Code of Maryland Regulations (COMAR) 05.02.07.04, constitutes the Maryland Building Performance Standards and is incorporated into the District Heights Code of Ordinances by reference.

(c) The Council of American Building Officials (CABO) One and Two Family Dwelling Code 1995 Edition (hereinafter the CABO Code), with modifications contained in COMAR 05.02.07.04 shall be used in interpreting the requirements of the BOCA Code as they pertain to one- and two-family dwellings and is incorporated into the Code of Ordinances of District Heights by reference.

(d) A copy of the BOCA Code and the CABO Code, along with the modifications made by COMAR 05.02.07.04 and amendments enacted by the Mayor and Commissioners of District Heights, shall be kept in the City offices and shall be made available to the public during normal business hours.

Section 202. City Building Permit Required

(a) It shall be unlawful for any person, firm, corporation, or developer to construct, alter, enlarge, repair, remove, or demolish any building or structure or part thereof without first obtaining a building permit from the City in accordance with Section 107.0 of the BOCA Code. Failure to obtain a permit shall be a municipal infraction punishable by a fine established by the Mayor and Commissioners and specified in Article XIV of this Code.

(b) The building permit requirements of the City of District Heights do not exempt any person, firm, corporation, or developer from obtaining from other jurisdictions and agencies other permits required by law, such as but not limited to grading, storm water management, plumbing, and electrical permits. No building permit will be issued by the City to any home improvement contractor that does not have a valid Maryland home improvement contractor (MHIC) license issued by the state.

(c) Departments of the City of District Heights government shall not be required to obtain a building permit for work to be performed by City employees. However, the work shall conform to the Maryland Building Performance Standards as amended by this article. Any person, firm, corporation, or developer that performs work under contract to

the City of District Heights shall be required to obtain a building permit for that work in accordance with this article but shall be exempt from any City fees associated with the permit.

Section 203. Amendments to Maryland Building Performance Standards

(a) The specified sections and subsections of the BOCA Code shall be amended as follows:

(1) In Subsection 101.1, “Title,” replace the words “[Name of Jurisdiction]” with the words “the City of District Heights, Maryland.”

(2) Delete the text of Subsection 104.1, “Code official,” and insert the following language: As used in this Code, the term “Department of Building Inspection” refers to the Code Enforcement Office of the City of District Heights, and the term “code official” refers to the Code Enforcement Officer or the City Engineer of the City of District Heights, except that in reference to fire safety provisions, the term “code official” refers to the Prince George s County Fire Chief and in reference to elevators and conveying systems, the term “code official” refers to the Maryland Commissioner of Labor and Industry.

(3) Delete the text of Subsection 104.2, “Appointment,” and insert the following language: The Code Enforcement Officer, City Engineer, and any subordinate officers or employees designated to enforce this code shall be appointed by the Mayor and Commissioners in accordance with the Charter, laws, and regulations of the City of District Heights.

(4) Delete Subsection 104.3, “Organization,” and Subsection 104.4, “Deputy,” in their entirety.

(5) Add the following sentences to Subsection 105.1, “General”: The District Heights code official shall rely on the Prince George s County Fire Chief to enforce all fire safety provisions of this Code. The District Heights code official shall rely on the Maryland Commissioner of Labor and Industry to enforce the provisions of this Code related to elevators and conveying systems.

(6) Delete Subsection 107.1.1, “Repairs,” in its entirety.

(7) Delete the text of Subsection 108.2, “Suspension of permit,” and insert the following language: Any permit issued shall become invalid if the authorized work is not commenced within twelve (12) months after issuance of the permit, or if the authorized work is suspended or abandoned for a period of six (6) months after the time of commencing work. The code official is authorized to make the determinations of whether work has commenced and whether work has been suspended or abandoned. The code official may invalidate a permit due to failure of the permit holder to commence work within twelve months (12) or due to the

permit holder's suspension or abandonment of work for six (6) months even if activity has occurred at the site during the specified time period if, in the opinion of the code official, the activity has been insignificant to the progress of the authorized work and has been undertaken only to preserve the continuance of the permit.

(8) Delete Section 109.0, "Temporary structures," including all subsections therein, in its entirety.

(9) Add a new Subsection 111.5, Titled "Location of underground utility lines," to read as follows: For all work that requires excavation, the permit holder shall contact the utility service protection center, "Miss Utility," in compliance with Maryland law. In the event that the permittee fails to obtain the services of the utilities, and whether or not a utility line is ruptured, the code official may revoke the building permit. In such event, all fees paid to the City shall be forfeited and, in order to continue work, a new application for a permit with requisite fee shall be filed. Drawings shall be reexamined to determine that all utilities have been located and verified by the appropriate utility companies. However, in the event any or all of the respective utility companies fail to furnish the requisite information to the permittee within a reasonable period of time as determined by the code official, then the foregoing permit revocation provisions shall not apply.

(10) In Subsection 112.3.1, "Fee schedule," replace the note "[Jurisdiction to insert appropriate schedules.]" with the fee schedule contained in Article XIV of The District Heights Code of Ordinances.

(11) Add a new Section 113.6, titled "Inspection notification" to read as follows: It shall be the duty of the holder of every building permit to notify the code official, verbally or in writing, when each structure will be ready for inspections. A minimum of three (3) inspections must be made for all buildings:

(1) the first inspection before footing-trenches are filled,

(2) the second inspection as soon as the foundation(s) is (are) installed and before back-fill is made, and

(3) the third inspection when the main structural members are in place and exposed before covering same with lath or plaster or other covering.

Failure to notify the code official of the times for such inspections will automatically cancel the permit. Before reissuing a permit, the code official may require the payment of a second fee, and will require removal of earth or material covering the structural members necessary to insure the inspections required.

(12) Delete the text of Subsection 116.4, “Violation penalties” and insert the following language: Any person who violates a provision of this Code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of an approved plan or directive of the code official, or of a permit or certificate issued under the provisions of this Code, shall be guilty of a municipal infraction punishable by a fine not to exceed one thousand dollars (\$1,000). The amount of the fine shall be as established by the Commission of District Heights by ordinance and specified in Article XIV of the Code of Ordinances of District Heights. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(13) Delete the text of Subsection 117.2, “Unlawful continuance” and insert the following language: Any person, firm, association, partnership, or corporation, or combination thereof, who continues work in violation of the provisions of a “stop work order,” or who removes or causes to be removed a “stop work order” sign still in effect and operation, shall be guilty of a municipal infraction, punishable by a fine not to exceed one thousand dollars (\$1,000). The amount of the fine shall be as established by the Commission of District Heights by ordinance and specified in Article XIV of the Code of Ordinances of District Heights.

(14) Delete Subsections 118.1, 118.2, 118.3, and 118.4 of Section 118.0, “Certificate of Occupancy,” in their entirety and insert the following:

118.1, General: A Certificate of Occupancy (also called a Use and Occupancy permit) shall be required for any building or structure erected, altered, or changed to a different use and for any non-residential building or structure transferred to a new owner or occupant. No person shall occupy a structure for which a building permit was issued prior to issuance of a Certificate of Occupancy indicating completion of the work.

118.2, Application for Certificate: The application for Use and Occupancy permits shall be made to the code official on a form provided by the City. Fees for such use and occupancy permit shall be as established by the Commission by ordinance and specified in Article XIV of The Code of Ordinances of The City of District Heights.

118.3. Inspection and compliance requirements: No Certificate of Occupancy shall be issued for any building or structure unless such building or structure has been inspected and it has been determined by the code official that the building or structure was erected, altered, or repaired and is otherwise in compliance with the provisions of this Code and other provisions of state and local laws, ordinances, and regulations, except that all buildings which undergo a change of owner or tenant only with no change of intended use are not required to meet the fire safety requirements for a new building in order to obtain a Use and Occupancy

permit. Such buildings are required, however, to comply with the provisions for existing buildings of state and local laws, ordinances, and regulations with respect to fire safety.

118.4. Street improvements: No building shall be occupied for human habitation or use until it shall be demonstrated to the code official that the streets bounding and approaching said building are improved in accordance with specifications issued by the City Engineer. A waiver of this provision may be granted by the Commission of District Heights upon formal application therefore.

(15) In Subsection 119.5, “Restoration,” delete the words “Section 107.1.1 and.”

(16) Add a new Subsection 120.1.1, titled “Abatement of uncompleted structures,” to read as follows: In the event the responsible party fails to complete construction of a structure at the time of expiration, abandonment, or revocation of the building permit, and in the event the responsible party fails to comply with the lawful order of the code official to make safe by the completion of the construction or demolish an unsafe and uncompleted structure, and if in the code official’s opinion emergency action is required, the code official shall proceed to abate the unsafe conditions by appropriate means, including demolition and removal of dangerous structures, utilizing such public or private resources required and available.

(17) Add the following sentence to Subsection 120.5, “Costs of emergency repairs.” Any costs incurred by the City to abate an unsafe condition shall become a lien on the property and shall be collected in the same manner as real property taxes.

(18) Delete Subsection 121.2, “Membership of board,” including all subsections therein, in its entirety and insert Subsection 121.2, titled “Composition of Board of Appeals” to read as follows: the Mayor and Commissioners of the City of District Heights shall constitute the Board of Appeals regarding matters within the scope of this Code. The City Clerk shall serve as secretary to the Board of Appeals.

(19) Amend Subsection 121.3, “Notice of meeting,” by replacing the word “chairman” with the word “Mayor.”

(20) Delete Subsection 121.6.1, “Resolution,” and replace it with the following subsection:

121.6.1 Documentation of decision: The decision of the board shall be documented in writing. Copies shall be furnished to the appellant and to the code official.

(21) Amend Subsection 121.7, “Court review,” by deleting the second sentence and inserting the following sentence in its place: Application for review shall be made in the manner and time required by law following the board’s decision.

(22) Insert the following definitions alphabetically into Section 202.0, “General Definitions”:

Condominium: a multi-unit structure comprising apartments, rooms, office spaces, or other units that are separately owned.

Condominium project: a real estate plan or project in which five (5) or more apartments, rooms, office spaces, or other units in any existing or proposed building or buildings are offered or proposed to be offered for sale as separate units.

Condominium unit: an enclosed space consisting of one (1) or more rooms occupying all or part of one (1) or more floors in buildings of one (1) or more floors or stories regardless of whether they are designed for residence, for office, for the operation of any industry or business, or for any other type of independent use, and including any related accessory facilities such as garage space, storage space, balcony, terrace or patio, provided said unit has a direct exit to a thoroughfare or to a given common element leading to a thoroughfare.

Hot water supply heater: a pressure vessel directly fired by oil, gas, electricity, or solar power and which does not exceed the following limitation: two hundred thousand (200,000) British thermal units per hour (btu/hr) input, and two hundred (200) degrees Fahrenheit temperature, and nominal water capacity of one hundred twenty (120) gallons.

(23) Add a new Subsection 310.1.1, titled “Condominium dwelling units,” to read as follows: Condominium dwelling units shall be classified by the BOCA Code in use group R-2 or R-3 as appropriate for design and use.

(24) Add a new Subsection 407.6.1 titled “Interconnecting doors,” to read as follows: All doors which are required by Section 407.6 shall be provided with a self-closing device. The self-closer may be nonlisted but must be sufficient to close and latch the door from an open position of twelve (12) inches. Door frames may be of metal or wood construction. Adjacent drywall must butt solidly with the door frame.

(25) Add a new Subsection 418.3.2.11, titled “Underground storage” to read as follows: all underground storage tanks for flammable or combustible liquids shall be separated from adjacent property lines and buildings by not less than five (5) feet.

(26) Amend Subsection 420.3.1, titled “Anchorage and tie-down,” to read as follows: Design of anchorage and tie-down shall be compatible with a ninety miles per hour (90 mph) wind load and a frost level of thirty (30) inches below grade.

(27) In Subsection 421.10.1 “Outdoor private swimming pool,” amend item 1 to read as follows:

1. The top of the barrier shall be at least six (6) feet above finished ground level measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between finished ground level and the barrier shall be two (2) inches measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above finished grade level, such as an above-ground pool, the barrier shall be at finished ground level, such as the pool structure, or shall be mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be four (4) inches. A pool cover or other protective device approved by the code official may be used so long as the degree of protection afforded by the substituted device or structure is not less than the protection afforded by the enclosure, gate, and latch described herein.

(28) Add a new Section 422.0, titled “Security Devices, R-2 Uses” and containing the following subsections:

422.1. Locks on swinging entrance doors: Locks on swinging entrance doors to all individual multifamily dwelling and boarding house units shall have dead bolts with a one (1) inch minimum throw and hardened steel inserts in addition to dead latches with one-half (½) inch minimum throw locks. The devices shall be so constructed that both dead bolt and dead latch can be retracted by single action of the inside door knob. Alternate devices may be substituted subject to prior approval of the code official. In addition, a visual detection device (magnifying peephole) shall be provided to allow inspection before allowing entry.

422.2. Locks on sliding entrance doors: Locks on sliding entrance doors to all individual multifamily dwelling and boarding house units shall be of hardened steel inserts with mounting screws for the lock case inaccessible from the outside. The lock bolts shall engage the strike sufficiently to prevent its being disengaged by any possible movement of the door with the space or clearance provided for installation and operation. Alternate devices may be substituted subject to prior approval of the code official. These requirements shall apply to sliding doors opening into patios or balconies which are one (1) story or less above grade or are otherwise accessible from the outside.

422.3. Surface mounted locks: Approved surface mounted hardware shall be allowed only for existing dwelling units: all new dwelling units shall be provided with mortise type hardware meeting the requirements of this section.

422.4. Locks on doors to nonhabitable rooms: Entrance doors to laundry rooms, storage areas, trash rooms, and other similar areas within multifamily dwellings and boarding houses shall be provided with locking hardware with a minimum one-half (½) inch throw and the respective apartment tenants provided with access to keys.

(29) Delete Subsection 504.4, “Day care centers,” in its entirety.

(30) Add a new Subsection 1010.2.1, titled “Minimum number and second basement or cellar exits, R-3 and R-4,” to read as follows: One- and two-family dwellings shall have a minimum of two (2) exits. All basements and cellars when provided in structures of use group R-3 and R-4 must have a basement or cellar exit door leading directly to the outside grade.

(31) Amend Subsection 1214.1, titled “Scope,” to read as follows: This section shall apply to all common interior walls, partitions, and floor/ceiling assemblies between adjacent dwelling units or between a dwelling unit and adjacent public areas such as halls, corridors, stairs, or service areas in all buildings of use groups R-3 designed and constructed in accordance with the CABO One and Two Family Dwelling Code.

(32) Amend Subsection 1406.4, “Balconies and similar appendages,” by adding the following sentence prior to the exceptions: Existing balconies which are subject to repair or replacement due to deterioration or damage shall comply with this section.

(33) Amend Subsection 1607.3, “Minimum roof loads,” by adding the following sentence: However, in no case shall a roof be designed for less than thirty pounds per square foot (30 psf) live load.

(34) Amend Subsection 1806.1, titled “Frost protection,” to read as follows: Except when erected upon solid rock or otherwise protected from frost, foundation walls, piers, and other permanent supports of all buildings and structures shall extend thirty (30) inches below finished grade, and spread footings of adequate size shall be provided when necessary to properly distribute the load within the allowable bearing value of the soil, or such structures shall be supported on piles or ranging timbers when solid earth to rock is not available. Footings shall not be founded on frozen soils unless such frozen condition is of a permanent character.

Exception: Foundation walls, piers, and other permanent supports for sun decks and uninhabitable accessory buildings shall extend no less than eighteen (18) inches below finished grade.

(35) Add a new Subsection 1906.3.3, titled “Prohibition of asbestos,” to read as follows: The use of aggregate containing evidence of asbestos content greater than one hundred parts per million (100 ppm) by volume is prohibited. Each supplier of aggregate in this City shall be conclusively presumed to warrant it to be free of asbestos-bearing content greater than one hundred parts per million (100 ppm) by volume. For purposes of this subsection asbestos is defined as any of the following group of minerals: actinolite, amosite, anthophyllite, chrysolite, crocidolite, or tremolite.

(36) Amend Subsection 3102.1, “General,” to read: The provisions of this section shall govern the construction, alteration, repair and maintenance of all signs, including nameplates and movable signs, together with the associated appurtenant and auxiliary devices in respect to structural and fire safety.

(37) Amend Subsection 3102.4.3, “Permit exemptions,” to read: A building permit shall not be required for:

(a) house number signs, resident occupancy signs, and professionals markers, provided that such signs are not more than three-quarter (3/4) square foot in area;

(b) ground signs erected to announce the availability of property for sale or rent, provided that such signs are not more than six (6) square feet in area and do not exceed the height limitation for ground signs provided in Subsection 3102.7, as amended by the City of District Heights, and provided that a real estate sign permit has been obtained as required by the Code of Ordinances of District Heights;

(c) ground signs designating the location of a transit line or other public carrier;

(d) ground signs erected by a government agency for street direction or traffic control; or

(e) signs advertising temporary sales, including yard sales and garage sales, for which a permit has been obtained in accordance with the Code of Ordinances of District Heights.

Such exceptions, however, shall not be construed to relieve the owner of the sign of responsibility for the sign s erection and maintenance in a safe manner.

(38) Amend Subsection 3102.7, “Ground signs,” to read: The structural frame and display portion of ground signs shall not exceed a height of six (6) feet.

(39) Amend Subsection 3102.8, “Roof signs,” to read: Erection of roof signs shall be prohibited in the City of District Heights.

(40) Amend Subsection 3102.9.2, “Extension,” by deleting the words “roof signs.”

(41) Add a new Subsection 3102.9.3, titled “Painted wall signs prohibited,” to read: No sign shall be painted directly on a fence or on the surface of a building wall within the City of District Heights.

(42) Add a new Subsection 3102.9.4, titled “Signs attached to fences,” to read: No sign, except manufacturer’s markers, shall be attached to a fence within the City of District Heights.

(43) Amend the first sentence of Subsection 3102.14, “Portable signs,” to read: Portable signs shall be prohibited in the City of District Heights.

(44) Amend Subsection 3106.2, “Construction,” by deleting the exception in its entirety.

(45) Amend Subsection 3109.1, “Permits not required,” to read: A building permit is not required for installation of an antenna for private radio or television reception erected on the roof or attached to a building or structure, except a dish antenna more than two (2) feet in diameter, provided that the antenna and its anchorage do not extend more than six (6) feet above the highest point of the roof and do not penetrate the surface of the roof.

(46) Amend Subsection 3109.2, “Permits required,” to read: A building permit is required for installation of any antenna for private radio or television reception erected on the roof or attached to a building or structure whenever the antenna or any attachment extends more than six (6) feet above the highest point of the roof or whenever the installation involves penetrating the surface of the roof and for installation of any dish antenna more than two (2) feet in diameter. An application for a permit shall be accompanied by detailed drawings of the antenna structure and methods of anchorage. No antenna mounted on the side or roof of a building shall be erected nearer to the lot line than the total height of the antenna and its attachments above the roof nor shall such antenna be erected near electric power lines or encroaching upon any street or other public space. The antenna structure shall be erected so as not to injure the roof covering, and all connections to a roof shall be properly flashed to maintain water tightness. All antennae must meet manufacturers specifications, be of noncombustible and noncorrosive materials, and be erected in a secure, wind-resistant manner. An electrical permit, if required, shall be obtained prior to installation.

(47) Amend Subsection 3109.3.1 “Permits” to read: The approval of the code official shall be secured for installation of any dish antenna more than two (2) feet in diameter erected on the roof or attached to any building or structure and for installation of any dish antenna less than two (2) feet in diameter erected so as to extend more than six (6) feet above the highest point of the roof or whenever the installation involves penetration of the roof surface.

(48) Add a new Section 3111.0 titled “Fences” and containing the following subsections.

3111.1 General: The provisions of this section shall govern the construction, alteration, repair, and maintenance of all fences.

3111.2 Light, ventilation, height, and location: Any fence erected within the City shall be so constructed that at least fifty percent (50%) of the available light and air can pass through it and shall not exceed three and one-half (3 ½) feet in height, with the exception that a chain link fence, an alternate board fence, or a board on board fence, erected on the perimeter of the rear of a lot and not extending toward the street beyond the rear line of the main building, may be built to a height of six (6) feet, provided however, that no fence shall be constructed within twelve and one-half (12 1/2) feet of the curb of any street or within one (1) foot of the property line along any alley. The City Commission may grant special exceptions to these restrictions wherever they deem such action justified. Applications for such exceptions must be submitted in writing and state the reasons for such request.

3111.3 Prohibition of certain materials: It shall be unlawful for any person to erect or cause to be erected any barbed wire or razor wire fence or enclosure within the City. This prohibition does not apply to fences or enclosures erected by the City of District Heights.

(49) In Subsection 3310.2, “Protection of adjoining property,” Replace the first sentence with a new first sentence to read: The person who causes any excavation to be made, if afforded the necessary license to enter the adjoining premises, shall preserve and protect from injury at all times and at his or her own expense such adjoining structure or premises which may be affected by the excavation.

(50) Retitle Subsection 3310.4 to “Restoration of lot” and add the following sentence: Such restoration shall meet the requirements for grading, drainage, sediment and erosion control, and stormwater management specified by Prince George s County.

(51) Add a new Subsection 3310.6, titled “Protective fencing,” to read as follows: Whenever an excavation is made to a depth of three (3) feet or more and

it is determined that such excavation would be a hazard, the owner of the premises or the person causing such excavation, shall erect a fence or other barricade as required by the code official.

(b) In addition to the requirements of the Maryland Building Performance Standards as amended in Subsection (a) of this section, the following conditions shall be met prior to issuance of a building permit.

(1) Street Improvements.

a. Where an improved street has not already been laid, the builder of any structure may be required to post either a cash sum which the Commission determines is sufficient to insure the construction of said street, or in the alternative, to post a bond with any reputable bonding company acceptable to the Commission in an amount equal to one hundred and twenty-five percent (125%) of the total construction cost of the street as estimated by the City Engineer.

b. Whenever a contractor or builder is required to improve or establish a street, the contractor or builder shall post a bond or cash deposit in an amount equal to one hundred and twenty-five percent (125%) of the cost of any probable maintenance of said street for a period of one (1) year as estimated by the City Engineer.

(2) Heavy Equipment. Where any heavy equipment, whether cleated or of such weight and description as to cause or probably cause any damage is to be moved over a public street, alley, or sidewalk it shall be necessary for the builder or the transporter of said equipment to post a bond in an amount equal to one hundred and twenty-five percent (125%) of the cost to repair probable damage to any street, alley, or sidewalk within the City over which said equipment shall travel as estimated by the City Engineer.

(3) Off-street Parking. Whenever any new premises are to be constructed within the City, off-street parking shall be provided. Said off-street parking shall have a width of such dimensions as to permit a person to open the door on either or each side of said vehicle and to get in or out thereof, and it shall be a further requirement that the depth requirement will be such that any private automobile shall not protrude from the property line of the premises considered. The requirements for off-street parking may be waived upon recommendation of the City Engineer and approval of the Commission.

(4) Excavation; pavement removal. Whenever a project involves excavation and/or removing pavement on any public place, including but not limited to construction or reconstruction of driveway aprons, the contractor shall be required to post a bond or cash deposit in an amount equal to one hundred and twenty-five percent (125%) of the cost to correct any potential problems created by the excavation and/or removal of pavement as estimated by the City Engineer.

(5) Sidewalks and trees required. Whenever any building is constructed within the City on any unimproved property or whenever a building is replaced on any property, improved or unimproved, the builder shall be required to install sidewalks in conformance with the plans and specification of the City standards. Each builder shall be required to provide for trees, as determined by the City Engineer, between the street or the curb and gutter and sidewalk space.

(6) Obstruction to future sidewalk construction. All leadwalks, walks, or other possible obstructions to future sidewalk construction shall be so situated upon any new construction project that they shall not interfere with or obstruct the proper construction of sidewalks as shall be determined and provided for by the City Engineer.

ARTICLE III Fire Regulations

Section 301. Adoption of County Fire Safety Law

(a) The fire regulations of the City of District Heights shall consist of Subtitle 11 of the Prince George s County Code (1995 edition) entitled “Fire Safety” which constitutes the fire safety law of Prince George s County, including any future amendments, revisions, or changes thereto, as supplemented by fire regulations adopted by the Mayor and Commissioners of District Heights and made a part of this Code of Ordinances.

(b) In applying the fire safety law of Prince George s County within the City of District Heights, references to the building code shall be interpreted to mean the building regulations of the City of District Heights contained in Article II of this Code and references to building permits shall be interpreted to mean building permits issued by the City of District Heights in accordance with the building regulations contained in Article II of this Code.

(c) The City of District Heights hereby requests and authorizes Prince George s County to enforce the provisions of this article.

(d) The City of District Heights reserves the right, along with Prince George s County, to enforce the provisions of Subtitle 11 of the Prince George s County Code.

(e) A copy of Subtitle 11 of the Prince George s County Code shall be kept in the City offices and shall be made available during normal business hours.

(f) In addition to the fire safety law of Prince George s County, the fire regulations contained in the following sections of this article shall apply within the City of District Heights.

Section 302. Burning or Igniting of Trash or Leaves Prohibited

It shall be unlawful for any person to burn or ignite trash or leaves on any public or private property within the City. Violation of this section shall be a municipal infraction punishable by a fine established by the Mayor and Commissioners and specified in Article XIV of this Code.

**ARTICLE IV
Health and Nuisances**

Section 401. Health and Sanitation Committee

(a) Appointment. The Mayor and Commissioners may appoint a Health and Sanitation Committee, consisting of at least one (1) Commissioner, who shall chair the Committee.

(b) Duties of the Chair. The Chair shall preside at all meetings and report to the Mayor and Commissioners on activities of the Committee and any questions, complaints and/or irregularities that may be brought to the Committee's attention.

(c) Duties of the Committee. The Health and Sanitation Committee shall oversee the enforcement of all ordinances for the preservation of health in the City and refer to the Code Enforcement Office or Police Department of the City any unsanitary, unhealthy or improper condition or any nuisance contrary to the applicable laws of the state, county, or City.

Section 402. Housing Code

(a) Adoption. The District Heights Housing Code consists of the Housing Code of Prince George's County, Maryland, contained in Subtitle 13, Division 1, of the Prince George's County Code (1995 edition) which is hereby adopted and made part of this Code by reference, any future amendments, revisions, or changes to the Housing Code of Prince George's County enacted by the Prince George's County Council, and any amendments to the Housing Code of Prince George's County enacted by the Mayor and Commissioners of District Heights.

(b) Application. The District Heights Housing Code shall apply to all property within the City used or zoned for residential purposes, including owner-occupied single-family residences.

(c) References to Building Code. In applying the Housing Code of Prince George's County within the City of District Heights, references to the building code shall be interpreted to mean the building regulations of the City of District Heights contained in Article II of this Code.

(d) Amendments to Prince George s County Housing Code. The specified sections and subsections of the Housing Code of Prince George s County shall be amended as follows.

(1) Delete the text of Section 13-101 (b) and insert the following language: “A copy of the District Heights Housing Code, including the Housing Code of Prince George s County, the BOCA basic housing code referenced therein, and amendments enacted by the Mayor and Commissioners of District Heights shall be kept in the City offices and shall be made available during normal business hours.”

(2) Delete the text of Section 13-102 entitled, “Enforcement of Housing Code; officials” and insert the following language: “Any District Heights Police Officer or Code Enforcement Officer is authorized to enforce the provisions of the District Heights Housing Code.”

(3) In Section 13-103, replace the word “County” with the word “City.”

(4) In Section 13-104, replace the words “Director of Environmental Resources” with the words “Code Enforcement Officer.”

(5) Delete the text of Section 13-106 (a) (1), and insert the following language: “Building official or building official of the municipality shall mean the Police Officer or Code Enforcement Officer enforcing the provisions of the District Heights Housing Code.”

(6) Delete the text of Section 13-106 (a) (3), and insert the following language: “Municipality or city shall mean the City of District Heights, Maryland.”

(7) Delete the text of Section 13-108 and replace it with the following language: “Section H-120.1 is amended to read as follows: Enforcement Officer. The City of District Heights has elected to assume responsibility for housing code enforcement within the corporate limits of the City.”

(8) In Section 13-110, replace the word “Department” with the word “City” in both places that it appears.

(9) Delete Sections 13-112 and 13-113, which pertain to abatement and tax liens, in their entirety.

(10) In Section 13-113.00.01, delete the third paragraph which begins, “Any abandoned dwelling...” in its entirety.

(11) Delete the text of Section 13-115 and replace it with the following language:

“Section H-140.3 is amended to read as follows: Penalty for Violations. Violation of the District Heights Housing Code shall be a municipal infraction punishable by a fine established by the Mayor and Commissioners and specified in Article XIV of the District Heights Code of Ordinances. Each day that a violation continues after due notice has been served in accordance with the terms and provisions of this Code shall be deemed a separate offense. The application of the foregoing penalty shall not preclude application to a court of equity for appropriate injunctive relief.”

(12) In Section 13-116, replace the word “Council” with the words “Mayor and Commissioners.”

(13) Delete Sections 13-117 and 13-118, which pertain to appeals, in their entirety.

(14) In Section 13-122 (c), replace the phrase “County Police Department” with the phrase “City Police Department.”

(e) Abatement. If the responsible party fails to remedy a condition that violates the District Heights Housing Code within the period required for compliance, the Mayor and Commissioners may direct the appropriate City officials to take such corrective steps as may be required to abate the condition, including the expenditure of City funds for which the City may assess costs against the property owner. If the property owner fails to remit any costs assessed by the City as a result of this section, the costs shall become a lien on the property and may be collected in the same manner as real property taxes. Abatement of a condition by the City shall not bar the prosecution of the responsible person for the condition abated.

(f) Appeal. A responsible party may appeal a notice of violation or a decision of the enforcement officer by filing an appeal in writing with the Mayor and Commissioners within thirty (30) calendar days or within the period required for compliance, whichever is shorter. The appeal shall state in detail the reasons for the appeal.

Section 403. Non-residential Property Maintenance Standards

(a) Scope. This section provides the minimum standards and the responsibilities for maintenance of structures, equipment, and exterior property for all property and structures used or zoned for commercial, industrial, and other non-residential purposes within the City of District Heights, including residentially zoned property where the use is other than residential.

(b) Definitions. As used in this section, the following words and phrases shall have the meanings indicated below.

(1) “Code Official” shall mean the Code Enforcement Officer of the City of District Heights, a Police Officer, or any other individual authorized by the Mayor and Commissioners to enforce the provisions of this Code.

(2) “Garbage” shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, or consumption of food.

(3) “Maintenance” shall mean acts of repair or other acts to prevent a decline in the conditions of grounds, structures, and equipment such that the condition does not fall below the standards established by this section and other applicable laws.

(4) “Owner” shall mean any person, persons, partnership, limited partnership, trust, estate, association, or corporation who owns, leases, occupies, or controls the property and any agent of such person or entity.

(5) “Property” shall mean any land utilized or zoned for commercial, industrial, or other non-residential purposes, including residentially zoned land where the use is other than residential, and any improvement thereon.

(6) “Public Nuisance” shall mean and include the following:

a. The physical condition or use of any premises regarded as a public nuisance at law; or

b. Any physical condition or use of any premises, its attachments, or accessory structures which may reasonably invite or encourage trespassing and resulting injury to trespassers or others; or

c. Any property which has unsanitary sewerage or plumbing facilities; or

d. Any physical condition or use which would constitute an unsafe condition or structure under Article II, “Building Regulations,” or Article III, “Fire Regulations,” of this Code.

e. Any property from which the plumbing, heating, and/or facilities required by applicable laws or regulations have been removed, or from which facilities have been disconnected, destroyed, removed, or rendered ineffective; or

f. Any property which is unclean, unsanitary, or which is littered with rubbish or garbage or which has an uncontrolled growth of weeds.

(7) “Rubbish” shall mean all solid waste consisting of both combustible waste (including but not limited to paper, cardboard, wood, cloth, bedding material, lawn and yard clippings not located in an established compost pile, and dead trees and limbs to include any hazardous or uprooted trees) and

noncombustible waste (including but not limited to metals, glass, crockery, tin cans, junked appliances, abandoned vehicles, and any building and construction waste).

(8) “Tree” shall mean a large woody plant having one (1) or several self-supporting stems or trunks and numerous branches, and which reaches a height of at least twenty (20) feet at maturity.

(9) “Weeds” shall mean grass, weeds, brush, and growth, excluding trees, ornamental shrubbery, plants, and flowers, garden vegetables properly tended, cultivated crops, or woodland, not otherwise in violation of this Code.

(10) “Woodland” shall mean a biological community dominated by trees and other woody plants covering a land area of ten thousand (10,000) square feet or greater. This includes areas that have at least one hundred (100) trees per acre with at least fifty (50) trees that are two (2) inches or greater in diameter at breast height (DBH) where diameter at breast height means the diameter of a tree measured at a height of four and one-half (4 1/2) feet from the ground. This also includes areas that have been cut, but not cleared.

(c) Responsible Person. All owners of property, as defined in subsection (b) of this section, are responsible for complying with the requirements of this section

(d) Maintenance Requirements. All improved and unimproved property shall be maintained in a clean, safe, secure, and sanitary condition and in conformance with this section so as not to create a public nuisance or adversely affect the public health, safety, or welfare.

(e) Disposal of Garbage and Rubbish. All garbage, vegetable waste, other putrescible materials, and rubbish shall be placed in approved containers provided with close fitting covers for the storage of such waste until removed from the premises for disposal.

(f) Screening. All approved vehicle repair facilities, towing stations, and storage lots abutting areas used for residential purposes shall be completely screened in accordance with the requirements of the Prince George s County Zoning Code, notwithstanding the nonconforming status of a property.

(g) Accessory Structures. All accessory structures, including but not limited to detached garages, fences, and walls, shall be maintained in a structurally sound condition and in good repair.

(h) Weeds. All property shall be kept free from weeds in excess of ten (10) inches in height.

(i) Insect and Rat Control. All property owners shall be responsible for the extermination of insects, rats, vermin, or other pests in all areas of the property.

(j) Public Areas. All sidewalks, steps, driveways, parking spaces, loading docks, service areas, and similar paved areas for public use shall be kept in a proper state of repair and maintained free of hazardous conditions.

(k) Exterior Surfaces, Walls, and Foundations of Structures. Every exterior surface, wall, and foundation shall be free of holes, breaks, loose or rotting boards, timbers, or other materials, and any conditions which might admit rain or dampness to the interior portions of the walls. All exterior surface materials, including wood, composition, cinder block, or metal siding, shall be maintained in a weather-proof condition, properly surface-coated, and free of graffiti.

(l) Roofs and Drainage. Roofs and drainage systems shall be structurally sound and tight and without defects which might admit rain or cause dampness or deterioration in the interior portion of the building. Roof water shall not be discharged in a manner which creates a private or public nuisance or violates ordinances relating to stormwater management.

(m) Decorative Features. All cornices, entablatures, belt courses, core belts, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

(n) Signs, Marquees, and Awnings. Canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts, and similar overhangs or extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. They shall be protected from the elements against decay and rust by the periodic application of a weather-resistant material such as paint or other protective treatment. Any structure, post, or foundation which was constructed, erected, or maintained for the purpose of supporting or displaying or which was used for support or display of any on-site sign, but which has not been used for such support or display for a period of ninety (90) consecutive days, is prohibited and must be removed.

(o) Notice of Violation. Whenever the Code Official shall determine that a provision of this section has been violated, the Code Official shall serve notice of the violation upon the owner or other responsible party by sending a copy of the notice by mail to the last known address, or, if the notice is returned showing that it has not been delivered to the last known address, by posting a copy in a conspicuous place in or about the subject property in violation. The notice shall be in writing; shall include a description of the property sufficient for identification; shall specify the violation that exists and the remedial action required; and shall allow a reasonable time for the performance of any act it requires.

(p) Appeal. A responsible party may appeal a notice of violation or a decision of the Code Official by filing an appeal in writing with the Mayor and Commissioners

within thirty (30) calendar days or within the period required for compliance, whichever is shorter. The appeal shall state in detail the reasons for the appeal. The Commission may rule without conducting a hearing. A ruling will be issued within sixty (60) days of the date the Commission receives the appeal.

(q) Abatement. If the responsible party fails to remedy a condition that violates the provisions of this section within the period required for compliance or within three (3) business days after the Commission has ruled on the responsible party's appeal, the Mayor and Commissioners may direct the appropriate City officials to take such corrective steps as may be required to abate the condition, including the expenditure of City funds for which the City may assess costs against the property owner. If the property owner fails to remit any costs assessed by the City as a result of this section, the costs shall become a lien on the property and may be collected in the same manner as real property taxes. Abatement of a condition by the City shall not bar the prosecution of the responsible person for the condition abated.

(r) Penalty. Violation of the provisions of this section shall be a municipal infraction punishable by a fine established by the Mayor and Commissioners and specified in Article XIV of this Code.

Section 404. Littering Prohibited

It shall be unlawful for any person to cause or allow to flow any dirt, earth, and/or silt upon any of the sidewalks, streets, alleys, or other public space and it shall be similarly unlawful for any person to permit or allow any mud, dirt, garbage, bottles, trash or any kind of debris whatsoever, to be thrown or dropped in any manner onto or upon the streets, alleys or other public space without immediately removing the aforesaid mud, dirt, garbage, bottles, trash, or debris from the said areas of the City. Violation of this section shall be a municipal infraction punishable by a fine established by the Mayor and Commissioners and specified in Article XIV of this Code.

Section 405. Nuisances Prohibited

It shall be unlawful for any person to create, allow or cause to persist any nuisance within the City. For purposes of this section, a nuisance is any act, omission, or condition that is dangerous to life or health, renders air, food, water or drink unwholesome or unfit for human consumption, produces odors, gases, or exhalations that are offensive to the inhabitants or dangerous to the public health, produces accumulations of animal, mineral, vegetable or other matter, whether in solid, liquid, or gas form, which are dangerous, harmful or unsightly to the neighborhood, or are likely to become so, or are likely to attract persons generally, and children specifically, with the possibility of resulting harm or injury. Violation of this section shall be a municipal infraction punishable by a fine established by the Mayor and Commissioners and specified in Article XIV of this Code.

Section 406. Safety Hazards

(a) Maintenance of Trees. It shall be unlawful for any owner(s) or tenant(s) of any private property in the City to permit any dead trees or tree limbs to remain standing so as to create a safety hazard, or tree fungi or other plant diseases to spread within the City.

(b) Securance of Wells and Unused Refrigerators. It shall be unlawful for any owner(s) or tenant(s) of any private property in the City to permit any water wells or dry wells to remain open or inadequately covered, or to keep discarded or unused refrigerators or ice boxes without first removing the doors thereof, on said property.

(c) Other Hazards. It shall also be unlawful for any owner(s), builder(s), or construction workers to cause, allow or maintain any hazard on any private property which would be detrimental to the public safety.

(d) Penalty. Violation of this section shall be a municipal infraction punishable by a fine established by the Mayor and Commissioners and specified in Article XIV of this Code.

Section 407. Maintaining a Suitable Garbage Container

Each residence or apartment for which the City provides trash collection service shall maintain a suitable container not to exceed forty-five (45) gallons capacity, having a lid for the storage of garbage. The above mentioned container shall, on collection days, be placed on the outside of the building, house or apartment at a place which is readily accessible to the collector but which is not on the sidewalk or street. Violation of this section shall be a municipal infraction punishable by a fine established by the Mayor and Commissioners and specified in Article XIV of this Code.

Section 408. House Number Signs

Any owner of a house or commercial building which is adjacent and abutting to an alley within the City shall be required to attach a house number sign in a conspicuous manner which is clearly visible from the alley. No house number sign shall have lettering less than five (5) inches high. Violation of this section shall be a municipal infraction punishable by a fine established by the Mayor and Commissioners and specified in Article XIV of this Code.

Section 409. Wood Storage

Any person storing wood within the City shall store the wood at least twelve (12) inches above the ground. The wood pile shall be maintained so that it does not harbor rodents or vermin. Violation of this section shall be a municipal infraction punishable by a fine established by the Mayor and Commissioners and specified in Article XIV of this Code.

Section 410. Abatement of Fire Hazard

Any building or other property, real or personal, which shall be declared a fire hazard within the City by the Fire Marshal of the County or by the Mayor and Commissioners shall be considered a nuisance under this article; and after a proper declaration and after a reasonable time to permit objections to said declaration to be heard and determined by the Commission, the Commission may direct the appropriate City officials to take such corrective steps to abate the said nuisance as may be required, including the expenditure of City funds for which the City may assess costs against the owner or owners of said property, real or personal. In the alternative, the Commission may refer the matter for such action or litigation as it may deem necessary. Failure to abate a nuisance under 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.

Section 411. Transporting, Disposal or Storage of Hazardous Waste

No hazardous waste, as defined in Title 7 of the Health-Environmental Article of the Annotated Code of Maryland, as amended, may be transported on City streets, or disposed of, or stored within the confines of the City without authorization of the Commission. Violation 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.

Section 412. Grass and Weeds as Public Nuisance

(a) Public Nuisance Declared. Grass and/or weeds in excess of ten (10) inches in height are declared to be a public nuisance. It shall be the duty of all persons, whether said persons be the owner(s), tenant(s), or person(s) in possession of any yard, lot or land located within the City, whether said property be private or public, to cut and maintain the grass and weeds so that said grass and weeds shall not exceed ten (10) inches in height.

(b) Enforcement. It shall be the duty of the City Police or Code Enforcement Officer to notify in writing the owner(s), tenant(s), or person(s) in possession of any real estate upon which the grass or weeds exceeds ten (10) inches, and it shall be the duty of said person in possession to cut said grass and weeds within five (5) days after the date of such notice.

(c) Abatement. If the responsible party fails to comply with the notice to cut the grass and weeds within the five-day period, the Code Enforcement Officer may request the appropriate City department to cut the grass and weeds and remove the grass cutting debris from the property. The City shall assess the costs of this work against the property owner. If the property owner fails to remit any costs assessed by the City as a result of this section, the costs shall become a lien on the property and may be collected in the same manner as real property taxes. Abatement of a condition by the City shall not bar the prosecution of the responsible person for the condition abated.

(d) Penalty. Violation of subsection (a) of this section shall be a municipal infraction punishable by a fine established by the Mayor and Commissioners and specified in Article XIV of this Code. Each day a violation of this section exists or is allowed to continue shall be considered a separate offense.

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 or 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 or the Code Enforcement Office shall have the authority to enter upon and inspect any such property in 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 forty-eight (48) hours 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 and charge the owner thereof the costs of towing, storage, and any other charges incurred in connection therewith, provided that written notice is first given by certified mail or by attaching a notice of violation on the motor vehicle or the residence and directing the owner of the motor vehicle to remove the motor vehicle within forty-eight (48) hours from the date of notice.

(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.

(d) 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 414. Administrative Search Warrant

(a) Application in General. A City of District Heights Police Officer or Code Enforcement Officer may apply to a judge of the District Court for an administrative search warrant to enter upon the premises of any property located within the City of District Heights where a Police Officer or Code Enforcement Officer of the City of District Heights has probable cause to believe that any person owning, leasing, occupying or having charge of premises located within the City has allowed or caused any partially dismantled, wrecked, or junked vehicle or an unregistered motor vehicle to be stored or to remain on such property in violation of Section 413.

(b) Form and Contents. The application shall be in writing and signed and sworn to by the applicant and shall particularly describe the premises to be searched and the nature, scope, and purpose of the search to be performed by the applicant as well as the basis for the applicant's cause to believe that a violation of Section 413 has occurred.

Section 415. Motor Vehicles Under Repair/Maintenance

It shall be unlawful for any person owning, leasing, occupying or having charge of any premises to allow or cause any motor vehicle, or series of motor vehicles, to be dismantled, reconditioned, reworked, or otherwise repaired either on public or private property regardless of whether said motor vehicle is properly registered/licensed in Maryland or any other jurisdiction, unless said motor vehicle is garaged out of public view in a wholly enclosed building. Nor shall any person cause any minor engine adjustments to a motor vehicle to produce excessive noise, fumes, smoke, steam or noxious gases that create a nuisance or otherwise disrupt neighborhood tranquility. This section shall 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. This section does not prohibit minor tune-ups, wheel adjustments or replacement of engine fluids providing that used fluids are disposed of in accordance with all applicable laws and ordinances. Violation of this section is hereby declared to be a municipal infraction punishable by a fine established by the Mayor and Commissioners and specified in Article XIV of this Code.

Section 416. Vehicles Prohibited on Unpaved Areas

It shall be unlawful for any person to store or leave unattended a motor vehicle, boat, trailer designed to carry a boat, motor home or camping vehicle on the unpaved area of any yard in any residential lot except during a snow emergency. For purposes of this section unpaved area shall mean any parking surface not completely covered by asphalt, brick, block, or concrete. Violation of this section shall be a municipal infraction punishable by a fine established by the Mayor and Commissioners and specified in Article XIV of this Code.

**ARTICLE V
Animal Control**

Section 501. Adoption of County Animal Control Law

(a) The animal control regulations of the City of District Heights shall consist of Subtitle 3 of the Prince George s County Code (1995 edition) entitled “Animal Control” including any future amendments, revisions, or changes thereto, as supplemented by animal control regulations adopted by the Mayor and Commissioners of District Heights and made a part of this Code of Ordinances.

(b) The City of District Heights hereby requests and authorizes Prince George s County to enforce the provisions of this article.

(c) The City of District Heights reserves the right, along with Prince George s County, to enforce the provisions of Subtitle 3 of the Prince George s County Code.

(d) A copy of Subtitle 3 of the Prince George s County Code shall be kept in the City offices and shall be made available during normal business hours.

(e) In addition to the regulations contained in the Prince George s County animal control law, the restrictions contained in the following sections of this article shall apply within the City of District Heights.

Section 502. Animals Not Permitted

It shall be unlawful for any person to raise, or maintain, or keep domestic fowls (including pigeons), bees and beehives, horses and livestock and other animals of any kind within the City except domesticated household pets conventionally sold in pet stores. Violation of this section shall be a municipal infraction punishable by a fine established by the Mayor and Commissioners and specified in Article XIV of this Code.

Section 503. Riding of Animals

It shall be unlawful for any person to ride or lead a horse, mule or similar animal or to allow such animal to occupy any public or private space within the corporate limits of the City, excepting the public right of way reserved for vehicular traffic except when authorized by the Mayor and Commissioners. Violation of this section shall be a municipal infraction punishable by a fine established by the Mayor and Commissioners and specified in Article XIV of this Code.

ARTICLE VI Peace and Order

Section 601. Interference with City Official

It shall be unlawful for any person to interfere with any duly qualified public officer or employee of the City acting on behalf of the City in any manner so as to interfere with the aforesaid public officer, or employee of the City in the performance of any duty that may be assigned to said officer or employee or that may by virtue of any statute or ordinance be required of said officer or employee under their oath of office or appointment. Violation of this section is hereby declared to 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.

Section 602. Juveniles; Parental Responsibility

(a) Definitions. For the purpose of this section, the following terms shall have the meanings specified:

(1) 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, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

(2) 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.

(3) Guardian. A person who, under court order, is the guardian of the person of a minor; or a public or private agency with whom a minor has been placed by a court.

(4) Minor. Any person under the age of eighteen (18) years.

(5) Operator. Any individual, firm, association, partnership, corporation, or other entity, operating, managing or conducting any establishment. The term

“operator” includes the members or partners of an association, partnership, or other similar entity, and the officers of a corporation.

(6) Parent. Any natural parent, adoptive parent or step-parent of a minor, or a guardian of a minor, or any person twenty-one (21) years of age or over, responsible for the care and custody of a minor.

(7) Public Place. Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, parks, and the common areas of schools, hospitals, apartment houses, condominiums, office buildings, transport facilities, shops, shopping centers, malls, and other such common areas.

(8) Remain. To linger or stay or fail to leave a premises when requested to do so by a Police Officer or the owner, operator, or other person in control of the premises.

(9) Time. The prevailing standard of time then being observed in the City of District Heights, whether Eastern Standard Time or Daylight Savings Time.

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

(1) No minor shall remain in or upon any public place or any establishment between the hours of 11:59 p.m. Friday and 5:00 a.m. Saturday, or between the hours of 11:59 p.m. Saturday and 5:00 a.m. Sunday, or between the hours of 10:00 p.m. and 5:00 a.m. of the following day on any other day of the week.

(2) No minor shall remain in or about any public place or any establishment between the hours of 8:00 a.m. and 3:30 p.m. during any school day unless the minor has written proof from school authorities excusing him or her from attendance at that particular time or unless accompanied by a parent or guardian or a person twenty-one (21) years of age or older who has responsibility for the care and custody of the minor.

(3) No parent shall knowingly permit, nor by insufficient control shall allow, any minor to remain in or upon any public place or establishment between the hours of 11:59 p.m. Friday and 5:00 a.m. Saturday, or between the hours of 11:59 p.m. Saturday and 5:00 a.m. Sunday, or between the hours of 10:00 p.m. and 5:00 a.m. of the following day on any other day of the week.

(4) No parent shall knowingly permit, nor by insufficient control shall allow, any minor to remain in or about any public place or any establishment between the hours of 8:00 a.m. and 3:30 p.m. during any school day unless the minor has written proof from school authorities excusing him or her from

attendance at that particular time or unless accompanied by a parent or guardian or a person twenty-one (21) years of age or older who has responsibility for the care and custody of the minor.

(5) No operator of an establishment or his or her agents or employees shall knowingly permit any minor to remain upon the premises of said establishment between the hours of 11:59 p.m. Friday and 5:00 a.m. Saturday, or between the hours of 11:59 p.m. Saturday and 5:00 a.m. Sunday, or between the hours of 10:00 p.m. and 5:00 a.m. of the following day on any other day of the week.

(6) No operator of an establishment or his or her agents or employees shall knowingly permit any minor to remain in or about any public place or any establishment between the hours of 8:00 a.m. and 3:30 p.m. during any school day unless the minor has written proof from school authorities excusing him or her from attendance at that particular time or unless accompanied by a parent or guardian or a person twenty-one (21) years of age or older who has responsibility for the care and custody of the minor.

(c) Exceptions. The provisions of subsection (b) of this section shall not apply if the minor is:

(1) Accompanied by the minor's parent or guardian or a person twenty-one (21) years of age or older who has responsibility for the care and custody of the minor;

(2) On an errand at the direction of the minor's parent or guardian, without any detour or stop;

(3) In a motor vehicle involved in interstate travel;

(4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;

(5) Involved in an emergency;

(6) On the sidewalk abutting the minor's residence or abutting the residence of a next door neighbor if the neighbor did not complain to the Police Department about the minor's presence;

(7) Attending a City of District Heights event, or an official school, religious, or civic activity, or attending a recreational activity supervised by adults and sponsored by the City of District Heights or other governmental entity, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, a City of District Heights event, or an official school, religious, or civic activity, or a recreational activity supervised by adults and sponsored by the City of District Heights or

other governmental entity, a civic organization, or another similar entity that takes responsibility for the minor; or

(8) Married or had been married. Furthermore, an operator of an establishment or the operator's employees or agents shall not be considered to have violated subsection b (5) or b (6) of this section if the operator of the establishment or the operator's employees or agents promptly notified the District Heights Police Department that a minor was present on the premises of the establishment during restricted hours and refused to leave.

(d) Enforcement and Penalties.

(1) Any minor who violates the provisions of subsection b (1) or b (2) of this section shall be subject to being cited for such violation pursuant to applicable statutes, regulations, and procedures relating to charging juveniles for juvenile violations. If the minor is not charged with such violation, the officer shall issue a Youth Field Contact Report (J-2) documenting the minor's name, address, home telephone number, and age, and the name, address, and home telephone number of the minor's parent or parents. The minor shall thereupon be instructed to proceed immediately to his or her home, or to proceed directly to his or her school, if it is during school hours; or the Police Officer may transport the minor to the minor's school if it is during school hours; or the Police Officer may transport the minor to the minor's home or to the District Heights police station where the minor will be detained for the purpose of contacting a parent of the minor to pick up the minor. The District Heights Police Department shall promptly cause a written notice to be mailed or delivered to the parents of the minor advising of the violation, which notice shall include a copy of the Youth Field Contact Report. Such notice shall be mailed to a parent by certified mail, postage prepaid, return receipt requested, or by personal delivery. Such mailing or delivery may be shown by the records of the District Heights Police Department made in the regular course of its business.

(2) Violation by any parent of any provision of subsection b (3) or b (4) of this section, after having received notice of a prior violation occurring within the preceding twelve (12) months, 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. Each violation shall constitute a separate offense.

(3) Violation by any operator of an establishment or any agents or employees of any operator of the provisions of subsection b(5) or b(6) 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. Each violation shall constitute a separate offense.

Section 603. Excessive Noise

(a) Noise Restrictions. Loud and unnecessary noise occurring on a continuous basis or persisting on an intermittent basis which disturbs the public peace, except as otherwise provided in this section, is declared a public nuisance and is prohibited. If the noise is audible fifty (50) feet from its source, there is a presumption that a public nuisance exists. Location of sources of the sound or noise would include but is not limited to motor vehicles, pedestrians, garages, homes, and commercial establishments. For purposes of this section, the term “unnecessary” shall mean excessive or unusually loud noise or any noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace, or safety of others within the City.

(1) Regardless of time of day, persons shall neither cause nor allow on their property the following noises or operate or permit the use of devices on their property that produce such noise if audible more than fifty (50) feet from the source of such noises and if such noise occurs on a continuous basis or persists on an intermittent basis: a. Using, operating, or permitting to be played or operated any device that is designed to electronically amplify sound. Such devices would include but are not limited to stereos, CD players, televisions, radios, and microphones. Locations of such devices would include but are not limited to homes, motor vehicles, pedestrians, and commercial establishments. b. Yelling, shouting, hooting, whistling or singing, or making loud and disturbing noises by the use of bells, horns, drums, musical instruments or similar devices. Horns include use of motor vehicle horns for other than a warning or caution signal. c. Animals noises that disturb the peace, especially but not limited to, barking dogs.

(2) Between the hours of 11:00 p.m. and 7:00 a.m. of the following day the following, among others, are declared to be loud and unnecessary noises in violation of this section, but said enumeration shall not be deemed exclusive: a. Any bell, chime, horn, whistle, or similar device except as provided elsewhere in this section to alert persons of an emergency, danger, or attempted crime; b. The loading or unloading of any vehicle or trash receptacle; c. Motor vehicles that are operated in such a manner as to create loud and unnecessary grating, grinding, rattling, or other noise, including the spinning of tires of a stationary motor vehicle to produce squealing; d. The operation or use of any tool or equipment, including but not limited to construction equipment, lawnmowers, power tools, hammers, drills, and generators; e. The warming or idling of motorcycles, buses, trucks, or other vehicles that results in unnecessary noise; or f. Any device for killing, trapping, attracting or repelling insects or other pests.

(b) Exceptions.

(1) The restrictions contained in subsection (a) (1) of this section shall not apply to: a. Any vendor or outdoor event that has obtained a permit from the City pursuant to subsection (c) of this section; b. The use of bells or chimes to signal

religious activities at a place of worship that has a valid certificate of occupancy issued by the City; c. Noise associated with public swimming pools, playgrounds, and ball fields. d. Any event sponsored by the City of District Heights.

(2) The restrictions contained in subsection (a)(2) of this section shall not apply to: a. Any sound resulting from the emergency operation of a public service company as defined in Article 78, Section 2(n), Annotated Code of Maryland, and any amendment thereto; b. Any sound resulting from the operations of or activities authorized by the federal, state, or county government or the City; c. A sound resulting from the operation of aircraft or train; d. Motor vehicle horns and warning devices used to warn of an emergency or danger; e. Alarms in buildings if the sound ceases within thirty (30) minutes; or f. Motor vehicle alarms if the sound ceases within five (5) minutes;

(c) Permits. The Commission may issue a permit to exceed the noise provisions of this section upon application to the Code Enforcement Office. Any resident, property owner, or business owner may secure for a specific address or location a maximum of two (2) permits per year to exceed the restrictions contained in this section. Permits shall specify dates and hours of the permitted activities which shall not in any case be allowed between the hours of 11:00 p.m. and 7:00 a.m. of the following day. Permits shall be posted so as to be visible to the public prior to and during the event. The fee for such permits shall be established by the Mayor and Commissioners and specified in Article XIV of this Code. The Code Enforcement Officer is authorized to adopt and use such forms of applications and permits as may be reasonably required to accomplish the intent of this section.

d) Violation and Penalties. Any person who produces or permits noise prohibited under this section is in violation of this section. Violation of this section shall be a municipal infraction punishable by a fine established by the Mayor and Commissioners and specified in Article XIV of this Code.

(1) Each 15-minute period that a violation continues after a warning order by a Police Officer or Code Enforcement Officer constitutes a separate offense.

(2) An officer may issue a warning or citation for the first offense, but shall issue a citation if responding to the same source of noise after an initial warning.

(3) Whenever noise or sound is made, created or continued in violation of the provisions of this section and the property upon which or from which the sound is emanating has two (2) or more occupants, and it cannot be determined which occupant is the violator, the owner of the property, if present, shall be presumed to be responsible for the violation. In the absence of the owner of the property, the tenant, subtenant, licensee, invitee, or guest then in control of the property shall be presumed to be responsible for the violation. If it is impossible to determine the person then in control of the property, it shall be presumed that

the owner of the property is responsible and, if not present, all persons then on or in the property shall be ordered to disperse and leave the property and a failure to do so by any person shall be deemed a violation of this section.

Section 604. Unauthorized Use of Firearms or Other Weapons

(a) Definitions. For purposes of this section, the term “discharge” shall mean fire, shoot, set-off, or use for the purpose of propelling any bullet or any other missile whatsoever, and the terms “firearm or other weapon” shall include a shotgun, rifle, pistol, toy cannon, air gun, BB gun, pellet gun, paint gun, bow and arrow, slingshot, bean shooter or any other firearm or missile propelling instrument or contraption, whether a missile there from is propelled by powder, other explosive, compressed air or material of any kind whatsoever.

(b) Discharge in Public Prohibited. It shall be unlawful for any person to discharge any firearm or other weapon while in the streets, alleys or public places of the City.

(c) Discharge to Outside Prohibited. It shall be unlawful for any person to discharge any firearm or other weapon from within a dwelling, garage, out-building, or any other kind of building within the City so as to propel any missile to the outside of said building.

(d) Lawful Uses Limited. It shall be unlawful for any person to use any firearm or other weapon in the City except in the necessary protection of life or property.

(e) Exceptions. This section shall not apply to police officers nor shall it apply to any pistol, rifle or archery range which may be authorized by the City.

(f) Penalty. Violation of this section is hereby declared to 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.

Section 605. Unauthorized Target Practice

It shall be unlawful for any person to conduct target practice within the City unless authorized by the Mayor and Commissioners. The Mayor and Commissioners may authorize target practice at suitable locations within the City provided that one (1) or more City police officers or qualified instructor(s) with a thorough knowledge of the use of the instruments being practiced are in attendance. Violation of this section is hereby declared to be a municipal infraction 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.

Section 606. Unlawful Throwing of Missiles

It shall be unlawful for any person to throw any stone or other missile of any kind in the City in any way that is likely to do harm or injury to any person or real or personal property or in such a manner as to cause reasonable apprehension of such harm or injury. Violation of this section is hereby declared to 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.

Section 607. Open Container in Public

It shall be unlawful for any person to possess an open container of any alcoholic beverage on the streets, in parks, or on other public property, or while in any vehicle within the City except in accordance with a rental agreement issued for use of City property. Violation of this section is hereby declared to be a municipal infraction punishable by a fine established by the Mayor and Commissioners and specified in Article XIV of this Code.

Section 608. Burglar and Holdup Alarm Users License and Registration

(a) Exemption from County Law. Pursuant to Article 23A Section 2b of the Annotated Code of Maryland, the City of District Heights exempts itself from the provisions of Subtitle 9, Division 3 of the Code of Ordinances of Prince George s County, Maryland, effective July 1, 1999. The provisions contained in this section of the District Heights Code shall prevail with respect to licensing and registration of burglar and holdup alarms.

(b) Alarm User Permit. On or before July 1, 1999, every alarm user shall obtain from the Code Enforcement Office an alarm user permit for each alarm system that operates on commercial or residential premises within the City. No permit will be issued for any system utilizing an automatic dialing device which is programmed to transmit a prerecorded message or code signal directly to a telephone number assigned to the District Heights or Prince George s County Police Department.

(c) Disclaimer. Registration of an alarm system is not intended to, nor will it, create a contract, duty, or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity, as provided by law, is retained. By registering an alarm system, the alarm user acknowledges that police response may be based on factors such as: the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, or staffing levels.

(d) Alarm User Permit Application.

(1) Residential Alarm User Permit Application. Each application or application for renewal for a residential alarm user permit must contain, but is not limited to, the following information:

- a. Registration number assigned by the City (if renewal);
- b. Name, address, telephone number of the alarm user;
- c. Information regarding dangerous or special conditions at the alarm site;
- d. Type of alarm system: burglary, robbery, panic, duress, medical alert, etc.;
- e. Names, addresses, and telephone numbers of two (2) persons (an alarm business will be acceptable in lieu of one (1) person) who are able to and have agreed to:
 1. Receive notification of an alarm activation at any time;
 2. Respond to the alarm site within one (1) hour; and
 3. Grant access to the alarm site and deactivate the alarm system if such becomes necessary;
- f. Name, address, and telephone number of alarm business that installed and/or monitors the alarm system, if applicable;
- g. A statement as to whether the alarm user has ever previously registered an alarm system or been issued a permit in District Heights;
- h. An acknowledgment that the alarm user must keep a copy of the alarm permit application form and installation certificate or certification at the alarm site and must produce such registration information for inspection upon reasonable request by the Office of Code Enforcement or any Police Officer;
- i. Any other information deemed necessary by the Chief of Police.

(2) Commercial or Nonresidential Alarm User Permit Application. Each application or application for renewal for a commercial or nonresidential alarm user permit must contain, but is not limited to, the following information:

- a. Registration number assigned by the City (if renewal);
- b. Nonresidential alarm user s name and trade name, if different;
- c. Employer identification number (EIN);

d. Street address where alarm system is located, including room or suite number;

e. Telephone number at the alarmed location;

f. Type of business activity conducted at the alarmed location;

g. Type of alarm system: burglary, robbery, duress, panic, etc.;

h. Information regarding dangerous or special conditions at the alarmed location;

i. Parent company name, address, and telephone number;

j. Name and telephone number of person responsible at the parent company location for the alarm system at the alarm site;

k. Names, addresses, and telephone numbers of three (3) persons (an alarm business will be acceptable in lieu of one (1) person) who are able to and have agreed to:

1. Receive notification of an alarm activation at any time;

2. Respond to the alarm site within one (1) hour; and

3. Grant access to the alarm site and deactivate the alarm system if such becomes necessary;

l. Name, address, and telephone number of alarm business that installed and/or monitors the alarm system, if applicable;

m. A statement as to whether the alarm user has ever previously registered an alarm system or been issued a permit in District Heights;

n. An acknowledgment that the alarm user must keep a copy of the alarm permit application form and installation certificate or certification at the alarm site and must produce such registration information for inspection upon reasonable request by the Code Enforcement Office or any Police Officer;

o. Any other information deemed necessary by the Chief of Police.

(3) The information in the application shall be maintained current at all times. Any changes in the application information must be forwarded to the Code Enforcement Office within ten (10) days.

(4) The alarm user shall make provision for silencing the local audible alarm within one-half (½) hour and the local non-audible alarm within one (1) hour from the time the signal is received by the Police Department, either automatically or by one (1) of the authorized persons.

(5) It shall be the responsibility of the alarm user to insure that the system is properly operated, maintained, inspected, and repaired as required herein.

(6) An alarm user permit is valid only for the premises registered and is not transferable to another alarm user or premises. A new permit must be obtained for each alarm site.

(7) Exemptions. Local, state, or federal government facilities are exempt from payment of permit fees and false alarm response fees, but are requested to register an alarm site as specified in this section if District Heights police personnel are normally expected to respond to alarms at these facilities.

(e) Alarm User Permit Fees. The amounts of the following fees shall be established by the Mayor and Commissioners and specified in Article XIV of this Code.

(1) There shall be a nonrefundable alarm permit fee for the first two (2) years. Payment shall accompany the application.

(2) There shall be a nonrefundable biennial alarm renewal fee. Payment shall accompany the application.

(3) There shall be a fee for duplicate registration stickers.

(4) If an alarm user permit has been revoked or suspended, a reinstatement fee must accompany the reinstatement application.

(f) Confidentiality. The information contained in an alarm user permit application required by this section and other information received by the Code Enforcement Office or Chief of Police through correspondence or communications with an alarm user shall be securely maintained and restricted to inspection only by police officers or City employees specifically assigned the responsibility for handling and processing alarm user permits in the course of official duties. If any employee of the City is found to have knowingly or willfully reveals the information contained in an alarm user permit application for any purpose not related to this section without the express written consent of the alarm user supplying such information, the employee shall be guilty of 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.

(g) Registration Sticker. Upon the issuance of a permit, the permittee shall be given a registration sticker with a registration number which shall be posted at the main entrance of the alarm site in such a manner as to be readily seen by police without entry.

(h) Penalty. Any alarm user who operates an alarm system without first obtaining a permit as required by this section or after having a permit revoked or suspended and, after exhausting his or her rights to hearing and appeal, fails to disconnect the alarm system shall be in violation of this section. Violation of this section is 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.

Section 609. False Alarms

(a) Exemption from County Law. Pursuant to Article 23A Section 2b of the Annotated Code of Maryland, the City of District Heights exempts itself from the provisions of Subtitle 9, Division 3 of the Code of Ordinances of Prince George's County, Maryland, effective July 1, 1999. The provisions contained in this section of the District Heights Code shall prevail with respect to false alarms.

(b) Excess False Alarms Prohibited. It shall be unlawful for an alarm user to cause or allow an alarm system to generate excess false alarms. For purposes of this section, excess false alarms shall mean any false alarm in excess of three (3) false alarms generated by an alarm system in any 12-month period, but excluding false alarms that occur when an alarm system is activated by an act of God, including violent conditions of nature, or other extraordinary circumstances not reasonably subject to the control of the alarm system or alarm user.

(c) Penalties. Violation of the prohibition against excess false alarms shall be a municipal infraction punishable by fines in amounts established by the Mayor and Commissioners and specified in Article XIV of this Code.

(d) Procedure for Identifying and Recording False Alarms.

(1) Each time a Police Officer responds to an alarm which the officer determines to be false, the officer shall notify the alarm user. The notice shall inform the alarm user that a municipal infraction citation will be issued for any false alarm in excess of three (3) in a 12-month period, unless the alarm user appeals the Police Officer's determination that a false alarm occurred or seeks a false alarm waiver within ten (10) days of the date of the notice.

(2) The Police Department shall maintain a count of the false alarms generated by each alarm system in the City. In maintaining this count, the department shall note when two (2) or more false alarm signals are generated by an alarm system in a 12-hour period. If these alarm signals were caused by a malfunctioning alarm system and the alarm user and the alarm monitoring business exercised their best efforts to limit alarm signals caused by the malfunction, all false alarms within a single 12-hour period will be counted as one (1) false alarm.

(e) False Alarm Appeal Process and Filing Fee.

(1) An alarm user may appeal the determination by a Police Officer that an alarm signal was a false alarm to the Chief of Police or designee within ten (10) days of the issuance of the notice of a false alarm.

(2) The appeal must be in writing and contain sufficient information to determine whether the responding Police Officer's determination that the alarm signal was a false alarm was correct. Any appeal must be accompanied by a filing fee which shall be returned to the alarm user if the alarm signal is determined not to have been a false alarm. The amount of the filing fee shall be established by the Mayor and Commissioners and specified in Article XIV of this Code.

(3) The Chief of Police or designee shall review the appeal and render a written decision based on the facts presented by the appeal. The Police Department's daily alarm records shall be prima facie evidence that a false alarm has occurred and shall constitute a presumption which may be rebutted by the alarm user. The appeal shall be resolved in favor of the alarm user unless a preponderance of evidence indicates that the alarm signal was a false alarm.

(4) If the Chief of Police upholds the Police Officer's determination that a false alarm occurred, the false alarm shall be counted against the alarm system.

(5) If the Chief of Police overturns the Police Officer's determination that a false alarm occurred, the alarm shall not be included in the alarm system's false alarm count.

(6) The Chief of Police shall not hear any appeal regarding a dispute between an alarm user and an alarm monitoring business concerning responsibility for a false alarm or a series of false alarms.

(f) False Alarm Waiver.

(1) A false alarm may be waived if the alarm system was activated by an act of God, including violent conditions of nature such as blizzards, earthquakes, high intensity winds, extreme thunderstorms, lightning, electrical surges, or other extraordinary circumstances not reasonably subject to the control of the alarm system or alarm user.

(2) The request for a waiver of the false alarm fee shall be made in writing within ten (10) days of the false alarm notice and shall include a statement which details the reason, if known, for the false alarm. The request shall be accompanied by a filing fee which shall be returned to the alarm user if a false alarm waiver is granted. The amount of the filing fee shall be established by the Mayor and Commissioners and specified in Article XIV of this Code.

(3) If the Chief of Police determines that a false alarm signal was due to an event beyond the reasonable control of the alarm user, the Chief shall grant a false

alarm waiver and the false alarm shall not be included in the alarm system's false alarm count.

(4) If the Chief of Police determines that a false alarm signal was not due to an event beyond reasonable control of the alarm user, the false alarm shall be counted against the alarm system.

(g) Citation for Excess False Alarm. Whenever an excess false alarm occurs and no appeal or waiver request is filed by the alarm user within ten (10) days of the notice of a false alarm, the Police Department shall issue a municipal infraction citation to the alarm user.

(h) Recertification. After an alarm user's alarm system has six (6) or more false alarms in a 12-month period, the alarm user shall have the alarm system recertified by a licensed alarm contractor. This recertification, along with a fee, shall be submitted to the Code Enforcement Office within thirty (30) days after receipt of the notice that recertification is necessary. The amount of the recertification fee shall be established by the Mayor and Commissioners and specified in Article XIV of this Code. Failure to have an alarm system recertified as required by this section shall be grounds to place the alarm user's system in a police nonresponse status or to revoke or suspend the alarm user's permit.

(i) Upgrading. After an alarm user's alarm system has twelve (12) or more false alarms in a 12-month period, the alarm user must have the system upgraded to a more reliable system technology which shall include, but not be limited to, the installation of dual technology sensor devices. System upgrading must be accomplished within thirty (30) days after receipt of the notice that system upgrading is required. The system upgrade must be accomplished by a licensed alarm contractor. The alarm user shall submit a certification of the system upgrade, along with a certification fee, to the Office of Code Enforcement. The amount of the certification fee shall be established by the Mayor and Commissioners and specified in Article XIV of this Code. Failure to have the system upgraded as required by this section shall be grounds to place the alarm user's system in a police nonresponse status or to revoke or suspend the alarm user's permit.

(j) Permit Revocation. Upon receipt of a notice of intent to revoke or suspend an alarm user's permit pursuant to this section, the alarm permit holder may within ten (10) days of such receipt submit a written request by first class mail, return receipt requested, for a hearing before the Chief of Police setting forth the reasons why the holder's alarm permit should not be revoked or suspended. Written notice of the time and place of the hearing shall be served on the holder of the permit by the Chief of Police mailed at least ten (10) days prior to the date set for the hearing.

(k) Revocation Hearing. At the hearing before the Chief of Police, the alarm user, or the alarm user's authorized representative, shall have the right to confront and examine witnesses, and to present evidence on his or her own behalf. After the hearing, the Chief of Police may either issue an order of revocation, withdraw the notice of revocation, or

suspend the permit until reimbursement or such time that the Chief is satisfied that the cause or causes of the false alarms have been eliminated.

(l) Appeal Process. Any alarm user whose permit has been revoked or suspended pursuant to this section shall have the right, within ten (10) days after receiving notice of revocation from the Chief of Police or designee, to file a written appeal with the Commission by first class mail or hand delivery. No alarm user shall be required to discontinue use of his or her alarm system prior to the expiration of such 10-day period. Such appeal shall set forth the specific ground or grounds on which it is based. The Commission shall hold a hearing on the appeal within thirty (30) days after receiving the appeal, and shall cause the appellant to be given at least ten (10) days written notice of such hearing. At the hearing, the appellant or his or her designated representative shall have the right to present written or oral argument, or both, in support of the appeal. The Commission shall issue its decision within ten (10) days after the hearing.

(m) Continued Use. If an alarm user files an appeal pursuant to subsection (l) of this section, he or she shall not be required to discontinue use of the alarm system until a final decision is made on the appeal.

(n) Notification of Monitoring Company. If a monitored alarm user permit is revoked or suspended, the alarm user s alarm business or monitoring company will be notified by the Office of Code Enforcement or Police Department not to request police dispatch on any alarm signal to the alarm user s location until the alarm user permit is reissued or the suspension is lifted.

ARTICLE VII

Licenses and Permits

Section 701. Licenses

(a) Licenses and Permits Required. No person, firm or corporation shall engage in business within the City without first obtaining all licenses and permits required by law.

(b) City Business License. All businesses operating within the City of District Heights shall obtain a business license from the City prior to commencing operation in the City. A current City business license shall be posted on the premises in a conspicuous place at all times.

(c) Any business operating any of the following machines within the City shall register each machine with the City and shall display a current City registration sticker in a conspicuous place on each machine at all times.

(1) Electronic or mechanical game of skill or entertainment.

(2) Automated teller machine (ATM).

(3) Coin-operated machine dispensing goods or services.

(d) Violation of any provision of this section shall be a municipal infraction punishable by a fine established by the Mayor and Commissioners and specified in Article XIV of this Code.

Section 702. Application and Fee

Any person, firm or corporation wishing to obtain a license, permit, or other authorization from the City may apply to the City Code Enforcement office during normal business hours. The applicant shall provide identifying information and documentation required on the application form accompanied by the required fee. License and permit fees shall be established by ordinance enacted by the Mayor and Commissioners from time to time as needed and specified in Article XIV of this Code.

Section 703. Business License Provisions

(a) License Period. Any business license issued shall be for the calendar year, January 1 to the following December 31.

(b) Current Accounts. No license for the operation of any type of business shall be issued unless all real estate taxes, personal property taxes or any other public dues, fees or assessments levied against the said premises, by the City of District Heights, wherein the business is to be conducted, are paid up to and including the calendar year immediately preceding the year for which the license is applied.

(c) License Transferability. Every license issued for the conduct of any business shall designate the place of such business and the kind of business to be engaged in, and such license may be transferable only by consent of the Mayor and Commissioners.

(d) Compliance with City Laws. No license for the operation of any type of business shall be issued unless the applicant in question is in compliance with all City ordinances.

Section 704. Peddler/Vendor Permit

(a) Permit Required. It shall be unlawful for any person, firm, corporation or association, not already licensed to operate within the City, to sell, peddle, solicit or take orders within the City without first having obtained a permit from the City to do so.

(b) Permit Duration. A permit to sell, peddle, solicit, or take orders within the City shall be valid for a period not exceeding one hundred and eighty (180) days.

(c) Permit Renewal. Upon the expiration of said permit, the permittee may be issued additional permits upon the making of an application accompanied by the required fee.

(d) Limitation on Numbers. The Mayor and Commissioners may, by resolution, limit the number of peddler/vendor permits issued.

(e) Hours of Operation. No person, firm, corporation, or association authorized to sell, peddle, solicit or take orders within the City shall do so except between the hours of 9:00 a.m. and 8:00 p.m. each day, except that these activities may be conducted when the prospective purchaser has agreed by previously arranged appointment for a time other than the prescribed hours.

(f) Penalty. Violation of any provision of this section shall be a municipal infraction punishable by a fine established by the Mayor and Commissioners and specified in Article XIV of this Code.

Section 705. Vehicles Used for Vending

All vendors shall maintain their vehicles and other equipment used in their business, for which a permit has been issued, in a clean and orderly condition. Violation of this section shall be a municipal infraction punishable by a fine established by the Mayor and Commissioners and specified in Article XIV of this Code.

Section 706. Inspection

Any and all premises or vehicles used by street vendors that have been issued a City of District Heights permit for the conduct of business shall from time to time be inspected. If any unsanitary condition is found to exist, or other conditions injurious to the public health and morals are disclosed, the same shall be ordered to be immediately corrected, and if the order is not complied with the permit may be revoked by vote of the Commission and all payments made on the same forfeited to the City.

Section 707. Licensing of Rental Units

(a) License Requirement. The legal owner of record of any rental unit located within the City of District Heights shall not permit or allow such unit to be occupied without first obtaining a current rental unit license for such purpose from the City. No rental unit license shall be issued unless the rental unit conforms to all zoning requirements of Prince George s County.

(b) Definition. For purposes of this section, a rental unit shall be defined as any rented room or group of rooms forming a single habitable unit which is used or intended to be used by the occupants for living and sleeping. The term “rental unit” shall include a rooming unit that is let to another within any house, including, but not limited to, a rooming house.

(c) Exceptions. Any rental unit leased by the legal owner of record to a person who is the owner s parent, son, daughter, sibling, grandchild, grandparent, or in-law shall be exempt from this section. Where exception from this section is sought, proof of

relationship shall be established to the satisfaction of the Commission. Any exemptions from this section shall apply only to rental units occupied by one (1) or more of the above-named relatives of the property owner, and not to rental units leased or subleased by said relatives for occupancy by any other person(s).

(d) Application and Fees. All applications for rental unit licenses shall be submitted to the Code Enforcement Office with the necessary fee which shall be established by the Mayor and Commissioners by ordinance and specified in Article XIV of this Code.

(e) Term of License and Renewal. Each rental unit license shall be valid for one (1) year from the date of issuance. Application for renewal must be made at least thirty (30) days prior to the expiration date. A rental unit license is not transferable.

(f) Limitation on Numbers. The Mayor and Commissioners may, by resolution, limit the number of rental unit licenses issued by the City.

(g) Inspection, Violation and Notification. An inspection of the rental unit shall be conducted by the City Engineer or Code Enforcement Officer prior to the issuance of a rental unit license. Following the inspection, the legal owner of record will be notified of any violation of applicable laws or regulations, with a date for correction not to exceed thirty (30) days from the date of the notice. The owner shall correct all violations within the time specified in the notice. The pending rental unit license application will be held until all violations are corrected.

(h) Appeals Procedure. Any individuals aggrieved by an action of the City Engineer or Code Enforcement Officer under this section may appeal such action to the City Commission. The appeal must be in writing and received in the City offices within fifteen (15) days of the notice of violation. Upon receipt of such appeal, the City Commission shall place the appeal on an agenda for a special meeting at the earliest possible time, notify the protestor thereof, and hear the merits of the protest. Written notification of the Commission's decision will be sent by certified mail to the appellant within fifteen (15) days of the appeal hearing.

(i) Penalties. Violation of any provision of this section shall be a municipal infraction punishable by a fine established by the Mayor and Commissioners and specified in Article XIV of this Code. In addition to the civil penalty, failure to pay the rental unit license fee will result in a lien on the premises in the amount of the fee which shall be collectable as a City tax.

Section 708. Real Estate Signs

(a) Temporary Signs Permitted. Temporary real estate "for sale," "for rent," and "new construction" signs may be placed within the City of District Heights, subject to the provisions of this section.

(b) Permit Required. Anyone wishing to erect or maintain a new construction, sale, re-sale, or rental sign shall obtain from the City of District Heights a permit for such use and shall pay the applicable fee for each sign to be erected or maintained. The permit shall expire automatically upon formation of a contract for sale or rental. The sign shall be removed within forty-eight (48) hours of contract formation. In the event the contract does not lead to settlement, a new permit shall be obtained before any such sign may be re-erected; provided, however, that the permit fee shall be waived if settlement does not occur and application for the new permit is made within sixty (60) days of expiration of the previous permit.

(c) Fees. A schedule of permit fees for temporary real estate signs shall be established from time to time by the Mayor and Commissioners and specified in Article XIV of this Code.

(d) New Home Construction Signs. New home construction signs shall conform to the following requirements.

(1) The maximum area of each sign shall be fifty (50) square feet.

(2) The sign shall be located on the premises offered for sale, rent, or lease or adjacent to a construction sales trailer. The sign may not be on a City right-of-way (twelve (12) feet inward from curb or edge of street). The sign may not be placed on public utility poles or City posts.

(3) No more than one (1) sign shall be placed for each property, lot, parcel, or tract. If a property, lot, parcel or tract has multiple frontages, one (1) additional sign shall be allowed on the property to be placed facing the additional frontage. Under no circumstances shall more than two (2) signs be permitted on any property, lot, parcel, or tract.

(4) "Sold," "Rented" or "Leased," or similar signs or clips may be displayed on properly permitted temporary real estate signs.

(e) Re-sale and Rental Signs. Re-sale and rental signs shall conform to the following requirements.

(1) The maximum area of each sign shall be six (6) square feet.

(2) The sign shall be located on the premises offered for re-sale or rental. The sign may not be on the City right-of-way (twelve (12) feet inward from curb or edge of street). The sign may not protrude over the right-of-way. The sign must be free-standing with its own frame or port.

(3) No more than one (1) sign shall be placed for each property, lot, parcel, or tract. If a property, parcel, lot, or tract has multiple frontages, one (1) additional sign shall be allowed on the property facing the additional frontage.

Under no circumstances shall more than two (2) signs be permitted on any property, lot, parcel, or tract.

(f) Temporary Directional Signs. The following provisions apply to signs erected to direct persons to properties being offered for sale, rent, or lease.

(1) Directional signs not located in the City right-of-way shall conform to the following requirements.

a. The maximum area of each sign shall be three (3) square feet.

b. Temporary directional signs may be placed on private property only with the consent of the property owner or tenant. The sign shall be placed on private property behind the street right-of-way, as authorized by the property owner or tenant.

c. No more than one (1) sign shall be placed on the subject property.

d. The maximum height of each sign shall be three (3) feet above the finished grade at the base of the sign.

(2) Directional signs located in the City right-of-way shall conform to the following requirements.

a. The maximum area of each sign shall be one and one-half (1 ½) square feet.

b. The sign shall be within the City right-of-way (twelve (12) feet from the curb or edge of street) and within twenty-five (25) feet of the corner of a street intersection. At any intersection there shall be no more than one (1) directional sign per property, lot, parcel, or tract.

c. The maximum height of the sign shall be three (3) feet above finished grade at the base of the sign. The sign shall not block the view of or otherwise obstruct any traffic control device nor shall it impede a motorist's field of vision.

(3) The total number of temporary directional signs, including signs not located on the City right-of-way plus signs located on the City right-of-way, may not exceed four (4).

(4) Temporary directional signs may be erected and displayed only between the hours of noon Saturday and noon Monday.

(5) A Code Enforcement Officer or Police Officer who finds that a temporary directional sign is in violation of this subsection (f) may remove the sign. The removed sign may be picked up at the police station after payment of an

administrative fee established by the Mayor and Commissioners and specified in Article XIV of this Code. The City reserves the right to discard signs that are not picked up within forty-eight (48) hours of their removal.

(6) No permits are required for temporary directional signs.

(g) Removal of Unsafe/Improperly Posted Signs.

(1) Whenever a Police Officer or Code Enforcement Officer determines that a sign is unsafe or has been installed in violation of this section, the officer shall order in writing that the sign be made safe or removed. (Removal of signs in violation of subsection (f) of this section need not be preceded by a written order.) The order shall be complied with by the person owning or using the sign, or the permit holder within forty-eight (48) hours after the person or entity receives the order.

(2) If the sign is not removed or made safe in accordance with the order, an authorized City employee shall remove the sign. The cost of the removal shall be borne by the owner, user, or permit holder.

(h) Penalties. Violation of any provision of this section shall be a municipal infraction punishable by a fine established by the Mayor and Commissioners and specified in Article XIV of this Code. The imposition of any penalty shall not preclude abatement of the violation through appropriate proceedings.

Section 709. Temporary Sales

(a) Definitions. For purposes of this section, the following terms, phrases, words and their derivatives shall have the meaning given herein:

(1) "Garage Sale" is the sale of goods or services in or on the grounds of a private home or institution. The goods sold may be new or used and may or may not be the property of the seller. The term is used interchangeably with "Yard Sale."

(2) "Goods" is meant to include goods, wares, merchandise or other property capable of being the object of a sale regulated hereunder.

(3) "Multiple Vendor Sale" is any one (1) or combination of the types of sales regulated herein where two (2) or more vendors separately sell their goods under the same sponsorship and at the same location. These are occasionally called by such names as flea markets, antique shows, bazaars or cooperatives.

(4) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

(5) “Seasonal Sale” is any temporary sale which is conducted during a season associated with the goods being sold. Christmas tree sales, fresh produce sales, and flower sales are examples of seasonal sales.

(6) “Services” is meant to include any work or act capable of being performed for a fee or donation during a sale regulated hereunder. Examples of services occasionally performed as part of a temporary sale are a car wash or appliance repairs.

(7) “Sponsor” is any person who organizes or sponsors a temporary sale and who assumes liability and responsibility during the sale for compliance with all pertinent laws and regulations of the City. A sponsor may represent himself or herself as a single vendor or any number of vendors, as in the case of a multiple vendor sale.

(8) “Temporary Sales” includes all sales of goods or services, whether or not for profit, for a period of time not to exceed three (3) days and from a fixed location, store, shop or other site, not otherwise licensed to do business at that location. This includes but is not limited to such sales as yard and garage sales, flea market sales, and seasonal sales.

(9) “Vendor” is any person selling goods or services at a temporary sale.

(10) “Yard Sale” is intended to carry the same meaning as “Garage Sale.”

(b) Permit Required. All persons desiring to conduct a temporary sale as defined herein shall apply to the City for a temporary sale permit.

(c) Maximum Temporary Sales Permits. The Mayor and Commissioners may, by resolution, limit the number of temporary sale permits issued per year to any person or for any location.

(d) Duration of Sale. All temporary sales shall be limited to a sale period of not more than three (3) days.

(e) Single Location. Each temporary sale permit shall be issued for one (1) location or site only.

(f) Single Sponsor. Each temporary sale permit shall be issued to one (1) sponsor only. The sponsor can be any person as defined herein. The sponsor may represent himself/herself alone or an organization which desires to sponsor a multiple vendor sale.

(g) Liability of Sponsor. The sponsor shall be responsible for compliance with all pertinent laws and regulations of the City and shall be liable for all actions associated with the temporary sale in the same way and to the same extent as other business operators in the City.

(h) Permit Specification. Each temporary sale permit shall specify, at the minimum:

- (1) The name of the sponsor,
- (2) The goods and/or services to be sold,
- (3) The location or site of the sale, and
- (4) The period of time during which the sale will take place.

(i) Permit Fee. A schedule of temporary sale permit fees shall be established from time to time by the Mayor and Commissioners and specified in Article XIV of this Code. The fee may vary depending on the location, type of goods and services being sold, the duration of the sale and other considerations.

(j) Applicability of Regulations. In addition to any requirements imposed by this section, a temporary sale shall be subject to all regulations governing such matters as advertising, signs, sound, construction, sanitation and traffic as apply to other businesses operating in the City.

(k) Traffic Control. No sale shall be so conducted as to interfere with the smooth flow of vehicular and pedestrian traffic past the site of the sale. Any sponsor who anticipates traffic which might interfere with a smooth flow will so notify the City at the time the permit is requested and make any necessary arrangements with police and fire officials to control the flow. Should an unusually large flow of traffic develop during the sale, the sponsor will immediately notify the City and upon request of the City shall stop the sale until such time as the traffic flow can be effectively controlled.

(l) Temporary Sale as Nuisance. No temporary sale nor any activity associated therewith shall be conducted in any way that will disturb the peace of those nearby nor interfere with the reasonable use of their property.

(m) Dangers and Hazards. No temporary sale shall be conducted in any way which shall present a danger or hazard to the persons or property of the public.

(n) Litter. The sponsor shall be responsible for ensuring that the site or location of a temporary sale is maintained clean and free from litter at all times. Any litter which shall fall on public property or the property of another shall be removed immediately.

(o) Construction. Any construction, electrical work, plumbing, sign erection, sound system installation or other related activity conducted in association with the temporary sale shall be performed in accordance with the applicable building, electrical, plumbing or other applicable codes and regulations. The sponsor shall be responsible for obtaining any permits required by law in addition to the temporary sales permit required by this section.

(p) Signs; Duration. Any sign advertising the temporary sale may not be erected more than three (3) days before the sale begins and must be removed not later than two (2) days after the sale ends.

(q) Signs; Maximum Size. Signs advertising temporary sales shall be limited to two (2) square feet in area.

(r) Signs; Location. Signs may not be erected on any public property and not on private property unless the sponsor has first received express permission from the owner or agent.

(s) Penalty. Violation of this section shall be a municipal infraction punishable by a fine established by the Mayor and Commissioners and specified in Article XIV of this Code.

Section 710. Suspension, Revocation

(a) Right to Suspend or Revoke. All licenses and permits authorized by this article shall be subject to suspension or revocation for cause, but not before notice to the licensee.

(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.

ARTICLE VIII Streets and Sidewalks

Section 801. Specifications and Dimensions

Streets, sidewalks and driveways within the City shall meet the specifications and dimensions provided in the City standards. The City Engineer shall be guided by county laws and specifications regarding the construction of streets, sidewalks and driveways and the requirements of the Maryland National Capital Park and Planning Commission, and the Washington Suburban Sanitary Commission.

Section 802. Permits Required

It shall be unlawful for any person, other than a City department, to construct, modify or repair a street, sidewalk, driveway, or driveway apron within the City of District Heights except in accordance with the conditions of a valid City building permit. Violation of this section shall be a municipal infraction punishable by a fine established by the Mayor and Commissioners and specified in Article XIV of this Code.

Section 803. Movement of Heavy Equipment

It shall be unlawful for any person to move over a City street any equipment of such weight and description as to cause or probably cause any damage to the street unless authorized by the City. Before such authority shall be given, the person seeking to move the heavy equipment shall post a bond sufficient to cover the cost of repairing probable damage to the City street(s) over which said equipment shall travel as estimated by the City Engineer. Violation of any provision of this section shall be a municipal infraction punishable by a fine established by the Mayor and Commissioners and specified in Article XIV of this Code.

Section 804. Responsibility for Acceptance of Improvements

The City Engineer shall be responsible in all cases where street improvements, sidewalks, or driveways into any City street or over any sidewalk are involved to make such inspection or inspections as in the engineer's discretion may be necessary and proper to assure that same conforms to the general specifications provided for by the City Engineer; and thereafter it shall be the duty of the City Engineer to recommend in writing to the Mayor and Commissioners whether or not said street or streets or portion thereof shall be accepted by the City as a street under municipal control and maintenance.

Section 805. Excavation

It shall be unlawful for a person, other than a City department, to excavate on any street, curb, gutter, sidewalk, storm-drain facilities, or other public place within the City except in accordance with the conditions of a valid City building permit. All public improvements of this nature shall be under the supervision and inspection of the City Engineer or Code Enforcement Officer. Violation of this section shall be a municipal infraction punishable by a fine established by the Mayor and Commissioners and specified in Article XIV of this Code.

Section 806. Storage Not Permitted

It shall be unlawful for any person within the City, except a City department, to use the streets, roads, gutter, sidewalks, parking strips, parks or parkways of the City to store or place materials thereon except in accordance with the conditions of a valid City building permit. Every person using a street or sidewalk, or curb or gutter, parking strips, parks or parkways, to store or place materials thereon shall exhibit or display one (1) or more lighted lanterns at each such obstruction to warn the public of the obstruction. At the expiration of such time as designated by the City, the builder, contractor, or owner shall remove or cause to be removed from the sidewalk, curb and gutter, street, park, parking strip or parkway, such building materials or other matter in accordance with the terms which the permit provided originally; and any property damaged by such storage shall be returned to a condition the same as or better than prior to the storage involved. Violation of this section shall be a municipal infraction punishable by a fine established by the Mayor and Commissioners and specified in Article XIV of this Code.

Section 807. Closing of Streets

The Mayor and Commissioners may close any street or streets within the City permanently, indefinitely, or for a specified time period or reopen any previously closed street or streets if the Commission determines that such action will benefit the health, safety or welfare of the citizens of the City in their use of said street or streets. The Police Chief or Public Works Director may temporarily close a street for safety reasons or repairs.

Section 808. Snow Removal

Whenever snow falls within the City, it shall be the duty of each owner or occupant to clean the snow from the entire length and width of the sidewalk in front of and along the side of their premises within twenty-four (24) hours after the snow stops falling. Violation of this section shall be a municipal infraction punishable by a fine established by the Mayor and Commissioners and specified in Article XIV of this Code.

Section 809. Maintenance and Repair of Sidewalks and Driveway Aprons

(a) Responsibility. Property owners shall be responsible for maintaining in good repair the public sidewalk along the front and side of their premises and the driveway apron leading to their driveway from the street. All work on said sidewalk or driveway apron shall be completed at the owner's expense and shall conform to all City laws and specifications, including the requirement that a City building permit be obtained prior to commencing work.

(b) Notice of Violation. Whenever the Code Enforcement Officer determines that a sidewalk or driveway apron is not in good repair, the Code Enforcement Officer shall serve notice of the violation upon the owner by sending a copy of the notice to the last known address, or, if the notice is returned showing that it has not been delivered to the

last known address, by posting a copy in a conspicuous place in or about the subject property. The notice shall be in writing; shall include a description of the property sufficient for identification; shall specify the violation that exists and the corrective action required; and shall allow a reasonable time for the performance of any act it requires.

(c) Appeal. The property owner may appeal a notice of violation by filing an appeal in writing with the Mayor and Commissioners within thirty (30) calendar days of the date of the notice or within the period required for compliance, whichever is shorter. The appeal shall state in detail the reasons for the appeal.

(d) Abatement. If the property owner fails to correct the problem within the period required for compliance, the Mayor and Commissioners may direct the appropriate City officials to take such corrective steps as may be required to abate the condition, including the expenditure of City funds for which the City may assess costs against the property owner. In the alternative, the Commission may refer the matter for such action or litigation as it may deem necessary. If the property owner fails to remit any costs assessed by the City as a result of this section, the costs shall become a lien on the property and may be collected in the same manner as real property taxes.

(e) Penalty. Failure to maintain sidewalks and driveway aprons in good repair shall be a municipal infraction punishable by a fine established by the Mayor and Commissioners and specified in Article XIV of this Code.

ARTICLE IX Vehicles and Traffic

Section 901. Definitions

For purposes of this article, “to park” or “parking” shall mean 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.

Section 902. Parking Violations

(a) Prohibited Actions. The following actions are prohibited within the City of District Heights.

(1) Parking in Restricted Locations. No person shall park a vehicle in any of the following locations in the City.

- a. closer than twenty-five (25) feet from the corner;
- b. closer than fifteen (15) feet from any fire hydrant;
- c. closer than twenty-five (25) feet from the bus stop sign on the approach side of any bus stop;

- d. closer than thirty (30) feet from any stop sign;
- e. within any zone posted with signs or marked with red or yellow lines as a "Fire Lane;"
- f. within any crosswalk;
- g. on any private property without the permission of the owner thereof;
- h. within three (3) feet of a driveway or alley;
- i. in any space which is designated by an official sign as reserved;
- j. on the streets or portions thereof on which parking has been prohibited by the City and posted by signs;
- k. on City or public property which lies between the curb and the private property line, except in emergency conditions as permitted by the City Police Department;
- l. in a space designated for the handicapped unless the vehicle displays a special registration plate or permit for the handicapped, and is transporting a handicapped person;
- m. at any expired meter during the hours of meter operation.

(2) Leaving Unattended Dangerous Commercial Vehicles. No commercial vehicles carrying or containing explosives, highly combustible gases, or fluid, shall be left unattended on any City street. This prohibition shall not apply to fuel trucks or vehicles where the driver has parked or left standing the vehicle preparatory to supplying any residence, building or vehicle with said fuel for heating or other purposes, provided said preparation is immediate and effected without delay.

(3) Unlawful Parking of Heavy Vehicles. No commercial vehicle or any boat, bus, camping vehicle or trailer, truck or any 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. (Amended by Ordinance No. DH 00-01, effective 02/24/00)

(4) Parking on Public Space over 48 Hours. No person shall leave any vehicle parked on any street or other public property within the City for a period of time greater than forty-eight (48) hours without said vehicle being moved.

(5) Impeding Traffic. No person shall:

a. parks any vehicle or let any unattended vehicle stand in any City alley or street when said vehicle shall block or impede the flow of traffic through said alley or street;

b. “double-park” a motor vehicle on any street within the City except when said motor vehicle is being loaded or unloaded; or

c. parks any vehicle alongside or opposite any street excavation when parking would obstruct the free flow of traffic.

(6) Parked Vehicle Improperly Braked. No person shall park a vehicle on public or private property within the City, or on any street within the City, unless said vehicle is properly braked or secured.

(7) Overtime Parking. No person shall park a motor vehicle in the City on any street for a greater time than that period of time indicated by the authorized signs posted on said street.

(8) Unregistered Vehicle. No person shall park any motor vehicle on any public street without proper, current valid registration tags issued to that vehicle.

(9) Failure to Park with Proper Wheels Next to Curb. No person shall stand or park a motor vehicle on a street other than parallel with the edge of the street headed in the direction of the lawful traffic movement and with the right-hand wheels of the vehicle within twelve (12) inches of the right side or curb of the roadway, except that on a one-way street, the left wheels may be adjacent to and within twelve (12) inches of the left curb or side of the roadway.

(10) Parking on Private Property. No person shall park any commercial or privately owned motor vehicle of more than one-ton capacity on private property. Boats, trailers designed to carry a boat or car, motor home, or camping vehicle may be parked on private property provided that these vehicles are parked on a pad covering the vehicle area by asphalt, brick or concrete. (Amended by Ordinance No. DH 00-01, effective 02/24/00)

(b) Penalty. Violation of any provision of this section shall be a misdemeanor punishable by a fine established by the Mayor and Commissioners and specified in Article XIV of this Code.

Section 903. Parking Citations

(a) Issuance. Citations for parking violations shall be issued in accordance with Section 26-302 of the Transportation Article of the Annotated Code of Maryland or replacement article. In all cases of parking violations in the corporate limits of the City of

District Heights, the Police Officer or other duly authorized employee who discovers the vehicle illegally parked shall deliver a citation to the operator or, if the vehicle is unattended, attach a citation to the vehicle in a conspicuous place. In the absence of the operator, the registered owner of the vehicle shall be presumed to be the person receiving the citation. A copy of the citation shall be retained by the officer and shall bear the officer's certification, under penalty of perjury, attesting to the truth of the matter therein set forth.

(b) Payment or Election to Stand Trial. The recipient of a parking citation may make payment for the violation, as set forth on the citation, to the City of District Heights at the office of the Clerk, within twenty (20) days of the date of citation, or if he or she desires to stand trial for said offense he or she may elect to do so by notifying the Police Department of the intention to stand trial, within fifteen (15) days of date of the citation.

(c) Failure to Make Payment or Elect to Stand Trial. Any recipient of a parking citation who fails to make payment and fails to notify the Police Department of the intention to stand trial within the time frames provided in subsection (b) of this section shall pay twice the amount of the stated fine. In addition, the recipient is subject to provisions of state law which may prevent renewal or transfer of registration tags or impose other penalties.

Section 904. Reservation of Parking Spaces for Handicapped Persons

(a) Application. A person who has a permanent physical disability may apply to the Code Enforcement Office on the form that it requires for a permit for one (1) reserved parking space to be located at the curb, side, or edge of the roadway in front of or near their dwelling house and to provide convenience and safety as the person enters or leaves his or her vehicle or that of another. The permit application shall be accompanied by the appropriate permit fee established by the Mayor and Commissioners and specified in Article XIV of this Code.

(b) Issuance of Permit. The Code Enforcement Office shall issue the permit if it is determined that the applicant is required to use a wheelchair to move about or if the disability is so severe that the applicant would endure a hardship or be subject to a risk of injury if the applicant should enter or leave the vehicle at a less convenient location and that the physical disability is permanent. On receipt of the permit, the person shall affix it to his or her vehicle in a conspicuous place.

(c) Sign and Curb Marking. After the Code Enforcement Office issues the permit, it shall notify the Police Department and the Public Works Department. Within thirty (30) days after receiving notification from the Code Enforcement Office that a permit was issued, the Public Works Department shall place and maintain at the proper place at least one (1) sturdy upright sign that contains a clear and easily recognizable representation of a wheelchair and the words "by permit only," and prohibit general parking in the reserved space. In addition, the Public Works Department shall paint a line in an appropriate color

on the curb, edge, or side of the roadway, long enough to reserve a space for one (1) Class A (passenger) vehicle.

(d) Eligibility Review. Annually, on or before the anniversary date of the permit issuance, the permit holder shall apply to the City for continuance of the permit on a form provided by the City. No fee shall be charged by the City for the application for permit continuance. Upon receipt of the application for permit continuance, the Code Enforcement Office shall determine if eligibility requirements continue to be met.

(e) Permit Revocation. If during the annual eligibility review or at any other time the Code Enforcement Office determines that eligibility requirements are not being met, the Code Enforcement Office shall notify the permit holder in writing that the City intends to revoke the permit and provide the reason(s) the permit is being revoked. The permit holder shall have fifteen (15) days in which to appeal the permit revocation to the Mayor and Commissioners. The appeal shall be in writing and shall provide documentation of continued eligibility for a permit. If a timely appeal is filed, the Commission shall inform the permit holder of its decision in writing. If no appeal is filed within fifteen (15) days of the revocation notice or if the Mayor and Commissioners uphold the permit revocation, the Code Enforcement Office shall revoke the permit, notify the Police Department of the revocation, and notify the Public Works Department to remove any sign or other identification of the reserved space.

(f) Penalty. It shall be a misdemeanor for any person to park a vehicle in a reserved parking space under this section unless the vehicle displays a City permit issued for the space in which the vehicle is parked. Violations shall be punishable by a fine established by the Mayor and Commissioners and specified in Article XIV of this Code.

Section 905. Impoundment

(a) Circumstances. Any vehicle may be removed or conveyed by towing or otherwise and impounded under the following circumstances:

(1) if said vehicle is found parked in violation of any sections of this article;

(2) if said vehicle is inoperative;

(3) if the person in charge of said vehicle is incapacitated; or

(4) if there is an outstanding District Heights parking violation fine more than thirty (30) days overdue against the vehicle.

(b) Towing and Storage Costs. If the vehicle is removed, conveyed and impounded, it shall be towed to a place designated by the City and the cost for removing same or having said vehicle towed and any storage costs shall be assessed against the

owner or person responsible for said vehicle along with any other fine or other penalty imposed.

(c) Conditions of Release. No vehicle so impounded shall be released until all applicable costs, charges and fines have been paid. No vehicle shall be released except to the properly identified owner or authorized individual.

Section 906. Abandoned Motor Vehicles

(a) Abandonment Prohibited. No person shall abandon a motor vehicle or any part thereof on any road, street, alley or highway, private or public property, in view of the public in this municipality. "Abandoned Motor Vehicle" means any motor vehicle, trailer, or semi-trailer that:

(1) is inoperable and left unattended on public property for more than forty-eight (48) hours;

(2) has remained illegally on public property for more than forty-eight (48) hours;

(3) has remained on public property for more than forty-eight (48) hours and is not displaying currently valid registration plates, or is displaying registration plates of another vehicle; or

(4) has remained on private property for more than forty-eight (48) hours without the property owner's consent.

(b) Impoundment. The Police Department shall have the authority to impound and remove any motor vehicle in violation of this section in accordance with Section 905, provided that written notice is first given by attaching a notice of violation on the motor vehicle and directing the owner of the motor vehicle to remove said motor vehicle within forty-eight (48) hours from the date of notice.

(c) Penalties. Violation of any provision 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. In addition to the penalty for abandonment and the costs of impoundment, the motor vehicle may also be cited for parking violations under applicable provisions of Section 902 of this article.

Section 907. Repairs on Public Space

No person shall make repairs to any vehicle on public space including the confines of the Municipal Building grounds, excepting those necessary in an emergency situation to render such vehicle operable. This prohibition does not apply to City employees working on City vehicles. Violation of this section shall be a municipal infraction punishable by a

fine established by the Mayor and Commissioners and specified in Article XIV of this Code.

Section 908. Improper Sledding, Skating, Skateboarding, and Rollerblading

No person shall sled, skate, skateboard, or rollerblade within the City if the movement of such sled or other device shall come upon or across any street. Violation of this section shall be a municipal infraction punishable by a fine established by the Mayor and Commissioners and specified in Article XIV of this Code.

Section 909. Unauthorized Use of Street by Tracked Vehicle

No person shall drive on any public street any cleated tractor truck, roller or other vehicle, if the cleats, rolling track or rollers may cause damage to the City streets, except where permission to drive or operate said vehicle shall have been obtained from the City Public Works Department, Code Enforcement Office, or Police Department. Violation of this section shall be a municipal infraction punishable by a fine established by the Mayor and Commissioners and specified in Article XIV of this Code.

Section 910. Unauthorized Assembly

(a) Permit Required. No persons shall congregate or assemble on any public or City street for a parade, rally, or public demonstration unless said person or persons shall have first obtained a permit from the City at least thirty (30) days prior to the event. The permit application shall be made to the City offices accompanied by the appropriate fee established by the Mayor and Commissioners and specified in Article XIV of this Code.

(b) Penalty. Violation of this section shall be a misdemeanor punishable by a fine and/or term of imprisonment as established by the Mayor and Commissioners and specified in Article XIV of this Code.

Section 911. Speed Regulations

(a) City Speed Limits Designated. No person shall drive a vehicle on any street, avenue, or highway within the limits of the City at a rate of speed in excess of twenty-five (25) miles per hour.

(b) Penalty. Violation of this section shall be a misdemeanor punishable by a fine and/or term of imprisonment as established by the Mayor and Commissioners and specified in Article XIV of this Code.

Section 912. Unlawful Truck Traffic

(a) Through Trucks Prohibited. No through trucks shall be permitted on any street in the City except for state or county maintained roads. This provision applies to step-

vans and all trucks in excess of three-quarter (3/4) ton payload. This provision does not apply to:

- (1) trucks with three-quarter (3/4) ton payload or less;
- (2) trucks/vans licensed to operate/solicit in the City;
- (3) trucks making deliveries to residents;
- (4) trucks providing any services to residents;
- (5) county/state vehicles; and
- (6) public utility vehicles.

(b) Penalty. Violation of this section shall be a municipal infraction punishable by a fine established by the Mayor and Commissioners and specified in Article XIV of this Code.

Section 913. Hedges as Traffic Hazards

(a) Responsibility. In order to prevent traffic hazards, it shall be the duty of all persons, whether said persons be the owner(s), tenant(s) or person(s) in possession of property within the City, whether said property be private or public, to trim and maintain all hedges and briars being used as a fence or boundary marker immediately adjacent to or facing a street, roadway, alley, walkway, passageway, or intersection within the City, so that such hedge or briar shall not exceed three (3) feet in height.

(b) Enforcement. When hedges are not maintained in accordance with this section, the City Police Department or Code Enforcement Officer shall notify in writing the owner, tenant, or other person in possession of any real estate aforementioned and it shall be the duty of said person in possession to trim said hedges or briars within five (5) days after the date of such notice.

(c) Abatement. If the responsible party fails to comply with the notice to trim and maintain all hedges and briars within the five-day period, the Code Enforcement Office may request action by the appropriate City department to trim the hedges and briars. The City shall assess the costs against the property owner.

(d) Penalty. Violation of this ordinance shall be a municipal infraction punishable by a fine established by the Mayor and Commissioners and specified in Article XIV of this Code.

ARTICLE X
Zoning

Section 1001. Application of Zoning Laws

(a) Applicable Laws. In accordance with state law, the Zoning Ordinances of the City of District Heights are those same ordinances that apply to Prince George's County, Maryland, within the Maryland-Washington Regional District as exist at the time of the adoption of these ordinances and as may be in force and effect within Prince George's County by amendment or re-enactment from time to time.

(b) Penalty. Violation of any provision of applicable zoning laws within the City shall be a municipal infraction punishable by a fine established by the Mayor and Commissioners and specified in Article XIV of this Code.

ARTICLE XI
Administration

Section 1101. Availability of Ordinances and Other Public Documents

The City Clerk shall place every ordinance enacted by the City in the official copy of the District Heights Code or in the file of special ordinances, as appropriate, and shall keep the ordinances current and up to date. The current official copy of the District Heights Code and the file of special ordinances shall be kept within the City offices and shall be available for inspection during normal business hours. Any person may obtain copies of an ordinance, a City publication, or other public document maintained by the City by requesting them from the Clerk and paying any required fees. Copying fees and fees for purchase of City publications shall be established by the Mayor and Commissioners from time to time.

Section 1102. Salaries of Mayor and Commissioners

(a) Process. The Mayor and Commissioners of the City of District Heights shall each receive a monthly salary as set from time to time by an ordinance passed by the Commission in the regular course of business. No change shall be made in the salary of the Mayor and/or any Commissioner during the term for which he or she was elected. The ordinance making any change in the salary paid to the Mayor or Commissioner(s), either by way of increase or decrease, shall be finally ordained prior to the City election to elect the next succeeding Mayor or Commissioner(s) and shall take effect only as to the next succeeding Mayor or Commissioner(s).

(b) Current Salaries. Beginning with the May, 1996 election, each Commissioner who is re-elected or newly elected to office shall be paid a monthly salary of two hundred and fifty dollars (\$250). Effective as of the May, 1997 election, the Mayor shall be paid a monthly salary of three hundred and fifty dollars (\$350).

Section 1103. City Departments, Offices, and Agencies

(a) Enumeration of Departments, Offices, and Agencies. The following departments, offices, and agencies shall operate within the City of District Heights.

(1) City Administration

(2) Code Enforcement

(3) Police

(4) Public Works

(5) Recreation

(b) Appointment of Department, Office, and Agency Heads. When vacancies occur, the Mayor and Commissioners shall appoint heads of the departments, offices, and agencies enumerated in subsection (a) of this section who shall work under the direction of the Commission and who shall serve at the pleasure of the Commission.

Section 1104. Personnel

(a) Classification. Pursuant to the Charter of the City of District Heights, the civil service of the City shall be divided into the unclassified and classified service.

(b) Unclassified Service. Members of the unclassified service shall include the Mayor, Commissioners, City Manager, City Clerk, City Treasurer, City Attorney, City Engineer, heads of all offices, departments, and agencies, members of City boards and committees, and part-time, temporary, and unpaid offices and positions. Members of the unclassified service, excluding the Mayor and Commissioners, shall serve at the pleasure of the Commission.

(c) Classified Service. The classified service shall include all positions not specifically included in the unclassified service. All appointments and promotions in the classified service shall be made on the basis of merit and fitness in accordance with the rules and regulations approved by the Mayor and Commissioners as set forth in the most recent edition of the City of District Heights personnel manual.

(d) Employee Probationary Period. All City employees shall be subject to a probationary period of twelve (12) months from the date they are hired or promoted to a new position. Following satisfactory completion of the probationary period, the employee's continuation in service shall be governed by the rules and regulations contained in the District Heights personnel manual.

Section 1105. Boards and Committees

The following boards and committees are authorized to perform City functions as indicated.

(a) Board of Supervisors of Elections. The Board of Supervisors of Elections shall perform the duties described in Article V of the City Charter, Article XIII of this Code, and applicable provisions of the state election laws.

(b) Health and Sanitation Committee. The health and sanitation committee shall perform the duties described in Article IV of this Code.

(c) Ethics Commission. The Ethics Commission shall perform the duties described in Article XVI of this Code.

(d) Temporary Committees. Temporary committees, which may be established from time to time by the Commission, shall perform the duties enumerated when they are created as appropriate to accomplish the specific purposes of the committee, which purposes shall benefit the health, safety, or welfare of the City.

Section 1106. Procurement Restrictions

(a) The following restrictions shall apply to procurement of supplies, materials, equipment, construction of public improvements, or contractual services.

(1) Purchases that involve expenditures totaling not more than five thousand dollars (\$5,000) may be made upon approval of the appropriate department head provided the department head has verified that sufficient funds have been appropriated and are available for the purpose for which the expenditure is being made.

(2) Purchases that involve expenditures totaling more than five thousand dollars (\$5,000) but not more than ten thousand dollars (\$10,000) may be made upon approval of the Mayor and Commissioners provided that they have evaluated quotes from three (3) suppliers and have verified that sufficient funds have been appropriated and are available for the purpose for which the expenditure is being made.

(3) All purchases of supplies, materials, equipment, construction of public improvements, or contractual service involving expenditures totaling more than ten thousand dollars (\$10,000) shall be made on written contract following evaluation of sealed bids obtained in accordance with the City's procurement procedures. Such written contracts shall be awarded to the bidder who offers the best bid, based upon price, quality of goods and work, time of delivery or completion, and the qualifications and/or experience of the bidder. All such written contracts shall be approved by the Commission before becoming

effective. The Commission shall have the right to reject all bids and re-advertise. The Commission at any time in its discretion may employ the City's own work force for the construction or reconstruction of public improvements without advertising for (or re-advertising for) or receiving bids. All written contracts may be protected by such bonds, penalties, and conditions as the City may require.

(b) The quote and bidding requirements contained in this section do not apply to purchases made by the City of District Heights under procurement contracts of other government entities, including the federal, state, county, or other municipal governments or the Metropolitan Washington Council of Governments. Nonetheless, any purchases under such contracts that involve expenditures in excess of five thousand dollars (\$5,000) shall be approved by the Mayor and Commissioners.

(c) Expenditures for contracts involving technical or professional services, such as consulting and supervising engineers, architects, attorneys at law, and certified public accountants, are exempt from the provisions of the bidding procedures required in subsection (a)(3) of this section provided that all contracts for exempt technical or professional services shall be approved by the Mayor and Commissioners following evaluation of potential contractors who have been invited to submit proposals in accordance with the City's procurement procedures.

(d) When the Commission deems that immediate action is necessary or the Commission determines that it is unnecessary to obtain sealed bids based upon the particular service or purchase, the Commission may, by unanimous vote of the Commission members present at the meeting, waive the requirement that sealed bids be obtained with respect to purchases in excess of ten thousand dollars (\$10,000). (Section 1106. Procurement Restrictions amended by Ordinance No. DH 00-01, effective 02/24/00)

Section 1107. Rental of City Facilities

(a) Availability. The following facilities of the City of District Heights are available for rental to individuals or groups when not needed for City functions:

- (1) Gymnasium
- (2) Kitchen
- (3) Meeting rooms
- (4) Picnic areas
- (5) Playing fields

(b) Rules and Regulations. Rules and regulations governing use of City facilities shall be approved by the Mayor and Commissioners. Copies of these rules and

regulations shall be provided at no charge to all individuals or groups that enter into a rental agreement for a City facility and upon request to individuals or groups seeking to use these facilities.

(c) Application. Any person seeking to use a City of District Heights facility shall apply to the City on a “facility request” form which may be obtained in the City offices during normal business hours. The City shall process applications on a first-come, first-serve basis.

(d) Submissions Upon Application Approval. Within three (3) business days of the approval by the City of the facility request, the applicant shall be required to pay a deposit in an amount established by the Mayor and Commissioners and specified in Article XIV of this Code. No later than thirty (30) days prior to the scheduled facility use, the applicant shall be required to submit a copy of the rental agreement signed by the responsible party who is at least twenty-one (21) years of age and accompanied by evidence of insurance and the required rental fees and charges. The amounts of rental fees and charges shall be established from time to time by the Mayor and Commissioners.

(e) Fast-track Applications. In the event an application for facility use is made during the 30-day period immediately prior to the requested facility use, the applicant shall submit the deposit and all documentation and fees required in subsection (d) above, excluding the signed rental agreement, at the time of application. The applicant shall submit the signed rental agreement within two (2) business days of the approval by the City of the facility request or at least two (2) business days prior to the scheduled facility use, whichever is sooner. If a “fast-track” application for facility use is denied, any fees paid to the City shall be returned to the applicant.

(f) Conditions. Any person renting a City of District Heights facility shall adhere to the conditions set by the City for use of the facility as contained in the rental agreement, the rules and regulations governing use of City facilities, and all applicable laws.

(g) Penalties. Violation of the conditions of the rental agreement or the rules and regulations governing use of City facilities shall be grounds for revocation of the rental agreement and shall constitute a municipal infraction punishable by a fine established by the Mayor and Commissioners and specified in Article XIV of this Code. This fine shall be in addition to the cost of any damages which may be assessed against the renter.

(h) Cancellations. An individual or group that has entered into a rental agreement with the City shall notify the City promptly if they desire to cancel use of the facility. Cancellations shall be subject to monetary penalties as established from time to time by the Mayor and Commissioners.

(i) Waiver of Charges. Rental fees and charges for use of City facilities shall be waived for the following groups except when fund raising will be conducted at the event for which the facility is requested. The groups shall comply with the application and use

requirements contained in subsections (c) through (h) of this section, excepting the payment requirements, and with all other provisions of this section.

- (1) Member organizations of the District Heights recreation/cultural council;
- (2) Government agencies providing a public service;
- (3) Non-profit agencies conducting blood drives or health screenings;
- (4) Military organizations conducting recruiting; and
- (5) Civic planning boards as designated by the Mayor and Commission.

(j) City Departments and City-sponsored Programs. City departments and City-sponsored programs shall have first priority for use of District Heights facilities and shall not be subject to the provisions contained in subsections (c) through (h) of this section.

Section 1108. References to City Engineer

Whenever this Code authorizes or requires the City Engineer to perform a certain duty, the term “City Engineer” shall mean the person appointed to the position of City Engineer by the Commission or, if the Commission has not made such an appointment, a qualified individual whom the Commission has designated to perform the duty.

**ARTICLE XII
City Cable Communications Regulatory Code**

Note: Due to its length, Article XII, City Cable Communications Regulatory Code, is contained in a separately bound volume of this Code.

**ARTICLE XIII
Absentee Voting**

Section 1301. Distribution of Absentee Ballots

(a) Any qualified and registered voter who cannot be present at an upcoming City election may vote by absentee ballot. The individual shall apply for an absentee ballot on an application form provided by the Board of Supervisors of Elections. The individual shall state in the application the reason that he or she cannot vote in person at the election, shall sign the application, and shall deliver the application, by mail or other means, so that it reaches the Board of Supervisors of Elections on or before the Tuesday immediately preceding the election.

(b) The Board of Supervisors of Elections shall accept applications for absentee ballots after the Tuesday immediately preceding the election only in the event that, after

the Tuesday immediately preceding the election, any of the following emergencies occurred:

(1) The applicant has been notified that, as a condition of employment, he or she is required to be absent from District Heights on election day.

(2) The applicant has become unable to be present at the polls as a result of illness or accident.

(3) The applicant is unable to be present at the polls because of a death or serious illness in his or her immediate family.

A voter who makes application for an emergency absentee ballot shall appear in person at the City offices during normal business hours to obtain the absentee ballot or designate an agent to deliver the absentee ballot to the voter.

(c) If the Board of Supervisors of Elections determines that the applicant is eligible to vote as an absentee voter, the Board shall deliver, by mail or other means, an absentee ballot to the place so designated by the applicant. If the Board of Supervisors of Elections determines that the applicant is not eligible to vote as an absentee voter, the Board shall so notify the applicant.

(d) Accompanying each absentee ballot, the Board of Supervisors of Elections shall enclose the required envelopes, as described in subsection (h) below, as well as instructions clearly explaining the manner in which the recipient may vote as an absentee voter.

(e) The Board of Supervisors of Elections shall keep a record of applications for absentee ballots as they are received. The actual applications and the record of applications shall be available for public examination for a period of six (6) months after the election. The record shall show, for each application:

(1) the date received,

(2) the name and residence of the applicant, and

(3) the place where the absentee ballot was delivered, or, if the applicant was rejected, the reason for such rejection.

(f) The Board of Supervisors of Elections shall mark the individual record of each voter to whom an absentee ballot was delivered to indicate the fact that an absentee ballot was delivered to the applicant and the date of such delivery. Only those voters to whom absentee ballots have been delivered shall be permitted to use such ballots. No voter to whom an absentee ballot has been delivered shall be allowed to vote in person at the polls at the election, except as provided in Section 1303 of this Code.

(g) No more than one (1) absentee ballot shall be delivered to any one (1) applicant unless the Board of Supervisors of Elections has reasonable grounds to believe that the absentee ballot previously delivered has been lost, destroyed or spoiled.

(h) The form of ballots and envelopes for absentee voters shall be as follows:

(1) The ballot shall contain the words "absentee ballot" in large letters in a clear space at the top.

(2) The ballot shall be accompanied by:

a. an envelope marked "Ballot Envelope," which is otherwise blank, of sufficient size to contain the absentee ballot;

b. a second envelope marked "Covering Envelope" of sufficient size to contain the Ballot Envelope and having the following oath printed on the outside:

"I, _____, do hereby swear (or affirm) under penalty of perjury that:

1. I am legally qualified to vote in the election of the City of District Heights to be held on _____.

2. I will be unable to vote in person on the day of such election because _____ as stated in my application for the enclosed ballot;

3. I secretly marked the enclosed ballot, placed it in the enclosed Ballot Envelope, sealed the Ballot Envelope, and placed the Ballot Envelope in the Covering Envelope; and

4. I am now disqualified from voting in person in the City election."
(Signature of absentee voter)

c. a return envelope pre-addressed to the Board of Supervisors of Elections, City of District Heights.

Section 1302. Procedures for Absentee Voting

(a) The absentee voter shall:

(1) Mark the absentee ballot secretly, insert the ballot into the Ballot Envelope, seal the Ballot Envelope, and insert the Ballot Envelope into the Covering Envelope;

(2) Complete and sign the oath printed on the Covering Envelope and seal the Covering Envelope; and

(3) Enclose the foregoing material in the return envelope and deliver it, by mail or other means, to the Board of Supervisors of Elections so that it will be received prior to the close of the polls on the day of the election.

(b) No absentee ballots received by the Board of Supervisors of Elections after the close of the polls shall be valid.

(c) The Board of Supervisors of Elections may open a return envelope to remove the sealed Covering Envelope. The sealed Covering Envelopes received by the Board of Supervisors of Elections shall not be opened at any time prior to the canvassing of the absentee ballots as provided in Section 1304.

Section 1303. Voting in Person After Absentee Ballot Issued

Any individual to whom an absentee ballot has been delivered who has not returned said ballot as provided in Section 1302 and who finds that he or she is able to vote in person at the polls on election day, may vote in person in such election provided that, prior to voting in person, the individual delivers the unmarked absentee ballot, together with the Ballot Envelope and the Covering Envelope to the Board of Supervisors of Elections. The Board of Supervisors of Elections shall clearly mark each of such materials "void" and shall enter in the appropriate register the fact that such materials have been returned unused. These materials shall be secured and filed by the Board of Supervisors of Elections.

Section 1304. Canvassing of Absentee Ballots

The procedure for the canvassing of ballots shall be as follows:

(a) Following the close of the polls, the Board of Supervisors of Elections, in the presence of an election judge, shall proceed to review the completed oaths on the Covering Envelopes individually to conclusively determine whether or not the person who has submitted the absentee ballot is a qualified, registered voter in the City to whom an absentee ballot was delivered and who has not voted in person at the election.

(b) If the Board of Supervisors of Elections determines that the absentee ballot has been properly submitted by an eligible absentee voter, they shall enter in the appropriate register the fact that the voter whose name appears on the oath has voted by absentee ballot. They shall then open the Covering Envelope and set aside the Ballot Envelope for canvassing in such a manner that they are unable to match the name of the absentee voter with the particular absentee ballot submitted. The Board of Supervisors of Elections shall set aside the Covering Envelopes containing the signed oaths of absentee voters and save them for a period of six (6) months after the election during which period they shall be available for public examination.

(c) If the Board of Supervisors of Elections determines that an attempt to vote by absentee ballot is invalid, the Covering Envelope shall not be opened. The Board of

Supervisors of Elections shall keep a record of all absentee ballots that have been rejected and the reason for each such rejection. Such record and the rejected sealed Covering Envelopes shall be available for public inspection at the City offices for a period of six (6) months after the election.

(d) When all valid Covering Envelopes have been opened and set aside and the Ballot Envelopes separately compiled, the Board of Supervisors of Elections shall then proceed to open the Ballot Envelopes containing the ballots of valid absentee voters and count and certify the absentee ballots.

(e) Whenever the Board of Supervisors of Elections shall determine from proof or investigation that any person who has marked and delivered to the Board of Supervisors of Elections an absentee ballot has died before election day, the Board of Supervisors of Elections shall not count the ballot of the deceased voter. If at or prior to the time of such counting and canvassing the Board of Supervisors of Elections shall not have determined that the absentee resident who marked a ballot had died before election day, said ballot shall be counted. The fact that said absentee resident may later be shown to have been actually dead on election day shall not invalidate said ballot or said election.

Section 1305. Penalties

Violation of any provision of this article shall constitute 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.

**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>
(1) Use and occupancy permit	Sec. 203(a)(14)	\$10.00
(2) Noise permit	Sec. 603(c)	\$10.00
(3) Alarm user license:	Sec. 608(e)	
a. Residential (first 2 years)		No charge
b. Residential (biennial renewal)		No charge
c. Commercial and other non- residential (first 2 years)		\$50.00

d. Commercial and other non- residential (biennial renewal)		\$50.00
(4) Reinstatement of alarm user license (residential, commercial, and other non-residential)	Sec. 608(e)	\$500.00
(5) Duplicate alarm user registration sticker	Sec. 608(e)	\$5.00
(6) False alarm appeal filing	Sec. 609(e)(2)	\$25.00
(7) False alarm waiver filing	Sec. 609(f)(2)	\$25.00
(8) Alarm system recertification	Sec. 609(h)	\$25.00
(9) Alarm system upgrade certification	Sec. 609(i)	\$25.00
(10) Annual business license	Sec. 702(b)	\$25.00
(11) Annual game/entertainment machine registration	Sec. 702(c)	\$35.00 per machine
(12) Annual automated teller machine registration	Sec. 702(c)	\$35.00 per machine
(13) Annual coin-operated machine registration	Sec. 702(c)	\$10.00 per machine
(14) Solicitor/peddler permit	Sec. 705	\$50.00
(15) Annual rental unit license	Sec. 709(c)	
a. Single-family unit		\$100.00 per unit
b. Multi-family unit		\$60.00 per unit
(16) Temporary real estate sign permit:	Sec. 710(c)	
a. New home construction signs		\$45.00 per sign
b. Re-sale and rental signs		\$25.00 per sign
(17) Return of removed temporary real estate sign	Sec. 710(g)(5)	\$25.00 per sign
(18) Temporary sales permit	Sec. 711(i)	\$10.00

(19) Handicap parking space permit	Sec. 904	\$100.00
(20) Parade/rally permit	Sec. 910	\$50.00

(b) The following schedule shall govern the fees for building permits issued by the City pursuant to sections 202, 203(a)(10), and 203(a)(11) of this Code.

<u>Type of Activity</u>	<u>Fee</u>
(1) New construction or renovation:	
a. Multi-unit residential or commercial building	\$20.00 per unit + 2 % of the estimated construction or renovation costs up to \$10,000 of the costs per unit
b. Single-family dwelling	\$20.00 per dwelling + 2% of estimated construction or renovation costs
c. Single-unit commercial structure	\$20.00 per unit + 2% of estimated construction or renovation costs
(2) Installation, erection, construction or repair:	
a. Alarm system	\$20.00
b. Aluminum awnings projecting less than 3 feet	No charge
c. Aluminum awnings projecting more than 3 feet	\$20.00 per awning
d. Bathroom	\$20.00 per bathroom + 2% of estimated cost of project
e. Bulkhead	\$20.00
f. Cabinet	\$20.00 + 2% of estimated cost of project
g. Carport	\$20.00 per carport + 2% of estimated cost of project
h. Ceiling	\$20.00

i. Chimney	\$20.00
j. Counter top	\$20.00 + 2% of estimated cost of project
k. Deck	\$20.00
l. Door	\$20.00
m. Driveway	\$20.00
n. Driveway apron	
1. Single-width	\$20.00 per apron + bond required by Sec. 203(b)(4)
2. Double-width	\$20.00 per apron + bond required by Sec. 203(b)(4)
o. Driveway curb cut	
1. Single-width	\$20.00 per curb cut + bond required by Sec. 203(b)(4)
2. Double-width	\$20.00 per curb cut + bond required by Sec. 203(b)(4)
p. Dry wall	\$20.00 + 2% of estimated cost of project
q. Fence	\$20.00 per fence
r. Fire Escape	\$20.00
s. Fireplace	\$20.00
t. Floodlight Pole	\$20.00 per pole
u. Foundation	\$20.00 + 2% of estimated cost of project
v. Garage	\$20.00 per garage + 2% of estimated cost of project
w. Hot tub (permanent)	\$20.00

x. Paneling	\$20.00 + 2% of estimated cost of project
y. Patio	\$20.00 per patio + 2% of estimated cost of project
z. Playhouse	\$20.00 per playhouse + 2% of estimated cost of project
aa. Porch or porch enclosure	\$20.00 + 2% of estimated cost of project
bb. Radio and television mats, antennae, or poles	\$20.00 per mat, antennae, or pole
cc. Retaining wall	\$20.00 per wall
dd. Railing	\$20.00
ee. Roof	\$20.00
ff. Shed	\$20.00 per shed + 2% of estimated cost of project
gg. Sidewalk	\$20.00
hh. Sign (neon or electrical)	\$2.00 per square foot
ii. Sign (projecting)	\$2.00 per square foot
jj. Sign (stationery)	\$20.00 per sign
kk. Sink	\$20.00 + 2% of estimated cost of project
ll. Sky light	\$20.00
mm. Solar heating system	\$20.00
nn. Stairs	\$20.00
oo. Stucco	\$20.00
pp. Swimming pool	\$20.00 + 2% of estimated cost of project

qq. Window guards	\$20.00.
rr. Windows	\$20.00
(3) Other activities:	
a. Bricklaying	\$20.00
b. Carpentry	\$20.00
c. Excavation	\$20.00 + 2% of estimated cost of project
d. Moving Building	\$100.00 per building + \$2,000 bond
e. Moving shed on truck or trailer	No charge
f. Paving	\$20.00
g. Plastering	\$20.00 + 2% of estimated cost of project
h. Printing or reprinting brick mortar	\$20.00
i. Razing building or other structure	\$50.00 per structure + \$1,000 bond
j. Sand blasting	\$20.00
k. Sheet metal work	\$20.00 per 144 square feet (\$20.00 minimum)
l. Stone masonry	\$20.00
m. Water proofing	\$20.00
n. Reinstatement of building permit	\$250.00
o. All other construction activities	\$20.00 + 2% of estimated cost of project

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>
(1) Failure to abate fire hazard	Sec. 410	\$1,000 and/or 6 months
(2) Unauthorized transport, disposal, or storage of hazardous waste	Sec. 411	\$1,000 and 30 days
(3) Storage of wrecked or junked vehicle	Sec. 413	\$500
(4) Interference with City official	Sec. 601	\$500 and/or 30 days
(5) Parental violation of parental responsibility law	Sec. 602(d)(2)	\$250 and/or 10 days
(6) Establishment violation of parental responsibility law	Sec. 602(d)(3)	\$1,000 and/or 6 months
(7) Unauthorized use of weapon months	Sec. 604	\$1,000 and/or 6
(8) Unauthorized target practice	Sec. 605	\$1,000 and/or 6 months
(9) Unlawful throwing of missiles	Sec. 606	\$1,000 and/or 6 months
(10) Breaching alarm system confidentiality	Sec. 608(f)	\$1,000 and/or 6 months
(11) Operating alarm system without valid permit	Sec. 608(h)	\$500
(12) Parking closer than 25 feet from corner	Sec. 902(a)(1)a	\$50
(13) Parking closer than 15 feet from hydrant	Sec. 902(a)(1)b	\$100
(14) Parking closer than 25 feet from bus stop	Sec. 902(a)(1)c	\$50

(15) Parking closer than 30 feet from stop sign	Sec. 902(a)(1)d	\$50
(16) Parking in fire lane	Sec. 902(a)(1)e	\$250
(17) Parking in cross walk	Sec. 902(a)(1)f	\$50
(18) Parking on private property without permission	Sec. 902(a)(1)g	\$50
(19) Parking within 3 feet of driveway or alley	Sec. 902(a)(1)h	\$50
(20) Parking in reserved space	Sec. 902(a)(1)i	\$50
(21) Parking in “no parking” zone on street	Sec. 902(a)(1)j	\$50
(22) Parking between curb and private property line	Sec. 902(a)(1)k	\$50
(23) Parking in handicapped space without permit	Sec. 902(a)(1)l; Sec. 904(e)	\$250
(24) Leaving dangerous commercial vehicle unattended	Sec. 902(a)(2)	\$500
(25) Parking heavy vehicle	Sec. 902(a)(3)	\$100
(26) Parking on public space over 48 hours	Sec. 902(a)(4)	\$50
(27) Parking so as to impede traffic	Sec. 902(a)(5)	\$50
(28) Parking with vehicle improperly braked	Sec. 902(a)(6)	\$50
(29) Parking beyond posted time limits	Sec. 902(a)(7)	\$50
(30) Parking unregistered or improperly registered vehicle	Sec. 902(a)(8)	\$500
(31) Parking without proper wheels within 12 inches of curb	Sec. 902(a)(9)	\$50

(32) Parking on unpaved area	Sec. 902(a)(10)	\$50
(33) Abandonment of vehicle	Sec. 906(c)	\$500
(34) Exceeding City speed limit	Sec. 911	\$50
(35) Violation of absentee voting laws	Sec. 1305	\$1,000 and/or 6 months
(36) Violation of Ethics	Code Sec. 1601(g)(2)	\$1,000 and/or 6 months

(b) The following schedule shall prescribe fines for violations of the provisions of this Code that have been declared by the Mayor and Commissioners to be municipal infractions. The specified fine shall apply for each day that a violation occurs or continues.

<u>Violation</u>	<u>Reference</u>	<u>Fine</u>
(1) Construction, repairs, or alterations without permit	Sec. 202; 203(a)(12); 802	\$1,000
(2) Construction, repairs, or alterations contrary to permit	Sec. 203(a)(12)	\$1,000
(3) Violation of stop work order	Sec. 203(a)(13)	\$1,000
(4) Failure to obtain use and occupancy permit	Sec. 203(a)(14)	\$500
(5) Burning or igniting trash or leaves	Sec. 302	\$500
(6) Violation of Housing Code	Sec. 402(d)(11)	\$500
(7) Violation of non-residential property standards	Sec. 403(r)	\$500
(8) Littering	Sec. 404	\$1,000
(9) Creating, allowing, or causing nuisance to persist	Sec. 405	\$1,000
(10) Causing, allowing, or maintaining safety hazard	Sec. 406	\$1,000

(11) Unsuitable or improperly placed garbage container	Sec. 407	\$50
(12) Failure to display proper house number sign	Sec. 408	\$50
(13) Improper wood storage	Sec. 409	\$500
(14) Failure to maintain grass and weeds at 10 inches or less	Sec. 412	\$500
(15) Vehicle repair in public view	Sec. 415	\$500
(16) Vehicle stored on unpaved area	Sec. 416	\$50
(17) Keeping prohibited animals	Sec. 502	\$1,000
(18) Riding animals in prohibited areas	Sec. 503	\$50
(19) Violation of noise law	Sec. 603(d)	\$500
(20) Open container of alcoholic beverage in public space	Sec. 607	\$50
(21) Excess false alarms:	Sec. 609(c)	
a. 4th, 5th, or 6th false alarm		\$50
b. 7th, 8th, or 9th false alarm		\$100
c. 10th, 11th, or 12th false alarm		\$200
d. 13th or greater false alarm		\$500
(22) Failure to obtain business license or permit	Sec. 701(d)	\$500
(23) Failure to display business license or permit	Sec. 701(d)	\$50
(24) Soliciting or vending without permit	Sec. 704(f)	\$500
(25) Soliciting or vending during prohibited hours	Sec. 704(f)	\$500

(26) Failure to properly maintain vending vehicle and/or equipment	Sec. 705	\$500
(27) Failure to obtain or maintain valid rental unit license	Sec. 707(h)	\$500
(28) Violation of temporary real estate sign provisions	Sec. 708(h)	\$100
(29) Violation of temporary sales provisions	Sec. 709(s)	\$100
(30) Unlawful movement of heavy equipment	Sec. 803	\$500
(31) Unlawful excavation	Sec. 805	\$1,000
(32) Unlawful storage on public property	Sec. 806	\$1,000
(33) Failure to remove snow	Sec. 808	\$100
(34) Failure to properly maintain sidewalks or driveway aprons	Sec. 819(e)	\$500
(35) Making repairs on public space	Sec. 907	\$500
(36) Improper sledding, skating, skateboarding, or rollerblading	Sec. 908	\$50
(37) Unauthorized use of tracked vehicle	Sec. 909	\$500
(38) Unauthorized parade, rally, or demonstration	Sec. 910	\$50
(39) Unlawful through trucks	Sec. 912(b)	\$500
(40) Failure to properly maintain hedges	Sec. 913(d)	\$50
(41) Violation of zoning laws	Sec. 1001(b)	\$1,000
(42) Violation of conditions of City facilities rental agreement	Sec. 1107(g)	\$500

ARTICLE XV
City Finances

Section 1501. Investment of City Funds

(a) Investment Policy. It is the policy of the City of District Heights to invest public funds in a manner designed:

- (1) To reasonably match the anticipated cash flow of the City so that sufficient funds are available to pay obligations upon proper presentation for payment;
- (2) So that a reasonable amount of cash or cash equivalents is available for unanticipated cash needs;
- (3) With due regard for minimizing risk while maximizing return; and
- (4) To comply with all applicable state and local laws governing the investment of public funds.

(b) Scope. This investment policy applies to all financial assets of the City, and to all transactions involving said financial assets. This investment policy does not apply to retirement funds, or financial assets in the control of any set trustees.

(c) Prudence.

(1) An investment made pursuant to this section shall be made with care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of like character and with like aims. This “Prudent Person” standard of care requires that investments shall be made with judgment and care, under the circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived. This standard shall be applied in the context of managing an overall portfolio.

(2) Investment officers acting in accordance with written procedures and the investment policy and exercising due diligence and care shall be relieved of personal responsibility for the credit risk or market price changes of an individual security, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse development. Investment officers shall adhere to the public ethics requirements of the City of District Heights contained in Article XVI of this Code. For purposes of this section, the

term “investment officers” shall mean any person who acts on behalf of the City of District Heights to invest funds of the City of District Heights.

(d) Objectives. The primary objectives of the City’s investment activities are:

(1) Safety. Safety of principal is the foremost objective of the investment program. Investments of the City shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio.

(2) Liquidity. The City’s Investment Portfolio shall be structured to ensure the liquidity necessary to meet all reasonably anticipated obligations as they become due.

(3) Compliance with Applicable Law. The City’s Investment Portfolio shall comply with applicable law.

(4) Return on Investments. The City shall seek to optimize the return on its investment within the constraints of this chapter and other applicable law.

(e) Delegation of Authority. The Treasurer shall have custody of all funds belonging to or under control of the City, except as to funds under the control of any trustees. City funds may be kept or invested in any manner authorized for municipalities by state law and approved by the Mayor.

(f) Authorized Financial Dealers and Institutions.

(1) The Treasurer shall maintain a list of financial institutions authorized to provide investment services. In addition, the Treasurer shall maintain a list of approved security broker/dealers selected by credit worthiness who are authorized to provide investment services in Maryland. No public deposit shall be made except in a qualified public depository as established by state law.

(2) All financial institutions and broker/dealers who desire to become qualified bidders for investment transactions must supply the Treasurer with any information the Treasurer may request.

(3) The Treasurer shall conduct an annual review of the financial condition and registrations of qualified bidders.

(4) The Treasurer shall ensure that a current audited financial statement is on file for each financial institution and broker/dealer in which the City invests.

(g) Authorized Investments and Deposits. The Treasurer shall keep or invest all City funds in any manner authorized by state law, including those types of securities authorized by Section 6-222(a), State Finance and Procurement Article, and Article 95, sections 22, 22F, 22G, and 22N of the Annotated Code of Maryland, as amended, and

approved by the Mayor. Monies may not be borrowed for the sole purpose of investment. City investments must comply with the standards set out in Section 6-222(d) of the State Finance and Procurement Article.

(h) Collateralization. All deposits (except funds invested with the local government investment pool), certificates of deposit, and repurchase agreements shall be secured by pledged collateral with a market value of one hundred and two percent (102%) of principal plus accrued interest at all times. Collateral shall be in conformance with Section 22, Article 95, of the Annotated Code of Maryland, as amended. Collateral will be held by an independent third party. Clearly marked evidence of ownership (safekeeping receipt) must be supplied and retained by the City. The right of collateral substitution is granted.

(i) Safekeeping and Custody. All security transactions, including collateral for repurchase agreements, entered into by the City shall be conducted on a delivery-versus-payment basis. Securities will be held by a third party custodian designated by the Treasurer and evidenced by safekeeping receipts.

(j) Diversification. The City will diversify its investments by security type and institution. With the exception of U.S. Treasury securities and authorized pools, no more than fifty percent (50%) of the City's total investment portfolio will be invested in a single security type or with a single financial institution.

(k) Maturities. To the extent possible, the City will attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the City will not directly invest in securities maturing more than two (2) years from date of purchase. However, the City may collateralize its repurchase agreements using longer dated investments.

(l) Internal Control. The Treasurer shall arrange, at least once each year, for an independent auditor to review all City investments to determine compliance with this investment policy.

(m) Performance Standards. The investment portfolio shall be designed with the objective of obtaining a rate of return throughout budgetary and economic cycles, commensurate with the investment risk constraints and cash flow needs.

(n) Reporting. As part of the monthly financial report to the Mayor and Commissioners, the Treasurer shall include a market report on investment activity and returns. The report shall include a calculation of any income or loss from investments.

Section 1502. Admissions and Amusement Tax

(a) Levy on Full-price Admissions and Amusements. There is hereby levied a tax at the maximum rate allowed by law on the gross receipts derived from any admission

and amusement charge in the City of District Heights subject to the limitations and exemptions contained in the Tax-General Article of the Annotated Code of Maryland.

(b) Levy on Reduced-rate Admissions or Amusement Charges. There is hereby levied an additional tax at the maximum rate allowed by law for each person provided with an admission without charge or at reduced rates whenever a charge for admission is made to any other person.

(c) The Treasurer shall ensure that the Comptroller of the State of Maryland is advised of this tax levy and that the tax receipts, less administrative costs, are paid to the City regularly.

Section 1503. Processing of Real Property Tax Bills

The Treasurer is hereby authorized to enter into an agreement with Prince George s County for billing and collection of real property tax bills. The agreement may provide for the City to accept the same penalty and interest rates on overdue real property taxes as are applicable in the county and to receive penalty and interest payments based on a prorated share of the amount of overdue taxes billed.

Section 1504. Penalty and Interest on Overdue Property Taxes

(a) Penalty on Overdue Real Property Taxes. In order for the City to avail itself of county real property tax billing services, the penalty imposed by the City on overdue real property taxes in accordance with Section 14-702 of the Tax-Property Article of the Annotated Code of Maryland and as provided in Section 615 of the Charter of District Heights shall be the same as the penalty imposed by Prince George s County for overdue real property taxes, which is currently one percent (1%) per month or fraction of a month until paid. This penalty shall be imposed in addition to any interest due under state law.

(b) Penalty on Overdue Personal Property Taxes. The penalty imposed by the City on overdue personal property taxes in accordance with Section 14-702 of the Tax-Property Article of the Annotated Code of Maryland and as provided in Section 615 of the Charter of District Heights shall be one percent (1%) per month or fraction of a month until paid. This penalty shall be imposed in addition to any interest due under state law.

(c) Interest on Overdue Final Determination of Estimated Personal Property Taxes. Pursuant to its authority under Section 14-604(1) of the Tax-Property Article of the Annotated Code of Maryland, the interest charged by the City on overdue final determination of estimated personal property taxes is two-thirds of one percent (2/3%) per month or fraction of a month until paid.

(d) Interest on Overdue 1/4-, 1/2-, or 3/4-Year Real Property Taxes. In order for the City to avail itself of county real property tax billing services, the interest imposed by the City on overdue 1/4-, 1/2-, or 3/4-year real property taxes pursuant to its authority under Section 14-604(2) of the Tax-Property Article of the Annotated Code of Maryland

shall be the same as the interest imposed by Prince George s County on such accounts, which is currently two-thirds of one percent (2/3%) per month or fraction of a month until paid.

Section 1505. Special Assessments

(a) Authority. As authorized by the City Charter, when the City undertakes improvements to public property or facilities that confer special benefits to a limited number of properties in a defined area, the Commission may levy and collect taxes in the form of special assessments upon the benefited properties in order to defer all or a portion of the cost of the improvements. In exercising its authority to levy special assessments, the Commission shall follow the procedures specified in subsection (b) of this section.

(b) Procedure. The procedure for levying special assessments shall be as follows:

(1) The cost of the project being charged for shall be assessed according to the front foot rule of apportionment or some other equitable basis determined by the Commission.

(2) All special assessment charges shall be levied by the Commission by ordinance.

(3) Before levying any special assessment charges, the Commission shall hold a public hearing. The Clerk shall cause notice to be given stating the nature and extent of the proposed projects, the kind of materials to be used, the estimated cost of the project, the portion of the cost to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost, and the limits of the proposed area of assessment. The notice shall also state the time and place at which all persons interested, or their agents or attorneys, may appear before the Commission and be heard concerning the proposed project and special assessment. Such notice shall be given by sending a copy thereof by mail to the owner of record of each parcel of property proposed to be assessed and to the person in whose name the property is assessed for taxation and by publication of a copy of the notice at least once in a publication of general circulation in the City. The Clerk shall present at the hearing a certificate of publication and mailing of copies of the notice, which certificate shall be deemed proof of notice, but failure of any owner to receive the mailed copy shall not invalidate the proceeding.

(4) Following the hearing, the Commission, in its discretion, may vote to proceed with the project and may levy the special assessment.

(5) Any interested person feeling aggrieved by the levying of any special assessment under the provisions of this section shall have the right to appeal to the Circuit Court for Prince George s County within ten (10) days after the levying of any assessment by the Commission.

(6) Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed ten (10) years, and in such manner as the Commission may determine. The Commission shall determine on what date installments shall be due and payable. Interest may be charged on installments at the rate to be determined by the Commission.

(7) If a special assessment installment is not paid within six (6) months after it is due, the City may initiate proceedings to collect the overdue special assessment. The City may either follow the procedure for collecting past due taxes or file suit. All special assessments shall be liens on the property.

(8) The Treasurer shall arrange for billing and collection of all special assessments.

ARTICLE XVI

Code of Ethics

Section 1601. Purpose and Scope

(a) Purpose. The City of District Heights Code of Ethics is intended to maintain high public confidence and trust in the City government by providing safeguards to ensure that City officials and employees exercise impartiality and independent judgment in the conduct of City business. The provisions of this article are designed to guard against improper influence or the appearance of improper influence by requiring City officials and employees to disclose their financial affairs and by setting minimum standards for their conduct of City business.

(b) Applicability. The provisions of this article apply to the following City of District Heights officials and employees: Mayor, Commissioners, City Clerk, City Treasurer, City Manager, City Attorney, City Engineer, Code Enforcement Officer, Chief of Police, Recreation Director, Public Works Supervisor, all employees, members of Boards and Committees that have decision making authority, investment officers, and such other persons as from time to time shall be designated by the Mayor and Commissioners.

(c) Creation of Ethics Commission. There shall be a City Ethics Commission, which shall be composed of three (3) members appointed by the Mayor with the advice and consent of the District Heights Commission. The Ethics Commission shall be advised by the City Attorney and shall have the following responsibilities.

- (1) To devise, receive and maintain all forms generated by this article;
- (2) To provide published advisory opinions to persons subject to the article as to the applicability of the provisions of this article to them;

(3) To process and make determinations as to complaints filed by any person alleging violations of this article; and (4) To conduct a public information program regarding the purposes and application of this article.

Section 1602. Conflicts of Interests

(a) Prohibited Actions. The City of District Heights officials and employees who are subject to this article shall not:

(1) Participate on behalf of the City of District Heights in any matter which would, to their knowledge, have a direct financial impact, as distinguished from the public generally, on them, their spouse or dependent child, or a business entity with which they are affiliated.

(2) Hold or acquire an interest of either one thousand dollars (\$1,000) or ten percent (10%) or greater in a business entity that has or is negotiating a contract of one thousand dollars (\$1,000) or more with the City of District Heights or is regulated by their agency, except where the interest is disclosed in a timely manner in accordance with Section 1603(d) and is exempted by the Ethics Commission pursuant to Section 1606.

(3) Be employed by a business entity that has or is negotiating a contract of more than one thousand dollars (\$1,000) with the City of District Heights or is regulated by their agency, except where the employment relationship is disclosed in a timely manner in accordance with Section 1603(d) and is exempted by the Ethics Commission pursuant to Section 1606.

(4) Hold any outside employment relationship that would impair their impartiality or independence of judgment.

(5) Represent any party, for a contingent fee, before any City of District Heights body.

(6) Within one (1) year following termination of City of District Heights service, act as a compensated representative of another in connection with any specific matter in which he or she participated substantially as a City of District Heights official or employee.

(7) Solicit any gift or accept any gift regardless of value from any person that is regulated by their agency or has or is negotiating a contract with the City of District Heights, except when these gifts would not present a conflict of interest as determined by the Ethics Commission prior to acceptance of the gift. For purposes of this article, "Gift" means the transfer of anything of economic value regardless of the form without adequate and lawful consideration. "Gift" does not include the solicitation, acceptance, receipt, or regulation of political campaign contributions regulated in accordance with the Annotated Code of Maryland, or

any other law regulating the conduct of elections or the receipt of political campaign contributions.

(8) Use the prestige of their office for their own benefit or that of another.

(9) Use confidential information acquired in their official City of District Heights position for their own benefit or that of another. (b) Exceptions. Unless a gift of any of the following would tend to impair the impartiality and the independence of judgment of the official or employee receiving it or, if of significant value, would give the appearance of doing so, or, if of significant value, the recipient official or employee believes, or has reason to believe that it is designed to do so, subsection (a)(7) of this section does not apply to:

(1) Meals and beverages;

(2) Ceremonial gifts or awards which have insignificant monetary value;

(3) Unsolicited gifts of nominal value or trivial items of informational value;

(4) Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official or the employee for a meeting which is given in return for participation in a panel or speaking engagement at the meeting;

(5) Gifts of tickets or free admission extended to an elected official or employee to attend a professional or intercollegiate sporting event or charitable, cultural, or political events, if the purpose of this gift or admission is a courtesy or ceremony extended to the office;

(6) A specific gift or class of gifts which the District Heights Commission or the Ethics Commission exempts from the operation of this section upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the City and that the gift is purely personal and private in nature;

(7) Gifts from a person related by blood or marriage, or a spouse, child, ward, financially dependent parent, or other relative who shares the official's or employee's legal residence, or a child, ward, parent, or other relative over whose financial affairs the person has legal or actual control; or

(8) Honoraria.

Section 1603. Financial Disclosure

(a) Annual Gift Disclosure. The City of District Heights officials, members of Boards and Committees having decision-making authority, and employees listed in subsection (c) of this section shall file annually, not later than January 31 of each calendar year during which they hold office, a statement with the Ethics Commission disclosing any gift received in excess of twenty-five dollars (\$25) in value or a series of gifts received from any one (1) person totaling seventy-five dollars (\$75) or more during the preceding calendar year from any person having or negotiating a contract with the City of District Heights or any person regulated by their agency. The statement shall identify the donor of the gift and its approximate retail value at the time of receipt.

(b) Gift Disclosure by Candidates. At the time they file their request for certification of candidacy, candidates for elective offices listed in subsection (c) of this section shall file statements disclosing any gift received in excess of twenty-five dollars (\$25) in value or a series of gifts received from any one (1) person totaling seventy-five dollars (\$75) or more during the preceding calendar year from any person having or negotiating a contract with the City of District Heights. The statement shall identify the donor of the gift and its approximate retail value at the time of receipt.

(c) Applicability of Gift Disclosure Requirements. The following officials and employees are required to file gift disclosure statements:

- (1) Mayor
- (2) Commissioners
- (3) City Clerk
- (4) City Treasurer
- (5) City Manager
- (6) City Attorney
- (7) City Engineer
- (8) Chief of Police
- (9) Code Enforcement Officer
- (10) Recreation Director
- (11) Public Works Supervisor
- (12) Members of the Board of Election Supervisors

(13) Ethics Commission Members

(14) Investment Officers, as defined in Article XV of this Code

(d) Disclosure of Business Interests. All City of District Heights officials and employees or candidates for elective office to positions subject to this article shall file a statement with the Ethics Commission disclosing any interest or employment, the holding of which would require disqualification from participation pursuant to Section 1602(a), sufficiently in advance of any anticipated action to allow adequate disclosure to the public.

Section 1604. Lobbying Disclosure

(a) Registration Required. Any person who personally appears before any City of District Heights official or employee with the intent to influence that person in performance of his or her official duties and who, in connection with such intent, expends or reasonably expects to expend in a given calendar year in excess of two hundred and fifty dollars (\$250) on food, entertainment, or other gifts for such officials shall file a registration statement with the Ethics Commission not later than January 15 of the calendar year or within five (5) days after first making these appearances.

(b) Required Information. The registration statement shall include complete identification of the registrant and of any other person on whose behalf the registrant acts. It shall also identify the subject matter on which the registrant proposes to make these appearances and shall cover a defined registration period not to exceed one (1) calendar year.

(c) Gift Disclosure. Registrants under this section shall file a report within thirty (30) days after the end of any calendar year during which they were registered, disclosing the value, date, and nature of any food, entertainment, or other gift provided to a City of District Heights employee or official. When a gift or series of gifts to a single official or employee exceeds seventy-five dollars (\$75) in value, the official or employee to whom the gift was given shall also be identified.

Section 1605. Records Retention and Availability

The registrations, reports, and disclosure statements filed pursuant to this article shall be maintained by the Ethics Commission as public records available for public inspection and copying. Such statements shall be maintained for three (3) years following their filing.

Section 1606. Exemptions and Modifications

The Ethics Commission may grant exemptions and modifications to the provisions of Sections 1602 and 1603 if it determines that application of those provisions would: (a) Constitute an unreasonable invasion of privacy; (b) Significantly reduce the availability

of qualified persons for public service; and (c) Not be required to preserve the purpose of this article.

Section 1607. Enforcement

(a) The Ethics Commission may issue a cease and desist order against any person(s) found to be in violation of this article and may seek enforcement of this order in the Circuit Court of Prince George's County. The court may issue a cease and desist order in addition to imposing the penalties authorized by law for violation of any provision of this article.

(b) In addition to the other penalties provided by law, a City of District Heights official or employee found to have violated Section 1602 or 1603 may be subject to disciplinary or other appropriate personnel action, including suspension of City of District Heights salary or other compensation.

(c) Violation of any provision of this article shall be a misdemeanor subject to a fine, a term of imprisonment, or both, as established by the Mayor and Commissioners and specified in Article XIV of this Code.