City of Hyattsville
Charter
&
Code

COUNTY OF PRINCE GEORGE'S
STATE OF MARYLAND

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[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville 2-6-67, ratified 4-4-67. Amendments noted.]

GENERAL REFERENCES

Administration of government - See Ch. 4.
Elections - See Ch. 8.
Industrial revenue bonds - See Ch. 18.
Streets and sidewalks - See Ch. 105.
Taxation - See Ch. 108.
Vehicles and traffic - See Ch. 114.

ARTICLE I - Incorporation

§ C1-1. General corporate powers.

The inhabitants of the City included within the corporate limits legally established from time to time are hereby constituted and continued a body corporate by the name of the "City of Hyattsville," formerly having been denominated the "Mayor and City Council of Hyattsville," with all the privileges of a body corporate, by that name to sue and be sued, to plead and be impleaded in any court of law or equity, to have and use a common seal and to have perpetual succession, unless the Charter and the corporate existence are legally abrogated.

§ C1-2. Filing of courses and distances showing corporate City limits.

The courses and distances showing the exact corporate limits of the City shall be filed at all times with the Clerk of the Circuit Court in Prince George's County, the Commissioner of the land office and the Director of the Department of Legislative Reference. A copy of the courses and distances describing the corporate boundaries shall be on file in the office of the Mayor or of the Clerk. All the officials named in this section are hereby directed to file or record all such descriptions of corporate boundaries so filed with them, each in a suitable book or place, properly indexed and reasonably available for public inspection during normal business hours.

ARTICLE II - City Council

§ C2-1. Establishment; composition.

The government of said City shall be vested in a Mayor and ten (10) Councilmen, to be elected as hereinafter provided for, who shall compose the City Council.

§ C2-2. Election; term of office; qualifications.

A. Election; tenure. The Mayor shall be elected from the City at large and shall be elected for a term of four (4) years. One (1) Councilman shall be elected from each ward of the City concurrent with the election of the Mayor, and one (1) Councilman shall be elected from each ward of the City two (2) years thereafter. Each Councilman shall be elected for a term of four (4) years, except in case of an election to fill a vacancy in that office, in which case the election shall be until the next regular City election. The Mayor and Councilmen shall hold their respective offices for the several terms aforesaid and until their successors shall have been duly elected and qualified, unless otherwise terminated by operation of law. The Mayor and all Councilmen shall retain throughout their respective terms of office all the qualifications necessary for their election, and their failure to retain all such qualifications shall ipso facto cause a forfeiture of their respective offices. [Amended 5-15-78 by HR No. 2-78]

B. Qualifications. No persons shall be eligible as Mayor or Councilmen except those who, upon the day of election, shall be citizens of the United States, registered voters of the City of Hyattsville, actual bona fide residents of the City of Hyattsville and, in the case of Councilmen, residents of the ward from which they shall be elected. [Amended 5-1-72]

C. Restrictions. Neither the Mayor nor any of the Councilmen shall hold any other office with the City during their respective terms of office, neither shall they nor any other officer of the City, either directly or indirectly through the medium or agency of other persons, enter into any contract or contracts with the City. [Amended 12-19-93 by HR No. 12-83]

D. Required attendance to serve. The Mayor and/or a member of Council may be removed from office as a result of extended absenteeism, which is defined as missing in excess of fifty percent (50%) of each of the Council regular and special legislative meetings and meetings as committees of the whole in any calendar year. The Mayor or five (5) Council Members shall have the authority to convene a public hearing on the issue of the extended absenteeism of the Mayor and/or member of Council. [Amended 2-3-03, HR No. 2003-07]

E. Removal from office. After a public hearing on the issue of the extended absenteeism of the Mayor and/or member of Council, the Mayor and/or member Council may be removed from office as a result of such extended absenteeism by an affirmative vote of two-thirds (2/3) of the members of the Council. [Amended 2-3-03, HR No. 2003-07]

§ C2-3. Organization; vacancies; powers and duties of Mayor; meetings; quorum. [Amended 5- 15-78 by HR No. 3-78, Amended 9-23-92 by HR No. 3-92, Amended 12-7-98 by HR 98-07]

A. The Council shall meet on the third Monday in May of each election year herein provided for, when those members just elected shall qualify by taking the oath required by the provisions of § C12-1 of this Charter, and the Council shall proceed to organize by electing two (2) of their number President and Vice President of the Council.

B. (1) If a vacancy is created in the office of Mayor or any Council Member by reason of death, refusal or inability to act, disqualification, resignation or removal beyond the corporate limits of the City, then the remaining Council Members shall notify the board of supervisors of elections to proceed to fill such vacancy by special election which must be held within 75 days of the date the vacancy is created, for the balance of the term of the Mayor or that of a Council Member. [Amended 12-7-98 by HR 98-07]

C. A special election shall not be required, and the vacancy shall remain, if the election is to occur within 150 days of any regularly scheduled election. [Amended 12-7-98 by HR 98-07]

D. In the event that the special election is scheduled for a date when voting machines or other equipment necessary to conduct the election are not available the election may be postponed for no more than thirty (30) days. [Amended 12-7-98 by HR 98-07]

E. In the event of a vacancy in the Mayor's position, the President of the Council shall serve as Mayor until such time as a new Mayor is elected. [Amended 12-7-98 by HR 98-07]

F. The Mayor shall preside at all meetings of the Council and shall have all the privileges of a Councilman in debate and vote. The President of the Council shall, in the absence of the Mayor, preside at all meetings. The Vice President shall, in the absence of the Mayor and President, preside at all meetings.

G. The City Council shall hold two (2) regular monthly meetings on the first and third Mondays of each month at 8:00 p.m.; except during the months of June and August, when there shall be one (1) meeting on the first Monday of the month, and the months of July and September, when there shall be one (1) meeting on the third Monday of the month, unless any of said days is a legal holiday or a quorum should not be present. In such an event, the regular meetings shall be held on the next business day when a quorum can be obtained or at such time as the Mayor may designate, not more than one (1) week from the date that said meeting should have been held. [Amended 9-23-92 by HR No. 3-92]

H. The regular meetings shall be open for the transaction of any business that may come before the City Council for action, subject to such rules and regulations as the City Council may determine.

I. Special meetings of the City Council may be convened by the Mayor or at the request of five (5) members of the Council. Special meetings shall be confined to the business set out in the call for such meetings unless there is unanimous consent of all Councilmen present to the consideration of other matters.

J. The Mayor shall be the executive officer of the City with all the power necessary to secure the enforcement of all City ordinances, resolutions and laws under this Charter.

K. Except as provided in Subsection B, at all meetings of the City Council the Mayor and five (5) Councilmen or, in the absence of the Mayor, six (6) Councilmen present shall constitute a quorum for the transaction of business. At least six (6) affirmative votes shall be necessary for the passage of all ordinances, resolutions or laws; and they shall take effect from the date of their passage unless otherwise provided therein.

§ C2-4. Meetings open to public. [Amended 9-22-92 by HR No. 4-92]

All meetings of the Council shall be open to the public, except as otherwise authorized to be closed pursuant to state law, and residents of the City shall have a reasonable opportunity to be heard at all regular open meetings in regard to any municipal question.

§ C2-5. Compensation of Mayor. [Amended 1-21-92, HR No. 4-91]

The Mayor shall receive an annual salary as set, from time to time, by an ordinance passed by the Council in the regular course of business; provided, however, that the compensation of the Mayor be determined pursuant to the provisions of § C2-6.1.

§ C2-6. Compensation of Council members. [Amended 1-21-92, HR No. 4-91]

Each Council member shall receive an annual salary which shall be equal for all Council Members and shall be as specified, from time to time, by an ordinance passed by the Council in the regular course of business; provided, however, that the compensation of the Council Member be determined pursuant to the provisions of § C2-6.1.

§ C2-6.1. Compensation Review Committee. [Amended 3-3-08 by HR 2008-07]

Every four (4) years, at least one hundred and eighty (180) days prior to a mayoral election, the Mayor shall appoint, with Council approval, a seven person committee whose membership shall be comprised of at least one member from each Ward of the City, to review and make recommendations for the compensation of both the Mayor to be elected in the next municipal election and all City Council members serving during that upcoming four year term. The Compensation Review Committee shall make its recommendation as to any compensation increase, decrease or lack of change, in the existing compensation to the Mayor and City Council at least ninety (90) days prior to the election. The Mayor and Council shall have no power to alter or amend the Commission's recommendation, but shall either accept or reject it, by motion, resolution or ordinance.

[Amended 1-21-92, HR No. 5-91, 3-3-08 by HR 2008-07]

§ C2-7. Judgment of qualifications.

The Council shall be the judge of the election and qualification of its members.

§ C2-8. Rules of procedure.

The Council shall determine its own rules and order of business. It shall keep a journal of its proceedings and enter therein the yeas and nays upon final action on any question, resolution or ordinance or at any other time if required by any one (1) member. The journal shall be open to public inspection during normal business hours at the City Office.

§ C2-9. Passage, publication and effective date of legislation; emergency legislation. [Amended 1-5-04 by HR 2003-20]

No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the Council held not less than six (6) nor more than sixty (60) days after the meeting at which an ordinance was introduced, it shall be passed or passed as amended or rejected or its consideration deferred to some specified future date. In cases of emergency, the above requirement may be suspended by the affirmative votes of a majority of the members of the Council. Every ordinance shall become effective on the date the ordinance specifies which date shall be no less than twenty (20) calendar days following passage. An emergency ordinance shall become effective on the date specified in the ordinance without regard to the twenty (20) calendar day period specified above.

A fair summary of each ordinance shall be published twice in a newspaper having general circulation in the City.

§ C2-10(A). Procedure for referendum. [Amended 2-3-03, HR No. 2003-03]

If, before the expiration of thirty (30) business days following passage of any ordinance, a petition is filed with the Clerk containing the signatures of not less than twenty percent (20%) of the qualified voters of the City and requesting that the ordinance or any part thereof be submitted to a vote of the qualified voters of the City for their approval or disapproval, the Council shall have the ordinance or the part thereof requested for referendum submitted to a vote of the qualified voters of the City at the next regular City election or, in the Council's discretion, at a special election occurring before the next regular election. No ordinance or the part thereof requested for referendum shall become effective following the receipt of such petition until and unless approved at the election by a majority of the qualified voters voting on the question. An emergency ordinance or the part thereof requested for referendum shall continue in effect for sixty (60) days following receipt of such petition. If the question of approval or disapproval of any emergency ordinance or any part thereof has not been submitted to the qualified voters within sixty (60) days following receipt of the petition, then the operation of the ordinance or the part thereof requested for referendum shall be suspended until approved by a majority of the qualified voters voting on the question at any election. Any ordinance or part thereof disapproved by the voters shall stand repealed. The provisions of this section shall not apply to any ordinance or part thereof passed under the authority of § C3-2A of this Charter levying property taxes for the payment of indebtedness, but the provisions of this section shall apply to any ordinance or any part thereof levying special assessment charges under the provisions of this Charter. The provisions of this section shall be self-executing, but the Council may adopt ordinances in furtherance of these provisions and not in conflict with them.

§ C2-10(B). Procedure for voter ballot initiative. [Amended 2-3-03, HR No. 2003-04]

(1) Request for a voter ballot initiative. A qualified voter of the City may submit to the Clerk of the City, along with a two hundred dollar ($200.00) filing fee, a proposed voter ballot initiative containing a request for a Charter change or a proposed ordinance, other than for a Charter change or ordinance addressing §C3-2a(2) or §3C-2a(4) or §C3-2a(17) of this Charter or Charter changes or ordinances passed under the authority of §C3-2a(2) or §3C-2a(4) or §C3-2a(17) of this Charter. The Clerk shall submit a copy of the proposed voter ballot initiative to the Council and the City Attorney for the City. If the Council determines that there is a reasonable probability the proposed voter ballot initiative will eventually be submitted to the voters of the City, the Council will direct the City Attorney for the City to draft and/or approve the text of the proposed voter ballot initiative as specified and in conformance with the provisions of the Charter and other applicable law. The proponent may also seek the assistance of their own private counsel to assist in the drafting of the text of the proposed voter ballot initiative to be included in the petition. When drafted and/or approved, the City Attorney for the City shall submit a copy of the text of the proposed voter ballot initiative to the proponent and the City Council. The proponent of the proposed voter ballot initiative shall insert the City Attorney drafted and/or approved text of the proposed voter ballot initiative in the petition which the proponent intends to circulate among the qualified voters of the City. All petitions for proposed voter ballot initiatives must comply with the provisions of this section regardless of whether the same or similar proposed voter ballot initiative(s) were previously filed with the Clerk.

(2) Submission of petition. If, before one hundred and twenty (120) calendar days prior to a regular City election, a petition is filed with the Clerk containing the signatures of not less than twenty percent (20%) of the qualified voters of the City, requesting and favoring that a Charter change or proposed ordinance be submitted to a vote of the qualified voters of the City for their approval or disapproval, and the petition complies with the requirements of this section, the Council shall have the ordinance requested by voter initiative submitted to a vote of the qualified voters of the City at the next regular election. The exact wording of the petition shall be placed on the ballots or voting machines when the initiative is submitted to the voters of the City. No Charter change or ordinance requested by voter initiative shall become effective following the receipt of such petition until and unless approved at a regular election by a majority of the qualified voters voting on the initiative. Any Charter change or ordinance disapproved by the voters shall have no force or effect.

(3) Council enactment. If the Council shall approve of the Charter change or ordinance provided for in the petition, the Council shall have the right by resolution to pass the ordinance proposed in the initiative petition and to proceed thereafter in the same manner as if the resolution had been initiated by such legislative body.

(4) Petition requirements. Each person signing a petition shall indicate thereon his or her name, residence address and ward, whether such person is in favor or against the proposed resolution or ordinance, and the date on which the petition was executed. Each person signing the petition may also print his or her name and address, but failing to print a name and/or address shall not disqualify a corresponding signature. No signature may be obtained more than one (1) year prior to the date the petition is filed with the Clerk. A petition may consist of several pages, but each page shall contain the complete text and exact wording of the resolution or ordinance petitioned upon. There shall be at the bottom of each page of signatures filed with a petition an affidavit of the person procuring the signatures on such page that to the person's best knowledge and belief every signature on it is genuine and bona fide and that the signers are qualified voters of the City. Upon receiving the petition, the Clerk is directed to verify that it has been signed by the required number of qualified voters and complies with the provisions of this section. The Clerk shall consider the petition as of no effect if it is signed by fewer than twenty percent (20%) of the qualified voters of the City. A minor variation in the signature of a petitioner between his or her signature on a petition and that on the City voter registration records shall not serve to invalidate his or her signature. The invalidation of one signature on a petition shall not serve to invalidate any others.

§ C2-10(C). Procedure for Council-directed referendum. [Amended 2-3-03, HR No. 2003-05]

By passage of a resolution approved by a minimum of two-thirds (2/3) of the Council members, the Council may direct that a referendum be submitted to a vote of the qualified voters of the City on the question(s) set forth in such resolution at the next regular election or, in the Council's discretion, at a special election occurring before the next regular election. The Council may not direct that a referendum be submitted on questions concerning the code. Any resolution containing a Council-directed referendum shall be passed by the Council at least one hundred and twenty (120) calendar days prior to the election date the referendum is to be submitted to a vote of the qualified voters of the City. The resolution shall specify whether the referendum shall be advisory or binding in nature, and shall specify the exact wording of the referendum to be submitted to the qualified voters of the City. If the Council specifies the referendum as advisory, the results of such referendum shall be advisory only, and shall not be binding upon the Council. If the Council specifies the referendum as binding, the results of such referendum shall be binding upon the Council. The exact wording of such referendum contained in the resolution shall be placed on the ballots or voting machines when

the referendum is submitted to the qualified voters of the City. The provisions of this section shall not apply to any ordinance or part thereof passed under the authority of §C3-2a of this Charter levying property taxes for the payment of indebtedness, but the provisions of this section shall apply to any ordinance or any part thereof levying special assessment charges under the provisions of this Charter. The provisions of this section shall be self-executing, but the Council may adopt ordinances in furtherance of these provisions and not in conflict with them.

§ C2-10(D). Procedure for recall referendum. [Amended 2-3-03, HR No. 2003-06]

(1) Request for a recall referendum. A qualified voter of the City may request a recall referendum, by presenting to the Mayor and Council, at a regular meeting of the Council, a petition requesting the removal of the Mayor or a member of Council from the office which he or she holds, and containing the favorable signatures of at least forty percent (40%) of the qualified voters of the City, in the case of a petition regarding the removal of the Mayor from office; or the favorable signature of at least forty percent (40%) of the qualified voters of the ward of the City of such Council Member, in the case of a petition regarding the removal of a member of Council from office. The Council shall submit the petition to the Clerk of the City for verification of its compliance with this section. The Clerk shall return said petition with its written findings regarding the petition's compliance to the Council within five (5) business days; and at the next regular meeting, if the petition complies with the requirements of this section, the Council shall by resolution schedule a special election to submit the recall referendum to a vote of the qualified voters of the City or the ward, as the case may be, for their approval or disapproval. The special election shall be scheduled within forty-five (45) days from the date of the Clerk's verification of the petition, except if the date of the Clerk's verification is within one hundred fifty (150) days of a regularly scheduled election, then it shall be submitted for a vote at such regular election. The question to appear on the ballot shall include the name of the Mayor or member of Council, as the case may be, the office which he or she holds, and shall request a "yes" or a "no" vote as to his/her removal from that office. No petition for recall referendum shall become effective following the receipt of such petition until and unless approved by a majority of the qualified voters voting on the recall referendum. Any recall referendum disapproved by the voters shall have no force and effect. The provisions of this section shall be self-executing, but the Council may adopt ordinances in furtherance of these provisions and not in conflict with them.

(2) Petition requirements. The petition shall contain the name of only one (1) official, either the Mayor or a member of Council and the office which he or she holds. Each person signing a petition shall indicate thereon his or her name, residence address, and ward, and whether such person is in favor or against removing such official from that office. Each person signing the petition may also print his or her name and address, but failing to print a name and/or address shall not disqualify a corresponding signature. No signature may be obtained more than one (1) year prior to the date of the petition is presented to the Mayor and Council. A petition may consist of several pages, but each page shall contain the complete text and exact wording of the resolution petitioned upon. There shall be at the bottom of each page of signatures filed with a petition an affidavit of the person procuring the signatures on such page that to the person's best knowledge and belief every signature on it is genuine and bona fide and that the signers are qualified voters of the City. Upon receiving the petition, the Clerk is directed to verify that it has been signed by the required number of qualified voters, and complies with the provisions of the section. The Clerk shall consider the petition as of no effect if it is signed by fewer than forty percent (40%) of the qualified voters of the City, in the case of a petition regarding the removal of the Mayor from office, or by at least forty percent (40%)

of the qualified voters of the ward of the City of such Councilman, in the case of a petition regarding the removal of member of Council from office. A minor variation in the signature of a petitioner between his or her signature on a petition and that on the City voter registration records shall not serve to invalidate his or her signature. The invalidation of one signature on a petition shall not serve to invalidate any others.

§ C2-11. Filing of ordinances.

Ordinances shall be permanently filed by the Clerk and shall be kept available for public inspection during normal business hours at the City Office.

ARTICLE III - Powers and Duties of Council

§ C3-1. Powers generally.

The Council shall have the power to pass all such ordinances, resolutions and laws not contrary to the Constitution and laws of the State of Maryland or this Charter as it may deem necessary for the good government of the City; for the protection and preservation of the City's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the residents of the City and visitors thereto and sojourners therein.

§ C3-2. Specific powers enumerated. [Amended 3-1-04 by HR 2004-01]

A. The Council shall have, in addition to the powers set out in the preceding section, the power to pass ordinances, resolutions or motions not contrary to the laws and Constitution of the State of Maryland for the following specific purposes:

(1) Amusements. To provide, in the interest of the public welfare, for licensing, regulating or restraining theatrical or other public amusements.

(2) Appropriations. To appropriate municipal moneys for any purpose within the powers of the Council.

(3) Billboards. To license, tax and regulate, restrain or prohibit the erection or maintenance of billboards, within the City and the placing of signs, bills and posters of every kind and description on any building, fence, post, billboard, pole or other place within the City.

(4) Bonds. To issue bonds under such terms, conditions and restrictions as deemed necessary; to limit to any amount the assets of the City pledged for said bonds; and to pledge the full faith and credit of the City for said bonds.

(5) Code enforcement. To appoint a Code Enforcement Officer, who shall enforce within the municipal limits of the City the various City, county and state codes, including but not limited to the Health, Building, Housing, Electrical, Plumbing and Fire Codes, subject to any restrictions of the laws of the State of Maryland and Prince George's County; and to enforce the licensing provisions of the City, county and state within the municipal limits of the City.

(6) Codification of general and permanent ordinances. To provide for the codification of all ordinances which have been or may hereafter be passed. [Amended 1-5-04 by HR 2003-21]

(7) Community services. To provide, maintain and operate community and social services for the preservation and promotion of the health, recreation, welfare and enlightenment of the inhabitants of the City.

(8) Cooperative activities. To make agreements with other municipalities, counties, districts, bureaus, commissions and governmental authorities for the joint performance of or for cooperation in the performance of any governmental functions.

(9) Curfew. To prohibit the youth of the City from being in the streets, lanes, alleys or public places at unreasonable hours of the night.

(10) Dangerous improvements. To compel persons about to undertake dangerous improvements to execute bonds with sufficient sureties conditional that the owner or contractor will pay all damages resulting from such work which may be sustained by any persons or property.

(11) Departments, etc. To create, change and abolish offices, departments or agencies, other than the offices, departments and agencies established by this Charter, and to assign additional functions or duties to offices, departments or agencies established by this Charter, but not including the power to discontinue or assign to any other office, department or agency any function or duty assigned by this Charter to a particular office, department or agency.

(12) Disorderly houses, etc. To suppress bawdy houses, disorderly houses and houses of ill fame.

(13) Dogs. To regulate the keeping of dogs in the City and to provide, wherever the county does not license or tax dogs, for the licensing and taxing of the same, and to provide for the disposition of homeless dogs and dogs on which no license fee or taxes are paid.

(14) Emergency medical services. To contribute funds for the maintenance and operation of programs providing volunteer emergency medical services to the inhabitants of the City.

(15) Explosives, etc. To regulate or prevent the storage of gunpowder, oil or any other explosive or combustible matter, and to regulate or prevent the use of firearms, fireworks, bonfires, explosives or any other similar things which may endanger persons or property.

(16) Filth. To compel the occupant of any premises, building or outhouse situated in the City, when the same has become filthy or unwholesome, to abate or cleanse the condition and, after reasonable notice to the owners or occupants, to authorize such work to be done by the proper officers and to assess the expense thereof against such property, making it collectible by taxes or against the occupant or occupants.

(17) Finances and taxation. To levy, assess and collect ad valorem property taxes, to expend municipal funds for any public purpose; and to have general management and control of the finances of the City.

(18) Fire. To suppress fires and prevent the dangers thereof and to establish and maintain a Fire Department, to contribute funds to volunteer fire companies serving the City, to inspect buildings for the purpose of reducing fire hazards, to issue regulations concerning fire hazards and to forbid and prohibit the use of fire-hazardous buildings and structures permanently or until the conditions of City fire hazard regulations are met, and to take all other measures necessary to control and prevent fires in the City.

(19) Franchises. To regulate franchises, including but not limited to utility and quasi-utilities companies, as permitted by federal law and the laws of Prince George's County and the State of Maryland.

(20) Gambling. To restrain and prohibit gambling, betting, wagering and other games of chance.

(21) Garbage. To prevent the deposit of any unwholesome substance, either on private or public property, and to compel its removal to designated points, and to require slops, garbage, ashes and other waste or other unwholesome materials to be removed to designated or to require the occupants of the premises to place them conveniently for removal.

(22) Grants-in-aid. To accept gifts and grants of federal or of state funds from the federal or state governments or any agency thereof and to expend the same for any lawful public purpose agreeably to the conditions which the gifts or grants were made.

(23) Hawkers, etc. To license, tax, regulate, suppress and prohibit vendors, hawkers and itinerant dealers, peddlers, pawnbrokers and all persons selling any articles on the streets of the City and to revoke such licenses.

(24) Jail. To establish and regulate a station house or lockup for the temporary confinement of violators of the laws and ordinances of the City.

(25) Licensing and regulation of business, etc., fees for licenses and permits. Subject to any restrictions imposed by the public general laws of the state, to license and regulate all persons beginning or conducting transient or permanent business in the City for the sale of any goods, wares, merchandise or services; to license and regulate any business, occupation, trade, calling or place of amusement or business; and to establish and collect fees and charges for all licenses and permits issued under the authority of this Charter.

(26) Liens. To provide that any valid charges, taxes or assessments made against any real property within the City shall be liens upon such property, to be collected as municipal taxes are collected.

(27) Livestock, etc. To regulate and prohibit the running at large of cattle, horses, swine, fowl, sheep, goats, dogs or other animals and to authorize the impounding, keeping, sale and redemption of such animals when found in violation of the ordinance in such cases provided.

(28) Markets. To obtain, by lease or by rent, own, construct, purchase, operate and maintain public markets within the City.

(29) Minor privileges in use of public ways, etc. To regulate or prevent the use of public ways, sidewalks and public places for signs, awnings, posts, steps, railings, entrances, racks, posting handbills and advertisements and display of goods, wares and merchandise.

(30) Noise. To regulate or prohibit loud or unreasonable noises, including the ringing of bells, crying of goods or sounding of whistles and horns.

(31) Parking facilities. To license and regulate and to establish, obtain, by purchase, by lease or by rent, own, construct, operate and maintain parking lots and other facilities for off-street parking.

(32) Parking meters. To install parking meters on the streets and public places of the City in such places as they shall, by ordinance, determine and, by ordinance, to prescribe rates and provisions for the use thereof, except that the installation of parking meters on any street, road or highway maintained by the appropriate division of the State of Maryland shall first be approved by said division.

(33) Parks and recreation. To establish and maintain public parks, gardens, playgrounds and other recreational facilities and programs to promote the health, welfare and enjoyment of the inhabitants of the City.

(34) Police powers. To establish, operate and maintain a police force, which shall protect the inhabitants of the City and provide for said inhabitants welfare and safety. All City policemen shall have the powers and authority given other police officers as defined in the Annotated Code of Maryland.

(35) Property. To acquire, by conveyance, purchase or gift, real or leasable property for any public purposes, to erect buildings and structures thereon for the benefit of the City and its inhabitants, to convey any real or leasehold property when no longer needed for the public use after having given at least twenty (20) days' public notice of the proposed conveyance, and to control, protect and maintain public buildings, grounds and property of the City.

(36) Sidewalks. To regulate the use of sidewalks and all structures in, under or above the same, to require the owner or occupant of premises to keep the sidewalks in front thereof free from snow or other obstructions, and to prescribe hours for cleaning sidewalks.

(37) Sweepings, etc., deposited on public way, etc. To regulate or prevent the throwing or depositing of sweepings, dust, ashes, offal, garbage, paper, handbills, dirty liquids or other unwholesome materials into any public way or onto any public or private property in the City.

(38) Taxicabs. To license, tax and regulate public hackmen, taxicab men, draymen, drivers, cabmen, porters and expressmen and all other persons pursuing like occupations.

(39) Urban renewal.

(a) To acquire, within the City's boundary lines, land and property of every kind, single family or multiple family dwelling unit, and any right, interest, franchise, easement or privilege therein, by purchase, lease, gift, condemnation or any other legal means, for development or redevelopment, including, but not limited to, the comprehensive renovation or rehabilitation thereof, and to sell, lease, convey, transfer or otherwise dispose of any of said land or property, regardless of whether or not it has been developed, redeveloped, altered or improved and irrespective of the manner or means in or by which it may have been acquired, to any private, public or quasi-public corporation, partnership, association, person or other legal entity.

(b) Before the acquisition of any single family or multiple family dwelling unit, or other structure is made under this paragraph, a finding or determination shall be made that:

(1) The dwelling unit or structure has deteriorated to such extent as to constitute a serious and growing menace to the public health, safety, and welfare;

(2) The dwelling unit or structure is likely to continue to deteriorate unless corrected;

(3) The continued deterioration of the dwelling unit or structure will contribute to the blighting or deterioration of the area immediately surrounding the dwelling unit or structure; and

(4) The owner of the dwelling unit or structure has failed to correct the deterioration thereof.

(c) The City Council shall adopt an ordinance for each acquisition of land or property made

(40) Vehicles. To regulate and license wagons and other vehicles not subject to the licensing powers of the State of Maryland.

(41) Voting machines. To purchase, lease, borrow, install and maintain voting machines for use in City elections.

(42) Zoning. To exercise the powers as to zoning conferred upon municipal corporations by the Prince George's County Code and the Annotated Code of Maryland, subject, however, to the limitations and provisions of said Codes.

B. Enumeration not exclusive. The enumeration of powers in this section is not to be construed as limiting the powers of the City to the several subjects mentioned.

§ C3-3. Exercise of powers.

For the purpose of carrying out the powers granted in this Article or elsewhere in this Charter, the Council may pass all necessary ordinances. All the powers of the City shall be exercised in the manner prescribed by this Charter or, if the manner be not prescribed, then in such manner as may be prescribed by ordinance.

§ C3-4. Violations and penalties. [Amended 11-5-79 by HR No. 9-79]

A. Unless otherwise provided, all violations of ordinances shall be punishable as misdemeanors, and the Council shall have the power to affix penalties therefor, provided that no such penalty shall exceed that allowed by §3 of Article 23A of the Annotated Code of Maryland, as amended.

B. The Council may also provide that violations of any ordinance shall be a municipal infraction, unless the violation is declared to be a felony or a misdemeanor by law or ordinance. A municipal infraction shall be a civil offense.

ARTICLE IV - Legislation, Nominations and Elections

§ C4-1. Qualifications of voters. [Amended 2-24-71; 5-1-72]

Every person who is a citizen of the United States, is at least eighteen (18) years of age, resides in the State of Maryland, resides within the corporate limits of the City and is registered in accordance with the provisions of this Charter shall be a qualified voter of the City. Every qualified voter of the City shall be entitled to vote at any or all City elections.

§ C4-2. Board of Supervisors of Elections. [Amended 12-19-83 by HR No. 17-83; Amended 2-9-09 by HR 2009-01]

There shall be a Board of Supervisors of Elections consisting of five (5) members, who shall be appointed by the Mayor with the approval of the Council. Three (3) of the members shall be appointed and approved on or before the second Monday in January of 2011 and thereafter in every second odd-numbered year. Two (2) members shall be appointed and approved on or before the second Monday in January of 2013 and thereafter in every second odd-numbered year. Upon the effective date of this Charter provision, the current three members of the Board shall retain their membership on the Board and the Mayor with the approval of the Council may appoint an additional two (2) members, one (1) member whose term of office shall be until January of 2011, and the other member whose term of office shall be until January 2013. The terms of members of the Board of Supervisors of Elections shall begin on the second Monday in January in the year in which they are appointed and shall run for four (4) years. Members of the Board of Supervisors of Elections shall be qualified voters of the City and shall not hold or be candidates for any elective office during their term of office. The Board shall appoint one (1) of its members as Chairman. Vacancies on the Board shall be filled by the Mayor with the approval of the Council for the remainder of the unexpired term. The compensation of the members of the Board shall be determined by the Council.

§ C4-3. Removal of members.

Any member of the Board of Supervisors of Elections may be removed for good cause by the Council. Before removal, the member of the Board of Supervisors of Elections to be removed shall be given a written copy of the charges against him and shall have a public hearing on them before the Council if he so requests within ten (10) days after receiving the written copy of the charges against him.

§ C4-4. Powers and duties. [Amended 1-30-89 by HR No. 1-89]

The Board of Supervisors of Elections shall be in charge of the conduct of all City elections. The Board may appoint election clerks or other employees to assist it in any of its duties.

§ C4-5. Notice of elections. [Amended 12-19-83 by HR. No. 18-83; 1-30-89 by HR No. 1-89]

The Board of Supervisors of Elections shall give notice of every election by publishing notice thereof twice in a newspaper of general circulation in the City.

§ C4-6. Registration. [Amended 1-30-89 by HR No. 1-89]

A. In accordance with the State Universal Registration Act, as contained in Article 33, Section 3-2 of the Annotated Code of Maryland, as amended, any person residing in the City who is registered with the Board of Supervisors of Elections of Prince George's County shall be deemed to be registered to vote in City elections.

B. The Board of Supervisors of Elections shall not maintain any list of voters, and shall restrict its activities with respect to the registration of voters to the circulation of applications for registration

with the Board of Supervisors of Elections of Prince George's County and otherwise cooperating with the County Board.

§ C4-7. Appeals. [Amended 12-19-83 by HR No. 19-83; 1-30-89 by HR No. 1-89]

If any person shall feel aggrieved by any action of the Board of Supervisors of Elections, such person may appeal to the Council by giving notice to the Clerk, in writing, within fifteen (15) days of the action taken by the Board of Supervisors of Elections.

§ C4-8. Candidates for office; procedure; ballots. [Amended 12-19-83 by HR No. 20-83; 1-30-89 by HR No. 2-89]

A. Filing of applications. Any qualified person may become a candidate for the office of Councilman for the ward in which he resides by filing an application with the Board of Supervisors of Elections on or before 5:00 p.m. on the last Friday in March of each election year for which a vacancy in such ward shall occur. Any qualified person may become a candidate for the office of Mayor by similarly filing an application if a Mayor is to be elected that year. The application shall be on a form prescribed and made available by the Board of Supervisors of Elections. No fee shall be charged any person for filing an application.

B. Public notice. Notice of the availability of applications and the time and place for their filing shall be given twice in a newspaper of general circulation in the City once a week during the two (2) weeks preceding the filing deadline provided herein. The Board of Supervisors of Elections shall certify to the Mayor and City Council the name of each person filing an application of candidacy and the respective office for which that person has filed an application at the first regular meeting of the Council following the last Friday in March of each election year. If for any reason there is no candidate for a particular office, the City Council shall make nominations for that office at this meeting.

C. Names on ballots. No candidate's name shall be printed upon official ballots of election in the City of Hyattsville other than the names of the persons contained in the certificate mentioned in the preceding subsection, except the names of persons nominated by the City Council subsequent to the meeting of the Council as provided in such subsection. Official ballots shall follow the general form prescribed by the election laws of the State of Maryland.

§ C4-9. Conduct of elections. [Amended 12-19-83 by HR No. 21-83; 1-30-89 by HR No. 2-89; 2-20-07by HR 2007-03; 2-9-09 by HR 2009-01]

A. Beginning in 2011 for regular City elections, Election Day shall be the first Tuesday in May of each year an Election for Mayor and/or Council regularly occurs. For any Special Election the City Council shall set an appropriate day as the Election Day. In addition the City Council shall have the authority to authorize opening the polls to qualified voters on a specific day or days close to, but in advance of, Election Day (advance voting day).

B. It shall be the duty of the Board of Supervisors of Elections to provide for each referendum and election a suitable place or places for voting and suitable ballot boxes and ballots and/or voting machines. The ballots and/or voting machines shall show the name of each candidate who has filed an application or been nominated by the City Council for elective office in accordance with the provisions of this Charter, arranged in alphabetical order by office with no party designation of any kind. The Board of Supervisor of Elections shall keep the polls open at a minimum from 9:00 a.m. to 8:00 p.m. on Election Day or for longer hours if the Council requires it and shall make reasonable accommodation for opening and closing the polls on any advance voting day. The Board of

Supervisors of Elections shall make reasonable accommodation for all qualified voters covered by the Americans with Disability Act.

§ C4-10. Referendum elections. [Amended 12-19-83 by HR No. 22-83]

All referendum elections shall be conducted by the Board of Supervisors of Elections in the same manner and with the same personnel, as far as practicable, as regular City elections.

§ C4-11. Vote count. [Amended 12-19-83 by HR No. 10-83]

Within forty-eight (48) hours after the closing of the polls, the Board of Supervisors of Elections shall determine the votes cast for each candidate or question and shall certify the results of the election to the Clerk of the City, who shall record the results in the minutes of the Council. The candidate for Mayor with the highest number of votes in the general election shall be declared elected as Mayor. The candidate for Councilman with the highest number of votes in each ward shall be declared elected as Councilman for that ward.

§ C4-12. Preservation of ballots. [Amended 12-19-83 by HR No. 23-83]

All ballots used in any City election shall be preserved for at least six (6) months from the date of election by the Board of Supervisors of Elections.

§ C4-13. Equal privileges for women.

Women shall have equal privileges with men in registering, voting and holding City offices. Whenever the masculine gender has been used as to any registering, voting or holding City office, it shall be construed to include the feminine gender.

§ C4-14. Regulation and control by Council.

The Council shall have the power to provide by ordinance in every respect not covered by the provisions of this Charter for the conduct of registration, nomination and City elections and for the prevention of fraud in connection therewith and for a recount of ballots in case of doubt or fraud.

§ C4-15. Violation of election laws; penalty. [Amended 12-19-83 by HR No. 24-83]

Any officer or employee of the City who is convicted of violating any law of the City, Prince George's County or the State of Maryland pertaining to elections, and such violation having occurred in the course of a municipal election in the City of Hyattsville, shall immediately, upon conviction, cease to hold such office or employment.

§ C4-16. Division of City; ward descriptions. [Amended 12-8-92 by HR No. 6-92, Amended 2-7-05 by HR. 2005-02, Amended 10-10-06 by HR No. 2006-14, Amended 7-16-12 by HR No. 126-07-12]

§ C4-16. Division of City; ward descriptions. [Amended 12-8-92 by HR No. 6-92, Amended 2-7-05 by HR. 2005-02, Amended 10-10-06 by HR No. 2006-14, Amended 5-2-12]

The City shall be divided into five (5) wards as described immediately below. Unless otherwise provided, reference to any street or alley as a boundary herein shall mean the center line of the street or alley.

Ward 1. Ward number one shall include all that area of the City south and east of a line drawn as follows: beginning at the intersection of the northwest branch of the Anacostia River and Thirty-Eighth Avenue and running north on Thirty-Eighth Avenue to Hamilton Street; then east on Hamilton Street to its intersection with Fortieth Place, and south on Fortieth Place to Emerson Street; then east

on Emerson Street to Forty-First Place; then south on Forty-First Place to alley 5 (beside 4100 Emerson Street); then northeast and then north along this same alley until it intersects Farragut Street then east on Farragut Street to Forty-Second Avenue; north on Forty-Second Avenue until Jefferson Street; east on Jefferson Street to Forty-Third Avenue; then north on Forty-Third Avenue until Longfellow Street; west on Longfellow Street until Forty-Second Avenue; north on Forty-Second Avenue just north of the intersection of Forty-Second Avenue and Oliver Street; then west along the northern boundary of 4112 and 4116 Oliver Street to the eastern property line of 4106 Oliver Street; then north along the eastern boundary of 4106 Oliver Street into Dietz Park to the southern lot line of 6129 Forty-First Avenue and then west along this southern lot line of 6129 Forty-First Avenue to Forty-First Avenue; then north on Forty-First Avenue until 6201 Forty-First Avenue; and then east along the south boundary of 6201 Forty-First Avenue; then north along the east boundary of 6201 Forty-First Avenue to alley 15; then east along alley 15 to the west boundary of 6204 Forty-Second Avenue; then north along the rear lot lines of the residences between Forty-First Place and Forty-Second Avenue to East West Highway (the boundary of the City); then east, south and west along the boundary of the City to Thirty-Eighth Avenue.

Ward 2. Ward number two shall embrace all that part of the City bounded by a line as follows: beginning at the intersection of Hamilton Street and Thirty-Eighth Avenue; then west on Hamilton Street to Thirty-Seventh Avenue, then north on Thirty-Seventh Avenue to Jefferson Street, then west on Jefferson Street to Thirty-Sixth Place and then north along Thirty-Sixth Place to its intersection with Longfellow Street; then west along Longfellow Street to Queen's Chapel Road; then north along Queen's Chapel Road to Manorwood Drive; then northwest on Manorwood Drive to Jamestown Road; then northerly along Jamestown Road to Oliver Street; then east on Oliver Street to Queen's Chapel Road; then southwest on Queen's Chapel Road to Oliver Street; then east on Oliver Street to Thirty-Ninth Place; then south on Thirty-Ninth Place to Oglethorpe Street; then east on Oglethorpe Street to Fortieth Avenue; then south on Fortieth Avenue to Nicholson Street; then east on Nicholson Street to Forty-First Avenue; then north on Forty-First Avenue to Oglethorpe Street; then east on Oglethorpe Street to Forty-Second Avenue; then south on Forty-Second Avenue to Longfellow Street; then east on Longfellow Street to Forty-Third Avenue; then south on Forty-Third Avenue to Jefferson Street; then west along Jefferson Street to Forty-Second Avenue; then south along Forty-Second Avenue to Farragut Street; then west on Farragut Street to alley 5 (beside 4115 Farragut Street); then south along alley 5 to Forty-First Place; then northwest on Forty-First Place to Emerson Street; then west on Emerson Street to Fortieth Place; then north on Fortieth Place until it merges with Hamilton Street and west on Hamilton Street to the point of origin at Thirty-Eighth Avenue.

Ward 3. Ward number three shall include all that area north and west of a line beginning at the northwest boundary of the City and the north boundary of Madison Park Apartments and then east along the southern boundary of 3110 Oliver Place (WMATA property) and then north and east along the boundary of 3110 Oliver Place (WMATA property) to the southern boundary of 3401 East West Highway; then east along the northern boundary of Nicholas Orem Elementary School (6100 Editor's Park Drive) and then along the southern boundary of Prince George's Plaza Metro Station (3575 Belcrest Center Drive), then east along the southern boundary of Mosaic at Metro Apartments (6206 Belcrest Road); then north and east along the east boundary of 6206 Belcrest Road to Belcrest Road; then east on Belcrest Road to Queen's Chapel Road; then south and west along Queen's Chapel Road to its intersection with Oliver Street on the east side of Queen's Chapel Road; then east on Oliver Street to Thirty-Ninth Place; then south on Thirty-Ninth Place to Oglethorpe Street; then east on Oglethorpe Street to Fortieth Avenue, then south on Fortieth Avenue to Nicholson Street; then east on Nicholson Street to Forty-First Avenue; then north on Forty-First Avenue to Olglethorpe Street;

then east on Oglethorpe Street to Forty-Second Avenue; then north on Forty-Second Avenue to the northeast corner of 4112 and 4116 Oliver Street then along the northern property line of 4116 Oliver Street to the eastern property line of 4106 Oliver Street and north along the east boundary of 4106 Oliver Street into Dietz Park and to the southern lot line of 6129 Forty-First Avenue and then west along this southern boundary to Forty-First Avenue; then north on Forty-First Avenue until 6201 Forty-First Avenue; and then east along the south boundary of 6201 Forty-First Avenue; then north along the east boundary of 6201 Forty-First Avenue to alley 15; then east along alley 15 to the west boundary of 6204 forty-second avenue; then north along the rear lot lines of the residences between Forty-First Place and Forty-Second Avenue to East West Highway (the boundary of the City).

Ward 4. Ward four shall include all that area contained in a line beginning at the northwest boundary of the City and the north boundary of Madison Park Apartments and then east along the southern boundary of 3100 Oliver Place (WMATA property) and then north and east along the boundary of 3100 Oliver Place (WMATA property) to the southern boundary of 3401 East West Highway; then east along the northern boundary of Nicholas Orem Elementary School (6100 Editor's Park Drive) and then along the southern boundary of Prince George's Plaza Metro Station (3575 Belcrest Center Drive), then east along the southern boundary of Mosaic at Metro Apartments (6206 Belcrest Road); then north and east along the east boundary of 6206 Belcrest Road to Belcrest Road; then east on Belcrest Road to Queen's Chapel Road; then south and west along Queen's Chapel Road to its intersection with Pliver Street on the west side of Queen's Chapel Road and then west on Oliver Street to Jamestown Road; then south along Jamestown Road to Manorwood Drive; east on Manorwood Drive to Queen's Chapel Road; then south on Queen's Chapel Road to Lancer Drive; north and west on Lancer Drive to Jamestown Road; south and west along Jamestown Road to Thirtieth Avenue; then north on Thirtieth Avenue to Lancer Drive; then west on Lancer Drive to Twenty-Ninth Avenue; then north and west on Twenty-Ninth Avenue to Ager Road; then north on Ager Road to the City boundary.

Ward 5. Ward five shall include all that area south and west of a line beginning at the intersection of the northwest branch of the Anacostia River and Thirty-Eighth Avenue and running north on Thirty-Eighth Avenue to Hamilton Street; then west on Hamilton Street to Thirty-Seventh Avenue, then north on Thirty-Seventh Avenue to Jefferson Street, then west on Jefferson Street to Thirty-Sixth Place and then north along Thirty-Sixth Place to its intersection with Longfellow Street; then west along Longfellow Street to Queen's Chapel Road; then south on Queen's Chapel Road to Lancer Drive; north and west on Lancer Drive to Jamestown Road; south and west along Jamestown Road to Thirtieth Avenue; then north on Thirtieth Avenue to Lancer Drive; then west on Lancer Drive to Twenty-Ninth Avenue; then north and west on Twenty-Ninth Avenue to Ager Road; then north on Ager Road to the City boundary.

§ C4-17. Power of Council to modify ward boundaries.

The City Council shall have the power, by ordinance, to establish, change or relocate the boundaries of existing wards and to establish, change and relocate boundaries for new or additional wards created either by the annexation of territory to the City or by the divisions of a ward or wards.

§ C4-18. Division of wards into voting precincts.

The City Council shall have the power, after notice thereof and opportunity for public hearings as the City Council shall provide and direct, to divide any and all of the wards of the City into two (2) or

more voting precincts as public convenience or public welfare, in their discretion, may require or direct.

ARTICLE V - Finance

§ C5-1. Appointment of Treasurer; compensation. [Amended 5-5-80 by HR No. 2-80, Amended 5-8-06 by HR No. 2006-04]

There shall be a Treasurer appointed by the City Council who shall serve at the pleasure of the City Council, unless other written terms are agreed to by the City. The Treasurer shall ordinarily report to the City Administrator. His/her compensation shall be determined by the Council. The Treasurer shall be the Chief Financial Officer of the City. The financial powers of the City, except as otherwise provided by this Charter, shall be exercised by the Treasurer under the direction of the City Administrator and the City Council.

§ C5-2. Powers and duties. [Amended 5-5-80 by HR No. 2-80, Amended 5-8-06 by HR 2006-04]

Under the supervision of the City Administrator, the Treasurer shall have authority and shall be required to:

A. Prepare, with the City Administrator, an annual budget, to be submitted to the City Council.

B. Supervise and be responsible for the proper disbursement of all moneys and have control over all expenditures to ensure that budget appropriations are not exceeded.

C. Maintain a general accounting system for the City in such form as the Council may require, not contrary to state law.

D. Submit for each quarter of each fiscal year, and at such other times as the Council may require, a complete financial report to the Council.

E. Ascertain that all taxable property within the City is assessed for taxation.

F. Collect all taxes, special assessments license fees, liens and all other revenues, including utility revenues, of the City and all other revenues for whose collection the City is responsible and receive any funds receivable by the City.

G. Have custody of all public moneys belonging to or under the control of the City, except as to funds in the control of any set of trustees, to ensure that all special accounts for bonds and other accounts are properly maintained, and have custody of all bonds and notes of the City.

H. Do such other things in relation to the fiscal or financial affairs of the City as the City Council or the City Administrator may require or as may be required elsewhere in this Charter or by State law.

§ C5-3. Bond. [Amended 5-5-80 by HR No. 2-80]

The Treasurer shall provide a bond with such corporate surety and in such amount as the Council by ordinance, may require.

§ C5-4. Annual budget; fiscal year.

The City shall operate on an annual budget. The fiscal year of the City shall begin on the first day of July and shall end on the last day of June in each year. Such fiscal year shall constitute the tax year, the budget year and the accounting year.

§ C5-5. Submission of annual budget to Council; budget open to public inspection. [Amended 5-5-80 by HR No. 2-80, 3-3-08 by HR 2008-06]

The City Administrator, ordinarily by the first meeting in April of each year and no later than sixty (60) days before the beginning of the fiscal year, shall submit a budget to the Council. The budget shall provide a complete financial plan of all city funds and activities for the ensuing budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The total of the anticipated revenues, together with surplus, shall equal or exceed the total of the proposed expenditures. The budget presented to the City Council shall be a public record in the office of the Treasurer and open to public inspection by anyone during normal business hours. The budget shall be in such form as the City Administrator deems desirable or the Council may require. In organizing the budget, the City Administrator shall utilize the most feasible combination of expenditure classification by fund, department, program, purpose, and activity. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy. It shall indicate in separate sections:

A. All actual expenditures for the two (2) preceding budget years and current year expenditures.

B. Proposed expenditures for current operations for the ensuing budget year, detailed by offices/departments in terms of their respective work programs, activities and the method of financing such expenditures;

A. Proposed capital expenditures for the ensuing budget year, detailed by offices/departments when practicable, and the proposed method of financing each such capital expenditure.

B. Proposed 5-year forecast for the operating budget and capital improvement plan.

§ C5-6. Adoption of budget.

Before adopting the budget, the Council shall hold a public hearing thereon after notice thereof has been published in a newspaper in circulation within the City. The Council may insert new items or may increase or decrease the items of the budget. Where the Council shall increase the total proposed expenditures, it shall also increase the total anticipated revenues in an amount at least equal to such total proposed expenditures. The budget shall be prepared and adopted in the form of an ordinance. A favorable vote of at least a majority of the total elected membership of the Council shall be necessary for adoption.

§ C5-7. Appropriations.

No public money may be expended without having been appropriated by the Council. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes named therein.

§ C5-8. Approval required for transfers between major appropriations.

Any transfer of funds between major appropriations for different purposes shall be approved by the Council before becoming effective.

§ C5-9. Expenditures restricted; exception.

No officer or employee shall during any budget year expend or contract to expend any money or incur any liability or enter into any contract which by its terms involves the expenditure of money for any

purpose in excess of the amounts appropriated for or transferred to that general classification of expenditure pursuant to this Charter. Any contract, verbal or written, made in violation of this Charter shall be null and void. Nothing in this section contained, however, shall prevent the making of contracts or the spending of money for capital improvements to be financed, in whole or in part, by the issuance of bonds nor the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made when such contract is permitted by law.

§ C5-10. Lapse of appropriations; disposition of unexpended funds.

All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered. Any unexpended and unencumbered funds shall be considered a surplus at the end of the budget year and shall be included among the anticipated revenues for the next succeeding budget year.

§ C5-11. Issuance of checks. [Amended 5-5-80 by HR No. 2-80]

All checks issued in payment of salaries or other municipal obligations shall be issued and signed by the Treasurer, except as otherwise provided.

§ C5-12. Assessment and taxation of property; exemptions. [Amended 2-3-86 by HR No. 2-86]

All real property and all tangible personal property within the corporate limits of the City or personal property which may have a situs there by reason of the residence of the owner therein shall be subject to taxation for municipal purposes, unless exempt for a stated period of time and under specific conditions as part of an agreement, and the assessment used shall be the same as that for state and county taxes. No authority is given by this section to impose taxes on any property which is exempt from taxation by any act of the General Assembly.

§ C5-13. Qualifications for deduction from property assessment. [Amended 2-5-68]

Every person over the age of sixty-five (65) years who has been a bona fide resident of the City of Hyattsville and whose total gross income is within the prescribed limitation and who has legal title or beneficial title to real property located in the City of Hyattsville and who makes such real property his or her permanent home shall be entitled to a deduction from the assessed valuation of said property for the purpose of City real estate taxes levied against said property by the City of Hyattsville, provided that, if said taxable real estate is owned as tenants by entirety, only one (1) exemption shall be allowed, provided further that such exemption shall be allowed only if the combined gross income of said tenants by the entirety does not exceed the prescribed limitation of any one year, provided further that such exemption shall be allowed if either one (1) or both of said tenants are sixty-five (65) years of age or more or if either one (1) or both of said tenants have resided on such property for the prescribed period; and provided further, however, that only one (1) such exemption shall be allowed on any real estate taxable hereunder. The assessment deduction to be allowed, the prescribed income limitation and the prescribed period of residence shall be the same as those set forth by the Prince George's County government for the purpose of providing tax relief to persons sixty-five (65) years of age or older.

§ C5-14. Application for deduction from property assessment. [Amended 2-5-68; 12-19-83 by HR No. 26-83]

Every person seeking to have residential property taxed as provided in § C5-13 shall make application to the Treasurer of the City Council of Hyattsville, setting forth the applicant's name, age, place of residence, a description of the applicant's ownership or legal interest in the residential property sought

to be taxed as herein provided and the total gross income of all owners of the property from all sources for the immediate past calendar year. The application must be completed and submitted to the Treasurer of the City of Hyattsville not later than the last day of the month next preceding the beginning of the tax year for which said reduction of assessment on the residential real property is requested, and the application must be accompanied by an affidavit certifying to the truth of its contents. There must also be an attached copy of any certification issued for the ensuing year by the proper governmental department of Prince George's County notifying the applicant that his application for a corresponding credit on county taxes has been approved.

§ C5-15. Determination of tax levy.

From the effective date of the budget, the amount stated therein as the amount to be raised by the property tax shall constitute a determination of the amount of the tax levy in the corresponding tax year.

§ C5-16. Notice of tax levy; tax bills. [Amended 5-5-80 by HR No. 2-80]

Immediately after the levy is made by the Council in each year, the Treasurer shall give notice of the making of the levy by posting a notice thereof in some public place or places in the City. He shall make out and mail or deliver in person to each taxpayer or his agent at his last known address a bill or account of the taxes due from him. This bill or account shall contain a statement of the amount of real and personal property with which the taxpayer is assessed, the rate of taxation, the amount of taxes due and the date on which the taxes will bear interest. Failure to give or receive any notice required by this section shall not relieve any taxpayer of the responsibility to pay on the dates established by this Charter all taxes levied on his property, including interest, penalties or other costs.

§ C5-17. Due date for payment of taxes; overdue taxes. [Amended 8-1-72]

The taxes provided for in § C5-15 of this Charter shall be due and payable on the first day of July in the year for which they are levied and shall be overdue and in arrears on the first day of the following October. They shall bear interest and penalty while in arrears in such amounts as prescribed by City Council resolution or ordinance, not contrary to state law. All taxes not paid and in arrears shall be collected as provided in § C5-18 of this Charter.

§ C5-18. Sale of tax delinquent property. [Amended 5-5-80 by HR No. 2-80]

A list of all property on which the City taxes have not been paid and which are in arrears as provided by § C-17 of this Charter shall be turned over by the Treasurer to the official of the county responsible for the sale of tax delinquent property as provided by state law. All property listed thereon shall, if necessary, be sold for taxes by this county official in the manner prescribed by state law.

§ C5-19. Disposition of fees collected.

All fees received by an officer or employee of the City government in his official capacity shall belong to the City government and be accounted for to the City.

§ C5-20. Annual audit.

The financial books and accounts of the City shall be audited annually as required by the laws of the State of Maryland.

§ C5-21. Bids and contracts. [Amended 11-6-78 by HR No. 13, and 3-4-91 by HR 2-91, and 3-18-02 by HR 2002-01]

A. All purchases and contracts for the City of Hyattsville shall be made by the City Council in accordance with a procurement policy adopted by the Council. All expenditures for supplies, materials, equipment, construction of public improvements or contractual service involving more than ten thousand dollars ($10,000.00) shall be made on written contract, and the City Council shall advertise for sealed bids for all such contracts by publishing notice thereof twice in a newspaper of general circulation in the City. Such written contracts shall be awarded to the bidder who offers the lowest or best bid, quality of goods and work, time of delivery or completion and responsibility of bidders being considered. All such written contracts shall be approved by the City Council before becoming effective. The City Council, upon written justification, may reject all bids and readvertise. The City Council at any time, in its discretion, may employ its own forces for the construction or reconstruction of public improvements without advertising or readvertising for or receiving bids. All written contracts may be protected by such bonds, penalties and conditions as the City Council may require.

B. The City Council may enter into a contract for the procurement of supplies, materials, equipment, construction of public improvements or contractual service involving more than ten thousand dollars ($10,000.00) without utilizing the bid process set forth herein if it determines that the supplies, materials, equipment, construction of public improvements or contractual service sought are only available from a single source and such procurement is in the best interest of the City.

§ C5-22. Preparation of financial statement required prior to regular election; statement open to public inspection. [Amended 6-1-81 by Res. No. 4-81]

It shall be the duty of the Treasurer, at least ten (10) days before each regular election, to have prepared a detailed statement of the financial condition of the City, including receipts and expenses of all kind whatsoever, for the preceding year. The statement shall be available for examination by the public at the City office during regular office hours until the day after such election.

§ C5-23. Tax anticipation borrowing. [Added 5-15-78 by HR No. 4-78, Amended 3-7-05 by HR 2005-07]

The City of Hyattsville shall have the power to borrow in anticipation of the collection of the property taxes levied for any fiscal year, and to issue tax anticipation notes or other evidences of indebtedness as evidence of such borrowing. Such tax anticipation notes or other evidences of tax anticipation indebtedness shall be a first lien upon the proceeds of such taxes and shall mature and be payable no later than eighteen (18) months from their respective dates of issue. No tax anticipation notes or other evidences of tax anticipation indebtedness shall be issued which will cause the total then-outstanding tax anticipation indebtedness of the City to exceed fifty percent (50%) of the property tax levy for the fiscal year in which such notes or other evidences of indebtedness are issued. All tax anticipation notes or other evidences of tax anticipation indebtedness shall be authorized by ordinance before being issued; any such ordinance may authorize specified details of such tax anticipation notes or other evidences of tax anticipation indebtedness to be determined or provided for by resolution. A resolution adopted pursuant to this Section C5-23 may be introduced and adopted at a single meeting of the Council, may not be petitioned to referendum and shall become effective immediately upon its adoption. Any tax anticipation notes or other evidences of tax anticipation indebtedness may be sold for a price at, above or below par value, for cash or other valuable consideration, and by private (negotiated) sale without advertisement or solicitation of competitive bids or by the solicitation of competitive bids at public sale in the manner determined by the Council by ordinance or resolution

(which need not be in the manner set forth in Sections 31 to 37, inclusive, of Article 23A of the Annotated Code of Maryland, as replaced, supplemented or amended from time to time).

§ C5-23A. General obligation borrowing. [Added 3-7-05 by HR 2005-07]

A. The City of Hyattsville shall have the power to borrow money for any proper public purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds, notes or other evidences of indebtedness in accordance with Sections 31 to 37, inclusive, of Article 23A of the Annotated Code of Maryland, as replaced, supplemented or amended from time to time, as supplemented by the provisions of this Section C5-23A. In the event of an inconsistency between the provisions of such Article 23A and this Section C5-23, the provisions of this Section C5-23 shall control.

B. Any general obligation bonds, notes or other evidences of indebtedness shall be authorized by an ordinance that shall contain:

(1) a statement of the maximum principal amount of such general obligation bonds, notes or other evidences of indebtedness to be issued;

(2) a statement of the purpose or purposes for which the proceeds of such general obligation bonds, notes or other evidences of indebtedness are to be expended;

(3) a pledge of the full faith and credit and unlimited taxing power of the City of Hyattsville to the payment of such general obligation bonds, notes or other evidences of indebtedness and, if applicable, a statement of any other revenues that the City of Hyattsville intends to apply in the first instance to such payment; and

(4) a requirement that, prior to the issuance of any of the general obligation bonds, notes or other evidences of indebtedness authorized, the Council shall adopt a resolution in accordance with subsection C. of this Section.

C. Prior to issuing any general obligation bonds, notes or other evidences of indebtedness of the City of Hyattsville, the Council shall adopt a resolution containing, determining or providing for the determination of:

(1) the designation, date of issue, denomination or denominations, form or forms and tenor of such bonds, notes or other evidences of indebtedness;

(2) the rate or rates of interest payable on such bonds, notes or other evidences of indebtedness or the method of determining the same;

(3) the date or dates and amount or amounts of maturity, which need not be in equal par amounts or in consecutive annual installments, provided only that no bond, note or other evidence of indebtedness of any issue shall mature later than 30 years from the date of its issue;

(4) the manner of selling such bonds, notes or other evidences of indebtedness, which may be either at public or private sale, for such price or prices as may be determined to be in the best interest of the City of Hyattsville;

(5) the manner of executing and sealing such bonds, notes or other evidences of indebtedness;

(6) if the Council determines that any of such bonds, notes or other evidences of indebtedness are to be made redeemable before maturity, the price or prices and terms and conditions of redemption; and

(7) such other provisions regarding the terms, conditions, issuance, sale and delivery of such bonds, notes or other evidences of indebtedness as the Council may determine necessary or desirable.

A resolution adopted pursuant to this Section C5-23A may be introduced and adopted at a single session of the Council, may not be petitioned to referendum and shall become effective immediately upon its adoption.

D. As determined by or provided for in the authorizing resolution of the Council, the general obligation bonds, notes or other evidences of indebtedness of the City may be issued and sold:

(1) by private (negotiated) sale without advertisement or solicitation of competitive bids or by the solicitation of competitive bids at public sale after publication of the notice of sale (which competitive bids may be delivered by electronic or facsimile means or by any other commercially reasonable manner provided for by the Council by resolution); any notice of sale may be published in summary form in a newspaper of general circulation in the City of Hyattsville and/or in a generally recognized financial journal such as The Bond Buyer or any notice of sale may be disseminated solely in electronic form and/or in any other commercially reasonable manner, as provided for by resolution;

(2) for a price or prices which may be at, above or below the par value of such bonds, notes or other evidences of indebtedness;

(3) at a rate of interest or rates of interest that may be fixed or variable or may be determined by a method approved or provided for by resolution; and

(4) for either cash or other valuable consideration.

E. The resolution that authorizes any general obligation bonds, notes or other evidences of indebtedness may provide for their redemption prior to maturity and for the manner of publishing or otherwise giving notice of such redemption.

F. The City may enter into agreements with agents, banks, fiduciaries, insurers or others for the purpose of enhancing the marketability of or as security for any general obligation bonds, notes or other evidences of indebtedness and for securing any tender option granted to holders thereof.

G. The official signatures and seals affixed to any general obligation bonds, notes or other evidences of indebtedness may be imprinted in facsimile.

H. The power and obligation of the City of Hyattsville to borrow money by the issuance of its general obligation bonds, notes or any other evidences of indebtedness, whether issued pursuant to the authority of this Section C5-23A or other applicable law, shall be limited to a total amount of general obligation indebtedness outstanding at the time any such debt is incurred equal to an amount not in excess of Two percent (2%) of the assessable basis of property located in the City of Hyattsville (determined by applying such Two percent (2%) calculation to the assessable basis of each classification of property that is then taxable for municipal purposes by the City of Hyattsville at the time of such issuance and aggregating the results); provided that, (1) tax anticipation notes or other evidences of tax anticipation indebtedness issued in accordance with Charter Section C5-23, (2) bonds, notes or other evidences of indebtedness issued or guaranteed by the City of Hyattsville payable primarily or exclusively from taxes levied in or on, or other revenues of, special taxing districts or areas or tax increment development districts heretofore or hereafter established by law, (3) bonds, notes or other evidences of indebtedness issued for self-liquidating or other projects

payable primarily or exclusively from the proceeds of assessments or charges for special benefits or services, and (4) revenue bonds, notes or other evidences of indebtedness not constituting general obligations of or a pledge of or involving the faith and credit of the City of Hyattsville, and not an indebtedness of or a charge against the general credit or taxing powers of the City of Hyattsville shall not be deemed to be or be included as bonds, notes or other evidences of indebtedness for purposes of computing or applying the debt limitation set forth in this subsection H. In calculating the debt limitation set forth in this subsection H., the City of Hyattsville shall use the most recent assessable basis figures provided by the State Department of Assessments and Taxation or any department or agency that is subsequently charged with assessing property values for municipal corporations pursuant to Maryland law.

I. The power and obligation of the City of Hyattsville to pay any and all general obligation bonds, notes or other evidences of indebtedness issued by it under the authority of this Charter or other applicable law shall be unlimited except as hereinabove provided, and the City of Hyattsville shall levy ad valorem taxes upon all taxable property in the City of Hyattsville for the payment of such bonds, notes or other evidences of indebtedness and interest thereon without limitation of rate or amount.

§ C5-23B. Revenue bonds, notes or other evidences of indebtedness. [Added 3-7-05 by HR 2005-07]

A. In addition to any other authority conferred by applicable law, the City of Hyattsville shall have the power to borrow money to finance or refinance undertakings for the accomplishment of any of the purposes, objects and powers of the City and, in connection therewith, to issue bonds, notes or other evidences of indebtedness (including refunding bonds, notes or other evidences of indebtedness), all of which shall be fully negotiable and payable as to both principal and interest solely from, and secured solely by, a pledge of: (1) the revenues from or arising in connection with the property, facilities, developments and improvements whose financing or refinancing is undertaken by issuance of said bonds, notes or other evidences of indebtedness, (2) the revenues from or arising in connection with any contracts, agreements, mortgages, instruments, documents or securities purchased or otherwise acquired with the proceeds of such revenue bonds, notes or other evidences of indebtedness, (3) the contracts, agreements, mortgages, instruments, documents or securities purchased or otherwise acquired with such revenue bonds, notes or other evidences of indebtedness, (4) any other security approved by the Council, or (5) any combination of (1), (2), (3) or (4). Any and all of such revenue bonds, notes or other evidences of indebtedness shall not be general obligations of the City of Hyattsville and shall never constitute an indebtedness or a charge against the general credit or taxing powers of the City of Hyattsville within the meaning of any constitutional, statutory or Charter provision limiting or restricting the issuance or sale of bonds, notes or other evidences of indebtedness of the City of Hyattsville, and shall never constitute or give rise to any pecuniary liability of the City of Hyattsville.

B. Any and all revenue bonds, notes or other evidences of indebtedness authorized to be issued under the provisions of this Section C5-23B shall be authorized by ordinance. Any such ordinance may prescribe, among other things, certain matters pertaining to such revenue bonds, notes or other evidences of indebtedness including, without limitation, the form and tenor thereof; the terms, provisions and conditions thereof; the manner or method of issuance and sale thereof (which may be at public sale following the solicitation of competitive bids, or by private negotiated sale without advertisement or publication of the notice of sale or solicitation of competitive bids, as the Council may deem appropriate and which need not be in the manner set forth in Sections 31 to 37, inclusive,

of Article 23A of the Annotated Code of Maryland, as replaced, supplemented or amended from time to time); the time or times of issuance thereof; and any and all other details incident to any such revenue bonds, notes or other evidences of indebtedness and the issuance, sale and delivery thereof and of any and all transactions relating thereto; and any such ordinance may authorize and empower the Council by resolution to determine, set forth or provide for any and all of the foregoing matters and to do any and all things necessary, proper, desirable or expedient in connection with the issuance, sale and delivery of any such revenue bonds, notes or other evidences of indebtedness and any and all transactions relating thereto, provided that such ordinance sets forth a maximum principal amount of revenue bonds, notes or other evidences of indebtedness to be issued for such undertaking and generally describes the project or projects to be accomplished. A resolution adopted pursuant to this Section C5-23B may be introduced and adopted at a single session of the Council, may not be petitioned to referendum and shall become effective immediately upon its adoption.

C. Any revenue bonds, notes or other evidences of indebtedness authorized to be issued under the provisions of this Section C5-23B may be secured by a trust agreement, indenture or similar instrument between the City of Hyattsville and a corporate trustee, which may be any entity with trust powers within or without the State of Maryland. The authorizing ordinance or resolution (if any) may, among other matters, approve or provide for the approval of the form of the trust agreement, indenture or similar instrument. The authorizing ordinance, the resolution (if any) or the trust agreement, indenture or similar instrument may pledge or assign all or any part of: (1) the revenues from or arising in connection with the property, facilities, developments and improvements whose financing or refinancing is undertaken by issuance of said revenue bonds, notes or other evidences of indebtedness, (2) the revenues from or arising in connection with any contracts, agreements, mortgages, instruments, documents or securities purchased or otherwise acquired with the proceeds of such revenue bonds, notes or other evidences of indebtedness, (3) the contracts, agreements, mortgages, instruments, documents or securities purchased or otherwise acquired with such revenue bonds, notes or other evidences of indebtedness, (4) any other security approved by the Council, or (5) any combination of (1), (2), (3) or (4). Any such ordinance, resolution, trust agreement, indenture or similar instrument may set forth the rights and remedies of the holders of the revenue bonds, notes or other evidences of indebtedness; may restrict the individual right of action by the holders of such revenue bonds, notes or other evidences of indebtedness; may contain whatever provisions for the protection and enforcement of the rights and remedies of the holders of any such revenue bonds, notes or other evidences of indebtedness as the Council may deem reasonable and proper; and, in addition to the foregoing, may contain whatever other provisions the Council may deem reasonable, desirable or proper for the security of the holders of any such revenue bonds, notes or other evidences of indebtedness.

§ C5-23C. Previous issues. [Added 3-7-05 by HR 2005-07]

All bonds, notes or other evidences of indebtedness validly issued by the City of Hyattsville pursuant to Charter Section C5-23 or other applicable law previous to the effective date of this Charter, as amended, and all ordinances and resolutions passed concerning them, are hereby declared to be valid, legal and binding and of full force and effect as if herein fully set forth.

ARTICLE VI – Personnel

§ C6-1. Administration. [Added 5-8-06 by HR 2006-05, Amended 3-5-12 by HR 2012-01]

The City Council may appoint a City Administrator who shall report directly to the Mayor and to the City Council. In addition to the City Administrator, the City Council may appoint Department Heads and Officials, including a Chief of Police, Director of Public Works, Director of Recreation and the Arts, Director of Code Enforcement, a Director of Human Resources, Treasurer and a City Clerk, who shall all serve at the pleasure of the City Council, unless other written terms are agreed to by the City Council. Ordinarily all such Department Heads and Officials shall report to the City Administrator who shall be their immediate supervisor. However, one (1) individual may also serve as head of more than one (1) department if the City Administrator shall so organize and direct. Only the City Administrator, the Mayor and the appointed Department Heads and those officials or designees or employees in the chain of command may give direct orders to City employees. The City shall have the power to employ such officers and employees, or to enter into contracts for services with independent contractors or employees, as the City deems necessary, to execute the powers and duties provided by this Charter or other state law and to operate the City Government.

§ C6-2. City Administrator. [Added 8-6-79 by HR No. 7-79, Amended 5-8-06 by HR 2006-05, Amended 3-5-12 by HR 2012-01]

A. General powers. The City Council shall appoint a City Administrator, who shall serve at the pleasure of the City Council, unless other written terms are agreed to by the City, and who shall be responsible for the proper administration of all day-to-day affairs of the City, he/she shall be vested with the powers and authority necessary to perform such duties, except where they may be inconsistent with other provisions of this Charter. The City Administrator shall have general administrative supervision of the several departments of the City and the authority, through the department heads to direct the proper execution of this Charter, the City Code and such resolutions, regulations and policies as the Council shall adopt. In addition, he/she shall perform such other duties as the Council may lawfully require.

B. Specific duties and responsibilities. The duties and responsibilities of the City Administrator include the following under the supervision of the Mayor and City Council. He/she, unless otherwise directed, shall:

(1) Organize, direct and supervise the administration of all departments, offices and agencies of the City, including the Police Department, the Department of Public Works, the Treasurer, the Recreation and the Arts Department, the Code Enforcement Department, the Department of Human Resources and the City Clerk, and such departments and agencies which the City Council, from time to time, shall place under his/her supervision.

(2) Appoint and, when he/she deems it necessary and in the best interest of the City, discipline, demote, dismiss, suspend or remove any City employee pursuant to this Charter, the Code and/or the Personnel Regulations of the City. The City Administrator may authorize any department head to exercise these powers with respect to subordinates in his department as provided for in the personnel rules of the City. The City Administrator may not demote or dismiss any City department head or official appointed by the Mayor and/or the City Council without the authorization of the City Council. [Amended 12-19-83 by HR No. 31-83]

(3) See that all laws, provisions of the City Charter and acts of the City Council are faithfully executed.

(4) Prepare and submit to the Mayor by May of each year a proposed budget for the City, the same to include both revenue and expenditure estimates for the coming fiscal year.

(5) Attend all public meetings of the City Council and shall have the right to participate in discussion at such meetings.

(6) Arrange for the taking of minutes of all City Council meetings and keep a full and accurate account of the proceedings of the City Council.

(7) Undertake such research and make reports and recommendations as the City Council may direct or which he/she may deem desirable and in the best interests of the City of Hyattsville.

(8) Keep the City Council fully informed as to the financial condition and future needs of the City. He/she shall submit to the City Council an annual report on the finances and administrative activities of the City at the end of each fiscal year.

(9) Purchase materials, equipment, supplies and services when not in excess of the dollar amount prescribed by the City Council.

(10) Ascertain that all taxable property within the City is assessed for taxation.

(11) Collect all taxes, special assessments, license fees, liens and all other revenues, including utility revenues, of the City and all other revenues for whose collection the City is responsible and receive any funds receivable by the City.

(12) Have custody of all public moneys belonging to or under the control of the City, except as to funds in the control of any set of trustees, and have custody of all bonds and notes of the City.

(13) Do such other things in relation to the fiscal or financial affairs of the City as the Mayor or Council directs.

§ C6-3. City Clerk. [Amended 5-5-80 by HR No. 3-80, Amended 5-8-06 by HR 2006-05]

The Clerk shall serve as Clerk to the Council and shall be appointed by and serve at the pleasure of the City Council, unless other written terms are agreed to by the City. He/she shall attend all meetings of the Council and keep a full and accurate account of the proceedings of the Council. He/she shall keep such other records and perform such other duties as may be required by this Charter, the Mayor, Council and the City Administrator, including maintaining an updated Charter, Personnel Manual, City Code and maintaining City public documents.

§ C6-4. City Attorney. [Amended 5-8-06 by HR 2006-05]

Within sixty (60) days after the Mayor and Council just elected are [qualified] sworn in the City Attorney's position shall be subject to review by the City Council for appointment or reappointment. [Amended 3-17-03 by HR 2003-09]

The Mayor, with the approval of the Council, may appoint a City Attorney who shall serve at the pleasure of the Mayor and the City Council. The City Attorney shall be a member of the bar of the Maryland Court of Appeals. The City Attorney shall be the legal adviser of the City and shall perform such duties in this connection as may be required by the Council or the Mayor. His/her compensation shall be determined by the Council. The City shall have the power to employ such legal consultants as it deems necessary from time to time.

§ C6-5. Civil service. [Amended 1-21-92 by HR No. 3-91, Amended 5-8-06 by HR 2006-05]

The civil service of the City shall be divided into the unclassified and classified service.

A. Unclassified service. Employees in the unclassified service shall serve at the pleasure of the City Council or their designee and shall comprise the following offices and positions:

(1) The Mayor, the Council members and persons appointed to fill vacancies in these positions.

(2) Members of all Boards, Commissions and Committees created and appointed by the City Council to advise the City Council or staff and/or to perform a specific function.

(3) The City Attorney, Auditor and Engineer and such other independent contractors that provide ongoing services to the City pursuant to a contract with, or appointment by, the City.

(4) The City Administrator, the City Clerk, the Treasurer and the heads of all departments including the Chief of Police, the Director of Public Works, the Director of Code Enforcement, and the Director of Recreation and the Arts.

(5) Board of Election Supervisors.

(6) Other positions as designated by the City Council.

B. Classified service. The classified service shall comprise those permanent employment positions designated by the City Council as classified. After the probationary period employees included in the classified service shall ordinarily be dismissed only for cause or for general governmental reasons, including but not limited to budget enactments or the organization or reorganization of City services, as determined in the discretion of the City Council.

§ C6-6. Establishment of personnel system; promulgation of rules and regulations. [amended 5-8-06 by HR 2006-05]

A. The City Council shall have power and authority to establish and approve a personnel manual setting forth the terms and policies regarding the employment of any or all municipal employees. The City Administrator or his/her designee shall, unless otherwise directed by the City Council, serve as the Personnel Officer for the City.

B. The Personnel Officer shall make such rules and regulations as are necessary to carry out the provisions of this section, preparing examinations and qualifications for employment or appointment and what may constitute cause for removal, but no removal shall be allowed because of sex, race or the religious or political opinions or affiliations of any employee. Such rules and regulations, when approved by the City Council, shall have the force and effect of law; provided, however, that such rules and regulations so made and approved shall not be inconsistent with any ordinance in such connection passed by the City Council. The Personnel Officer shall thereafter have the authority to interpret and clarify the Rules and Regulations approved by the City Council. The Personnel Officer shall thereafter have the authority to interpret and clarify the Rules and Regulations approved by the City Council.

§ C6-7. Retirement or pension system.

The City Council shall have the power to do all things necessary to include its officers and employees or any of them within any retirement system or pension system under the terms of which they are admissible and to pay the employer's share of the cost of any such retirement or pension system out of the general funds of the City.

§ C6-8. Compensation. [Amended 1-21-92 by HR No. 4-91]

The compensation of all officers and employees of the City shall be set, from time to time, by an ordinance passed by the Council.[1]

§ C6-9. Benefit programs.[2]

The City Council is authorized and empowered, by ordinance, to provide for or participate in hospitalization or other forms of benefit or welfare programs for its officers and employees and to expend public moneys of the City for such programs.

[1] *Editor's Note: See §§ C2-5 and C2-6 of the Charter, respectively.*
[2] *Editor's Note: See §§ C2-5 and C2-6 of the Charter, respectively.*

ARTICLE VII - Public Ways and Sidewalks

§ C7-1. Definitions.

The term "public ways," as used in this Charter, shall include all streets, avenues, roads, highways, public thoroughfares, lanes and alleys.

§ C7-2. Control and maintenance.

The City shall have control of all public ways in the City except such as may be under the jurisdiction of the State of Maryland. Subject to the laws of the State of Maryland and Prince George's County, the City may do whatever it deems necessary to establish, operate and maintain in good condition the public ways of the City.

§ C7-3. Powers of City concerning public ways.

The City shall have the power to:

A. Establish, regulate and change, from time to time, the grade lines, width and construction materials of any City public way or part thereof, bridges, curbs and gutters.

B. Grade, lay out, construct, open, extend and make new City public ways.

C. Grade, straighten, widen, alter, improve or close up any existing City public way or part thereof.

D. Pave, surface, repave or resurface any City public way or part thereof.

E. Install, construct, reconstruct, repair and maintain curbs and/or gutters along any City public way or part thereof.

F. Construct, reconstruct, maintain and repair bridges and drainage systems.

G. Name City public ways.

H. Have surveys, plans, specifications and estimates made for any of the above activities or projects or parts thereof.

§ C7-4. Powers of City concerning sidewalks.

The City shall have the power to:

A. Establish, regulate and change, from time to time, the gradelines, width and construction materials of any sidewalk or part thereof on City property along any public way or part thereof.

B. Grade, lay out, construct, reconstruct, pave, repave, repair, extend or otherwise alter sidewalks on City property along any public way or part thereof.

C. Require that the owners of any property abutting on a sidewalk keep the sidewalk clear of all ice, snow and other obstructions.

D. Require and order the owner of any property abutting on any public way in the City to perform any projects authorized by this section at the owner's expense according to reasonable plans and specifications. If, after due notice, the owner fails to comply with the order within a reasonable time, the City may do the work, and the expense shall be a lien on the property and shall be collectible in the same manner as are City taxes or by suit at law.

§ C7-5. Acceptance of streets.

No street, avenue, road or alley shall be accepted until the same has been graded and graveled or paved, provided that, whenever the City Council shall determine it to be necessary for the public benefit that any unaccepted streets, avenues, roads or alleys should be taken over by it, it shall take supervision and control of the same and do such repair and construction work therein as it may deem proper.

ARTICLE VIII - Public Way and Sidewalk Improvements

§ C8-1. Written approval from property owners required prior to permanent improvements; exceptions.

The City Council is hereby empowered and authorized to construct roadbeds, sidewalks, curbs, gutters and street and alley improvements, or any or all, in the City, in such cases as it may determine the same to be necessary for the public benefit, and for the benefit of the abutting land and of the owners of such abutting land, provided that, before any permanent street, sidewalk, curb and/or alley improvements shall be made under the provisions of this section, the City Council shall obtain from more than fifty percent (50%) of the property owners of record abutting upon such street, sidewalk, curb and/or alley their written approval of such permanent improvement and/or improvements; provided, however, that where there is a gap not exceeding one (1) block in length in the permanent paving of a street and such street is permanently paved for at least one block distance in each direction from such gap, no written approval of any property owners need be obtained for the construction by the City Council and assessment of the costs thereof under this Article of a permanent roadbed, curbs and gutters in such gap to connect the aforementioned permanently paved portions of such street. No written approval of any property owners need be obtained for the construction by the City Council and assessment of the costs thereof under this Article of a permanent roadbed, curbs and gutters in any street connecting with Baltimore Avenue for a distance of not exceeding one (1) block from Baltimore Avenue. If permanent roadbeds, curbs and/or gutters are constructed by the City Council under these provisions without the written approval of more than fifty percent (50%) of the property owners abutting thereon, the same sideline exemptions shall be granted to corner lots and to lots abutting on more than two (2) streets as are provided in § C8-3 of this Charter, except that the cost of such exemptions shall be paid by the City Council out of any funds properly chargeable with such costs. The ten-year payment plan provided in this Article shall extend to and be accorded to the City Council in the same manner as accorded to property owners paying assessments under this Article.

§ C8-2. Notice and hearing.

When the City Council shall have determined to make roadbed, sidewalk, curb, gutter and street and alley improvements or all or any in the City, it shall thereupon notify, as far as practicable, each owner of land abutting upon such street or other proposed improvements by depositing said notice in the United States Post Office, addressed to such owner's last known address, setting forth that on a certain day to be named therein, which day shall be not less than one (1) week after the mailing of said notices, that the City Council will meet to consider the kind and character of roadbed, sidewalk, curb, gutter and street and alley improvements, or all or any, to be laid and notifying said owner to appear at said meeting and express his views on the question if he so desires; and that at such meeting, the City Council shall hear any suggestions of said owners and immediately thereafter or, within a reasonable number of days, shall determine the character and kind of work to be done, which determination shall be final and conclusive.

§ C8-3. Assessment of costs; payment and disposition.

A. Authorized. The City Council shall have the power to assess against the abutting property and collect from the owners thereof the cost of roadbeds, sidewalks, curbs, gutters, street and alley improvements or any or all constructed under the provisions of this Article, including the cost of street and public alley intersections, and all construction costs, including that for drains and culverts where necessary, excavation, preparation or plans, advertising for bids and supervision, and all costs for the preparation of ordinances pertaining to such improvements, costs for verification of titles,

for service or mailing of notices to owners of abutting property as required by law and costs for the preparation of assessment collection rolls to be supplied for the use of the Treasurer of the City, provided that before any assessment is levied hereunder, notice, in writing, of the proposed assessment shall be sent to all owners of property against which the assessment is proposed to be levied, naming in such notice a time and place when and at which said owners will be heard. Such notice may be mailed to the last known address of the owner or served in person upon any adult occupying the premises or, in case of vacant or unimproved property, posted upon the premises.

B. Amount. If the property to be assessed for improvements under this Article is located at the intersection of two (2) streets and is what is known as a "corner lot," the City Council shall have the power to make an assessment for the number of feet in the front of such lot where the improvements in question about the front of such lot; and, in case the improvements about the side of such a lot, the assessment made for such improvements against the lot shall be for one-half (1/2) of the number of linear feet of the side of said lot, not to exceed a total exemption of fifty (50) linear feet; and, for the purpose of assessment, the short side of such lot shall be considered the front of such lot; except, however, that in cases where the two (2) sides are equal or where improvements similar in kind to those being assessed have not been made along the short side of such lot, the City Council shall determine which is the front and which is the side of such lot, and such determination shall be final and conclusive. In the cases of lots abutting on more than two (2) streets and of lots of irregular or unusual shape and in cases of lots abutting on two (2) or more streets in one (1) or more of which improvements similar in kind to those being assessed have been or are about to be constructed under such circumstances as not to subject such lots to a special assessment by the City Council, the City Council shall have full power and authority to deny or grant sideline exemptions or otherwise adjust assessments to be made against such lots for the cost of improvements herein authorized abutting such lots to such an amount as shall be just and equitable. The cost of improvements exempted as provided in this section shall be included in the assessments to be made against the abutting property included in the project, and such adjustments as made by the City Council shall be final and conclusive.

C. Collection. Such assessments, when made, shall constitute a tax lien upon such abutting property and shall bear interest at the rate prescribed by law, and the principal of such assessments shall be payable in twenty (20) equal semiannual installments from the date of such assessment. At the time of the payment of each of said installments there shall be due and payable the interest on such installment and on the balance of the principal then unpaid. The owner or owners of any property assessed or anyone on his or their behalf shall at any time have the right to anticipate by payment all installments, with interest to date, of the assessment not then due. Any assessment or part thereof remaining due and unpaid shall be enforced and collected by the City Council in the same manner as special assessments are now enforced and collected as now or hereafter prescribed and required by law. The Treasurer of the City is charged with the custody of any moneys received from the sale of such bonds or certificates of indebtedness as above mentioned and with the prompt collection and safekeeping of the moneys arising from assessments upon roadbeds, sidewalks, curbs, gutters and street and alley improvements which last said funds shall be kept as a separate account and fund, and no part thereof shall ever be used for any other purpose than to liquidate the bonds or certificates of indebtedness and interest thereon issued for sidewalks, curbs, gutters, roadbeds and street and alley improvements, which bonds and certificates, when paid, shall be canceled and kept and filed among the papers of the City.

§ C8-4. Applicability of provisions to assessments previously made.

All special assessments and interest thereon heretofore made or to be made by the City Council for the cost of roadbeds, sidewalks, curbs, gutters and street improvements under the provisions of any law in force prior hereto which have not become fully due and which are now unpaid shall come within the provisions of this Article.

§ C8-5. Collection of assessments previously made.

A. All of such special assessments as referred to in § C8-4 of this Charter shall be in default, shall bear the same penalties and shall be collected in the same manner as are now provided for by existing law and shall continue to be a lien upon the property against which they are levied and assessed as now provided by law, and nothing herein shall be construed to affect the validity of such lien or the effectiveness of such sale for default on future installments.

B. The City Council may renew, reissue, extend or refund any of the obligations of the City that may be outstanding, provision for the payment of which is dependent upon the payment of the special assessments provided for in this Article, for such time and at such a rate and upon such conditions as the City Council may determine.

§ C8-6. Authority to make improvements by contract.

The City Council is hereby authorized to make sidewalk, curb, gutter, roadbed and street improvements by contract, either by doing the work themselves without letting bids or by contracting for the same as provided in § C5-21 of this Charter. All contractors for such street improvements shall give bond in such sum as the City Council shall require, with sufficient sureties to be approved by the City Council for the faithful performance of their contract; provided, however, that this section shall not be construed to apply where a majority of the land owners abutting the proposed improvement have requested that the improvements be made.

ARTICLE IX - City Property

§ C9-1. Acquisition, possession and disposal.

The City may acquire real, personal or mixed property within the corporate limits of the City for any public purpose by purchase, gift, bequest, devise, lease, condemnation or otherwise and may sell, lease or otherwise dispose of any property belonging to the City. All municipal property, funds and franchises of every kind belonging to or in the possession of the Mayor and City Council of Hyattsville at the time this Charter becomes effective are vested in the City, subject to the terms and conditions thereof.

§ C9-2. Rental or lease of City-owned property.

The City Council may rent or lease for the benefit of the City any real property owned by the City that is not needed immediately for any municipal purpose.

§ C9-3. Condemnation of property.

The City shall have the power to condemn property of any kind or interest therein or franchise connected therewith, in fee or as an easement, within the corporate limits of the City, for any public purpose. Any activity, project or improvement authorized by the provisions of this Charter or any state law applicable to the City shall be deemed to be a public purpose. The manner of procedure in case of any condemnation proceeding shall be that established in the Annotated Code of Maryland entitled, “Eminent Domain.”

§ C9-4. Acquisition and maintenance of buildings.

The City shall have the power to acquire, to obtain by lease or rent or to purchase, construct, operate and maintain all buildings and structures it deems necessary for the operation of the City government.

§ C9-5. Protection of City property.

The City shall have the power to do whatever may be necessary to protect City property and to keep all City property in good condition.

ARTICLE X - Off-Street Parking

§ C10-1. Acquisition of property.

The City Council, in addition to the corporate powers heretofore granted, is hereby authorized and empowered to acquire land and property of every kind, including property used or held for public or quasi-public purposes, by purchase, lease, gift, devise, condemnation or any other legal means for use and operation by the City as single- or multiple-deck off-street parking facilities for the storage and parking of vehicles and, in connection therewith, to raze existing buildings on any property so acquired and to improve, maintain and operate any such property and construct facilities thereon for the parking of automobiles or other vehicles by the general public and to install meters thereon and to make such rules and regulations governing such parking and the conduct of such parking lots, including the making, fixing and collection of charges for the use of the same, as the City Council may, by ordinance, decide. For the purpose of exercising the powers herein conferred, the City Council is authorized to proceed to acquire land and property of every kind required for any project covered by the provisions hereof, including property used or held for public or quasi-public purposes, by condemnation whenever it cannot agree with the owner thereof for the purchase of the same, and such condemnation proceedings shall be conducted in the manner provided by the Annotated Code of Maryland entitled "Eminent Domain," and all the rights, powers and privileges conferred by said statute shall be deemed applicable to and vested in the City Council. No such land or property taken by the City by condemnation for any of the aforesaid purposes shall be taken without just compensation, as agreed upon between the parties or awarded by a jury, being first paid or tendered to the party entitled to such compensation. All land or property needed or taken by the exercise of the power of eminent domain by the City Council for any of the aforementioned purposes is hereby declared to be needed or taken for a public use. Any property so operated as an off-street parking facility shall be public property, and the City may provide, by ordinance for the operation of said off-street parking facility and may enforce all such ordinances through the established Police Department of said city.

§ C10-2. Charges and rentals; disposition of funds. [Amended 11-16-81 by HR No. 10-81]

The City Council is hereby authorized to fix and to revise, from time to time, rates, rentals or charges for the use of its off-street parking facilities and to charge and collect the same and to contract with any person, partnership, association or corporation desiring the use of any facility or facilities provided under this Article and to fix the terms, conditions and rates of charges for such use. Whenever there are any bonds or certificates of indebtedness outstanding, all funds collected from the operation of the off-street parking facilities provided for in this Article must be deposited in the Parking Meter Fund account, to be used only for the purpose of paying the costs of the acquisition, planning, construction, operation and maintenance of the off-street parking facilities and payment, when due, of the interest and principal of all bonds and/or certificates of indebtedness maturing in each such fiscal year issued under the provisions of this Article.

§ C10-3. Levy of special ad valorem tax.

In the event that the funds collected from the operation of the off-street parking facilities in any fiscal year shall prove insufficient for the purposes set forth in Section C10-2 of this Charter, then and in that event only the City Council in the succeeding fiscal year is hereby authorized, empowered and directed to levy and cause to be collected a special tax in the nature of an ad valorem tax in an amount at a rate sufficient to make up any such deficiency. The ad valorem tax rate as determined shall be levied upon the assessed value of all real estate, including both the value of improvements and the

value of the land which is zoned and/or used for commercial, industrial or general business use within the corporate limits of the City.

§ C10-4. Collection of special tax; notice and hearing.

The special taxes hereinabove authorized, if levied, shall be collected and have the same priority rights, bear the same interest and penalties as the City taxes and shall constitute a lien upon all property assessed; provided, however, that before any assessment is levied hereunder, notice, in writing, of the proposed assessment shall be sent to all owners of property against which the assessment is proposed to be levied, naming in said notice a time and place when and at which said owners will be heard. Said notice must be mailed seven (7) days before the date set for the hearing and will be sufficient if addressed to the owner at the address as it appears on the tax records of the City. Any person aggrieved by the action of the City Council in making such levy shall have the right to appeal to the Circuit Court for Prince George's County, Maryland, provided that such appeal is taken within thirty (30) days next succeeding the day on which said levy is made.

ARTICLE XI - Redevelopment; Urban Renewal

§ C11-1. Definitions.

The following terms, wherever used or referred to in this Article, shall have the following meanings, unless a different meaning is clearly indicated by the context:

BLIGHTED AREA-An area in which a majority of buildings have declined in productivity by reason of obsolescence, depreciation or other causes to an extent that they no longer justify fundamental repairs and adequate maintenance.

BONDS-Any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures or other obligations.

FEDERAL GOVERNMENT-Includes the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

MUNICIPALITY-The City of Hyattsville, a municipal corporation of the State of Maryland.

PERSON-Any individual, firm, partnership, corporation, company, association, joint-stock association or body politic and shall include any trustee, receiver, assignee or other person acting in a similar representative capacity.

SLUM AREA-Any area where dwellings predominate which, by reason of depreciation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitary facilities or any combination of these factors, are detrimental to the public safety, health or morals.

URBAN RENEWAL AREA-A slum area or a blighted area or a combination thereof which the municipality designates as appropriate for an urban renewal project.

URBAN RENEWAL PLAN-A plan as it exists from time to time for an urban renewal project, which plan shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum density and building requirements.

URBAN RENEWAL PROJECTS-Undertakings and activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of slums and blight and may involve slum clearance and redevelopment in an urban renewal area or rehabilitation or conservation in an urban renewal area or any combination or part thereof in accordance with an urban renewal plan. Such undertakings and activities may include:

A. Acquisition of a slum area or a blighted area or portion thereof.

B. Demolition and removal of buildings and improvements.

C. Installation, construction or reconstruction of streets, utilities, parks, playgrounds and other improvements necessary for carrying out in the urban renewal area the urban renewal objectives of this Article in accordance with the urban renewal plan.

D. Disposition of any property acquired in the urban renewal area, including sale, initial leasing or retention by the municipality itself, at its fair value for uses in accordance with the urban renewal plan.

E. Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan.

F. Acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare or otherwise to remove or prevent the spread of blight or deterioration or to provide land for needed public facilities.

G. The preservation, improvement or embellishment of historic structures or monuments.

§ C11-2. Authorization for urban renewal projects; powers granted to municipality.

A. The municipality is hereby authorized and empowered to carry out urban renewal projects, which shall be limited to slum clearance in slum or blighted areas and redevelopment or the rehabilitation of slum or blighted areas; to acquire in connection with such projects, within the corporate limits of the municipality, land and property of every kind and any right, interest, franchise, easement or privilege therein, including land or property and any right or interest therein already devoted to public use, by purchase, lease, gift, condemnation or any other legal means; and to sell, lease, convey, transfer or otherwise dispose of any of said land or property, regardless of whether or not it has been developed, redeveloped, altered or improved and irrespective of the manner or means in or by which it may have been acquired, to any private, public or quasi-public corporation, partnership, association, person or other legal entity. No land or property taken by the municipality for any of the aforementioned purposes or in connection with the exercise of any of the powers which by this Article are granted to the municipality by exercising the power of eminent domain shall be taken without just compensation, as agreed upon between the parties or awarded by a jury, being first paid or tendered to the party entitled to such compensation. All land or property needed or taken by the exercise of the power of eminent domain by the municipality for any of the aforementioned purposes or in connection with the exercise of any of the powers granted by this Article is hereby declared to be needed or taken for public uses and purposes. Any or all of the activities authorized pursuant to this section shall constitute governmental functions undertaken for public uses and purposes, and the power of taxation may be exercised, public funds expended and public credit extended in furtherance thereof.

B. The municipality is hereby granted the following additional powers which are hereby found and declared to be necessary and proper to carry into full force and effect the specific powers hereinbefore granted and to fully accomplish the purposes and objects contemplated by the provisions of this section:

(1) To make or have made all surveys and plans necessary to the carrying out of the purposes of this Article and to adopt or approve, modify and amend such plans, which plans may include but shall not be limited to: plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements; plans for the enforcement of codes and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition or removal of buildings and improvements; and appraisals, title searches, surveys, studies and other plans and work necessary to prepare for the undertaking of urban renewal projects and related activities; and to apply for, accept and utilize grants of funds from the federal government for such purposes.

(2) To prepare plans for the relocation of persons, including families, business concerns and others, displaced from an urban renewal area and to make relocation payments to or with respect

to such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the federal government.

(3) To appropriate such funds and make such expenditures as may be necessary to carry out the purposes of this Article, including the payment or reimbursement of reasonable actual costs incurred as a result of utility relocations when such relocations are made necessary by an urban renewal project, after making appropriate adjustment for any improvements or betterments to the utility's facilities made in connection with the relocation, and to levy taxes and assessments for such purposes; to borrow money and to apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the federal government, the state, county or other public bodies or from any sources, public or private, for the purposes of this Article and to give such security as may be required therefore; and to invest any urban renewal funds held in reserves or sinking funds or any such funds not required for immediate disbursement in property or securities which are legal investments for other municipal funds.

(4) To hold, improve, clear or prepare for redevelopment any property acquired in connection with urban renewal projects; to mortgage, pledge, hypothecate or otherwise encumber such property; and to insure or provide for the insurance of such property or operations of the municipality against any risks or hazards, including the power to pay premiums on any such insurance.

(5) To make and execute all contracts and other instruments necessary or convenient to the exercise of its powers under this Article, including the power to enter into agreement with any other public bodies or agencies, which agreements may extend over any period, notwithstanding any provision or rule of law to the contrary; and to include in any contract for financial assistance with the federal government for or with respect to an urban renewal project and related activities such conditions imposed pursuant to federal laws as the municipality may deem reasonable and appropriate.

(6) To enter into any building or property in any urban renewal area in order to make inspections, surveys, appraisals, soundings or test borings and to obtain an order for this purpose from the Circuit Court for the county in which the municipality is situated in the event entry is denied or resisted.

(7) To plan, replan, install, construct, reconstruct, repair, close or vacate streets, roads, sidewalks, public utilities, parks, playgrounds and other public improvements in connection with an urban renewal project, provided that the same shall be approved by the Maryland-National Capital Park and Planning Commission; and to make exceptions from City or town building regulations, but not county building regulations, unless the same shall be approved by the County Building Inspector.

(8) To generally organize, coordinate and direct the administration of the provisions of this Article as they apply to such municipality in order that the objective remedying slum and blighted areas and preventing the causes thereof within such municipality may be most effectively promoted and achieved.

(9) To exercise all or any part or combination of powers herein granted.

§ C11-3. Exercise of powers by separate body or agency.

The municipality may itself exercise all the powers granted by this Article or may, if its legislative body by ordinance determines such action to be in the public interest, elect to have such powers exercised by a separate public body or agency as hereinafter provided. In the event that said legislative body makes such determination, it shall proceed, by ordinance, to establish a public body or agency to undertake in the municipality the activities authorized by this Article. Such ordinance shall include provisions establishing the number of members of such public body or agency, the manner of their appointment and removal, the terms of said members and their compensation. The ordinance may include such additional provisions relating to the organization of said public body or agency as may be necessary. In the event that the legislative body enacts such an ordinance, all of the powers by this section granted to the municipality shall, from the effective date of said ordinance, be vested in the public body or agency thereby established, except the following:

A. The power to pass a resolution to initiate an urban renewal project pursuant to § C11-4 of this Charter.

B. The power to issue general obligation bonds pursuant to § C11-9 of this Charter.

C. The power to appropriate funds and to levy taxes and assessments pursuant to § C11-2B(3) of this Charter.

§ C11-4. Initiation of project.

In order to initiate an urban renewal project, the legislative body of the municipality shall adopt a resolution which:

A. Finds that one (1) or more slum or blighted areas exist in such municipality.

B. Locates and defines said slum or blighted areas.

C. Finds that the rehabilitation, redevelopment or a combination thereof of such area or areas is necessary in the interest of the public health, safety, morals or welfare of the residents of such municipality.

§ C11-5. Preparation and approval of urban renewal plans.

A. Powers. The municipality, in order to carry out the purposes of this Article, shall prepare, or cause to be prepared, an urban renewal plan for slum or blighted areas in the municipality and shall formally approve such plan. Prior to its approval of an urban renewal project, the municipality shall submit such plan to the planning body of the municipality for review and recommendations as to its conformity with the Master Plan for the development of the municipality as a whole. The planning body shall submit its written recommendation with respect to the proposed urban renewal plan to the municipality within sixty (60) days after receipt of the plan for review. Upon receipt of the recommendations of the planning body or, if no recommendations are received within said sixty (60) days, then without such recommendations, the municipality may proceed with a public hearing on the proposed urban renewal project. The municipality shall hold a public hearing on an urban renewal project after public notice thereof has been published twice in a newspaper having a general circulation within the corporate limits of the municipality. The notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the plan and shall outline the general scope of the urban renewal project under consideration. Following such hearing, the municipality may approve an urban renewal project and the plan therefor if it finds that:

(1) A feasible method exists for the location of any families who will be displaced from the urban renewal area in decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families.

(2) The urban renewal plan substantially conforms to the Master Plan of the municipality as a whole.

(3) The urban renewal plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise.

B. Change. An urban renewal plan may be modified at any time, provided that, if modified after the lease or sale of real property in the urban renewal project area, the modification may be conditioned upon such approval of the owner, lessee or successor in interest as the municipality may deem advisable and, in any event, shall be subject to such rights at law or in equity as a lessee or purchaser or his successor or successors in interest may be entitled to assert. Where the proposed modification will substantially change the urban renewal plan as previously approved by the municipality, the modification shall be formally approved by the municipality as in the case of an original plan.

C. Effect. Upon the approval by the municipality of an urban renewal plan or of any modification thereof, such plan or modification shall be deemed to be in full force and effect for the respective urban renewal area, and the municipality may then cause such plan or modification to be carried out in accordance with its terms.

§ C11-6. Disposition of real property in urban renewal areas.

A. Powers. The municipality may sell, lease or otherwise transfer real property or any interest therein acquired for it by an urban renewal project for residential, recreational, commercial, industrial, educational or other uses or for public use or may retain such property or interest for public use in accordance with the urban renewal plan, subject to such covenants, conditions and restrictions, including covenants running with the land, as it may deem to be necessary or desirable to assist in preventing the development or spread of future slums or blighted area or to otherwise carry out the purposes of this Article. The purchasers or lessees and their successors and assigns shall be obligated to devote such real property only to the uses specified in the urban renewal plan and may be obligated to comply with such other requirements as the municipality may determine to be in the public interest, including the obligation to begin within a reasonable time any improvements on such real property required by the urban renewal plan. Such real property or interest shall be sold, leased, otherwise transferred or retained at not less than its fair value for uses in accordance with the urban renewal plan. In determining the fair value of real property for uses in accordance with the urban renewal plan, the municipality shall take into account and give consideration to the uses provided in such plan, the restrictions upon and the covenants, conditions and obligations assumed by the purchaser or lessee or by the municipality retaining the property and the objectives of such plan for the prevention of the recurrence of slum or blighted areas. The municipality in any instrument of conveyance to a private purchaser or lessee may provide that such purchaser or lessee shall be without power to sell, lease or otherwise transfer the real property without the prior written consent of the municipality until he has completed the construction of any or all improvements which he has obligated himself to construct thereon. Real property acquired by the municipality which, in accordance with the provisions of the urban renewal plan, is to be transferred, shall be transferred as rapidly as feasible in the public interest consistent with the carrying out of the provisions of the urban renewal plan. Any contract for such transfer and the

urban renewal plan or such part or parts of such contract or plan as the municipality may determine may be recorded in the land records of the county in which the municipality is situated in such manner as to afford actual or constructive notice thereof.

B. Procedure. The municipality may dispose of real property in an urban renewal area to private persons only under such reasonable competitive bidding procedures as it shall prescribe or as hereinafter provided in this Article. The municipality may, by publishing notice twice in a newspaper having a general circulation in the community, not less than sixty (60) days prior to the execution of any contract to sell, lease or otherwise transfer real property and prior to the delivery of any instrument of conveyance with respect thereto under the provisions of this section, invite proposals from and make available all pertinent information to private redevelopers or any persons interested in undertaking to develop or rehabilitate an urban renewal area or any part thereof. Such notice shall identify the area or portion thereof and shall state that proposals shall be made by those interested within a specified period of not less than sixty (60) days after the first day of publication of said notice and that such further information as is available may be obtained at such office as shall be designated in said notice. The municipality shall consider all such redevelopment or rehabilitation proposals and the financial and legal ability of the persons making such proposals to carry them out and may negotiate with any persons for proposals for the purchase, lease or other transfer of any real property acquired by the municipality in the urban renewal area. The municipality may accept such proposals as it deems to be in the public interest and in furtherance of the purposes of this Article. Thereafter, the municipality may execute and deliver contracts, deeds, leases and other instruments and take all steps necessary to effectuate such transfers.

C. Temporary operation. The municipality may temporarily operate and maintain real property acquired by it in an urban renewal area for or in connection with an urban renewal project pending the disposition of the property as authorized in this Article, without regard to the provisions of Subsection A above, for such uses and purposes as may be deemed desirable even though not in conformity with the urban renewal plan.

D. Title. Any instrument executed by the municipality and purporting to convey any right, title or interest in any property under this Article shall be conclusively presumed to have been executed in compliance with the provisions of this Article insofar as title or other interest of any bona fide purchaser, lessees or transferees of such property is concerned.

E. Residential property. In the event that urban renewal plans involve removal of residential housing, provisions and plans must be made for their replacement with adequate facilities for the residents so displaced.

§ C11-7. Condemnation.

Condemnation of land or property under the provisions of this Article shall be in accordance with the procedure provided in the Annotated Code of Maryland entitled “Eminent Domain,” and acts amendatory thereof or supplementary thereto.

§ C11-8. Rehabilitation and/or redevelopment by private enterprise encouraged.

The municipality, to the greatest extent it determines to be feasible in carrying out the provisions of this Article, shall afford maximum opportunity, consistent with the sound needs of the municipality as a whole, to the rehabilitation or redevelopment of any urban renewal area by private enterprise. The municipality shall give consideration to this objective in exercising its powers under this Article.

§ C11-9. General obligation bonds.

For the purpose of financing and carrying out of an urban renewal project and related activities, the municipality may issue and sell its general obligation bonds. Any bonds issued by the municipality pursuant to this section shall be issued in the manner and within the limitations prescribed by applicable law for the issuance and authorizations of general obligations bonds by such municipality and also within such limitations as shall be determined by said municipality.

§ C11-10. Revenue bonds.

A. Procedure. In addition to the authority conferred by § C11-9 of this Charter, the municipality shall have the power to issue revenue bonds to finance the undertaking of any urban renewal project and related activities and shall also have power to issue refunding bonds for the payment or retirement of such bonds previously issued by it. Such bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues and funds of the municipality derived from or held in connection with its undertaking and carrying out of urban renewal projects under this Article; provided, however, that payment of such bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant or contribution from the federal government or other source, in aid of any urban renewal projects of the municipality under this Article, and by a mortgage of any such urban renewal projects or any part thereof, title to which is in the municipality. In addition, the municipality may enter into an indenture of trust with any private banking institution of this state having trust powers and may make in such indenture of trust such covenants and commitments as may be required by any purchaser for the adequate security of said bonds.

B. Provisions. Bonds issued under this section shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction and shall not be subject to the provisions of any other law or Charter relating to the authorization, issuance or sale of bonds. Bonds issued under the provisions of this Article are declared to be issued for an essential public and governmental purpose and, together with interest thereon and income therefrom, shall be exempted from all taxes.

C. Issue. Bonds issued under this section shall be authorized by resolution or ordinance of the legislative body of the municipality and may be issued in one (1) or more series and shall bear such date or dates; shall mature at such time or times; bear interest at such rate or rates, not exceeding six per centum (6) per annum; be in such denomination or denominations; be in such form, either with or without coupon or registered; carry such conversion or registration privileges; have such rank or priority; be executed in such manner; be payable in such medium or payment at such place or places; and be subject to such terms of redemption, with or without premium; be secured in such manner; and have such other characteristics as may be provided by such resolution or trust indenture or mortgage issued pursuant thereto.

D. Sale. Such bonds may be sold at not less than par at public sales held after notice thereof has been published twice in a newspaper having a general circulation in the area in which the municipality is located and in such other medium of publication as the municipality may determine, or may be exchanged for other bonds on the basis of par, provided that such bonds may be sold to the federal government at private sale at not less than par, and, in the event less than all of the authorized principal amount of such bonds is sold to the federal government, the balance may be sold at private sale at not less than par at an interest cost to the municipality of not to exceed the interest cost to the municipality of the portion of the bond sold to the federal government.

E. Officials. In case any of the public officials of the municipality whose signatures appear on any bonds or coupons issued under this Article shall cease to be such officials before the delivery of such bond or in the event any such officials shall have become such after the date of issue thereof, said bonds shall nevertheless be valid and binding obligations of said municipality in accordance with their terms. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this Article shall be fully negotiable.

F. Suits. In any suit, action or proceeding involving the validity or enforceability of any bond issued under this article or the security therefor, any such bond reciting in substance that it has been issued by the municipality in connection with an urban renewal project, as herein defined, shall be conclusively deemed to have been issued for such purpose, and such project shall be conclusively deemed to have been planned, located and carried out in accordance with the provisions of this Article.

G. Investments. All banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking or investment business, all insurance companies, insurance associations and other persons carrying on an insurance business and all executors, administrators, curators, trustees and other fiduciaries may legally invest any sinking funds, moneys or other funds belonging to them or within their control in any bonds or other obligations issued by the municipality pursuant to this article, provided that such bonds and other obligations shall be secured by an agreement between the issuer and the federal government in which the issuer agrees to borrow from the federal government and the federal government agrees to lend to the issuer, prior to the maturity of such bonds or other obligations, moneys in an amount which, together with any other moneys irrevocably committed to the payment of principal and interest on such bonds or other obligations, will suffice to pay the principal of such bonds or other obligations with interest to maturity thereon, which moneys under the terms of said agreement are required to be used for the purpose of paying the principal of and the interest on such bonds or other obligations at their maturity. Such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this section to authorize any persons, political subdivisions and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. Nothing contained in this section with regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities.

§ C11-11. Severability.

If any provisions of this Article or the application thereof to any person or circumstances is held invalid, the remainder of the Article and the application of such provisions to persons or circumstances other than those as to which it is held invalid shall not be affected thereby. The powers conferred by this Article shall be in addition and supplemental to the powers conferred by any other law.

§ C11-12. Conformance with County Master Plan required; review and approval by county agencies.

All plans, whether preliminary or final, prepared or presented under the provisions of this Article by the municipality shall not conflict with and must conform to the Master Plan for Prince George's County. This provision shall be construed to mean that all urban renewal plans effecting a change in

zoning shall be reviewed by the Maryland-National Capital Park and Planning Commission, and any zoning amendments pursuant to this urban renewal program must be approved by the District Council.

ARTICLE XII - General Provisions

§ C12-1. Oath of office.[Amended 5-16-05 by HR 05-09]

A. Oath required. Before entering upon the duties of their offices, the Mayor, the members of the City Council, the Clerk, the Treasurer, the City Administrator, the Department Heads and the members of the Board of Supervisors of Elections shall take and subscribe the following oath or affirmation: "I, ..., do swear (or affirm, as the case may be,) that I will support the Constitution of the United States, and that I will be faithful and bear true allegiance to the State of Maryland and support the Constitution and laws thereof, and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of ....., according to the Constitution and laws of this state."

B. Before whom taken and subscribed. The Mayor shall take and subscribe this oath or affirmation before the Clerk of the Circuit Court for the county or before one (1) of the sworn deputies of the Clerk. All other persons taking and subscribing the oath shall do so before the Mayor or his/her designee.

§ C12-2. Official bonds.

The Treasurer and such other officers or employees of the City as the Council or this Charter may require shall give bond in such amount and with such surety as may be required by the Council. The premiums on such bonds shall be paid by the City.

§ C12-3. Prior rights and obligations.

All right, title and interest held by the town or any other person or corporation at the time this Charter is adopted, in and to any lien acquired under any prior Charter of the City, are hereby preserved for the holder in all respects as if this Charter had not been adopted, together with all rights and remedies in relation thereto. This Charter shall not discharge, impair or release any contract, obligation, duty, liability or penalty whatever existing at the time this Charter becomes effective. All suits and actions, both civil and criminal, pending or which may hereafter be instituted for causes of action now existing or offenses already committed against any law or ordinance repealed by this Charter shall be instituted, proceeded with and prosecuted to final determination and judgment as if this Charter had not become effective.

§ C12-4. Effect of Charter on existing ordinances.

A. Ordinances not in conflict with Charter remain in effect. All ordinances, resolutions, rules and regulations in effect in the City at the time this Charter becomes effective which are not in conflict with the provisions of this Charter shall remain in effect until changed or repealed according to the provisions of this Charter.

B. Ordinances, etc., in conflict with Charter repealed. All ordinances, resolutions, rules and regulations in effect in the City at the time this Charter becomes effective which are in conflict with the provisions of this Charter be and the same are hereby repealed to the extent of such conflict.

§ C12-5. Severability.

If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section so held invalid shall appear, except to the extent that an entire section or part

of a section may be inseparably connected in meaning and effect with the section or part of a section to which such holding shall directly apply.

The Code

Chapter 1

GENERAL PROVISIONS

ARTICLE I

Adoption of Code

§ 1-1. Adoption of Code.
§ 1-2. Code supersedes prior ordinances.
§ 1-3. Effective date.
§ 1-4. Copy of Code on file.
§ 1-5. Amendments to Code.
§ 1-6. Publication and filing.
§ 1-7. Code book to be kept up-to-date.
§ 1-8. Sale of Code book.
§ 1-9. Altering or tampering with Code; penalties for violations.
§ 1-10. Severability of Code provisions.
§ 1-11. Severability of ordinance provisions.
§ 1-12. Repeal of ordinances.
§ 1-13. Ordinances saved from repeal.
§ 1-14. Changes in previously adopted ordinances.
§ 1-15. Deposit of copies with state agencies.
§ 1-16. Emergency measure.

ARTICLE II

Legislation Adopted During Codification

ARTICLE III

Charter Amendments

ARTICLE IV

Ratification of Nonsubstantive Changes to Charter

§ 1-17. Number change.
§ 1-18. Other nonsubstantive revisions.

[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville: Art. I, 12-19-83 as HB No. 15-83; Art, IV, 12-19-83 as HR No, 9-83. Amendments noted where applicable.]

ARTICLE I

Adoption of Code

[Adopted 12-19-83 as HB No. 15-83]

Be it enacted and ordained by the Mayor and Council of the City of Hyattsville.

§ 1-1. Adoption of Code.

The Charter, the ordinances and certain resolutions of a general and permanent nature, have been approved, adopted, ordained and enacted as the "Code of the City of Hyattsville, Maryland," hereinafter known and referred to as the "Code."

§ 1-2. Code supersedes prior ordinances.

This ordinance and the Code shall supersede all other general and permanent ordinances enacted prior to the enactment of this Code except such ordinances as are hereinafter expressly saved from repeal or continued in force.

§ 1-3. Effective date.

All provisions of this ordinance of the Code shall be in full force and effect on and after December 19, 1983.

§ 1-4. Copy of Code on file.

A copy of the Code in loose-leaf form serially numbered Number "1" has been filed in the office of the City Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance, and, if this ordinance shall be adopted, such copy shall be certified to by the Clerk of the City of Hyattsville by impressing thereon the Seal of the City, and such certified copy shall remain on file in the office of the Clerk of the City, to be made available to persons desiring to examine same during all times while the Code is in effect.

§ 1-5. Amendments to Code.

Any and all additions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intent of the governing body to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the City of Hyattsville, Maryland" shall be understood and intended to include such additions and amendments. Whenever such additions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto.

§ 1-6. Publication and filing.

The Clerk of the City of Hyattsville, pursuant to law, shall cause to be published, in the manner required, a copy of this adopting ordinance in a newspaper of general circulation in the City. Sufficient copies of the Code shall be maintained in the office of the Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this adopting ordinance, coupled with availability of copies of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-7. Code book to be kept up-to-date.

It shall be the duty of the Clerk, or someone authorized and directed by her, to keep up-to-date the certified copy of the book containing the Code required to be filed in her office for the use of the public. All changes in said Code and all ordinances adopted subsequent to the effective date of this codification, which shall be adopted specifically as part of the Code, shall, when finally adopted, be included therein by reference until such changes or new ordinances are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

§ 1-8. Sale of Code book.

Copies of the Code book containing the Code may be purchased from the Clerk upon the payment of a fee to be set by resolution of the Mayor and Council, who may also arrange, by resolution, for procedures for the periodic supplementation thereof.

§ 1-9. Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of Hyattsville to be misrepresented thereby. Any violation of this section shall be punishable as a misdemeanor, the penalty for which shall be a fine not to exceed five hundred dollars ($500.00) or imprisonment for a term not to exceed ninety (90) days, or both such fine and imprisonment.

§ 1-10. Severability of Code provisions.

Each section of the Code and every part of each section is an independent section or part of section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-11. Severability of ordinance provisions.

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-12. Repeal of ordinances.

All ordinances or parts of ordinances of a general and permanent nature adopted and in force on the date of the adoption of this ordinance and not contained in the Code are hereby repealed as of the effective date of this adopting ordinance, except as hereinafter provided.

§ 1-13. Ordinances saved from repeal.

The adoption of this Code and repeal of ordinances provided for in § 1-12 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

A. Any ordinance adopted subsequent to October 3, 1983.

B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.

C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provisions or any penalty, punishment or forfeiture which may result therefrom.

D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance brought pursuant to any legislative provision.

E. Any franchise, license, right, easement or privilege heretofore granted or conferred.

F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing of grade, changing of name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.

G. By ordinance or resolution appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the City's indebtedness.

H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract or obligation.

I. The levy or imposition of taxes, assessments or charges.

J. The dedication of property or approval of preliminary or final subdivision plats.

K. Ordinances establishing the amount and manner of payment of salaries or compensation of officers and employees, establishing workdays and working hours of certain employees and providing for holidays and vacations for employees and keeping of employment records.

L. All legislation pertaining to vehicles and traffic and all amendments thereto.

§ 1-14. Changes in previously adopted ordinances.

A. In compiling and preparing the ordinances for adoption and revision as part of the Code, certain grammatical changes and other minor changes were made in one (1) or more of said ordinances. It is the intention of the Council that all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such.

B. In addition, the following changes, amendments or revisions are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)

§ 1-15. Deposit of copies with state agencies.

Pursuant to § 8B of Art. 23A of the Annotated Code of Maryland, a copy of the Code of the City of Hyattsville containing the Charter shall be deposited with the required state agencies.

§ 1-16. Emergency measure.

This measure shall be deemed an emergency measure effective from the date of passage.

ARTICLE II

Legislation Adopted During Codification

During the process of codification, certain complete new ordinances were approved by the Mayor and Council for inclusion in the Code of the City of Hyattsville. Such new enactments are noted in the histories of individual chapters by the phrase "Adopted . . . during codification; see Ch. 1, General Provisions, Art. II." During the course of normal supplementation, specific dates of adoption will be inserted where pertinent in the text of the various chapters.

The enumeration appearing below lists each chapter affected by any such legislation adopted during codification.]

Chapter	Bill No.	Adoption Date
Ch. 114, Vehicles and Traffic	HB 14-83	12-19-83

ARTICLE III

Charter Amendments

During the process of codification, certain changes were made to the Charter of the City of Hyattsville. The substantive changes are noted in the history of the Charter as "amended during codification; see Ch. 1, General Provisions, Art. III." Certain other nonsubstantive changes, such as in numbering, grammar and punctuation, have also been made throughout the Charter. These substantive and nonsubstantive changes will be adopted and/or accounted for in accordance with the requirements of Article 23A of the Annotated Code of Maryland. During the course of normal supplementation, specific dates of adoption will be inserted into the Charter where pertinent.

ARTICLE IV

Ratification of Nonsubstantive Changes to Charter

[Adopted 12-19-83 as HR No. 9-83]

Be it resolved by the Mayor and City Council of Hyattsville as follows:

§ 1-17. Number change.

In conjunction with the codification of the Charter the ordinances and certain resolutions of the City of Hyattsville, the numbering system used in the Charter of the City of Hyattsville has been changed to a system which parallels the numbering to be used in the Code of the City of Hyattsville. It is hereby declared to be the intent of the Mayor and Council that the new Charter numbering system be ratified.

§ 1-18. Other nonsubstantive revisions.

Also in conjunction with the codification of the Charter, certain nonsubstantive changes in grammar, punctuation, spelling, etc., have been made. It is hereby declared to be the intent of the Mayor and Council that said nonsubstantive changes be ratified.

Chapter 4

ADMINISTRATION OF GOVERNMENT

ARTICLE I

Administration

§ 4-1. Mayor.
§ 4-2. City Administrator.
§ 4-3. City Council.
§ 4-4. City Clerk; City Treasurer.

ARTICLE II

Special Committee and City Departments

§ 4-5. Creation of special committees; nominations.
§ 4-6. Department of Public Works.
§ 4-7. Department of Human Resources.

ARTICLE III

Personnel Regulations

§ 4-7. Personnel Manual.
§ 4-8. Prohibitions and penalties regarding merit system.
§ 4-9. Participation in social security system.
§ 4-10. Report of injury.
§ 4-11. City Seal.
§ 4-12. City Logos.
§ 4-13. Custodian of Seal and Logos.
§ 4-14. Definitions.
§ 4-15. Prohibited Uses of City Seal or Logo.
§ 4-16. Authorized Uses of City Seal or Logo.
§ 4-17. Violation Constitutes a Misdemeanor.

[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville 12-1-69. Sections 4-lA, 4-7, 4-10 and Art. II amended and § 4-8 added at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Charter
Code of Ethics - See Ch. 10.
Fire Department - See Ch. 14.
Police Department - See Ch. 30.
Health and Sanitation Committee - See Ch.65.
Parks and Recreation Committee - See Ch. 84.

ARTICLE I

Administration

§ 4-1. Mayor.

The Mayor is hereby authorized and empowered to execute and sign all contracts made by the City Council, which contracts shall be attested by the Clerk, who shall affix the Seal of the City thereto.

Pursuant to § C2-5 of the Charter of the City, the annual salary of the Mayor shall be four thousand five hundred dollars[3] ($4,500.00). [Amended 2-19-74; 2-20-79 by HB No. 1-79; Amended 12-2-91 by HB No. 7-91]

§ 4-2. City Administrator. [Added 2-17-81 by HB No. 2-81]

The City Administrator shall perform such duties as are enumerated in the City Charter, Code and Personnel Manual. In the absence of the City Administrator, such duties shall be performed by such person or persons as the Mayor and Council shall designate.

§ 4-3. City Council.

Preparation and filing of annual financial statement. The City Council shall prepare and file among the records of the City annually a statement showing the amount of all moneys at the disposal of the City Council for public expenditure during each year terminating on the 30th day of June, the amount actually expended and for what purpose, together with the liabilities and credits of the City. Surrender of books, records and other City property to successors. The members of the City Council shall turn over to their successors after each election, when they shall have qualified and entered on the duties of their office, all the books, papers and records and other City properties in their possession.

Pursuant to § C2-6 of the Charter of the City, the annual salary of each City Councilmember shall be three thousand dollars[4] ($3,000.00) per year. [Amended 2-19-74; 2-20-79 by HB No. 1-79; Amended 12-2-91 by HB No. 7-91]

§ 4-4. City Clerk; City Treasurer. [Amended 3-2-70; 5-19-80 by HB No. 11-80]

A. Purchase orders. The Treasurer shall sign all purchase orders, with the exception of bids and contracts as provided in § C5-21 of the Charter.

B. Payment of bills.

(1) The Treasurer shall pay all bills against the City Council, upon the orders of the City Council, when such bills shall be presented to him with a warrant properly signed by the liaison to the Finance Officer, provided that, in the absence of or in case of the inability of the Council liaison to the Finance Officer to function, the Mayor may sign such warrants as may be necessary for the payment of bills and report the same to the Council Committee for its records.

(2) If the City would be entitled to a discount by paying any bill within ten (10) days of its receipt, the procedures set forth in Subsection B(1) hereof shall not apply, and said bill shall be paid immediately by the Treasurer upon presentation of a warrant signed by the head of the appropriate City department and the City Administrator. [Added 10-20-80 by HB No. 18-80]

C. Application and issuance of permits.

(1) Except as otherwise provided, when any person shall desire the issuance of any permit for which a fee shall be charged or a deposit required, application therefor shall be made to the City

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[3] *The Compensation of the Mayor has subsequently been amended by Hyattsville Resolution 5-91, Hyattsville Bill 7-91 and Hyattsville Bill 99-01. Copies are available in the office of the City Clerk.*

[4] *The Compensation of City Councilmembers has subsequently been amended by Hyattsville Resolution 5-91, Hyattsville Bill 7-91 and Hyattsville Bill 99-01. Copies are available in the office of the City Clerk.*

Clerk, who, if the applicant is entitled to such permit, shall issue the required permit on payment of the stipulated fee.

(2) The City Clerk shall procure and provide such blanks or forms as may be necessary to carry out the provisions of this section and shall pay the cost or expense thereof out of any funds in the treasury provided for the expenses of the City Clerk's office.

D. The City Treasurer shall render to the City Council annually a report of all moneys received, disbursed and on hand up to and including the 30th day of June of each year and of all accounts receivable and payable at that date.

E. Pursuant to § C5-3 of the Charter of the City, the Treasurer shall provide a corporate surety bond in the amount of fifty thousand dollars ($50,000.00).

SPECIAL COMMITTEES AND CITY DEPARTMENTS

ARTICLE II

Administration of Government

§ 4-5. Creation of special committees; nominations. [Amended 3-3-08 by HO-2008-03, Amended 11-1-10 by HO-2010-03]

A. The Mayor or the City Council may create special committees, commissions, and task forces as they deem necessary. Nominations to bodies created by the Mayor shall be made by the Mayor and approved by the Council. Nominations to Council created bodies shall be determined by the Council.

B. Prior to the creation of any new committee, commission or task force, the following information shall be presented at a public meeting of the City Council:

(1) A mission statement, including the purpose, scope, and deliverables required;

(2) The frequency of meetings, the minimum number of meetings per year and whether it is permanent or temporary (in which event an estimated time for its existence shall be included);

(3) The composition of its members, any applicable qualifications, the scope of participation by Council liaison, Council members, or City staff and whether participation by all wards is recommended or required;

(4) The term of office of members including renewal/reappointment dates and times;

(5) The applicable grounds for removal of any member and the City bodies with such removal authority

C. Each special committee, commission, or task force is required to do the following:

(1) Notify the public in advance of all meetings;

(2) Maintain minutes for each meeting;

(3) Provide the City Administrator and Council with a copy of the minutes for each meeting;

(4) Notify the City Administrator and Council if a scheduled meeting is cancelled;

(5) Comply with the Open Meetings Act, currently codified at State Gov't Article §§10-501-10-512;

(6) Close meetings only in accordance with the Open Meetings Act;

(7) Notify the City Administrator and Council in the event a member is involuntarily removed;

(8) Notify the Council in the event the special committee, commission, or task force dissolves prior to the expiration of its term, including the reason for the dissolution.

D. The City Clerk shall maintain a list of the members of each special committee, commission, or task force, and the time for appointment or replacement.

E. The names of all members nominated for each committee, commission or task force shall be publicized prior to Council vote.

F. The City Council shall have the authority to remove any person from any committee, commission or task force for good cause after affording the person reasonable notice and the opportunity to be heard by Council or its designee**.**

§ 4-6. Department of Public Works.

A. Director of Public Works. The Director of Public Works shall be hired by the Mayor and Council and shall attend all regular meetings of the City Council and committee meetings when called upon to attend.

B. Duty hours. The regular duty hours of the Director shall be the same as those of the Department's labor force.

C. Prerequisite for employment; exception. To be eligible for appointment or for temporary employment on the Department labor force, an applicant must pass a physical examination by competent medical authority, showing the applicant's ability to perform sustained and arduous work, provided that in lieu of such examination, the Director may hire men on the Department labor force based on their previous experience and ability and personal interview.

D. Duty hours for labor force. The Department labor force shall operate on a forty-hours-a week basis, and the time for coming to work and the number of hours' work per day shall be controlled by the Director under the direction of the Mayor.

§ 4-7. Department of Human Resources. [Added 3-5-12 by HO-46-03-12]

A. Position. The Director of Human Resources shall be hired by the Mayor and Council and shall attend all regular meetings of the City Council and Committee meetings when called upon to attend.

B. Duties. The Director of Human Resources shall:

(1) Have overall responsibility for establishing, maintaining and coordinating personnel transactions and records management systems and procedures for all City employees consistent with state and federal laws.

(2) Advise and assist supervision/management on all City personnel transactions and records management systems and procedures related to personnel.

C. Functions. The Director of Human Resources shall be responsible for:

(1) Recommendations to the City Administrator and/or to the Mayor and Council for the establishment and the classification of all positions in the personnel system, assigning to

each the appropriate title, experience capacity, knowledge, skill and other qualifications including the minimum prerequisites to be required for appointment. All positions in the classification plan with similar duties and responsibilities should have similar compensation. The classification so recommended shall be transmitted to the Mayor and Council for adoption. Every position in the personnel system shall be allocated to one of the classes and thereafter the position title and class so established shall be used in all personnel, fiscal and other documents and correspondence of the City.

(2) Recommendations for the administration of rates of compensation covering all classes of positions in the personnel system in conjunction with the finance department. Such recommendations shall be included each year as a part of the budget recommendations of the City Administrator.

(3) Establishing standards of qualifications and duties for all City employment positions.

(4) Recruiting, examining, investigating and determining qualification of applicants for all positions in the personnel system.

(5) Documenting the appointment, transfer, promotion, reclassification, demotion, suspension, dismissal or any other change of status of an employee.

(6) Maintenance and security of all personnel records.

(7) Recommending measures calculated to promote efficiency, safety and fairness.

(8) Devising necessary administrative procedures and forms as to its employees to execute the policies of the City.

(9) Administering such rules and procedures as may be set forth in the personnel manual.

D. Records, forms and reports.

(1) The Director of Human Resources shall cause to be maintained a complete personnel file for each employee. Such file shall contain a personal history form or application form and all other records, memoranda or other data pertinent to the development of a complete record of the employee's service with the City. The Director of Human Resources shall develop such other forms and procedures as may be required to carry out the provisions of this article. Personnel records will be secured so as to ensure the confidentiality of their contents. No person may have access to an employee's personnel file, or be provided information concerning its contents, except the employee, persons authorized in writing by the employee and the persons who supervise the employee's work.

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

ARTICLE III

Personnel Regulations

§ 4-7. Personnel Manual.[5]

The City's personnel rules, regulations and policies shall be kept in the form of a Personnel Manual, which may be changed from time to time by resolutions of the City Council as it deems desirable or necessary in accordance with the City's merit system.

§ 4-8. Prohibitions and penalties regarding merit system.

A. Prohibitions. If a merit system is adopted, no person in the classified service of the City or seeking admission thereto shall be appointed, promoted, demoted, removed or in any way favored or discriminated against because of his age, race, color, creed, national origin, ancestry, disability, marital status, sex, sexual orientation, gender identity or expression, physical characteristic or political or religious opinions or affiliations or any other factors not related to ability to perform the work, no person shall willfully or corruptly commit or attempt to commit any fraud preventing the impartial execution of the personnel provisions of the Charter or of the rules and regulations made thereunder, no person seeking appointment to or promotion in the classified service of the City shall either, directly or indirectly, give, render or pay any money, service or other valuable thing to any person for or on account of or in connection with his appointment, proposed appointment, promotion or proposed promotion, no person shall orally, by letter or otherwise solicit or be in any manner concerned in soliciting any assessment, subscription or contribution for any political party or political purpose whatever from any person holding a position in the classified service of the City, and no person holding a position in the classified service of the City shall make any contribution to the campaign funds of any political party or any candidate for public office in the City of Hyattsville or take any part in the management, affairs or political campaign of any political party or candidate for public office in the City of Hyattsville further than in the exercise of his right as a citizen to express his opinion and to cast his vote. [Amended 9-9-90 by HB 6-90]

B. Penalties. Any person who, by himself or with others, willfully and corruptly violates any of the provisions of this section shall, upon conviction thereof, be punished by a fine of not more than one hundred dollars ($100.00) or by imprisonment for a term not exceeding thirty (30) days, or by both such fine and imprisonment. Any person who is convicted under this section shall, for a period of five (5) years, be ineligible for appointment to or employment in a position in the City service and shall, if he is an officer or employee of the City, immediately forfeit the office or position he holds.

§ 4-9. Participation in social security system.

Commencing July 1, 1960, all employees of the City, except elected officials and those under contract, shall be participants in the social security system, and regular required deductions from their pay will be made accordingly.

§ 4-10. Report of injury.

Every employee of the City shall report fully and accurately and as soon as possible any injury he may receive while on duty as a City employee. For the protection of both the employee and the City, it is essential that the proper forms be filed promptly and that proper medical attention be given as

[5] *Editor's Note: The Personnel Manual referred to herein is on file and open to public inspection in the office of the Administrator.*

soon as possible. Forms and instructions for dealing with these matters are obtainable at the City Office.

§ 4-11 City Seal. [Added 2-2-09 by HO-2009-03]

A. Adoption of Seal. There is adopted and provided for the City a seal that shall be known as the "City Seal of the City of Hyattsville."

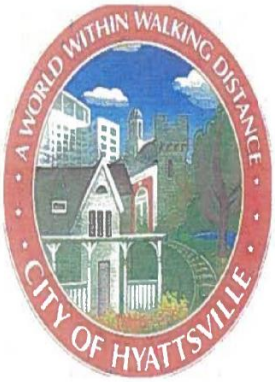
B. Description. The City Seal of the City of Hyattsville consists of a circular disk, the center of which contains three lines: the top line contains the word "Incorporated" in capital letters; the middle line contains the word "Seal" in capital letters larger than the other lines, with a dot on each side of the word; and the bottom line contains the words "April 1886" in capital letters. The center of the disk also contains two small stars, one centered above the top line and one centered below the bottom line. The center of the disk is surrounded by a ring of small dots and a braided ring, between which are the words "City of Hyattsville" in capital letters on the upper half and the word "Maryland" in capital letters on the lower half.

§ 4-12 City Logos. [Added 2-2-09 by HO-2009-03]

A. Adoption of Logo. There is adopted and provided for the City three logos that shall be known as "A WORLD WITHIN WALKING DISTANCE"**, "**A GOOD PLACE TO LIVE" , and "POLICE" all logos of the City of Hyattsville.

B. Descriptions.

(1) The "A WORLD WITHIN WALKING DISTANCE" logo of the City of Hyattsville consists of a circular disk, the center of which contains sky, clouds, buildings, houses, and train tracks in the colors of green, red, and blue. The disk is surrounded by a reddish circle, the upper half of which contains the words "A WORLD WITHIN WALKING DISTANCE" in white capital letters and the lower half of which contains the words "City Of Hyattsville" in white capital letters. There are three stars separating the wording on the upper and lower halves of the circle on either side. A black and white facsimile is immediately below:



(2) The "A GOOD PLACE TO LIVE" logo of the City of Hyattsville consists of a circular disk, the center of which contains the waving state flag of Maryland on a background of small black dots. The disk is surrounded by a yellow inner circle, the upper half of which contains the words "A GOOD PLACE TO LIVE" in black capital letters and the lower half of which contains the words "Since 1886" in black capital letters. The yellow inner circle is surrounded by a black outer circle, the upper half of which contains the words "City of Hyattsville" in white capital letters and the

lower half of which contains the word "Maryland" in white capital letters. A black and white facsimile is immediately below:

(3) The "POLICE" logo consists of a four-sided irregular shape consisting of a semicircle on top for three quarters (3/4) of its height and of three straight equal sides, with two of the sides attached at an obtuse angle to the bottom and extending up to attach to the lowest part of the semicircle, bordered with a narrow yellow stripe, inside of which is a wider black stripe with "City of Hyattsville" on the semicircle and "Police" in thicker letters on the bottom side, (all writing colored white) and a yellow border inside the black border with the words "A GOOD PLACE TO LIVE" in black, centered in the semicircle, and the balance of the logo inside this inner yellow border is colored blue with a modified miniature version of the pictured figures in the Great Seal of Maryland. A black and white facsimile is immediately below:

§ 4-13 Custodian of Seal and Logos. [Added 2-2-09 by HO-2009-03]

The City Clerk of the City of Hyattsville shall be the custodian of the City Seal and logos of the City of Hyattsville.

§ 4-14 Definitions. [Added 2-2-09 by HO-2009-03]

For purposes of this Article the following words and phrases are defined and shall be construed to have the following meaning:

(1) "City seal" means and includes the City seal of the City of Hyattsville and any copy, facsimile, reproduction, or imitation thereof.

(2) "City logo" means and includes the "A WORLD WITHIN WALKING DISTANCE", the "A GOOD PLACE TO LIVE" and the "POLICE" logos of the City of Hyattsville and any copy, facsimile, reproduction, or imitation thereof.

(3) "City stationery" means and includes, but shall not be limited to, the following materials: letterhead, envelopes, business cards, labels, checks, warrants, business forms, ordinances, resolutions, motions, any written or printed materials, used in authorized and official City business.

§ 4-15 Prohibited uses of City seal or logo. [Added 2-2-09 by HO-2009-03]

A. Without the express authorization of a majority of the City Council members, no person or entity may use, or authorize the use of the City seal or logo or any similar emblem or facsimile of the City seal or logo that may lead a reasonable person to assume it is the City seal or a City logo.

§ 4-16 Authorized uses of City seal or logo. [Added 2-2-09 by HO-2009-03]

A. The following are authorized uses of the City seal or the City logos entitled "A WORLD WITHIN WALKING DISTANCE" and "A GOOD PLACE TO LIVE":

(1) Use on City stationery or other City written or printed materials

(a) containing the printed names of the Mayor, or members of the City Council when specifically authorized by a majority of the members of the City Council;

(b) containing the printed name of a City official upon prior consent of the respective City official;

(c) by a City official or employee used in authorized and official City business; and

(d) by a member of the City Council for individual correspondence, or the reproduction and distribution of a City Council member's letter by the recipient thereof, at no cost to the City of Hyattsville.

(2) Use on written or printed material in support of or in opposition to any state or federal legislation or statewide referendum, initiative or other ballot measure, when specifically authorized by a majority of the members of the City Council.

(3) Use for embroidery or other placement on uniforms, named badges and other clothing and identification materials worn or used by City employees and City officials.

(4) Use for printing on official City promotional and recognition materials, such as pens, plaques, coffee mugs and other similar items as may be approved by the City Manager.

(5) Use by elected City officials, at their own expense, for printing or placement on materials, such as shirts, pens, coffee mugs and other similar items.

B. The following are authorized uses of the City logo entitled "POLICE":

(1) Use on City stationary or other written or printed materials so long as it is originating in the police department and its use is authorized by the chief of police;

(2) Use for embroidery or other placement on uniforms, named badges, and other clothing and identification materials worn or used by City employees and City officials;

(3) Use for printing on official police materials, as well as pens, plaques, coffee mugs, and other similar items as may be approved by the chief of police.

C. Nothing in this Section shall be construed so as to authorize use of the City seal or logo in connection with any political campaign or political issue.

§ 4-17 Violation constitutes a misdemeanor. [Added 2-2-09 by HO-2009-03]

Violation of this article shall be a misdemeanor and punishable by a fine not to exceed five-hundred dollars ($500.00) or imprisonment not to exceed ninety (90) days, or both.

Chapter 8

ELECTIONS

ARTICLE I

General Election Procedures

§ 8-1. Qualifications for Registration Officers, Clerks and Judges of Elections; oath of office.
§ 8-2. Eligibility for absentee ballot.
§ 8-3. Absentee ballots; procedure for disabled persons; emergency ballots; assistance in marking.
§ 8-4. Applicability.
§ 8-5. Contents of application for absentee ballot.
§ 8-6. Application form for absentee ballot.
§ 8-7. Absentee ballot: review of application, delivery and maintenance of records.
§ 8-8. Form and contents of absentee ballots.
§ 8-9. Instructions to voters.
§ 8-10. Procedure for counting and canvassing absentee ballots.
§ 8-11. Contests and appeals.
§ 8-12. Runoff elections.
§ 8-13 Penalty
§ 8-14 Campaign materials; authority line; penalty

ARTICLE II

Campaign Finance

§ 8-15 Reports Required.
§ 8-16 Deadline for filing reports.
§ 8-17 Form; Affirmation of report.
§ 8-18 Special reporting requirements.
§ 8-19 Appointment of CampaignTreasurer.
§ 8-20 Failure to appoint a treasurer or file reports
§ 8-21 Penalties

[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville 12-1-69. Section 8-7C amended at time of adoption of Code; see Ch. 1, amended 02-20-07 by HO-2007-03
General Provisions, Art. I. Other amendments noted where applicable.]
GENERAL REFERENCES

Registration, nominations and elections - See Charter, Art. IV.
Administration of government - See Ch. 4.
Code of Ethics - See Ch. 10.
Peace and good order - See Ch. 87.

ARTICLE I

General Election Procedures

§ 8-1. Qualifications for Registration Officers, Clerks and Judges of Elections; oath of office.

Registration Officers and Judges and Clerks of Elections appointed by the City Council shall be registered voters of the City, and, where so required by law, they shall be registered voters of the ward for which they are appointed. They shall, before entering upon their duties, take the oath required by law for all registration and election officials.

§ 8-2. Election Day, Advance Voting Day, Absentee voting. [Amended 2-9-09 by HO-2009-04]

A. Election Day for Special Elections and referenda shall ordinarily be done on a Tuesday, as set by the City Council.

B. If the City Council provides for an advance voting day in any referendum or Election, unless otherwise directed the Saturday immediately before Election Day shall be the advance voting day when the polls shall be open to qualified voters at the times and places specified and advertised by the Board of Supervisors of Elections. The polls shall be open for a minimum of eight (8) hours on such advance voting day.

C. Any person qualified to vote in the Election may vote by absentee ballot, but only pursuant to the provisions of this Article I.

§ 8-3. Absentee ballots; procedure for disabled persons; assistance in marking. [Added 5-3-76; Amended 2-6-89 by HB No. 1-89, Amended 2-20-07 by HO-2007-03; Amended 2-9-09 by HO-2009-04]

A. Application procedure for voting. Any qualified voter shall make application for an absentee ballot as provided in § 8-5 of this chapter. The completed application shall be filed in the office of the Board of Supervisors of Elections not later than 10:00 a.m. on the last day the City offices are open for regular business prior to Election Day. No completed application shall be handled, or delivered by a candidate or an individual volunteering or working for a candidate except for his/her own application or that of his/her immediate family member or a member of his/her household. Upon receipt of a completed application, the Board shall mail or provide to the voter entitled thereto an absentee ballot.

B. Assistance in marking ballot. Any otherwise qualified voter who is blind, physically challenged or impaired and is for one (1) of these reasons unable to mark his/her absentee ballot and sign the required oath may be assisted in voting by any person selected by the voter. Any person rendering assistance pursuant to this subsection must execute the certification of the oath of person assisting absentee voter form.

§ 8-4. Applicability. [Added 5-3-76; Amended 2-6-89 by HB No. 1-89]

This chapter applies to elections for all candidates, constitutional amendments and other questions at any election held in any year in the City of Hyattsville.

§ 8-5. Contents of application for absentee ballot. [Added 5-3-76; Amended 2-6-89 by HB No. 1-89; Amended 2-20-07 by HO-2007-03; Amended 2-9-09 by HO-2009-04]

A qualified voter desiring to vote at any election as an absentee voter shall make an application, in writing, to the Board for an absentee ballot. The application shall contain an affidavit, which need not be under oath but which shall set forth the following information under penalty of perjury:

A. The voter's name and residence address, including the street and number.

B. That the person is a qualified voter at the residence address given.

C. If the person voted at the preceding election, the residence address from which he voted.

D. The address to which the ballot is to be mailed, if different from the resident address.

§ 8-6. Application form for absentee ballot. [Added 5-3-76; Amended 12-19-83 by HB No. 15-83; 2-6-89 by HB No. 1-89, Amended 2-20-07 by HO-2007-03]

A. Printed forms of applications for absentee ballots in accordance with the requirements of this chapter shall be provided by the Board and shall be available to any qualified voter.

B. The Board of Supervisors of Elections shall prescribe the forms of application for absentee registration and ballot, application for absentee ballot by registered voter, and related affidavits and statements for consideration and approval by the Mayor and City Council.

C. The application for absentee voters shall be in the following form:

Application for Absentee Ballot

(Date)To the Board of Supervisors of Elections of City of Hyattsville, Maryland, I, (print name), hereby apply for a City of Hyattsville absentee ballot for the election to be held on (date of election). My home address; is (number and street), in the City of Hyattsville. I am a registered voter in the City of Hyattsville, and my voting ward is ____. I desire that the absentee ballot be sent to me at the following address:_____

_____

_____

(sign name)

Warning! The Absentee Voting Law provides that anyone who willfully signs any false application or oath or who willfully does any act contrary to the terms and provisions of the Absentee Voting Law with intent to cast an illegal vote or to aid another in doing so or who willfully violates any of the provisions of that law or who applies for a ballot under any other name than his/her own shall, upon conviction, be subject to a fine of not more than five hundred dollars ($500.00) or to imprisonment for not more than ninety (90) days, or to both, in the discretion of the court.

An absentee ballot will not be sent to you unless you are registered to vote in elections in Prince George's County and are qualified to vote in this City.

§ 8-7. Absentee ballots: review of applications, delivery and maintenance of records. [Added 5-3-76; Amended 2-6-89 by HB No. 1-89, Amended 2-20-07 by HO-2007-03; Amended 2-9-09 by HO-2009-04]

A. Rejection of application. Upon receipt of an application containing the affidavit, the Board shall reject the application only upon the unanimous vote of the entire Board and, when rejected, shall notify the applicant of the reason therefor, if it determines, upon inquiry, that the applicant is not legally qualified to vote at the election.

B. Delivery of ballot. If the applicant is a qualified voter as stated in his/her affidavit, the Board shall, as soon as practical thereafter, deliver to him/her at the office of the Board or mail to him/her at an address designated by him/her an absentee voter's ballot. If the applicant is one with respect to whom free postage privileges are provided for by the Federal Voting Assistance Act of 1955 or any other federal law, rule or regulation, the Board shall take full advantage of these privileges. In all other instances, postage for transmitting ballot material to voters shall be paid by the voters. If the ballots are to be sent by mail, the determination required in Subsection A of this section shall be made in such time as will allow the sending and return of the ballots by regular mail, depending on the mailing address, and including at least one (1) day for marking the ballots and completing the affidavit. All investigations shall be concluded and any determinations made as to all absentee ballot applications not later than the deadline for applications stated in Section 8-3 above.

C. Record of applications received and ballots delivered.

(1) The Board shall keep a record of applications for absentee voters' ballots as they are received; showing the date and time received and the names and residence of the applicants, and such record shall be available for examination by any registered voter.

(2) After approval of an application for an absentee ballot and the mailing/delivery to the applicant of an absentee ballot, then the voters record card in the precinct binder shall be removed and placed in a separate binder marked "registered absentee voters" and retained in the office of the Board. A marker shall be placed in the regular precinct binder with the voter's name and shall record the fact that an absentee ballot has been mailed, which shall show the date on which the ballot was sent. No such voter shall vote or be allowed to vote in person at any polling place.

D. One (1) ballot per applicant. Not more than one (1) absentee ballot shall be mailed to any one (1) applicant unless the Board has reasonable grounds to believe that the absentee ballot previously mailed has been lost, destroyed or spoiled.

§ 8-8. Form and contents of absentee ballots. [Added 5-3-76; Amended 2-6-89 by HB No. 1-89]

A. Printing of ballots for absentee voters, envelopes and instructions. In sufficient time prior to any election, the Board shall have printed an adequate number of absentee ballots, the three (3) kinds of envelopes described in this section and the instructions to absentee voters as set out in § 8-9 of this chapter.

B. Absentee ballots, in the discretion of the Board, will be in the form of paper ballots. The form and arrangement of all absentee ballots shall be as prescribed by the Board of Supervisors of Elections.

C. Format and printing of ballots. The ballots shall contain the words "absentee ballot" printed in large letters in a clear space at the top of each paper ballot. Underneath these words shall be printed the following warning: "Mark ballot by placing X in proper blank after each candidate or question. Do not erase or make identifying mark." The designation of the election ward shall be left blank on paper ballots on the back and outside of said ballots, and such designation shall be filled in by the Board before being sent to any registered absentee voter. All candidates shall be listed by office and

alphabetically within the office. Referendum questions shall follow the listing of candidates for all offices.

D. Envelopes. The Board of Supervisors of Elections shall prescribe the size, form and printed content of the absentee ballot material envelopes, providing for a covering envelope, a ballot envelope and a return envelope.

§ 8-9. Instructions to voters. [Added 5-3-76; Amended 2-6-89 by HB No. 1-89; Amended 2-9-09 by HO-2009-04]

A. The printed instructions for the casting of absentee ballots shall be prescribed by the Board of Supervisors of Elections, and it shall prescribe instructions for paper ballots.

B. No completed ballot shall be handled, or delivered by a candidate or an individual volunteering or working for a candidate except for his/her own ballot or that of his/her immediate family member or a member of his/her household.

C. Completed ballots during voting hours may be hand-delivered to the City Clerk's Office during normal business hours or to the board of Supervisors of Elections during voting hours at the voting places on any Election Day or advance of Election Day, or at a place and time designated by the Board of Supervisors of Elections for receiving such.

§ 8-10. Procedure for counting and canvassing absentee ballots. [Added 5-3-76; Amended 2-6-89 by HB No. 1-89; Amended 2-9-09 by HO-2009-04]

A. Opening or unfolding ballots. The Board shall not open or unfold any absentee ballot at any time prior to the closing of the polls and the beginning of the canvass of the absentee ballots.

B. Procedure generally. No absentee ballot shall be counted if it is received by the Board of Supervisors of Elections after the closing of the polls on Election Day. Immediately following the canvass of the votes cast at the regular voting places in the City on Election Day, the Board shall meet at the usual office of the Board and shall proceed to count, certify and canvass the absentee ballots contained in the ballot envelopes received by it prior to the closing of the polls on election day. No ballot shall be rejected by the Board except by the unanimous vote of the entire Board. This canvass shall be conducted by ward in accordance with the applicable provisions of § C4-11 of the City of Hyattsville Charter. All absentee voters' applications, certifications, ballot envelopes and ballots shall be kept separate and apart from ballots cast at the regular voting places and retained for six (6) months after the date of election at which they were cast, unless prior to that time the Board shall be ordered by a court of competent jurisdiction to keep the same for any longer period.

C. Ballot voted for person who has ceased to be a candidate. Any absentee ballot voted for a person who has ceased to be a candidate shall not be counted for such candidate, but such vote shall not invalidate the remainder of such ballot.

D. Death of voter before Election Day. Whenever any Board shall determine from proof of investigation that any person who has marked and transmitted or deposited in person with the Board an absentee ballot, whether under act of Congress or the provisions of this chapter, has died before election day, said Board shall not count the ballot of said deceased voter, but it shall be preserved by the Board for six (6) months and may then be destroyed. If, at or prior to the time of such counting and canvassing, the Board shall not have determined that the absentee resident who marked a ballot had died before election day, said ballot shall be counted, and 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.

E. Placement of ballots in absentee ballot box and entry in registry; more than one (1) ballot in envelope; marking ballots. If the Board determines that the provisions for filling out and signing the oath on the outside of the ballot envelope have been substantially complied with and that the person signing the voter's oath is entitled to vote under this chapter in any ward of the City, as the case may be, and has not already voted therein on election day, it shall open the ballot envelope and remove the ballot the therefrom and place it in an absentee ballot box. When any ballot envelope is opened, the Board shall enter in the appropriate register the fact that the voter whose name appears thereon has voted, using the initials "AB" to indicate the vote has been by absentee ballot. If there is more than one (1) ballot in the ballot envelope, all shall be rejected. Absentee ballots may be marked by any kind of pencil or ink.

F. More than one (1) ballot received from the same person. If the Board receives from the same person prior to the closing of the polls on Election Day more than one (1) absentee ballot, it shall count, certify and canvass only the absentee ballot with the earliest date, or, if both are undated or dated the same, none of the ballots received from such person shall be counted.

§ 8-11. Contests and appeals. [Added 5-3-76; Amended 2-6-89 by HB No. 1-89]

Contests concerning voting or the validity of any ballot under this chapter shall be decided by the Board of Supervisors of Elections. No ballot shall be rejected except by the unanimous vote of the entire Board. Any candidate or absentee voter aggrieved by any decision or action of such Board shall have the right of appeal to the Circuit Court for Prince George's County, Maryland. Such appeals shall be taken by way of petition filed with the court within five (5) days from the date of the completion of the official canvass by the Board of all the votes cast at any election and shall be heard de novo and without a jury by said court as soon as possible. There shall be a further right of appeal to the Court of Appeals, provided that such appeal shall be taken within forty-eight (48) hours from the entry of the decision of the lower court complained of, and all such appeals shall be heard and decided on the original papers, including a typewritten transcript of the testimony taken in such cases, by the Court of Appeals, as soon as possible after the same have been transmitted to said court. Said original papers, including the testimony, shall be transmitted to the Court of Appeals within five (5) days from the taking of the appeal.

§ 8-12. Runoff elections. [Added 5-5-86 by HB No. 3-86]

A. If, at any election directed by the Charter, any two (2) or more candidates for the office of Mayor or Councilman who have received the highest number of votes shall have received an equal number of votes, or the vote upon any referendum shall result in a tie, a special election shall be ordered by the Board of Election Supervisors.

B. The special election shall be held within three (3) months of the election at which the tie vote occurred, shall be only for those offices for which the equal number of votes was cast or referendum questions which resulted in a tie vote and shall be conducted in the same manner as provided in the relevant sections of Article IV of the Charter.

§ 8-13. Penalty. [Added 2-20-07 by HO-2007-03]

Anyone who willfully signs any false application or oath or who willfully does any act contrary to the terms and provisions of the absentee voting law with intent to cast an illegal vote or to aid another in doing so or who willfully violates any of the provisions of this chapter or who applies for a ballot

under any other name than his/her own name shall be guilty of a misdemeanor and, upon conviction, be subject to a fine of not more than five hundred dollars ($500.00) or to imprisonment for not more than ninety (90) days, or to both, in the discretion of the court.

§ 8-14. Campaign materials; authority line; penalty. [Added 2-20-2007 by HO-2007-03]

A. For the purposes of this Code, "campaign material" means any material that:

(1) Contains text, graphics, or other images;

(2) Relates to a candidate, a prospective candidate, or the approval or rejection of a question; and

(3) Is published or distributed to anyone by, at the request of, or under the authority of, a candidate.

B. Except as otherwise provided in this section, each item of campaign material shall contain, set apart from any other message, an authority line that states the name and address of the person, treasurer, or campaign manager responsible for the publication or distribution of the same.

C. The authority line need state only the name and title of the responsible person if:

(1) The name and address of the responsible person has been filed with the City Clerk; or

(2) The campaign material item is too small to include all the information specified in paragraph (B) of this section in a legible form.

D. Any material that is published or distributed in support of or in opposition to a candidate without being directly or indirectly authorized by the candidate as provided above in Subsection (A)(3) may and ordinarily should include the following statement: "this message has been authorized and paid for by (name of payer or any organization affiliated with the payer). This message has not been authorized or approved by any candidate."

E. It shall be unlawful for any person to knowingly publish or distribute for the purpose of influencing votes any materials with a false or incorrect authority line. Any person who violates this section shall be guilty of a misdemeanor and subject to the penalties including $500.00 fine and/or imprisonment for thirty (30) days.

ARTICLE II

Campaign Finance

[Added 4-9-07 by HO-2007-07]

§ 8-15. Reports required.

A. Each candidate for the Office of Council or Mayor and the candidate's designated campaign treasurer shall file with the City Clerk reports as specified below which shall list individually each contribution and expenditure of more than one hundred dollars ($100.00) in furtherance of the

candidate's nomination and election. The reports shall also include a total amount of all contributions and expenditures including those of one hundred dollars ($100.00) or less.

B. Unless otherwise provided, any report as described in (A) above shall include contributions received or expenditures made by the candidate or, made by any other person with the knowledge of the candidate or the candidate's treasurer. Reportable contributions and expenditures shall include cash, campaign signs, brochures, postage, advertisements, professional services (i.e. the entity or person is or has been compensated for similar services regularly on a full or part-time basis outside of the campaign) and any other material used for the campaign.

C. All reports filed shall be available for examination by any member of the public during normal office hours of the City Clerk.

§ 8-16. Deadline for filing reports.

A. **Initial Report**- an initial report shall be filed on the 10th day preceding the election including all reportable contributions and expenditures made since the last preceding election.

B. **Final Report-** a final report shall be filed on the 7th day following the election and shall include all such contributions and expenditures made during the election.

C. **Further Reports** -if a final report reflects a cash balance, unpaid bills or a deficit greater than $500.00, an annual report shall be filed on or before December 31, until the cash balance, unpaid bill(s) or deficit is eliminated and a report reflecting such is filed with the City Clerk=s Office. Each report filed shall include all contributions and expenditures made or received since the previous report.

D. Reports must be filed by 5:00 p.m. of the day they are due.

§ 8-17. Form; affirmation of report.

The reports shall be made on forms or in a format provided by the City Clerk and approved by the City Attorney. The reports shall be subscribed and sworn to (or affirmed) by the candidate and by the candidate's treasurer.

§ 8-18. Special reporting requirements.

A. **Family contributions** - a report need not identify separately the campaign contributions made by the candidate or the candidate's spouse or domestic partner but may aggregate such under one line or total.

B. In a case where the total contributions for the campaign (excluding contributions by the candidate, or the candidate's spouse/domestic partner) are less than fifteen hundred ($1,500.00) dollars for a Councilmember candidate or five thousand ($5,000.00) dollars for mayoral candidate, the candidate may file an abbreviated report that attests under oath that the contribution limits outlined herein were not exceeded, and states the total contributions, the contributions outlined in subsection (a) above, and the contributions outlined in section 8-15.

§ 8-19. Appointment of Campaign Treasurer.

A. Each candidate shall appoint one campaign treasurer and shall file the name and address of the campaign treasurer, together with the treasurer's acceptance of the appointment in writing, on a form provided by, and returned to, the City Clerk, no less than thirty (30) days prior to the election.

B. A candidate may serve as the treasurer for his/her own campaign so long as the candidate has not received and does not intend to receive a total of reportable contributions more than fifteen hundred dollars ($1,500.00) excluding contributions by the candidate or the candidate=s spouse/ domestic partner.

C. In the event the contributions exceed the amount in subsection (b) immediately above, the candidate must report such to the clerk, and appoint a treasurer and file the appropriate form within two (2) days.

§ 8-20. Failure to appoint a treasurer or file reports.

A. The Board of Election Supervisors or the clerk shall promptly send a written notice to any candidate who fails to appoint a treasurer or to file timely campaign finance reports. Such notice shall be posted on the City's website and on the City's bulletin board.

B. The Board of Election supervisors is responsible for ensuring that all forms and campaign finance reports are in substantial compliance with this chapter. If the Board identifies a reporting inaccuracy or deficiency, they shall notify the candidate and candidate=s treasurer in writing. A corrected report shall be filed within seven (7) days of such notice, unless the Board waives such inaccuracy or deficiency for good cause, with or without a hearing.

C. Failure to file a corrected report within seven (7) days after a notice from the Board or the Clerk is sent shall render the report overdue.

§ **8-21. Penalties.**

A. The City Ethics Commission shall have non-exclusive jurisdiction to investigate and decide any violations of this Article II.

B. The penalties recited in this section are cumulative so that the imposition of one or more of the penalties does not preclude the imposition of any other penalty outlined in this section.

C. A candidate shall not be seated and sworn as an elected official and shall not receive a salary until all reports required by this chapter are filed in compliance with the requirements of this Chapter.

D. In addition to any other penalty or sanctions the City Council may, after notice and/or hearing, impose such censure or penalty on the person elected who has violated this article that the Council deems reasonable and appropriate including a refusal to seat the individual, removal from office and a declaration that the seat is vacant.

E. It shall be a misdemeanor for any person, including a treasurer or candidate for public office to willfully violate or cause or allow a violation of this Article II. Upon conviction, a fine of up to $1,000.00 may be imposed by the Court.

F. The Board may impose a fine of two hundred ($200.00) dollars on any unsuccessful candidate and the candidates treasurer if the final report as described in section 8-14 above is more than seven (7) days late. The Board shall have the power to waive or reduce the penalty for good cause with or without a hearing.

Chapter 10

CODE OF ETHICS

[Amended 2-19-08 by HO-2008-01]

§ 10-1. Applicability.
§ 10-2. Establishment of Ethics Commission; responsibilities.
§ 10-3. Regulations and Final Orders of the Commission.
§ 10-4. Judicial Review.
§ 10-5. Confidentiality
§ 10-6. Conflicts of Interest and Prohibitions
§ 10-7. Solicitation and/or acceptance of gifts.
§ 10-8. Exemption or modification of provisions
§ 10-9. Filing of financial disclosure statement.
§ 10-10. Filing of conflict disclosure statement.
§ 10-11. Filing of registration statement; contents
§ 10-12. All disclosure statements to be filed with Commission and open to public inspection.
§ 10-13. Definitions
§ 10-14. Enforcement; violations and penalties

[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville 5-17-82 as HB No. 4-82. , Amended 2-19-08 by O-2008-01, Amendments noted where applicable.]

GENERAL REFERENCES

Administration of government - See Ch. 4.
Police Department - See Ch. 30.
Health and Sanitation Commission - See Ch. 65.
Parks and Recreation Commission - See Ch. 84.

§ 10-1. Applicability.

Except as provided in § 10-9, the provisions of this chapter shall apply to the Mayor, City Council members, City Administrator, Treasurer, Clerk, department heads, members of City boards and commissions, all City employees**,** candidates for elective City office and persons lobbying under section 10-11 before City officials, boards or commissions.

§ 10-2. Establishment of Ethics Commission; responsibilities.

A. Appointment & Term. There shall be a City Ethics Commission, composed of five (5) members, appointed by the Mayor and approved by the City Council. The tenure of each member shall be three (3) years or until a successor is appointed, whichever is longer, and members may only be removed for cause. The Commission shall be advised by the advisor to the Commission who shall ordinarily be the City Attorney. The advisor to the Commission shall assist the Commission in fulfilling its duties and powers and shall act on behalf of the Commission if it is unable to do so for any reason.

B. Duties and Powers.

1. To devise, receive and maintain all forms generated by this chapter.

2. To provide published advisory opinions to persons subject to this chapter as to the applicability of the provisions of this chapter or that may violate this chapter or any election finance law of the City.

3. To investigate**,** process and make determinations as to any conduct or violations of this chapter**,** complaints filed by any person alleging violations of this chapter or any election finance law by persons subject to this act.

4. To conduct a public information program regarding the purposes and application of this chapter.

5. To adopt regulations to implement this chapter.

6. To act in an official capacity only when a quorum of at least 3 members are present. If the Commission is unable to assemble a quorum, the advisor to the Commission shall act in their absence.

7. To issue subpoenas for persons and evidence and to judicially enforce such subpoenas.

§ 10-3. Regulations and Final Orders of the Commission.

A. The Commission shall issue regulations including but not limited to procedures for advisory opinions, written statements of complaints, investigations, notice to complainants and respondents, opportunity to cure, dismissal of complaints, preliminary and adjudicatory hearings, the issuance of subpoenas by the Commission for witnesses and evidence, and final written orders. Such regulations shall be modeled whenever practical on any state ethics laws or regulations and must be approved by the City Council.

B. If, after a hearing, the Commission determines that a violation has occurred, the Commission shall issue an order which may include, but is not limited to, any of the following:

1. Direction to the respondent to cease and desist from the violation;

2. A written reprimand; or

3. Recommendation to the City Council or appropriate authority any discipline of the respondent, including censure or removal, if that discipline is authorized by law.

C. The Commission shall submit to the City Council, the Complainant and the Respondent a written copy of any order issued if a violation is found.

§10-4 Judicial Review.

A. If the Respondent is aggrieved by a final order of the Commission, the Respondent may seek judicial review as provided in title 10, Subtitle 2 of the State Government Article (Administrative Procedure Act – Contested Cases).

B. The order of the Commission is stayed automatically until the time for seeking judicial review has expired.

C. The filing of a Petition for Judicial Review does not automatically stay the enforcement of the order.

§ 10-5. Confidentiality.

A. Except as provided below, any investigation, written statement or complaint, including the proceedings, meetings, and activities of the Commission and its staff relating to such are confidential and may not be disclosed by the Commission or staff, complainant, or respondent.

B. Disclosures allowed:

1. The Commission may release any information at any time if the Respondent agrees in writing to the release and the release, in the discretion of the commission, would not adversely impact any other person, business entity or entity.

2. On request of the Respondent, the Commission at any time shall disclose the identity of the complainant to the respondent.

3. If the Commission, while considering a matter, finds that there are reasonable grounds to believe that a person or entity may have committed a criminal offense, the Commission promptly shall refer the matter to an appropriate prosecuting authority, and the commission shall make available to the prosecuting authority all pertinent evidence under its control.

4. Upon a finding of a violation, the records of the proceedings and investigation shall be public.

§ 10-6. Conflicts of interest and prohibitions.

Persons or entities who are subject to this chapter shall not:

A. Participate on behalf of the City in any matter which would have a direct financial impact on them, any family member or a business entity in which they have a financial interest.

B. Hold or acquire or allow a household member to hold or acquire a financial interest in a business entity that has or is negotiating a contract with the City or is regulated by the City or one (1) of its departments, except where the interest is too remote and unsubstantial to affect the public action of the person involved.

C. Be employed by a business entity that has or is negotiating a contract of more than two thousand five hundred dollars ($2,500.00) with the City or is subject to the regulatory jurisdiction of the City, except where the interest of the applicable person is found too remote and unsubstantial to affect the integrity of his public action.

D. Represent any party, for a contingent fee, before any City body.

E. Intentionally use the prestige of office or position for that official's or employee's private gain or that of another.

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

G. Engage in any improper action that could cause a family member to be hired, employed, promoted, transferred, disciplined in any paid employment with the City.

H. Permit or facilitate the unauthorized use of City-owned facilities, vehicles, equipment, materials or personnel for private matters or profit.

I. Other than in the discharge of his/her official duties, shall not disclose or use for his/her own economic benefit or that of another, confidential information which he/she acquired by reason of his/her public position and which is not available to the public.

§ 10-7. Solicitation and/or acceptance of gifts.

A. An official or employee may not solicit any gift. For purposes of this section, a gift shall include the transfer of anything of economic value, except a political campaign contribution, without adequate and lawful consideration.

B. No official or employee or family member of the official or employee may knowingly accept any gift, directly or indirectly, from any person:

(1) Employed by an entity regulated by the City,

(2) Who is seeking, negotiating or doing business with the City or with any department of the City including those covered by 10-11 of this Chapter, or

(3) Who has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the official's or employee's official duty.

C. 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, this section does not apply to:

(1) Meals and beverages received and consumed in the presence of the donor.

(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 and spouse or the employee and spouse 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 to attend a professional or intercollegiate sporting event or charitable, cultural or political events if the purpose of such gift or admission is a courtesy or ceremony of the office.

(6) A specific gift or class of gifts which the Council or the 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 an individual related to the official or employee by blood or marriage; or from any other individual who is a member of the household of the official or employee; or from any person over whose financial affairs the person has legal or actual control.

(8) Compensation for speaking at, participating in, or attending a meeting or function or for a publication when such speaking, participation, attendance or publication is not attributable to official duties.

§ 10-8. Exemption or modification of provisions.

The Commission or, if appropriate, the Council may, after consultation with the City Attorney grant exemptions to or modifications of this chapter as to persons subject to this chapter where it finds that the application of this chapter would constitute an unreasonable invasion of privacy or otherwise constitute an unreasonable hardship and would significantly reduce the availability of qualified persons for public service and if it also finds that the exemption or modification would not be contrary to the purposes of this chapter.

§ 10-9. Filing of financial disclosure statement.

A. The persons listed in Subsections B & C of this section shall file annually, no later than January 31 of each calendar year, a statement with the Commission disclosing any business relationship with, any gifts or other compensation of a total of over twenty-five dollars ($25.00) received during the preceding calendar year by them or by any family member, from any person bidding on, negotiating or having a contract with the City or any person regulated by the City or one (1) of its departments. The statement shall identify the donor of the gift and its approximate retail value at the time of receipt. If a person listed in subsections B & C of this section has no relationship, gift or compensation to disclose pursuant to this subsection, he/she shall file a statement specifically denying any reportable business relationship, receipt of gift or other compensation by him/her or any family member during the relevant time.

B. Officials and employees required to file under this section are the Mayor, members of the City Council, Administrator, Treasurer, Clerk, department heads and any appointed official on a board with decision-making authority, such as the election supervisors and the members of the ethics commission. The City Clerk and/or ethics commission shall create a disclosure statement form and no later than January 1, of each year the City Clerk shall send each person listed in this subsection the form and notice of their obligation to fill out and file the disclosure statement with the Clerk before January 31.

C. Any individual who files as a candidate for elected municipal office in the City shall also file a Financial Disclosure Statement covering the twelve months immediately preceding the filing.

§ 10-10. Filing of conflict disclosure statement.

All persons subject to this chapter shall file a statement with the Commission disclosing any interest or employment, the holding of which would require disqualification from participation pursuant § 10-6 of this chapter, as soon as possible and at least seven (7) days before such matter is scheduled to occur.

§ 10-11. Filing of registration statement; contents.

A. Any person who personally appears before any City official or employee with the intent to influence that person in performance of his official duties and who, in connection with such intent, expends or reasonably expects to expend in a given calendar year in excess of one hundred dollars ($100.00) on food, entertainment or other gifts for such official shall file a registration statement with the Commission no later than January 15 of that calendar year or within five (5) days after first making such appearances.

B. The registration statement, which shall be filed annually, 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 such appearances. [Amended 9-19-83 by HB No. 13-83]

C. 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 official or employee. Where a gift or series of gifts to a single official or employee exceeds one hundred dollars ($100.00) in value, the official or employee shall also be identified.

§ 10-12. All disclosure statements to be filed with Commission and open to public inspection.

All statements of disclosure required by this chapter shall be filed with the Commission and shall be available for public inspection and copying at the City Office during normal business hours. The City Clerk shall be the custodian of all records of the Commission.

§10-13. Definitions.

In this chapter the following words have the meanings indicated:

Advisor to the Commission - the City Attorney for the City of Hyattsville, or at the discretion of the City Council, an attorney specially appointed to advise the Commission.

Business Entity - Any corporation, limited liability company, general or limited partnership, sole proprietorship (including a private consulting operation), joint venture, unincorporated association or firm, institution, trust, foundation or other organization**,** whether organized for profit or not.

Children - all biological and adopted children, stepchildren, wards, foster children, regardless of age.

City - the City of Hyattsville**.**

Commission - the Ethics Commission of the City of Hyattsville.

Complainant - a person who files a written statement with the Ethics Commission alleging a violation of any of the provisions of this chapter or chapter 8 of this Code.

Employee - a person hired and compensated to perform work for the City under the direct supervision of the City. The independent contractors the City may contract with, such as the City Attorney, auditors, architects, engineers, etc. are not employees.

Employer - an entity that pays or agrees to pay compensation to another entity for services rendered.

Family Member –

A. Any brother, sister, parent, child, spouse or domestic partner of a person subject to this chapter, or

B. One who is related to a person subject to this chapter by blood, marriage, other legal arrangement (guardian, domestic partner) or adoption is a member of the person's household.

Financial Interest - (1) ownership of an interest resulting in the receipt or entitlement of more than one hundred dollars ($100.00) within the past 3 years, currently, or in the future; or (2) ownership of more than 3% of a business entity by a City official or employee or his/her spouse.

Gift - except as specified in subsection (B) of this section, the transfer of anything of economic value, regardless of form, without adequate and lawful consideration. "Gift" shall not include acceptance or the receipt of political contributions for an election campaign.

Interest

A. A legal or equitable economic interest, whether or not subject to an encumbrance or condition, that is owned or held wholly or partly, jointly or severally, or directly or indirectly.

B. "Interest" shall not include:

1. An interest held in the capacity of agent, custodian, fiduciary, personal representative or trustee, unless the holder has an equitable interest in the subject matter;

2. An interest in a time or demand deposit in a financial institution;

3. An interest in an insurance policy, endowment policy, or annuity contract by which an insurer promises to pay a fixed amount of money in a lump sum; or

4. A common trust fund or a trust fund that forms part of a pension or a profit-sharing plan that:

a. Has more than 25 participants; and

b. Is determined by the internal revenue service to be a qualified trust under §401 or §501 of the internal revenue code.

Household - sharing a person's legal residence.

Official(s) - the Mayor and Council Members and member of any City Committee, Board or Commission.

Respondent - any person named in a written statement filed with a complaint or initiated by the commission alleging a violation by such person of any of the provisions of this chapter or chapter 8 of this code.

§ 10-14. Enforcement; violations and penalties.

A. The Commission may issue a cease and desist order against any person found to be in violation of this chapter and may seek enforcement of such order in the Circuit Court of Prince George's County.

B. A City employee found to have violated this chapter may be subject to dismissal, disciplinary or other appropriate personnel action, including suspension of City salary or other compensation.

C. Any violation of this chapter shall be a municipal infraction, subject to a fine of up to one hundred dollars ($100.00).

D. The City Council shall have the authority to take action against any City official upon the Commission's finding a violation by the official, including but not limited to censure, fine, refusal to seat a member and removal.

[Chapter 14-VOLUNTEER FIRE DEPARTMENT deleted in its entirety on 3-3-08 by HO-2008-02]

Chapter 18

INDUSTRIAL REVENUE BONDS

§ 18-1. Authority for issuance.
§ 18-2. Hearing; conditions for issuance.
§ 18-3. Issuance of bonds pursuant to resolution.

[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville 12-15-80 as HB No. 25-80. Amendments noted where applicable.]
GENERAL REFERENCES
Bonds generally - See Charter, Art. V.

§ 18-1. Authority for issuance. [Amended 9-7-82 by HB No. 20-82]

The authority to issue bonds pursuant to the provisions of the Maryland Economic Development Revenue Bond Act of the Annotated Code of Maryland, Article 41, § 266A et seq., shall be vested in the Mayor and Council.

§ 18-2. Hearing; conditions for issuance.

Such bonds shall only be issued after a hearing before the Mayor and Council and a determination that the issuance of such bonds would accomplish one (1) or more of the following purposes:

A. Promote economic development and growth.

B. Relieve conditions of unemployment.

C. Encourage a balanced economy.

D. Assist in the retention of existing industry.

E. Protect the environment.

F. Attract new industry.

G. Benefit or safeguard the health, safety or welfare of the citizens of the City.

§ 18-3. Issuance of bonds pursuant to resolution. [Amended 9-7-82 by HB No. 20-82]

Issuance of such bonds shall be pursuant to a resolution, which shall comply with the requirements of the Maryland Economic Development Revenue Bond Act. Each such resolution shall be set out in numerical sequence on an official list maintained by the Clerk.

Chapter 20

MUNICIPAL INFRACTIONS

§ 20-1. Service citations; contents; persons authorized to deliver citations.
§ 20-2. Fines.
§ 20-3. Election to stand trial.
§ 20-4. Nonpayment of fine.
§ 20-5. Effect of conviction; rights of accused.

[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville 11-19-79 as HB No. 10-79. Section 20-2 amended at time of adoption of Code, see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

§ 20-1. Service of citations; contents; persons authorized to deliver citations.

A. Any person who is alleged to have violated an ordinance punishable as a municipal infraction shall be delivered a citation containing minimally the following information:

(1) The name and address of the person charged.

(2) The nature of the infraction.

(3) The location and time that the infraction occurred.

(4) The amount of the infraction fine assessed.

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

(6) The person's right to elect to stand trial for the infraction. [Amended 3-16-87 by HB No. 2-87]

(7) The effect of failing to pay the assessed fine or demand a trial within the prescribed time. [Added 3-16-87 by HB No. 2-87]

B. The Code Enforcement Officer, any law enforcement officer or such other persons as the Council may designate shall be authorized to deliver a citation. A copy of each citation delivered shall be retained by the City and shall bear the certification of such person that the matters set forth in the citation are true.

§ 20-2. Fines. [Amended 12-19-83 by HB No. 15-83, Amended 6-1-98 by HR 98-03, Amended 3-15-04 by HO-2004-05]

The fine for a municipal infraction shall be as specified in the ordinance violated, provided that such fine shall not exceed the maximum amount allowed by State law. The fine shall be payable within twenty (20) calendar days after delivery of the citation to the Clerk.

§ 20-3. Election to stand trial.

Any person receiving a citation may elect to stand trial for the offense by notifying the City, in writing, of his intention to stand trial within fifteen (15) calendar days. Upon receipt of such notice, the City shall forward to the district court having venue a copy of the citation and the intention to stand trial.

§ 20-4. Nonpayment of fine. [Amended 3-16-87 by HB No. 1-87]

If a person receiving a citation for a municipal infraction fails to pay the fine for the infraction by the date of payment set forth on the citation and fails to file a notice of his intention to stand trial for the

offense, the person shall be liable for the specified fine. At the discretion of the City, adjudication of the matter may be requested through the district court having venue, including the filing of a demand for judgment by affidavit, in which case the specified fine shall automatically be doubled.

§ 20-5. Effect of conviction, rights of accused.

A. Conviction of a municipal infraction, whether by the district court or by payment of a fine, shall not be a criminal conviction for any purpose nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

B. In any court proceeding involving a municipal infraction, the accused shall have the same rights as in the trial of criminal causes and the right to be represented by counsel of his own selection and at his own expense.

Chapter 30

POLICE DEPARTMENT

§ 30-1. Qualifications for employment.
§ 30-1.1 Police Officers; Powers and Duties
§ 30-2. Active duty.
§ 30-3. Attendance at meetings.
§ 30-4. Monthly report.
§ 30-5. Disposition of certain personal property confiscated by Department.
§ 30-6. Mutual aid and reciprocal enforcement agreements.

[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville 12- 1-69. Section 30-5C amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable. Amended 11-16-98 by HB 98-03]

GENERAL REFERENCES

Administration of government - See Ch. 4.
Municipal infractions - See Ch. 20.

§ 30-1. Qualifications for employment. [Amended on 11-16-98 by HB 98-03]

To be eligible for appointment as a member of the Police Department, an applicant must meet the following qualifications:

A. Age.

An applicant:

(1) Shall be 21 years old or older at the time of certification; and

(2) May attend a certified police academy while younger than 21 years old, but may not perform law enforcement duties until the applicant is 21 years old and certified.

B. Citizenship.

An applicant shall:

(1) Be a United States citizen; and

(2) Submit documents supporting a claim of citizenship to the City for examination and retention.

C. Education.

An applicant:

(1) Shall possess a high school diploma issued by a high school or one recognized by the State Board of Education; or

(2) Possess a General Education Development (GED) certificate or diploma issued by Maryland or another state or recognized by the State Board of Education.

D. Physical and Mental Health Examination.

An applicant:

(1) Must be able to successfully complete a physical and psychological examination that determines that the applicant is physically and mentally fit to perform the duties of a police officer as determined by the City and the Maryland Police and Correctional Training Commission.

E. Background and Criminal History Investigation.

An applicant:

Must be able to successfully complete a background and criminal investigation, including checks of neighborhood areas, high school records, past or present employers, references, fingerprint and driving records.

Written or Oral Examinations.

An applicant:

Must be able to successfully pass a written or oral examination that may be required by the police department and approved by the City's Personnel Officer.

§ 30-1.1 Police Officers; Powers and Duties. [Added on 11-16-98 by HB 98-03]

A. The Chief of Police is the commanding officer and administrative head of the Police Department. By virtue of authority vested in him, he shall issue from time to time orders setting forth the authority, responsibilities and duties of various ranks and positions established within the Department.

B. Members of the Department shall exercise full police authority under the Annotated Code of Maryland on all land, water and air within the territorial limits of the City.

C. The Chief of Police shall be responsible for the preservation of the peace, the maintenance of order, the prevention and detection of crime and the enforcement, within the City, of all laws, regulations and ordinances over which the police department has jurisdiction.

D. The Chief of Police shall ensure that members of the force properly perform their police duties, that their rules and regulations of the Department are strictly enforced and that discipline in the Department is rigidly maintained.

§ 30-2. Active duty. [Amended on 11-16-98 by HB 98-03]

A. Sworn police officers and non-sworn personnel assigned to the police department shall work the hours prescribed in shift schedules approved by the Chief of Police or the Chiefs designee.

B. Sworn police officers shall be on call at all times and available for active duty at any time that they are not specifically authorized to be unavailable for call or physically unable to perform the job task of a police officer.

§ 30-3. Attendance at meetings.

The Chief of Police or his duly authorized representative shall attend all regular meetings of the City Council and such special meetings as the Mayor may require.

§ 30-4. Monthly report.

The Chief of Police shall, at a regular meeting of the City Council in each month, lay before the City Council a full and complete statement of all work done by his Department during the preceding month.[6]

§ 30-5. Disposition of certain personal property confiscated by Department.

A. All personal property, equipment and incidental articles which may be turned over to, found, recovered or otherwise acquired or possessed by the City Police Department, with the exception of motor vehicles of whatever nature, shall be held by the Police Department for a period of six (6) months, and, if not identified, returned to or claimed by the owner or owners thereof, then the property, in question shall be deemed forfeited, and all rights in and to the property in question shall be foreclosed and lost to the owners and claimants.

B. The Chief of Police may appoint or designate from his police force a member or members to act as property custodians. The property custodians shall keep a complete record, under the direction and supervision of the Chief of Police, of all property and money coming into the possession of the Police Department under the provisions of this section. Such record shall include, among other pertinent information, the name of the person delivering the property to them, the date of delivery, name of the owner, if known, and detailed information concerning the circumstances under which the property came into possession of the delivering party. All such property, with the exception of money, small valuables and firearms, shall be stored at the City warehouse until claimed by its owners or otherwise disposed of in accordance with this section.

C. The Chief of Police, subject to the approval of the City Council, shall inventory all personal property in possession of the Police Department every six (6) months, and all such property which has been held for more than six (6) months and not recovered, identified, claimed or returned to the rightful owners thereof shall be confiscated, and all rights thereto forfeited as herein provided. The Chief of Police, subject to the approval of the City Council, shall sell all such property held for more than six (6) months at public auction for cash. The proceeds of such sale are to be paid to the City Treasurer for deposit into the general fund of the City after first deducting the cost of the sale. Such sale shall be advertised for at least two (2) weeks prior to the sale date in some newspaper having a general circulation within the City or by handbills, or both, in the discretion of the Chief of Police.

§ 30-6. Mutual aid and reciprocal enforcement agreements. [Amended 3-21-05 by HB 05-03]

A. Authority. The City shall have the authority to enter into mutual aid and reciprocal enforcement agreements with other police agencies in and outside of the state of Maryland. Such agreements shall enable City police officers to enforce state law and the laws of such other jurisdiction(s) within the territory of such other jurisdiction(s) with the protections/immunities granted by law to police officers and/or to allow the police officers of such other jurisdiction(s) to enforce the City's Code and laws within the City.

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[6] *Editor's Note: Original § 2-30, Compensation and leave when member is injured in line of duty, which immediately followed this section, was repealed 6-1-81 by HB No. 6-81. In addition, original §§ 2 -31, Promotions, and 2-32, Recommendation to City Council as to employment of personnel, which sections also immediately followed this section, were deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.*

B. Procedures. All such agreements shall be entered into as follows:

(1) Any mutual aid and/or reciprocal enforcement agreement with an indefinite duration or a duration of more than sixty (60) days must be approved by the City Council by motion or resolution after consultation with its police department, the City Administrator or designee and the City Attorney.

(2) Any mutual aid and/or reciprocal enforcement agreement with a stated duration of sixty (60) days or less may be approved by the City Administrator after consultation with the Police Department and the City Attorney.

C. Required terms. Every agreement pursuant to this section shall provide the following:

(1) Each party to the agreement must waive any and all claims it may have against the other parties to the agreement that may arise out of activities outside that party's respective jurisdiction; and

(2) Each party shall indemnify and hold harmless the other parties to the agreement from all claims that are made by third parties for property damage or personal injury and that may arise out of the activities of the other parties to the agreement outside their respective jurisdictions under the agreement.

D. Existing agreements. At the time of enactment of this ordinance, which date is March 21, 2005, any mutual aid and/or reciprocal enforcement agreement entered into by the City Administrator or the Chief of Police, be and hereby is declared to be valid provided it conforms to subsection (c) immediately above.

Chapter 37

ALARM REGISTRATION

[Added 7-19-04 by HO-2004-11]

§ 37-1 Purpose.
§ 37-2 Definitions.
§ 37-3 Registration; License; Application; Fee; Transferability; False Statements.
§ 37-3.1 Alarm Systems in Rental Units.
§ 37-4 Duties of the Alarm User.
§ 37-5 Duties of the Alarm Company.
§ 37-5.1 Alarm Company License.
§ 37-6 Duties of the Alarm Administrator.
§ 37-7 Suspension of Response.
§ 37-8 Administrative Fees & Fines & Credits.
§ 37-9 Notification.
§ 37-10 Appeals.
§ 37-11 Reinstatement.
§ 37-12 Enforcement and Penalties.
§ 37-13 Confidentiality.
§ 37-14 Severability.

§ 37-1. Purpose.

A. The purpose of this ordinance is to encourage Alarm Users and Alarm Companies to properly use and maintain the operational effectiveness and proper utilization of Alarm Systems and to reduce or eliminate False Alarms which may unduly divert law enforcement from responding to criminal activity.

B. This ordinance governs systems intended to summon law enforcement response, and requires registration, establishes fees, provides for penalties for violations, establishes a system of administration, and sets conditions for suspension or loss of registration.

§ 37-2. Definitions.

In this Chapter:

A. Alarm Administrator means a Person or Persons designated by the governing authority to administer, control and review False Alarm reduction efforts. Unless otherwise provided by the City Administrator, the Alarm Administrator shall be the Chief of Police or his/her designee.

B. Alarm Company means the business, by an individual, partnership, corporation or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing or Monitoring an Alarm System in an Alarm Site.

C. Alarm Dispatch Request means a notification to a law enforcement agency that an alarm, either manual or automatic has been activated at a particular Alarm Site.

D. Alarm Registration means a permit issued by the Alarm Administrator to an Alarm Company or an Alarm User to operate an Alarm System in compliance with this Chapter.

E. Alarm Site means a single fixed premises or location served by an Alarm System or systems. Each tenancy, if served by a separate Alarm System in a multi-tenant building or complex shall be considered a separate Alarm Site.

F. Alarm System means a device or series of devices, including, but not limited to, systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition and intended to summon law enforcement service of the municipality, including Local Alarm System. Alarm System does not include an alarm installed on a vehicle or Person unless the vehicle or Personal alarm is permanently located at a site.

G. Alarm User means any Person who (which) uses or is in control of any Alarm System at its Alarm Site.

H. Automatic Voice Dialer means any device capable of being programmed to send a prerecorded voice message, when activated, over a telephone line, radio or other communication system, to a law enforcement agency.

I. Cancellation or Responding Agency Alarm Dispatch Cancellation is the process by which an Alarm Company providing Monitoring verifies with the Alarm User or responsible party that a false dispatch has occurred and that there is not an existing situation at the Alarm Site requiring law enforcement agency response.

J. City means the City of Hyattsville.

K. Conversion means the transaction or process by which one Alarm Company begins monitoring of a previously unmonitored Alarm System or an Alarm System previously monitored by another Alarm Company.

L. Duress Alarm means a silent Alarm System signal generated by the manual activation of a device intended to signal a life threatening situation or a crime in progress requiring law enforcement response.

M. False Alarm means an Alarm Dispatch Request to a law enforcement agency, when the responding officer finds no evidence of a criminal offense or attempted criminal offense after having completed a timely investigation of the Alarm Site.

N. Holdup Alarm means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

O. Law Enforcement Authority means the Chief of Police or his other designees or an authorized representative of the City of Hyattsville.

P. License means a License issued to an Alarm Company to sell, install, monitor, repair, or replace Alarm Systems by the City or any authority having jurisdiction.

Q. Local Alarm System means any Alarm System that annunciates an alarm only by an internal or external audio device without connection to an external agency.

R. Monitoring means the process by which an Alarm Company receives signals from an Alarm System and relays an Alarm Dispatch Request to the municipality for the purpose of summoning Law Enforcement response to the Alarm Site.

S. One Plus Duress Alarm means the manual activation of a silent alarm signal by entering at a Keypad a code that adds one to the last digit of the normal arm/disarm code (Normal code = 1234; One Plus Duress Code = 1235).

T. Panic means an audible Alarm System signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring law enforcement response.

U. Person means an individual, corporation, partnership, association, organization or similar entity.

V. Takeover means the transaction or process by which an Alarm User takes over control of an existing Alarm System, which was previously controlled by another Alarm User.

W. Verify means an attempt, by the Alarm Company, or its representative, to contact the Alarm Site by telephonic or other electronic means, whether or not actual contact with a Person is made, before requesting law enforcement dispatch, in an attempt to avoid an unnecessary Alarm Dispatch Request.

X. Zones are subdivisions into which an Alarm System is divided to indicate the general location from which an Alarm System signal is transmitted.

§ 37-3. Registration; License; Application; Fee; Transferability; False Statements.

A. No Alarm User/Alarm Company shall operate, or cause to be operated, an Alarm System at an Alarm Site without a valid alarm registration/license issued by the Alarm Administrator. A separate registration is required for each Alarm Site.

B. (1) A fee paid by the alarm user for a registration and registration renewal for an Alarm Site shall be assessed every two years. The initial fee is $50.00 for all alarm sites. No refund of a registration or registration renewal fee will be made. The initial registration fee must be submitted to the Alarm Administrator within five (5) days after the alarm installation or alarm Takeover.

(2) In renewing the alarm registration, the Alarm User shall be entitled to a credit in the renewal fee as follows:

# of False Alarms	Credit
0	$37.50
1	$25.00
2	$12.50

(3) The fee paid by the alarm company for a license to operate an alarm system or alarm systems shall be $150.00 if the alarm company operates less than five (5) systems in the City or $300.00 if the alarm company operates five (5) or more alarm systems in the City. The license shall be for two (2) years unless revoked or superseded.

C. Upon receipt of a completed application form and the proper fee, the Alarm Administrator shall register or license the applicant unless the applicant has:

(1) failed to pay a fee or a fine assessed under this Chapter; or

(2) had an alarm registration or license for the Alarm Site suspended or revoked, and the violation causing the suspension or revocation has not been corrected.

D. Each Alarm Registration/License application must include the information as specified in the application and as further requested by the Alarm Administrator.

E. Any false statement of a material fact made by an applicant on its application shall be sufficient cause for refusal to issue a registration or license or to revoke a registration or license and shall be a violation of this Chapter.

F. An alarm registration cannot be transferred to another Person or Alarm Site. An Alarm User shall inform the Alarm Administrator of any change that alters any information listed on the registration application within five (5) business days.

G. All fees owed by an applicant must be paid before a registration or license may be issued or renewed.

H. A registration and license shall expire two (2) years from the date of issuance, and must be renewed every two years by submitting an updated application and a renewal fee to the Alarm Administrator. The Alarm Administrator shall attempt to notify each Alarm User or Alarm Company of the need to renew thirty (30) days prior to the expiration of the registration or license. It is the responsibility of the Alarm User or Alarm Company to submit an application prior to the expiration date. Failure to renew will be classified as use of a non-registered Alarm System and citations and penalties shall be assessed without waiver. A $25.00 late fee can be assessed if the renewal is more than thirty (30) days late. In the event a registration or license has not been renewed sixty (60) days after it expires, the applicant for renewal shall be charged as a new registration or license, upon payment of a $50.00 reinstatement fee.

I. The Alarm Administrator may modify such fees to conform to any county tax credit program that is income related.

§ 37-3.1 Alarm Systems in Rental Units.

A. A tenant of a rental unit with an Alarm System shall obtain an Alarm Registration from the Alarm Administrator before operating or causing the operation of an Alarm System in the tenant's residential unit.

B. The owner or property manager of an apartment complex shall obtain a separate alarm registration for any Alarm System operated in offices or common areas of the apartment complex. The fee for these registrations or the renewal of these registrations shall be the same as the fee for a non-residential Alarm Site.

C. If an Alarm System installed by a tenant in a rental unit is Monitored, the tenant must provide the name of a representative of the apartment owner or property manager who can grant access to the rental unit.

D. For purposes of enforcing this article against an individual residential unit, the tenant is responsible for False Alarms emitted from the Alarm System in the tenant's residential unit.

E. Each apartment or rental unit shall be considered an Alarm Site.

§ 37-4. Duties of the Alarm User.

A. An Alarm User shall:

(1) maintain the premises and the Alarm System in a manner that will minimize or eliminate False Alarms, and

(2) make every reasonable effort to respond or cause a representative to respond to the Alarm System's location within 30 minutes when notified by the City to deactivate a malfunctioning

Alarm System, to provide access to the premises, or to provide alternative security for the premises, and

(3) not manually activate an alarm for any reason other than an occurrence of an event that the Alarm System was intended to report.

B. An Alarm User shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of an Alarm Site will sound for no longer than ten (10) minutes after being activated (or fifteen (15) minutes for systems operating under Underwriters Laboratories, Inc. standards 365 or 609).

C. An Alarm User shall have a properly Licensed Alarm Company inspect the Alarm System after two (2) False Alarms in any one (1) year period. The Alarm Administrator may waive an inspection requirement if it determines that a false alarm(s) could not have been related to a defect or malfunction in the Alarm System. After four (4) False Alarms within a one (1) year period the Alarm User must have a properly Licensed Alarm Company modify the Alarm System to be more false alarm resistant or provide additional user training as appropriate.

D. An Alarm User shall not use Automatic Voice Dialers.

E. An Alarm User shall maintain at each Alarm Site, a set of written operating instructions for each Alarm System.

F. It shall be a violation of this Chapter for there to be more than two (2) false alarms per twelve (12) month period at any alarm site.

§ 37-5. Duties of Alarm Company.

A. Beginning on September 1, 2004, Alarm Companies shall not program Alarm Systems so that they are capable of sending One Plus Duress Alarms. Alarm Companies may continue to report One Plus Duress Alarms received from Alarm Systems programmed with One Plus Duress prior to September 1, 2004. After September 1, 2004 when a Takeover or Conversion occurs or if an Alarm User requests an Alarm System inspection or modification pursuant to section 4(C) of this ordinance, an Alarm Company must remove the One Plus Duress alarm capability from such Alarm System.

B. Alarm Companies shall not install a device activating a hold-up alarm which is a single action non-recessed button. An Alarm Company must remove all single action non-recessed buttons when a Takeover or Conversion occurs.

C. Alarm Companies shall use control panels tested for conformance to the Security Industry Association (SIA) Control Panel Standard – Features for False Alarm Reduction.

D. After completion of the installation an Alarm Company employee shall review with the Alarm User the Customer False Alarm Prevention Checklist approved by the Alarm Administrator.

E. An Alarm Company performing Monitoring services shall:

(1) offer a training period in which no request for dispatch by Law Enforcement will occur during the first 7 days after installation of an Alarm System, but rather will use that week to train the Alarm User on proper use of the Alarm System unless circumstances necessitate immediate requests for response as determined by the Alarm Administrator;

(2) report alarm signals by using telephone numbers designated by the Alarm Administrator;

(3) attempt to Verify every alarm signal, except a Duress and Holdup Alarm activation before requesting a law enforcement response to an Alarm System signal;

(4) communicate Alarm Dispatch Requests to the municipality in a manner and form determined by the Alarm Administrator;

(5) communicate Cancellations to the municipality in a manner and form determined by the Alarm Administrator;

(6) ensure that all Alarm Users of Alarm Systems equipped with a Duress or Holdup Alarm are given adequate training as to the proper use of the Duress or Holdup Alarm;

(7) communicate any available information (north, south, front, back, floor, etc.) about the location of the alarm;

(8) communicate type of alarm activation (silent or audible, interior or perimeter);

(9) provide Alarm User registration number when requesting dispatch;

(10) endeavor to contact the Alarm User when an Alarm Dispatch Request is made; and

(11) Alarm Companies that perform Monitoring services must maintain for a period of at least one (1) year, records relating to Alarm Dispatch Request. Records must include the name, address and phone number of the Alarm User, the Alarm System Zone(s) activated, the time of Alarm Dispatch Request and evidence of an attempt to Verify**.** The Alarm Administrator may request copies of such records for individually named Alarm Users and the Alarm Company shall comply with such request.

F. The Alarm Company can be issued a municipal infraction if the officer responding to the False Alarm determines that an on site employee of the Alarm Company directly caused the False Alarm. Such a false alarm will not be counted against the Alarm User for calculating administrative fees or issuing citations.

G. It shall be unlawful for an Alarm Company to fail to verify if the Alarm Administrator determines the existence of a consistent pattern or written policy against verification.

H. It shall be unlawful for an Alarm Company employee to make a false statement concerning the inspection of an Alarm Site or the performance of an Alarm System and the Alarm Company can be issued a municipal infraction for such.

§ 37-5.1 Alarm Company License.

A. The Alarm Company must have a City issued license to install, operate, maintain, monitor or repair alarm systems in the City.

B. The Alarm Administrator can appeal to any appropriate governmental body regulating the Alarm Company to suspend or revoke the Alarm Company's License when the Alarm Company fails to comply with the duties listed in this Chapter. In the event the Alarm Administrator cannot obtain required information about the Alarm Company from the governmental body regulating the Alarm Company, the Alarm Administrator can require the Alarm Company to supply the required information in a registration with the Alarm Administrator.

§ 37-6. Duties of the Alarm Administrator.

A. The Alarm Administrator shall:

(1) designate a manner, form and telephone numbers for the communication of Alarm Dispatch Requests;

(2) establish a procedure to accept Cancellation of Alarm Dispatch Requests;

(3) establish, promulgate and amend regulations in conformity with this Chapter including procedures for any law enforcement dispatchers or officers and notification of false alarms to Alarm Users and Alarm Companies;

(4) establish a procedure to record information on Alarm Dispatch Requests necessary to permit the Alarm Administrator to maintain records;

(5) establish a procedure for the notification to the Alarm User and/or Alarm Company of a False Alarm.

B. If there is reason to believe that an Alarm System is not being used or maintained in a manner that ensures proper operation and suppresses False Alarms, the Alarm Administrator may require a conference with an Alarm User and the Alarm Company responsible for the repair of the Alarm System to review the circumstances of each False Alarm.

C. The Alarm Administrator may oversee the creation and implementation of an Alarm User Awareness Class. The Alarm Administrator may request the assistance of Alarm Companies and a law enforcement agency in developing and implementing the class. The class shall inform Alarm Users of the problems created by False Alarms and teach Alarm Users how to operate their Alarm Systems without generating False Alarms.

D. The Alarm Administrator shall have the authority, with the approval of the City Administrator, to promulgate and amend regulations to implement this Chapter.

§ 37-7. Suspension of Response.

A. The Alarm Administrator may suspend alarm response if it is determined that:

(1) the Alarm User has four (4) or more False Alarms in a twelve (12) month period; or

(2) there is a false statement of a material fact in the application for a registration; or

(3) the Alarm User has failed to make timely payment of a fee or fine assessed under this Chapter.

(4) the Alarm User has failed to submit a written certification from an Alarm Company, that complies with the requirements of this article, stating that the Alarm System has been inspected and repaired (if necessary) by the Alarm Company.

B. Unless there is separate indication that there is a crime in progress, the Law Enforcement Authority may refuse law enforcement response to an Alarm Dispatch Request at an Alarm Site for which the alarm registration is suspended.

C. If the alarm registration is reinstated pursuant to Section 10, the Alarm Administrator may suspend alarm response if it is determined that two (2) False Alarms have occurred within sixty (60) days after the reinstatement date.

§ 37-8. Administrative Fees & Fines & Credits.

A. An Alarm User or Alarm Company shall be subject to warnings and suspension or revocation of registration or license upon the Alarm Administrator considering the number of False Alarms emitted from an Alarm System and the person responsible for such false alarms.

B. A Person commits an offense if he/she operates an Alarm System during the period in which his alarm registration or license is suspended and is subject to enforcement and penalties in this Chapter. An Alarm Company commits an offense if it continues to request Law Enforcement dispatch to an Alarm Site after notification by the Alarm Administrator that the registration has been suspended or revoked and is subject to enforcement and penalties in this Chapter.

C. Any Person, operating or monitoring a non-registered Alarm System (whether suspended or never acquired), will be subject to a municipal infraction citation and assessment of a $250.00 fine for each day the Alarm System remains unregistered, in addition to any other fees or fines.

D. An Alarm User may be offered the option of attending an Alarm User Awareness Class in lieu of losing a credit fee for a false alarm.

E. If Cancellation occurs prior to law enforcement arriving at the scene, this is not a False Alarm for the purpose of this Ordinance.

F. It shall be a violation of this Chapter punishable by municipal infraction if more than two (2) false alarms per twelve (12) month period occur regarding one (1) alarm site. The fine for such a violation is $50.00 per false alarm for the first violation (i.e. the third false alarm). Any false alarm occurring twelve (12) months after a violation of this subsection F shall be a subsequent violation. The fine for a subsequent violation shall be $100.00 for the second, third and fourth violation (i.e. the fourth, fifth and sixth false alarm), and $200.00 per false alarm for each subsequent offense thereafter. The penalties here apply to registered and non-registered sites and are in addition to other penalties already provided herein.

G. Unless otherwise provided herein, any violation of this Chapter, including the non-payment of an administrative fee, shall be a municipal infraction punishable with a $100.00 fine. A second violation within one year shall incur a fine of $200.00.

§ 37-9. Notification.

A. The Alarm Administrator shall notify the Alarm User in writing after the first, second and third False Alarms. The notification shall include: the amount of the fine for each False Alarm, the availability of Alarm User Awareness Class to waive a fine, the fact that response will be suspended after the fourth False Alarm and a description of the appeals procedure available to the Alarm User.

B. The Alarm Administrator will notify the Alarm User and the Alarm Company in writing after the fourth False Alarm that alarm response has been suspended. This notice of suspension will also include the amount of the fee for each False Alarm and a description of the hearing procedure available to the Alarm User and the Alarm Company.

§ 37-10. Appeals.

A. An Alarm User or Alarm Company may appeal the fee, suspension, or request reinstatement to the Alarm Administrator. An appeal fee of $25.00 will accompany the appeal by the Alarm User. Appeal fees will be returned to Alarm User if the appeal is upheld. The filing of an appeal with the

Alarm Administrator stays the assessment of the fee or suspension until the Alarm Administrator makes a final decision.

(1) The Alarm User shall file a written appeal to the Alarm Administrator by setting forth the reasons for the appeal within ten (10) days after receipt of the fee or notice.

(2) The decision of the Alarm Administrator or his/her designee(s) shall be final.

B. The Alarm Administrator may designate a person or board (designee) to hear such appeal. If one person is designated, the person may not be employed in the Alarm Administrator's Department. If more than one person is designated, a majority must not be employed by the Alarm Administrator's Department.

C. The Hearing shall be informal and the Rules of Evidence and formal procedures shall not apply. The hearing shall be held after notice to appellant of the date, time and place of hearing.

D. If the Alarm Administrator denies the issuance or renewal of an Alarm Registration, or suspends response, the Alarm Administrator shall send written notice of the action and a statement of the right to an appeal to either the applicant or Alarm User and the Alarm Company.

§ 37-11. Reinstatement.

A. A Person whose alarm response license, or registration has been suspended or revoked may be reinstated by the Alarm Administrator if the Person provides reasonable proof that the cause of the suspension or revocation will not reoccur. The applicant may be required as applicable to do the following:

(1) submit an updated application and the registration fee;

(2) pay, or otherwise resolve, all citations and fines and fees;

(3) submit a certification from an Alarm Company that complies with the requirements of this article, stating that the Alarm System has been inspected and repaired (if necessary) by the Alarm Company. Payment of a municipality inspection and reinstatement fee of $50.00 may be required;

(4) submit proof that an employee of the Alarm Company caused the False Alarm;

(5) file with the Alarm Administrator, a certificate showing that the Alarm User has successfully completed the Alarm User Awareness Class as provided under Section 6;

(6) file with the Alarm Administrator a written statement from a municipality alarm inspector designated by the Law Enforcement Authority that the alarm or Alarm System has been inspected and found to be in good working order or repaired so as to be in good working order.

§ 37-12. Enforcement and Penalties.

Enforcement of this ordinance may be by civil action instituted by the Alarm Administrator, and/or by municipal infraction, as provided above in Subsection 8.

§ 37-13. Confidentiality.

Information contained in registration application and applications for appeals shall be held in confidence by all employees or representatives of the municipality and by any third-party administrator or employees of a third-party administrator with access to such information.

§ 37-14. Severability.

Severability is intended throughout and within the provisions of this Ordinance. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

PART II
GENERAL LEGISLATION
Chapter 38
ALCOHOLIC BEVERAGES

§ 38-1. License required; fees.
§ 38-2. Violations and penalties.

[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville 12-1-69. Amendments noted where applicable.]
GENERAL REFERENCES
Municipal infractions - See Ch. 20.
Peace and good order - See Ch. 87.

§ 38-1. License required; fees. [Amended 6-6-83 by HB No. 5-83]

A. Pursuant to authority contained in § 26 of Article 2B of the Annotated Code of Maryland 1957, every holder of a license issued by the Clerk of the Circuit Court for the county to sell alcoholic beverages whose place of business is located within the City shall procure from the City an annual license of the same type as the county license so held and shall pay therefor an annual license fee to the City which is equal to twenty percent (20%) of the alcoholic beverage license fee payable to the clerk of the circuit court for Prince George's County as prescribed by Article 2B, §§ 8 through 24A, of the Annotated Code of Maryland.

B. Application for a City license as required in this section shall be made to the City Treasurer, and upon payment of the fee prescribed above, a license shall be issued by the City Treasurer. Every license thus issued shall expire on the 30th day of April next after its issuance. The fee for every license issued for a period of less than one (1) year shall be calculated pro rata from the date of issue until the 30th day of April next after the date of issue, both inclusive. It shall be unlawful for any person to sell alcoholic beverages within the scope of this section within the City unless and until he shall have procured a City license as required in this section.

§ 38-2. Violations and penalties. [Added 11-3-80 by HB No. 20-80; Amended 8-2-82 by HB No. 12-82; 6-6-83 by HB No. 6-83, Amended 6-1-98 by HR 98-03, Amended 4-5-04 by HO-2004-06]

Except as otherwise provided by this chapter, violations of this chapter shall be punishable as a municipal infraction as provided in Chapter 20 of this Code. The fine for any single initial violation shall be two hundred fifty dollars ($250.00), and the fine for each repeat of that offense shall be five hundred dollars ($500.00).

Chapter 40

AMUSEMENTS AND ENTERTAINMENT

§ 40-1. Time limit for cleanup of circus or carnival area after departure.
§ 40-3. Disturbance of the peace prohibited.
§ 40-4. Right of entry of police officers.
§ 40-5. Permit required for transient and/or theatrical amusements.
§ 40-6. Permit fees.
§ 40-9. Violations and penalties.

[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville 12-1-69. Section 40-5 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Municipal infractions - See Ch. 20.
Noise - See Ch. 79.
Peace and good order - See Ch. 87.
Admission and amusement tax - See Ch. 108, Art. I.

§ 40-1. Time limit for cleanup of circus or carnival area after departure.

It shall be unlawful for any owner of any lot or square of ground in the City or the agent of any such owner letting such lot or square of ground for any circus, carnival or other exhibition to fail, within twenty-four (24) hours after the circus, carnival or other exhibition shall have left, to clear and remove from the lot or square of ground in question all waste paper, sawdust, shavings, vegetable matter, paper, rubbish, litter or any dead animal, offal, garbage, putrescible matter of any sort or any other matter or deposits of any kind or thing injurious to public health.

§ 40-2. [Deleted 4-5-04 by HO-2004-07]

§ 40-3. Disturbance of the peace prohibited.[7] [Amended 4-5-04 by HO-2004-07]

It shall be unlawful at any amusement or place of recreation or entertainment, including bowling alleys, dance halls, ice cream parlors and like places for any person or persons, to disturb the peace or quiet of a neighborhood at any time. This provision also applies to parking lots attached to the premises.

§ 40-4. Right of entry of police officers. [Amended 4-5-04 by HO-2004-07]

No person in charge of or in control of any place where a public dance, entertainment or amusement shall be given shall refuse admission thereto to any City police officer or code enforcement officer who visits such place for the purpose of inspection or supervision when such place is open for such dance, entertainment or amusement, nor shall he or any other person hinder or obstruct such officer in so doing.

§ 40-5. Permit required for transient and/or theatrical amusements. [Amended 4-5-04 by HO-2004-07]

No transient, theatrical or any other form of amusement to attend to which a price of admission is charged will be permitted in the City unless a permit therefor has been issued by the City Clerk upon the order of the Mayor which permit may be denied or revoked for good cause, such as reoccurring

[7] *Editor's Note: For additional provisions concerning peace and good order, see Ch. 87, Peace and Good Order.*

conduct connected with the event that is or was unlawful or disturbing the peace, or against the common good.

§ 40-6. Permit fees. [Amended 4-5-04 by HO-2004-07]

The fee for a permit required by §40-5 shall be fifty dollars ($50.00) for each day during which the transient, theatrical or other form of amusement is conducted and continued.

§ 40-7. [Deleted 4-5-04 by HO-2004-07]

§ 40-8. [Deleted 4-5-04 by HO-2004-07]

§ 40-9. Violations and penalties. [Added 3-3-80 by HB No. 8-80; Amended 8-2-82 by HB No. 16-82, Amended 6-1-98 by HB 98-03, Amended 4-5-04 by HO-2004-07]

Violations of this chapter shall be punishable as a municipal infraction as provided in Chapter 20 of this Code. The fine for any single initial violation shall be two hundred fifty dollars ($250.00) and the fine for each repeat of that offense shall be five hundred dollars ($500.00).

Chapter 46

BUILDING CONSTRUCTION

§ 46-1. Adoption of standards by reference enforcement; noncompliance.
§ 46-2. Violations and penalties.
§ 46-3. Hyattsville Commercial Revitalization District Design Plan.

[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville 12-1-69. Section 46-lA amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Municipal infractions - See Ch. 20.
Electrical standards - See Ch. 55.
Fire prevention - See Ch. 59.
Housing standards - See Ch. 68.
Plumbing - See Ch. 93.
Zoning - See Ch. 120.

§ 46-1. Adoption of standards by reference; enforcement; noncompliance. [Amended 7-6-81 by HB No. 10-81]

A. Subtitle 4, Building, of the Prince George's County Code, 1979 Edition, as it may from time to time be amended, is hereby adopted by the City, and all of the powers, rights and requirements of compliance contained therein, to the extent that they are exercisable by a municipal corporation, may be exercised by the City. [Amended 12-19-83 by HB No. 15-83]

B. The Code Enforcement Officer, who shall be appointed by the Mayor and Council, shall have the duty of enforcing the aforesaid code provisions. Inspections shall be programmed on a ward-by-ward basis, but shall also include the investigation of individual complaints of alleged violations from private sources.

C. Upon verification of a violation, the Code Enforcement Officer shall serve a notice and order upon the owner, general agent or lessee of the involved structure or land, directing that the violation shall cease. In the event that notice cannot be served, it shall be posted upon the structure or land involved. If at the expiration of the time specified in such notice and order, not to exceed thirty (30) days, the violation has not been remedied, the party notified shall be subject to the penalties set forth in § 46-2 of this chapter.

§ 46-2. Violations and penalties. [Added 3-3-80 by HB No. 3-80; Amended 7-6-81 by HB No. 11-81, Amended 6-1-98 by HR 98-03, Amended 12-13-10 by HO-2010-04]

A. The owner and/or lessee of any structure or land where anything in violation of this chapter is constructed, placed or exists or is maintained shall, upon the expiration of the notice period, be guilty of a municipal infraction as provided by Chapter 20 of this Code. The fine for each violation shall be one hundred dollars ($100.00) per day for each day that such violation continues and two hundred dollars ($200.00) per day for each day that such violation continues in excess of thirty (30) days.

B. In addition to the penalties prescribed above, the City shall have the right to institute injunction, mandamus or any other appropriate civil action or proceeding to prevent violations of this chapter.

§ 46-3. Hyattsville Commercial Revitalization District Design Plan. [Added 4-1-85 by HB No. 2-85; Amended 9-15-86 by HB No. 11-86]

A. Necessity of plan. The exterior of any structure located within the boundary description shall not be rehabilitated, changed, altered, repaired, remodeled or otherwise constructed upon unless it is in conformance with the Hyattsville Commercial Revitalization District Design Plan, in order to promote and enhance the unique character of the Hyattsville Commercial Revitalization District so that it provides a stable, healthy business environment serving the needs of a broad community and to help to create a unique neighborhood business district with enhanced economic viability, attractiveness and convenience for residents of the surrounding neighborhoods and the broader community.

B. Boundary description. The requirements of this section shall apply to all Commercial Properties within the officially designated area of the Hyattsville Commercial Revitalization District. This area shall include all commercial properties in the area bounded by the City's boundary on the east and south; Oliver Street and the City's boundary on the north; and 4lst Street, 42nd Place, 43rd Avenue and the west side of Baltimore Avenue on the west.

C. Enactment of plan. The Mayor and Council shall cause a Hyattsville Commercial Revitalization Design Plan to be prepared. This plan shall contain such architectural designs and building standards, including those set forth in the National Historic Trust's standards for rehabilitation, as are necessary to accomplish the purposes and objectives set forth in Subsection A of this section. Before such plan is adopted, the City shall first conduct a public hearing to allow comment on the plan.

D. The following additional building requirements shall be applied to all uses within the boundary description:

(1) Building fronts and sides abutting streets.

(a) All structural and decorative elements of building fronts and sides abutting streets shall be repaired or replaced in a workmanlike manner to conform to the Hyattsville Commercial Revitalization Design Plan.

(b) All cornices shall be made structurally sound and rotten or weakened portions shall be removed and repaired or replaced to match as closely as possible the original patterns. All exposed wood shall be painted.

(c) Windows, entrances, signs, lighting, sun protection, security grilles, etc., shall be designed to be compatible and harmonious and consistent with the original scale and character of the structures.

(d) Boarded-up windows or storefronts shall not be permitted.

(e) All damaged, sagging or otherwise deteriorated storefronts, show windows or entrance shall be repaired or replaced at the direction of the Design Review Board.

(f) Buildings or groups of buildings being used by a single tenant shall be rehabilitated in a unified and harmonious manner consistent with the Hyattsville Commercial Revitalization Design Plan.

(g) Each building shall be rehabilitated and repaired with materials and in a manner consistent with the original construction techniques, where possible.

(h) In the case of front walls which have been wholly or partially resurfaced or built over with formstone, wood, structural glass veneer or other materials, these surfacing materials shall be removed and the building front repaired in the manner described above. If restoration of the original materials is determined by the Design Review Board to be unfeasible, the front shall be improved in a manner acceptable to it.

(2) Rear and side walls and chimneys.

(a) Rear and side walls shall be repaired and/or painted to present a neat and fresh appearance.

(b) Side walls, where visible from the street, shall be finished or painted so as to be harmonious with the front of the building.

(c) Chimneys or any other auxiliary structures on the roofs shall be repaired and cleaned.

E. Signs.

(1) General. No signs other than those identifying the property where they are installed or identifying the use conducted therein shall be permitted. Billboard advertising shall not be permitted. Such signs shall be in conformance with the Hyattsville Commercial Revitalization Design Plan. No freestanding signs or sign posts shall be permitted.

(2) Flashing or moving signs. Flashing or moving signs shall not be permitted.

(3) Nonconforming Signs. All signs not conforming to the above regulations shall be removed within six (6) months from the date of enactment of the plan by the Mayor and City Council of Hyattsville.

F. Period of compliance. The construction, rehabilitation, alteration and repair requirements of this section and the work necessary to meet such requirements shall be undertaken within eighteen (18) months from the enactment of the design plan and shall be completed promptly. Nothing herein shall be construed to permit or restrict any construction, alteration, change, repair, use or any other matter otherwise forbidden or restricted or controlled by any other public law of the State of Maryland or of Prince George's County, Maryland. Design Review Board is hereby established, which shall consist of five (5) persons; at least two (2) memb

G. Design review and approval.

(1) A Design Review Board is hereby established, which shall consist of five (5) persons; at least two (2) members shall be property or business owners or tenants in the boundary description, and at least one (1) member shall have an architectural or building design background. Three (3) members shall be appointed by the Mayor and Council for two year terms and two (2) members appointed for one-year terms.

(2) Designs for all building improvements, alterations, repair, rehabilitation or painting concerning the exterior of the existing buildings, their yards or their show windows and for all signs within the boundary description shall be submitted to the Design Review Board, and written approval by the Design Review Board shall be required before proceeding with the work. The Design Review Board shall act upon any request no later than thirty (30) days of such request.

(3) The Design Review Board shall be concerned with implementing and interpreting the design plan and the working manual incorporated therein.

(4) On its own initiative or at the request of any owner preparing a design plan, an inspection of the property shall be made by the Design Review Board to determine the minimum improvements which must be undertaken to provide safe, sound and sanitary conditions. The Design Review Board will also advise the owner of the necessary external improvements which will be required to attain compliance with the objectives of the design plan.

H. Hearings. The Design Review Board, upon written application from anyone aggrieved by the requirements imposed by the design plan, shall schedule a hearing on the matter within a reasonable time thereafter. The applicant shall be notified by registered mail of the scheduled hearing at least fifteen (15) days in advance of the scheduled meeting. On the scheduled date of the hearing, the Design Review Board shall hear the applicant or his or her designated agent, if either shall appear, and may also hear additional evidence or verified information which may have a bearing upon the case. After such hearing, the Design Review Board shall issue its decision in writing within fifteen (15) days of said hearing, which shall be binding upon the property owner or business owner.

I. Appeal. A decision of the Design Review Board may be appealed to the Hyattsville Mayor and City Council by filing a notice of appeal with said body in writing within thirty (30) days of the decision of the Design Review Board. Such appeal shall be governed by the Maryland Administrative Procedure Act then in effect.

J. Effect of partial invalidity. If any section, subsection, paragraph, sentence, clause or phase of this chapter should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this chapter, which shall remain in full effect, and to this end the provisions of this chapter are hereby declared to be severable.

Chapter 48

BUSINESS LICENSES

§ 48-1. License required; definitions.
§ 48-2. Application; fee.
§ 48-3. Temporary certificate; inspection; violations; correction.
§ 48-4. Expiration; renewal; reapplication.
§ 48-5. Periodic inspection; revocation.
§ 48-6. Appeals; fee.
§ 48-7. Violations and penalties.
§ 48-8. Display of licenses.
§ 48-9. Definition.
§ 48-10. License, fees and occupancy.
§ 48-11. Additional requirements.
§ 48-12. Public nuisance.

[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville 10-3-83 as HB No. 12-83. Amendments noted where applicable.]
GENERAL REFERENCES
Alcoholic beverages - See Ch. 38.
Amusements and entertainment - see Ch. 40.
Peddling and soliciting - see Ch. 90.
Secondhand property dealers - See Ch. 101.

§ 48-1. License required; definitions.

A. The legal owner of any business located within the City shall not operate such business without first having obtained a business license.

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

BUSINESS - Any commercial, industrial or retail establishment operated for profit, including but not limited to all establishments regulated by Title 17, Subtitle 5, of the Prince George's County Code.

§ 48-2. Application; fee. [Amended 4-5-04 by HO-2004-08]

The owner of the business shall make written application to the City for a business license upon such form or forms as the City shall from time to time designate. Such application shall be submitted together with the license fee, the amount of such fee to be established by the Mayor and City Council. In addition, a late fee of fifty dollars ($50.00) shall be assessed against any applicant for failing to apply prior to opening or re-opening a business or for failing to apply for renewal prior to the expiration of the business license, as provided herein. There shall be a continuing obligation on the part of the applicant to update the information on his application and/or to supply information not previously submitted.

§ 48-3. Temporary certificate; inspection; violations; correction. [Amended 1-2-90 by HB No. 6-89, Amended 2-21-12 by HO-39-02-12]

A. Upon receipt of a completed application for a license with tender of the appropriate license fee, the City shall issue a temporary certificate indicating that a license has been duly applied for, which

will be issued or denied after the business has been inspected and the Treasurer has certified that the applicant's City taxes are not in arrears.

B. A temporary certificate, as issued, shall authorize continuation, without penalty, of the business, pending the issuance or denial of a license.

C. An inspection of the business shall be conducted by the City's Code Enforcement Officer, who shall certify that the business is in compliance with the City Code and of the Prince George's County Code and is not causing a public nuisance. The Treasurer shall inspect City records and certify that the applicant's City taxes are not in arrears. Upon such certifications, a business license shall forthwith be issued. [Amended 4-5-04 by HO-2004-08]

D. Should any inspection reveal violations of any of the Code provisions set forth in Subsection C, the Code Enforcement Officer shall notify the applicant, in writing, within fifteen (15) days, specifying each violation and the Code section it violates. Should the Treasurer find that any of the applicant's City taxes are in arrears, he shall notify the applicant and the Code Enforcement Officer in writing, within fifteen (15) days, of the amount of City taxes in arrears plus any interest and penalty payable in addition thereto, indicating the total amount the applicant must pay to clear up the arrearage. The applicant shall then have not more than sixty (60) days to correct such violations or pay such arrearage. Within such period, the Code Enforcement Supervisor shall have the authority to extend the time for correcting such violations or paying such arrearage at the request of the applicant upon a showing that a good faith effort has been initiated to correct such violations or pay such arrearage and that they cannot be corrected or paid within the established period. [Amended 4-5-04 by HO-2004-08]

E. The City may set reasonable conditions on any issuance, renewal or revocation of a business license as appropriate. Failure of an applicant to correct all violations or pay such arrearage in full within the sixty day period or the time allowed by the Code Enforcement Supervisor if it has been extended shall result in application for license being denied or revoked. [Amended 4-5-04 by HO-2004-08]

§ 48-4. Expiration; renewal; reapplication. [Amended 10-15-07 by HO-2007-12]

A. Each license issued pursuant to this chapter shall expire on June 30th, and will be pro-rated for the time unused. [Amended 5-2-89 by HB No. 4-89, Amended 4-5-04 by HO-2004-08, Amended 10-15-07 by HO-2007-12]

B. Application for the renewal of an existing license shall be made at least thirty (30) days prior to the expiration date.

C. Every applicant whose application for a license has been denied or whose license has been revoked may not reapply for a business license within ninety (90) days from such denial or revocation.

§ 48-5. Periodic inspection; revocation. [Amended 4-5-04 by HO-2004-08, Amended 2-21-12 by HO-39-02-12]

A. The City's Code Enforcement Officer shall have the authority to conduct periodic inspections of any licensed property to determine if it continues to be in compliance with the requirements for a business license. Should he find additional violations, he shall notify the license holder in writing, within fifteen (15) days, specifying each violation and the Code section it violates. The license holder shall then have not more than sixty (60) days to correct such violations,

unless otherwise extended by the Code Enforcement Officer for good cause shown, or his license shall be revoked.

B. The City shall have the authority to deny or revoke a license upon finding that the business is creating a public nuisance or no longer meets the requirements of this chapter.

C. In considering whether a property constitutes a public nuisance, the city may consider the history of the property or business as is reasonably applicable. The City may consider allowing a license that has been revoked or denied pursuant to this subsection to be renewed or reissued for a property only upon a showing by clear and convincing evidence that the condition(s) creating the public nuisance will not re-occur. The City may issue a provisional license to a business that previously constituted a public nuisance with reasonable conditions to assure the property does not become a public nuisance.

§ 48-6. Appeals; fee. [Amended 4-5-04 by HO-2004-08, Amended 2-21-12 by HO-39-02-12]

A. Any person aggrieved by an action of the Code Enforcement Officer under this chapter may appeal such action by filing a written notice thereof with the Head of Code Enforcement within fifteen (15) calendar days of the action complained of, and payment of a $50.00 appeals fee. An appeal shall not operate to stay any of the provisions or requirements of this chapter absent unusual circumstances. The Head of Code Enforcement shall promptly schedule a conference with the appellant and any other party the Head of Code Enforcement may choose. After such conference the Head of Code Enforcement shall promptly issue a written opinion to the Appellant.

B. In the event the Appellant is dissatisfied with the opinion of the Head of Code Enforcement, the Appellant may further appeal the finding of the Head of Code Enforcement to the City Administrator and Mayor by filing a written appeal along with payment of a fifty dollar ($50.00) appeal fee. Any such appeal must be filed with the City Administrator within fifteen (15) calendar days of the written opinion of the Head of Code Enforcement. Within fifteen (15) days of such filing, a hearing shall be conducted before such person(s) as the City Administrator and Mayor designate for such purpose. The hearing shall be open to the public, records and minutes maintained and the person aggrieved and the Code Enforcement Officer given an opportunity to present evidence. The person(s) hearing the appeal shall, within ten (10) days, either reverse, modify or affirm the action complained of and cause a copy of their decision to be sent to the person aggrieved. The decision of the person(s) hearing the order shall be final.

§ 48-7. Violations and penalties. [Amended 10-6-86 by HB No. 12-86, Amended 6-1-98 by HR 98-03, Amended 4-5-04 by HO-2004-08]

Violations of this chapter shall be punishable as a municipal infraction as provided in Chapter 20 of this Code. The fine for any single initial violation shall be two hundred and fifty dollars ($250.00) per day for each day that application is not made, and the fine for any license holder who permits or allows a business to continue after his license has expired, been denied or revoked shall be subject to a fine of five hundred dollars ($500.00) per day for each day that such occupancy continues without application for a new business license.

§ 48-8. Display of license.

Licenses issued under this chapter shall be predominately and publicly displayed on the premises and shall be available at reasonable times for inspection by the Code Enforcement Officer.

ARTICLE II

BED AND BREAKFAST INNS

§ 48-9. Definition. [Added 2-21-12 by HO-40-02-12]

Bed and breakfast inn. The County Zoning Code, currently at 27-107.01(22.1), defines such an inn as any owner-occupied one family detached residential dwelling in which rooms are rented to paying guests on an overnight basis or no longer than two (2) weeks in any one visit. A "country inn", "hotel", "motel", "fraternity or sorority house", "dormitory", "tourist home", "rooming house or boarding house" shall not be considered a "bed and breakfast inn". The definitions of "bed and breakfast" as further amended in the County Zoning Code shall be the definition for the City.

§ 48-10. License, fees and occupancy. [Added 2-21-12 by HO-40-02-12]

A. Any bed and breakfast inn shall obtain and maintain a City business license pursuant to article I of this chapter.

B. Unless modified by the City budget ordinance, the fee for such business license shall be:

1. $50.00 if one (1) room is available to be rented.
2. $100.00 if two (2) or three (3) rooms are available to be rented.
3. $200.00 if more than four (4) rooms are available to be rented.

C. No bed and breakfast inn shall have more than eight (8) rooms available to be rented.

D. No more than three (3) adults may occupy any rented room.

§ 48-11. Additional requirements. [Added 2-21-12 by HO-40-02-12]

In addition to the requirements of this chapter, a bed and breakfast inn is subject to the following:

A. The primary use of the structure and property shall be residential, and the property shall be owner-occupied and managed. No more than two (2) nonresident persons may be employed on the premises.

B. Interior residential features shall be retained in a manner that will allow re-conversion to a residential use, and the maximum number of guest rooms shall be eight (8).

C. Meals shall be served only to customers who are actually using the bed and breakfast inn accommodations overnight, nonpaying residents, or their bona fide guests.

D. Off street parking shall be provided on site with one (1) additional space required for each room that is available to be rented.

E. A bed and breakfast inn shall not have any sign or other evidence of its use except one (1) sign not exceeding 2 feet by 3 feet in area, which may be double-faced and illuminated but no internally illuminated or back-lit signs are permitted. Other than an authorized sign, the bed and breakfast inn shall be maintained and landscaped to eliminate outward signs of transient use, and shall be compatible with the neighborhood surroundings.

§ 48-12. Public nuisance. [Added 2-21-12 by HO-40-02-12]

For a single bed and breakfast inn, a public nuisance shall include, but not be limited to, a property at which the following has occurred:

1. Four (4) incidents in twenty-four (24) months of criminal activity or the presence of a controlled dangerous substance or drug paraphernalia on the property, which is reasonably attributable to the occupants of the property;

2. Two (2) incidents in twenty-four (24) months of drug-related crimes including but not limited to the presence of stolen property, theft, robbery or prostitution or of any felony; or

3. Four (4) noise violations or three (3) violations of the applicable occupancy limit imposed by any governmental agency in twenty-four (24) months.

Chapter 52

DOGS AND OTHER ANIMALS

[Amended 4-5-04 by HO-2004-09]

§ 52-1. Confinement; exception.
§ 52-2. Actions considered public nuisance.
§ 52-3. Confinement of female dogs and cats in heat required.
§ 52-4. Care and treatment of animals.
§ 52-5. Appointment of special Animal Warden; use of county agency.
§ 52-6. Impoundment.
§ 52-7. Notification of owner upon animal impoundment.
§ 52-8. Trapping, poisoning, or shooting animals.
§ 52-9. Violations and penalties.
§ 52-10. Prohibited animals.

[HISTORY: Adopted by the Mayor and City Council of the City of Hyattsville: Art. 1, 11-19-73; Art. II, 12-1-69. Art. II amended at time of adoption of Code; see Ch. 1, General Provisions, Art, I. Other amendments noted where applicable.]
GENERAL REFERENCES
Municipal infractions - See Ch. 20.

§ 52-1. Confinement; exception.

Dogs, cats and other animal pets shall be confined at all times to the premises of their owners, except when under the immediate and effective control of a responsible person, specifically on a leash not to exceed six (6) feet in length.

§ 52-2. Actions considered public nuisance. [Amended 4-5-04 by HO-2004-09]

A. No owner shall fail to provide effective care and control of his animals to prevent them from becoming a public nuisance. Excessive, continuous or untimely barking, howling or making of other noises, molesting passersby, chasing vehicles, habitually attacking other domestic animals, trespassing upon school grounds or trespassing upon any other property in such a manner as to damage the property or excreting on property other than that of the owner shall be deemed a nuisance.

B. No person owning, keeping or having custody of a dog or cat, except a seeing eye dog, shall allow or permit excrement of such animal to remain on public property, including streets or private property without the consent of the owner or occupant thereof. The person owning, keeping or having custody of the animal shall immediately remove and properly dispose of the excrement deposited by the animal.

§ 52-3. Confinement of female dogs and cats in heat required.

The owner of any female dog or cat shall confine said dog or cat in heat within a building or secure enclosed kennel with a top in such a manner that such female dog or cat cannot come in contact with another animal except for planned breeding within the building or enclosure.

§ 52-4. Care and treatment of animals. [Amended 4-5-04 by HO-2004-09]

It shall be a violation of this Article for the owner of any domestic or kept animal to fail to provide said animal with sufficient good and wholesome food and water, clean and sanitary surroundings and shelter and protection from the weather, veterinary care when needed to prevent suffering or the

transmission of communicable disease, humane care and treatment, and it shall be a violation to abandon an animal, to beat, ill treat, torment, overload, overwork or otherwise abuse any animal or cause or permit any animal to fight or become engaged in combat between animals or between animals and humans.

§ 52-5. Appointment of special Animal Warden; use of county agency. [Amended 4-5-04 by HO-2004-09]

The Mayor and City Council shall be authorized to appoint a special Animal Warden or other City agent empowered to enforce this Code, and said Animal Warden shall be under the direction of the Chief of Police or Code Enforcement Supervisor, or shall call upon the Prince George's animal shelter to assist the Police Department in impounding any dog or cat found at large in violation of this chapter.

§ 52-6. Impoundment.

A domestic pet found at large without a license tag shall, except as provided in this chapter, be impounded by the Animal Control Warden or other agent empowered to enforce this Code and taken to the animal control shelter.

§ 52-7. Notification of owner upon animal impoundment. [Amended 4-5-04 by HO-2004-09]

Upon impounding an animal, the Animal Control Warden or other agent empowered to enforce this Code shall cause a prompt and reasonable effort to be made to locate and notify the animal's owner.

§ 52-8. Trapping, poisoning, or shooting animals. [Amended 3-3-80 by HB No. 1-80, Amended 4-5-04 by HO-2004-09]

It is prohibited to trap, poison, shoot or otherwise kill any animal, unless trapping in a humanitarian trap for the purposes of spaying, neutering, or improving the condition of a wild, homeless or injured animal.

§ 52-9. Violations and penalties. [Amended 3-3-80 by HB No. 1-80; 3-3-80 by HB No. 2-80; by HB No. 7-82, Amended 6-1-98 by HR 98-03, Amended 7-16-01 by HO-2001-03, Amended 4-5-04 by HO-2004-09]

A. Violations of this Article shall be punishable as a municipal infraction as provided in Chapter 20 of this Code. With the exception of §52-4, the fine for the first violation shall be one hundred dollars ($100.00) and the fine for the second and subsequent violations will be two hundred dollars ($200.00).

B. In the case of a verified cruelty or neglect charge, as pertains to § 52-4, the fine for the first violation shall be two hundred fifty dollars ($250.00) and the fine for the second and subsequent violations will be five hundred dollars ($500.00).

§ 52-10. Prohibited animals. [Amended 4-5-04 by HO-2004-09]

Keeping livestock, domestic fowl and/or wild exotic rare animals is prohibited with in the City. This includes but is not limited to: cattle, horses, swine, sheep, pigs, goats, turkeys, roosters, and other poultry and game birds, or wild exotic cats, monkeys, venomous snakes and any endangered species.

Chapter 55

ELECTRICAL STANDARDS

§ 55-1. Adoption of standards by reference.
§ 55-2. Violations and penalties.

[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville 12-1-69. Section 55-1 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Municipal infractions - See Ch. 20.
Building construction - See Ch. 46.
Fire prevention - See Ch. 59.
Housing standards - See Ch. 68.
Plumbing - See Ch. 93.
Zoning - See Ch. 120.

§ 55-1. Adoption of standards by reference.

Subtitle 9, Electricity, of the Prince George's County Code, 1979 Edition, as it may from time to time be amended, is hereby adopted by the City, and all of the powers, rights and requirements of compliance therein, to the extent that they may be exercisable by a municipal corporation, may be exercised by the City.

§ 55-2. Violations and penalties. [Added 3-3-80 by HB No. 4-80; Amended 8-2-82 by HB No. 9-82, Amended 6-1-98 by HR 98-03, Amended 12-13-10 by HO-2010-04]

Violations of this chapter shall be punishable as a municipal infraction as provided in Chapter 20 of this Code. The fine for any single initial violation shall be one hundred dollars ($100.00), and the fine for each repeat of that offense shall be two hundred dollars ($200.00). Each day that a violation exists shall be a separate offense.

Chapter 56

EMINENT DOMAIN

§ 56-1. Statutory authority.
§ 56-2. Acquisition by condemnation.
§ 56-3. Procedure for condemnation of property.
§ 56-4. Possession of property.
§ 56-5. Property owner to receive payment.
§ 56-6. Effect of payment.
§ 56-7. Final award.

[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville 9-19-88 as HB No. 7-88. Amendments noted where applicable.]

§ 56-1. Statutory authority.

All proceedings for the acquisition of private property for public use by condemnation shall be in accordance with those established in Title 12 of the Real Property Article of the Annotated Code of Maryland and Subtitle U of the Maryland Rules, except as hereinafter provided.

§ 56-2. Acquisition by condemnation.

If the City determines that it is necessary to take possession of real property within the City on an expedited basis, it may acquire such property by condemnation under the quick-take provisions contained in this chapter, after making every reasonable and good faith effort to negotiate its purchase with the owner of the property.

§ 56-3. Procedure for condemnation of property.

To condemn property under this chapter, the City shall:

A. File a petition for condemnation in the Circuit Court for Prince George's County, Maryland; and

B. Pay to the owner of the property or into the Court for the owner's benefit the amount that the City estimates to be the fair value of the property to be acquired and fair compensation for any damage resulting to the remaining property of the owner.

§ 56-4. Possession of property.

After the petition is filed and payment is made under §56-3, the City may take immediate possession of the property to be acquired and use it in any lawful manner.

§ 56-5. Property owner to receive payment.

On written request to the Clerk of the Court, the property owner shall be entitled to receive any amount paid into the Court for his benefit, without prejudice to any of his rights, if he thereby agrees to repay to the City any excess of that amount over any final award that is allowed him in any subsequent condemnation proceedings.

§ 56-6. Effect of payment.

A payment made under §56-3 does not limit in any way the amount of any final award that may be allowed in any subsequent condemnation proceedings.

§ 56-7. Final award.

At the conclusion of any subsequent condemnation proceedings, the City shall pay to the property owner any excess of any final award over the amount paid under §56-3.

Chapter 59

FIRE PREVENTION

§ 59-1. Adoption of standards by reference.
§ 59-2. Violations and penalties.

[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville 12-1-69. Section 59-1 amended and § 59-2 added at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Volunteer Fire Department - See Ch. 14.
Municipal infraction - See Ch. 20.
Building construction - See Ch. 46.
Electrical standards - See Ch. 55.
Housing standards - See Ch. 68.
Plumbing - See Ch. 93.
Zoning - See Ch. 120.

§ 59-1. Adoption of standards by reference.

Subtitle 11, Fire Safety, of the Prince George's County Code, 1979 Edition, as it may from time to time be amended, is hereby adopted by the City, and all of the powers, rights and requirements of compliance therein, to the extent that they may be exercisable by a municipal corporation, may be exercised by the City.

§ 59-2. Violations and penalties. [Amended 6-1-98 by HR 98-03, Amended 12-13-10 by HO-2010-04]

Violations of this chapter shall be punishable as a municipal infraction as provided in Chapter 20 of this Code. The fine for any single initial violation shall be one hundred dollars ($100.00), and the fine for each repeat of that offense shall be two hundred dollars ($200.00). Each day that a violation exists shall be a separate offense.

Chapter 60
HUMAN RIGHTS

§ 60-1. Name.
§ 60-2. Purpose and Intent.

§ 60-3. Definitions.

§ 60-4. Prohibited Acts of Discrimination - - Employment.

§ 60-5. Prohibited Acts of Discrimination - - Housing and Real Estate Transactions.

§ 60-6. Prohibited Acts of Discrimination - - Business Establishment or Public Accommodations.

[HISTORY: _____

§ 60-1. Name.

This ordinance shall be referred to as the Hyattsville Human Rights Act.

§ 60-2. Purpose and Intent.

It is the intent of the City Council, in enacting the Hyattsville Human Rights Act, to protect and safeguard the right and opportunity of all persons to be free from all forms of discrimination, including discrimination based on age, race, color, creed, religion, national origin, ancestry, disability, marital status, sex, sexual orientation, gender identity or physical characteristic.

§ 60-3. Definitions.

1. "Disability" or "Disabled" shall mean, with respect to an individual: a physical or mental impairment; a record of such an impairment; or being regarded as having such an impairment.

2. "Discriminate, Discrimination or Discriminatory" shall mean any act, policy, advertisement or practice which subjects any person to differential treatment as a result of that person's actual or perceived race, color, creed, religion, national origin, ancestry, disability, age, marital status, sex, sexual orientation, gender identity or physical characteristic. Discrimination also includes any differential treatment because of one's association with a person or group of people identified herein.

3. "Employee" shall mean any individual employed or seeking employment from an

employer;

4. "Employer" shall mean any person who, for compensation, regularly employs individuals, not including the employer's parents, spouse or children. For purposes of the Hyattsville Human Rights Act an "employer" is also any person acting on behalf of an employer, directly or indirectly, or any employment agency.

5. "Gender identity" shall mean a person's gender-related self-identity, appearance, expression or behavior, regardless of the person's assigned sex at birth.

6. "Person" shall mean any natural person, firm, corporation, partnership or other organization, association or group of persons however arranged;

7. "Physical Characteristic" shall mean a bodily condition or bodily characteristic of any person which is from birth, accident, or disease, or from any natural physical development, or any other event outside the control of that person including individual physical mannerisms, height, or weight.

8. "Place of public accommodation" shall mean all establishments within Hyattsville which offer goods, services, accommodations, or entertainment to the public.

9. "Sexual orientation" shall mean a person's actual or perceived heterosexuality, homosexuality, asexuality, or bisexuality.

§ 60-4. Prohibited Acts of Discrimination - - Employment

With regard to employment, it shall be unlawful for any employers or labor organizations to engage in any of the following acts for a discriminatory reason:

(1) To discriminate against any individual, with respect to failure to hire, refusal to hire, discharge, compensation, terms, conditions, or privileges of employment, including promotion; however nothing in this subsection shall be construed to require any employer to provide benefits, such as insurance, to individuals not employed by the employer;

(2) To limit, segregate, or classify employees in any way which would deprive or tend to deprive any employee of employment opportunities, or which would otherwise tend to adversely affect his or her status as an employee; or

(3) To fail or refuse to refer for employment, or to give negative information to a potential employer of any individual, in such a manner that would deprive or limit an individual's employment opportunities or that would otherwise adversely affect an individual's status as an applicant or prospective employee.

§ 60-5. Prohibited Acts of Discrimination - - Housing and Real Estate Transactions.

With regard to housing and real estate transactions, it shall be unlawful to engage in any of the following acts for a discriminatory reason:

(1) To discriminate by impeding, delaying, discouraging, imposing different terms, or otherwise limiting or restricting any transaction in real estate;

(2) To discriminate in the terms and conditions, or in performing, or refusing to perform, any act necessary to determining an individual's financial ability to engage in a real estate transaction or to represent falsely that an interest in real estate is not available for transaction;

(3) For a property manager to discriminate by refusing to provide equal treatment of, or services to, occupants or potential occupants of any real estate which he or she manages; or

(4) It shall not be an unlawful discriminatory practice for an owner, lessor or renter to refuse to rent, lease or sublease a portion of a single family dwelling unit where it is anticipated that the owner, lessor or renter will be occupying any portion of the single-family dwelling.

§ 60-6. Prohibited Acts of Discrimination - - Business Establishment or Public Accommodations.

It shall be unlawful for a business establishment or place of public accommodation to deny, directly or indirectly, any person the full enjoyment of the goods, services, facilities, privileges, advantages, and accommodations for a discriminatory reason.

§ 60-7. Posting of Notices.

Every employer, business, or institution subject to the Hyattsville Human Rights Act shall post and keep posted in a conspicuous location where business or activity is customarily conducted or negotiated, a notice setting forth excerpts from or summaries of the pertinent provisions of the Hyattsville Human Rights Act and information pertinent to the enforcement of rights hereunder. The notice shall be posted in both English and Spanish. If over ten percent of an employer's employees speak a language other than English or Spanish as their native language, the notice shall be posted in that language. At the request of the employer or institution, notices required by this section shall be provided by the City. Notices shall be posted within ten (10) days after receipt from the City.

§ 60-8. General Exceptions.

(1) It shall not be an unlawful discriminatory practice for an employer to observe the conditions of a bona fide seniority system or a bona fide employee benefit system based on age such as a retirement, pension or insurance plan which is not a subterfuge or pretext to evade the purposes

of the Hyattsville Human Rights Act.

(2) Nothing contained in the Hyattsville Human Rights Act shall be deemed to prohibit selection or rejection based solely upon a bona fide occupational qualification, a bona fide physical requirement, or, as to a religious or denominational institution, based upon a preference for applicants of the same religion or denomination.

§ 60-9. Enforcement.

Any person who is aggrieved by discriminatory conduct is encouraged to file a complaint with the Prince George's County Human Relations Commission and also with the Maryland Commission on Civil Rights under Title 20 of the State Government Article of the Maryland Annotated Code. Upon such complaint being filed, an aggrieved person may avail himself or herself of the remedies in the above quoted Article including, pursuant to §§20-1013 and 20-1035, the right to file an action in the Circuit Court against the Respondents named in the complaint.

Chapter 65

HEALTH AND SANITATION

ARTICLE I

Household Trash Collection

§ 65-1. Residential Trash Collection.

ARTICLE II

General Regulations

§ 65-2. Deposit or burial of dead animals within City prohibited.
§ 65-3. Discharging waste or refuse material upon streets, public places or private property prohibited.
§ 65-4. Accumulation of waste or refuse material prohibited.
§ 65-5. Use and maintenance of refuse containers.
§ 65-6. Deposit of refuse from businesses or private dwellings in public trash containers prohibited.
§ 65-7. Spitting in public places prohibited.

ARTICLE IV (A)

Refuse Collection and Enclosure - Multi-Family Units

§ 65-12. Recycling.
§ 65-16. Use of special refuse containers.

ARTICLE IV (B)

Enclosure of Special Refuse Container(s)

§ 65-22.1 Commercial and Industrial Properties

ARTICLE V

Sanitary Conditions for Dwellings

§ 65-23. Occupancy and/or maintenance of premises dangerous to human health prohibited.
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§ 65-23.2. Tents on private/City property.
§ 65-24. Procedure for abatement of violation; penalty.

ARTICLE VI

Brush, Grass and Weeds

§ 65-25. Accumulation of debris; obnoxious growth of grass or weeds.
§ 65-26. Procedure for abatement of violation.

ARTICLE VII

Penalty

§ 65-27. Violations and penalties.

[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville 12-1-69. Sections 65-1, 65-11, 65-12A(3) and (4), 65-13, 65-16, 65-19, 65-21, 65-22, 65-24 and 65-26 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Department of Public Works - See Ch. 4, Art. II.
Municipal infractions - See Ch. 20.
Housing standards - See Ch. 68.
Peace and good order - See Ch. 87.
Licensing of rental units - See Ch. 96.
Temporary sales - See Ch 99.

Chapter 65

HEALTH AND SANITATION

ARTICLE I

Residential Trash Collection

§ 65-1. Residential Trash Collection. [Adopted 12-14-09 by HO-2009-10]

A. Definitions.

In this chapter the following definitions shall apply:

Bulk Trash: Furniture, bedding, televisions, computers, rags and carpeting, doors, windows, tires of passenger vehicles and metal BBQs so long as such trash was generated on or at the residential premises. Trash that is too large to fit into the trash container and weighs no more than 60 lbs will be subject to limitations in size and pickup as advertised by the Public Works Department on the City website.

Collectible Trash: Household trash, white goods, bulk trash, yard waste and recyclables.

Construction Debris: Building materials including but not limited to lumber, concrete, sheetrock, shingles, bricks and siding.

Hazardous Waste: Any item the handling of which could cause harm to the collector, including but not limited to pressured containers, explosives, paint, poisons, caustics, gasoline and oil, excrement (excluding diapers and tightly wrapped pet waste), automotive parts, acid car batteries, fluorescent light bulbs, oil-based paints, automotive fluids and fuels, gas grill propane tanks, photographic chemicals, cleaning agents, helium balloon tanks, poisons, household batteries, solvents, varnishes and stains, driveway sealers, insecticides, herbicides and fertilizers, swimming pool chemicals, fire extinguishers, mercury and other hazardous materials.

Household Trash: Food waste, trash and reufse normally generated in a household which can be contained in a trash container. Household trash shall not include white goods and appliances, bulk trash, recyclables, yard waste, building materials, furniture or hazardous waste or construction debris, or any trash or debris not generated on or at the residential premises.

Recyclables: All materials which can be separated, collected, processed and returned to the economic stream in the form of raw materials or products, including newspapers, glass, plastic containers, cardboard, and cans. Because materials for recycling can change over time, residents are encouraged to consult the City website for acceptable materials.

Toters: City supplied mobile trash collection carts and the lids fitting them.

White Goods: Motorized appliances ordinarily used in a home or business, subject to size and weight limits as published by the City. Water heaters and metal BBQs are considered white goods.

Yard Waste: Leaves, grass clippings, plant cuttings, brush, yard debris, as well as branches and shrubs, if less than 3" in diameter and no longer than 4', bundled and tied and not weighing more than 40 lbs. Any yard waste must be from the yard of the applicable residential premises.

B. General Regulations.

(1) The City shall collect or cause to be collected trash only from properties with single family homes (including duplexes and triplexes). The City shall collect household trash, white goods, bulk trash, recyclables, and yard waste, according to a schedule published by the City. The pick-up of white goods, bulk trash and large amounts of yard waste should be scheduled with the Public Works Department unless the City website dictates otherwise.

(2) All household trash must be placed in a toter which must at all times have an intact, tight fitting lid on it. In order to ensure the cleanliness of toters, food waste shall be securely contained prior to being placed in the toter. The City will supply toters pursuant to City policy.

(3) All collectible trash shall be kept behind the front building line of each lot and shall be placed at the street side or curb no earlier than 4:00 p.m. on the day before it is scheduled to be collected. All household trash must be in a toter. All containers (toters and recycling bins) or uncollected trash and waste must be removed from the street side or curb by midnight of the day it was scheduled for collection.

(4) Only paper bags and reusable containers (*e.g.*, garbage cans) shall be used to contain yard waste. Yard waste for collection shall not be contained in plastic bags. Paper bags may not be used as the outside container for any other collectible trash unless the City specifically allows for it.

(5) Recyclables shall be separated from other collectible trash pursuant to City and County Policy and Regulations. Newspapers and bundles of cardboard shall be tied or contained so as not to be blown by the wind. Residents are encouraged to consult the City website and City Regulations for further regulations regarding recyclables.

(6) The Office of Code Enforcement shall, upon notice by residents or the Department of Public Works, enforce the provisions of this chapter and issue violations and notices therefore.

C. Prohibitions

(1) It shall be unlawful for any person or entity, whether resident or owner to place or allow to be placed or remain at a street side or curb for collection anything:

(a) That is not collectible trash;

(b) Outside the hours listed above in Subsection B;

(c) Which is household trash and is not in the toter; or

(d) In a manner not in keeping with the general regulations as outlined above in Subsection B.

(2) No person shall interfere with the City/County collection and disposal of collectible trash.

(3) Recyclables shall not be placed with any other collectible trash.

D. Enforcement

(1) The City Administrator, after consultation with the Directors of Public Works and Code Enforcement, shall promulgate regulations regarding trash and trash collection and the enforcement thereof. It shall be the policy of the City ordinarily to encourage voluntary compliance of residents with this Article of the Code and particularly as to recyclables.

(2) Recyclables:

(a) The City shall not ordinarily inspect household trash to determine if recyclables are mixed with other trash. However, if through observation or routine handling of the trash or if the City employee has reason to believe that recyclables have not been separated from the household trash, the City may inspect the household trash.

(b) Upon finding that recyclables in more than negligible quantities have not been separated pursuant to this Chapter, the City may decline to collect the trash that day until recyclables are removed by the resident but in any event shall issue a warning letter/notice to the resident. Upon noncompliance with the initial notice letter from the City, the City may then use the appropriate enforcement mechanisms as outlined herein.

(c) In the event there is continued noncompliance at a residence as to the separation of recyclables, in addition to any other penalty or enforcement, the City, after notice and opportunity for hearing by the resident, may collect the trash and separate the recyclables and charge an administrative fee for such service which will become a lien on the property if not paid when due.

(d) Unless otherwise provided, when there is trash and debris not in keeping with this Chapter, the City at first occurrence may and ordinarily shall send a written notice to the owner and/or the resident pursuant to the procedures outlined I 65-26(A) of this Chapter, except that the initial notice may state that the conditions must be remedied within ten (10) days. Any appeal of City action shall be governed by the procedures of 65-21(C).

(4) Unless otherwise provided, a violation of this Article shall also be governed by the provisions of 65-27.

(5) If any City agent or employee has reason to believe hazardous waste or materials are mixed with trash or debris to be collected, and that such hazardous waste or materials could present a danger to any person or cause damage to property, the City shall cause the trash to be inspected. Upon finding such hazardous waste or materials, the City may take any appropriate action to protect the public and its employees, including but not limited to declining to collect the trash, issuing a warning or immediately and without notice issuing a municipal infraction citation to the resident/owner as well as any other reasonable abatement procedure as provided within this Chapter. Mixing hazardous waste or material with other trash or debris set for collection or failing to remove such hazardous material from the street as ordered by the City shall be a municipal infraction with a penalty of $500.00 per incident. Each day that a violation exists shall be a separate offense.

ARTICLE II

General Regulations

§ 65-2. Deposit or burial of dead animals within City prohibited.

No person shall deposit or bury the body of any dead animal in the City.

§ 65-3. Discharging waste or refuse material upon streets, public places or private property prohibited. [Amended 12-14-09 by HO-2009-10]

A. It shall be unlawful for any person to throw, discharge, place, deposit, scatter or drop or allow or cause to be thrown, discharged, placed, deposited, scattered or dropped or allow or cause to flow any sawdust, shavings, paper, metal cans, glass, pans, pails, house refuse, offal, garbage, dead animal, decaying vegetable matter, organic wastes or substances of any kind, slops, greasy or soapy water, stagnant water, nauseous liquids or other offensive matter, liquid or solid, liable to become a public nuisance, or a detriment to the public health into or upon any ditch or public place, street or private property, vacant lot or open space in the City.

B. It shall be unlawful for any person to throw, discharge, place, deposit, scatter or drop or allow or cause to be thrown, placed, discharged, scattered or dropped any sawdust, shavings, house refuse, offal, garbage, dead animals, decaying vegetable matter, organic wastes or substances of any kind, slops, greasy or soapy water, stagnant water, nauseous liquids or other offensive matter, liquids or solid, liable to become a public nuisance, or a detriment to the public health into or upon a street.

§ 65-4. Accumulation of waste or refuse material prohibited. [Amended 12-14-09 by HO-2009-10]

Subject to § 65-5, it shall be unlawful for any person to collect, keep or accumulate or allow or cause to be collected or accumulated any of the waste or refuse material referred to in § 65-3 on any private property that may be a public nuisance, a detriment to the public health, or a detriment to property values.

§ 65-5. Use and maintenance of refuse containers. [Amended 12-14-09 by HO-2009-10]

The owner or tenant or occupant, any or all, of any business establishment, residence, dwelling house, apartment or any place of abode whatsoever may keep, collect or suffer to be on his premises any trash or garbage in a suitable container provided therefor. Each such container shall be provided with a closefitting lid and shall be free from any leaks when used for the storage or keeping of food waste. However, no trash shall be placed for collection by the City or County except pursuant to §65-1.

§ 65-6. Deposit of refuse from businesses or private dwellings in public trash containers prohibited.

It shall be unlawful for any owner, manager, clerk, employee or agent of any store, warehouse, office, hall, place of business or dwelling in the City to take therefrom any animal or vegetable matter, ashes, shells or refuse of any kind and deposit the same in any public trash receptacle of the City.

§ 65-7. Spitting in public places prohibited.

It shall be unlawful for any person to expectorate or spit on the floors, walls, sides or doors of any public building, place of amusement, hall, moving-picture house or theater or on any sidewalk or other public place where the public is invited to enter.

ARTICLE III

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[Amended in its entirety 12-14-09 by HO-2009-10]

ARTICLE IV (A)

Refuse Collection and Enclosure - Multi-Family Units

[Repealed and Reenacted - Sections 65-12 through 65-22.1 on 1-3-2000 by HB 99-05 and on 4-16-07 by HO-2007-06; Sections 65-8 through 65-11 Deleted 12-14-09 by HO-2009-10; Amended 12-14-09 by HO-2009-10]

§ 65-12. Recycling.

A. Every multi-family rental facility with three (3) or more rental units must provide convenient recycling opportunities for its tenants in the form of separate, designated drop boxes or containers for recycling.

B. Continued non-compliance with this section by a multi-family facility shall be treated as a violation of this Chapter as well as Chapter 96 (Licensing of Rental Housing).

[§ 65-13. Placement of refuse and § 65-14. Frequency of collection limited deleted 4-16-07 by HO-2007-06]

[§ 65-15. Fees. Deleted 12-14-09 by HO-2009-10]

§ 65-16. Use of special refuse containers. [Amended 12-19-83 by HB 15-83; 5-5-86 by HB 5-86; 6-1-98 by HR 98-03, 1-3-2000 by HB 99-05, Amended 4-16-07 by HO-2007-06; Amended 12-14-09 by HO-2009-10]

A. In order to effectuate the collection, conveyance and disposal of refuse, each property owner, agent or manager of multi-family units shall furnish such special refuse containers and provide for the collection thereof.

B. (1) All special refuse containers (except those temporarily placed on property due to construction, renovation or rehabilitation) shall be enclosed. The special refuse containers with enclosures, must be placed to the rear of the property and located so that they are at least fifty (50') from any residential property line. The enclosure shall be: a brick masonry wall or a stockade-type fence constructed out of painted or treated wood, or a chain link fence constructed with inter-woven vinyl slats which make the enclosure sight-tight, as well as landscaping designed to effectively screen the special refuse container(s) from street-level view year round, or other such materials as may be approved by the City. Gates are required and shall remain closed at all times whenever the special refuse containers are not being loaded or unloaded.

(2) In the event it is not possible to conform to the above fifty foot (50') requirement the container shall be located as far as possible from the property line and from any neighboring residential structure in a location acceptable to the City.

(3) Any decision of the City as to the non-conforming location shall be based upon consideration of the following factors:

(a) The hardship to the property owner/tenant.

(b) The interest of the public, particularly nearby residents.

(c) The degree of variance from the City standard.

(d) The accessibility of the location for all intended users as well as for removal of refuse.

(e) Any applicable law or regulation of any governmental entity.

(4) The non-conforming location of any refuse container shall be delineated on a site map. The City may order a change in the non-conforming location based upon compelling reasons that the location is not in the public interest.

(5) On July 1, 2007 all existing refuse containers must conform to this ordinance as to distance from residential property lines unless the owner/tenant has a pending appeal as outlined below, a final decision of the City allowing the location, or is covered in subsection (E) immediately below.

(6) Refuse containers which on the effective date of this ordinance are located 50' or more from any residential structure on a neighboring lot (but less than 50' from a residential property line) shall be exempt from the distance requirement in b (2) until such time as the refuse container or surrounding structure is rebuilt or substantially reconstructed.

C. No special refuse container may be emptied into a collection vehicle by being rolled over a public sidewalk that is not part of an established driveway leading to the property being served by the special refuse container.

D. Violation of this section shall be punishable as a municipal infraction as provided in Chapter 20 of this Code. The fine for any single violation shall be Two Hundred Fifty dollars ($250.00), and the fine for each repeat offense shall be Five Hundred Dollars ($500.00).

E. Appeals.

(1) Any person aggrieved by any action of the City under this Article except for the issuance of a municipal infraction citation, may appeal such action by filing a written notice thereof with the Head of Code Enforcement within ten (10) days of the action complained of. The Head of Code Enforcement or his/her designee shall promptly schedule a conference with the appellant and any other person the Head of Code Enforcement may choose. After such conference the Head of Code Enforcement shall promptly issue a written opinion to the appellant. The decision shall be based upon the factors in subsection B (3) above.

(2) In the event the appellant is dissatisfied with the opinion of the Head of Code Enforcement the appellant may further appeal the finding of the Head of Code Enforcement to the City Administrator by filing a written appeal. Any such appeal must be filed with the City Administrator within ten (10) calendar days of the written opinion of the Head of Code Enforcement.

(3) Any appeal, whether to the Head of Code Enforcement or to the City Administrator, shall not operate to stay any of the provisions or requirements of this chapter unless the Head of Code Enforcement or City Administrator shall otherwise order.

(4) The City Administrator or his/her designee shall conduct a hearing as soon as possible. The hearing shall be open to the public and records and minutes shall be maintained and the person aggrieved and the code enforcement department shall be given an opportunity to present evidence.

(5) The Hearing Officer shall within ten (10) days either reverse modify or affirm the action complained of and cause a written copy of the decision to be sent to the person aggrieved. Any decision shall be based upon the factors outlined in subsection b (3) above. The decision of the Hearing Officer shall be final.

[Sections 65-17 through 65-22 Deleted 12-14-09 by HO-2009-10]

ARTICLE IV (B)

[Added 1-3-2000 by HB 99-05; Amended 4-16-07 by HO-2007-05]

Enclosure of Special Refuse Container(s)

Commercial and Industrial Properties

§ 65-22.1. Commercial and Industrial Properties. [Amended 2-17-04 by HO-2004-01; 2007-05; Amended 4-16-07 by HO-2007-05]

A. Applicability. All refuse container(s) located on property used for commercial, industrial, institutional, or non-profit purposes, or on property used for any purpose other than single family residential (except those refuse containers temporarily placed on property due to construction, renovation, or rehabilitation) shall conform to this Article.

B. Refuse containers shall be:

(1) Enclosed with a brick masonry wall, or a stockade-type fence constructed of painted or treated wood, or a chain link fence constructed with interwoven vinyl slats which make the enclosure sight-tight, as well as landscaping designed to effectively screen the special refuse container(s) from the street level view year round, or other such material as may be approved by the City**;**

(2) Gated with the gates remaining closed at all times when the special refuse container(s) are not being loaded or unloaded**;**

(3) Located to the rear or side of the property; and

(4) Located so that they are at least fifty feet (50’) from any residential property line.

(a) In the event it is not possible to conform to the above fifty foot (50') requirement the container shall be located as far as possible from the property line and from any residential structure in a location acceptable to the City.

(b) Any decision of the City as to the non-conforming location shall be based upon consideration of the following factors:

(1) The hardship to the property owner/tenant.

(2) The interest of the public, particularly nearby residents.

(3) The degree of variance from the City standard.

(4) The accessibility of the location for all intended users as well as for removal of refuse.

(5) Any applicable law or regulation of any governmental entity.

(c) The non-conforming location of any refuse container shall be delineated on a site map. The City may order a change in the non-conforming location based upon compelling reasons that the location is not in the public interest.

(d) On July 1, 2007 all existing refuse containers must conform to this ordinance as to distance from residential property lines unless the owner/tenant has a pending appeal as outlined below, a final decision of the City allowing the location, or is covered in subsection (E) immediately below.

(e) Refuse containers which on the effective date of this ordinance are located 50' or more from any residential structure on a neighboring lot (but less than 50' from a residential property line) shall be exempt from the distance requirement in b (4)(b) until such time as the refuse container or surrounding structure is rebuilt or substantially reconstructed.

C. Appeals.

(1) Any person aggrieved by any action of the City under this article except for the issuance of a municipal infraction citation, may appeal such action by filing a written notice thereof with the Head of Code Enforcement within ten (10) days of the action complained of. The Head of Code Enforcement or his/her designee shall promptly schedule a conference with the appellant and any other person the Head of Code Enforcement may choose. After such conference the Head of Code Enforcement shall promptly issue a written opinion to the appellant. The decision shall be based upon the factors outlined in subsection B (4) (b) above.

(2) In the event the appellant is dissatisfied with the opinion of the Head of Code Enforcement the appellant may further appeal the finding of the Head of Code Enforcement to the City Administrator by filing a written appeal. Any such appeal must be filed with the City Administrator within ten (10) calendar days of the written opinion of the Head of Code Enforcement.

(3) Any appeal, whether to the Head of Code Enforcement or to the City Administrator, shall not operate to stay any of the provisions or requirements of this chapter unless the Head of Code Enforcement or City Administrator shall otherwise order.

(4) The City Administrator or his/her designee (the hearing officer) shall conduct a hearing as soon as possible. The hearing shall be open to the public and records and minutes shall be

maintained and the person aggrieved and the code enforcement department shall be given an opportunity to present evidence.

(5) The hearing officer shall within ten (10) days either reverse modify or affirm the action complained of and cause a written copy of the decision to be sent to the person aggrieved. Any decision shall be based upon the factors outlined in subsection b (4) (b) above. The decision of the hearing officer shall be final.

D. Violation of this Article IV (B) shall be punishable as a municipal infraction as provided in Chapter 20 of this Code. The fine for any single violation shall be two hundred fifty dollars ($250.00), and the fine for each repeat offense shall be five hundred dollars ($500.00). Every five (5) days that a violation exists is a separate violation.

ARTICLE V

Sanitary Conditions for Dwellings

§ 65-23. Occupancy and/or maintenance of premises dangerous to human health prohibited.

It shall be unlawful for any person to so use, occupy or maintain any property or premises in the City in such a manner as to constitute a condition that is dangerous to human health.

§ 65-23.1. Outdoor unenclosed storage prohibited. [Added 12-16-85 by HB No. 6-85]

It shall be unlawful for any property owner or tenant to utilize, or allow to be utilized, unenclosed porches, decks, patios, carports, gazebos, garages, sheds or other exterior appurtenances of any dwelling structure for the storage of items, including but not limited to the following: fiber or paper products; building supplies and materials; flammable material, such as paints and solvents; motor vehicle parts and accessories; appliances; and household furnishings, when such storage would be dangerous to human health, safety or well being. Any space used for the storage of such items which is not fully enclosed and sealed from the elements and does not have properly fitted, closeable doors, if doors are installed, shall be deemed to be unenclosed for the purposes of this section.

§ 65-23.2. Tents on private/City property. [Added 4-6-92 by HB No. 2-92]

A. As used in this section, the term “tent” shall mean any temporary structure or portable shelter made of canvas, cloth, metal, wood or any other material, covering an area in excess of 120 square feet used for a gathering together of five or more persons, the storage of combustible or hazardous materials, or overnight camping.

B. It shall be unlawful for any property owner or tenant to erect a tent on private or City property for the purpose of a dwelling.

C. In the interest of public health, safety, morals, and welfare, it shall be unlawful for any property owner or tenant to allow a tent to remain erect on private or City property for a period longer than one week without prior written approval of the City.

D. Any tent that interferes with the public use of streets and thruways constitutes a nuisance and is subject to removal or abatement thereof.

E. If any provision of this section or the applicability thereof to any person or tenant or circumstances is held invalid, the remainder of this section and the applicability thereof to other persons or tenants shall not be affected thereby.

§ 65-24. Procedure for abatement of violation; penalty. [Amended 12-19-83 by HB No. 15-83]

A. Upon complaint that a condition exists in violation of §§65-23 or 65-23.1 pursuant to such investigation as he may deem proper, that such condition is dangerous to human health, safety or well-being, the Code Enforcement Officer shall send a notice, in writing, to the owner of the property or premises in question and, if said property is occupied by a tenant, another notice to the tenant notifying such owner or tenant of the complaint. [Amended 12-16-85 by HB No. 7-85]

B. If the owner or the tenant in question shall not remove or abate the condition complained of within five (5) days after the notice has been sent by the Code Enforcement Officer, by certified mail or registered mail, the owner of the property or premises in question and, if there be a tenant in possession, the tenant shall be punished as provided in §65-27.

ARTICLE VI

Brush, Grass and Weeds

§ 65-25. Accumulation of debris; obnoxious growth of grass or weeds.

A. No owner or occupant of property in the City shall cause or permit trash, refuse or debris to accumulate or remain upon his/her property so as to constitute a menace to health or a menace to public safety or a fire hazard or a public nuisance or a nuisance to adjoining property owners or an obstruction to the free passage of persons using the sidewalks or streets contiguous to the property.

B. No owner or occupant of property in the City shall cause or permit weeds, grass, thickets or other growth to grow upon his/her property so as to constitute a menace to health or a menace to public safety or a fire hazard or a public nuisance or a nuisance to adjoining property owners or an obstruction to the free passage of persons using the sidewalks or streets contiguous to the property. grass over ten inches (10”) tall shall constitute a public nuisance absent a finding as outlined in subsections (D) and (E) below.

C. In determining whether an area is in violation of subsection b, the City shall consider the following factors:

(1) Evidence of neglect or abandonment

(2) Presence of trash, debris, litter or garbage

(3) The impact on neighboring properties as to encroachment of vegetation on neighboring properties and rights of way, and

(4) The impact on health or public safety.

D. For occupied residential properties only, an area which is being actively protected, maintained, or cultivated for a use other than a lawn, such as a wildflower garden, wildlife habitat, meadow, or vegetable or herb garden, shall not be considered a violation of paragraph b, without a threat to health or public safety, a fire hazard, a substantial and unreasonable interference with the use and enjoyment of neighboring property, or an obstruction of public rights of way. A property owner may initiate City consideration of a property as meeting subsections 65-25 (D) and 65-25 (E) by providing a letter to the City that the owner intends to maintain a non-lawn use meeting the requirements of this ordinance.

E. A finding that an area is being actively protected, maintained, or cultivated for a non-lawn use shall be based on consideration of the circumstances in the area, including but not limited to, favorable consideration of the following factors:

(1) Presence of native plant species

(2) Presence of wildflowers, vegetables, or herbs

(3) Presence of the four requirements for wildlife: food (which may come from plantings or feeders), water, places to take cover, and places to raise their young

(4) Presence of wildlife, such as birds, squirrels, spiders, and insects

(5) Evidence provided by the landowner to establish active involvement in protecting, maintaining, or cultivating the area, which may include certification by a recognized state or national wildlife or natural habitat organization.

F. Native plants shall be those listed by the United States Fish and Wildlife Service for the piedmont or coastal plain areas of Maryland, as well as those listed by the Maryland Department of Agriculture.

§ 65-26. Procedure for abatement of violation. [Amended 7-20-70; 6-28-76, and 11-4-91 by HB No. 6-91, Amended 3-3-08 by HO-2008-04, Amended 4-7-08 by HO-2008-05, Amended 12-14-09 by HO-2009-10]

A. Upon complaint that a condition exists prohibited by Section 65-25 and upon inspection by the Code Enforcement Officer and a determination that a condition does exist that violates Section 65-25, the Code Enforcement Officer shall notify the owner and the occupants of the property, by causing a copy of such notice to be prominently affixed to the property or by personally serving upon the owner and occupants of the property a copy of said notice, and by mailing via regular mail a copy of the notice to the residence and to the owner. the notice shall be dated and state with specificity the nature of the condition, that the condition must be remedied within fourteen (14) days (more days may be specified in the notice) of the posting date of the notice, that upon failure to remove/abate such within the time specified, the City will remove/abate it, and the cost thereof will be charged to him, her, them as the case may be, unless cause to the contrary be shown by filing Objections in writing with the Office Of Code Enforcement on or before the expiration date on the Notice.

B. If timely objections have been filed in accordance with the preceding paragraph, the appeal of the specified action shall be held pursuant to subsections 96-6 (A) and (B) of this Code except that no appeal fee shall be required; the Mayor and City Administrator shall select at least two persons with expertise in botany and horticulture to advise on the record the Board hearing the appeal; upon written request the Mayor and City Administrator may grant a 15-day extension to allow the Appellant additional time to prepare; and the earliest date the City may begin to remove or abate the condition, absent emergency circumstances, shall be three (3) days after the appeal process has been concluded. The appellant may call such witnesses as he or she chooses for the hearing of the appeal.

C. Upon failure of the recipient either to comply with such notice or to file timely objections, the City of Hyattsville shall authorize or employ persons to perform said work, who shall have the right of entering the premises for that purpose, and the cost thereof shall be assessed against the property owner by the City of Hyattsville.

D. If the City of Hyattsville shall have the work performed or shall employ persons to perform said work and if the cost thereof as so assessed shall not be paid within thirty (30) days after a request for payment has been given to the owner or occupant of the property; such cost, as contained in a statement provided to the Treasurer by the head of Code Enforcement, showing the cost and expense incurred for the work, the date the work was done and the location of the property on which said work was done, shall be charged to the owner of such property by issuance of a supplemental tax bill. Such tax bill shall constitute a lien on such property and shall be collected in such manner as the City may establish.

ARTICLE VII

Penalty

[Added 11-3-80 by HB No. 19-80, Amended 12-3-07 by HO-2007-14]

§ 65-27. Violations and penalties. [Amended 8-2-82 by HB No. 10-82, Amended 6-1-98 by HR 98-03, Amended 7-16-01 by HO-01-03, Amended 12-3-07 by HO-2007-14, Amended 12-14-09 by HO-2009-10]

In addition to any other remedy provided by this Chapter, violations of this Chapter shall be punishable as a municipal infraction as provided in Chapter 20 of this Code. The fine for any single initial violation shall be One Hundred dollars ($100.00), and the fine for each repeat of that offense shall be Two Hundred dollars ($200.00).

Chapter 68

HOUSING STANDARDS

§ 68-1. Adoption of standards by reference.
§ 68-2. Unsafe structures and equipment.
§ 68-3. Emergency measures.
§ 68-4. Demolition.
§ 68-5. Appeals.
§ 68-6. Notices and orders.

ARTICLE II

Fences and Walls

§ 68-7. Fences and walls.

ARTICLE III

Paved Surfaces

§ 68-8. Impervious surfaces on residential properties.
§ 68-9. Paving and driveway permit.

ARTICLE IV

Enforcement

§ 68-10. Violations and penalties.

[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville 12-1-69. Sections 68-1, 68-2A and B(1) and 68-3A and F amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Municipal infractions - See Ch. 20.
Building construction - See Ch. 46.
Electrical standards - See Ch 55.
Fire prevention - See Ch. 59.
Health and sanitation - See Ch. 65.
Plumbing - See Ch. 93.
Licensing of rental units - See Ch. 96.
Zoning - See Ch. 120.

ARTICLE I

General

§ 68-1. Adoption of standards by reference. [Amended 5-3-05 by HR 05-06]

A. Subtitle 13, Housing and property standards, of the Prince George's County Code, as it may from time to time be amended, is hereby adopted by the City, and all of the powers, rights and requirements of compliance therein not in conflict with City Charter, this Code, or City regulations, may be exercised by the City.[8] However, all references in Chapter 13 of the County Code (or the

[8] *Editor's Note: A copy of the complete text of the standards adopted herein is on file and open to public inspection in the office of Code Enforcement.*

International Property Maintenance Code which the County Code currently incorporates) to the appointment, discipline, employment and termination of any property or code enforcement personnel or to a board of appeals shall not be effective in the City.

B. The Code Official shall be the City Administrator, his/her designee or any code enforcement officer of the City.

§ 68-2. Unsafe structures and equipment. [Amended 5-3-05 by HR 05-06]

A. General. When a structure or equipment is found by the Code Official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this Code. For purposes of this Chapter, condemnation means a declaration of illegality, danger or unfitness and does not include taking of property for compensation by a governmental unit.

(1) Unsafe Structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

(2) Unsafe Equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

(3) Structure Unfit for Human Occupancy. A structure is unfit for human occupancy whenever the Code Official finds that such structure is unsafe, or because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this Code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

(4) Unlawful Structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this Code, or was erected, altered or occupied contrary to law.

B. Closing of vacant structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the Code Official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the Code Official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

C. Notice. Whenever the Code Official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with §68-6(c). If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in §68-6(b).

D. Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the Code Official shall post on the premises or on defective equipment a placard bearing the word "condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

(1) Placard Removal. The Code Official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been e1iminated. Any person who defaces or removes a condemnation placard without the approval of the Code Official shall be subject to the penalties provided by this Code.

E. Prohibited occupancy. Any occupied structure condemned and placarded by the Code Official shall be vacated as ordered by the Code Official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this Code.

§ 68-3. Emergency measures. [Amended 5-3-05 by HR 05-06]

A. Imminent danger. When, in the opinion of the Code Official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Code Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Code Official shall cause to be posted at each entrance to such structure a notice reading as follows: "this structure is unsafe and its occupancy has been prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

B. Temporary safeguards. Notwithstanding other provisions of this Code, whenever, in the opinion of the Code Official, there is imminent danger due to an unsafe condition, the Code Official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted, and shall cause such other action to be taken as the Code Official deems necessary to meet such emergency.

C. Closing streets. When necessary for public safety, the Code Official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

D. Emergency repairs. For the purposes of this section, the Code Official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

E. Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the City. The legal counsel of the City shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

F. Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the City, be afforded a hearing as described in this chapter.

§ 68-4. Demolition. [Amended 5-3-05 by HR 05-06]

A. General. The Code Official shall order the owner of any premises upon which is located any structure, which in the Code Official's judgment is so dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than one year, to demolish and remove such structure.

B. Notices and orders. All notices and orders shall comply with §68-6.

C. Failure to comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the Code Official shall cause an action to be filed in the court for demolition and recovery of all costs and fees (including attorney and expert fees) incurred in the enforcement of this subsection. The cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

D. Salvage materials. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

§ 68-5. Appeals. [Amended 5-3-05 by HR 05-06]

A. Any person affected by any notice or order which has been issued in connection with the enforcement of any provision of this chapter may request and shall be granted a hearing on the matter before the head of code enforcement or his/her designee, or the head of the public works department when appropriate, who shall in either case be the hearing officer. Provided, however that such person requesting the hearing (the "appellant") must file in the office of the City Administrator a signed written notice of appeal, requesting a hearing and setting forth a brief statement of the reasons therefore, within ten (10) days after service of a notice or order.

B. Upon receipt of such notice of appeal, the hearing officer shall promptly set a time and place for such hearing and shall give the person appealing and other enforcement personnel notice thereof. Notice of the hearing shall be posted at the property in a conspicuous place no later than forty-eight (48) hours before the hearing indicating the nature of the proceeding, the time and place of the hearing and the name and telephone number of the person to contact for additional information.

C. The hearing officer shall determine such appeals in writing as promptly as practicable. After such hearing, the hearing officer may affirm, amend, modify or withdraw the notice or order appealed from. The decision of the hearing officer shall constitute an order, and any person who shall fail, refuse or neglect to comply with any such order shall be guilty of violating the provisions of this chapter.

D. The decision of the hearing officer shall in all cases be final, except that any appellant or party directly aggrieved by a decision of the hearing officer may appeal to a court of record of competent jurisdiction for a further review, on the record made in front of the hearing officer provided that appellant does so within thirty (30) days after the rendering of such decision. The decision of the

hearing officer in any case on appeal may be stayed by the hearing officer pending a decision by the court.

E. Whenever a Code Official finds that an emergency exists which requires immediate action to protect the public health, he/she may, without notice of hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he/she deems necessary to meet the emergency. Notwithstanding the other provisions of this chapter, such order shall be effective immediately, but, upon petition to the person hearing such appeal, shall be afforded a hearing as soon as possible. After such hearing, depending upon the finding as to whether the provisions of this Code and of the rules and regulations adopted pursuant thereto have been complied with, the hearing officer shall continue such order in effect or modify it or revoke it.

§ 68-6. Notices and orders. [Amended 5-3-05 by HR 05-06]

A. Notice to person responsible. Whenever the Code Official determines that there has been a violation of this Code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in §§b and c, immediately below, to the person responsible for the violation as specified in this Code. Notices for condemnation procedures shall also comply with §68-2(c).

B. Such notice prescribed in § A shall be in accordance with all of the following:

(1) be in writing.

(2) include a description of the real estate sufficient for identification.

(3) include a statement of the violation or violations, why the notice is being issued and the day and time the violation was discovered.

(4) include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Code.

(5) inform the property owner of the right to appeal.

(6) include a statement of the right of the City to file a tax lien.

C. Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

(1) delivered personally to the tenant if any, and to the owner of record; or

(2) sent by certified mail addressed to the last known address of the owner and the tenant, if any, so long as a copy thereof shall be posted in a conspicuous place or about the structure affected by such notice.

D. Penalties. Penalties for noncompliance with orders and notices shall be as set forth in section 68-10(e)(4).

E. Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Code Official and shall furnish to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility

without condition for making the corrections or repairs required by such compliance order or notice of violation.

ARTICLE II

Fences and Walls

§ 68-7. Fences & Walls. [Added 11-3-03 by HO-2003-07, Amended 5-3-05 by HR 05-06]

A. Definitions. In this chapter the following words shall have the following meaning:

(1) "Fence." Any structure, barrier, partition or hedge having the effect of or erected or placed for the purpose of enclosing a piece of land, dividing a piece of land into distinct portions, separating two contiguous estates, or stopping and/or creating an obstacle to pedestrian crossings; and consisting of a section or sections of any type of plants, fencing material, chain, railing, arbor, trellis, blocks, bricks, stones, wood, iron wire, plastics, concrete or any other building or construction material; provided, however, that a structure or hedge which is solely for decorative purposes shall not constitute a fence, as long as such structure or hedge does not exceed three (3) feet in height, and provided that such structure or hedge on any lot does not, in total, consist of more than four (4) eight (8) foot long sections, with no more than two (2) such sections being connected or located within twelve (12) feet of each other. The length of the materials shall be measured at their longest point. Such decorative structures shall be landscaped along their total length with bushes, shrubs, plants or flowers.

(2) "Front yard." All that area between a paved street and the building restriction line or (in the event the building is in front of the building restriction line) a line drawn parallel to the street across the front of the house or the main building on the lot in question and running the full width of that lot and any adjacent lot, if this adjacent lot is unimproved. A lot can have only one front yard.

(3) "Rear yard." All that area between the back property line and a line drawn across the rear of the house or main building of the lot in question and running the width of the lot. A lot can have only one rear yard.

(4) "Side yard." All the area which is not considered front yard or rear yard, ordinarily between the front and rear yard.

(5) "Building restriction line." The building setback requirement established by the Prince George's County Zoning Ordinance which establishes the closest point to a street that a building may be constructed in the zone in question.

(6) "Height." The distance between the finished grade of ground on the lower side and the top of the fence or hedge.

(7) "Retaining wall" or "Wall." A barrier built to retain or support the lateral pressure of earth or water or other superimposed loads.

B. Purpose. It is the intent and purpose of this section to protect the public health, safety, and general welfare of the City of Hyattsville and its residents by generally regulating the placement of fences on property. Such regulation shall, among other things: permit the rapid, free and unobstructed access to buildings by emergency vehicles, personnel and equipment; allow for the unobstructed establishment, maintenance and creation of public rights-of-way along the streets and sidewalks in the City; prevent the obstruction or reduction, by man-made structures, of visibility at

corners, driveways and intersections for drivers and pedestrians; add to the attractiveness and comfort of the residential district; create a better home environment in the City; preserve an area which is generally regarded by the public as pleasing to the eye; and preserve, improve and protect the general character of lands within the City and the improvements thereon.

C. General regulations.

The following regulations apply on all lots in the City:

(1) Front yards.

(a) Except as hereinafter provided, fences over three and one half (3 ½) feet in height are prohibited in the front yard.

(b) Retaining walls constructed in the front yard extending along the street for more than four (4) feet shall not be more than one (1) foot above the higher side grade of any lot.

(c) A front yard fence (except a hedge or fence made primarily from growing plant) shall be thirty-five percent (35%) open (visible through), when viewed perpendicular to the fence except when the fence is within fifteen feet (15') of a paved street or alley or driveway in which case it must be fifty percent (50%) visible through when viewed perpendicular to the fence.

(d) Any hedge or shrubbery must be trimmed so that it does not impede the progress or the visibility of motor vehicles and passersby.

(2) Side yard fences. Except as otherwise provided herein, a fence may be located in any part of the side yard of a lot.

(3) Rear yard fences. Except as otherwise provided herein, fences are allowed in the rear yard. Fences in rear yards where the rear lot line is a continuation of the front yard line of the adjacent lot shall be set back 15 feet from the property line.

(4) No fence shall exceed six (6) feet in height.

(5) Regardless of the above regulations, at the intersection of all streets, alleys and driveways, no fence over three (3) feet shall be within fifteen (15) feet of the paved street or alley.

(6) On all commercial or multifamily residential property, the finished face of retaining walls and fences shall be limited to the following materials: brick, stone, stucco, iron and aluminum. All other materials shall require an exception.

(7) All fences or retaining walls legally existing on June 30, 2003 which do not comply with the general restrictions 1-6 above shall be deemed legal non-conforming uses. However, a hedge that qualifies as a fence shall not be a legal non-conforming use unless the life of the entire hedge is threatened by conforming to this code. A replacement fence or wall except as provided below in #8 shall conform to the requirements of this Chapter. A replacement means fifty percent (50%) or more of the fence or wall being replaced within one (1) calendar year.

(8) A fence or retaining wall deemed to be a legal non-conforming use under this subsection which has been removed or destroyed through no fault of, and due to circumstances beyond the control of the owner, (except for natural aging) may be replaced or repaired in a manner substantially identical in all material respects to the fence so removed or destroyed provided it is repaired or replaced within 180 days from the date of the removal or damage. If any portion of a fence or wall is replaced with a fence or wall using a different material or style for such fence or wall or

varying the height or length of such fence or wall, the owner or his agent must apply for an exception. Nothing contained in this subsection shall be construed to prohibit the maintenance and repair of a non-conforming fence or wall as long as the fence or wall is not changed in character and repairs are made with materials substantially the same as the materials requiring maintenance or repair.

(9) All fences and retaining walls placed or completed after June 30, 2003 shall conform to the requirements of this chapter.

(10) No fence made in whole or in part of barbed wire or chicken wire shall be erected or constructed along or adjacent to any street, avenue, road, alley, public walk, nor immediately adjacent to an adjoining lot or property line.

(11) No fence or retaining wall, the design or construction of which would be detrimental to the public welfare, health, safety or comfort of the citizens of the City will be permitted to be erected.

(12) Any protective railings, fences, retaining walls or barriers, which do not conform to the provisions of this code due to either the location, dimensions, materials or open percentage, will be required to receive an exception.

(13) No gate shall swing outward on any public road, sidewalk, or public passageway within the City.

(14) No person shall allow or cause to be built or placed any retaining wall or fence, or combination thereof, which does not meet all design and construction specifications of the Prince George's County Building Code.

(15) Retaining walls shall be designed to resist the pressure of the retained material, including both dead and live load surcharges, to which they may be subjected, and to ensure stability against overturning, sliding, excessive foundation pressure and water uplift.

(16) All fences and retaining walls must be maintained in a structurally safe and sound manner and in good repair.

(17) No fences or retaining wall may be erected or put in place or repaired for more than 25% of its surface without first obtaining a permit from the City. A late fee of twenty-five dollars ($25.00) shall be assessed for failing to apply for a permit before beginning work on the fence or retaining wall. The City will issue a permit unless the proposed action does not conform to this code and no exception therefor has been granted. The application for a permit shall contain all information relevant and necessary to determine whether the particular permit may be issued, including but not limited to:

(a) The applicant's full name, current address, telephone number and proof of identity;

(b) A brief description and/or picture of the nature, material and height of the fence or wall;

(c) The specific location proposed of the fence or wall including whether it is a front yard fence.

D. Exceptions.

The Council may grant an exception to the above general regulations in Article II as provided herein.

(1) Procedures.

(a) Application. All requests for an exception shall be made by application filed with the City. The City shall make available an application form which shall require an accurate description of the subject property, the exception being requested, the basis of the request, and the addresses of adjacent property owners.

(b) In addition to the application, the applicant shall submit the following:

(i) One (1) copy of a site plan, survey or other graphic illustration satisfactory to the City which accurately depicts the location of all relevant features of the property, including but not limited to structures, property lines, setback lines and all other features that, when viewed together, result in the need for the requested exception. The site plan, survey or other graphic illustration must also depict the measurements of and between these features and the location, size and scope of the requested exception; and

(ii) One (1) copy of a written explanation by the applicant describing how the proposed use meets the relevant standards prescribed in Subsection D(5) below. The applicant must also verify that he/she has given written notice of the application and a summary of the exception requested to the immediately adjacent property owners (including those properties across a street, alley or stream).

(2) Public hearing. Before making its decision on any application for exception, the Council may hold a public hearing on the matter. Any hearing shall be open to the public and records and minutes shall be maintained at all such hearings. The Council shall issue a written decision either granting, granting with modifications or conditions, or denying the exception application within thirty (30) days from the closing of the hearing or as soon thereafter as may be reasonably possible. The Council shall provide a copy of its written decision to the persons of record.

(3) Notice of hearing. Notice of the hearing shall be sent via mail, postmarked not less than seven (7) days prior to the date of the hearing to the applicant. Additionally, notice of the hearing shall be sent via mail to the owners of abutting property (including those properties directly across a street, alley, or stream). The notice shall contain:

(a) The date, time and place of the hearing; and

(b) A brief statement describing the specific nature of the exception requested.

(4) No refiling. If the Council denies an application for exception, no further application concerning the same specific subject on the same property may be filed for a period of two years from the date of the decision.

(5) Standard of review. An exception may only be granted by the Council when:

(a) The granting of the exception will not substantially impair the intent, purposes or integrity of the policies of the City, will not conflict with county law, and will not adversely affect the health, safety, welfare or peace of the general public or nearby land owners; and either

(b) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions or other extraordinary situations or conditions; or

(c) The strict application of the general regulations herein will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property.

(6) Other laws. Nothing in this section shall be construed to relieve the applicant of any other duties, obligations, restrictions or requirements, including but not limited to permit requirements,

of other sections of the City code, the Prince George's County Code, or any other relevant laws, rules, ordinances or regulations.

(7) The City Administrator may allow temporary fences for up to one full year not in strict conformity with this Chapter at construction or excavation work sites in order to protect the safety of the public and of the workers at the site. No barbed or razor wire shall be allowed.

ARTICLE III

Paved Surfaces

§68-8. Impervious surfaces on residential properties. [Amended 3-15-04 by HO-2004-04, Amended 5-3-05 by HO-2005-06]

A. Notwithstanding the Prince George's County Code provisions relating to impervious surface coverage, the impervious surface area of the front yard of any residential property in the City of Hyattsville shall not exceed twenty-five percent (25%) of the total area of the front yard.

B. Definitions.

(1) "front yard" shall mean in addition to the definition in this Chapter, that for buildings on corner lots where the building faces an intersection rather than either of the streets, the front yard shall be the triangular area between the paved streets and a line drawn across that side of the building nearest the street and facing the intersection.

(2) "impervious surface" shall include, but not be limited to, concrete, asphalt, pavers, brick, and gravel, and all paved and prepared drivable surfaces pursuant to §114-72.1 of this Code. Non-drivable surfaces, including a sidewalk no wider than 42", shall not be counted as impervious surface for purposes of this subsection.

C. Any properly permitted impervious surface coverage existing on April 1, 2004 that does not comply with the restrictions contained in this section shall be deemed a legal nonconforming use until April 1, 2009 and may be repaired. Any replacement of the impervious surface shall conform to the requirements of this section. Replacement means any work on at least fifty percent (50%) of the impervious surface for any reason. However, after April 1, 2009 all such legal non-conformance uses must cease and be in compliance with this chapter.

§68-9. Paving and driveway permit. [Amended 3-15-04 by HO-2004-04, Amended 5-3-05 by HO-2005-06]

A. No person may install, widen, extend, or enlarge, or allow to remain in place any impervious surface, including gravel, in the front yard of residential property in the City of Hyattsville without first obtaining a paving and driveway permit from the Code Compliance. Further it shall be unlawful to allow to remain in place any impervious surface not in conformity with this Code.

B. The application for a permit shall contain all information relevant and necessary to determine whether the permit may be issued, including, but not limited to:

(1) the applicant's full name, current address, telephone number and proof of identity and the name, address and telephone number of the property owner, if not the same as that of the applicant;

(2) a full description of the proposed installation, including the material to be installed, the amount of the material that will be installed, the square footage of the area to be covered, and the specific location on the property of the proposed installation; and

(3) a site plan or other plan or plat acceptable to the Director of the Department of Public Works drawn to scale reflecting the location of all structures on the property, any and all existing impervious surfaces, the total square footage of all impervious surfaces currently located on the property, the total area of the lot or property in question and the zoning of the property.

C. At the time of filing a paving permit application, the applicant shall pay a permit fee of fifty dollars ($50.00). The permit fee shall accompany the application. A late fee of twenty-five dollars ($25.00) shall be assessed for failing to apply for the permit prior to beginning work.

D. Code Compliance shall be responsible for issuing permits or exceptions under this article. The application for a permit may be denied, granted or granted with reasonably necessary conditions. The applicant may appeal the denial of a permit or a special exception to the City Administrator or his/her designee pursuant to §69-7 of this code.

E. The Head of Code Enforcement or his/her designee may grant an exception to the restriction contained in section 68-8(A) above, when an applicant can prove to the Director's satisfaction:

(1) that the applicant must exceed the impervious surface coverage limitation in order to install such surface for medical reasons (*i.e.*, To construct a ramp to access a house or provide parking for a handicapped person who resides at the property); or

(2) that the applicant cannot otherwise provide for any off-street parking on their property.

F. Code Compliance may only grant an exception for the minimum amount necessary and may impose reasonably necessary conditions. In no event shall an exception allow the impervious surface area in the front yard of a residential property to exceed a total of fifty percent (50%) of the total area of the front yard or violate any county, state or federal law as to impervious surfaces.

ARTICLE IV

Enforcement

§ 68-10. Violations and penalties. [Amended 7-16-01 by HB 01-03, Amended 5-3-05 by HO-2005-06]

A. Unless otherwise provided, violations of this Chapter shall be punishable as a municipal infraction and the fine for any single initial violation shall be one hundred dollars ($100.00), with the fine for each repeat of that offense shall be two hundred dollars ($200.00).

B. The fine for any single initial violation of Article II shall be two hundred fifty ($250.00) and the fine for each repeat of that offense shall be five hundred dollars ($500.00).

C. In addition to the penalties prescribed above, the City shall have the right to institute injunction, mandamus or any other appropriate civil action or proceeding to prevent violations of this chapter. The provisions of the real property article of the Maryland Code §14-120, as amended, shall be followed when they apply to the proceeding.

D. Where a municipal infraction citation has been issued for a violation of this Chapter, each thirty-day period following the issuance of said citation during which the violation(s) continues unabated or recurs shall constitute a separate violation for which additional citations may be issued, and additional fines incurred.

E. Stop Orders.

(1) Whenever any work is being done without a permit, when such is required by this Code, or in violation of the provisions of this Chapter or in exception with the term of any permit issued for such work, the City Administrator or his or her duly authorized representative, or the Code Officer, may order all or part of the work on the job stopped until such violation or exception is eliminated and the work or installation made in violation of this subtitle is corrected. Such stop order, if oral, shall be followed by a written stop order within twenty-four (24) hours (excluding Saturday, Sunday or holidays).

(2) It shall be unlawful to do or perform any work in violation of such stop order, except as may be necessary to prevent injury or damage to persons or property or to correct the violation.

(3) The stop order shall contain, or be accompanied by, a written notice indicating that there is a right to a hearing within a reasonable time before the City Administrator or his or her designee. Such request for a hearing must be filed in writing at the City office no later than seventy-two (72) hours. The owner or permittee affected by such stop order shall be entitled to such hearing as quickly as feasible, but at least within forty-eight (48) hours of receipt of such request for hearing by the City Administrator. The City Administrator, or a designated impartial member of his or her staff who has or is delegated authority to act, shall afford the owner or permittee a fair hearing with an opportunity to present evidence or testimony that is relevant to the stop order. The owner or permittee shall be afforded reasonable notice of the time and place of the hearing at the time of the request in person, or by telephone or other appropriate means if the request is forwarded in writing.

(4) The penalty for violating any stop order shall be a misdemeanor with a maximum penalty of one thousand dollars ($1,000.00) and/or thirty (30) days imprisonment.

F. Abatement. The City may order the abatement of any violation of this Chapter pursuant to the notice and orders requirements of this Chapter at §68-6. Hearings on such notices and orders shall be governed by §68-5 appeals.

Chapter 69

COMMERCIAL PROPERTY STANDARDS

ARTICLE I

General Provisions

§ 69-1. Adoption of standards by reference.
§ 69-2. Notice of violation; right of appeal.
§ 69-3. Violations and penalties.

ARTICLE II

Windows, Door and Loading Dock Covers

§ 69-4. Enclosures within openings in commercial buildings – generally.
§ 69-5. Permit required.
§ 69-6. Issuance of permits.
§ 69-7. Appeal.
§ 69-8. Security measures.
§ 69-9. Waiver.
§ 69-10. Legal non-conforming use.
§ 69-11. Maintenance and repair.
§ 69-12. Penalties.

[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville 10-20-97 as Hyattsville Bill 97-03]
GENERAL REFERENCES
Municipal infractions - See Ch. 20.
Building construction - See Ch. 46.
Electrical standards - See Ch 55.
Fire prevention - See Ch. 59.
Health and sanitation - See Ch. 65.
Plumbing - See Ch. 93.
Licensing of rental units - See Ch. 96.
Zoning - See Ch. 120.

ARTICLE I

General Provisions

§ 69-1. Adoption of standards by reference. [Added 10-20-97]

Subtitle 13, Division 7, Property Standards and Maintenance, of the Prince George's County Code, 1995 Edition[9], as it may from time to time be amended, is hereby adopted by the City, and all of the powers, rights and requirements of compliance therein, (except with respect to enforcement and penalty) to the extent that they may be exercisable by a municipal corporation, may be exercised by the City.

[9] *Editor's Note: A copy of the applicable text of the standards adopted herein is on file and open to public inspection in the office of Code Enforcement.*

§ 69-2. Notice of violation; right of appeal. [Added 10-20-97]

Notice of violation of such standards shall be the responsibility of the Code Enforcement Officer, with right of appeal to the City Council.

§ 69-3. Violation and penalties. [Added 10-20-97]

A. Violations of this chapter shall be punishable as a municipal infraction as provided in Chapter 20 of this Code.

B. In addition to the penalties prescribed above, the City shall have the right to institute injunction, mandamus or any other appropriate civil action or proceeding to prevent violations of this chapter.

ARTICLE II

Windows, Door and Loading Dock Covers

[Added 2-17-04 by HO-2004-02]

§ 69-4 Enclosures within openings in commercial buildings – generally.

A. For purposes of this article "enclosure" shall mean, any barrier, partition or screen that can be installed, removed, swung, drawn, or lowered or that is stationary, and is put in place for the purpose of, or has the effect of, limiting or blocking an opening in buildings used for a commercial purpose, whether or not the item is intended to provide or assure safety. Enclosure shall include, but not be limited to, gates, grilles and shutters.

B. Purpose. It is the intent and purpose of this section to protect the public health, safety, and general welfare of the citizens of the City of Hyattsville by regulating the placement of enclosures within window and door openings of buildings used for a commercial purpose. Such regulation shall, among other things: permit the rapid, free and unobstructed access to buildings by emergency personnel and equipment; add to the attractiveness and comfort of the commercial districts; create a better commercial environment in the City; and preserve, improve and protect the general character of commercial property within the City and the improvements thereon.

§ 69-5 Permit required.

A. Permit required. No enclosure shall be installed within or over the openings of buildings used or designated to be used for commercial purposes in the City of Hyattsville, and no such enclosure shall be altered or replaced, until a permit is obtained from the City. All such work on enclosures must conform to this code and conditions imposed on the permit.

B. Application. Applications for issuance of a City permit to install an enclosure within an opening of a building used for a commercial purpose in the City of Hyattsville shall be filed with the permit administrator on a form prescribed by the permit administrator. The permit administrator shall be designated by the City Administrator. The application shall be accompanied by the following:

(1) Plans and specifications drawn to scale with sufficient clarity and detail to show the nature and character of the proposed work.

(2) A site plan drawn to scale depicting the size and location of all buildings, including accessory structures, fences and other structures on the site, distances from lot lines, and distances to buildings, including accessory buildings, on adjacent lots. The site plan shall be drawn in accordance with an accurate boundary survey.

(3) A written statement and adequate evidence demonstrating that the proposed work will conform to the standards set forth in this section for the granting of a City permit.

(4) A copy of the county permit, if one is required for the proposed work.

(5) Permit fee of $100.00 which shall cover one inspection. A re-inspection fee of $50.00 may be imposed. A late fee of one hundred dollars ($100.00) will be assessed for failure to apply for the permit before beginning work on the enclosure.

§ 69-6 Issuance of permits.

A. The permit administrator shall be responsible for issuing permits and waivers under this article of the City Code. The application for a permit may be denied, granted or granted with reasonably necessary conditions. If an application is denied, the permit fee shall be refunded to the applicant.

B. The City may refuse to issue a permit where the public health, safety, welfare of the citizens, or property values are impacted by any of these issues:

(1) The visibility of enclosure from the public roadway(s) and sidewalk(s) adjacent to the subject property.

(2) The amount of time the enclosure(s) would be deployed and visible during daylight hours.

(3) The amount of surface area and/or conspicuousness of the proposed enclosure(s).

(4) The enclosure's harmony or consistency with surrounding materials, colors, shapes and forms.

(5) The potential for the enclosure to interfere with emergency personnel access to the building.

C. Conditions for issuance of permit.

(1) The submitted plans and the work performed pursuant to a permit to install an enclosure within an opening of a building used for a commercial purpose must meet the following conditions:

(a) Any enclosure must be at least 80% open (visible through).

(b) No enclosure that covers a vertical surface area of more than 20 square feet shall be mounted on the exterior of a commercial structure if that device could be viewed from an adjacent public roadway, right-of-way or sidewalk.

(c) If any enclosure will be fixed in place, the applicant must present evidence of approval of the proposed installation by the fire marshal. If the proposed installation does not include a quick-release mechanism, the applicant must also present evidence of approval of the installation by the City police department.

§ 69-7 Appeal.

A. The applicant may appeal the issuance or denial of a permit or waiver to the City Administrator or his/her designee. The appeal must be made in writing within fifteen (15) calendar days of the issuance or denial. The City Administrator shall conduct a hearing of record regarding the appeal, giving at least ten (10) calendar days' notice of the hearing to the parties.

§ 69-8 Security measures.

A. In the event that an applicant desires to install an enclosure that is not allowed under this article, the following security measures are permitted and are encouraged in lieu of devices regulated by this article:

(1) Barrier-type devices that are indistinguishable from the other architectural elements of the enclosure (e.g., enclosure-plastic windows, reinforced doors, etc.).

(2) Alarm devices that provide an audible signal of an unauthorized intrusion.

(3) Surveillance measures that detect and/or report an unauthorized intrusion (video cameras, alarm monitoring services, security guards, etc.)

§ 69-9 Waiver.

A. The permit administrator may grant a waiver of the conditions for the issuance of a permit outlined in §69-6 (b) in this chapter provided that the applicant demonstrates that the sole purpose of the enclosure is to provide security or safety, and provided further the applicant can demonstrate the following:

1. That alternative security measures such as those described in §69-8 are impractical and/or insufficient to provide adequate security for subject premises.

2. That a clear danger of criminal activity exists for the subject premises, as indicated by crime records for the most recent 24 months of occupation of said premises and/or a demonstration that the type of business conducted in the subject premises is frequently and disproportionately victimized by crime.

3. For any device that fails to meet one or more of the provisions of §69-8, that no other device that conforms to this article more is practical and/or sufficient to provide adequate security for subject premises; and

4. That a significant hardship will be suffered by the applicant if a permit is not granted for such enclosure(s).

§ 69-10 Legal non-conforming use.

A. Any owner of a property at which a nonconforming enclosure was installed prior to enactment of this article shall have five (5) years from the date of enactment of this article to bring the property into conformance with the provisions of this article.

§ 69-11 Maintenance and repair.

A. All devices regulated by this article that are approved by permit or as a legal, nonconforming use, shall be maintained in good repair, painted a uniform color and be free from graffiti.

B. Any such device exhibiting substantial conditions of deterioration including either rusted finishes, peeling paint, accumulated grime, graffiti, bent, broken or distorted surfaces, if not repaired within thirty (30) days after written notice from the City, shall be considered beyond repair, and shall be removed by the owner of the property at his or her own expense upon direction by the City, and the property owner shall be cited for a violation of this article. Failure to remove the cited enclosure within 30 days and each subsequent 30 days thereafter shall be deemed additional violations of this article. For purposes of this section, “substantial conditions” shall be considered to be 20 percent (20%) or more of the surface material.

C. A property owner directed by the City to remove an enclosure under the terms of this section 69-11 shall be ineligible to apply for a permit for an enclosure at the same premises for a period of three (3) years, except as a waiver.

§ 69-12 Penalties.

A. A violation of any provision of this article shall be deemed a municipal infraction, and any violator shall be subject to the following penalties:

(1) First violation - a fine of $200.00.

(2) Second violation - a fine of $500.00.

(3) Third and each subsequent violation - a fine of $1,000.00.

Chapter 79

NOISE

§ 79-1. Definitions.
§ 79-2. Noise standards.
§ 79-3. Loud and unnecessary noise prohibited.
§ 79-4. Responsibility of property owner.
§ 79-5. Violations and penalties.

[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville 12-1-69. Section 79-1 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. 1. Other amendments noted where applicable]

GENERAL REFERENCES

Municipal infractions - See CH. 20.
Amusements and entertainment - See Ch. 40.
Dogs and other animals - See Ch. 52.
Peace and good order - See Ch. 87.

§ 79-1. Definitions. [Amended 2-2-83 by HB No. 3-83; 12-19-83 by HB No. 15-83]

For purposes of this chapter, the following words or terms shall have meanings ascribed to them:

ANSI - American National Standards Institute or its successor bodies.

CONSTRUCTION - Any site preparation, assembly, erection, repair, alteration or similar activity.

DAYTIME HOURS - 8:00 a.m. to 8:00 p.m., local time.

DBA - Abbreviation for the sound level in decibels determined by the A-weighting network of a sound level meter or by calculation from octave band or one-third (1/3) octave band data.

DECIBEL (dB) - A unit of measure equal to ten (10) times the logarithm to the base ten (10) of the ratio of a particular sound pressure squared to a standard reference pressure squared. For the purpose of this chapter, twenty (20) micropascals shall be the standard reference pressure.

DEMOLITION - Any dismantling, destruction or removal activities.

EMERGENCY - Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

NIGHTTIME HOURS - 8:00 p.m. to 8:00 a.m., local time.

NOISE - The intensity, frequency, duration and character of sound, including sound and vibration of sub-audible frequencies.

NOISE POLLUTION - The presence of noise of sufficient loudness, character and duration, which, whether from a single source or multiple sources, is, or may be predicted with reasonable certainty to be, injurious to health or which unreasonably interferes with the proper enjoyment of property or with any lawful business or activity.

PERSON - Any individual, group of individuals, firm, partnership, voluntary association or private, public or municipal corporation, or political subdivision of the state.

SOUND LEVEL - In decibels, the weighted sound pressure level measured by the use of a sound level meter satisfying the requirements of ANSI S1.4 1971 Specifications for Sound Level Meters. “Sound Level” and noise level are synonymous. The weighting employed shall always be specified.

SOUND LEVEL METER - An instrument, meeting ANSI S1.4 1971 Specifications for Sound Level Meters, comprising a microphone, an amplifier, an output meter and frequencyweighting network(s) that is used for the measurement of sound pressure levels in a specified manner.

ZONING DISTRICT - The general land use category as designated and defined in Subtitle 27, Zoning, of the Prince George's County Ordinances.

§ 79-2. Noise standards. [Amended 2-23-83 by HB No. 3-83]

A. No person shall cause or permit the following noise/sound levels measured at points on or within a property line or reasonably adjacent thereto of the source of said noise above the maximum permissible levels in a designated zoning district. Levels exceeding said permissible levels are prohibited.

Land Use	**Day- or Night-Time Hours**	**Level (dBA's)**
Industrial	Day	75
	Night	75
Commercial	Day	67
	Night	62
Residential	Day	60
	Night	50

B. Exceptions:

(1) Construction or demolition activities shall be permitted during daytime hours, provided that such activity shall not exceed a level of ninety (90) dBA's.

(2) Household tools and portable appliances in normal usage.

(3) Lawn care and snow removal equipment (daytime only) when used and maintained in accordance with the manufacturer's specifications.

(4) Agricultural field machinery when used and maintained in accordance with manufacturer's specifications.

(5) Blasting operations for demolition, construction and mining or quarrying (daytime only).

(6) Motor vehicles on public roads.

(7) Aircraft.

(8) Motor vehicles or boats on state lands or waters.

(9) Emergency utility operations.

(10) Pile-driving equipment during the daytime hours of 8:00 a.m. to 5:00 p.m.

(11) Sound not electronically amplified created by sporting, amusement and entertainment events and other public gatherings operating according to terms and conditions of the appropriate local jurisdictional body. This includes but is not limited to athletic contests, amusement parks, carnivals, fairgrounds, sanctioned auto racing facilities, parades and public celebrations.

(12) Rapid rail transit vehicles and railroads.

(13) Any activity causing noise if a variance for such activity and the noise resulting there from has been obtained from the environmental health administration of the Maryland Department of Health and Mental Hygiene or is being processed pursuant to the rules and regulations of that Department. This exception shall apply only to the extent of any such variance so granted or being processed.

(14) Use of any machinery or vehicles by personnel of the State of Maryland or any political subdivision thereof.

§ 79-3. Loud and unnecessary noise prohibited. [Amended 2-23-83 by HB No. 3-83]

It shall be unlawful for any person to make, continue or cause to be made or continued any of the following noises, which are hereby declared to be loud and unnecessary.

A. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street, way, avenue or alley or other public place of the City, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; the sounding of any such device for any unnecessary or unreasonable length of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.

B. Use of radios, phonographs and musical instruments.

(1) The using of, operating of or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto.

(2) The using of, operating of or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound between the hours of 12:00 midnight and 7:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located.

C. Yelling, shouting, hooting, whistling and singing.

(1) Yelling, shouting, hooting, whistling or singing on the public streets or from private property at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence or any persons in the vicinity.

(2) Yelling, shouting, hooting, whistling or singing on the public streets or private property at any time or place in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle from which the noise emanates.

D. The operation of any vehicle equipped with any broadcasting, record-playing or amplification system when any music, the human voice or any other noise shall be broadcast from said vehicle.

§ 79-4. Responsibility of property owner. [Amended 2-23-83 by HB No. 3-83]

Any owner of property who shall permit loud and unnecessary noise or noise which is in violation of the level established by this chapter shall be subject to the penalties hereof.

§ 79-5. Violations and penalties. [Added 3-3-80 by HB No. 6-80; Amended 8-2-82 by HB No. 13-82, Amended 6-1-98 by HR 98-03, Amended 7-16-01 by HB No. 01-03, Amended 12-3-07 by HO-2007-14]

Violations of this chapter shall be punishable as a municipal infraction as provided in Chapter 20 of this Code. The fine for any single initial violation shall be One Hundred dollars ($100.00), and the fine for each repeat of that offense shall be Two Hundred dollars ($200.00).

Chapter 84

PARKS AND RECREATIONAL FACILITIES

§ 84-1. Definitions.
§ 84-2. Responsibilities of Parks and Recreation Committee.
§ 84-3. Authority of police officers.
§ 84-4. Area designations for William Pickney Magruder Park.
§ 84-5. Use of parks by residents and nonresidents of City; fees.
§ 84-6. Hours of operation.
§ 84-7. Application and issuance of permits.
§ 84-8. Determination of controversies as to priority of permits.
§ 84-9. Use of parks for baseball or softball restricted.
§ 84-10. Operation and parking vehicles.
§ 84-11. Conduct warranting removal from park; revocation of permit.
§ 84-12. Conduct of spectators at games held in parks.
§ 84-13. Sale of articles and/or merchandise for personal gain prohibited; exceptions.
§ 84-14. Soliciting prohibited.
§ 84-15. Washing, waxing, or other vehicle maintenance prohibited in or near parks.
§ 84-16. Carrying of firearms prohibited; exception.
§ 84-17. Maintenance of open fires restricted.
§ 84-18. Young children to be accompanied by adult; other restrictions.
§ 84-19. Running at large of dogs and other animals prohibited.
§ 84-20. Special permit required for use of alcoholic beverages.
§ 84-21. Use of glass beverage containers prohibited.
§ 84-22. Violations and penalties.

[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville 12-1-69. Sections 84-1, 84-4, 84-6A and C, 84-7A, C and D, 84-9, 84-13 and 84-19 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Municipal Infractions - See Ch. 20.
Police Department - See Ch. 30.
Alcoholic beverages - See Ch. 38.
Dogs and other animals - See Ch. 52.
Peace and good order - See Ch. 87.
Peddling and soliciting - See Ch. 90.

§ 84-1. Definitions.

For the purposes of this chapter, the following words and terms shall have the meanings respectively ascribed to them by this section:

LIBRARY - The William Pickney Magruder Memorial Library Branch of the Prince George's County Library System. **[Added 12-19-83 by HB No. 15-83]**

PARKS - All property owned, leased or operated by the City for park, playground or recreational purposes and shall include all the property described in the deed from William P. Magruder and wife, dated April 11, 1927, as the same is recorded in Liber 279 at Folio 447 in the land records of prince George's County, Maryland, and which is known as the "William Pickney Magruder Park."

PUBLIC PROPERTY - All buildings, fountains, public conveniences or other improvements to the parks and all equipment used for the recreational activity and for the increase of the enjoyment of the

parks, whether the same may have been purchased, acquired or owned by the City, as well as any property donated by any individual, group of individuals, firm or corporation to the City for use in the parks and for recreational activity and enjoyment of such parks.

VEHICLE - All conveyances, whether drawn by horse or other beast of burden, bicycles or any motor vehicle or conveyance propelled by machinery, whether gasoline, steam or electricity.

§ 84-2. Responsibilities of Parks and Recreation Committee. [Amended 3-3-75]

The Parks and Recreation Committee shall make recommendations to the City Council for improvements to parks and recreation and shall carry out orders and directions of the City Council respecting same. Such Committee shall see that the parks and recreation budget is sufficient for improvements and maintenance and that the provisions thereof are properly carried out. Such Committee shall also see that the provisions of this chapter are complied with.

§ 84-3. Authority of police officers.

All police officers of the City and all county police, state police, sheriffs and deputy sheriffs having police authority in the City shall have police authority throughout the parks and may enter parks at any time for the purpose of maintaining peace and order, enforcing the provisions of this chapter and for other police purposes and may arrest and remove from parks any person violating the provisions of this chapter or any other ordinance or law applicable to the City.

§ 84-4. Area designations for William Pickney Magruder Park. [Repealed and Reenacted on 2-16-99 by HB 99-02]

A. For the purpose of this chapter, the Department of Parks and Recreation shall be responsible for submitting a plan designating permitted uses and areas of such permitted uses in William Pickney Magruder Park to the City Council. The City Council shall approve the plan, subject to any modifications or changes deemed necessary and proper by the City Council.

B. From time to time, as deemed necessary, changes to designated uses and areas of such uses incorporated in the plan may be initiated by the Department of Parks and Recreations and submitted to the City Council in the form of a resolution for the Council's approval.

C. A listing of uses and the designated areas of uses for William Pickney Magruder Park, as set forth in the plan shall be maintained by the City Clerk and shall be made available to the public upon request.

D. Set aside for the availability of use of the fields of William Pickney Magruder Park will be extended in order of priority as defined below. First priority for use of available fields shall be given to the City of Hyattsville for City use and activities. Second priority for the use of available fields shall be given to organizations which predominately serve the youth of the City of Hyattsville. A list of those organizations which are currently meeting that criteria will be maintained by the Department of Parks and Recreation. All other organizations can obtain permits for field time, if at the time requested fields are available for use; and, at the sole determination of the Department of Parks and Recreation, they will not be damaged from overuse.

§ 84-5. Use of parks by residents and nonresidents of City; fees. [Amended 9-21-87 by No. 9-87 and 4-19-93 by HB No. 2-93]

A. The right to use parks for the purpose of recreation is hereby reserved for the residents of the City, provided that the parks may be used by persons not residing in the City when no permit for a

particular area has been issued for the use thereof to a resident so long as the hours for which the use is desired do not conflict with permits issued.

B. Fees charged for the use of the pavilion area within Magruder Park shall be set by resolution of the City Council who may exempt charitable or non-profit organizations from this fee.

§ 84-6. Hours of operation. [Amended 9-20-71; 3-3-75]

A. The parks shall be open for general use by the public between the hours of sunrise and sunset, except where the use of any part thereof has been granted to a person or group of persons pursuant to a permit issued therefor by the Director of Parks and Recreation. [Amended 12-19-83 by HB No. 15-83]

B. It shall be unlawful for any person to enter within the parks between the hours of sunset and 12:00 midnight, with or without a vehicle, without a permit to do so.

C. It shall be unlawful for any person to enter upon the parks between the hours of 12:00 midnight and sunrise. [Amended 12-19-83 by HB No. 15-83]

§ 84-7. Application and issuance of permits. [Amended 3-3-75]

A. Upon application thereof, the Director of Parks and Recreation shall issue a permit to any persons or organization for the exclusive use of any one of the areas designated for such purposes for a period not exceeding two (2) hours twice a week, provided that no other application has theretofore been received by the Director of Parks and Recreation for the use of such area at the same time. Any group of persons or any organization or church society may secure the exclusive use of two (2) areas in the parks for a period not exceeding six (6) hours, once each calendar year. Nothing herein contained shall prevent any such group of persons, organizations or church societies from securing a permit for the use of one (1) area for two-hour periods at other times during the year when a permit has not been previously issued for the same time. Whenever a group of persons, organization or church society shall hold a permit for the exclusive use of two (2) areas in the parks as herein before provided, the remainder of the parks may be used by the general public in accordance with this chapter. [Amended 12-19-83 by HB No. 15-83]

B. Whenever the Director of Parks and Recreation shall receive an application for the use of any area in the parks for which a permit has previously been issued, the Director of Parks and Recreation shall advise the applicant of the outstanding permit and shall refuse the application for the succeeding permit for that particular area.

C. The Director of Parks and Recreation shall consider first all requests of applications for the use of Area Nos. 12, 13, 14, 15, and 16 in William Pickney Magruder Park for league games, and permits shall be issued by the Director of Parks and Recreation, and the calendar of William Pickney Magruder Park activities shall show that the dates are closed for the time when such league games are to be played. [Amended 12-19-83 by HB No. 15-83]

D. All permits issued for any area are subject to revocation at any time if, in the opinion of the Director or Chairman of the Parks and Recreation Committee, the weather is unfavorable or the condition of the area is such as not to be usable.

§ 84-8. Determination of controversies as to priority of permits. [Amended 3-3-75]

In a controversy concerning the priority of permits issued as provided in §84-7 or the right to use any area in the parks and in the case of a difference of opinion arising between various persons respecting

the use of any such area, the Director of Parks and Recreation shall be notified to settle the dispute, and his ruling shall be final.

§ 84-9. Use of parks for baseball or softball restricted. [Amended 9-20-71]

No person shall use any part of William Pickney Magruder Park for baseball or softball, except Area Nos. 12, 13 and 14, and no person shall bat at any ball except on the diamond.

§ 84-10. Operation and parking of vehicles.

No vehicle shall be driven or operated in the parks except upon the roads therein provided for vehicular traffic, and no vehicle shall be operated over such roadways at a greater rate of speed than fifteen (15) miles per hour. No vehicle shall be parked or left standing in the parks except in the areas set aside in the parks for parking purposes. Whenever the area set aside for parking is filled so as not to permit the parking of additional vehicles, such vehicles shall be taken from the parks.

§ 84-11. Conduct warranting removal from park; revocation of permit. [Amended 3-3-75]

In any park, any person who shall cause any unnecessary damage to City property or shall engage in any boisterous conduct or use any vulgar or profane language or be disorderly in any manner or who shall fail to exhibit a permit for the use of a particular area in a park whenever requested shall be subject to immediate removal from the park. Any person or group of persons who shall so conduct himself or themselves as to warrant immediate removal from the park shall not be entitled to a permit to use any part of the parks at any time in the future, and, if permits have already been issued for future use of the parks by such person or group of persons, the same shall be revoked without notice by the Director of Parks and Recreation.

§ 84-12. Conduct of spectators at games held in parks.

Spectators at games in the parks shall stay off the diamonds or areas in which the game in question is in progress and shall not interfere with the rights of any permit holder.

§ 84-13. Sale of articles and/or merchandise for personal gain prohibited; exceptions.

No person shall sell of offer for sale for personal gain any article or merchandise whatsoever within the parks; provided, however, that the City Council may, by concession, sell the right or privilege to sell merchandise in the parks under such terms and upon such conditions as the City Council may fix.

§ 84-14. Soliciting prohibited.

No collections, contributions or solicitations for personal gain shall be permitted in the parks.

§ 84-15. Washing, waxing or other vehicle maintenance prohibited in or near parks.

It shall be unlawful for any person to wash, polish, wax, or in any way work upon any automobile or other vehicle within the confines of any park or on Fortieth Avenue bordering on William Pickney Magruder Park.

§ 84-16. Carrying of firearms prohibited; exception.

The carrying of firearms or any other dangerous weapon in the parks is prohibited, except by duly authorized police.

§ 84-17. Maintenance of open fires restricted.

No person shall ignite any fire at any place in the parks except in the fireplaces provided for that purpose, and such fires shall be extinguished by the persons lighting the same before leaving the park in question.

§ 84-18. Young children to be accompanied by adult; other restrictions.

No child less than six (6) years old shall be permitted in the parks unless accompanied by a parent or some responsible person. No child with a contagious disease or skin infection shall be permitted in the parks.

§ 84-19. Running at large of dogs and other animals prohibited.

No dogs or domestic pets shall be permitted to run at large in the parks.

§ 84-20. Special permit required for use of alcoholic beverages. [Amended 3-3-75]

No whiskey, beer, wine, spirituous or malt liquor or any intoxicating drink of any kind shall be kept, carried or consumed at any time within the confines of the parks except by special permit. The Parks and Recreation Committee shall review all special permits before approval is granted.

§ 84-21. Use of glass beverage containers prohibited. [Added 10-20-75]

No glass beverage containers shall be kept, carried or used at any time within the confines of the parks.

§ 84-22. Violations and penalties. [Added 11-3-80 by HB No. 21-80; Amended 8-2-82 by HB No. 14-82]

Violations of §§84-16 and 84-20 of this chapter shall be punishable as a misdemeanor. All other violations of this chapter, with the exception of §84-10, shall be punishable as a municipal infraction as provided in Chapter 20 of this Code. The fine for any single initial violation shall be twenty dollars ($20.00), and the fine for each repeat of that offense shall be forty dollars ($40.00).

Chapter 87

ARTICLE I

PEACE AND GOOD ORDER

§ 87-1. Throwing handbills at or in vehicles prohibited.
§ 87-2. Certain assemblages in public places prohibited.
§ 87-3. Refusal to disperse.
§ 87-4. Crowd control.
§ 87-5. Enforcement of crowd control provisions.
§ 87-6. Consumption of alcoholic beverages and/or disorderly conduct in public places.
§ 87-7. Disorderly conduct on private property.
§ 87-8. Maintenance of disorderly houses prohibited.
§ 87-9. Storage of abandoned refrigerators and similar containers restricted.
§ 87-10. Indecent exposure; immoral conduct.
§ 87-11. Damage to City property.
§ 87-12. Tampering with Municipal Building prohibited.
§ 87-13. Unlawful use of premises: notification to abate; penalty for noncompliance.
§ 87-14. Discharge of air rifles and similar devices prohibited.
§ 87-15. Discharge of firearms prohibited; exception.
§ 87-16. Throwing of dangerous missiles or objects prohibited.
§ 87-18. Unlawful use of pedestrian operating mechanisms.
§ 87-19. Persons remaining in general voting area following close of polls restricted.
§ 87-20. Violations and penalties.

[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville 12-1-69. Section 87-20 added at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Municipal infractions - See Ch. 20.
Alcoholic beverages - See Ch. 38.
Amusements and entertainment - See Ch. 40.
Health and sanitation - See Ch. 65.
Noise - See Ch. 79.
Parks and recreational facilities - See Ch. 84.
Streets and sidewalks - See Ch. 105.
Abandoned and unoccupied vehicles - See Ch. 113.

§ 87-1. Throwing handbills at or in vehicles-prohibited.

It shall be unlawful for any person to throw or propel or to cause to be thrown or propelled by any means any bill, dodger, pamphlet or other similar material at or into any vehicle upon any of the streets of the City.

§ 87-2. Certain assemblages in public places prohibited.

It shall be unlawful for any person or persons to assemble or congregate with others on the public streets or in or upon any public building:

A. With intent to provoke a breach of the peace.

B. Whereby a breach of the peace may be occasioned.

C. So as to constitute a nuisance.

D. So as to impede the travel and free passageway of vehicles or other persons.

§ 87-3. Refusal to disperse.

It shall be unlawful for any person or persons to refuse to move on and disperse when ordered so to do by any police officer.

§ 87-4. Crowd control.

A. On occasions of fires, accidents, wrecks and parades or wherever large numbers of people collect within the streets or any public park of the City, police officers in attendance or the Fire Marshal or Fire Chief or fire officer in command may employ and use rope and attach the same to any tree, tree box or any other available hold or employ the citizens in attendance to form a chain by the interlocking of hands or may direct persons in attendance to remain beyond a designated distance for the purpose of affording a clearing for the assistance of firemen, police and other authorized persons engaged in preserving the peace and maintaining and protecting life and property.

B. No person shall enter such space or interfere in any manner with such roping or break through such barricade or pass under or through any police or fire line so established and beyond the distance designated by the person in charge thereof unless duly authorized by the officer in command in such emergency, provided that this provision shall not apply to firemen engaged in protecting life and property or to the police officers or such other persons as may be authorized to be within such clearing.

C. The officer authorized herein to establish and maintain the lines provided for shall be the senior police officer present, if there is one present, or, in the event that no police are present, the Fire Chief or Fire Marshal or senior fire officer.

§ 87-5. Enforcement of crowd control provisions.

When he shall deem it necessary, it shall be the duty of the senior police officer on duty or other duly authorized police officer to go to the scene of any fire, accident, wreck, parade or gathering, as referred to in §87-4, in the City for the purpose of maintaining order and to enforce the provisions of §87-4.

§ 87-6. Consumption of alcoholic beverages and/or disorderly conduct in public places.

It shall be unlawful for any person in the City, in any street or alley, in any public place or in or upon any vehicle commonly used for the transportation of passengers or in and about any depot, platform or waiting station to drink any intoxicating liquor of any kind or act in a disorderly manner to the disturbance of the public peace.

§ 87-7. Disorderly conduct on private property.

It shall be unlawful for any person to enter upon the land or premises of any other person, whether such person is the owner or lessee of such land or premises, and willfully act in a disorderly manner by making loud and unseemly noises or by profanely cursing or swearing or using obscene language while thereon.

§ 87-8. Maintenance of disorderly houses prohibited.

It shall be unlawful for any person to keep or maintain a disorderly house or knowingly to let or lease a house or part thereof to be so kept in the City.

§ 87-9. Storage of abandoned refrigerators and similar containers restricted.

It shall be unlawful for any person to cause or permit the storage of unused or abandoned iceboxes, refrigerators and other containers with airtight doors or with locks that cannot be opened from the inside of the container in any place accessible to children unless the doors or locks are removed.

§ 87-10. Indecent exposure; immoral conduct.

It shall be unlawful for any person to expose his person indecently or conduct himself in an indecent or immoral manner or use obscene language upon the streets or alleys of the City or so near thereto as to disturb the public.

§ 87-11. Damage to City property.

It shall be unlawful for any person to break, damage, mutilate or carry away any City property.

§ 87-12. Tampering with Municipal Building prohibited.

It shall be unlawful for any person to tamper in any way with the locks, doors or windows of the Municipal Building in the City.

§ 87-13. Unlawful use of premises: notification to abate; penalty for noncompliance. [Added 11-20-78 by HB No. 9-78; Amended 4-6-92 by HB 1-92, and 12-21-92 by HB No. 6-92]

A. As used in this section the term "public or private meeting facility" shall mean any place where an excess of twenty-five (25) people congregate, including but not limited to places of worship, schools, veterans halls, auditoriums, restaurants, rallies and community gatherings.

B. It shall be unlawful for an owner, any of his agents, a tenant or any person managing or having control of any premises used, in whole or in part, for residential purposes to allow such premises to be used for illegal, indecent, disorderly, dangerous or any other purposes which may be harmful to the health, peace or well-being of the immediate neighborhood after receiving notice thereof.

C. It shall be unlawful for an owner, any of his agents, or any person managing or having control of any premises used, in whole or in part, as a public or private meeting facility to allow such premises to be used so as to constitute a nuisance.

D. It shall be unlawful for an owner, any of his agents, or any person managing or having control of any premises used, in whole or in part, as a public or private meeting facility to allow such premises to be used for illegal, indecent, disorderly, dangerous, unsanitary, or any other purposes which may be harmful to the health, peace or well-being of the immediate neighborhood after receiving notice thereof.

E. Notice shall issue, only upon receipt by the City of a written complaint that alleges violation of this section, and adoption by the Mayor and Council of a resolution finding that such a violation exists and that a notice should be issued.

F. Such notice shall be in writing, in a form prescribed by the Mayor and City Council and shall require the person cited therein, upon receipt of such notice, to immediately cause the cessation of the use or uses set forth in such notice.

G. If the owner, agent, or person managing or having control of any premises shall fail, neglect or refuse to comply with notice to cease the use or uses set forth therein, the City shall be authorized to obtain equitable or legal relief, including, but not limited to, temporary and/or permanent

injunctions, from any court of competent jurisdiction to abate the nuisance through appropriate means.

H. Costs incurred under paragraph 87-13(F), including reasonable attorneys fees, court costs, and any damages shall be charged to the owner of the premises involved and if not paid within thirty (30) days from the date of invoice, shall become a lien upon the property and shall bear interest at the rate of ten percent (10%) per annum from the date when the same became due and payable.

I. If any provision of this section or the applicability thereof to any person, premises or public or private meeting facility or circumstances is held invalid, the remainder of this section and the applicability thereof to other persons, premises or private meeting facilities shall not be affected thereby.

§ 87-14. Discharge of air rifles and similar devices prohibited.

It shall be unlawful for any person to discharge any air rifle or other weapon discharging missiles by air pressure in the City.

§ 87-15. Discharge of firearms prohibited; exception.

It shall be unlawful for any person, except a duly authorized police officer, to discharge any cannon, gun, pistol or other firearm in the City.

§ 87-16. Throwing of dangerous missiles or objects prohibited.

It shall be unlawful for any person to throw or propel or cause to be thrown or propelled any object against or into any vehicle in the City, and it shall be unlawful for any person to throw or propel or cause to be thrown or propelled any dangerous missile in the City.

§ 87-17. Removal of refuse containers following garbage collections. [Deleted in its entirety on 12-7-09 by HO 2009-07]

§ 87-18. Unlawful use of pedestrian operating mechanisms.

No person shall tamper with, touch, press or in anywise contact the operating mechanism constructed for pedestrian use in such manner as to cause any automatic signal device erected in the City for the control of traffic to display a signal to interfere with, obstruct or stop traffic, unless such person has a bona fide intention in so operating such automatic signal device for the purpose of bringing vehicular traffic to a stop to provide safe passage for pedestrians across and over the streets of the City.

§ 87-19. Persons remaining in general voting area following close of polls restricted.

It shall be unlawful for any person, other than the Judges and Clerks, two (2) challengers, the candidates for office and City officials, to remain in general voting places at any City election after the close of the polls, except employees of the building.

§ 87-20. Violations and penalties. [Amended 7-16-01 by HB No. 01-03, Amended 12-3-07 by HO-2007-14; Amended 12-7-09 by HO-2009-07]

Violations of this Article shall be punishable as a municipal infraction as provided in Chapter 20 of this Code. The fine for any single initial violation shall be One Hundred Dollars ($100.00), and the fine for each repeat of that offense shall be Two Hundred Dollars ($200.00).

ARTICLE II
SIGNS AND ADVERTISING DEVICES
[Enacted 12-7-09 by HO-2009-07]

§ 87-21. Application of County Code to signs in the City.

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

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

§ 87-22. Signs in public rights-of-way prohibited.

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

§ 87-23. City authority.

The City Council shall have the authority to allow placement of signs in the public rights-of-way as it deems in the interest of public safety and the public good.

§ 87-24. Exemptions.

(A) Real estate directional signs may be placed temporarily from noon Friday through noon Monday in public rights-of-way behind the curb lane, but are not to be placed within town parks. The signs shall have a maximum area of no more than 1.5 square feet. No more than two (2) directional signs may be in the same public right-of-way per property unless additional signs are specifically authorized by the City Administrator upon a showing of hardship or need to the applicant. The directional signs must be made of rigid material, such as metal, cardboard, or plastic, and be attached to a metal or wooden stake. Signs are not to be attached to trees, utility, street sign or traffic sign poles.
(B) Temporary sale signs are allowed as outlined and permitted in Chapter 99.

§ 87-25. Illegal signs.

(A) Presumption. Unless rebutted by competent evidence, any handbill, sign or object in the public right-of-way shall be presumed to be owned by and attached by a person whose business name, business address, business telephone number or trademark or servicemark is contained on the face of the sign or object.

(B) Removal. Any sign placed in the public right-of-way in violation of the Article shall be deemed abandoned by its owner at the time the sign was placed and shall be subject to removal by the City without any prior notice.

(C) Notice and removal. Whenever the City or a designated representative determines that a sign is unsafe or illegal, instead of immediate removal, the City may (in writing) order that the tisn be

made safe ore removed. The order shall be complied with by the person owning or using the sign within five (5) days after notice is sent. If the unsafe or illegal sign is not removed or maintained in accordance with the order, the City shall have the sign removed. The cost of removal shall be borne by the owner/user of the sign, which cost shall be a lien on the property of the owner/user in the City.

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

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

§ 87-26. Violations and Penalties.

(A) Violations of this Article by any person, firm or corporation is declared to be a municipal infraction, the penalty for violation shall be fifty dollars ($50.00) for each initial offense and one hundred dollars ($100.00) for each repeat offense. Each handbill, object or sign and each day that a violation is permitted to exist shall constitute a separate offense.

(B) The City or its designated representative shall have the authority to order that an illegal handbill, object or sign be removed or made to conform to the requirements of this Article. The order shall be complied with by the owner or user of the sign within five (5) days or the cost of removal shall be a lien on the property of the owner of the handbill, object or sign.

Chapter 90
PEDDLING AND SOLICITING

§ 90-1. Definitions.

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VENDORS

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ARTICLE II
DOOR-TO-DOOR PEDDLERS/SOLICITORS

§ 90-20. Permit Requirements and Exemptions.
§ 90-21. Permit Application.
§ 90-22. Fees.
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§ 90-24. Application Review and Permit Issuance.
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§ 90-33. Notice and Hearing.
§ 90-34. Appeals.
§ 90-35. Claims of Exemption.
§ 90-36. Violations and Penalty.
§ 90-37. Severability.

[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville 12-1-69. Amendments noted where applicable.]
GENERAL REFERENCES
Municipal infractions - See Ch. 20.
Streets and sidewalks - See Ch. 105.
Vehicles and traffic - See Ch. 114.

§ 90-1. Definitions. [Amended 09-15-08 by HO-2008-08]

When used in this Chapter, the following words, terms, and phrases, and their derivations, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Canvasser means any person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident, for the primary purpose of (1) attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue, or candidate, even if incidental to such purpose the canvasser accepts the donation of money for or against such cause, or (2) distributing a handbill or flyer advertising a non-commercial event or service.

Charitable means and includes the words patriotic, philanthropic, social service, health, welfare, benevolent, educational, civic, cultural or fraternal, either actual or purported.

Contributions mean and include the word alms, money, subscription, property or any donations under the guise of a loan or money or property.

Conveyance includes any public or privately owned vehicle, method or means of transporting people, bicycles, motorized or non-motorized vehicle, handcart, pushcart, lunch wagon or any other device or thing, whether or not mounted on wheels.

Department means the agency of the city authorized to enforce compliance with the City Civil Code or any of the agency's officials, officers or employees.

Goods, wares, merchandise shall include but not be limited to fruits, vegetables, farm products or provisions, dairy products, fish, game, poultry, meat, plants, flowers, appliances, wearing apparel, jewelry, ornaments, art work, cosmetics and beauty aids, health products, medicines, household needs or furnishings, food of any kind, whether or not for immediate consumption, confections or drinks.

Motor vehicle means any vehicle used for displaying, storing, or transporting articles for sale by a vendor and which is required to be licensed and registered by the Department of Motor Vehicles of any state.

Peddler means any person who goes upon the premises of any private residence in the city, not having been invited by the occupant thereof, carrying or transporting goods, wares, merchandise or personal property of any nature and offering the same for sale. This definition also includes any person who solicits orders and as a separate transaction makes deliveries to purchasers as part of

the scheme to evade the provisions of this ordinance. Peddler does not include a person who distributes handbills or flyers for a commercial purpose, advertising an event, activity, goods or service that is offered to a resident for purchase at a location away from his/her residence or at a time different from the time of visit.

Peddling includes all activities ordinarily performed by a peddler as indicated under this definition.

Person means a natural person or any firm, corporation, association, club, society or other organization.

Public space includes all City-owned parks and City-owned property.

Public way means all areas legally open to public use such as public space, public streets, sidewalks, roadways, highways, parkways, alleys, parks, as well as the areas surrounding and immediately adjacent to public buildings.

Pushcart means any wheeled vehicle approved by the Department of Code Enforcement in accordance with this Chapter, designed for carrying property and for being pushed by a person without the assistance of a motor or motor vehicle.

Sidewalk means all that area legally open to public use as a pedestrian public way between the curb line and the legal building line of the abutting property.

Solicitor means any person who goes upon the premises of any private residence in the city, not having been invited by the occupant thereof, for the purpose of taking or attempting to take orders for the sale of goods, merchandise, wares, or other personal property of any nature for future delivery, or for services to be performed in the future.

Solicitation includes all activities ordinarily performed by a solicitor as indicated above.

Special event means any occasion including but not limited to fairs, shows, exhibitions, City-wide celebrations, and festivals taking place within a specifically defined area of the City for a period of time not to exceed seven (7) days.

Stand means any showcase, table, bench, rack, handcart, pushcart, stall or any other fixture or device that is used for the purpose of displaying, exhibiting, carrying, transporting, storing, selling or offering for sale any food, beverages, goods, wares or merchandise upon a sidewalk.

Street means all that area legally open to public use as public streets, and sidewalks, roadways, highways, parkways, alleys and any other public way.

Vendor means any person, traveling by foot, wagon, vehicle or any other type of conveyance from street to street carrying, conveying, or transporting goods, wares or merchandise and offering and exposing them for sale, or making sales and delivering articles to purchasers; or who, without traveling from place to place, exhibits, displays, sells or offers for sale such products from a wagon, handcart, pushcart, motor vehicle, conveyance or from his person while on the public ways of the City. A “vendor” also includes any street vendor, hawker, huckster, itinerant merchant or transient vendor. This definition does not include a door-to-door peddler or solicitor.

Vending is doing any act as a vendor.

Vehicle means every device in, upon, or by which a person or property may be transported or drawn upon a street or sidewalk, including, but not limited to, devices moved by human power.

ARTICLE I VENDORS

§ 90-2. License Required. [Amended 09-15-08 by HO-2008-08]

It shall be unlawful for any person to engage in vending unless the person has first obtained a license from the Department of Code Enforcement. All licenses shall be issued according to regulations established by the Department.

§ 90-3. Application for License. [Amended 09-15-08 by HO-2008-08]

A. The application for a vending license shall contain all information relevant and necessary to determine whether a particular license may be issued, including but not limited to:

1. The applicant's full name, current address, telephone number and proof of identity, issued by the State of Maryland, or other recognized government;

2. A brief description of the nature, character and quality of goods, wares or merchandise to be offered for sale;

3. The specific location, if any, in which the vendor intends to conduct business;

4. If the applicant is employed by another, the name and address of the person, firm, association, organization, company or corporation;

5. If a motor vehicle is to be used, a description of the vehicle together with the motor vehicle identification number and license number;

6. A complete listing of any other licenses or permits issued to the applicant by the City within the five (5) years immediately preceding the date of the application.

B. Food and Beverage Vendors.

1. Unless specifically allowed by the City for a special event, no license for food and/or beverage vendors shall be issued except for pre-packaged, pre-prepared food stuffs, soft serve ice cream/frozen yogurt or shaved ice or other frozen novelties. Food that needs to be prepared on or near the vending vehicle, whether by heating, mixing or any other means of cooking or preparation shall not be licensed or allowed except pursuant to this subsection.

2. Any application for a vending license to engage in the sale of food or beverages shall also be referred to the County and State Health Department for approval and issuance of a certificate of health inspection [or health permit] in addition to the regular vending license. The applicant's equipment shall be subject to inspections at the time of application and at periodic intervals thereafter. The City will not issue or renew a vending license until all required County or State licenses or permits have been issued and evidence of such, to the reasonable satisfaction of the department, has been demonstrated.

§ 90-4. Issuance of License. [Amended 09-15-08 by HO-2008-08]

A. The applicant shall be notified in writing by the Department of the City's decision to issue or deny the vending license not later than thirty (30) days after the applicant has filed a completed application with the Department. The Department can add such reasonable conditions or restrictions to the license as reasonably necessary to protect the public safety and the purposes of this Chapter. Any applicant for a license to sell food and beverages as a vendor can only be issued after the applicant receives the approval of the applicable state and/or county departments or agencies.

B. Each license shall show the name and address of the licensee, the type of license issued, the kind of goods to be sold, the amount of the license fee, the date of issuance, the license number, an

identifying description of any vehicle or conveyance used by the licensee plus, where applicable, the motor vehicle identification number and a copy of any state issued photo identification. Each license shall also show the expiration date of the license and the vendor's permit number which is issued by the City and any conditions or restrictions.

C. All licenses, permits and/or identification badges issued under this Section are valid for one (1) year unless suspended or revoked and shall be both non-assignable and non-transferable

§ 90-5. Special Events. [Amended 09-15-08 by HO-2008-08]

Any vendor wishing to conduct business at a special event shall apply to the Department for a temporary vending permit. Application for such a permit must be made at least five (5) days prior to the beginning of the event for which the permit is sought. The permit shall be valid only for the duration of the special event. Fees for such permit shall be as specified in Section 90-6 of this Chapter. Any vendor to whom a temporary permit is granted shall be subject to the same operating regulations as all other vendors, except where otherwise specified. Vending at special events without a temporary vending permit is prohibited.

§ 90-6. License Fees. [Added 09-15-08 by HO-2008-08]

Any vendor granted a vending license under this Chapter shall pay an annual license fee of fifty dollars ($50.00) or such other fee as set by the City Budget Ordinance. Any vendor granted a temporary vending permit for special events shall pay a fee as set by the City.

§ 90-7. Display of Identification Badges and Other Permits. [Added 09-15-08 by HO-2008-08]

A. Any person obtaining or doing work under a permit or license or trade shall exhibit the permit or license as well as any government-issued photo ID when requested to do so by any prospective customer or any department employee or police officer. Certificates of health inspection shall also be properly and conspicuously displayed at all times during the operation of the vending business.

B. A certificate of heath inspection shall be deemed to be properly displayed when attached to the vending pushcart, vehicle, stand or other conveyance, and clearly visible to the public and law enforcement officials.

§ 90-8. Notification of Name or Address Change. [Added 09-15-08 by HO-2008-08]

All vendors shall assure that a current and correct name, residence address and mailing address are on file with the Department. Whenever either the name or address provided by a licensed vendor on his application for a vending license changes, the licensee shall notify the Department in writing within fifteen (15) days of such change and provide the same with the name change or address change.

§ 90-9. Exemptions. [Added 09-15-08 by HO-2008-08]

The provisions of this Chapter do not apply to:

A. Goods, wares, or merchandise temporarily deposited on the sidewalk in the ordinary course of delivery, shipment or transfer;

B. The placing and maintenance of unattended stands or sales devices for the sale, display or offering for sale of newspapers, magazines, periodicals and paperbound books; or

C. The distribution of free samples of goods, wares and merchandise by any individual from his person.

§ 90-10. Claims of Exemption. [Added 09-15-08 by HO-2008-08]

Any person claiming to be legally exempt from the regulations set forth in this Chapter, or from the payment of a license fee, shall cite to the Department the statute or other legal authority under which exemption is claimed and shall present to the Department proof of qualification for such exemption.

§ 90-11. Hours of Operation. [Added 09-15-08 by HO-2008-08]

Unless the license specifically provides otherwise, vendors shall be allowed to engage in the business of vending only between the hours of 9:00 a.m. and 8:00 p.m. for no more than fifteen (15) minutes at a single stop after which the vendor must move the vending station or conveyance and other related items a minimum of 1,000 feet from the previous location. A vendor may not return to within one thousand feet (1,000') of a previous location for twenty four (24) hours. No vending station, conveyance or other items related to the operation of a vending business shall be located on any City sidewalk or other public way during non-vending hours.

§ 90-12. Littering and Trash Removal. [Added 09-15-08 by HO-2008-08]

A. Vendors shall keep the sidewalks, roadways and other spaces adjacent to their vending sites or locations clean and free of paper, peelings and refuse of any kind generated from the operation of their businesses. All trash or debris accumulating within twenty five (25) feet of any vending stand shall be collected by the vendor and deposited in a trash container.

B. Persons engaged in food vending shall affix to their vending station, vehicle, pushcart or other conveyance a receptacle for litter that shall be maintained and emptied regularly and marked as being for litter.

§ 90-13. Vending Restrictions. [Added 09-15-08 by HO-2008-08]

Absent an explicit authorization by the City for a special event or circumstance, no vendor shall be permitted to operate:

A. On any public space, within twenty-five (25) feet of any street, intersection or pedestrian crosswalk.

B. Within twenty-five (25) feet of any, loading zone or bus stop, intersection or pedestrian crosswalk.

C. Within two hundred (200) feet of another vending location assigned to another vendor on a public sidewalk.

D. In any area within one hundred (100) feet of a building entrance or exit or, in the case of a hotel or motel, within two hundred fifty (250) feet of building entrances or exits.

E. On the median strip of a divided roadway.

F. Within fifty (50) feet of display windows of fixed location businesses.

G. Any area within one thousand (1,000) feet of a hospital, college, university, elementary school, middle school or high school.

H. Within twenty-five (25) feet of any fire hydrant or fire escape.

I. Within twenty-five (25) feet of any parking space or access ramp designated for persons with disabilities.

§ 90-14. Prohibited Conduct. [Added 09-15-08 by HO-2008-08]

No person engaged in the business of vending under this Chapter shall do any of the following:

A. Obstruct pedestrian or motor vehicle traffic flow, except for no more than two (2) minutes to load and unload vending stations and/or vending merchandise.

B. Obstruct traffic signals or regulatory signs.

C. Stop, stand or park any vehicle, pushcart or conveyance upon any street for the purpose of selling during the hours when parking, stopping and standing have been prohibited by signs or curb markings.

D. Leave any conveyance unattended at any time or store, park, or leave such conveyance in a public space overnight.

E. Use a handcart or pushcart whose dimensions exceed six feet (6') in width, six feet (6') feet in length, and five feet (5') in height.

F. Use any stand or other fixed-location conveyance whose dimensions exceed six feet (6') feet in width, six feet (6') feet in length, and three feet (3') feet in height.

G. Use any conveyance that when fully loaded with merchandise, cannot be easily moved and maintained under control by the licensee, his employee, or an attendant.

H. Sell any goods, wares or merchandise on public space unless the location has been or shall be hereafter so designated by the City Council for vending.

I. Sound any device that produces a loud and raucous noise or operate any loudspeaker, public address system, radio, sound amplifier, or similar device to attract public attention, or otherwise violate the City's noise ordinance or the Transportation Article of the Maryland Code §22-401 and 22-401.1, as amended.

J. Conduct business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create a nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life or property, or obstruct adequate access to emergency and sanitation vehicles.

K. Fail to obey the lawful order of the Department, or a police officer.

L. Operate in violation of the terms and conditions of the City permit or in violation of the vending restrictions above.

M. Operate in violation of the hours and times outlined in §90-11 above.

§ 90-15. Penalties. [Added 09-15-08 by HO-2008-08]

Violation of this Chapter shall be a municipal infraction. The penalty for violating a provision of this Chapter or any other applicable section of the City Code shall be a fine not exceeding two hundred fifty dollars ($250.00) for a first offense together with revocation or suspension of the vendor's license for a time period not to exceed ninety (90) days for such first offense. Subsequent violations shall have a fine not exceeding five hundred dollars ($500.00) with revocation or suspension of the vendor's license for a time period not to exceed 120 days.

§ 90-16. Suspension and Revocation of License. [Added 09-15-08 by HO-2008-08]

A. In addition to the penalties contained above, any license issued under this Chapter may be suspended or revoked for any of the following reasons:

1. Fraud, misrepresentation or knowingly false statement contained in the application for the license;

2. Fraud, misrepresentation or knowingly false statement in the course of carrying on the business of vending;

3. Conducting the business of vending in any manner contrary to the conditions of the license or to a direct order by the Department or the police;

4. Conducting the business of vending in such a manner as to create a public nuisance, cause a breach of the peace, constitute a danger to the public health, safety, welfare or morals, or interfere with the rights of abutting property owners; or

5. Cancellation or suspension of health department authorization for a food or beverage vending unit due to uncorrected health or sanitation violations or cancellation or suspension of a required County or State license or permit.

B. The Department shall provide written notice of the suspension or revocation in a brief statement setting forth the complaint, the grounds for suspension or revocation, and notifying the licensee or permittee of his right to appeal. Such notice shall be mailed to the address shown on the license holder's application by certified mail, return receipt requested.

C. If the City revokes a vending license or permit, the fee already paid for the license or permit shall be forfeited. A person whose license or permit has been revoked under this Section may not apply for a new license for a period of one (1) year from the date that the revocation took effect.

§ 90-17. Appeals. [Added 09-15-08 by HO-2008-08]

A. If the Department denies the issuance of a license or permit, suspends or revokes a license or permit, or orders the cessation of any part of the business operation conducted under the license or permit, the aggrieved party may appeal the Department's decision to the City Administrator pursuant to Section 68-5 of this Chapter. The City Administrator shall either hear the appeal or appoint the Hearing Officer to hear the appeal.

B. The filing of an appeal ordinarily stays the action of the Department in suspending or revoking a license or permit or any part of the business operation being conducted under such license or permit until the Hearing Officer makes a final decision. However if the Department or Hearing Officer determines that continued operation of the vending business constitutes an imminent and serious threat to the public health or safety, he/she may order that the appeal does not stay the suspension or revocation, and shall take or cause to be taken such action as is necessary to immediately enforce the suspension, revocation or order.

§ 90-18. Renewals. [Added 09-15-08 by HO-2008-08]

A vending license may be renewed, provided an application for renewal and license fees are received by the City no later than the expiration date of the current license. Any application received after that date shall be processed as a new application. The Department shall review each application for renewal, and upon determining that the applicant is in full compliance with the provisions of this Chapter and all applicable City, County and State Codes and Regulations, shall issue a new license.

§ 90-19. Construction. [Added 09-15-08 by HO-2008-08]

A. No part of this Chapter or the Chapter itself shall be construed to be an amplification or derogation of the rights or responsibilities of abutting property owners. Any remedies, rights or obligations provided to such property owners or their successors in interest under the law of real

property or the laws of the State of shall be in addition to the remedies, rights, obligations or penalties provided hereunder.

B. If any section, subsection, sentence, clause, phrase or portion of this Chapter is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining, portions of this Chapter. The City Council declares that it would have adopted this Chapter and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsections, sentences, clauses, phrases, or portions would be declared invalid or unconstitutional.

ARTICLE II
DOOR TO DOOR PEDDLERS/SOLICITORS

§ 90-20. Permit Requirements and Exemptions.

It shall be unlawful for any person eighteen (18) years of age or older to engage in peddling or solicitation activities within the City of Hyattsville without first obtaining a permit issued by the department, provided, however, that the following are exempted from the permit provisions of this article:

(A) A "canvasser" as defined in section 90-1.
(B) Any solicitation made upon premises owned or occupied by an organization upon whose behalf the solicitation is made;
(C) Any communication by an organization soliciting contributions solely from persons who are members of the organizations at the time of such solicitation;
(D) Any solicitation in the form of a collection at a regular meeting, assembly or service of a charitable person; or
(E) Any solicitation for the relief of any individual specified by name at the time of the solicitation where the solicitor represents in each case that the entire amount collected shall be turned over to the named beneficiary.

§ 90-21. Permit Application.

Every person not exempted under section 10-20 above who is subject to the provisions of this ordinance shall file with the department an application in writing on a form to be furnished by the department, which shall provide the following information:

(A) Proof of age, address and identification of the applicant, to be provided through the applicant's driver's license, articles of incorporation (for sponsors), or other legally recognized form of identification;
(B) A brief description of the business or activity to be conducted;
(C) The hours and location for which the right to peddle or solicit is desired;
(D) If employed, the name, address and telephone number of the employer, or if acting as an agent, the name, address and telephone number of the principal who is being represented, with credentials

in written form establishing the relationship and the authority of the employee or agent to act for the employer or principal, as the case may be;

(E) A statement or background check acceptable to the department as to the applicant including whether or not the applicant has been convicted of a felony, misdemeanor or ordinance violation (other than traffic violations), the nature of the offense or violation, the penalty or punishment imposed, the date when and place where such offense occurred, and other pertinent details thereof;

(F) Proof of possession of any license or permit which, under federal, state or local laws or regulations, the applicant is required to have in order to conduct the proposed business, or which, under any such law or regulation, would exempt the applicant from the licensing requirements of this ordinance; and

(F) A photograph of the applicant.

§ 90-22. Fees.

At the time the application is filed with the department, the applicant shall pay a reasonable fee to cover the cost to the city of processing the application and investigating the facts stated therein. In addition, the permit fee shall be fifteen dollars ($15.00) for each solicitor or peddler.

§ 90-23. Application Review and permit insurance issuance.

A. Upon receipt of an application and other required documents, the department shall review the application as deemed necessary to ensure the protection of the public health, safety and general welfare.

B. If the department finds the application to be satisfactory, the head of the department shall endorse his or her approval on the application and shall, upon payment of the prescribed costs and fee, deliver the required permit to the applicant.

C. The permit shall show the name, address and photograph of the permitee, the class of permit issued the kind of goods or services to be sold or delivered, the date of issuance and the length of time that the permit shall be in effect. The permit shall also show the permit number and identifying description of any vehicle to be used in carrying on the business for which the permit is issued.

D. A record of all permits issued shall be maintained by the department for a period of five (5) years.

§ 90-24. Denial of Permit.

A. Upon review of the application, the department head may refuse to issue a permit to the applicant for any of the following reasons:

1. The location and time of solicitation or peddling would endanger the safety and welfare of the solicitors, peddlers or their customers;

2. An investigation reveals that the applicant falsified information on the application, or on previous applications within the past three (3) years;

3. The applicant has been convicted of a felony or crime involving a sex offense, an act of moral turpitude, trafficking in controlled substances (not simple possession), or any violent acts against persons or property, such conviction being entered within the five (5) years preceding the date of application;

4. The applicant is a person against whom a judgment based upon, or conviction for, fraud, deceit or misrepresentation has been entered within the five (5) years immediately preceding the date of application;

5. There is no proof as to the authority of the applicant to serve as an agent to the principal; or
6. Within the immediate past three (3) years the applicant has been denied a permit under this ordinance or had such permit revoked, unless the applicant can and does show to the satisfaction of the department that the reasons for such earlier denial no longer exist.
7. The applicant has within the past three (3) years disregarded oral or written warnings regarding violations of this article.
8. Such other extraordinary circumstances exist that the issuance of the permit would represent a danger to the applicant or the public.

B. The department's disapproval and the reasons for disapproval shall be noted on the application, and the applicant shall be notified that the application is disapproved and that no permit will be issued. Notice shall be mailed to the applicant at the address shown on the application form, or at the applicant's last known address.

§ 90-25. Permit Expiration.

All permits issued under the provisions of this ordinance shall expire sixty (60) days from the date of issuance, unless an earlier expiration date is noted on the permit.

§ 90-26. Permit Exhibition.

Every person obtaining or acting under a permit under this article shall exhibit the permit as well as any government issued photo id when requested to do so by any prospective customer or department employee or police officer.

§ 90-27. Transfer Prohibited.

It shall be unlawful for any person other than the permittee to use or wear any permit or badge issued under this article.

§ 90-28. Entry upon Premises Unlawful.

It shall be unlawful for any person, whether licensed or unlicensed, while conducting the business of a peddler or solicitor to enter upon any residential premises in the City where the owner, occupant or person legally in charge of the premises has posted, at the entry to the premises, or at the entry to the principal building on the premises, a sign bearing the words "no peddlers," "no solicitors" or words of similar import.

§ 90-29. Hours of Solicitation.

No person, while conducting the activities of a peddler or solicitor, whether licensed or unlicensed, shall enter upon any private property, knock on doors or otherwise disturb persons in their residences between the hours of 7:00 p.m. and 9:00 a.m.

§ 90-30. Revocation.

Any permit issued may be temporarily suspended upon oral or written order of the department for up to fourteen (14) days. A permit may be revoked by the department, after notice of the right to a hearing, for any of the following reasons:

A. Fraud, misrepresentation or false statement contained in the application for a permit;
B. Fraud, misrepresentation or false statement made by the permittee in the course of conducting solicitation or peddling activities;

C. Conducting peddling or solicitation activities contrary to the provisions contained in the permit;
D. Conviction for any crime involving moral turpitude; or
E. Conducting peddling or solicitation activities in such a manner as to create a public nuisance, constitute a breach of the peace, or endanger the health, safety or general welfare of the public.

§ 90-31. Notice and Hearing.

Notice of a hearing for revocation of a permit issued under this ordinance shall be provided in writing and shall set forth specifically the grounds for the proposed revocation and the time and place of the hearing. Notice shall be mailed, postage prepaid, to the permittee at the address shown on the permit application or at the last known address of the permittee. The head of the department or designee will preside at the hearing.

§ 90-32. Appeals.

A. Any person aggrieved by the action or decision of the department to deny, suspend or revoke a permit applied for under the provisions of this ordinance shall have the right to appeal such action or decision to the city administrator within fifteen (15) days after the notice of the action or decision has been mailed to the person's address as shown on the permit application form, or to his last known address.
B. An appeal shall be taken by filing with the department a written statement setting forth the grounds for the appeal.
C. The department shall transmit the written statement to the city administrator within ten (10) days of its receipt and the city administrator shall set a time and place for a hearing on the appeal.
D. A hearing shall be set no later than twenty (20) days from the date of receipt of the appellant's written statement.
E. Notice of the time and place of the hearing shall be given to the appellant in the same manner as provided for the mailing of notice of action or decision.
F. The decision of the city administrator on the appeal shall be final and binding on all parties concerned.

§ 90-33. Claims of Exemption.

Any person claiming to be legally exempt from the regulations set forth in this ordinance, or from the payment of a permit fee, shall cite to the department the statute or other legal authority under which exemption is claimed and shall present proof of qualification for such exemption.

§ 90-34. Violations and Penalty.

A. Violation of any of the provisions of this article shall be treated as a municipal infraction, and shall, upon conviction, be punishable by a fine of one hundred dollars ($100.00) for the first offense and five hundred dollars ($500.00) for each subsequent offense.
B. Any person violating this article ii after he, she, they have within the previous twenty-four (24) months had a permit under this article denied or revoked or been ordered to cease and desist shall be guilty of a misdemeanor punishable by a one thousand dollars ($1,000.00) fine and/or imprisonment for thirty (30) days.
C. Cease and desist orders:
1. Whenever any person or entity is engaging in any conduct in violation of this article, the department may order the person(s) or entity to cease and desist all or part of the activity until the

violation is corrected. An oral cease and desist order shall be followed by a written cease and desist order within twenty-four (24) hours (excluding Saturday, Sunday or holidays).

2. It shall be unlawful to carry on any business or solicitation in violation of a cease and desist order except as necessary to prevent injury to persons or property or to correct the violation.

3. A cease and desist order shall contain a written notice indicating that there is a right to a hearing before the city administrator pursuant to this article.

§ 90-35. Severability.

The provisions of this article ii are declared to be severable. If any section, sentence, clause or phrase shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decisions shall not affect the validity of the remaining sections, sentences, clauses and phrases of this ordinance, but they shall remain in effect; it being the legislative intent that this ordinance shall remain in effect notwithstanding the validity of any part.

Chapter 93

PLUMBING

§ 93-1. Adoption of standards by reference.
§ 93-2. Violations and penalties.

[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville 12-1-69. Section 93-1 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Municipal infractions - See Ch. 20.
Building construction - See Ch. 46.
Electrical standards - See Ch. 55.
Fire prevention - See Ch. 59.
Housing standards - See Ch. 68.
Street and sidewalks - See Ch. 105.

§ 93-1. Adoption of standards by references.

Subtitle 17, Plumbing and Gas Fitting, of the Prince George's County Code, 1979 Edition, as it may from time to time be amended, is hereby adopted by the City, and all of the powers, rights and requirements of compliance therein, to the extent that they may be exercisable by a municipal corporation, may be exercised by the City.

§ 93-2. Violations and penalties. [Added 3-3-80 by HB No. 7-80; Amended 8-2-82 by HB No. 15-82, Amended 6-1-98 by HR 98-03, Amended 12-13-10 by HO-2010-04]

Violations of this chapter shall be punishable as a municipal infraction as provided in Chapter 20 of this Code. The fine for any single initial violation shall be one hundred dollars $100.00) and the fine for each repeat of that offense shall be two hundred dollars ($200.00). Each day that a violation exists shall be a separate offense.

Chapter 95
RECYCLING
ARTICLE I
Newspapers

§ 95-1. Chapter deleted in its entirety by HO-2009-09 on 12-14-09.

Chapter 96

LICENSING OF RENTAL UNITS

§ 96-1. Purpose, finding, scope and definitions.
§ 96-2. Prohibition; Units Covered; Application; Fees; Changes.
§ 96-3. Inspection; issuance or denial of license.
§ 96-4. Expiration of license; renewal; reapplication.
§ 96-5. Periodic inspections; time limit for correction of violations; revocation of license; public nuisance.
§ 96-6. Appeals procedure.
§ 96-7. Violations and penalties.
§ 96-8. Display of license required.
§ 96-9. Resident agent.
§ 96-10. Directives, Regulations and Presumptions.

[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville 11-20-78 as HB No. 15-78. Amended O-2006-03 (4-24-2006); Amended O-2007-09 (8-6-2007) Amendments noted where applicable.]

GENERAL REFERENCES

Health and sanitation - See Ch. 65.
Housing standards - See Ch. 68.

§ 96-1. Purpose, finding, scope and definitions. [Amended 4-24-06 by HO-2006-03]

A. Purpose. It is the purpose of this chapter to assure that rental housing in the City is decent, safe and sanitary and is so operated and maintained as not to foster blight and deterioration in the community.

The operation of rental dwelling units is a business enterprise that entails certain responsibilities. Operators are responsible to take such reasonable steps as are necessary to assure that the residents of the City who occupy such units may pursue the quiet enjoyment of the normal activities of life in surroundings that are safe, secure and sanitary.

B. Finding. The City finds that providing for public health, safety and welfare to its residents mandates the existence of a rental dwelling unit license and inspection and maintenance program that corrects substandard conditions and maintains a standard for rental dwelling units. The process must not discriminate against anyone on the basis of race, sex, age, disability, ancestry, color, creed, marital status, national origin, religious affiliation, belief or opinion, gender identity, physical characteristic or sexual orientation.

C. Scope. This chapter applies to all dwelling units that are leased in whole or in part as a rental dwelling unit. This chapter does not apply to licensed rest homes, convalescent care facilities, nursing homes, hotels or motels, nor to owner occupied not-for-profit familial living arrangements in which the parties share housing and utility expenses.

D. Definitions. The following words shall have the meaning in this chapter as specified below.

City. Shall mean the City of Hyattsville.

Dwelling Unit. Any building or portion thereof that contains living facilities, including provisions for sleeping, eating, and sanitation.

Lease. An oral or written agreement between a rental dwelling unit owner and a tenant for temporary use of a rental dwelling unit, in exchange for payment of rent, or the act of entering into such an agreement.

License. The formal approval of an activity specified on the certificate of license issued by the City of Hyattsville.

Owner. Owner shall include any authorized agent, servant or employee of a title owner of record of a rental dwelling unit and any leasing or management entity authorized by or through an authorized title owner of record.

Rent. The consideration paid by a tenant to the owner of a rental dwelling unit for the exclusive use by the tenant of part or all of the dwelling unit. The consideration is not limited to cash.

Rental Dwelling Unit. A dwelling unit or room occupied and leased by a tenant.

Tenant. Any adult person granted use of a rental dwelling unit or room pursuant to a lease with the owner of the rental dwelling unit.

§ 96-2. Prohibition; units covered; application; fees; changes. [Amended 4-24-06 by HO-2006-03]

A. Prohibition. No person shall operate, lease, or cause to be leased, a rental dwelling unit which has not been properly licensed by the City in the manner required by this chapter.

B. Units Covered. A license must be obtained for each rental dwelling unit.

C. Application and Fees. The owner shall make written application to the City for a rental dwelling unit license upon such form or forms as the City shall designate. Such application shall be submitted, together with any inspection or re-inspection fee. The amount of such fees shall be established by the City. There shall be a continuing obligation on the part of the applicant to update the information on the application and/or to supply information not previously submitted.

D. Changes in ownership and amended licenses. A license is not assignable. Any change occurring in the ownership of a rental dwelling unit requires a new license. The new owner must obtain a new license within thirty (30) days of acquiring the property. The fee paid for the new license shall be the fee required for an initial license. If any changes occur in any information required on the license application, the owner must submit an amended license application to the City within thirty (30) days of the change. If any rental dwelling units are added to a current license, the additional rental dwelling units must be licensed by amendment of the current license and must be accompanied by the fee required for the additional units.

E. The license fee is doubled when an application is received more than thirty (30) days after it was due.

§ 96-3. Inspection; issuance or denial of license. [Amended 4-24-06 by HO-2006-03]

A. Upon receipt of a completed application for a license with tender of the appropriate license and inspection fee, the City shall schedule an inspection to be conducted by the City's Code Enforcement Officer, who shall certify that the rental unit and owner comply with this Chapter and with all applicable provisions of Chapters 46, 65 and 68 of the City Code and Title 17, Subtitles 4, 11, 12, 13 and 27, of the Prince George's County Code. All owners shall further demonstrate to the Office of Code Enforcement that the rental unit complies with the state requirements as to lead paint abatement. Upon such certification and proof, both of which must be reasonably satisfactory to the

City, a rental unit license shall forthwith be issued**,** pursuant to this code provided all other requirements of the City Code have been met.

B. Should the inspection reveal violations of any of the provisions set forth in Subsection A above, then the Code Enforcement Officer shall notify the applicant, in writing, within fifteen (15) days, specifying each violation and the code section it violates. The applicant shall then have not more than thirty (30) days to correct such violations. Within such period, the Code Enforcement Officer shall have the authority to extend the time for correcting such violations at the request of the applicant upon a showing that a good faith effort has been initiated to correct such violations and that they cannot be corrected within the established period. All violations notices shall contain information regarding the appeals process.

C. Failure of an applicant to correct all violations within the thirty-day period or the time allowed by the Code Enforcement Officer, if it has been extended, shall result in the application for license being denied.

§ 96-4. Expiration of license; renewal; reapplication. [Amended 4-24-06 by HO-2006-03]

A. Each license issued pursuant to this chapter shall expire one (1) year from the date of issuance. [Amended 4-18-88 by HB No. 2-88]

B. Application for the renewal of an existing license shall be made at least thirty (30) days prior to the expiration date.

C. Every applicant whose application for a license has been denied or whose license has been revoked may not reapply for a rental unit license within ninety (90) days from such denial or revocation.

§ 96-5. Periodic inspections; time limit for correction of violations; revocation of license; public nuisance. [Amended 4-24-06 by HO-2006-03, Amended 8-07-07 by HO-2007-09]

A. The City's Code Enforcement Officer shall have the authority to conduct periodic inspections of any licensed property to determine if it continues to be in compliance with the requirements for a rental unit license. Notice of violations involving substandard housing or maintenance shall be sent to the license holder or owner, as applicable, in writing, within fifteen (15) days, specifying each violation and the code section it violates. The license holder shall then have not more than thirty (30) days to correct such violations, unless otherwise extended by the Code Enforcement Officer for good cause shown, or the license shall be revoked. Failure by the owner and/or the license holder to allow entry for an inspection after reasonable notice, or the failure by the owner and/or license holder to require as a term of the rental agreement that the tenant shall allow the City entry for such inspection, shall be sufficient reason to deny or revoke any rental license or certificate and shall be a violation of this Chapter. The City may set reasonable conditions on any revocation or renewal as to effective date, review, and any other matter involving the welfare of the tenants, the landlord or the general public.

B. The City shall have the authority to deny or revoke a license upon the City finding that any rental dwelling unit or units on a single property are or have been creating a public nuisance.

C. For a single family home having at least one rental unit, a public nuisance shall include, but not be limited to, a rental property at which the following has occurred:

1. Four incidents in twenty-four months of criminal activity or the presence of a controlled dangerous substance or drug paraphernalia on the property, which is reasonably attributable to the occupants of the property;

2. Two incidents in twenty-four months of drug-related crimes such as the presence of stolen property, theft, robbery or prostitution or of any felony; or

3. Four noise violations or three violations of the applicable occupancy limit imposed by any governmental agency in twenty-four months.

D. For any property with multi-family housing used as rental units, the number of incidents/violations that would qualify the property as a public nuisance shall be as follows:

1. If there are fewer than ten (10) rental dwelling units, the number of incidents/violations outlined in subsection (C) (1-3) above is applicable.

2. If there are ten (10) to fifty (50) rental dwelling units, the number of incidents/violations that would qualify the property as a public nuisance shall be determined by adding one (1) to the number of incidents/violations outlined in subsection (C)(1-3) above.

3. If there are more than fifty (50) rental dwelling units, the number of incidents/violations outlined in subsection (C) (1-3) during a twenty-four month period that would qualify the property as a public nuisance shall be more than six (6) incidents/violations in any one category in subsection (C) (1-3) or a cumulative total of twenty (20) incidents/violations.

E. In considering whether a property constitutes a public nuisance under this Chapter, the City may consider the history of the property prior to the enactment of this Amendment. The City may consider allowing a rental license that has been revoked or denied pursuant to this subsection to be renewed or reissued for a property only upon a showing by clear and convincing evidence that the condition(s) creating the public nuisance will not re-occur. The City may issue a provisional rental license to a property unit that previously constituted a public nuisance with reasonable conditions to assure the property does not become a public nuisance.

F. Code Enforcement shall attempt to notify a landlord of any new incident/violation on the landlord's property that could qualify as contributing to a public nuisance. The notice shall contain a warning that the rental license for the property may be revoked.

§ 96-6. Appeals procedure. [Amended by HO-2006-03, 4-24-06; Amended 4-24-06 by HO-2006-03]

A. Any persons aggrieved by an action of a Code Enforcement Officer under this chapter may appeal such an action by filing a written notice thereof with the Head of Code Enforcement within fifteen (15) calendar days of the action complained of. The Head of the Code Enforcement shall promptly schedule a conference with the appellant and any other party the Head of Code Enforcement may choose. After such conference the Head of Code Enforcement shall promptly issue a written opinion to the appellant.

B. In the event the appellant is dissatisfied with the opinion of the Head of Code Enforcement, the appellant may further appeal the finding of the Head of Code Enforcement to the City Administrator and Mayor by filing a written appeal along with payment of the proper appeal fee in the amount established by the Mayor and City Council. Any such appeal must be filed with the City Administrator within fifteen (15) calendar days of the written opinion of the Head of Code Enforcement. Within fifteen (15) days of such filing, a hearing shall be conducted before such

person(s) as the City Administrator and Mayor designate for such purpose. The hearing shall be open to the public, records and minutes shall be maintained and the person aggrieved and the Code Enforcement Department shall be given an opportunity to present evidence. The person**(**s**)** hearing the appeal shall, within ten (10) days, either reverse, modify or affirm the action complained of and cause a written copy of their decision to be sent to the person aggrieved. This decision shall be final.

C. An appeal shall not operate to stay any of the provisions or requirements of this chapter unless the Head of Code Enforcement or City Administrator as applicable shall otherwise order.

§ 96-7. Violations and penalties. [Amended 8-2-82 by HB No. 12-82; 5-5-86 by HB No. 6-86, Amended 6-1-98 by HR 98-03, Amended 4-24-06 by HO-2006-03]

A. Unless herein provided violations of this chapter shall be punishable as a municipal infraction as provided in Chapter 20 of this Code. The fine for any single initial violation shall be Two Hundred Fifty Dollars ($250.00), and the fine for each repeat of that offense shall be Five Hundred Dollars ($500.00).

B. Any person or owner who willfully violates the provisions of this chapter by allowing a rental dwelling unit to be occupied without a rental license shall be guilty of a misdemeanor and subject to imprisonment for thirty (30) days and/or a fine of one thousand dollars ($1,000.00). Willfully shall mean at a minimum that the person so charged has been_tendered, mailed or left three (3) written communications from a Code Enforcement Officer putting him/her on notice that he/she is violating this chapter and more than forty-five (45) days after the initial notice he/she continues to violate this chapter, and he/she has not availed him/herself of the appeal provisions, or has received an adverse ruling upon such appeal. A criminal citation shall be referred to the police department.

§ 96-8. Display of license required. [Amended 4-24-06 by HO-2006-03]

Licenses issued under this chapter shall be predominately and publicly displayed on the premises of the structure or produced on demand of a tenant or prospective tenant and shall be available at reasonable times for inspection by the Code Enforcement Officer**,** or other authorized City employee.

§ 96-9. Resident agent. [Added 10-3-83 by HB No. 11-83, [Amended 4-24-06 by HO-2006-03]

A. Requirement of resident agent. Any person or entity required by this chapter to obtain a rental unit license shall appoint a resident agent for each licensed premises. The resident agent shall be over the age of eighteen (18) and reside on the licensed premises.

B. Filing of resident agent's name and address. The name and address of the resident agent shall be filed in writing during normal business hours with the Clerk of the City. The name of the resident agent may be changed by the legal owner of record by notifying, in writing, the Clerk during normal business hours.

C. Service on resident agent. Delivery of any document, infraction, opinion, etc. regarding the licensed premises to the resident agent shall be service of such document on the owner and title owner of record.

§ 96-10. Directives, regulations and presumptions. [Added 4-24-06 by HO-2006-03]

A. Directives. The Head of Code Enforcement shall issue departmental directives and regulations that shall outline procedures consistent with the purpose, scope, definitions and enforcement of this chapter.

B. Presumptions. There shall be a presumption that any consideration paid to an owner is not rent in the following circumstances:

(1) A dwelling unit which is occupied by a title owner of record of the unit as a principal place of residence with room(s) used non-exclusively by a member or members of the title owner's immediate family (spouse, parent, child, grandparent grandchild).

(2) A dwelling unit which is occupied by a title owner of record of the unit as a principal place of residence with room(s) used non-exclusively by a member or members of the title owner's extended family with a relationship up to five (5) steps from the owner. The Code Enforcement Officer may request proof of such familial relationship in the form of a sworn affidavit from the owner-occupant and the relative in question.

(3) A dwelling unit which is occupied by two unrelated adults, when one of them is an owner, and any children of either adult, living in the same dwelling unit.

(4) A dependent child or a dependent adult providing consideration to an owner who has a family relationship to the child or adult (child, parent, sibling, nephew/niece, aunt, uncle, cousin, grandparent, grandchild).

C. The privacy of individuals shall be respected at all times.

Chapter 99

SALES, TEMPORARY

§ 99-1. Definitions.
§ 99-2. Permit required; number limited.
§ 99-3. Duration of sale.
§ 99-4. Issuance of permit restricted to single location.
§ 99-5. Issuance of permit restricted to single sponsor.
§ 99-6. Liability of sponsor.
§ 99-7. Contents of permit; responsibility for cleanup.
§ 99-8. Fees; exemption.
§ 99-9. Permitted locations for sales; applicable regulations.
§ 99-10. Traffic control at sale site.
§ 99-11. Creation of nuisances prohibited.
§ 99-12. Creation of health and safety hazards prohibited.
§ 99-13. Maintenance of sale site.
§ 99-14. Compliance with applicable building electrical or plumbing regulations required.
§ 99-15. Advertising regulations.
§ 99-16. Sign regulations.
§ 99-17. Permit required for certain signs.
§ 99-18. Erection of signs restricted.
§ 99-19. Inspection and issuance of permit; suspension and/or revocation; application.
§ 99-20. Violations and Penalties.

[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville 10-3-77. Sections 99-9 and 99-15 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Municipal infractions - See Ch. 20.
Health and sanitation - See Ch. 65.
Noise - See Ch. 79.
Peace and good order - See Ch. 87.
Peddling and soliciting - See Ch. 90.
Secondhand property dealers - See Ch. 101.
Streets and sidewalks - See Ch. 105.
Vehicles and traffic - See Ch. 114.

§ 99-1. Definitions. [Amended 1-16-01 by HR 2000-03]

For the purposes of this chapter, the following terms, phrases, words and their derivatives shall have the meaning given herein:

CHARITY SALE - Any temporary sale for which the sponsor is a recognized charitable organization and the proceeds of which go to one (1) or more charitable organizations.

FREESTANDING – Standing independently, free of support or attachment.

GOODS - Includes any goods, wares, merchandise or other personal property capable of being the object of a sale regulated hereunder.

PERSON - Any person, firm, partnership, association, corporation, company or organization of any kind.

SERVICES - Includes 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.

SPONSOR - 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.

TEMPORARY SALES - Includes all sales of goods or services, whether or not for profit, for a period of time not to exceed fourteen (14) days and from a fixed location, store, shop or other site not otherwise licensed to do business there. This includes but is not limited to such sales as yard and garage sales, Christmas tree sales, flea market sales and fresh produce sales.

§ 99-2. Permit required; number limited. [Amended 1-16-01 by HR 2000-03]

Any person conducting a temporary sale as defined herein shall have first obtained from the City a temporary sale permit. No person shall be entitled to obtain more than two (2) permits per calendar year.

§ 99-3. Duration of sale. [Amended 1-16-01 by HR 2000-03, Amended 4-5-04 by HO-2004-10]

All temporary sales shall be limited to the sale period stated on the license permit, and shall not exceed 48 consecutive hours within a fourteen (14) calendar day period.

§ 99-4. Issuance of permit restricted to single location.

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

§ 99-5. Issuance of permit restricted to single sponsor.

Each temporary sale permit shall be issued to one (1) sponsor only. The sponsor can be any person as defined herein.

§ 99-6. Liability of sponsor.

The sponsor shall be responsible for compliance by all persons involved in the temporary sale with all pertinent laws and regulations of the City and shall be liable for all acts arising from the temporary sale in the same way and to the same extent as other persons operating a business in the City.

§ 99-7. Contents of permit; responsibility for cleanup.

A. Each temporary sale permit shall specify, at the minimum, the following:

(1) The name of the sponsor.

(2) The name of the organization, if any, which will receive proceeds from the sale.

(3) The goods and/or services to be sold.

(4) The location or site of the sale.

(5) The period of time during which the sale will take place.

B. The sponsor shall be responsible for the cleaning up of the sale site or location.

§ 99-8. Fees; exemption.

A. A schedule of temporary sale permit fees shall be established from time to time by the City Council. **[Amended 4-5-04 by HO-2004-10]**

B. A recognized charitable or nonprofit organization may be exempt of any fee.

C. A late fee equal to the greater of ten dollars ($10.00) or double the fee charged for the permit shall be assessed for failing to apply for the permit prior to the event.

§ 99-9. Permitted locations for sales; applicable regulations.

A temporary sale may take place either in an industrial, commercial or residential area. Regulations governing such matters as advertising, signs, sound, construction, sanitation, and traffic shall be the same as for businesses operating in the C-S-C Zone.

§ 99-10. Traffic control at sale site.

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.

§ 99-11. Creation of nuisances prohibited.

No temporary sale or any activity associated therewith shall be conducted in any way that will disturb the peace, endanger the safety or threaten the welfare of persons nearby or interfere with the reasonable use of adjacent property.

§ 99-12. Creation of health and safety hazards prohibited.

No temporary sale shall be conducted in any way which shall present a danger or hazard to the health or safety of persons or property.

§ 99-13. Maintenance of sale site.

The site or location of a temporary sale shall be maintained clean and free from litter at all times. Any litter which shall fall on the property of another shall be removed immediately. Upon conclusion of the temporary sale, the sponsor shall be responsible for the removal of all litter and trash from the site and adjacent property not later than one (1) day after the sale ends. Should the sponsor fail to do so, the City may remove such trash or litter and charge the cost thereof to the sponsor.

§ 99-14. Compliance with applicable building, electrical or plumbing regulations required.

Any construction, electrical work, plumbing, sign erection or other related activity conducted in association with the temporary sale shall be in accordance with the pertinent building, electrical, plumbing or other applicable codes of the City, state or county. No sound system will be allowed.

§ 99-15. Advertising regulations.

Any advertising of the temporary sale shall be subject to the same regulation as pertains to other business activities in the City located in the C-S-C Zone and as may be additionally defined herein.

§ 99-16. Sign regulations. [Amended 1-16-01 by HR 2000-03]

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 one (1) day after the sale ends.

§ 99-17. Permit required for certain signs. [Amended 4-5-04 by HO-2004-10]

A permit issued by the City shall be required for any sign advertising the temporary sale which is larger in size than four (4) square feet and for electrical signs of any size.

§ 99-18. Erection of signs restricted. [Amended 1-16-01 by HR 2000-03, Amended 4-5-04 by HO-2004-10]

Signs advertising the temporary sale may not be placed on any public property including utility poles, hydrants. Such signs may only be placed on private property and only with the express permission from the owner or agent. Any sign in the public right-of-way must be freestanding and no higher than three and one-half (3 ½) feet and no larger than four (4) square feet.

§ 99-19. Inspection and issuance of permit; suspension and/or revocation; application. [Amended 4-5-04 by HO-2004-10]

A. The City shall issue the permit applied for after inspection of the proposed temporary sale site by the Code Enforcement Officer and his certification that such sale is in conformance with the provisions of this chapter.

B. The Code Enforcement Officer of the City shall be empowered to revoke or suspend any permit issued under this section upon a determination that the permittee is conducting the activities in an unsafe, unsanitary or unlawful manner.

C. Application shall be made seven (7) days prior to the commencement of the desired date of such a temporary sale.

§ 99-20. Violations and penalties. [Added 11-3-80 by HB No, 20-80; Amended 8-2-82 by HB No. 12-82, Amended 6-1-98 by HR 98-03, Amended 1-16-01 by HR 2000-03, Amended 4-5-04 by HO-2004-10]

Violations of the chapter shall be punishable as a municipal infraction as provided in Chapter 20 of this Code. The fine for any single initial violation shall be one hundred dollars ($100.00), and the fine for each repeat of that offense shall be two hundred dollars ($200.00).

Chapter 101

SECONDHAND PROPERTY DEALERS

§ 101-1. Definitions.
§ 101-2. Record of transactions; information required.
§ 101-3. Transactions with minors prohibited.
§ 101-4. Accurate information as to name, age and address required; identification.
§ 101-5. Regulations for the deposit, sale or purchase of secondhand property.
§ 101-6. Daily reports; instructions for listing and describing property.
§ 101-7. Nonapplicability.
§ 101-8. Violations and penalties.

[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville 4-6-81 as HB No. 5-81. Amendments noted where applicable.]
GENERAL REFERENCES
Police Department - See Ch. 30.
Peddling and soliciting - See Ch. 90.
Temporary sales - See Ch. 99.

§ 101-1. Definitions.

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

DEALER - Includes, unless otherwise specified, pawnshop dealers, dealers in secondhand personal property and junk dealers.

DEALER IN SECONDHAND PERSONAL PROPERTY - Any person, corporation, member or members of a corporation or firm who buy, sell, take in trade or are otherwise in the business of buying and selling secondhand personal property. “Dealers in secondhand personal property” shall include but not be limited to the following: antique dealers; coin dealers; gun dealers; television dealers; electrical appliance dealers; jewelry dealers; gold and silver dealers; pawnshops, when trading or buying secondhand personal property; and any dealer who purchases or otherwise acquire any secondhand heating equipment, plumbing fixtures or similar property from a junk dealer.

JUNK DEALER - Every person, corporation, member or members of a corporation or firm who buy, sell, trade or are otherwise in the business of buying and selling any junk or scrap materials.

PAWNBROKER - Any person, corporation, member or members of a corporation or firm who loans money on deposits or pledge on personal property or other valuable things, other than securities or printed evidences of indebtedness, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back at a stipulated price.

§ 101-2. Record of transactions; information required.

Every dealer shall keep at the place of business a book or books in which shall be legibly written, in English, at the time of each transaction in the course of the business, an accurate account of such transaction, except as to the purchase of rags, bones, old iron and paper by junk dealers, setting forth an accurate description of goods, articles or things purchased or taken in pledge or received on account of money paid therefor and the name, residence and description of the person selling or delivering the same and the license number of the motor vehicle, wagon or pushcart in which the goods, articles or things are delivered. Said description of the person shall include the race, sex, approximate height and date of birth and any distinguishing feature of such person.

§ 101-3. Transactions with minors prohibited.

No dealer or his agent or employee shall receive, buy, trade, exchange or otherwise acquire an interest in any goods or thing from any person under the age of eighteen (18) years. Any statement made to a dealer or his agent or employee by a person under the age of eighteen (18) years to the effect that he is over the age eighteen (18) years shall not excuse such dealer, agent or employee from any violation of this provision. In this regard, the dealer must require proof of identity.

§ 101-4. Accurate information as to name, age and address required; identification.

No person who sells or otherwise disposes of goods, wares or merchandise to a dealer or his agent or employee shall fail or refuse to give his true name, correct date of birth and correct address. Reliable identification will be required by the dealer.

§ 101-5. Regulations for the deposit, sale or purchase of secondhand property.

A. All goods, articles or things consisting, in whole or in part, of aluminum, babbitt, brass, bronze, copper (light and heavy), lead, low-carbon chrome, low-carbon manganese, molybdenum, Monel Metal, pewter, nickel, tin, vanadium and zinc and all stoves, ranges, plumbing fixtures or supplies, electrical fixtures or wiring, gas fixtures or appliances, water faucets, pipes, locks, bathtubs, hot-water heaters and household furniture and furnishings of every description purchased or received on account of money paid therefor or deposited with any dealer, except regular motor vehicle dealers, for the purpose of sale, trade or speculation by such dealer for the account of the owner or otherwise, except motor vehicles and parts thereof, rags, bones, old iron and paper purchased by junk dealers and except as otherwise provided in this chapter, shall be reported to the Chief of Police. Such goods, articles and merchandise so described shall be kept on the premises of the dealer as hereinafter provided and shall not be sold, altered or otherwise disposed of for a period of at least fifteen (15) days from the date of purchase or deposit, as aforesaid, unless consent, in writing, is first had and obtained from the Chief of Police; and any such goods, articles or merchandise shall not be sold or otherwise disposed of for an additional fifteen (15) days on written notice from the Chief of Police that there are reasonable grounds to believe that such goods, articles or items of merchandise have been stolen.

B. Jewelry and precious metals. Precious stones, articles of jewelry and any item composed, in whole or part, of gold, silver or platinum, when deposited with a dealer for the purpose of sale, trade or speculation by such dealer for the account of the owner or otherwise, shall be reported to the Chief of Police. All such items shall be kept on the premises of the dealer, as herein provided, and shall not be sold or otherwise disposed of for a period of at least thirty (30) days from the date of purchase or deposit. No dealer shall melt, vulcanize or otherwise destroy or change the identify of or dispose of any item described in this subsection for a period of thirty (30) days from its receipt.

C. Information required.

(1) The dealer shall not purchase or otherwise acquire such equipment or supplies unless the seller furnishes the dealer with a signed statement showing his name and address, a description of the material being purchased or acquired, the location or locations from which he secured the material, the signature of the owner of the premises from which the material was removed and the name and address of the owner of the premises from which the material was removed. If the seller is unable to read and write, the owner of the premises from which the material was removed may complete this statement for him.

(2) All such statements given to dealers under the provisions of this section shall be retained by them for at least one (1) year and made available to the Chief of Police so as to compare the information on the form and statement with the materials in the custody of the dealer.

(3) The Chief of Police, at periodic intervals in his discretion, may conduct inspections of dealers, as herein defined, to assist in the enforcement of this section.

D. Other purchases. Nothing contained in this section shall apply to any merchandise purchased from other dealers having a fixed place of business or to any merchandise deposited by one dealer with another dealer for sale, provided that the former dealer has complied with the provisions of this chapter.

§ 101-6. Daily reports; instructions for listing and describing property.

A. Every dealer shall every day except Sunday, before the hour of 10:00 a.m., deliver to the Chief of Police a legible and accurate description of every article or thing received by him during the business day next preceding, except as to the purchase of rags, bones or paper by a junk dealer, and the license number of any motor vehicle, wagon or pushcart in which the goods, articles or things are delivered, together with a description of the person selling or delivering the same, including the name and address, social security number, if the vendor has one, race, sex, approximate height and date of birth and any distinguishing features of such person. Such daily report shall further include a description of material being purchased or acquired and, when applicable, the location or locations from which the material was secured and the name of the owner of the premises from which the material was secured.

B. Instructions. In preparing said list, the following instructions shall be strictly adhered to:

(1) All articles, such as guns, pistols, typewriters, microscopes, bicycles, etc., shall be reported by the maker's name and number, together with any initials, inscriptions or any peculiar distinguishing marks or characteristics.

(2) Diamonds and other precious stones shall be described by giving the approximate weight of the stone, style of mounting, whether lady's or gentleman's ring, the number of stones and any initials, inscriptions, scratch numbers or peculiar distinguishing marks or characteristics.

(3) Watches shall be designated by the kind of metal, maker's name, movement number, case number, kind of movement, whether lady's or gentleman's and any initials, inscriptions, scratch numbers or peculiar distinguishing marks or characteristics.

(4) All jewelry shall be described as to kind, character and whether lady's or gentleman's, number of stones, name of each stone and any initials, inscriptions or peculiar distinguishing marks or characteristics, in the case of rings, the design or setting and whether lady's, gentleman's or child's.

(5) Chains shall be designated by kind, character of metal or other material, design of link and whether lady's, gentleman's or child's and, in all cases, any inscriptions, initials or peculiar distinguishing marks or characteristics.

(6) Silverware shall be designated by the kind or character, maker's name and any initials, inscriptions or peculiar distinguishing marks or characteristics.

(7) Furs shall be designated by kind; character; whether lady's, gentleman's or child's; color; maker's, owner's or alterer's name, if any attached; or any initials, inscriptions or peculiar distinguishing marks or characteristics.

(8) Field, marine and opera glasses, binoculars, etc., shall be designated by a full description, maker's or owner's name and all initials, inscriptions or peculiar distinguishing marks or characteristics.

(9) Instruments, such as surgical, architectural, mathematical, surveying, etc., shall be designated by the kind, character, design, name of maker and any initials, inscriptions or peculiar distinguishing marks or characteristics, whether upon the case or the instruments.

(10) Tools shall be designated by the trade in which the same may be used, whether carpenter's, machinist's or otherwise, also, all numbers, name of maker or number and any initials, inscriptions or peculiar distinguishing marks or characteristics, whether upon the tools or upon the box or case.

(11) Clothing shall be designated by kind; character; whether lady's, gentleman's or child's; color; size; material; maker's, owner; alterer's name, if attached; and any initials, inscriptions or peculiar distinguishing marks or characteristics.

§ 101-7. Nonapplicability.

The provisions of this chapter shall not apply to secondhand material purchased from any regular motor vehicle dealer, public utility corporation, governmental agency, industrial plant, licensed electrical or plumbing contractor or to purchases at judicial sales.

§ 101-8. Violations and penalties.

Every person who shall be convicted of violating any of the provisions of this chapter shall be guilty of a misdemeanor shall pay a fine not exceeding five hundred dollars ($500.00) and/or imprisoned for not more than sixty (60) days.

Chapter 105

STREETS AND SIDEWALKS

ARTICLE I

General Regulations

§ 105-1. Sidewalk Maintenance.
§ 105-2. Removal of snow and sleet.
§ 105-3. Restrictions for hedges bordering public sidewalks or paths.
§ 105-4. Maintenance of property in public rights-of-way, sidewalks or paths.
§ 105-5. Removal of debris associated with building operations required.
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§ 105-7. Projecting signs.
§ 105-8. Flags and banners across City streets.
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§ 105-10. Erection and/or maintenance of buildings or similar obstructions upon City streets prohibited.
§ 105-11. Permit required for storage of building materials upon streets and sidewalks by contractors.
§ 105-12. Warning devices required when storage of materials obstructs passageways.
§ 105-13. Permit required for use of sidewalks and parkings for business purposes.
§ 105-14. Painting or advertising on sidewalks prohibited.
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§ 105-17. Specific regulations concerning Baltimore Avenue.
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§ 105-44. Compliance with county requirements.

ARTICLE VII

Penalty Provisions

§ 105-45. Violations and penalties.

[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville 12-1-69. Sections 105-9, 105-11, 105-14, 105-17, 105-19, 105-20, 105-29, 105-30, 105-31A, 105-37, 105-38, 105-40, 105-41, 105-43 and Arts. II, IV and VI amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Public ways and sidewalks generally - See Charter, Arts. VII and VIII.
Department of Public Works - See Ch. 4, Art. II.
Municipal infraction - See Ch. 20.
Peace and good order - See Ch. 87.
Vehicles and traffic - See Ch. 114.

ARTICLE I

General Regulations

§ 105-1. Sidewalk Maintenance [Amended 2-17-09 by HO-2009-05; Amended 2-17-09 by HO-2009-05]

(A) Except as otherwise provided in this chapter, it shall be unlawful for any person willfully to hinder or obstruct the free passage of any person, vehicle or conveyance of any description along or upon any of the streets, sidewalks, alleys or public passageways in the City by placing any obstruction thereon which provides a hindrance to the free passage of any such person, vehicle or conveyance along or upon the same.

(B) Each person owning or occupying a lot or part of a lot fronting or abutting on a public right-of-way with a paved sidewalk, shall keep the sidewalk unobstructed to allow free and safe passage, by removing snow, ice, weeds, brush, grass, vegetation, trash, debris, and obstructions from the sidewalk.

§ 105-2. Removal of snow and sleet. [Amended 11-19-12 by HO-204-11-12]

It shall be the duty of every person in charge or control of any building or parcel of land located in the City fronting or abutting on a paved public sidewalk, whether as owner, tenant, occupant or otherwise, within twenty-four (24) hours after the ceasing to fall of any snow or sleet, to remove and clear away or cause to be removed and cleared away such snow or sleet from so much of such public sidewalk as is in front of or abuts on said building or lot of land. It shall be unlawful to fail, neglect or refuse to comply with this section. The Head of Code Compliance after consultation with the City Administrator and Public Works Director shall have the discretion to extend the time period for clearing public sidewalks based reasonably on the conditions and amount of snow accumulated. It shall be the policy of the City to encourage voluntary compliance to this subsection when feasible.

§ 105-3. Restrictions for hedges bordering public sidewalks or paths. [Amended 3-3-80 by HB No. 9-80]

No hedge bordering upon any public sidewalk or path in the City shall be more than four (4) feet in height. No hedge bordering upon any such sidewalk or path shall encroach upon or project over the same.

§ 105-4. Maintenance of property in public rights-of-way, sidewalks or paths [Added 11-1-71; Amended 3-3-80 by HB No. 9-80; Amended 2-17-09 by HO-2009-05]

(A) It shall be the duty of every person in charge or control of any building or parcel of land, any part of which fronts, abuts or is located in, on, or under a public sidewalk or a public right-of-way, (abutting area) whether as owner, tenant, occupant or otherwise, to keep that part of the abutting area which is in the public right-of-way, including the area between the paved sidewalk and any street or alley, free of trash, debris, plant growth (except as provided herein), and obstructions to free passage of pedestrians over the area.

(B) Grass (Less than 8” tall), City-approved trees, and any vegetation conforming to the requirements immediately below, shall be allowed in the abutting area.

(C) Any vegetation (other than grass) in the abutting area must be less than 19” tall (measured from the ground), must not have roots that damage the public infrastructure, must be actively maintained and cultivated, must cover no more than 25 percent of the abutting area, and must conform to this Article I as well as to Section 65-25 of this Code.

(D) In the areas between the sidewalk and any street or alley no infrastructure, fence or impervious surface is allowed except a permitted driveway or a connection less than 42" wide between the sidewalk and the curb.

(E) It shall be unlawful to fail, neglect or refuse to comply with this section.

(F) Nothing in this Article I shall limit the authority of the City over the City public rights-of-way. The City may construct, place, replace, remove or plant items or structures in such public rights-of-way in the interest of the free and safe passage of pedestrians and the general public good.

§ 105-5. Removal of debris associated with building operations required.

Every person having charge of any building operations, either as owner or contractor, shall remove or cause to be removed, at the expiration of each working day, from the sidewalks, gutters and roadways adjacent to such building operations all earth, sand, gravel, dirt, mortar, stones, broken bricks, shavings, rubbish and all other litter that may have been deposited or accumulated thereon as a result of such building operations.

§ 105-6. Gates swinging outward onto public passageways prohibited.

It shall be unlawful for any person being the owner or tenant of property to permit any gate on such property to swing outward on any public road, sidewalk or public passageway in the City.

§ 105-7. Projecting signs. [Amended 3-3-80 by HB No. 9-80]

No sign or board shall project over any sidewalk without permission from the City Council.

§ 105-8. Flags and banners across City streets. [Amended 3-3-80 by HB No. 9-80]

No flag, banner or any other manner of display shall be stretched across any of the streets of the City without permission from the City Council.

§ 105-9. Permit required for placement of ashes, gravel and similar substances upon driveways, streets and similar areas.

It shall be unlawful for any person to place or cause to be placed any earth, ashes, gravel or other substance upon the improved driveways, pavements, streets or alleys in the City, unless he shall first have obtained a permit therefor from the Director of the Department of Public Works.

§ 105-10. Erection and/or maintenance of buildings or similar obstructions upon City streets prohibited. [Amended 3-3-80 by HB No. 9-80]

It shall be unlawful for any person to erect or maintain any building or obstruction in or upon any street or alley in the City.

§ 105-11. Permit required for storage of building materials upon streets and sidewalks by contractors.

It shall be unlawful for any contractor or any employees of any contractor or any other person to use the streets or sidewalks in the City to store or place materials thereon without a permit from the Director of the Department of Public Works for the right to use the street or sidewalk in such manner.

§ 105-12. Warning devices required when storage of materials obstructs passageways.

Any person using a street or sidewalk in the City to store or place materials, pursuant to a permit as required in §105-11, shall exhibit or display one (1) or more red lanterns, as necessary, at night placed

thereon in such manner as to warn the public of the obstruction of the street or sidewalk and so as to show distinctly the unobstructed passageway remaining in the street or sidewalk.

§ 105-13. Permit required for use of sidewalks and parkings for business purposes.

It shall be unlawful for any person to use the parking between curb and sidewalk or the sidewalks of the City for business purposes or to place material for business purposes thereon, unless he shall first have secured a permit therefor from the Mayor. The Mayor is hereby authorized to grant permits for the temporary use of sidewalks and parkings on the streets and avenues of the City for business purposes. All applications for such permits shall state the character of material to be placed thereon.

§ 105-14. Painting or advertising on sidewalks prohibited.

It shall be unlawful for any person to place or paint upon any sidewalk in any manner whatever any letters or advertising device.

§ 105-15. Extinguishing or obstructing street lights.

It shall be unlawful for any person to extinguish or obstruct the light in any streetlight without permission from the City Council.

§ 105-16. Unauthorized damage to City streets and passageways prohibited

It shall be unlawful for any unauthorized person to break, destroy or in any way injure any sidewalk, curb, gutter or footway or roadway in any of the streets or other public places of the City.

§ 105-17. Specific regulations concerning Baltimore Avenue.

The public easement in the bed of Baltimore Avenue, to the full extent of the title thereto which is vested in the City Council, is hereby granted to the State of Maryland in order that Baltimore Avenue may be included by the State Highway Administration in the public highway for construction; and the City Council does hereby relinquish to the state jurisdiction and control over Baltimore Avenue as a public highway to the extent provided in the Acts of the General Assembly of Maryland so that such jurisdiction and control may be exercised hereafter by the State Highway Administration or by any other official or officials, agent or agents of the state who may be assigned thereto; provided, however, that nothing herein shall be construed to deprive the City Council of police power over Baltimore Avenue or to prevent such work upon, over or under the same or control over the same as may be necessary in the course of public improvements or in the maintenance of public utilities now or hereafter owned or operated by the City Council, but any such openings of said road shall be closed and repaired within a reasonable time under the supervision of, in the manner prescribed by and to the satisfaction of the state Highway Administration and at the expense of the City Council. Nothing herein contained shall be taken or construed to deprive the City Council of its power and authority to construct sidewalks on Baltimore Avenue and to assess the cost thereof upon abutting property as now or hereafter provided by law.

§ 105-18. Riding bicycles upon sidewalks prohibited; exception.

It shall be unlawful for any person to ride a bicycle upon any sidewalk in the City; provided, however, that this shall not be construed to apply to small children's toy velocipedes or other light toy vehicles.

§ 105-19. Permit required for driving vehicles over sidewalks. [Amended 12-19-83 by HB No. 15-83]

It shall be unlawful for any person to drive or to cause or permit to be driven any vehicle across any sidewalk in the City unless a written permit therefor shall first have been obtained from the City Clerk acting upon authorization of the Director of the Department of Public Works, and subject to such terms and conditions as may be imposed for securing the City against any damage done to such sidewalk or for the replacement of such sidewalk.

§ 105-20. Operation of vehicles with cleats or cleated tires upon City streets. [Amended 12-19-83 by HB No. 15-83]

No vehicle with cleats or cleated wheels shall be driven or operated over any of the streets of the City without express permission of the Director of the Department of Public Works.

§ 105-21. Attachment of bicycles, motorcycles, roller skates and similar toy vehicles to other moving vehicles upon City streets prohibited.

No person traveling on any bicycle, motorcycle, scooter, sled, toy wagon, roller skates or any toy vehicle shall cling to or attach himself or his bicycle, motorcycle, scooter, sled, toy wagon, roller skates or any toy vehicle to any other moving vehicle upon any of the streets or upon any roadway within the City.

§ 105-21.1. Abandonment of improved roads. [Added 2-3-86 by HB No. 1-86]

A. Authorization. The City Council may, upon recommendation of the City Administrator, authorize the closing of any improved road under the jurisdiction of the City.

B. Procedures.

(1) Where the closing of a road is in connection with the construction of a new road, and users of the road or portion of road to be closed will not be denied access to any property or area which was previously accessible, the City Council may authorize the closing upon the certification of such facts by the City Administrator.

(2) Where the closing of a road will deny access to public users to areas or properties accessible from the road to be closed, or will take from an abutting property owner the only direct access to a public road, the City Council shall first hold a public hearing. The purpose of the hearing shall be to take testimony to determine that reasonable or alternative means of access exists to property formerly accessible by the road to be closed and that the road is no longer needed as a public way. Each property owner as shown on the assessment books of the City abutting a portion of the road to be closed shall be notified in writing of the closing and of the date, time and place a hearing will be held. In addition thereto, a notice shall be posted in such manner and size to give reasonable notice to the users of the road of the intended closing and date, time and place of hearing.

C. Effect of Closing. A closing of a road shall constitute the termination of the general public's right to use the right-of-way, but shall have no effect on private rights of ownership or easements in the roadway.

D. Barricades. Upon a closing of the road, the Department of Public Works may barricade the road in such a manner as not to deny individual property rights.

§ 105-21.2. Abandonment of unimproved roads. [Added 2-3-86 by HB No. 2-86]

A. Authorization. The City Council may, upon recommendation of the City Administrator, authorize the abandonment of any unimproved road that is not a part of any recorded plat of subdivision.

B. Procedures.

(1) A petition for the vacation of the unimproved roadway shall be filed with the City Administrator. A copy of the plat of abandonment shall be attached to the petition as well as written evidence that all owners of abutting properties have been notified.

(2) Generally, the City Council shall not vacate any subdivision which has dedicated rights-of-way to public use or dedicated rights-of-way or easements for any public utility, storm drainage course, floodplain or public access roadway until:

(a) The petitioner seeks the consents of the Washington Suburban Sanitary Commission and the City Department of Public Works.

(b) The petitioner notifies each public utility, in writing, which is franchised to provide services within the area of the vacation, of the petition and provide thirty (30) calendar days to comment.

(c) If any of the agencies or utilities have rights in any area proposed to be vacated have attached conditions to its consent, said conditions shall be incorporated into the vacation petition.

(d) In any case where any agency or utility having rights in any area proposed to be vacated objects to the vacation petition, the City Council shall find that a specific public benefit will not be annulled if the petition is granted.

(e) In the case of a right-of-way which is in use by the general public at the time of the petition or within the preceding year, the procedures required by Chapter 105, §105.21.1 of this Code shall have been carried out.

(3) The petition may be approved by the City Council, after posting notice on the property at least thirty (30) days prior to approval.

C. Effect. The approval of the petition by the City Council shall divest all public rights in the subject right-of-way.

D. Unimproved platted roadways. In order to abandon an unimproved roadway that has been platted by a recorded subdivision, the City Council shall follow such procedures as set forth in the Subdivision Subtitle of the Prince George's County Code.

§ 105-22. Driving upon closed streets prohibited.

It shall be unlawful for any person to drive any vehicle on any public street where a barrier, sign or authorized person indicates that the street in question is closed.

§ 105-23. Hitchhiking prohibited.

It shall be unlawful for any person to stand in the public highway or in any street or alley in the City for the purpose of soliciting a ride or passage from the driver of any private vehicle.

§ 105-24. Improper operation of motor vehicles.

It shall be unlawful for any person to operate a motor vehicle over any street in the City in an intentionally improper manner so as to cause skidding, spinning of wheels or excessive noise upon the highway.

ARTICLE II

General Regulations for Excavations

[Amended 12-19-83 by HB No. 15-83]

§ 105-25. Permit required for excavations in Baltimore -Washington Boulevard.

It is unlawful for any person willfully to break or disturb in any manner the macadam on the Baltimore-Washington Boulevard in the City without first having secured a permit therefor from the proper authority of the State Highway Administration.

§ 105-26. Permit required for laying drainage pipes.

It shall be unlawful for any person to lay any pipe or similar device intended for drainage purposes in any gutter in the City without a permit so to do from the Director of the Department of Public Works.

§ 105-27. Permit required for construction of artificial drains, trenches and indentations across sidewalks.

It shall be unlawful for any person to construct any artificial drain, trench or indentation in or across any sidewalk in the City without a permit so to do from the Director of the Department of Public Works.

§ 105-28. Permit required prior to paving or permanently covering parkings.

It shall be unlawful for any person to pave or cover with a permanent cover any parkings between the sidewalk and curb any part thereof, unless he shall first have secured a permit therefor from the Director of the Department of Public Works.

ARTICLE III

Excavations in Driveways and Parkings

§ 105-29. Permit Required.

It shall be unlawful for any person to make or cause to be made any excavation in any driveway or parking on any street without a permit issued and authorized by the Director of the Department of Public Works.

§ 105-30. Violations of Permit Provisions.

No person shall violate any of the provisions of a permit issued by the Director of the Department of Public Works for an excavation as provided for in § 105-29.

§ 105-31. Restoration required following excavation.

A. Any excavation in any driveway or parking on any street made pursuant to a permit as required in § 105-29 shall be subject to such terms and conditions as may be imposed by the Director of the Department of Public Works for refiling and reconstructing the street so that such street is in the condition in which it was prior to such excavation.

B. No person shall fail to refill and reconstruct the street so that such street is in the condition in which it was prior to such excavation.

§ 105-32. Warning barriers and lights required. [Amended 3-3-80 by HB No. 9-80]

No person shall fail to provide suitable warning barriers and lights to designate an excavation made pursuant to a permit as provided for in § 105-29.

ARTICLE IV

Construction or Repair Within City Streets

[Amended at time of adoption of Code]

§ 105-33. Permit required; exception.

It shall be unlawful for any person to open, grade, construct, improve, alter or repair any roadbed, curb, gutter, sidewalk, culvert, drain or other structure lying within the dedicated lines of any public street or alley in the City without having first obtained a permit to do so from the Director of the Department of Public Works, unless the work is being performed by or for the City.

§ 105-34. Application for permit; contents.

Any person desiring a permit as required in §105-33 shall file an application therefor with the Department of Public Works, setting forth such information as may be required, and such application shall be accompanied by specifications and three (3) sets of detailed plans.

§ 105-35. Prerequisites for issuance of permit.

No permit shall be issued pursuant to an application filed as provided in §105-34 until the Director of the Department of Public Works shall be satisfied that work done under the permit will be properly done, will be of a satisfactory character and of reasonably high quality and durability and will conform to minimum specifications for like work performed by the City.

§ 105-36. Supervision and inspection by City Engineer; costs.

Each permit issued pursuant to an application filed as provided in §105-34 shall be upon the condition that the City Engineer shall supervise and inspect the construction or other work to be performed to the extent deemed necessary by the Director of the Department of Public Works. For such supervision and inspection, the Director of the Department of Public Works shall charge the permittee a sum, to be negotiated, of the total cost of the work in question as estimated by the City Engineer, provided that, if such work is planned and actively supervised by a registered engineer, requiring only inspection by the City Engineer, the charge will be a sum, to be negotiated, of such estimated total costs. In no case, however, shall the charge for supervision and inspection be less than five dollars ($5.00).

ARTICLE V

Driveway Construction

§ 105-37. Permit required.

No person shall cut or cause to be cut any curb for a private or public driveway connecting with any of the public streets of the City or construction or cause to be constructed any private or public driveway connecting with any of the public streets of the City, or both cut such curb and construct such driveway, without a duly authorized permit issued by the Director of the Department of Public Works.

§ 105-38. Application for permit.

Any person desiring a permit as required in §105-34 shall file an application with the Clerk therefor as provided in this section. Such application shall be made upon a duly prescribed form shall be filed in duplicate, the original to go to the Director of the Department of Public Works for approval before issuance of the permit in question and the copy to be retained by the Clerk for his files. This application is necessary even though the work under the permit is to be done by the City.

§ 105-39. Fee. [Amended 1-1-82 by HB No. 24-81]

At the time of filing an application as provided in §105-38, the applicant shall pay a permit fee as outlined in 68-9 of this Code as well as a reasonable refundable deposit to ensure the work and restoration of public space are acceptable.

§ 105-40. Form of permit; issuance.

Each permit issued pursuant to an application filed as provided in §105-38 shall be upon a duly prescribed-form and shall be issued in triplicate, the original to go to the applicant and the copies to be retained by or turned over to the Department of Public Works and the Clerk, with the fee and deposit referred to in § 105-39 as a voucher for payment received.

§ 105-41. Construction specifications.

Driveway construction done under a permit issued pursuant to an application filed as provided in §105-38 shall be in accordance with required specifications.

§ 105-42. Construction of apron or approach; costs.

Wherever a permit is given pursuant to an application filed as provided in §105-38 to cut the curb for a private or public driveway, a suitable apron or approach shall be constructed to the sidewalk if the curb is not a part of the sidewalk and continued thereto. The cost of such construction shall be borne by the property owner or applicant, as the case may be.

§ 105-43. Proper supervision required when construction completed by property owner.

Wherever a property owner or applicant does the work personally in connection with any permit issued pursuant to an application filed as provided in §105-38, such work shall be done under proper supervision of the Department of Public Works.

ARTICLE VI

General Construction Specifications and Requirements

[Amended at time of adoption of Code]

§ 105-44. Compliance with county requirements.

The construction of sidewalks, roads and street improvements, including the opening and grading of streets in the City, shall be done in accordance with the requirements for roads and street improvements under Subtitle 23, Roads and Sidewalks, of the Prince George's County Code, 1979

Edition, as it may from time to time be amended, unless otherwise provided by the provisions of this chapter or other ordinances of the City.

ARTICLE VII

Penalty Provisions

[Added 3-3-80 by HB No. 9-80]

§ 105-45. Violations and penalties. [Amended 8-2-82 by HB No. 17-82, Amended 6-1-98 by HB 98-03, Amended 7-16-01 by HB No. 01-03, Amended 12-3-07 by HO-2007-14]

Violations of this chapter shall be punishable as a municipal infraction as provided in Chapter 20 of this Code. The fine for any single initial violation shall be One Hundred Dollars ($100.00), and the fine for each repeat of that offense shall be Two Hundred Dollars ($200.00).

Chapter 108

TAXATION[10]

ARTICLE I

Admission and Amusement Tax

§ 108-1. Establishment of tax; collection; tax rate; additional tax.

ARTICLE II

Tax Credits

§ 108-2. Homestead Property Tax Credit
§ 108-3. Local Supplement to the State Homeowners Property Tax Credit
§ 108-4. REVITALIZATION TAX CREDIT

[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville: Art I, 6-7-82 as HB No. 5-82. Amendments noted where applicable.]
GENERAL REFERENCES
Taxation generally - See Charter, Art. V, Finance.
Amusements and entertainment - See Ch. 40.

ARTICLE I

Admission and Amusement Tax

[Adopted 6-7-82 as HB No. 5-82]

§ 108-1. Establishment of tax; collection; tax rate; additional tax[11]. [Amended 10-7-91 by HB No. 5-91]

A. Pursuant to the authorization of § 4-102(b) (1) of the Tax-General Article of the Annotated Code of Maryland, as amended or recodified from time to time, a tax is imposed on the gross receipts derived from any admissions and amusement charge as defined in § 4-101(b) of the Tax-General Article of the Annotated Code of Maryland, as amended or recodified from time to time, at the rate of ten percent (10%); except as this rate may be limited pursuant to § 4-105(b) of the Tax-General Article of the Annotated Code of Maryland, as amended or recodified from time to time.

B. Pursuant to the authorization of § 4-102(b) (2) of the Tax-General Article of the Annotated Code of Maryland, as amended or recodified from time to time, an additional tax is imposed on reduced charges or free admissions as set forth in § 4-105(f) of the Tax-General Article of the Annotated Code of Maryland, as amended or recodified from time to time.

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[10] *Editor's Note: The tax rate for the City of Hyattsville is set annually by resolution of the City Council. For current provisions regarding the present tax rate for the city, consult municipal records on file in the office of the City Clerk.*
[11] *Editor's Note: Section 108-1 was repealed and reenacted with amendments on 10-7-91 by HB No. 5-91.*

ARTICLE II

Tax Credits

[Added 09-08-08 by HO-2008-07]

§ 108-2. Homestead Property Tax Credit [Added 11-19-90 by HB No. 7-90]

A. Pursuant to 9-105(E) of the Tax-Property Article of the Annotated Code of Maryland, the Homestead Property Tax Credit percentage for the City of Hyattsville, effective for the taxable year beginning July 1, 1991, and subsequent years shall be 110%.

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

§ 108-3. Local Supplement to the State Homeowners Property Tax Credit

A. Tax Credit. A homeowner's property tax credit shall be allowed against the City property tax imposed on residential real property if the owner qualifies for the credit under this Article.

B. Definitions. Except as otherwise provided herein, the terms used in this Article shall have the same meaning as set forth in Section 9-104 of the Tax-Property Article of the Annotated Code of Maryland.

(1) "Assessed value" means the adjusted value to which the property tax is applied.

(2) "Director" means the Treasurer for the City of Hyattsville or his or her designee.

(3) "Final Tax liability" means the tax liability for any property tax on the property of a dwelling less any property tax credit provided under Section 9-104 of the Tax-Property Article and any supplemental homeowners property tax credit provided under this section and any property tax credit provided by Prince George's County.

(4) "Section 9-104" means Section 9-104 of the Tax-Property Article of the Annotated Code of Maryland or any successor provision.

(5) "Taxable year" means July 1 to June 30, both inclusive, for which the City computes, imposes and collects real property tax.

(6) "Total Eligible City Real Property Tax" means the sum of all City real property tax rates used to calculate the property tax liability for a homeowner for a taxable year, excluding property tax rates in special taxing districts, and excluding City special assessments and charges, such as for stormwater, refuse and the like, or interest and penalties on overdue real property taxes, multiplied by the lesser of:

(1) $350,000.00; or

(2) the assessed value of the dwelling reduced by the amount of any assessment on which a City property tax credit is granted under Section 9-105; and reduced by any "save harmless" credit mandated under Section 9-101 of the Tax-Property Article of the Maryland Code.

C. General.

1) The Director shall provide to eligible homeowners a City property tax credit as provided in this Article to supplement the State homeowners property tax credit granted under Section 9-104.

(2) Except as otherwise expressly stated in this section, all eligibility requirements, statutory definitions, restrictions, application or other procedures which apply to the credit granted under Section 9-104 of the Tax-Property Article also apply to the City homeowners property tax credit provided for in this Article.

(3) A property tax credit under this section may not be granted to a homeowner whose combined net worth exceeds $200,000.00 as of December 31st of the calendar year that precedes the year in which the homeowner applies for the property tax credit, or whose combined gross income exceeds $80,000.00 in that same calendar year.

D. Amount.

(1) A homeowners tax credit local supplement shall be allowed to eligible homeowners against the total City real property tax paid by the eligible homeowner for the taxable year in which the homeowners tax credit supplement is sought in the amount provided for herein.

(2) The amount of the homeowners property tax credit is the Total Eligible City Real Property Tax on a dwelling less:

(a) the percentage of the combined gross income of the homeowner stated in 9-104(h)(2) or any amendment to that subsection, and

(b) 15% of the State homeowners property tax credit granted under Section 9-104.

(3) The property tax credit for home purchasers is the amount of the credit as calculated under paragraph (D)(2) immediately above multiplied by a fraction where the numerator of the fraction is the number of days in the taxable year that the home purchaser actually occupies or expects to actually occupy a dwelling in which the home purchaser has a legal interest, and the denominator is 365 days.

(4) If a credit is granted under this section, a revised tax bill or a tax voucher may be used to adjust the final tax liability.

(5) Notwithstanding the foregoing, the amount of the homeowner's tax credit local supplement authorized by this Article shall not exceed the total City real property tax liability of the eligible homeowner for the taxable year in which the homeowner's tax credit local supplement is sought.

E. Administration.

The City Administrator is responsible for the administration and management of the Homeowners Property Tax Credit program. The City Administrator may take all actions necessary in furtherance of said responsibility including, but not limited to:

(a) establishing policies and procedures;

(b) delegating responsibility to appropriate City departments, offices, and staff;

(c) entering into agreements with the State Department of Assessments and Taxation, Prince George's County, Maryland and other governmental entities or other persons or entities for the cooperation and/or maintenance of one or more aspects of the Homeowners Property Tax Credit program.

F. Penalties for false and fraudulent information.

A person who knowingly submits a false or fraudulent application, or withholds information, to obtain tax credit under this section has committed a misdemeanor. In addition, the person must repay the City for all amounts credited and all accrued interest and penalties that would apply to those amounts as overdue taxes. The City may enforce this subsection by appropriate legal action. A person who violates this subsection is liable for all court costs and expenses of the City in any civil action brought by the City against the violator.

§108-4 REVITALIZATION TAX CREDIT

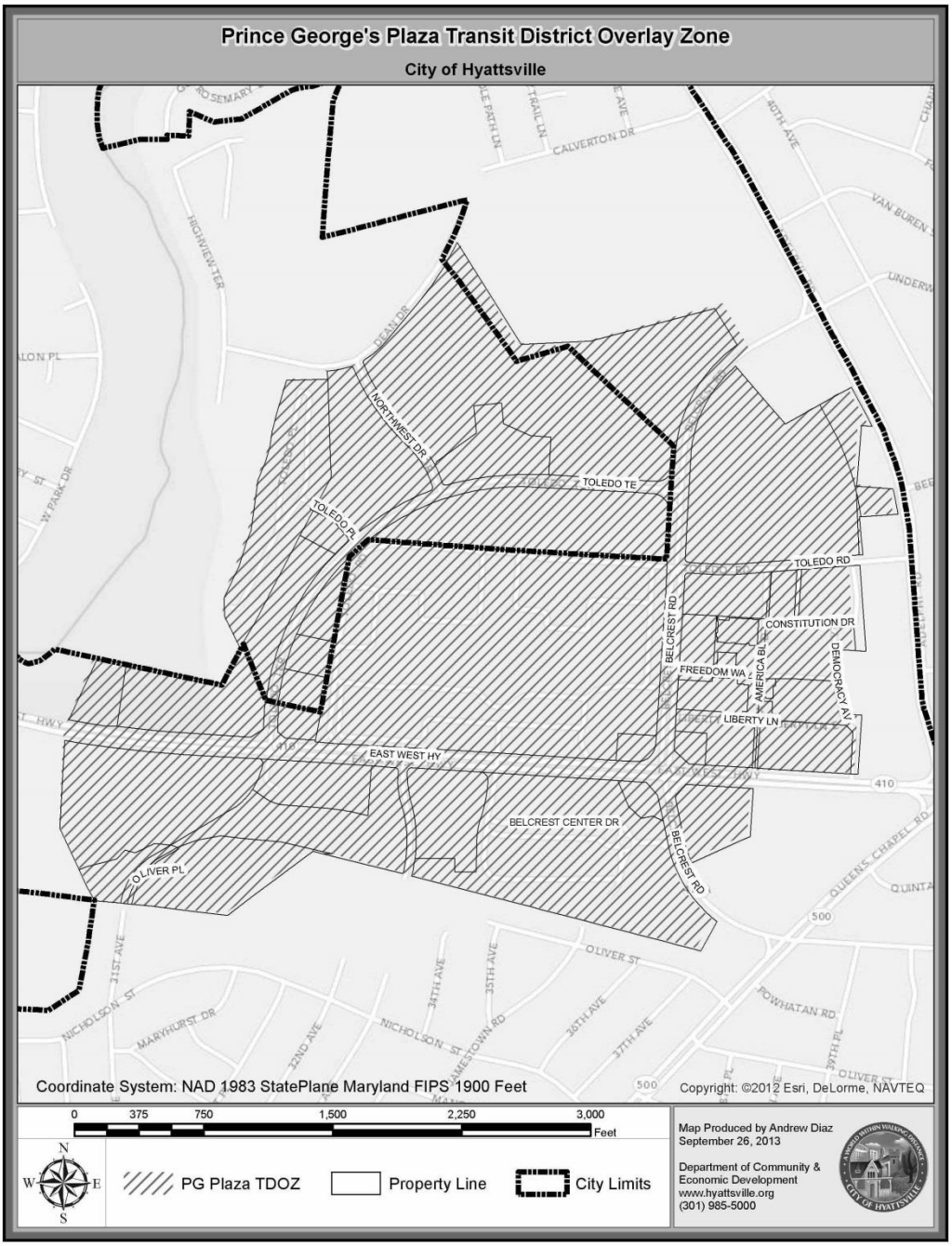
A. PURPOSE. The purpose of the City's Revitalization Tax Credit Program is to provide financial incentives to encourage economic development and redevelopment in the City by creating revitalization districts.

B. AUTHORITY TO ESTABLISH REVITALIZATION TAX CREDIT DISTRICTS. The City Council may establish one (1) or more Revitalization Tax Credit districts. A Revitalization Tax Credit district may be established within an existing development district overlay zone, transit district overlay zone or State of Maryland designated Arts and Entertainment districts.

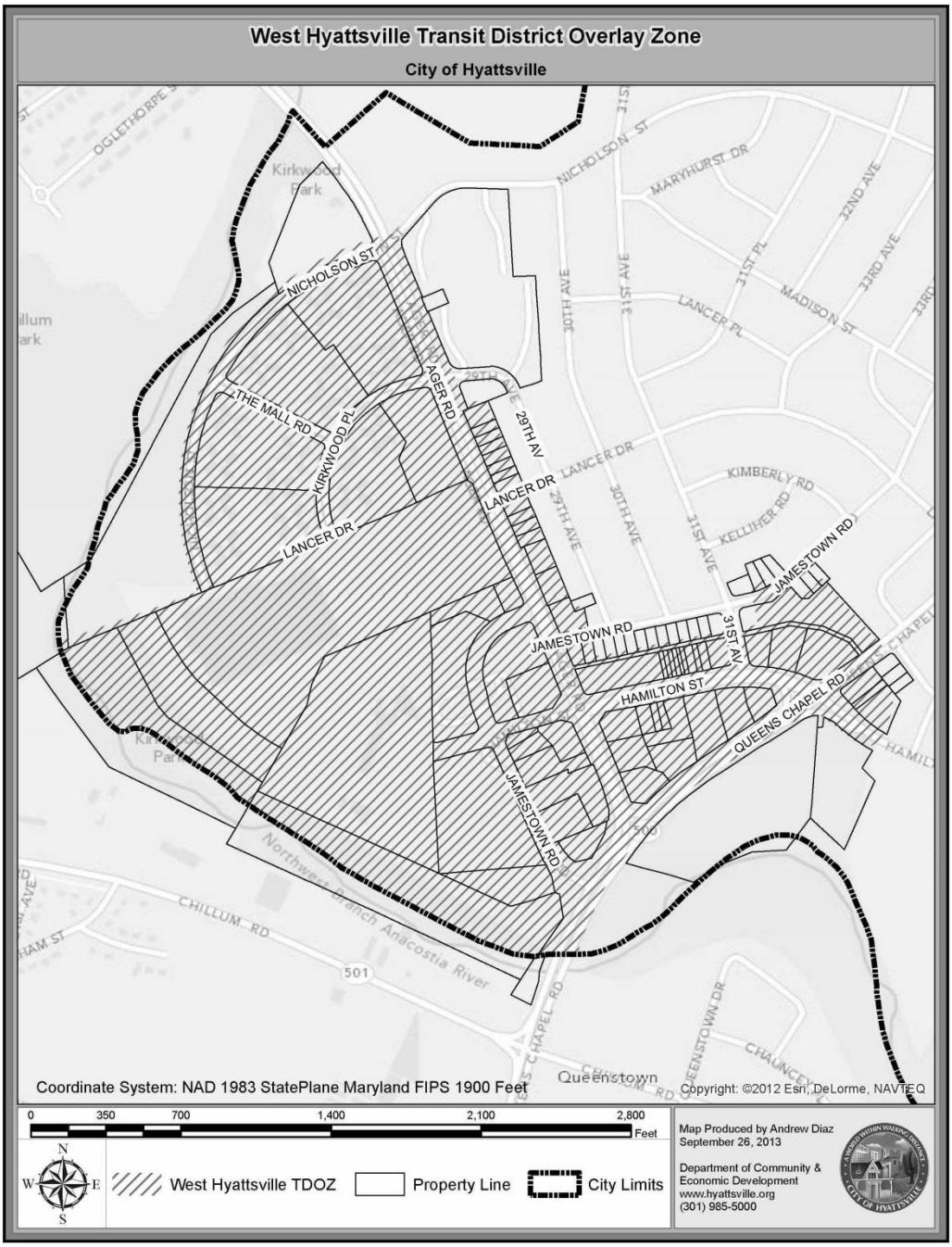
C. REVITALIZATION TAX DISTRICTS ESTABLISHED. The following districts are established:

(a) Prince George's Plaza Transit District Overlay Zone: Real property located within the municipal limits of the City of Hyattsville and within the Prince George's Plaza Transit District

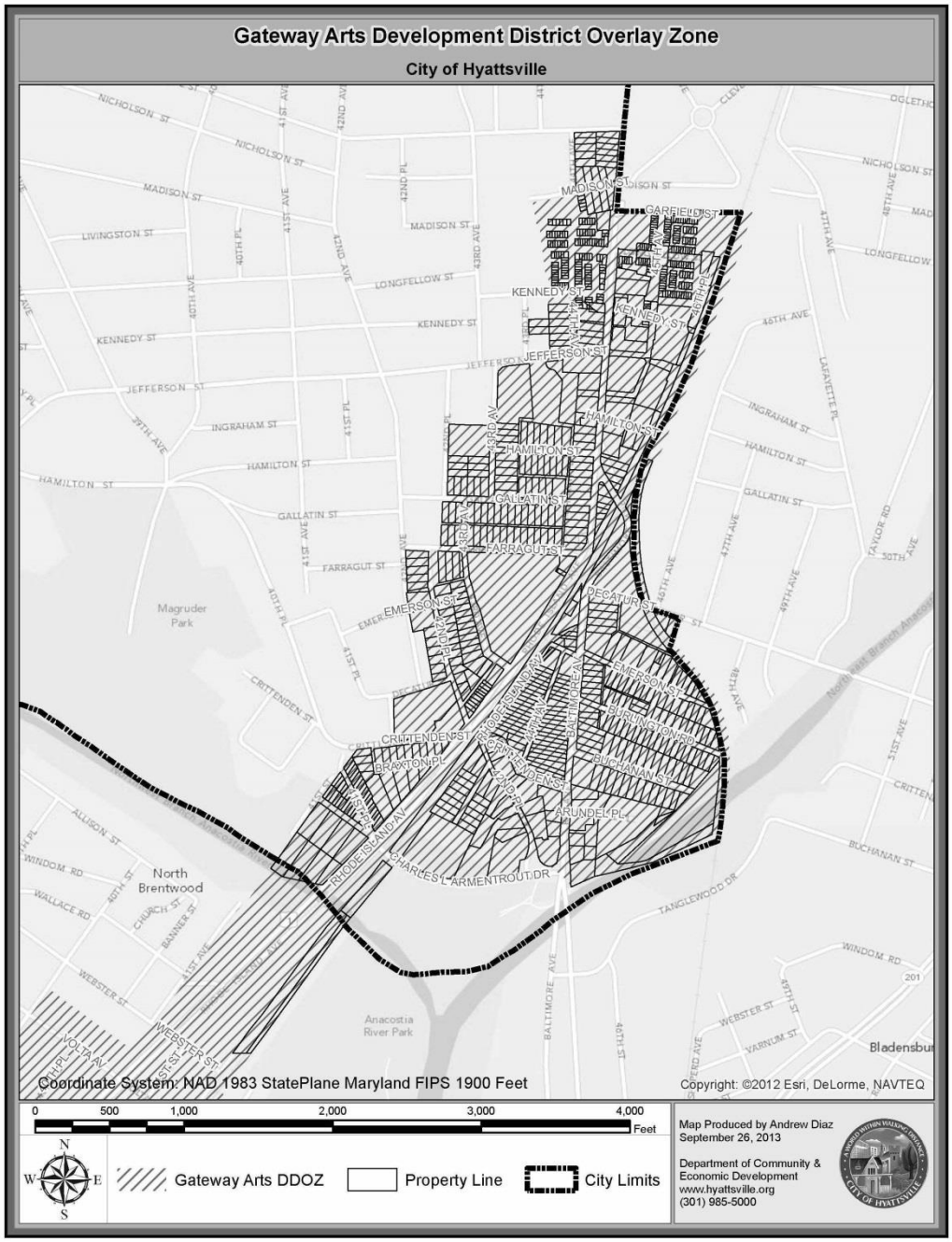
Development Plan as illustrated immediately below:



(b) West Hyattsville Transit District Overlay Zone: Real property located within the municipal limits of the City of Hyattsville that andwithin the West Hyattsville Transit District Development Plan as illustrated immediately below:



(c) Gateway Arts District Arts & Entertainment District: Real property located within the municipal limits of the City of Hyattsville and within the State of Maryland Designated Gateway Arts & Entertainment District as illustrated immediately below:



A. AUTHORITY TO GRANT A TAX CREDIT FOR REAL PROPERTY LOCATED IN A REVITALIZATION TAX CREDIT DISTRICT. In conformance with the limitations and eligibility criteria established in this Section, the City Council may by resolution grant in its reasonable discretion a property tax credit against the City's real property tax imposed on real property located within a revitalization district if the property is substantially improved, constructed upon or redeveloped and is reassessed as a result of the improvement, construction or redevelopment at a substantially higher value than that assessed prior to the improvement, construction or redevelopment. For any proposed improvement, construction or development the City Council may set a deadline as appropriate for the proposed improvement, construction or redevelopment to commence construction, or completion date, or other conditions as applicable to the particular improvement, construction or redevelopment.

B. TAX CREDIT LIMITATIONS. An eligible property may receive a tax credit on all or part of those City real property taxes imposed on the property, but only those real property taxes which are attributable to or based on the increased assessment resulting from the taxable improvements, construction or reconstruction upon project completion. The duration of the tax credit granted shall not exceed ten (10) years.

C. ELIGIBILITY REQUIREMENTS. To be eligible for the tax credit, a property must meet the following eligibility requirements:

1. Improvements must include new construction, reconstruction, infill development, redevelopment, revitalization, or rehabilitation of residential (excluding single family detached), commercial, hospitality, office, existing parking lots, or mixed-use properties.

2. The applicant must be in good standing with the City. In order to be in good standing, applicants may not have any outstanding Code violations from any governmental entities, or be delinquent on any payments including, but not limited to, trash bills, permit fees and payable to federal, State, County entity or the City.

3. Projects are ineligible for this program if they are located within a tax increment financing district at the time of application.

4. The project is consistent with mission and goals of the City and of sufficient impact and benefit to the City and its citizens to justify extending a tax credit.

D. APPLICATION PROCESS.

1. An application for a City tax credit shall be submitted to the City during the planning phase of the project and in no event later than the submission of a building permit application to Prince George's County.

2. The application shall demonstrate that all eligibility requirements have or will be met and shall include the estimated value of the completed improvements and any additional information requested by the City as well as the amount of the tax credit sought. All

plans associated with the detailed site plan or building permit shall be submitted with the application, if applicable, including a legal description of the property.

3. The fee for submitting an application shall be one thousand dollars ($1,000.00).

4. Upon receipt and acceptance of a completed application, the City's Community and Economic Development department will refer a copy of the application to the City Administrator. City staff will provide a recommendation to the City Council as to whether to grant within sixty (60) days of the receipt of the completed application.

5. Upon providing such recommendation, the City shall promptly hold a public hearing on the project and the staff recommendations prior to introducing any resolution regarding the revitalization tax credit for the proposed project.

CITY COUNCIL RESOLUTION. A City Council resolution approving and providing the tax credit awarded must be passed by the Council stating the amounts and terms. The tax credit shall not be effective until the submission to the City of evidence of compliance with any City agreement, contingency, condition or required certifications and such other information or documentation as the City staff may reasonably require. Upon the City's examination of the evidence of compliance submitted on behalf of the project, the City will issue a certificate to the property owner that confirms the parcel's tax credit status. The credit may be in the form of a rebate of taxes or a decreased tax rate at the City's discretion.

Chapter 112
URBAN FOREST

§ 112-1. Purpose.
§ 112-2. Applicability.
§ 112-3. Shade Tree Board.
§ 112-4. Prohibited acts and permits.
§ 112-4.1. Permit standards.
§ 112-4.2. Tree removal standards and replacement.
§ 112-5. Official street tree species.
§ 112-6. Enforcement.
§ 112-7. Exceptions.
§ 112-8. Appeals.
§ 112-9. Appeals procedure.
§ 112-10. Factors considered on appeal.

[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville 10-7-85 as HB No. 5-85, Amended 4-18-94 by HB No. 02-94; Amended 10-15-07 by O-2007-11. Amendments noted where applicable.]
GENERAL REFERENCES
Building construction - See Ch. 46.
Streets and sidewalks - See Ch. 105.

§ 112-1. Purpose. [Amended 4-18-94 by HB No. 02-94, Amended 3-21-05 by HB No. 01-05]

The purpose of this chapter is to protect, preserve and promote the urban forest of Hyattsville, which is part of a larger ecosystem which contributes significantly to air, noise and visual pollution control, moderates climate extremes, promotes sound energy conservation, and has significant aesthetic value affecting property values and the community's quality of life; and to establish a Shade Tree Board and Office of Municipal Arborist to regulate the planting, maintenance and removal of trees in public places, and certain trees located on private property.

§ 112-2. Applicability. [Amended 4-18-94 by HB No. 02-94, Amended 3-21-05 by HB No. 01-05]

The following trees are considered to be part of the City's urban forest and are subject to the provisions of this chapter:

A. Public trees which are those trees in the public rights-of-way or on property owned by the City or any governmental agency, including all trees in the public domain in Hyattsville.

B. Trees worthy of preservation which are:

(1) Trees on private property with trunks that measure at least fifty (50) inches in circumference at four and one half (4-1/2) feet above ground level, if located less than fifty (50) feet from a public street or sidewalk.

(2) Trees on private property with trunks that measure at least seventy five (75) inches in circumference at four and one half (4-1/2) feet above ground level, if located more than fifty (50) feet from a public street or sidewalk.

C. If a tree divides into branches at less than four and one half (4-1/2) feet, the trunk shall be measured immediately beneath the dividing point.

D. This chapter shall also apply to trees, regardless of size or location that were planted:

(1) Pursuant to a reforestation requirement contained in a decision granting a permit by any government or governmental unit,

(2) With government funding, or

(3) Pursuant to government programs.

E. Removal of a tree shall include not only actual removal of a tree but also effective removal through a damaging or other intentional action or omission resulting in the death of a tree within one year of the action or omission.

§ 112-3. Shade Tree Board. [Amended 4-18-94 by HB No. 02-94, Amended 3-21-05 by HB No. 01-05]

A. Creation. There shall be created a board to be known and designated as the "Shade Tree Board" composed of nine (9) members. Eight (8) of said members shall be appointed by the Mayor with approval of the Council. The ninth shall be the Director of Public Works/Municipal Arborist. The term of office of the members appointed by the Mayor shall be three (3) years. All members shall serve without pay. Vacancies caused by death, resignations or otherwise shall be filled by the Mayor with approval of the City Council.

B. Duties and responsibilities. It shall be the responsibility of the Board to study, investigate, counsel and assist the City's municipal arborist in developing and/or updating a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public and private areas, as defined in § 112-2 B-E of this chapter. Such a plan will be presented annually to the City Council and upon their acceptance and approval shall constitute the official comprehensive City tree plan for the City.

C. Operations. The Board shall choose its own officers, make its own rules and regulations and keep records of its proceedings. A majority of the members shall be a quorum for the transaction of business.

D. The Shade Tree Board shall prepare an annual report summarizing its activities, shall recommend changes in the law or other actions that the Mayor and City Council may wish to take to protect and promote the urban forest; and shall notify the Mayor and City Council of significant events related to the urban forest.

E. The Shade Tree Board shall perform the functions described in §112-4 and §112-9 below.

§ 112-4. Prohibited Acts and Permits. [Amended 4-18 94 by HB No. 02-94, Amended 3-21-05 by HB No. 01-05, Amended 10-15-07 by HO-2007-11]

A. No person shall remove or destroy or cause the removal or destruction of a public tree or a tree worthy of preservation, as defined in § 112-2 of this chapter or undertake construction or other action that significantly and permanently detracts from the health or growth of a public tree or a tree worthy of preservation without first having obtained a permit from the City of Hyattsville which shall only be issued upon the presentation of an application. However, upon a determination by the City that a tree protected by this Ordinance should be removed, pursuant to the tree being diseased, dead, dying or a hazard as outlined in § 112-4.1(A), the person/entity responsible for the tree or its removal shall be exempt from obtaining a permit to remove the tree, but shall not be exempt from any of the removal and replacement requirements in Section 112-4.2 of this Chapter.

B. The Shade Tree Board shall develop an application consistent with this chapter for a tree removal permit

C. The Shade Tree Board shall have the discretion to solicit public opinion upon the application for a permit.

D. Ordinarily the Director of Public Works or his/her designee shall be the municipal arborist unless the City Administrator determines otherwise. The City Administrator or the municipal arborist shall receive all permit applications and shall immediately notify the tree board which shall issue a recommendation regarding the application within the time frame stated in the notice or no later than forty-five (45) days.

E. After the time for the tree board response has expired, the municipal arborist or his/her designee, shall issue or deny a permit and may add reasonable conditions to the issuance or denial of such permit. This permit decision shall be in writing notifying the applicant of the right of appeal and be immediately mailed or delivered to the applicant.

F. The property owner shall prominently display each tree permit, where it can be easily seen from the street as soon as possible after it is obtained and until seven days after tree work has been completed.

G. Upon any evidence of a violation, the municipal arborist or other agent designated by the City shall notify the Shade Tree Board. The City and the Shade Tree Board shall investigate and if warranted the City will issue a citation of municipal infraction.

§ 112-4.1 Permit Standards. [Added 4-18-94 by HB No. 02-94, Amended 3-21-05 by HB No. 01-05, Amended 10-15-07 by HO-2007-11]

A. The City shall ordinarily issue a permit if one (1) of the following conditions applies:

(1) The tree is diseased beyond restoration, insect infested beyond restoration, or injured beyond restoration;

(2) The tree is dead or dying;

(3) The tree constitutes a hazard to the safety of persons or property that cannot be addressed by using current tree care ANSI Z Standards (American National Standard Institute).

B. The City shall also consider the following factors before making a decision on a permit:

(1) The overall health of the tree.

(2) The potential hazards associated with the tree.

(3) The desirability of preserving the tree by reason of its age, size or outstanding quality, such as uniqueness, rarity or status as a landmark or species variety.

(4) The degree of hardship suffered by the landowner.

(5) The extent to which the area would be subject to environmental degradation due to removal of the tree or trees.

(6) The extent of the tree canopy in the immediate area.

(7) The applicable county, zoning and state law.

C. The City is authorized to consult with experts concerning any of the above conditions. Any expert who is not a City Employee and who is consulted about a tree may not bid, perform other services and/or profit directly or indirectly as to any work on the tree in question.

§ 112-4.2 Tree Removal Standards and Replacement. [Added 4-18-94 by HB No. 02-94, Amended 3-21-05 by HB No. 01-05]

A. If a tree measures seventy five (75) inches in circumference at the four and a half (4-1/2) feet above ground level an applicant or his/her agents shall require written proof and furnish a copy thereof, that the persons(s) removing a tree is/are bonded and insured.

B. An applicant may be required to replace any tree that is removed pursuant to a permit. Such replacement shall occur within one hundred eighty (180) days after issuance of a permit and may be in the following form:

1. Tree for tree replacement, a like number of trees removed, a like number of trees replaced.

2. Specified percentage of canopy cover, replacement by trees, which at maturity will approximately duplicate the crown size of the trees removed. Replacement shall be on the applicant's property or on public properties within the City of Hyattsville at the City's discretion.

C. The City of Hyattsville shall attempt to adhere to the tree-replacement provisions of this section following its removal of trees protected by this ordinance on City property or right-of-way.

§ 112-5. Official street tree species. [Amended 3-21-05 by HB No. 01-05, Amended 3-21-05 by HB No. 01-05]

The official street tree species for Hyattsville are those tree species listed in the current edition of Street Tree Factsheets, published by the Maryland Department of Natural Resources. Species not contained on this list may only be planted with the written approval of the Maryland Department of Natural Resources.

§ 112-6. Enforcement. [Amended 4-18-94 by HB No. 02-94, Amended 3-21-05 by HB No. 01-05]

A. Municipal infractions.

(1) Any of the following shall constitute a municipal infraction for which a citation may be issued:

(a) Doing any of the acts prohibited in § 112-4 without a written permit.

(b) Any noncompliance with the terms of an issued permit including conditions regarding removal and replanting of trees.

(2) The fine for each violation of §112-6A(1)(a) shall be three hundred dollars ($300.00) per tree affected, plus fifty dollars ($50.00) per inch of tree circumference greater than fifty (50) inches, measured at four and one-half (4-1/2) feet above ground level, with a maximum fine of one thousand dollars ($1,000.00) per tree affected; and a fine of one thousand dollars ($1,000.00) for each repeat of that offense.

(3) The fine for failing to comply with the terms of a permit or failure to replace a tree if the tree was removed without a permit shall be three hundred dollars ($300.00) per tree affected, plus fifty dollars ($50.00) per inch of tree circumference greater than fifty (50) inches, measured at four and one-half (4-1/2) feet above ground level, with a maximum fine of one thousand dollars ($1,000.00) per tree affected; and a fine of one thousand dollars ($1,000.00) for each repeat of that offense.

(4) In the event the tree has been removed so that no accurate measurements can be taken to assess the fine, the fine, at the discretion of the municipal arborist, shall not exceed one thousand dollars ($1,000.00) per tree.

B. It shall be a misdemeanor to do any of the following:

(1) Any of the acts forbidden by §112-4(a) of this chapter to three (3) or more trees within six (6) calendar months, whether or not, such trees are located on the same property.

(2) Removal of or harm to any tree that was subject to a permit request after the permit has been denied.

C. A misdemeanor violation under 112-6(b) shall be punishable by a mandatory fine for each tree affected of two hundred dollars ($200.00) plus one hundred dollars ($100.00) per inch of tree circumference greater than fifty (50) inches, to a maximum per tree of two thousand dollars ($2,000.00) or such other greater maximum as may be permitted by state law. The fine may be suspended only upon a finding that the violation was the first offense by the party charged, and that there was no willfulness involved.

D. Injunctive relief *may* be sought to prevent the removal of trees for which a permit is required, where no such permit has been obtained. Mandatory injunctions may be sought to enforce any condition contained in a permit and to require replacement of trees.

E. Remedial Action

(1) Whenever any person is in violation of this Chapter, is acting without a permit in violation of this Chapter or is failing to comply with the terms and conditions of a permit issued pursuant to this Chapter, in whole or in part, the municipal arborist or designee may issue a written order to stop work on the project including the removal of or damages to trees, until the violation or failure to comply is corrected to the City's reasonable satisfaction. In the event any City employee discovers anyone removing or seriously damaging a public tree or a tree worthy of preservation, the employee is authorized to order an immediate temporary stop work by oral order. Within forty-eight (48) hours the temporary stop work order shall expire, unless the municipal arborist or designee issues a written stop work order and posts it in the property.

(2) Continuing work in violation of any order issued pursuant to this subsection shall constitute a misdemeanor punishable by a one thousand dollar ($1,000.00) fine and/or seven (7) days in jail. For each tree that is damaged or removed in violation of an order there shall be a separate chargeable offense. Each day that work continues to be done shall also constitute a separate offense.

(3) A written order issued pursuant to this subsection posted on the property, in a conspicuous location, shall be sufficient service upon all persons physically on the property. A posted notice shall not be removed except under the authority of the City Administrator or designee.

§ 112-7. Exceptions. [Amended 4-18-94 by HB No. 02-94, Amended 3-21-05 by HB No. 01-05]

No permit shall be required when performing professionally accepted tree maintenance as outlined in the ANSI Z Standards (American National Standard Institute), except in the case of tree removal.

§ 112-8. Appeals. [Added 4-18-94 by HB No. 02-94, Amended 3-21-05 by HB No. 01-05]

A. An applicant who is denied a permit by the municipal arborist or designee or who objects to conditions in the permit may appeal the decision to the City Administrator in writing within twenty (20) days of the municipal arborist's decision.

B. The appeal shall be heard by a three person appeals panel ("Appeals Panel"), consisting of the City Administrator, who shall chair the appeals panel, and two other members appointed by the Mayor, one of whom shall not be an employee of the City. The appeals panel shall have the authority to affirm, reverse, or modify the decision of the tree arborist, including the conditions in the decision of the municipal arborist if, after a hearing, the appeals panel finds that such action will not adversely affect the public health, safety or welfare, nor the reasonable use of adjoining properties and can be permitted without substantial impairment of the purpose and intent of this chapter.

§ 112-9. Appeals procedure. [Added 4-18-94 by HB No. 02-94, Amended 3-21-05 by HB No. 01-05]

A. Upon the filing of an appeal, the City arborist shall within ten (10) days transmit to the City Administrator the record pertaining to the appeal. In addition, the property shall be posted with a sign, which shall include the case number, nature of the application, and the date, time and place of the hearing. The sign shall be located so as to be readable from the roadway abutting the property and should be placed five (5) feet from the sidewalk, if one exists, or five (5) feet from the curb or the edge of the paved portion of the street if there is no curb. In the case of lots abutting more than one (1) street, a sign shall be posted for each abutting street.

B. At the hearing, any party may appear in person or by agent or by attorney. The decision by the appeals panel shall be made within sixty (60) days following the hearing.

C. In exercising its powers, the Appeals Panel may affirm the denial of a permit, may direct that a permit be issued, or may order that a permit be issued upon such conditions, terms or restrictions as the appeals panel may deem necessary in keeping with this chapter.

D. A recording shall be made of all appeal hearings and records shall be kept of the City's examinations and other official action, all of which shall be filed in the office of the City Clerk and shall be public record. The decision of the appeals panel shall be final.

§ 112-10. Factors considered on appeal. [Added 4-18-94 by HB No. 02-94, Amended 3-21-05 by HB No. 01-05]

The Appeals Panel shall consider the following factors in deciding whether to approve, disapprove or modify the decision of the municipal arborist:

A. Those specified in § 112-4.1 above if relevant to the appeal;

B. The reasons cited by the applicant for wanting to remove or destroy the tree;

C. The reasons, if any, cited by residents who are either in favor of or in opposition to the issuance of the permit;

D. Whether tree clearing is necessary to achieve proposed development, construction or land use otherwise permitted under the City Code, and the extent to which there is no reasonable alternative;

E. Whether the applicant proposes reforestation;

F. Hardship to the applicant if a permit for the requested action is denied;

G. The desirability of preserving a tree by reason of its age, size or outstanding qualities, including uniqueness, rarity or species specimen;

H. Such other relevant matters as will promote fairness and justice in deciding the particular case.

Chapter 113

VEHICLES, INOPERABLE

ARTICLE I

Junked Vehicles

§ 113-1. Junked vehicles

ARTICLE II

Repairs

§ 113-2. Maintenance or repair of motor vehicles restricted in residential areas.
§ 113-3. Maintenance or repair of combustion engines restricted in residential areas.
§ 113-4. Violations and penalties.

[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville: Art. I, 10-4-82 as HB No. 21-82; Art. II, 12-1-69. Section 113-4 added at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Municipal infractions - See Ch. 20.
Police Department - See Ch. 30.
Peace and good order - See Ch. 87.
Streets and sidewalks - See Ch. 105.
Vehicles and traffic - See Ch. 114.
Zoning - See Ch. 120.

ARTICLE I

Junked Vehicles

[Adopted 10-4-82 as HB No. 21-82]

§ 113-1. Junked vehicles. [Amended 12-3-07 by HO-2007-14]

A. It shall be unlawful for any person to junk any vehicle at any place within the City, nor shall any owner, lessee or custodian in charge of any lot, field, road, street, lane or other property permit any junked vehicle to remain on such property within the City except in an enclosed garage.

B. Presumption; exempt properties. **[Amended 5-5-86 by HB No. 4-86]**

(1) For the purpose of this Article, any partially dismantled or substantially damaged, inoperable vehicle or one that is unlicensed or bearing an expired license shall be presumed to have been junked.

(2) Properties exempt from this Article are: licensed motor vehicle dealers, motor vehicle mechanical or body repair facilities and towing storage compounds. However, such vehicle must be stored on the licensed property and fenced to shield the vehicle from view. Storage of any vehicle shall be limited to no more than ninety (90) days, in accordance with the provisions of Section 27-107.1(a) 253.3 of the Prince George's County Code.

C. Under the authority of this Article, any sworn police officer of the City of Hyattsville or the Code Enforcement Officer for the City of Hyattsville may impound the junked vehicle, after first attaching a police notice on the presumed junked vehicle which shall state, in part, "The attached vehicle is presumed junked. If not removed or brought into compliance with §113-1 of the City

Code within forty-eight (48) hours from the date upon this notice, this vehicle shall be impounded and sent to a scrap processor. Likewise, the vehicle owner will be held liable for all towing, storage, preservation and all other charges relating to the disposition of the vehicle."

D. The Chief of Police for the City shall have the authority to extend the forty-eight-hour period before impoundment for a time not to exceed thirty (30) days, upon receipt of a written statement setting forth the reasons for requesting such extension; the Mayor and Council shall also have the authority to extend the forty-eight-hour period for any definite time in excess of thirty (30) days, upon receipt of a written statement setting forth the reasons for requesting such extension. [Added 8-1-83 by HB No. 9-83]

E. Violations of this section shall be punishable as a municipal infraction as provided in Chapter 20 of this Code. The fine for any single violation shall be one hundred dollars ($100.00), and the fine for each repeat offense shall be two hundred dollars ($200.00). **[Amended 5-5-86 by HB No. 4-86, Amended 6-1-98 by HR 98-03, Amended 9-21-98 by HR 98-06, Amended 12-3-07 by HO-2007-14]**

ARTICLE II

Repairs

[Adopted 12-1-69]

§ 113-2. Maintenance or repair of motor vehicles restricted in residential areas.

It shall be unlawful for any person to perform automotive repair or maintenance on any motor vehicle in an area zoned for detached single-family or multifamily dwelling units in the City, except under the following condition: Any person may perform automotive maintenance or repair work on a currently licensed motor vehicle titled in his name or in the name of a member of his family, provided that such work shall be done on the premise of his residence, and provided, further, that such work shall not be performed in violation of any other City or County ordinance.

§ 113-3. Maintenance or repair of combustion engines restricted in residential areas. [Added 3-16-70]

It shall be unlawful for any person to perform repairs or maintenance on any combustion engine in an area zoned for detached single-family or multiple-family dwelling units in the City, except under the following conditions: Any person may perform maintenance or repair work on a combustion engine owned by a resident or a member of his family, provided that such work shall be done on the premises of his residence, and provided, further, that such work shall not be performed in violation of any other City ordinance.

§ 113-4. Violations and penalties. [Amended 6-1-98 by HR 98-03, Amended 7-16-01 by HB No. 01-03]

Violations of this Article shall be punishable as a municipal infraction as provided on Chapter 20 of this Code. The fine for any single initial violation shall be one hundred dollars ($100.00), and the fine for each repeat of that offense shall be two hundred dollars ($200.00).

Chapter 114

VEHICLES AND TRAFFIC

ARTICLE I

General Provisions

[Articles I through IV were significantly changed, repealed and reenacted by HO-2011-01]

§ 114-1. Definitions and interpretation.
§ 114-2. Adoption and amendment of regulations.
§ 114-3. Enforcement.
§ 114-4. Severability.
§ 114-5. Signs and traffic control devices.
§ 114-6. School zones.

ARTICLE II

Traffic Regulations

§ 114-7. Speed limits.
§ 114-8 Traffic calming devices.
§ 114-9. Speed monitoring systems.

ARTICLE III

Stopping, Standing and Parking

§ 114-15. Emergency regulations.
§ 114-15.1. Manner of parking generally.
§ 114-15.2. Identification of parking restrictions.
§ 114-16. General restrictions.
§ 114-17. Parking of vehicles within marked spaces.
§ 114-18. Time limit for leaving vehicles unattended.
§ 114-19. Observance of parking signs and the authority to install such devices.
§ 114-20. Bus stops.
§ 114-21. Notice, penalty and forfeiture.

ARTICLE IV

Residential Permit Parking Zones

§ 114-27 Purpose and Legislative Findings.
§ 114-28 Definitions.
§ 114-29 Designation of Residential Parking Permit Areas.
§ 114-30 Issuance & Transfer of Residential Parking Permits.
§ 114-31 Temporary Permits.
§ 114-32 Use of Parking Permits & Exemptions.
§ 114-33 Regulations & Enforcement.

§ 114-34 Restriction & Penalty.
§ 114-35 Revocation of Permit & Severability.

ARTICLE V

Trucks and Commercial Vehicles; Trailer Coaches

§ 114-36. Operation of trucks and commercial vehicles upon certain streets restricted.
§ 114-37. Operation of vehicles in excess of established gross weight limits restricted.
§ 114-38. Routing of heavy trucks and buses.
§ 114-39. Parking restrictions for commercial vehicles in residential zones.
§ 114-40. Parking restrictions for commercial vehicles on private property.
§ 114-41. Parking restrictions for trailer coaches in residential zones.
§ 114-42. Penalties.

ARTICLE VI

Metered Parking

§ 114-43. Definitions.
§ 114-44. Designation of parking meter zones.
§ 114-45. Marking of individual parking spaces.
§ 114-46. Use of parking meters.
§ 114-47. Installation of parking meters.
§ 114-48. Responsibility for maintenance, control and operation of meters.
§ 114-49. Display of visible signals by meters.
§ 114-50. Parking in on-street parking meter zones.
§ 114-51. Time limits and rates for parking in off-street parking meter zones.
§ 114-52. Use of parking space where meter indicates unused time.
§ 114-53. Parking in non-metered areas of municipal lots.
§ 114-54. Overtime parking prohibited.
§ 114-55. Parking within marked spaces required.
§ 114-56. Loading and unloading of commercial vehicles in metered parking zones.
§ 114-57. Tampering with meters prohibited.
§ 114-58. Depositing slugs or similar devices in meters prohibited.
§ 114-59. Collection of coins deposited in meters; disposition.
§ 114-60. Compliance with provisions required.
§ 114-61. Prima facie responsibility for violation.
§ 114-62. Disposition of moneys collected; Parking Meter Fund.
§ 114-63. Construal of provisions.
§ 114-64. Report of violations required.
§ 114-65. Notification of violation.
§ 114-66. Notification of right to stand trial; maximum fine.
§ 114-67. Numbering of reports and notices.
§ 114-68. Payment in lieu of prosecution.
§ 114-69. Enforcement.

ARTICLE VII

Miscellaneous Provisions

§ 114-70. Storage or service of vehicles upon streets or public spaces by automobile agencies prohibited.
§ 114-71. Riding on portions of vehicles not designed for passengers restricted.
§ 114-72. Handicapped parking regulations; penalty.
§ 114-72.1 Parking on Unpaved or Unprepared Surfaces on Residential Property.

ARTICLE VIII

Penalty Provisions; Impoundment

§ 114-73. Violations and penalties.
§ 114-74. Impoundment procedures; reclamation.
§ 114-75. Flagging penalty.
§ 114-76. Vehicles with illegal or expired license plates.

[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville during codification 12-19-83 as HB No.14-83; see Ch. 1, General Provisions, Art. II. Amendments noted where applicable}.]

GENERAL REFERENCES

Off-street parking - See Charter, Art. X.
Police Department – Se5e Ch. 30.
Parks and recreational facilities - See Ch. 84.
Peace and good order - See Ch. 87.
Streets and sidewalks - See Ch. 105.
Abandoned and inoperable vehicles - See Ch. 113.

ARTICLE I

General Provisions

§ 114-1. Definitions and interpretation. [Amended on 3-27-11 by HO-2011-01]

A. Unless otherwise defined herein**,** words and phrases, when used in this chapter, shall have the meanings ascribed to them in the Maryland Vehicle Law (Titles 11 through 27 of the Transportation Article of the Annotated Code of Maryland), as now in force or as hereafter amended, enacted or reenacted, except where the context clearly indicates a different meaning.

B. The term "holidays," as used in this Chapter, shall mean and include the following: New Year's Day, Martin Luther King, Jr.'s birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day and Christmas Day or days celebrated as such.

C. In this Chapter, the singular shall include the plural; and the plural shall include the singular; the masculine shall include the feminine and the neuter.

§ 114-2. Adoption and amendment of regulations.

Regulations adopted pursuant to the provisions of this chapter may be amended or added to from time to time, as deemed necessary by the Mayor and Council, by ordinance, resolution or motion adopted in accordance with law.

§ 114-3. Enforcement. [Amended on 3-27-11 by HO-2011-01]

This chapter and the regulations adopted thereby may be enforced by any police officer of the State of Maryland or of any political subdivision thereof having jurisdiction as well as those police, code enforcement, and parking enforcement officers, or other persons designated by the City.

§ 114-4. Severability.

The provisions of this chapter shall be severable, and, if any of its provisions shall be held to be unconstitutional, illegal or otherwise invalid, such decision shall not affect the validity of any the remaining provisions of this chapter. It is hereby declared as a legislative intent that this chapter would have been adopted had such unconstitutional, illegal or otherwise invalid provision not been included herein.

§ 114-5. Signs and traffic control devices. [Added on 3-27-11 by HO-2011-01]

A. Definitions. A traffic control device is:

(1) a sign or light, or device that conforms in size, color, shape and graphics to the most recent version, edition, amendment or replacement of the Federal Highway Administration Manual of Uniform Control Devices, the Maryland State Highway Administrative Manual of Uniform Traffic Control Devices for Streets and Highways, the State of Maryland Sign Book, or to signs in regular use by the City for traffic; and

(2) is placed on or near the streets, roads or highways or other public place including property owned or leased by the City; and

(3) governs the stopping, parking or movement of vehicles over such public streets, roads, highways, rights-of-way or property.

B. It shall be unlawful to disregard or disobey or act in a manner contrary to the message of any traffic control device regulating speed, movement of vehicles, parking and stopping unless directed otherwise by police or public works personnel or their designees.

C. A traffic control device or sign is presumed to be duly authorized if it conforms to the definition above in this section.

D. The City Administrator, after consultation with the Police Department and the Department of Public Works, may authorize the placement or removal of traffic control devices and signs that are determined to be necessary for the safety of all traffic in the City.

E. All traffic control devices which meet the requirements cited in this section 114-5, paragraph 1(A) above and are in place within the City on March 27, 2011 are hereby authorized by the City.

F. Nothing in this chapter shall curtail the authority of the City Council over the placement or removal of approved traffic control devices in the City by motion, resolution or ordinance.

§ 114-6. School zones.

The following areas in the City and all roadways within a one half mile radius of the named schools or campuses are designated as school zones:

A. The University of Maryland at College Park,

B. Northwestern High School at 7000 Adelphi Road,

C. Prince George's Community College at University Town Center at 6505 Belcrest Road,

D. Rosa Parks Elementary School at 6111 Ager Road,

E. Nicholas Orem Middle School at 6100 Editors Park Drive,

F. Concordia Lutheran School at 3799 East West Highway,

G. Concordia Lutheran School at 3705 Longfellow Street,

H. Hyattsville Middle School at 6001 42nd Avenue,

I. Dematha Catholic High School at 4313 Madison Avenue,

J. St. Jeromes School at 5207 42nd Place,

K. Hyattsville Elementary School at 5311 43rd Avenue.

L. Any other areas as designated by a resolution of the City Council as a school zone pursuant to State law (currently §21-803.1 Transportation Article.)

ARTICLE II

Traffic Regulations

§ 114-7. Speed limits. [Added on 3-27-11 by HO-2011-01]

It shall be unlawful for any person to operate a motor vehicle in the City in violation of the speed limits posted on any traffic control device or sign.

§ 114-8. Traffic calming devices. [Added 8-1-94 by HB No. 8-94, Amended 2-21-95 by HB No. 8-94, 2-21-95 by HB No. 01-95, Amended on 3-27-11 by HO-2011-01]

A. Definitions: As used in this Ordinance, all terms shall have the definitions and meanings provided in the Maryland Code Annotated, Transportation Article, unless otherwise indicated. The following terms shall have the meanings indicated:

(1) "Traffic calming device" is a physical device used to regulate, guide, slow, and/or control traffic, for the purpose of pedestrian and traffic safety. The term traffic calming device includes but is not limited to the following devices:

(a) Speed zones: an identifiable area of reduced speed, indicated by signage or otherwise.

(b) Speed humps: a raised or manually installed section of asphalt or other construction material constructed on a roadway, with a dip and crown shaped as viewed in cross section, on a base ordinarily twenty-two feet (22'), measured parallel to the curb of the roadway, and with a height not less than three (3) inches nor more than four (4) inches.

(c) Raised intersections: contrasting surfaces such as brick, cobblestones**,** concrete, or other construction material in place of street surfaces at the intersection of two streets.

(d) Traffic islands, circles and lateral shifts: physical barriers placed in the street to direct traffic in a specific direction including both temporary and permanent structures which do or do not contain landscaping.

(e) Rumble strips: physical devices attached to, or constructed in the road surface to provide contrast to the road surface in order to slow traffic.

(f) Chokers: a portion of the sidewalk extending out approximately six (6) to eight (8) feet into the street.

(2) "Unit block": unit block shall mean a subsection of, or a separate and distinct, but attached portion of a street, of no specific length or width, but which has been numerically designated and identified a part of that street. Each street may consist of numerous unit blocks.

(3) "Dwelling unit": one (1) or more rooms arranged for the use of one (1) or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities as defined by the Prince George's County Housing Code.

(4) "Eligible signature": the signature of an individual, over the age of eighteen (18), residing in a dwelling unit located on a street:

(A) upon which the installation of a traffic calming device is being considered, or

(B) within one (1) unit block of such streets upon where the installation of a traffic calming device is being considered for only a portion of such street , or

(C) that is only accessible over a street for which the installation of the traffic calming device is being considered and provides the only means of ingress and egress, or

(D) or in an area which the City Clerk pursuant to the discretion granted in subsection B (2) (b) determines should be surveyed.

Only one eligible signature per dwelling unit will be considered for any of the purposes set forth in this Ordinance.

B. Request for traffic calming device installation:

Requests for the installation of a traffic calming device may be made by petition subject to the following conditions.

(1) Residents of a street may request the installation of a traffic calming device by submitting a petition to the City Administrator containing eligible signatures from at least sixty percent (60%) of dwelling units located on the street, stating that such individuals want a traffic calming device. Such petition need not conform to the requirements in the Charter for petitions.

(2) If the traffic calming device is being requested for only a portion of a street, the petition containing at least sixty percent (60%) of eligible signatures must be circulated to individuals residing in dwelling units located on the unit block on which the traffic calming device will be installed and to individuals residing in dwelling units located within one (1) unit block of the block containing the requested installation site.

(a) If the street upon which the traffic calming device is to be installed provides the only means of ingress and/or egress for other streets, the petition containing at least sixty (60%) of eligible signatures must be circulated to the residents of such other streets.

(b) The City Clerk retains sole discretion to determine if residents of additional streets will be surveyed, based upon circumstances that could impact such residents.

(3) The City Clerk will validate petitions submitted to the City Administrator to determine that said petitions are in compliance with applicable provision of this Article. The City Clerk shall inform the City Council, petitioners, the City Administrator, Director of Public Works and the Police Chief, as to whether the petition complies with this article. If the petition is in compliance, the department heads will jointly undertake to assess the location of the request and determine if

a traffic calming device is in the interests of both best traffic engineering practice and public safety; and the Mayor who will schedule a public hearing in accordance with subsection C, below.

(4) The City Clerk shall develop and distribute a standardized "request for traffic calming device" petition form sufficient for use in accordance with this subsection.

C. Procedures for public hearings on traffic calming device installations:

(1) Conduct of Public Hearing: the Mayor shall schedule a public hearing after being notified by the City Clerk in accordance with subsection B. (3) that the petition is valid.

(a) Notice of the hearing will be given to all residents of the street upon which the proposed traffic calming device is to be installed; and

(b) If the traffic calming device is being requested for only a portion of the street, notice will be given to residents of dwelling units located on the unit block on which the traffic calming device will be installed and also to individuals residing in dwelling units located within one (1) unit block of the block containing the requested installation site; and

(c) If the traffic calming device is to be installed on a street which provides the only means of ingress and/or egress for other streets, the notice will be given to residents of such other streets, by the following means:

(i) Publication in the Hyattsville Reporter or in a paper having circulation in the City.

(ii) Advertisement on the City of Hyattsville's cable television channel.

(2) Factors considered: The following factors shall be taken into consideration as guidance in determining whether to install a traffic calming device. The factors listed below shall not be considered exclusive.

(a) Whether the street where installation of a traffic calming device is proposed has a speeding problem, which has been identified through a combination of residents' complaints, police radar surveillance and ticketing practices, accident statistics, electronic traffic counts and/or a history of previous efforts to control speeding which cannot be alleviated in any way other than a traffic calming device. The Department of Public Works shall provide a report of the electronic traffic count data of the proposed street to determine the traffic and speed issues.

(b) Whether the street carries a sufficient volume of non-residential traffic in addition to the general residential traffic, so that the requested traffic calming device is appropriate.

(c) The impact of a traffic calming device on public transportation, police and fire apparatus.

(d) The impact of a traffic calming device on adjacent neighborhoods.

(3) Decision: The Mayor and City Council will announce their decision to approve, approve with modifications, or deny the requested traffic calming device within fifteen (15) days of the close of the hearing unless, due to extraordinary circumstances, the time limit is extended by majority vote of the City Council.

(4) Notification of decision: The petitioners will be notified of the decision of the Mayor and City Council by the City Clerk and the decision will be published in the Hyattsville City Council Meeting Minutes.

D. Procedures for removing a traffic calming device installation:

(1) A request for removal of a traffic calming device, installed pursuant to subsection C above, may be by petition containing eligible signatures from sixty percent (60%) of the dwelling units located on the street upon which the traffic calming device has been installed or

(2) If the traffic calming device has been installed for only a portion of the street, the petition requesting removal may be signed by eligible signatures from sixty percent (60%) of the dwelling units located on the unit block on which the traffic calming device was installed and dwelling units located within one (1) unit block of the requested removal site; or

(3) If the traffic calming device has been installed on a street that provides the only means of ingress and/or egress for other streets, the petition requesting removal may be signed by eligible signatures from sixty percent (60%) of the dwelling units located on the street and such other streets.

(4) No petition will be considered until six (6) months have elapsed since the initial installation of the traffic calming device.

E. Miscellaneous:

(1) Placement of traffic calming device near schools, parks and playgrounds: the Mayor and Council may initiate the installation of traffic calming device on streets adjacent to neighborhood parks, playgrounds, and schools or on commercial areas.

(2) Authority of City over traffic calming devices.

(a) Nothing in these guidelines shall be construed as preempting the City, at its initiative, from installing, altering, maintaining or removing a traffic calming device installation. The City Administrator will notify, pursuant to the notice provisions stated in subsection c. above, the appropriate affected residents of the proposed changes regarding a traffic calming device.

F. Installation and maintenance:

(1) In the regulation and supervision of traffic, the Public Works Director is authorized to construct, install, place, erect, and maintain upon the public highways of the City those traffic calming device installations and proper signage as the Mayor and Council have or may direct at the locations designated by the Mayor and Council.

(2) All speed humps installed pursuant with this Ordinance shall ordinarily:

(A) Consist of one (1) or more speed humps spaced every two hundred (200) to five hundred (500) feet along public street or alley**;**

(B) Not be placed within two hundred (200) feet of a stop sign unless required by special circumstances as determined by the Director of Public Works; and

(C) Be painted with distinctive markings which should include reflective paint or tape.

(3) Warning signs marked “speed humps” shall be placed on the right hand side of the street at the approach to each speed hump.

§ 114-9. Speed monitoring systems. [Rewritten on 3-27-11 by HO-2011-01, Amended 3-18-13 by HO-39-03-13]

A. A "speed monitoring system," as defined in Maryland law, means a device with one or more motor vehicle sensors producing recorded images of motor vehicles traveling at least twelve (12) miles per hour above the posted speed limit.

B. No more than ten (10) school zone speed monitoring systems as outlined in 21-809 of the Transportation Article of the Annotated Code of Maryland are hereby authorized at locations, determined by the Chief of Police or his/her designee after consultation with and agreement of the City Administrator, in school zones within the City, as established under § 21-803.1 of the Transportation Article of the Annotated Code of Maryland.

C. Before activating the first speed monitoring system in any school zone, the City shall:

1. Publish notice of the location(s) of the speed monitoring system(s) on the City website and in a newspaper of general circulation within the City; and

2. Ensure that each sign that designates a school zone indicates that speed monitoring systems are in use in school zones.

D. After the first speed monitoring system is activated in a speed zone and the notice is given to the public pursuant to (c) above, the City is not obligated to further publish any notice of a change of location of a speed monitoring system within the school zone.

E. Unless otherwise provided by law, the school zone speed monitoring system may operate Monday through Friday between 6:00 a.m. and 8:00 p.m.

F. For a period of at least thirty (30) days after the first speed monitoring system is placed in the City, a violation recorded by any speed monitoring system in the City shall be enforced only by the issuance of a warning.

G. The school zone speed monitoring system in the City shall be conducted in compliance with all applicable provisions of the Maryland Vehicle Law.

H. City staff is hereby authorized to take those actions necessary to obtain any required permission from the state of Maryland or other government with jurisdiction to operate a speed monitoring system within the school zones.

[§ 114-10 to § 114-14 Deleted 3-12-11 by HO-2011-01]

ARTICLE III

Stopping, Standing and Parking

§ 114-15. Emergency regulations. [Amended on 3-27-11 by HO-2011-01]

The City Administrator, Chief of Police, and Director of Public Works may, whenever emergencies require, order that parking of vehicles be prohibited on portions of streets and alleys in the city which, during such emergencies, may be subject to congestion of traffic, provided that signs stating the areas in which parking is so prohibited and the length of time of such prohibition shall be prominently displayed in such areas.

§ 114-15.1. Manner of parking generally. [Added 1-17-84 by HB No. 2-84]

A. All vehicles shall be parked with the right wheel to the curb, except on streets designated for one-way traffic, in which event vehicles may be parked with the left wheel to the curb headed in the direction of traffic, unless otherwise prohibited and except as otherwise provided.

B. No vehicle shall be parked or left standing in the streets unattended when not in motion, except in case of an emergency, at a greater distance than twelve (12) inches from the curb on any street in the City.

§ 114-15.2. Identification of parking restrictions. [Added 10-7-85 by HB No. 4-85]

A. The color yellow or white traffic paint or yellow or white pavement marking tape is hereby designated and shall identify official parking restrictions when applied on or in safety zones, traffic lanes, curb gutters, crosswalks, fire hydrants, intersection curb lines, stop signs and the like uses, when painted on or placed on or in the streets and roads and any other place applicable hereto, within the City of Hyattsville.

B. It shall be unlawful for a person to park a vehicle unless a bona fide emergency exists which disables the vehicle, in any restricted area or place identified by the official traffic yellow or white paint or yellow or white pavement marking tape, whether or not supplemented by other official traffic signs.

§ 114-16. General restrictions. [Amended on 3-27-11 by HO-2011-01]

In addition to the prohibitions and regulations contained in §§21-1003 and 21-1004 of the Transportation Article of the Annotated Code of Maryland, it shall be unlawful for any person to park or leave standing any vehicle at any time on any street or highway in the city if such vehicle or any part thereof is within any of the following locations:

A. Within fifteen (15) feet in either direction from a bus stop sign.

B. For the duration of an emergency, within twenty-five (25) feet of any sign or device posted by or with permission of the City Administrator, the Public Works Department or Police Department indicating that parking is prohibited because of an emergency, unless such sign or device sets forth the area in which parking is prohibited because of an emergency, then, in such cases, within the designated area.

C. At a location contrary to directions given by any member of the Police Department or Fire Department to keep clear fire lines or police lines or to facilitate the flow of traffic at or near the scene of a fire, accident or other emergency, provided that the prohibition of parking at such a location is made known to the person so parking.

D. On any sidewalk or on any property adjacent to the roadway and in the public right of way.

E. In front of any barricade or sign that has been placed for the purpose of closing a street.

F. Within twenty-five (25) feet of any temporary traffic calming device. [Added 1-17-84 by HB No. 3-84]

G. Alongside or opposite any street excavation or obstruction when such parking will interfere with traffic. [Added 1-17-84 by HB No. 3-84]

H. At a location which will reduce the width of the open roadway in either direction to less than ten (10) feet along a street or will obstruct a clear passageway along the same for fire apparatus or any other vehicle. [Added 1-17-84 by HB No. 3-84]

I. In any alley unless parking in such alley is specifically allowed.

J. At a location which obstructs the entrance to any private driveway or the entrance to any buildings or garage or prevents passage over and upon any private driveway or private vehicle entrance connecting private property with an abutting street**.** [Added 1-17-84 by HB No. 3-84]

K. Upon any private driveway or upon any private property, unless with permission of the person in control thereof**.** [Added 1-17-84 by HB No. 3-84]

L. Within fifteen (15) feet of a fire hydrant. [Added 1-17-84 by HB No. 3-84]

M. Within a street or alley intersection. [Added 1-17-84 by HB No. 3-84]

N. Within any crosswalk. [Added 1-17-84 by HB No. 3-84]

O. Within thirty (30) feet of the curb line of an intersecting street. [Added 1-17-84 by HB No. 3-84]

P. On any bridge, viaduct or approach thereto. [Added 1-17-84 by HB No. 3-84]

Q. Within twenty-five (25) feet of, in the direction of approach to, any stop sign or official marker designating an arterial highway, unless otherwise marked or posted. [Added 1-17-84 by HB No. 3-84]

§ 114-17. Parking of vehicles within marked spaces. [Amended on 3-27-11 by HO-2011-01]

A. Wherever a space shall be marked on any street or public right of way for the parking of an individual vehicle, every vehicle there parked shall be parked within the lines bounding such space.

B. On all other property owned or leased by the city, parking shall be allowed only in areas designated for parking, and only within one space marked within the lines bounding such parking space.

§ 114-18. Time limit for leaving vehicles unattended.

No automobile or vehicle of any description shall be left unattended upon any street or public space in the city for a continuous period longer than forty-eight (48) hours, unless the City grants an exemption pursuant to § 114-32 H of this Chapter.

§ 114-19. Observance of parking signs and the authority to install such devices. [Amended on 3-27-11 by HO-2011-01]

A. All traffic control devices placed on the streets, roads or highways or other public places (including property owned or leased by the city) to govern the stopping, or parking of vehicles over such streets, roads, highways or property (parking signs) shall be strictly observed by any and all persons. It shall be unlawful to disregard such traffic control devices or signs unless directed otherwise by a police officer on the scene.

B. A traffic control device governing parking is presumed to be duly authorized if it has been placed on or near a roadway and conforms in size, color, shape and graphics to the Federal Highway Administration Manual of Uniform Traffic Control Devices, the Maryland State Highway Administrative Manual on Uniform Traffic Control Devices for Streets and Highways, the State of

Maryland Sign Book or to signs in regular use by the City which conform to the State of Maryland regulations.

C. Unless other procedures are required, the City Administrator, after consultation with the Police Department and the Public Works Department, may authorize the placement or removal of parking signs that he or she deems necessary for the safety of the public.

D. All parking signs in place within the City which conform to State of Maryland regulations on March 27, 2011 are hereby authorized by the City.

E. Nothing in this chapter shall curtail the authority of the City Council over the placement or removal of approved parking signs in the City by motion, resolution or ordinance.

§ 114-20. Bus stops. [Amended on 3-27-11 by HO-2011-01]

It shall be unlawful for any person to park or leave standing any vehicle at any time within six (6) feet of the portions of streets designated as bus stops unless otherwise indicated at the site.

§ 114-21 Notice, penalty and forfeiture. [Added 1-17-84 by HB No. 4-84; Amended 12-17-84 by HB No. 10-84; Amended 6-1-98 by HR 98-02, Amended 10-4-04 by Ord. 2004-14, Amended on 3-27-11 by HO-2011-01]

A. Any vehicle in violation of the provisions of Article III shall have attached to it a notice, upon such form as may be approved by the city, to the owner of such vehicle of the violation and penalties therefor.

B. The fine for a violation of 114-16(K) shall be $100.00.

[§ 114-22 to § 114-26 Deleted 3-27-11 by HO-2011-01]

ARTICLE IV

Residential Permit Parking Zones

[Amended 9-20-04 by Ord. 2004-13]

§ 114-27. Purpose and Legislative Findings.

A. The City Council of the City of Hyattsville is enacting this Article IV in order to:

(1) Reduce hazardous traffic conditions resulting from nonresidents and residents competing with residents to park their vehicles in certain residential districts;

(2) Protect the residents of those residential districts from unreasonable burdens in gaining access to their residences;

(3) Preserve the character of those districts as residential districts;

(4) Encourage the use of public transportation;

(5) Promote efficiency in maintaining streets in those residential districts in a clean and safe condition;

(6) Preserve the value of the property in those residential districts;

(7) Promote traffic safety and the safety of children and other pedestrians in those residential districts;

(8) Prevent dangers arising from the blocking of fire lanes, hydrants and other facilities that emergency vehicles require, both in reaching victims and in transporting them to hospitals;

(9) Facilitate the movement of traffic in the event of accidents and other disasters; and

(10) To promote the peace, comfort, convenience, and welfare of all inhabitants of the City.

B. General Findings. The City Council finds that the continued vitality of the City depends on the preservation of safe, healthy, and attractive neighborhoods and other residential areas. The Council further finds that one factor that threatens the safety, health and attractiveness of the City's neighborhoods is the availability of parking in certain neighborhoods. The number of motor vehicles attempting to park in those areas often exceeds the number of available parking spaces. A preferential parking system for residents in designated neighborhoods will help to reduce the burden of those neighborhoods and, thus, promote the general welfare of the City.

C. Specific Findings. The Council makes the following specific legislative findings in support of preferential residential parking to illustrate the compelling need for the enactment of this Article IV. The Council intends the findings as illustrations only and not the only available factual examples supporting adoption of the Article IV:

(1) The maintenance of the attractiveness and livability of the City's neighborhoods and other residential areas will enhance the safety, health and welfare of the City's residents;

(2) On a daily basis a large number of City residents who own motor vehicles must park those vehicles in or near their residences;

(3) Certain neighborhoods and other areas of the City do not have sufficient on or off-street parking to accommodate the convenient parking of residents' motor vehicles;

(4) The influx of motor vehicles from nonresidents that compete for the limited available parking in those areas further burdens the residents of those areas;

(5) The City has certain parking "attractors," including parks, etc. that further aggravate the residents' parking problems;

(6) Unnecessary vehicle miles, air and noise pollution, and the inconvenience of not finding parking caused by the conditions above create unacceptable hardships for the neighborhoods' residents;

(7) If the City allows those adverse conditions to continue unchecked, those adverse conditions will contribute to the decline of the living conditions in the neighborhoods and the attractiveness of residing within the City, resulting in injury to the general public welfare; and

(8) A system of preferential residential parking as enacted by this Article IV will serve to promote the health, safety, and welfare of all of the City's residents by reducing unnecessary motor vehicle travel and air and noise pollution, improving the attractiveness of living in the City's neighborhoods, and encouraging the use of public mass transit facilities available now and in the future. The Article IV also will serve the public welfare by ensuring a more stable and valuable property tax base, in order to generate the revenues necessary to provide essential public services.

§ 114-28. Definitions. [Amended on 3-27-11 by HO-2011-01]

For the purposes of this Article IV, the following words shall have the meanings respectively ascribed to them in this Section, except where the context clearly indicates a different meaning:

A. **City Administrator** means the City Administrator or his/her designee.

B. **Commuter Vehicle** means a motor vehicle, other than a resident vehicle as defined below, parked in a residential area in which it is not registered.

C. **Curbside Parking Space** means twenty (20) linear feet of curb, exclusive of those portions of the curb where parking, apart from the provisions of this Article IV, is not presently permitted.

D. **Motor Vehicle** means an automobile, truck, recreation vehicle, motorcycle, or other motor-driven or self-propelled form of transportation, except for vehicles exceeding a certain size, weight, and/or carrying capacity that may be prohibited from parking on any public street.

E. **Resident** means an adult who lives or resides in a structure approved for residential occupancy and can demonstrate exclusive right to occupancy of this residence.

F. **Resident Vehicle** means a motor vehicle parked in a residential area in which it is registered and is validly registered with the State of Maryland Department of Motor Vehicles.

G. **Residential District** means a contiguous or nearly contiguous area open to the public containing streets and highways and parking spaces for the public, all primarily abutted by residential property or residential and non-commercial property (such as schools, parks, churches, hospitals and nursing homes).

H. **Residence** means a dwelling unit.

I. **Residential Parking Permit Area** means a residential district where curbside parking on public streets and highways is limited to not more than two (2) consecutive hours per day, unless the vehicle properly displays a parking permit authorized by this Article IV.

J. **Vehicle** means any mobile unit whether or not it is self-propelled and designed to travel on the public roads.

§ 114-29. Designation/Withdrawal of Designation of Residential Parking Permit Areas.

A. Notice & Hearing.

In order for the City Council to determine whether a residential district, or portion thereof, shall be designated, or shall continue to be designated, as a residential parking permit area, the City Administrator shall conduct, upon the City Administrator's initiative or upon a petition signed by a majority of the residents in the district or portion thereof, a public hearing prior to such designation and prior to the withdrawal of such designation. A notification shall be prominently posted or shall be mailed to every residence in the proposed or existing residential parking permit area. During such public hearing any interested person shall be entitled to appear, to be heard, and to submit a written statement for the record.

B. Survey.

To enable the City Council to determine whether a residential district, or portion thereof, shall be designated, or shall continue to be designated, as a residential parking permit area, the City Administrator shall conduct a block-by-block parking survey of the proposed, or existing, residential parking permit area.

C. Criteria.

In determining whether an area may be a residential parking permit area, whether conditions are to be imposed, the City Administrator shall consider factors including but not limited to the following:

(1) The extent that legal on-street parking spaces are occupied by vehicles during the period proposed for parking restrictions;

(2) The extent that vehicles parking in the area during the period proposed for parking restrictions are commuter vehicles;

(3) The extent that residents cannot obtain adequate curbside parking adjacent to or near their residences because of widespread use of available curbside parking spaces by commuter vehicles;

(4) The effect on the safety of the residents from intensive vehicle parking;

(5) The extent of air and noise pollution, hazardous conditions, and deterioration of the residential environment as a result of traffic congestion and insufficient parking in the area;

(6) The extent that the designation of a residential parking permit area would be likely to reduce traffic congestion and any other problems referred to above;

(7) The extent and need for parking by the general public in the residential district;

(8) The desire of the residents in the proposed, or existing, residential parking permit area for the institution of a residential parking permit system and the willingness of those residents to bear the costs incidental to the issuance of parking permits authorized by this Article IV; and

(9) The extent that no reasonable alternative is feasible or practicable that would reduce parking problems and any other problems referred to above without unduly impacting surrounding residential areas.

D. Designation/Withdrawal Process.

(1) Within fifteen (15) days following the close of the public hearing, the City Administrator shall recommend by written report to the City Council, based on the record of the public hearing and the results of the survey, whether to designate the residential district or portion thereof under consideration as a residential parking permit area or whether to withdraw the designation of an existing residential parking permit area. The report also shall demonstrate that the City Administrator, in making the recommendation, has taken into account the criteria enumerated above. The report shall recommend the number of permits to be issued to each address in the district.

(2) Within thirty (30) days following its receipt of the report, unless the City Council shall vote otherwise, the City Administrator's recommendations shall be effective as to the residential parking permit area.

(3) Nothing in this section shall limit the authority of the City Council over residential parking permit areas.

(4) The City Council or the City Administrator may limit the number of permits issued to all the addresses in a particular residential parking permit area to accomplish the purpose and intent of this Article.

E. Posting of Residential Parking Permit Area.

(1) Immediately following the effective date of the City's designation or withdrawal of designations, appropriate parking signs shall be erected or moved in the designated area.

(2) The signs shall indicate prominently that curbside parking on public streets in the designated area is prohibited unless the vehicle properly displays a parking permit authorized by this Article IV.

F. Notice to Residents of Designation of Residential Parking Permit Area.

Following the effective date of the designation, the City Administrator shall provide to every residence within the designated residential parking permit area a Notice of Designation that shall inform the residents in the designated area of:

(1) The existence, exact location, and numerical designation of the residential parking permit area;

(2) The parking restrictions applicable to all vehicles in curbside parking spaces along public streets and highways in the designated area that do not properly display a parking permit authorized by this Article IV; and

(3) The procedures to obtain a residential or temporary parking permit.

G. Withdrawal of Designation.

(1) Following City action to withdraw the designation of an existing residential parking permit area, the City Administrator shall provide to every residence within the existing residential parking permit area a notice of the Council's withdrawal of the designation. Said notice shall specify the effective date of the withdrawal of the designation.

(2) The effective date of the withdrawal of the designation of an existing residential parking permit area shall ordinarily be thirty (30) days following the date of the City's action to withdraw the designation.

H. Temporary Designation/Withdrawal of Designation.

Notwithstanding any other provision of this Article IV, the City Administrator may either establish or temporarily withdraw the designation of all or part of a residential parking permit area or areas on a trial basis for a period not to exceed one hundred twenty (120) days.

§ 114-30. Issuance & Transfer of Residential Parking Permits.

A. Issuance.

(1) An Application for Residential Parking Permit. The applicant is to provide at a minimum the following information for each motor vehicle to receive a residential parking permit:

(a) The name and residential address of the owner of the vehicle;

(b) The name, residential address, and driver's license number of the principal operator of the vehicle;

(c) The make, model, license plate number and vehicle identification number of the vehicle; and

(d) The name, address and signature of the applicant for the residential parking permit.

(2) The applicant shall demonstrate proof of residency in the particular zone and verification of the resident being the principal driver of the vehicle in a manner determined by the City Administrator, which may include but is not limited to utility bills, lease, driver's license, title, etc.

(3) Subject to the limitations outlined in this Article IV, upon the applicant's payment of a ten dollar ($10.00) residential parking permit fee, submission of a completed and validated residential parking permit application, and fulfillment of all applicable provisions of this Article IV controlling issuance, or transfer of residential parking permits, the applicant may receive one (1) residential parking permit for the motor vehicle described in the application. The residential parking permit shall be securely affixed to the inside of the vehicle at a location directed by the City Administrator and shall display the permit number and numerical designation of the residential parking permit area.

B. Other Requirement.

(1) No residential parking permit shall be issued to a vehicle whose principal operator does not reside within the designated residential parking permit area.

(2) The applicant for, and holder of, the residential parking permit shall be the owner or principal operator of the vehicle receiving the parking permit.

(3) A motor vehicle shall be issued a residential parking permit only if it displays valid license plates that are allowed to those residing in Maryland under Maryland law.

(4) No residential parking permit shall be issued for any motor vehicle for which a citation issued by the City remains unpaid. Upon notice to the resident of an unpaid citation that is legally due, the City may revoke the permit.

C. Transfer.

Upon the holder's payment of a ten dollar ($10.00) residential parking permit transfer fee, submission of complete and validated residential parking permit application, fulfillment of all applicable provisions of this Article IV controlling issuance, renewal, or transfer of residential parking permits, and surrender of the existing residential parking permit, the holder shall receive a new residential parking permit to be transferred to another qualifying vehicle.

D. Replacement.

Upon the holder's payment of a ten dollar ($10.00) residential parking permit replacement fee, verification of the holder's prior submission of a completed and validated residential parking permit application, fulfillment of all applicable provisions of this Article IV controlling issuance, renewal, or transfer of residential parking permits, and affirmation that the holder's permit was lost, stolen, or destroyed, the holder shall receive a new residential parking permit. The lost, stolen or destroyed permit shall be considered void, and any use of a voided permit is prohibited.

§ 114-31. Temporary Permits. [Amended on 3-27-11 by HO-2011-01]

A. Issuance of Temporary Permits.

Upon application of any resident of a residential parking permit area and upon good cause being shown, the City Administrator may issue a temporary parking permit to the resident for a vehicle which otherwise may legally park on the applicable street, with such temporary parking permit limited to that particular parking permit area and subject to conditions and limits reasonably imposed by the City Administrator for a fee of one dollar ($1.00) per permit. Upon application and showing of good cause, the City Administrator may also issue to a resident an unlimited number of temporary permits for a period of no more than twenty four (24) hours for a fee of one dollar ($1.00) per permit. Such unlimited twenty four (24) hour permits may be issued no more than once in any

six (6) month period for any address. For the purposes of this Article IV, the resident shall be the holder of and responsible for the use and misuse of temporary parking permits issued to the resident.

B. Display of Visitor Parking Permits.

All temporary parking permits shall be displayed on or about the front windshield of the vehicle so as to be easily visible from outside the vehicle. Such parking permits shall contain the permit number and the numerical designation of the residential parking permit area.

§ 114-32. Use of Parking Permits & Exemptions. [Amended on 3-27-11 by HO-2011-01]

A. A parking permit shall not guarantee or reserve a parking space within a designated residential parking permit area. A parking permit shall not authorize the standing or parking of any vehicle in such places and during such times when the stopping, standing or parking of vehicles is prohibited or set aside for specified types of vehicles, and shall not excuse the observance of any traffic regulation.

B. Whenever the holder of a parking permit, or the vehicle for which the parking permit was issued, no longer fulfills one or more of the applicable provisions of this Article IV controlling issuance, renewal or transfer of parking permits, the permit shall be deemed to have expired and the holder shall notify the City Administrator, who may then direct the holder to surrender the parking permit.

C. Until its expiration, surrender or revocation, a parking permit shall remain valid for such time as the holder continues to reside within the designated residential parking permit area.

D. A parking permit shall be valid only in the residential parking permit area for which it is issued.

E. It shall be a violation of this Article IV for the holder of a parking permit to fail to surrender the permit when directed to do so.

F. It shall be a violation of this Article IV for any person to represent in any fashion that a vehicle is entitled to a parking permit authorized by this Article IV when it is not so entitled. The display of a parking permit on a vehicle not entitled to such a parking permit shall constitute such a representation.

G. It shall be a violation of this Article IV for any person to duplicate, or attempt to duplicate, by any means, a parking permit authorized by this Article IV. It also shall be a violation of this Article IV for any person to display on any vehicle such a duplicate parking permit.

H. Exemptions.

(1) Whenever metered parking is in effect in any portion of a residential parking permit area, the parking spaces controlled by meters shall be excepted from the provisions of this Article IV so long as the control by meters continues.

(2) The provision of this Article IV shall not supersede the provisions of the City Code and state laws relating to parking by persons with disabilities.

(3) The following vehicles are specifically exempted from the parking restrictions imposed by this Article IV:

(a) A motor vehicle owned by or operated under contract to a utility when used in the construction, operation, removal or repair of utility property or facilities or engaged in authorized work in the designated residential parking permit area.

(b) A motor vehicle identified as owned by or operated under contract to a federal, state, or local governmental agency and being used in the course of official government business.

(c) An authorized emergency vehicle as defined by state law.

(4) The City Administrator may grant an exemption to the requirements of this Article IV and to Section 114-18 of Article III to any person for a vehicle which may legally park in the applicable area upon demonstration of unusual hardship or exigent circumstances provided that the exemption will expire at the end of each calendar year unless the person demonstrates that the unusual hardship or unusual or exigent circumstances continue.

§ 114-33. Regulations & Enforcement.

The City Administrator is authorized to establish all written regulations and procedure necessary to implement and enforce the provisions of this Article IV and collect all fees and fines. The regulations shall include a reasonable period prior to enforcement of the parking restrictions to allow for short visits or stops in such residential zones.

§ 114-34. Restriction & Penalty.

A. It shall be unlawful for any person to park or leave standing any vehicle for any length of time designated on the posted signs in a designated residential permit parking zone, without a permit for such zone. Unless otherwise provided, the penalty for each parking violation of this Article IV shall be a fine of fifty dollars ($50.00).

B. It shall be a municipal infraction for any person to violate any provisions of this Article IV other than the parking provisions as outlined immediately above. The penalty shall be one hundred dollars ($100.00).

C. The falsification of any application for a permit, guest permit or temporary permit, the use of any permit, guest permit or temporary permit by other than the permitee and the allowance of such use by a permitee shall all constitute violations of this Article IV, punishable as a municipal infraction.

§ 114-35. Revocation of Permit, Severability.

A. In addition to the penalties provided above for violation of this Article IV the City Administrator may revoke the residential parking permit of any person found to be in violation of this Article IV, and, upon written notification thereof, the person shall surrender such permit to the City Administrator. Failure to surrender a revoked residential parking permit when requested to do so shall constitute a separate municipal infraction.

B. Nothing in this Article IV shall be construed as authorizing a permitee to violate any traffic regulation, emergency or otherwise, duly promulgated by the City.

C. Severability.

Severability is intended throughout and within the provisions of the Article IV. If any section, subsection, sentence, clause, phrase or portion of this Article IV is held to be invalid, or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Article IV.

D. The parking districts in existence on September 20, 2004 shall remain in effect until they are modified or withdrawn pursuant to this Article.

ARTICLE V

Trucks and Commercial Vehicles; Trailer Coaches

§ 114-36. Operation of trucks and commercial vehicle upon certain streets restricted.

It shall be unlawful for any person to operate any truck or commercial vehicle upon any of the highways or parts of highways contained on a list maintained by the City Clerk; provided, however, that nothing herein shall prohibit the operation of any truck or commercial vehicle upon any highway or portion thereof listed on said list where such operation thereon shall be necessary in order to pick up or deliver any goods, wares, merchandise or material from or to any premises located upon any such highway or portion thereof, but then only be entering such highway or part thereof at the intersection nearest the destination and proceeding thereon no farther than the nearest intersection thereafter.

§ 114-37. Operation of vehicles in excess of established gross weight limits restricted.

It shall be unlawful to operate at any time upon any street in the City any truck or other motor vehicle, except a passenger bus, having a gross weight in excess of ten thousand (10,000) pounds, unless the same is being operated to or from a bona fide destination within the City at which all or part of its load is to be or was loaded or unloaded or unless permission shall have been obtained for such operation from the Chief of Police after consultation with the Director of the Department of Public Works or for operation on any particular day from any member of the City Police; provided, however, that nothing herein contained shall apply to such operation on the public highways of the state located in the City.

§ 114-38. Routing of heavy trucks and buses.

The Chief of Police is empowered and authorized to restrict the routing of heavy trucks and buses over certain thoroughfares within the corporate limits of the City of Hyattsville at such times as vehicles are causing damage to the street, creating crowded conditions on the roadway, impeding the flow of traffic or causing a situation dangerous to life, limb or property. In any such event, the Chief of Police shall designate which streets said trucks and/or buses shall traverse keeping in mind the utmost expediting of said truck or bus traffic insofar as is possible. This section shall apply also to convoys or heavy trucks or buses passing through the City, including all types of industrial machinery and equipment.

§ 114-39. Parking restrictions for commercial vehicles in residential zones. [Amended 12-17-84 by HB No. 10-84, and 1-1-91 by HB No. 8-90, Amended 6-1-98 by HB 98-02, Amended 6-1-98 by HR 98-02, Amended 10-4-04 by HO-2004-14]

A. As used in this section, the term “commercial vehicle” shall mean any motor vehicle, trailer or semi-trailer, stake platform truck, crane, tow truck, or vehicle with dual rear wheels designed or used for carrying freight or merchandise, or other vehicles specifically designed for commercial purpose, such as utility service vehicles, except as follows:

1. Lightweight pickups and panel-body trucks commercially described as one-half-ton and three-fourths-ton capacity, provided said vehicles do not have attached to them ladders, generators, storage racks or other equipment which is utilized for commercial purposes.

2. Does not exceed a maximum manufacturer’s gross vehicle weight specification of 8.500 pounds.

3. Contains no advertising (other than a firm name or similar designation not exceeding four (4) inches high.)

4. Does not exceed 300 cubic feet of load space.

5. Does not exceed 80 inches in width or 240 inches in length.

B. No person shall park any commercial vehicle on any street or highway in the City between the hours of 6:00 p.m. and 6:00 a.m. each day of the week or at any time on Sundays or holidays.

C. This section shall not apply to commercial vehicles which are in the process of making deliveries, or making emergency maintenance or repair calls, and do not park for more than a two-hour period.

D. Any commercial vehicle which is parked in violation of this section shall be subject to being towed from such highway or street and impounded after it has been parked for a twenty-four-hour period. The towing and storage charges shall be a lien against the vehicle and shall be paid before the vehicle may be released from impoundment.

§ 114-40. Parking restrictions for commercial vehicles on private property.

It shall be unlawful to park or leave standing any commercial vehicle having a rated load capacity in excess of one-half (1/2) ton for a period of time longer than two (2) hours between the hours of 8:00 p.m. and 6:00 a.m. upon any private property between any public street and the established building restriction line for buildings fronting upon such street in a residential zone in the City, except while actually loading or unloading such vehicle, unless:

A. An oral or written permit therefor shall have been obtained from the Chief of Police, which permit shall be issued only for good cause and for a period not exceeding twenty-four (24) hours; or

B. A written permit for a period longer than twenty-four (24) hours shall have been granted by action of the City Council, which permit shall be granted only for a good cause.

§ 114-41. Parking restrictions for trailer coaches in residential zones.

A. It shall be unlawful for any person to park or leave standing any trailer coach at any time, except in the event of a bona fide emergency, upon a public street or alley in a residential zone in the City.

B. For the purpose of this section, a “trailer coach” shall be defined as any portable structure or vehicle so constructed and designed as to permit occupancy thereof for dwelling or sleeping purposes.

§ 114-42. Penalties. [Added 10-4-04 by HO-2004-14]

The penalty for each violation of Article V is forty-five dollars ($45.00) if the election in 114-73(A) is timely made.

ARTICLE VI

Metered Parking

§ 114-43. Definitions.

For the purposes of this Article, the following words and terms shall have the meaning respectively ascribed to them by this section:

PARKING METER - Any mechanical device or meter, not inconsistent with this Article, placed or erected for the regulation of parking by authority of this Article, indicating by proper legend the legal parking time established by the City and, when operated, indicating at all times the balance of legal parking time and, at the expiration of such period, indicating the illegal or overtime parking.

PARKING METER SPACE - Any space within a parking meter zone adjacent to a parking meter and which is duly designated for the parking of a single vehicle by lines painted or otherwise durably marked upon the curb or the surface of the highway or parking lot adjacent to or adjoining a parking meter.

PARKING METER ZONE - Any street or highway or portion thereof and/or any parking lot or portion thereof or other designated location set aside under provisions of this Article for the installation of parking meters and upon which parking meters have been installed and are in operation. Such zones shall not include locations where fire hydrants have been installed, nor such spaces as have been designated as bus stops, taxicab stands or entrances to post office, churches, hotels, theaters or banks, nor other places where parking has been prohibited.

§ 114-44. Designation of parking meter zones.

A. On-street parking meter zones. The streets or parts of streets contained on a list maintained by the City Clerk are hereby established as on-street parking meter zones.

B. Off-street parking meter zones. The municipal parking lots or other properties owned or leased by the City as contained on a list maintained by the City Clerk are hereby established as parking meter zones.

§ 114-45. Marking of individual parking spaces. [Amended 10-5-87 by HB No. 13-87]

The Director of Public Works shall mark off individual parking spaces in the parking meter zones designated and described in §114-44A and in the off-street parking areas designated and described in §114-44B. Such parking spaces shall be designated by lines painted or durably marked on the curbing or surface of the street.

§ 114-46. Use of parking meters.

Subject to the provisions of this Article and except in a period of emergency determined by an officer of the Fire Department or Police Department or in compliance with the directions of a police officer or traffic control sign or signal, when any vehicle is parked in any parking space alongside or next to which a parking meter has been installed as provided in §114-47, the operator of such vehicle shall, upon entering such parking space, immediately deposit or cause to be deposited in the parking meter in question such proper coin of the United States as is required for such parking meter and as is designated by proper directions on the meter, the operator of such vehicle, after the deposit of the proper coin or coins, shall also set in operation the timing mechanism on such meter in accordance with directions properly appearing thereon, and failure to deposit such proper coin and to set the timing mechanism in operation when so required shall be unlawful. Upon the deposit of such coin and the setting of the timing mechanism in operation when so required, the parking space in question may be lawfully occupied by such vehicle during the period of time which has been prescribed for the parking lot or part of the street in which said parking space is located.

§ 114-47. Installation of parking meters. [Amended 10-5-87 by HB No. 15-87]

A. In the parking meter zones designated in §114-44A, the Director of Public Works shall cause parking meters to be installed upon the curb or sidewalk immediately adjacent to the parking spaces

marked off as provided in §114-45, such parking meters to be placed not more than two (2) feet from the curb nor more than four (4) feet from the front line of the parking space as marked off.

B. In the off street parking areas designated and described in §114-44B, the Director of Public Works shall cause parking meters to be placed at the middle of the front line of each parking space marked off as provided in §114-45; provided, however, that in parts of the off-street parking areas, as directed by the City Council, parking space shall be marked off as provided in §114-45, but parking meters shall not be installed therein.

§ 114-48. Responsibility for maintenance, control and operation of meters. [Amended 10-5-87 by HB No. 14-87]

The department head, as designated by the Mayor and City Council from time to time shall be responsible for the regulation, control, operation, maintenance and use of parking meters installed as provided in §114-47.

§ 114-49. Display of visible signals by meters.

Each parking meter installed as provided in §114-47 shall be so arranged as to display a signal showing legal parking upon the deposit of the appropriate coin or coins, lawful money of the United States of America, for the period of time prescribed by this Article. Each such parking meter shall be so arranged that, upon the expiration of the lawful time limit, it will indicate by a proper visible signal that the lawful parking period has expired, and, in such cases, the right of such vehicle to occupy the parking space adjacent to the meter shall cease, and the operator, owner, possessor or manager thereof shall be subject to the penalties provided.

§ 114-50. Parking in on-street parking meter zones.

A. On all days, except Sundays and national holidays, between the hours of 9:00 a.m. and 5:00 p.m. in the 4300 block of Hamilton Street and the hours of 8:00 a.m. and 6:00 p.m. in all other places, it shall be unlawful for any person to cause, allow or permit any vehicle registered in his name or any vehicle under his control to be or remain parked in any parking space, marked off as provided in §114-45, in a parking meter zone, designated and described in §114-44A, for any period of time without first making the required deposit in the parking meter adjacent to such space.

B. Parking or standing a vehicle in such a parking space shall be lawful for the period of time stated on each meter upon the deposit of the coin or coins as required by the instructions on each meter.

§ 114-51. Time limits and rates for parking in off-street parking meter zones. [Amended 8-1-83 by HB No. 10-81]

A. It shall be unlawful for any person to cause, allow or permit any vehicle registered in his or her name or under his or her control to be or remain parked or stand in any parking space, marked off as provided in §114-45, whereat a parking meter is installed, during the time period indicated on said meter, without first making the required deposit in said parking meter. The amount of deposit shall be posted on each meter and shall indicate the length of time the vehicle may lawfully occupy the space for such deposit.

B. The Council shall establish, from time to time, by resolution the time periods when a deposit will be required at a parking meter and the amount of such deposit.

§ 114-52. Use of parking space where meter indicates unused time.

A person parking a vehicle in a parking space adjacent to a parking meter installed as provided in §114-47 which indicates that unused time has been left in the meter by the previous occupant of the space shall not be required to deposit a coin so long as his occupancy of such space does not exceed the indicated unused parking time. If such vehicle shall remain parked in any such parking space beyond the parking time limit set for such parking space and if the meter shall indicate such illegal parking, then and in that event, such vehicle shall be considered as parking overtime and beyond the period of legal parking time, and such parking shall be deemed to be unlawful.

§ 114-53. Parking in non-metered areas of municipal lots.

It shall be unlawful for any person to permit any vehicle to remain or be placed in any parking space in Municipal Parking Lot No. 1 with reference to which no parking meter has been installed unless the vehicle in question displays a current permit issued by the lessee of the parking area from the City.

§ 114-54. Overtime parking prohibited.

It shall be unlawful for any person to cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to be parked overtime or beyond the period of legal parking time established for the parking space in question or to deposit in any parking meter any coin for the purpose of parking beyond the maximum legal parking time for the particular parking meter zone or space.

§ 114-55. Parking within marked spaces required.

It shall be unlawful for any person to park any vehicle across any line or marking of a parking space marked off as provided in §114-45 or in such position that the vehicle shall not be entirely within the parking space designated by such lines or markings.

§ 114-56. Loading and unloading of commercial vehicles in metered parking zones.

The loading or unloading of a truck, van or other commercial vehicle may be conducted for a reasonable period at any one (1) time on a parking space adjacent to which a parking meter has been installed under this Article without the deposit of a coin in such meter.

§ 114-57. Tampering with meters prohibited.

It shall be unlawful for any person to deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this Article.

§ 114-58. Depositing slugs or similar devices in meters prohibited.

It shall be unlawful for any person to deposit or cause to be deposited in any parking meter installed under the provisions of this Article any slug, device or metal substance or other substitute for lawful coins.

§ 114-59. Collection of coins deposited in meters; disposition.

The Chief of Police shall designate some member of the Police Department to make regular collections of the money deposited in parking meters installed under the provisions of this Article. Such member shall remove the coins deposited in such meters and deliver such coins to the City Treasurer, who shall deposit such funds to the account of the City Parking Meter Fund.

§ 114-60. Compliance with provisions required.

It shall be unlawful for any person to counsel, aid or abet any violation of this Article or any failure to comply with this Article.

§ 114-61. Prima facie responsibility for violation.

The owner of any vehicle parked in violation of or failing to comply with this Article shall be prima facie responsible for such violation or failure to comply.

§ 114-62. Disposition of moneys collected; Parking Meter Fund.

A. The coins deposited in parking meters installed as provided in §114-47 and fees derived from the issuance or renewal of permits under §114-53 are required and shall be used for the following purposes:

(1) To defray the expense of proper regulation and control of the traffic conditions upon those portions of the public streets of the City along which parking meters and meter spaces are located, as provided in this Article, which are caused by or are attributable to the parking of vehicles along such portions of such streets.

(2) To provide for the cost of supervision, regulation and control of the parking of vehicles in parking meter zones.

(3) To cover the cost of purchase, supervision, protection, inspection, operation, maintenance, control and use of parking meters as described and provided in this Article.

(4) To defray the expense of proper regulation and control of the off-street parking areas and for the purpose of paying the costs of acquisition, planning, construction, operation and maintenance of the off-street parking facilities and payment when due of the interest and principal of all bonds and certificates of indebtedness, either or both, issued in connection with the acquisition, operation and maintenance of such off-street parking areas and facilities.

B. All funds received by the City Treasurer under this Article shall be accounted for by him in a separate fund known as the "Parking Meter Fund" and shall be used only for the purposes specified in this section.

§ 114-63. Construal of provisions.

This Article shall be deemed and construed to be an exercise of the police power of the City for the preservation and protection of public safety and for the regulation of parking. All of the provisions of this Article shall be liberally construed with a view to the effectuation of such purpose. The provisions of this Article are adopted for the public convenience.

§ 114-64. Report of violations required.

With reference to parking meter zones and off-street parking areas where parking meters are installed as provided in §114-47, it shall be the duty of the police officers or other duly designated employees of the City to submit to the City Clerk a written report of each violation of or failure to comply with the parking requirements of this Article, which report shall state:

A. The number of the parking meter which indicates that the vehicle occupying the parking space adjacent to such parking meter is or has been parked in violation of any of the provisions of this Article.

B. The State license number of such vehicle.

C. The date and approximate time of such violation.

D. Any other facts, knowledge of which is necessary to a thorough understanding of the circumstances, attending the violation.

E. That an oath by the officer or designated employee be attached and certifying, under penalty of perjury, that the matters set forth on said citation are, to the best of his knowledge, true.

§ 114-65. Notification of violation.

A police officer or other duly designated employee making a report as provided for in §114-64 shall notify the defendant that the vehicle has been parked in a manner that violates or fails to comply with the provisions of §114-54 or any other section herein or, in the event that said vehicle is unattended, shall attach said notice in a conspicuous place upon the vehicle of the defendant that the vehicle has been parked in a manner that violates or fails to comply with the provisions of §114-54 or any other section herein.

§ 114-66. Notification of right to stand trial; maximum fine.

A. Notification of right of trial. Upon notification or attachment to the vehicle of said notice of violation, said notice shall notify the defendant that if he desires to stand trial he may notify the Hyattsville Police Department at least five (5) days prior to the payment date set forth in the citation, and said Police Department will obtain a trial date within fifteen (15) days of the date of notification by the defendant of his desire to stand trial. Further, said notice shall contain appropriate verbiage to notify the defendant of his right to stand trial.

B. Violation of §114-54 or any section herein shall have a maximum fine of twenty dollars ($20.00). [Amended 1-17-84 by HB No. 5-84]

§ 114-67. Numbering of reports and notices.

The reports and notices provided in §§114-64 and 114-65 shall bear corresponding serial numbers. All blank reports issued shall be accounted for by the respective police officers or other duly designated employees.

§ 114-68. Payment in lieu of prosecution. [Amended 1-17-84 by HB No. 1-84; 12-17-84 by HB No. 10-84, Amended 6-1-98 by HR 98-02, Amended 10-4-04 by HO-2004-14]

Upon receipt of a notice as provided for in §114-65, the owner or operator of a vehicle in question within fifteen (15) days shall elect either to stand trial or to pay to the Hyattsville Police Department the sum of twenty-five dollars ($25.00) without such election within fifteen (15) days the fine shall be fifty dollars ($50.00).

§ 114-69. Enforcement.

Sections 114-64 through 114-68, inclusive, are intended to provide an aid to the strict enforcement of this Article without imposing an undue burden upon offenders and shall be construed as a method of enforcement in addition to and independent of the other methods provided by law and by this Article.

ARTICLE VII

Miscellaneous Provisions

§ 114-70. Storage or service of vehicles upon streets or public spaces by automobile agencies prohibited.

It shall be unlawful for any person owning, operating, maintaining or conducting any automobile sales, service or repair agency to store or service any automobile or vehicle of any kind or description upon any street or public space in the City.

§ 114-71. Riding on portions of vehicles not designed for passengers restricted.

It shall be unlawful for any person to ride upon any portion of any vehicle not designed or intended for the use of passengers when the vehicle is in motion; provided, however, that this provision shall not be construed to apply to any employee engaged in the performance of his duties.

§ 114-72. Handicapped parking regulations; penalty. [Amended 6-1-98 by HB 98-02, Amended 10-4-04 by HO-2004-14]

A. No person shall stand or park a vehicle in any parking space on public or private property designated as parking reserved for the physically handicapped with the proper signs or markings posted in conformance with the sign standards in the Maryland Manual, unless said vehicle displays a special registration plate or permit issued by the State of Maryland or Prince George's County with a "handicapped" or other appropriate designation.

B. Violations of this subsection 114-72 shall be punishable as misdemeanors, and the fine for each violation shall be two hundred and fifty dollars ($250.00). [Amended 2-21-89 by HB No. 3-89; 6-1-98 by HR 98-02]

§ 114-72.1. Parking on Unpaved or Unprepared Surfaces on Residential Property [Added 11-15-99 by HB 99-04, Amended 10-4-04 by HO-2004-14, Amended 12-3-07 by HO-2007-14]

A. Definitions. For the purpose of this section:

(1) "Unpaved Area" shall mean any surface not completely covered by asphalt or concrete.

(2) "Unprepared Area" shall mean any surface not completely covered by brick, block, gravel, crushed stone or other similar permeable or semi-permeable aggregate material.

B. It shall be unlawful to park any vehicle on the unpaved or unprepared area of any residential property except during a "Snow Emergency."

C. It shall not be necessary to provide a full platform of the surface material under the parked vehicle, so long as the wheels of the vehicle are parked on a paved or prepared area and access to the area is likewise over a paved or prepared area.

D. Nothing contained herein shall be construed as authorizing a departure from the green area requirements of the Zoning Ordinance of Prince George's County, Maryland. Additionally, any person utilizing any portion of their property for such purposes as outlined in this ordinance, must first be in compliance with Article V, Sections 105-37 thru 105-43 of the Hyattsville City Code.

E. Exceptions: Currently registered recreational vehicles, or currently registered seasonal use vehicles, providing that these vehicles are stored behind the rear building line of the property shall be excepted from this section. However, at no time may these vehicles be stored on unpaved/unprepared surfaces located to the side or forward of the rear building line.

F. Enforcement, Violations and Penalties:

The following enforcement, violations and penalty provisions shall apply in lieu of those set forth in Article VII, of this Chapter for violations of this section.

(1) Any sworn Police Officer or City Code Enforcement Officer shall be authorized to enforce this section of the City Code. In the performance of their duties under this section, a Police Officer or Code Enforcement Officer are hereby authorized to enter upon private property in the City of Hyattsville in order to place a "48 hour" Warning Notice on a vehicle parked in violation.

(2) If the vehicle is not removed from the unpaved/unprepared surface or brought into compliance within forty-eight (48) hours from the date upon said notice, the Police Officer or Code Enforcement Officer shall be empowered to impound the vehicle. The vehicle owner shall be liable for all towing, storage, preservation, and/or other charges relating to the disposition of the vehicle.

(3) Extensions of "48 Hour" Warning:

(a) The Code Enforcement Supervisor, or his/her designee shall have the authority to extend the forty-eight (48) hour period before impoundment for a period not to exceed thirty (30) days, upon receipt of a written statement from the vehicle owner setting forth the reasons for requesting such an extension.

(b) The Mayor and City Council shall also have the authority to extend the forty-eight (48) hour period for any definite period of time in excess of the original thirty (30) day extension period, upon receipt of a written statement from the vehicle owner setting forth the reasons for requesting such an extension.

(4) Violation of this subsection 114-72.1 shall be punishable as a Municipal Infraction as provided in Chapter 20 of this Code. Where a Municipal Infraction has been issued for a violation of this Ordinance, each five-day period following the issuance of said citation during which the violation(s) continues uncorrected or recurs shall constitute a separate violation for which additional Municipal Infraction(s) may be issued. The fine for any single violation shall be One Hundred Dollars ($100.00) and the fine for each second or subsequent offense shall be Two Hundred Dollars ($200.00).

ARTICLE VIII

Penalty Provisions; Impoundment

§ 114-73. Violations and penalties. [Amended 10-4-04 by HO-2004-14]

A. Election. Unless a separate procedure is provided for in this Chapter, the following procedures apply to violations of this chapter:

(1) Election by person receiving citation.

(a) Within fifteen (15) days after the date of the citation, the person receiving a citation under this chapter shall:

(i) Pay the amount indicated on the violation directly to the City Police Department; or

(ii) Choose to stand trial for the violation.

(b) A choice to stand trial shall be made by sending a notice of intention to stand for trial to the City Police Department within fifteen (15) days after the date on the citation.

(c) Upon the failure of the person cited to elect within fifteen (15) days, the fine for the violation shall double.

(2) When presence of officer required. If a person elects to stand for trial and desires the presence at trial of the officer who issued the citation, he/she shall so notify the City Police Department at the time the notice of intention to stand trial is given.

(3) If proper notification is not given, the officer need not appear at the trial, and the copy of the citation bearing the certification of the officer is prima facie evidence of the facts stated in it.

B. Except where another penalty is provided for within this Chapter the fine for a violation of this Chapter shall be thirty-five dollars ($35.00) if the person cited makes the election as outlined in this subsection 114-73(A). Without such election within fifteen (15) days, the fine shall be seventy dollars ($70.00).

§ 114-74. Impoundment procedures; reclamation

A. The Police Department may take into custody and impound:

(1) Any unattended vehicle parked or left standing on any highway or street in the City or on any property owned or leased by the City in violation of any traffic or parking regulation.

(2) Any unattended vehicle for which five (5) or more outstanding parking or parking meter violation citations have accumulated and matured to the maximum fine.

B. The provisions of Title 25, Subtitle 2, of the Maryland Vehicle Law (§ 25-201 et seq. of the Transportation Article of the Annotated Code of Maryland) shall apply with respect to the removal, storage, reclamation and disposal of any vehicle taken into custody pursuant to Subsection A above.

C. In addition to any information required to be contained in the notices given under Title 25, Subtitle 2, of the Maryland Vehicle Law, information as to the nature and circumstances of the traffic or parking violation or violations on account of which a vehicle is impounded shall be given to the owner or other person normally in charge of such vehicle.

D. In addition to paying all towing, preservation and storage charges resulting from taking or placing the vehicle in custody, the owner or person normally in charge of such vehicle shall also be liable for any fine or forfeiture resulting from the violation or violations for which the vehicle was impounded, and such vehicle shall not be released until either written receipt is displayed showing payment of such fine or forfeiture or collateral in the sum of twenty-five dollars ($25.00) per violation is posted for appearance of the owner or person normally in charge of such vehicle in the people's court of the county to answer the violation or violations on account of which the vehicle was impounded.

§ 114-75. Flagging penalty. [Amended 6-1-98 by HR 98-02]

Any owner of a vehicle who shall receive a warning letter from the City pursuant to the provisions of the Maryland Motor Vehicle Administration's parking violation and flagging procedures or shall seek to obtain a parking fine receipt from the City in order to register said vehicle shall be subject to a fine of fifteen dollars ($15.00) in addition to those penalties incurred as a result of other violations of this chapter.

§ 114-76. Vehicles with illegal or expired license plates. [Added 3-19-84 by HB No. 6-84; Amended 12-17-84 by HB No. 10-84, Amended 6-1-98 by HR 98-02, Amended 10-4-04 by HO-2004-14]

A. It shall be unlawful to park or leave standing or operate any vehicle requiring a license plate on any public street within the City or any property owned or leased by the City unless said vehicle shall have affixed or attached thereto license plates or markers displayed conspicuously on the front and rear of said vehicle in accordance with the provisions of the Annotated Code of Maryland or,

in the case of a nonresident, the state, county or territory where such vehicle is registered. **[Amended 11-7-88 by HB No. 8-88]**

B. The penalty for each violation of this subsection 114-76 shall be the sum of one hundred dollars ($100.00). Any owner may avoid prosecution for a violation of this section by forfeiting collateral in the amount of fifty dollars ($50.00). **[Amended 6-1-98 by HB 98-02, Amended 10-4-04 by HO-2004-14]**

C. Any vehicle found in violation of this section is subject to impoundment. **[Added 11-7-88 by HB No. 8-88]**

D. In addition to paying all towing, preservation and storage charges resulting from taking or placing the vehicle in custody, the owner or person normally in charge of such vehicle shall also be liable for any fine or forfeiture resulting from the violation or violations for which the vehicle was impounded, and such vehicle shall not be released until either written receipt is displayed showing payment of such fine or forfeiture or collateral in the sum of fifty dollars ($50.00) per violation is posted for appearance of the owner or person normally in charge of such vehicle in the District Court, State of Maryland, to answer the violation or violations on account of which the vehicle was impounded. **[Added 11-7-88 by HB No. 8-88]**

E. In addition to any information required to be contained in the notices given under Title 25, Subtitle 2, of the Maryland Vehicle Law, information as to the nature and circumstances of the traffic or parking violation or violations on account of which a vehicle is impounded shall be given to the owner or other person normally in charge of such vehicle. **[Added 11-7-88 by HB No. 8-88]**

Chapter 120

ZONING

§ 120-1. Adoption of standards by reference; enforcement; noncompliance.
§ 120-2. Violations and penalties.

[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville 7-6-81 as HB No. 10-81. Section 120-1A amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Municipal infractions - See Ch. 20.
Building construction - See Ch. 46.
Electrical standards - See Ch. 55.
Fire prevention - See Ch. 59.
Housing standards - See Ch. 68.

§ 120-1. Adoption of standards by reference; enforcement; noncompliance.

A. Subtitle 27, Zoning, of the Prince George's County Code, 1979 Edition, as they may from time to time be amended, are hereby adopted by the City, and all of the powers, rights and requirements of compliance contained therein, to the extent that they are exercisable by a municipal corporation, may be exercised by the City.

B. The Code Enforcement Officer, who shall be appointed by the Mayor and Council, shall have the duty of enforcing the aforesaid code provisions. Inspections shall be programmed on a ward-by-ward basis, but shall also include the investigation of individual complaints of alleged violations from private sources.

C. Upon verification of a violation, the Code Enforcement Officer shall serve a notice and order upon the owner, general agent or lessee of the involved structure or land, directing that the violation shall cease. In the event that notice cannot be served, it shall be posted upon the structure or land involved. If at the expiration of the time specified in such notice and order, not to exceed thirty (30) days, the violation has not been remedied, the party notified shall be subject to the penalties set forth in §120-2 of this chapter.

§ 120-2. Violations and penalties. [Added 7-6-81 by HB No.11-81, Amended 6-1-98 by HR 98-03, Amended 7-16-01 by HB No. 01-03, Amended 12-3-07 by HO-2007-14]

A. The owner and/or lessee of any structure or land where anything in violation of this chapter is constructed, placed or exists or is maintained shall, upon the expiration of the notice period, be guilty of a municipal infraction as provided in Chapter 20 of this Code. The fine for each violation shall be One Hundred dollars ($100.00) per day for each day that such violation continues and Two Hundred dollars ($200.00) per day for each day that such violation continues in excess of thirty (30) days.

B. In addition to the penalties prescribed above, the City shall have the right to institute injunction, mandamus or any other appropriate civil action or proceeding to prevent violations of this chapter.

Chapter A125

CABLE TELEVISION FRANCHISE

§ A125-1. Franchise required; penalty.
§ A125-2. Definitions.
§ A125-3. Limitations of franchise.
§ A125-4. Liability and indemnification.
§ A125-5. Compliance with FCC technical and channel capacity standards required.
§ A125-6. Installation and maintenance of wires, cables, structures and other equipment.
§ A125-7. Service standards.
§ A125-8. Construction and maintenance of cable television facilities.
§ A125-9. Indemnity bond required.
§ A125-10. Franchise fee.
§ A125-11. Inclusion of such terms and conditions beneficial to subscribers in franchise agreement.
§ A125-12. Public service requirements.
§ A125-13. Duration of franchise determined by Council.
§ A125-14. Unauthorized connection to cable television system prohibited.
§ A125-15. Continued use of individual antennas protected; connection to cable system optional.
§ A125-16. Delegation of powers.
§ A125-17. Promulgation of rules and regulations.
§ A125-18. Termination or cancellation of franchise.

[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville 11-5-79 as HB No. 9-79. Amendments noted where applicable.]

§ A125-1. Franchise required; penalty.

A. It shall be unlawful for any person to own, operate or solicit subscribers for any cable television system without first having obtained a franchise from the Franchise Authority.

B. Violation of this section shall be a misdemeanor and punishable by a fine not to exceed five hundred dollars ($500.00) or imprisonment not to exceed ninety (90) days, or both.

§ A125-2. Definitions.

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meaning herein, unless the context clearly indicates that another meaning is intended. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

AGENCY - The Hyattsville Cable Television Commission. [Amended 10-19-81 by HB No. 22-81]

AUXILIARY SERVICES - Any communications service in addition to regular subscriber services, including but not limited to pay television, burglar alarm service, data transmission, facsimile service, home shopping service, etc.

CABLE TELEVISION SYSTEM or CATV SERVICE - Any facility that, in whole or part, receives, directly or indirectly, over the air and amplifies or otherwise modifies the signals transmitting

programs broadcast by one (1) or more television or radio stations and distributes such signals by wire or cable to subscribing members of the public who pay for such service.

CHANNEL - A band of frequencies six (6) megahertz wide in the electromagnetic spectrum capable of carrying either one (1) audio-visual television signal or a few nonvideo signals or a large number of nonvideo signals.

FEDERAL COMMUNICATIONS COMMISSION (FCC) - The present federal agency of that name as constituted by the Communications Act of 1934 or any successor agency created by the United States Congress.

FRANCHISE - An authorization granted by the City which permits the construction, operation and maintenance of a cable television system within the franchise area under terms not inconsistent with this ordinance.

FRANCHISE AREA - That portion of the franchise entity for which a franchise is granted under the authority of this ordinance. The "Franchise Area" may or may not be coterminous with the franchise entity.

FRANCHISE AUTHORITY - The governing body of the franchise entity.

FRANCHISE ENTITY -The City of Hyattsville, Maryland, as presently constituted, and including any area henceforth added thereto during the terms of any franchise granted hereunder.

GRANTEE - Any entity, its successors, heirs or assigns who shall be awarded a franchise in accordance with the provisions of this ordinance.

GROSS REVENUES - Revenues derived, directly or indirectly, by a grantee from both regular subscriber service and auxiliary service.

GROSS SUBSCRIBER REVENUES - Those revenues derived, directly or indirectly, by a grantee from the supplying of regular subscriber service, which are the installation fees, disconnect and reconnect fees and fees for regular cable benefits, including the transmission of broadcast signals and access and origination channels if utilized. It does not include revenues derived from auxiliary services or from any taxes, whether or not passed on to users, per-program or per-channel charges, leased-channel revenues, advertising revenues or any other income derived from the system.

MAJOR STOCKHOLDER - A beneficial owner, directly or indirectly, of ten percent (10%) or more of the issued and outstanding voting stock of any corporation.

PERSONS - Any people, firms, corporations, associations or other legally recognized entities.

PUBLIC WAY - The surface of and the space above and below any public street, avenue, highway, boulevard, concourse, driveway, bridge, tunnel, park, parkway, waterway, dock, bulkhead, wharf, pier, alley, right-of-way, public utility easement and any other public ground or water subject to the jurisdiction and control of the franchise entity.

REGULAR SUBSCRIBER SERVICE - That service regularly provided to all subscribers. It includes all broadcast signal carriage and FCC-required access channel carriage, including origination programming. It does not include specialized programming for which a per-channel charge is made.

SUBSCRIBER - Any person receiving regular subscriber service.

§ A125-3. Limitations of franchise.

A. The franchise granted under this ordinance shall be non-exclusive, and nothing herein shall be construed to prevent the franchise authority from granting identical or similar franchises to more than one (1) person within all or any portion of the franchise entity.

B. Any grantee shall, at all times during the life of this franchise, be subject to the lawful exercise of the franchise entity's police power and such reasonable regulations as the franchise authority may subsequently promulgate thereunder. Nothing contained in this ordinance shall be deemed to prohibit in any way the right of the Council to levy nondiscriminatory occupational license taxes on any activity conducted by the grantee.

C. All privileges prescribed by this franchise shall be subordinate to any prior lawful occupancy of the public streets, and the franchise authority reserves the right to reasonably designate where a grantee's facilities are to be placed within the public ways.

D. The franchise shall be a privilege which is personal to the original grantee. It shall not be sold, transferred, leased, assigned or disposed of, in whole or in part, either by sale, merger, consolidation or otherwise without prior consent of the franchise authority expressed by resolution and then only under such conditions as may therein be prescribed. Any such proposed transfer or assignment shall be made only by an instrument in writing, which shall include an acceptance of all terms and conditions of the franchise by the transferee, a duly executed copy of which shall be filed with the agency within thirty (30) days after any such transfer or assignment.

E. The granting of any franchise shall be based upon the franchise authority's judgment as to whether it will serve the public's interest; the applicant's construction, technical and financial plans and arrangements; and the benefits to the welfare and safety of the City and its citizens. Such judgment shall be discretionary, and no provision of this ordinance shall require the granting of a franchise.

F. Nothing herein shall be deemed to in any way impair or affect the right of the City to acquire the property of the grantee, either by purchase or through the exercise of the right of eminent domain. At a price reflective or its fair market value as an ongoing concern, and nothing herein shall be construed to constitute a waiver or bar to the exercise of any governmental right or power of the City.

§ A125-4. Liability and indemnification.

A. The grantee shall pay and by its acceptance of a franchise specifically agrees to pay any and all damages or penalties which the City may be legally required to pay as a result of the grantee's installation, operation or maintenance of a franchise cable television system under this ordinance, whether or not the acts or omissions complained of are authorized, allowed or prohibited by the City.

B. The grantee shall also pay all expenses incurred by the City in defending itself with regard to any and all damages and penalties mentioned in Subsection A above. These expenses shall include all out-of-pocket expenses, including reasonable attorneys' fees and the reasonable value of services rendered by any employee of the City.

C. The grantee shall maintain, throughout the term of the franchise, liability insurance insuring the City and the grantee with regard to all damages mentioned in Subsection A above set forth in the franchise.

§ A125-5. Compliance with FCC technical and channel capacity standards required.

Any CATV system to be constructed by a grantee shall be installed, maintained and operated at all times in full compliance with the technical and channel capacity standards of the Federal Communications Commission. The results of annual performance tests conducted in accordance with Sec. 76.601(c), FCC rules, or such other section of the rules as shall incorporate its substance, shall be retained for at least five (5) years and available for inspection by the City.

§ A125-6. Installation and maintenance of wires, cables, structures and other equipment.

The grantee shall at all times:

A. Install and maintain its wires, cables, fixtures and other equipment in accordance with the requirements of the City and County Building, Electrical, Fire, Health and Plumbing Codes and in such manner that they will not interfere with any installations of the City.

B. Keep and maintain in a safe, suitable, substantial condition and in good order and repair all structures, lines, equipment and public ways or places of the City wherever situated or located.

§ A125-7. Service standards.

Throughout the life of its franchise, a grantee shall:

A. Maintain all parts of its system in good condition and in accordance with standards generally observed by the cable television industry. Sufficient employees shall be retained to provide safe, adequate and prompt service for all of its facilities.

B. Maintain a conveniently located business office and service center to which subscribers may telephone without incurring added message units or toll changes. This office shall be open during all usual business hours and shall be so operated that compliance complaints and requests for repairs or adjustments may be received by telephone at any time when any television signals are being broadcast.

C. Dispatch personnel to investigate all service complaints and equipment malfunctions within twenty-four (24) hours and strive to resolve such complaints as promptly as possible. Planned interruption of service shall be only for good cause. Insofar as possible, planned service interruptions shall be preceded by notice, shall be of brief duration and shall occur during minimum viewing hours.

D. Maintain a complete list of all complaints received and the measures taken to resolve them in a form to be approved by the agency. This list shall be available to the agency upon request.

E. Permit the agency to inspect and test the system's technical equipment and facilities upon reasonable notice [twelve (12) to twenty-four (24) hours].

§ A125-8. Construction and maintenance of cable television facilities.

A. Any pavements, sidewalks, curbing or other paved area taken up or any excavations made by a grantee shall be done under the supervision and direction of the agency under permits issued for work by the proper official of the City and shall be done in such manner as to give the least inconvenience to the inhabitants of the City. The grantee shall, at its own cost and expense and in a manner approved by the agency, replace and restore any such pavements, sidewalks, curbing or other paved areas in as good a condition as before the work involving such disturbance was done and shall also make and keep full and complete plats, maps and records showing the exact locations

of its facilities located within the public streets, ways and easements of the franchise entity. These maps shall be available for inspection at any time during business hours by the agency.

B. The grantee shall, at its expense, protect, support, temporarily disconnect, relocate or remove any of its property when required by the City by reason of traffic conditions, public safety, road construction, change of street grade, installation of sewers, drains, water pipes, power lines, signal lines, tracks or any other type of municipal improvements; provided, however, that the grantee shall, in all such cases, have the privilege of abandoning any property in place. If the City requests substantial relocating, it shall compensate the grantee in the amount of its relocation costs.

C. The grantee shall, on the request of any person holding a building moving permit issued by the City, temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal or raising or lowering of wires shall be paid by the person requesting same, and the grantee shall have the authority to require such payment in advance. The grantee shall be given not less than forty-eight (48) hours' advance notice to arrange for such temporary wire changes.

D. The grantee shall have authority to trim the trees upon and overhanging the public street so as to prevent the branches of such trees from coming in contact with the wires and cables of the grantee, except that, at the option of the City, such trimming may be done by it or under its supervision and direction at the expense of the grantee.

F. In all sections of the franchise area where the cable, wires or other similar facilities of public utilities are placed underground, the grantee shall place its cables, wires or other like facilities underground to the maximum extent that existing technology reasonably permits.

§ A125-9. Indemnity bond required.

Concurrently with the acceptance of its franchise, a grantee shall file with the City a bond with an acceptance surety in an amount designated by the City to indemnify the City against any losses it may suffer in the event that the grantee fails to comply with one (1) or more of the provisions of its franchise. Said bond shall be obtained at the sole expense of the grantee and remain in effect for the full term of the franchise or any renewal thereof, plus an additional six (6) months thereafter.

§ A125-10. Franchise fee.

The City shall be entitled to collect a franchise fee in such amount as may be, from time to time, established by the Council for each franchise granted.

§ A125-11. Inclusion of such terms and conditions beneficial to subscribers in franchise agreement.

The City shall be empowered to include as part of any franchise such terms and conditions as it deems beneficial to the subscribers in the franchise area, including the regulation of rates charged to such subscribers.

§ A125-12. Public service requirements.

A grantee shall:

A. Provide at least one (1) service outlet to all municipal facilities, libraries and schools within its franchise area at no cost to the City, library or schools involved.

B. Make its facilities immediately available to the City upon request during the course of any emergency or disaster.

§ A125-13. Duration of franchise determined by Council. [Amended 9-19-94 by HB No. 9-94]

The Council shall establish the duration of each franchise granted under this ordinance and the terms and conditions for any renewal thereof. Upon the written request of a franchisee and the furnishing of information in support of the granting of such request as being in the best interest of subscribers, the Council shall have the power to extend an existing franchise for a period of time less than that of the franchise as originally granted.

§ A125-14. Unauthorized connection to cable television system prohibited.

It shall be unlawful for any person to make or use any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of a franchised cable television system within the City for the purpose of enabling himself or others to receive any television signal, radio signal, picture, program or sound without authorization of the grantee or owner of said system.

§ A125-15. Continued use of individual antennas protected; connection to cable system optional.

This ordinance shall not prohibit the erection or continued use of individual television antennas nor require any person to receive cable television service or connect with a cable television system.

§ A125-16. Delegation of powers.

The Council shall have the right to delegate any right, benefit, duty, obligation or power under this ordinance to the agency or any employee, officer or department of the City.

§ A125-17. Promulgation of rules and regulations.

The Council shall have the authority to promulgate such rules and regulations as are necessary to implement, administer and enforce this ordinance and any franchise granted hereunder.

§ A125-18. Termination or cancellation of franchise.

In addition to the rights and powers pertaining to the City contained in any franchise, the City shall have the right to terminate and cancel a franchise if the grantee refuses to obey any duly promulgated In addition rule, order or promulgation of the Council or agency made pursuant to a franchise; becomes involvement, unable or unwilling to pay its debts or is adjudged bankrupt; or attempts to evade any of the provisions of a franchise or practices any fraud or deceit upon the City; provided, however, that, before any franchise may be terminated

§ A125-19. Cable Television Commission. [Deleted in its entirety on 2-1-09 by HO-2009-01]

§ A125-20. Basic Service Rates and Charges. [Deleted in its entirety on 2-1-09 by HO-2009-01]

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