

TOWN OF COLMAR MANOR CODE,

December 31, 2008 Edition

Codified and Adopted

Amended through December 31, 2008

Mayor and Town Council of Colmar Manor

Prince George's County, Maryland

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ARTICLE I

Administration

Section 1-101. Definition of Terms.

- a. Whenever the word "**Town**" or "**Town of Colmar Manor**" shall be mentioned in any section or paragraph of any Ordinance hereof, the same shall mean the Mayor and Town Council of Colmar Manor, Maryland.
- b. Whenever the word "**person**" or "**persons**" shall be mentioned in any section or paragraph of any ordinance hereof, the same shall mean and include any individual, firm, partnership association or corporation.
- c. Whenever the words "**Town**" or "**Town of Colmar Manor**" shall be mentioned, they are intended to mean the municipal corporation known as the "Mayor and Town Council of Colmar Manor, Maryland".
- d. Whenever the masculine is referred to in any section or paragraph of any ordinance hereof, said reference shall include all genders, except where such construction would be absurd or unreasonable; and, whenever, the singular is referred to in any section or paragraph of any ordinance hereof, said reference shall include the plural, except where such construction would be unreasonable.
- e. All words used in any section or paragraph of any ordinance herein, shall mean and shall be construed and extended to their accepted and common use.

Section 1-102. Penalties

- a. The maximum penalty shall not exceed a fine in the amount of Five Hundred Dollars (\$500.00), and confinement in jail for a period of not more than ninety (90) days.
- b. Where violations are declared to be infractions; infractions shall be deemed as a civil offense. A municipal infraction is not a criminal conviction for any purpose, nor does it impose any of the civil disabilities imposed by a criminal conviction.
- c. Except as otherwise provided, any person receiving a citation for any infraction, may elect to stand trial for the offense by notifying the Town, in writing, of this intention, at least five days prior to the date set for payment of the fine. Failure to pay the fine, or to give notice of intent to stand trial, may result in an additional fine or adjudication by the court. The fine set for an infraction shall be paid by the offender to the Town within fifteen (15) calendar days of receipt of a citation.

Section 1.3. Financial Controls and Internal Audits

- a. Bank Accounts. The Mayor and Town Council of Colmar Manor shall establish such accounts on various banking institutions qualified to do business with municipalities under the provisions of the Annotated Code of Maryland as from time to time, they deem proper and in the best interest of the Town and shall deposit or cause to be deposited to the bank accounts established under the authority of this section all of the funds of the Town.
- b. Signatures on Town Checks. All checks and other withdrawals made by the Town from any of its accounts shall be by instrument signed by the Withdrawal Committee. The Withdrawal Committee shall report all withdrawals made at each public meeting of the Mayor and Town Council.

c. Internal Audit of Account Statements. All statements received by the Town on its accounts shall be delivered by the Clerk Treasurer unopened to the Audit Committee who shall audit such statement and report the results thereof at the next public meeting of the Mayor and Town Council.

d. Safekeeping of Checks and Instruments. All blank checks and other blank instruments of withdrawal and all statements received and audited by the Audit Committee from all accounts of the Town shall be held in a locked and secure place by the Clerk Treasurer, who shall remove from such locked and secure place, such checks and/or instruments as are required from time to time to make payments as required. The Clerk Treasurer shall thereafter prepare or cause to be prepared those checks and/or instruments which are required and deliver them along with all necessary supporting information to the Withdrawal Committee. The Clerk-Treasurer may remove such statements, together with accompanying instruments, as are required for additional inspection or audit on behalf of the Town.

e. Withdrawal Committee. There is hereby established a Withdrawal Committee which shall consist of two (2) members of the Town Council appointed by the Mayor. The Withdrawal Committee shall be responsible for signing all checks and instruments of withdrawal on behalf of the Town. No member of the Withdrawal Committee may serve as Clerk Treasurer or may be a member of the Audit Committee. The Mayor may appoint a citizen who is a registered voter of the Town, provided the citizen is bonded, to serve as a member of the Withdrawal Committee for a period not to exceed forty-five days.

f. Audit Committee. There is hereby established an Audit Committee which shall consist of two (2) members of the Town Council appointed by the Mayor. The Audit Committee shall be

responsible for the auditing of all checks and instruments of withdrawal on behalf of the Town. No member of the Audit Committee may serve as Clerk Treasurer or may be a member of the Withdrawal Committee. The Mayor may appoint a citizen who is a registered voter of the Town, provided the citizen is bonded, to serve as a member of the Audit Committee for a period not to exceed forty-five days.

g. At the conclusion of the fiscal year, it shall be the duty of the Mayor and Town Council to have prepared, in a form appropriate, and made available in a suitable place or places, for inspection by the residents of the Town, a detailed statement of the financial condition of the Town, including receipts and expenditures of all kinds whatsoever, for the concluded fiscal year.

h. Notwithstanding the foregoing provisions relative to the signing of checks and other instruments of withdrawal on behalf of the town, the Mayor and Town Council delegate such authority annually to the Clerk-Treasurer for all checks and instruments of withdrawal in amounts as authorized by the Mayor and Town Council. The Clerk-Treasurer shall provide a monthly report on all checks and instruments of withdrawal to the Mayor and Town Council. The Mayor may be an alternate signer if the Clerk-Treasurer is not available.

i. Notwithstanding the foregoing provisions relative to the auditing of checks and other instruments of withdrawal on behalf of the Town, the Mayor and Town Council may delegate such authority annually to the Clerk-Treasurer for all checks and instruments of withdrawal. The Clerk-Treasurer shall provide a monthly report on all such audits to the Mayor and Town Council.

ARTICLE 2

Animal Control

Section 2-101. Appointment of animal control officer.

The animal control officer shall mean the Chief of Police or his or her designee for the purpose of enforcing the provisions of this chapter.

Section 2-102. Definitions.

Animal: shall mean any and all types of animals, both domesticated and wild, male and female, except human.

Animal at large: shall mean an animal not under restraint and off the premises of the owner.

Animal control shelter: shall mean any facility designated by the Mayor and Town Council for the detention of animals in violation of this Article.

Dog: shall mean any member of the canine species, both male and female.

Dog under restraint: shall mean dog secured by a leash or lead not to exceed six (6) feet in length and under the control of a responsible person, or within the confines of a vehicle, or within the real property limits of its owner.

Owner: shall mean any person owning keeping, harboring, or acting as temporary or permanent custodian of an animal. The parent(s) or guardian(s) of a minor shall be deemed to be the owners of an animal owned or in the possession or control of the minor child for purposes of this chapter and shall be liable for all damages caused by the animal.

Section 2-103. Dogs running at large prohibited.

It shall be unlawful for any owner, possessor, keeper, or harbinger of any dog, to permit said dog to be upon the public streets, sidewalks, roadways, alleys, or any other person's property

when not restrained by a leash or lead, not to exceed six (6) feet in length and under the control of a person competent and able to control said dog.

Section 2-104. Female animals in heat; confinement.

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

Section 2-105. Public Nuisance Animals and Conditions; Prohibition of nuisances.

A. Public nuisance animal shall mean any animal which unreasonably (1) annoys humans, (2) endangers the life or health of other animals or persons, or (3) gives offense to human senses, or which substantially interferes with the rights of the citizens, other than its owner, to enjoyment of life or property. The term “public nuisance animal” shall mean and include, but is not limited to any animal which:

1. Is repeatedly found at large (two (2) or more times within a six-month period);
2. Damages the property of anyone other than its owner;
3. Causes fouling of the air by odors thereby causing unreasonable annoyance or discomfort to neighbors or others in close proximity to the property where the animal is kept or harbored;
4. Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;
5. By virtue of the number or types of animals maintained, is dangerous or offensive to public health, safety, or welfare;

6. Excessively makes disturbing noises (including, but not limited to, continued and repeated barking, yelping, or howling, whining, or other utterances) causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the property where the animal is kept or harbored;
7. Molests or intimidates pedestrians or passersby;
8. Chases vehicles; or
9. Attacks other domestic animals.

B. Public nuisance condition shall mean an unsanitary, dangerous, or offensive condition occurring on any property in the Town caused by the size, number or types of animals maintained, kept or harbored, or due to the inadequacies of the care or treatment of any animals.

A public nuisance condition shall be deemed to exist on any property where an animal is maintained, kept, or harbored under conditions which constitute cruelty to such animal, or where the animal maintained, kept, or harbored is a public nuisance animal.

C. No person shall keep or maintain any animal in the Town in such manner as to cause or permit the animal to be a public nuisance animal or to cause or permit the animal to cause a public nuisance condition.

Section 2-106. Abatement of public nuisance conditions and animals; restrictions on properties that house public nuisance animals.

A. No owner or custodian of an animal shall fail to abate a public nuisance condition caused by any animal owned by him or her or under his or her control or any other violation of this chapter after having received a violation notice or municipal infraction citation from the animal control officer.

B. In addition to any other remedy provided by this chapter or applicable law, if the animal control officer issues a violation notice or municipal infraction citation for a public nuisance condition or other violation of this chapter, the animal control office may place the property where the animal is kept on a probation status for up to a one year period. The owner or custodian of the animal shall be issued a written notice advising of the probation status of the property and the penalties for a second violation within a one-year period.

1. If a second violation notice or municipal infraction citation is issued in the one year probation period, then the Chief of Police may require that the number of animals on the property be reduced to a specific number, may impose conditions on the keeping of that particular animal or may prohibit the keeping of animals on the property if it is deemed necessary in order to protect public health or safety, to prevent danger to any person or property, or to prevent further violations of this chapter.
2. Failure to comply with a notice or condition of probation status issued under this section shall be a violation of this chapter and subject to the penalties specified herein.
3. A notice of probation status or probation condition may be appealed to the Mayor and Town Council as provided herein. The filing of an appeal shall not stay the enforcement or imposition of the notice of probation status or any condition of the probation status.

Section 2-107. Power to impound.

Any animal found running at large within the Town may be impounded and taken to an animal control facility designated by the Mayor and Town Council. The animal control officer or any Town police officer is authorized to enter upon any premises and seize for impounding any animal which the officer may legally seize, when the officer is in immediate pursuit of such

animal, except upon the premises of the owner of the animal, if the owner is present and forbids the entry of the officer. In such a case, a notice of violation shall be issued or a warrant obtained according to law at the request of the officer.

Section 2-108. Interference with impounding of animals.

No person shall willfully prevent or obstruct the impounding of any animal in violation of any provision of this chapter.

Section 2-109. License required.

It shall be unlawful for any dog, cat or ferret which is four months of age or older to be kept, owned, or harbored within the Town, unless that dog, cat, or ferret has a current license as required by Prince George's County. The license tag shall be securely fastened to each dog's collar or harness. Any dog not wearing a license tag of the current year or issue shall prima facie be deemed to be unlicensed.

Section 2-110. Town animal hobby permit required.

A. Any person who is required under Prince George's County law to obtain an animal hobby permit for the keeping of five or more animals larger than a guinea pig or over the age of four months shall also obtain an animal hobby permit from the Town.

B. Application for a Town animal hobby permit shall be made to the Chief of Police or his/her designee on forms prescribed by the Town. A Town animal hobby permit shall be issued upon proof that a valid Prince George's County animal hobby permit has been issued and is in force; provided, however, that the Chief of Police or his/her designee may refuse to issue a Town animal hobby permit or may suspend or revoke a permit if the owner fails to comply with any of

the provisions of this chapter or with all applicable Federal, State, County and Town animal control laws and regulations.

C. The annual fee shall be \$5.00 and the Town animal hobby permit shall be valid for one year from the date of issue. The Town animal hobby permit shall be issued for the address and owner listed on the application and shall not be transferable to any other address or owner.

D. The decision of the Chief of Police not to issue or to suspend or revoke a Town animal hobby permit may be appealed to the Mayor and Town Council within 15 days after the Chief of Police's decision. The appeal procedure shall be as set forth in this Article except that (1) references to the "Code Enforcement Officer " shall be read as the "Chief of Police or his/her designee," and (2) the appeal shall be to the Mayor and Council rather than to the Chief of Police.

Section 2-111. Diseased animals.

No animal suffering from mange, eczema, ringworm, hepatitis, or any other contagious disease, shall be permitted off the premises of the owner within the Town, except as may be required for treatment of the animal by a licensed veterinarian.

Section 2-112. Vaccination of dogs and cats.

No person shall own or harbor any dog or cat over the age of four (4) months within the Town without a valid rabies vaccination.

Section 2-113. Removal of excrement.

A. 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:

1. Remain on private property without the consent of the owner or occupant thereof;

2. Accumulate, rendering the property of the owner offensive or dangerous to public health;
or
 3. Remain on public property, including any parkland, streetscape, public street, sidewalk, roadway, or alley in the Town.
- B. The person owning, keeping, or having custody of the animal shall immediately remove the excrement deposited by the animal.

Section 2-114. Liability for injury to or destruction of an animal.

Any person who subdues or takes custody of or destroys any animal shall not be liable for any damages if the animal is found to be at large or running at large at the time of the destruction and is in the act of pursuing, attacking, or wounding a human or another animal.

Section 2-115. Report of person bitten by animal.

A report of circumstances of a person being bitten by an animal shall be made promptly to the Town police department by anyone having personal knowledge of the incident. The police officer, within twenty-four (24) hours, shall notify the animal control officer of the details of the incident.

Section 2-116. Care and treatment of animals.

It shall be a violation of this chapter for the owner or custodian of any animal to fail to provide sufficient food, 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, and humane care and treatment. It shall also be a violation to abandon an animal, to beat, ill-treat, torment or physically abuse.

Section 2-117. Penalty.

Violation of this Article shall be declared a municipal infraction. The penalty for violation shall be a fine of fifty dollars (\$50.00) for each offense.

ARTICLE 3

CONSTRUCTION AND INSTALLATION

BUILDINGS - PUBLIC NUISANCE

Section 3-101. Unsafe Buildings; Public Nuisance Declared.

a. **Definitions of Unsafe Building.** All buildings or structures, or parts thereof, which may have any or all of the following defects shall be deemed unsafe buildings:

1. Those which have been damaged by fire, wind, storm, or other causes so as to have become dangerous to life, safety, or the general health and welfare of the occupants or the public;
2. Those which have become or are so dilapidated, decayed, damaged, unsanitary, unsafe, or vermin- or rodent-infested that it creates a hazard to the health, safety, or general welfare of the occupants or the public;
3. Those having light, air, sanitary, plumbing or heating facilities or other essential equipment which are inadequate to protect the health, safety or general welfare of the occupants or the public;
4. Those having inadequate facilities for egress in case of fire or panic or which are dangerous to life, health, property or the safety of its occupants by not providing minimum protection from fire;

5. Those which are structurally unsound, dangerous, or of such faulty construction or unstable foundation that they are likely to partially or completely collapse, or which have parts thereof which are so attached that they may fall and injure members of this or their property;
 6. Those which are vacant, abandoned or are blighting or deteriorating factors in the neighborhood or which because of their general condition are unsafe, unsanitary, or otherwise dangerous to the health, safety or general welfare of the public.
- b. **Unsafe Building a Public Nuisance.** All unsafe buildings are hereby declared to be public nuisances, and shall be repaired as provided in this Code or the Town may initiate condemnation and demolition under applicable law.

Section 3-102. Declaration of Unsafe Buildings as Public Nuisances.

A. Notice and Declaration of Unsafe Buildings as Public Nuisances.

1. Whenever the Code Enforcement Officer determines that a building in the Town is unsafe and a public nuisance, as defined in Section 3-101, the Code Enforcement Officer shall give written notice and a correction order to the owner and/or to all other persons having an interest in the property, as shown by the property tax records of the Town, of any building found by him or her to be an unsafe building and a public nuisance.
2. The notice and correction order provided for in paragraph (1) of this section shall:
 - a. Specify the particulars which make the building or part of it an unsafe building;
 - b. Describe with reasonable accuracy the unsafe building and its location;
 - c. Describe in general terms the corrective action which, if taken, will effect compliance with the Article.

- d. Establish a reasonable time to do or have done the work or act required by the notice and correction order.
 - e. Advise of the potential penalties for violation of this Article and the right to appeal the notice and correction order, all as forth in this Code.
3. An owner served with a notice and correction order shall correct the violation of this Article within the time specified in the notice and correction order.

B. Reinspection; Report to Chief of Police.

1. Following the expiration of the period of time provided in paragraph A.2.d of this Section, the Code Enforcement Officer shall reinspect the unsafe building described in the notice and correction order.
2. When, after a reinspection, the Code Enforcement Officer determines that the violation specified in the notice and correction order has not been corrected or has only been partially corrected, the Code Enforcement Officer shall report such noncompliance to the Chief of Police and take any other action authorized by this Article to ensure compliance with or prevent violation of its provisions.

Section 3-103. Standards for Repair, Vacation, or Demolition.

The following standards shall be followed in substance in ordering or initiating the repair, demolition, vacating, and placarding and securing of any unsafe building:

A. Repair.

1. If the unsafe building can be reasonably repaired so that it will no longer be in violation of the terms of this Article, it shall be ordered to be repaired.

2. The owner of an unsafe building that has been ordered to be repaired shall be given notice of the required repairs and a reasonable time to make the repairs.

B. Demolition.

1. In any case where an unsafe building is substantially damaged or decayed or deteriorated from its original value or structure, the building cannot reasonably be repaired so that it will no longer be in violation of the terms of this Article, and the building is not architecturally significant, condemnation and demolition will be initiated under applicable law. Determination of architectural significance shall be based on the level of contributing resource according to the listing for the National Register nomination. If level of contributing resource classification is A, B, or C, it shall be deemed significant. If it is deemed significant and if the cost of reasonable repair does not exceed twenty-five percent (25%) of the estimated market value of the property, condemnation and demolition will not be initiated.
2. In all cases where an unsafe building is a fire hazard existing or erected in violation of the terms of this Article or any ordinance of the Town or provision of County or State law, condemnation and demolition will be initiated.

C. Vacating and Placarding.

1. If an unsafe building or part of it is in such condition as to make it dangerous to life, property or public safety, the building or part of it shall be ordered to be placarded and vacated.

2. The owner and any occupants of any unsafe building that has been ordered to be vacated shall be given notice to vacate immediately or within a specified time and a warning placard of appropriate size shall be posted at each entrance to such a building.
3. The warning placard shall include language similar to the following:

**THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY
HAS BEEN PROHIBITED BY
THE MAYOR AND TOWN COUNCIL OF COLMAR MANOR.**

The placard also shall include the Article and Section of the Code under which it is issued; an order that the building when vacated must remain vacant until the provisions of the order are complied with and the order to vacate is withdrawn; the date that the placard is posted; and a statement of the penalty for defacing or removing the placard. The warning placard shall remain posted until the required repairs are made or demolition is completed.

4. No person shall deface or remove any warning placard after it has been posted until the required repairs or demolition have been completed.
5. No person shall remain in or enter any unsafe building which has been so posted except for the purpose of making the required repairs or of demolishing the same.
6. Any person occupying an unsafe building or part of one which has been ordered to be vacated shall vacate the building or part of it in accordance with the terms of the warning placard and order to vacate.
7. A person shall not occupy and an owner shall not permit a person to occupy an unsafe building or part of it which has been posted with a warning placard and ordered to be

vacated until the Code Enforcement Officer approves the re-occupancy and removes the warning placard.

8. Once the unsafe building is vacant, the owner shall secure and board all windows and doors that are accessible from the ground, from an adjacent structure, or by the reasonably foreseeable use of a ladder, table or other device, and must keep them secured against unauthorized entry. All such sealing of buildings shall be conducted in conformance with the provisions hereof.
9. Upon the failure of an owner or occupant of an unsafe building which has been ordered to be vacated to vacate the building or part of it or the failure of an owner to properly secure or seal the unsafe building, the Town may cause the building to be vacated or secured through appropriate court action, or by contract or arrangement with private persons. The costs thereof, including reasonable attorney's fees, shall be paid by the owner. The Town shall send the owner a bill for the costs by certified mail, return receipt requested, and by regular mail to the owner's last-known address or by any other means reasonably calculated to bring the bill to the owner's attention.

If the owner does not pay the bill within one (1) month after it is presented, the costs shall be a lien against the real property which may be collected and enforced in the same manner as are taxes, special assignments, and other liens on real property or collected as provided for herein.

Section 3-104. Hearings on Unsafe Buildings.

A. Notice of Appeal and Hearing.

1. A person aggrieved by a notice and correction order requiring the repair, demolition, vacating, placarding or securing of an unsafe building issued under this Article may file with the Mayor and Town Council a written notice of appeal specifying the reasons for contesting the notice or order.
2. The notice of appeal shall be filed within the earlier of either ten (10) calendar days after the notice or order has been served on the person or within the time specified for correction of the violation in a notice and correction order issued under Section 3-102 hereof.
3. Upon receipt of a properly filed notice of appeal, the Town shall give written notice to the owner, occupant, and all other persons having an interest in the property as shown by the property tax records of the Town, as the case may require, in the manner provided by Section 3-102 to appear before the Mayor and Town Council on a date and at a time and place specified to show cause why the unsafe building should not be repaired, demolished, vacated or secured in accordance with the statement of particulars set forth in the notice and correction order provided for in Section 3-102 or in such other notice or order which is being appealed.
4. The Mayor and Town Council shall hold a hearing within one (1) month of the date of receipt of the notice of appeal or report of noncompliance and hear such testimony as the Code Enforcement Officer, owner, occupant, and any other person having interest in the property shall offer relative to the unsafe building.

5. Following the hearing, the Mayor and Town Council shall:
 - a. Make written findings from the testimony offered pursuant to paragraph 4 as to whether or not the building in question is an unsafe building.
 - b. Issue a final order based upon the findings of fact affirming, modifying, or revoking the notice and correction order or such other notice or order which is the subject of the appeal and, if applicable, commanding the owner, occupant, and all other persons having an interest in the property to repair, demolish, vacate or secure any building found to be an unsafe building.
 - c. The Mayor and Town Council may grant a variance from the provisions hereof whenever it finds that:
 1. There is practical difficulty or unnecessary hardship connected with the performance of an act required by this Article;
 2. Strict adherence to this Article would be arbitrary; and
 3. A variance is consistent with the public health, safety, and welfare.
 4. If the Mayor and Town Council fail to hold a hearing within one (1) month of the date of receipt of the notice of appeal or fail to make written findings of fact and issue a final order within one (1) month after the date of the hearing, then the original notice or order shall be treated as a final order of the Mayor and Town Council for the purposes of this Section, provided that, with the written consent of the person who filed the notice of appeal, the time period for the Mayor and Town Council to hold a hearing or to make findings of fact and issue a final order may be extended for up to two (2) additional months.

5. any person aggrieved by a final order of the Mayor and Town Council issued under this section may file a petition for judicial review with the Clerk of the Circuit Court of Prince George's County. The procedures for an appeal from a final order of the Mayor and Town Council shall be governed by Title 7, Article 200 (Judicial Review of Administrative Agency Decisions) of the Maryland Rules, as amended.

Section 3-105. Recordation; Liability of Transferee.

- A. The Chief of Police may cause a final order issued under Section 3-104 to be recorded among the Land Records of Prince George's County.
- B. A transferee, successor, or assignee of the unsafe building described in a recorded final order shall be considered to have notice of the continuing existence of the violations and is subject to the penalties and procedures provided by this Article to the same degree as was the transferor, predecessor, or assignor.
- C. On determining that there has been compliance with a recorded final order issued under this Article, the Chief of Police shall cause a notice of compliance to be recorded among the land records of the County. The notice of compliance shall recite the liber and folio land record reference of the recorded final order.

Section 3-106. Sealing of Buildings.

- A. **Sealing From Interior.** It shall be unlawful within the Town for any person or entity to board up or seal the windows, doors, or openings of any vacant building or structure in such a manner that it is visible from the exterior of the building, without first having obtained a permit from the Chief of Police pursuant to Subsection C below. It shall further be unlawful for any person or entity having any interest in said property by way of

lease, deed, mortgage, deed of trust or otherwise to allow such boarding or sealing or to suffer it to remain after due notice.

- B. **Responsibility of Owner.** It shall be the responsibility of the owner of the property to remove all unsanitary or flammable material and to board up all windows and doors after a building has been properly determined to be unfit for human use, if such boarding up is determined by the Chief of Police to be necessary for reasons of health or safety and not in violation of the provisions hereof.
- C. **Permit Required For All Sealing From Exterior.** It shall be the burden of an applicant to show the necessity of sealing the structure from the outside. The approval or disapproval shall be in writing. The Chief of Police shall consider the following factors in approving or disapproving an application for a permit for boarding up or sealing a building:
1. The extent of the boarding up and/or sealing that is required;
 2. The hardship which the applicant will suffer from rejection of this application;
 3. The visibility of the boarding or sealing;
 4. The impact of sealing the structure on the safety and welfare of the immediate neighborhood and of the Town; and
 5. The practicality of sealing the structure by drawing shades or window coverings from the inside.
- D. **Expiration Date of Permit.** Each permit shall expire (6) months from the date of its issuance. The Chief of Police may renew such permit only after a review of the facts in light of the above criteria.

- E. **Standards For Sealing.** Any boarding or sealing of any windows, door frames or other openings shall be done as follows:
1. The material for boarding or sealing shall be plain wooden material and it shall be of one piece whenever possible;
 2. Sealing or boarding material must be in a size at least as large (but no larger) than the opening which it covers;
 3. Material that will be exposed to the elements shall be made to be weather resistant; and
 4. All materials shall be applied in such a manner as to be as unobtrusive as possible.
- F. **Bond or Other Security.** The applicant shall be required to post a bond, cash or other security to ensure maintenance both of the boarding and sealing of the property so as to ensure the lawn is mowed, the grounds are taken care of, and all debris is removed. A bond shall be set in only such amount as to ensure that this work shall be accomplished during the permit period.
- G. **Sealing in Emergency.** In case of fire, storm damage, or any other emergency, a building may be boarded up or sealed immediately according to the previous specification of this Article; provided, however, that the permit shall be applied for within ten (10) calendar days of the emergency boarding or sealing.
- H. **Notice That Permit Required.** If a structure is boarded up or sealed without obtaining a permit, the Chief of Police or his/her designee shall notify the owner or owners, tenant or tenants, or person or persons in possession of the real estate in writing to remove the sealing material within ten (10) calendar days after the date of such notice and upon failure to remove the boarding or sealing within the time specified, the Town shall have

the right to remove all illegal boards and sealing material from all openings visible from any public right-of-way and to remove unsanitary or flammable waste materials and to do such exterior maintenance as is necessary. The cost of these actions shall be paid by the owner. The Town shall send the owner a bill for the costs of such work by certified mail, return receipt requested, and by regular mail to the owner's last known address or by any other means reasonably calculated to bring the bill to the owner's attention. If the owner does not pay the bill within one (1) month after it is presented, the cost shall be a lien against the real property which may be collected and enforced in the same manner as are taxes, special assessments, and other liens or real property or collected as provided for in Section 3-111 hereof.

Section 3-107. Emergencies.

- A. **Emergency Action.** Whenever in the judgment of the Chief of Police an emergency exists which requires immediate action to protect the health, safety, or welfare, an order may be issued without notice, conference or hearing, directing the owner, occupant, or agent of the building to take such action as is appropriate to correct or abate the emergency.
- B. **Vacating Buildings.** When in the opinion of the Chief of Police there is a clear and present danger to the health or safety of the occupants of an unsafe building the Chief of Police is authorized and empowered to order and require the occupants to vacate the same forthwith. The Chief of Police shall cause to be posted at each entrance to such building a warning placard, in accordance with Section 3-103, and it shall be unlawful for any

person to enter such building or structure except for the purpose of making the required repairs or of demolishing the same.

- C. **Temporary Safeguards.** When in the opinion of the Chief of Police there exist grossly unsanitary conditions or an immediate danger of collapse or failure of a building or structure or any part thereof which would endanger life, property or public safety, he/she shall cause the necessary work to be done to render such building or structure or part thereof temporarily safe, whether or not the notice and correction order and any other procedures set forth in this Article have been followed.
- D. **Closing Streets.** When necessary for the public safety, the Chief of Police may temporarily close sidewalks, streets, buildings and structures and places adjacent to such unsafe buildings, and prohibit the same from being used.
- E. **Emergency Repairs.** For the purpose of this section, the Chief of Police shall employ the necessary labor and materials to perform the required work as expeditiously as possible.
- F. **Costs of Emergency Repairs.** All costs incurred in the performance of emergency work shall be paid by the owner of the real property upon which the building stands or did stand. The Town shall send the owner a bill for the costs of such emergency repair, vacation, or demolition by certified mail, return receipt requested, and by regular mail to the owner's last-known address or by any other means reasonably calculated to bring the bill to the owner's attention. If the owner does not pay the bill within one (1) month after it is presented, the cost shall be a lien against the real property which may be collected and enforced in the same manner as are taxes, special assessments, and other liens on real property or collected as provided elsewhere in the Code.

Section 3-108. Right of Entry.

- A. The Chief of Police, Code Enforcement Officer, and police officer or their designated representatives, upon exhibiting the proper credentials or proof of identity on request, shall have the right to enter any building in the Town at any reasonable hour or at such other times as may be necessary in an emergency that immediately endangers life, property or public safety for the purpose of performing duties under this Article or enforcing the provisions thereof.
- B. Police, fire, health and other departments having authority in the Town shall render necessary assistance in the enforcement of this Article when requested to do so by the Chief of Police.
- C. **BOCA Property Maintenance Code** shall mean Building Officials and Code Administration International, Incorporated, Property Maintenance Code, as amended from time to time.
- D. **Town** shall mean the Mayor and Town Council of Colmar Manor.
- E. **Chief of Police** shall mean the Chief of Police of the Town or his or her designated representative.
- F. **Vacant** shall mean (1) empty or (2) not occupied on a regular and habitual basis by the owner, tenant, agent of the owner, or other person having permission of the owner to occupy the building or (3) not used by the owner, tenant, agent of the owner, or other person having permission of the owner on a regular and habitual basis for the usual and customary purposes for which a building is designed and lawfully permitted or (4) partially occupied as defined in Section 3-104.

Section 3-109. Service.

- A. Any notices or orders provided for in this Article shall be in writing and served upon the owner, occupant, and all other persons having an interest in the property as shown by the property tax records of the Town, as the case may require. Unless a different manner of service is specified in this Article, a notice or order is properly served if:
1. A copy is personally delivered which shall mean delivering a copy to the individual personally or leaving a copy at the individual's residence or usual place of abode with some individual of suitable age and discretion then residing therein or in the case of a corporation or a partnership or other unincorporated association, by delivering a copy to an officer, a managing or general partner or agent, or to any other agent authorized by appointment or by law to receive service; or
 2. A copy is sent by certified mail, return receipt requested, to the last known address of the owner, occupant or other persons having an interest in the property.
- B. If, after reasonable effort, service cannot be made on the owner, occupant or other persons having an interest in the property by personal delivery or certified mail, then service of the notice or order may be made by regular mail to the last known address of the owner, occupant or other persons having an interest in the property as shown by the property tax records of the Town, as the case may require, plus posting of the notice or order in a conspicuous place on or near the unsafe building to which it relates. Such mailing and posting shall be deemed adequate service.
1. In the case of personal delivery, "reasonable effort" means two good faith efforts on separate days to serve the notice or order; and

2. In the case of certified mail, “reasonable effort” means return by the United States Postal Service of the properly addressed and stamped envelope containing the notice or order which was mailed by certified mail, or the return receipt thereof, marked as unclaimed, refused, addressee unknown, or other indicators of non-delivery.
- C. The notice or order also may be posted in a conspicuous place on or near the building or property to which it relates.

Section 3-110. Violations and Penalties.

- A. **Failure To Comply With Notice or Order.** The failure of any owner of any unsafe building to comply with any notice or order issued under this Article shall be a municipal infraction as provided in Article 1 of the Code. Each 30- day period such failure to comply continues beyond the date fixed for compliance shall be deemed a separate offense. The penalties shall be \$100 for the first offense, \$250 for repeat offense in same one year period.
- B. **Failure To Comply With Placard or Notice To Vacate.** The failure of any occupant of any unsafe building to comply with any posted warning placard or notice to vacate shall be a misdemeanor offense as provided in this Code. The penalties shall be three hundred fifty dollars (\$350) for the first offense; six hundred dollars (\$600) for the second offense; eight hundred dollars (\$800) for the third offense; and one thousand dollars (\$1,000) for the fourth and subsequent offenses or imprisonment not to exceed three (3) months, or both.

C. **Defacing or Removing Placard or Failing to Keep Placard in Good Condition.**

The defacing or removal of any warning placard or notice which is posted on an unsafe building, or failing to keep the placard in good condition, shall be a municipal infraction as Town Code. The penalties shall be \$75.00 for the first offense and \$150.00 for repeat offense in same one-year period.

Section 3-111 Civil Enforcement.

In addition to the penalties for violations of this Article set forth in Section 3-110, the Town may:

- A. Enforce the provisions hereof through injunctive, mandamus, or any other appropriate proceedings, and a court of competent jurisdiction may issue a restraining order, interlocutory or final injunction, mandamus or other form of relief to restrain or correct violations of this Article;
- B. Bring suit to collect all costs, assessments or liens imposed or incurred by the Town in repairing or causing to be vacated, secured or demolished unsafe buildings; and
- C. Take such other legal action as is necessary to carry out the terms or provisions hereof.
- D. **Closing Streets.** When necessary for the public safety, the Clerk-Treasurer may temporarily close sidewalks, streets, buildings and structures and places adjacent to such unsafe buildings, and prohibit the same from being used.
- E. **Emergency Repairs.** For the purpose of this Section, the Clerk-Treasurer shall employ the necessary labor and materials to perform the required work as expeditious as possible.

Section 3-201. Purpose and Policy

The health, welfare and safety of the citizens of Colmar Manor, the Mayor and Town Council finds, needs to be protected from the ill effects of poor property maintenance and all ramifications arising therefrom. Further, the Mayor and Town Council find the value of all property within the corporate limits of the Town needs to be protected from the ill effects and ramifications of poor vacant building and lot maintenance.

Section 3-202. Definitions

As used herein, the definitions in The BOCA National Property Maintenance Code/1996 shall apply, with the following exceptions:

- A. **BOCA** shall mean Building Officials and Code Administration International, Incorporated.
- B. **BOCA Property Maintenance Code** shall mean Building Officials and Code Administration International, Incorporated, Property Maintenance Code, as amended from time to time.
- C. **Town** shall mean the Town of Colmar Manor, Maryland.
- D. **Clerk-Treasurer** shall mean the Clerk-Treasurer of the Town or his or her designated representative.
- E. **Vacant building** shall mean a building that is (1) empty or (2) not occupied on a regular and habitual basis by the owner, tenant, agent of the owner or other person having permission of the owner on a regular and habitual basis for the usual and customary purposes for which the building is designed and lawfully permitted or (3) partially occupied as defined in Section 3-203 below.

F. **Chief of Police** shall mean the Chief of Police of the Town or his or her designee.

G. **Code Enforcement Officer** shall mean the employee designated by the Chief of Police to perform code enforcement duties.

H. **Notice** shall mean the posting of an approved notice on a building, structure or lot by the Code Enforcement Officer or the mailing of a notice by first class mail to the last know owner or agent of the property.

Section 3-203 Vacant Buildings

A. Obligation to Register Vacant Buildings.

1. **Commercial and Industrial Buildings.** Except as provided in Subsection 2 below with respect to rental properties that are less than 25% occupied and Subsections 3 and 4 below with respect to single family dwellings, whenever any commercial or industrial building in the Town is vacant for more than sixty (60) days, or whenever any building in the Town is vacant and such building or premises thereof contains one or more of the public nuisances described in the BOCA Property Maintenance Code, as amended in the Town's Code of Ordinances, then the owner of such building shall, within ten (10) business days of notification by the Town, register such a building as a vacant building and submit a vacant building plan.

2. **Mixed Use Residential and Commercial Properties.** Whenever the commercial portion of any mixed use residential and commercial building in the Town is vacant for more than sixty (60) days, or whenever any such portion of such building in the Town is vacant and such portion of such building or the premises thereof contains one or more of the public nuisances described in the BOCA Property Maintenance Code, as amended in the Town's Code of Ordinances, then the owner of such building shall, within ten (10) business days of notification by the Town,

register such portion of such building as a vacant building and submit a vacant building plan.

Whenever the residential portion of any mixed use residential and commercial building in the Town is less than 25% occupied for more than sixty (60) days, or whenever any such portion of such building in the Town is less than 25% occupied and such portion of such building or the premises thereof contains one or more of the public nuisances described in the BOCA Property Maintenance Code, as amended in the Town's Code of Ordinances, then the owner of such portion of such building shall, within ten (10) business days of notification by the Town, register such portion of such building as a vacant building and submit a vacant building plan.

3. **Residential Rental Properties Less Than 25% Occupied.** Whenever any building designed as a residential rental property with four or more dwelling units is less than 25% occupied and such building or premises thereof contains one or more of the defects described in the BOCA Property Maintenance Code, as amended in the Town's Code of Ordinances, then the owner of such building shall, within ten (10) business days of notification by the Town, register such building as a vacant building and submit a vacant building plan.

4. **Single Family Dwellings, Previously Not Owner Occupied.** Whenever any building designed as a single-family dwelling is vacant and the immediately preceding occupant was not the owner and such building or premises thereof contains one or more of the defects described in the BOCA Property Maintenance Code, as amended in the Town's Code of Ordinances, then the owner of such building shall, within ten (10) business days of notification by the Town, register such building as a vacant building and submit a vacant building plan.

5. Single Family Dwellings, Previously Owner Occupied, New Owner Will Not Occupy.

Whenever any building designed as a single-family dwelling is vacant and the immediately preceding occupant was the owner and ownership has changed hands and the new owner will not occupy the premises and such building or premises thereof contains one or more of the defects described in the BOCA Property Maintenance Code, as amended in the Town's Code of Ordinances, then the owner of such building shall, within ten (10) business days of notification by the Town, register such building as a vacant building and submit a vacant building plan.

6. Single Family Dwellings, Previously Owner Occupied, New Owner Will Occupy.

Whenever any building designed as a single-family dwelling is vacant and the immediately preceding occupant was the owner and ownership has changed hands and the new owner will occupy the premises and such building or premises thereof contains one or more of the defects described in the BOCA Property Maintenance Code, as amended in the Town's Code of Ordinances, then the owner of such building shall, within ten (10) business days of notification by the Town, register such building as a vacant building and submit a vacant building plan.

7. The obligation to register a vacant building exists if the conditions in Subsections 1, 2, 3, 4, 5, or 6 above exist, without regard to whether the building is for sale.

B. Notice of registration requirement. Upon a determination by the Clerk-Treasurer that a building in the Town is required to be registered pursuant to Section 2-203.A above, the Clerk-Treasurer shall provide notice to the owner or agent of the requirement to register the building and submit a vacant building plan to the Chief of Police. In the event of the existence of any

public nuisance as defined in the BOCA Property Maintenance Code, as amended in the Town's Code of Ordinances, in connection with the building or premises thereto, then the Clerk-Treasurer shall specify in the notice the existence of such nuisance(s). The failure of the Clerk-Treasurer to provide this notice, or the failure of an owner to receive notice from the Clerk-Treasurer, shall not relieve the owner of the obligation to register such building as a vacant building and submit a vacant building plan.

C. Registration of Vacant Buildings, Filing Fee. The owner or agent registering a vacant building shall supply the following information:

1. Name, address, and telephone number of owner.
2. Name, address, and telephone number of any local agent or representative.
3. Name, address, and telephone number of all persons with any ownership interest in the building and premises.
4. Name address, and telephone number of any and all lien holders and mortgagees
5. Legal description and tax account number of the premises on which the building is situated.
6. The common street address of the building.
7. Date on which building became vacant.
8. Vacant building plan.

The vacant building registration shall be filed with the Chief of Police. If the registration is for a building designed as other than a single family dwelling and is required under Section 3-203.A.1 or Section 3-203.A.2 above, it shall be accompanied by a filing fee of Six Hundred and 00/00 dollars (\$600.00). If the registration is for a building designed as a single family dwelling and is required under Section 3-303.A.3 or Section 3-203.A.4 or Section 2-203.A.5 above, it

shall be accompanied by a filing fee of Three Hundred and 00/00 dollars (\$300.00). Registration of a vacant building shall be valid for a period of six (6) months. If the building is still vacant at the expiration of any six-month registration period and the requirements of the vacant building plan are not completed, then the owner shall re-register such building and pay another filing fee.

If the building is still vacant at the expiration of any six-month registration period but the requirements of the vacant building plan are completed, the owner shall re-register such building, without the requirement of a new vacant building plan but with a payment of twenty-five percent (25%) of the usual filing fee if the building was required to be registered under Section 3-203.A.1, 2, 3, 4, or 5 above.

No fee is required if the building was required to be registered under Section 3-203.A.6 above, except that if the building remains vacant for one-year after the initial registration, the building will be treated according to Section 3-203.A.5 and a fee will be required accordingly.

D. **Other Enforcement.** The registration of a vacant building shall not preclude action by the Town to force repair of the building or to initiate condemnation and demolition of the building pursuant to other provisions of this code or other law.

E. **Vacant Building Plan.** When a building is registered as required herein, the owner or agent of the owner shall submit a vacant building plan. The plan shall contain the following:

1. A plan of access to the interior by the Code Enforcement Officer of sufficient frequency to determine that, from evidence on the interior, the exterior structure is in good repair, structurally sound and sanitary, and weatherproof.

2. A plan of action to repair any doors, windows, or other openings which are boarded up or otherwise secured by any means other than conventional methods used in the design of the

building or permitted for new construction of similar type. The proposed repair shall result in openings secured by conventional methods used in the design of the building or by methods permitted for new construction of similar type.

3. For buildings and property which are identified as being or containing defects which constitute public nuisances, then the vacant building plan shall contain a plan of action to remedy such public nuisance(s).

4. For each required plan, a time schedule shall be submitted identifying a date of commencement of repair and date of completion of repair for each improperly secured opening and identified defect.

5. Whenever the owner proposes to demolish the vacant building, then the owner shall submit a plan and time schedule for such demolition and obtain the necessary permit(s) as required pursuant to other provisions of this code or other law.

6. A plan of action to maintain the building and premises in conformance with the BOCA Property Maintenance Code, as amended.

F. **Placarding.** The owner or agent of the registered building shall place a Town provided identification placard on the building's exterior as directed by the Chief of Police so as to be clearly visible from the nearest public right-of-way. Such identification placard shall be kept in readable condition by the owner or agent, and shall provide the following information: owner's name, address, phone number, expiration date of registration. The Chief of Police may require removal of all other signage and graffiti at the owner's expense.

G. **Approval of Plan.** If the proposed vacant building plan complies with the standards herein and in regulations to be promulgated by the Clerk Treasurer, the Code Enforcement

Officer shall approve it. If the Code Enforcement Officer approves the plan, notice shall be sent to the owner or agent of the vacant building.

H. **Authority to Modify and Appeal Right.** The Chief of Police shall, upon notice to the vacant building owner or agent, have the right to modify the vacant building plan by altering the dates of performance or the proposed methods of action. If the owner or agent of the vacant building objects to the modifications made by the Chief of Police, such owner or agent shall have the right of appeal to the Clerk-Treasurer for final determination. Such appeal shall be in writing and personally delivered or sent by certified mail, return receipt requested, to the Code Enforcement Officer within fifteen (15) calendar days of the date of the Code Enforcement Officer's notice of modification. If no appeal is filed, then the plan as modified by the Code Enforcement Officer shall constitute the approved vacant building plan.

I. **Clerk Treasurer's Review on Appeal.**

1. The Clerk-Treasurer shall specify a time and place for an appeal conference on a vacant building plan; shall advise the owner, in writing, of the time and place of the appeal conference. At the appeal conference the owner shall be permitted to present reasons to support the appeal and relevant evidence why the Chief of Police modifications of the vacant building plan should be rejected.

2. In considering the appropriateness of a vacant building plan on appeal, the Clerk-Treasurer shall consider the following:

i. The public interest in minimizing the period of time a building is vacant, boarded up, and/or has any defects which constitute public nuisances.

- ii. The effect of the proposed plan on adjoining property and/or the neighborhood in which the building is located.
- iii. Whether there is practical difficulty or unnecessary hardship (financial or otherwise) to the owner connected with the performance on any act required by the plan.
- iv. The length of time the building has been vacant.
- v. The presence of any public nuisance on the property.

3. After the appeal conference, the Clerk-Treasurer shall render his/her decision on the owner's or agent's appeal of the Chief of Police modifications to the proposed vacant building plan. The Clerk-Treasurer shall have the right to fashion his/her own vacant building plan or to approve or modify the plan submitted by the owner or agent or to approve or further modify the plan as modified by the Chief of Police. The decision of the Clerk-Treasurer shall be final and constitute the approved vacant building plan.

J. Failure to Submit or to Comply With Plan.

1. If an owner of a vacant building fails to submit a vacant building plan, the Chief of Police shall develop a plan and give notice of the plan to the vacant building owner or agent. If the owner or agent objects to the plan made by the Chief of Police, such owner or agent shall have the right of appeal to the Clerk-Treasurer for final determination. Such appeal shall be in writing and personally delivered or sent by certified mail, return receipt requested, to the Clerk-Treasurer within fifteen (15) calendar days of the date of the Chief of Police notice of modification. If no appeal is filed, then the plan as modified by the Chief of Police shall constitute the approved vacant building plan.

2. Failure to comply with an approved vacant building plan shall constitute violation of this Section and subject the owner or agent of the building to penalties upon conviction as provided in this Chapter.

K. Change of Ownership. The vacant building plan shall remain in effect even if ownership changes. Within 30 calendar days of the date of any change of ownership, the new owner or agent

shall file a new vacant building registration with the Town, and supply the name, address, and telephone number of the new owner(s). The new registration shall be in the same form as the original registration; the new registration shall be accompanied by twenty-five percent (25%) the usual filing fee.

L. **Maintenance Standards.** The owner of a vacant building shall comply with the provisions of Town Code regarding the maintenance of their premises.

Section 2-304. Vacant Lot Registration.

A. Definitions

1. *Lot* means an area of land designated as a separate parcel or unit of land on a legally recorded subdivision plat or deed filed among the land records of Prince George's County and assigned a property tax account identification number.
2. *Owner* means the record property owner of the vacant lot, but does not include a governmental entity or an instrumentality or unit of a governmental entity.
3. *Vacant lot* means a lot without a building or other improvement which has an assessed value as determined by the State of Maryland, Department of Assessments and Taxation.

B. Registration Required.

1. Owner to register annually. By July 1 of each year, beginning July 1, 2009, each owner of a vacant lot shall file a vacant lot registration statement with the Town on a form provided by the Clerk-Treasurer or his/her designee.

2. Registration fee. The annual registration fee is \$75.00 for each vacant lot, payable at the time of registration.
3. Purchaser required to register upon acquisition. A new owner of a vacant lot must file a registration statement within 30 days of the acquisition and pay the annual registration fee, unless that fee was already paid by the prior owner.

C. Information Required With Registration. The registration statement shall contain the following information:

1. A description of the vacant lot by street address, property tax account identification number, and any other information required in order to accurately identify the vacant lot.
2. The name, address, and telephone number of the property owner of record, and in addition, if the owner is a corporation, limited liability company, limited liability partnership, or limited partnership, the name, address, and telephone number of the resident agent and, if the owner is a partnership or other entity not having a resident agent, the name, address, and telephone number of all partners, owners or officers of the partnership.

Section 3-205. Penalty.

Violation of Section 3-201 – 3-204 of this Article is declared to be a municipal infraction. The penalty for violation shall be a fine of Five-Hundred dollars and 00/00 (\$500.00) for each offense.

ARTICLE 4

Fire Prevention

Section 4-101. Prince George's County Fire Code Adopted

The Prince George's County Fire Code now in force and effect, as amended from time to time, in Prince George's County, Maryland, is the general fire prevention ordinance of the Town of Colmar Manor.

Section 4-102: Specific Additional Provisions for the Town of Colmar Manor

Where not inconsistent with the Prince George's County Fire Code, the following sections shall govern fire prevention in the Town of Colmar Manor.

Section 4-103. Outdoor Burning on Public Property

No person shall burn, or cause to be burned, any combustible material on any improved street or alley within the limits of The Town.

Section 4-104. Burning of Smoldering, Sooty and Odorous Materials

No person shall burn, or cause to be burned, any wet leaves, wire, rope, or other combustible material which will smolder, or create unreasonable soot or odor.

Section 4-105. Burning Banned at Certain Hours with Permits, Controlled Burning Required

No person shall burn, or cause to be burned, any materials or articles except between the hours of 4:00 P.M. and 9:00 P.M., except by permit by the Mayor and the Town Council. All burning should be controlled burning.

Section 4-106. Penalty

Violation of this Article is declared to be a municipal infraction. The penalty for violation shall be one-hundred dollars (\$100.00) for each initial offense, and two-hundred fifty dollars (\$250.00) for each repeat offense.

ARTICLE 5

Health

Section 5-101. Collection of Waste, Permit Required

It shall be unlawful for any person, firm, or corporation to collect, purchase, or accept, or to offer to collect, purchase, or accept, within the corporate limits of the Town of Colmar Manor, any garbage, waste, scrap, or trash of any kind or description, except where a permit from the Mayor and Town Council has first been had and obtained, authorizing such collection, purchase, or acceptance.

Section 5-102. Parking or Standing of Waste Collection Vehicles

It shall be unlawful for any vehicle, loaded with garbage, or any obnoxious material, to park or stand in the streets of Colmar Manor.

Section 5-103. Anti-litter and Weed Control Ordinance

Subsection 1. Definitions.

- (A) **Person.** The word "person" shall mean any person, corporation, association, partnership, firm, syndicate, joint venture, or organization of any kind holding title to any land or lot within the corporate limits of the Town;

lessees, tenants and principal occupants of any land or lot having care, custody, control, or management of the land or lot; and fiduciaries holding title to or having the care, custody, control or management of land or lots within the corporate limits of the Town for others.

(B) **Weeds.** The word "weeds" shall mean grass, weeds, brush, and any noxious growth excluding trees, ornamental shrubbery, plants, flowers, garden vegetables properly tended, cultivated crops, or undisturbed woodland, not otherwise in violation.

(C) **Litter.** The word "litter" shall mean garbage, rubbish and refuse as defined herein and all other waste material which (i) creates or tends to create a danger to the public health, safety, welfare or property, to the extent and in the manner that a lot, tract or parcel of land is, or may reasonably become infested or inhabited by rodents, vermin or wild animals; or (ii) may reasonably cause disease; or (iii) adversely affects and impairs the economic welfare or status of adjacent property or the neighborhood; or (iv) may reasonably constitute a present or potential fire hazard; or (v) where the accumulation thereof is in violation of any of the provisions of Subtitle 21 entitled "REFUSE" of the Prince George's County Code.

(D) **Garbage.** The word "garbage" shall mean any animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

- (E) **Rubbish and Refuse.** The words “rubbish and “refuse” shall mean all solid waste consisting of both combustible waste (including, but not limited to paper, cardboard, wood, cloth, bedding material, yard and lawn clippings not located in an established compost pile, and dead trees and limbs, the term also includes any cloth or clothing placed on, or attached to, a fence or any kind or other similar structure) and noncombustible waste (including, but not limited to metals, glass, crockery, tin cans, junked household appliances, abandoned or wrecked motor vehicles and any building and construction wastes).
- (F) **Improved Property.** The words "improved property" shall mean real property on which has been erected dwellings, building or other structures whether inhabited or vacant, and all grounds appurtenant thereto.
- (G) **Subdivision.** The term "subdivision" means a lot, tract, or parcel of land which has been subdivided into one or more lots, plots, sites, tracts, parcels or other divisions for the purpose, whether immediate or future, of rental, sale, or building development, and shall include resubdivision, but shall not include a bonafide division or partition of exclusively agricultural land not for development purposes, except as herein provided. For the purposes of this ordinance a subdivided lot shall be a plot, site, tract or parcel containing an area of no more than one (1) acre or less, then, and in such event, the

provisions hereof shall apply for a distance of fifty (50) feet equidistant from the common boundary line. Provided however, that when a parcel of land, whether subdivided or not, is contiguous to a developed lot, site, tract or parcel, of one (1) acre or less, then, and in such event, the provisions hereof shall apply for a distance of fifty feet equidistant from the common boundary line.

(H) **Unimproved Property.** The term "unimproved property" shall mean real property which is not presently improved although it may have been improved at one time.

(I) **Director.** The term "Director" shall mean the Director of the Prince George's County Department of Environmental Resources, or his authorized designee.

Subsection 2. Applicability of ordinance.

Except as hereinafter specified, the provisions herein shall apply to any unimproved real property and to any improved real property within the corporate limits of the Town. The Mayor and Town Council are hereby empowered and authorized to enter in such contractual and other arrangements with Prince George's County, Maryland, including the appropriation of Town funds and their payment to Prince George's County, Maryland for unrealized costs and expenses incurred, as to the Mayor and Town Council seem advantageous to the Town in order to effect the purposes for which this ordinance was enacted.

Subsection 3. Weed Height.

It shall be the duty of every person as owner, occupant, lessee or agent in charge of land lying in the Town to keep all weeds, as defined, cut to a height of not over twelve (12) inches on lots of one (1) acre or less; provided, however, that when a parcel of land, whether subdivided or not, is contiguous to a developed lot, plot site, or tract of one acre or less then, and in such event, the provisions hereof shall apply for a distance of fifty (50) feet equidistant from the common boundary line.

Subsection 4. Accumulation of deposit of litter prohibited.

It shall be the duty of every person as owner, occupant, lessee or agent in charge of land lying in the Town to prevent litter from accumulating either temporarily or permanently, on such land. This section shall not apply to those activities otherwise allowed under Subsection 21 of the Prince George's County Code, and shall not apply to those persons who store in private receptacles for collection by the Town or under controlled conditions for industrial processing, such as recycling.

Subsection 5. Notice to Remove.

The Clerk-Treasurer, his designee, or upon agreement with Prince George's County, Maryland, the Director, or his designee, wherever he finds that the requirements set forth in subsections 4 and 5 above or both have been violated, shall notify in writing, the owner or person responsible for the maintenance of the property to remove or properly dispose of the litter, or weeds, or both, from the subject property. Such notice shall be by United States Postal Service

certified mail and addressed to said owner or other responsible person at the last known address or at the address shown on the real property tax records in the Treasury Division of the Prince George's County's Office of Finance, or the tax records of the Town as maintained by the Clerk-Treasurer. Such notice, when so addressed and deposited with the postal service with proper postage prepaid, shall be deemed complete and sufficient. In the event that such notice is returned by the postal authorities, the person responsible for sending the notice shall cause a copy of the notice to be personally served by an authorized representative upon the owners or occupants of the property or upon any agent of the owner thereof. In the event that personal service cannot be accomplished, as aforesaid, after reasonable efforts, then, notice shall be accomplished by physical posting on said property.

Subsection 6. Action Upon Noncompliance.

It shall be the responsibility of any owner or responsible person duly notified to properly dispose of litter or weeds, or both, with ten (10) calendar days after certified mailing of written notice provided for in subsection 5 above, or within ten (10) calendar days after receipt of written notice when personal service is effected, or with ten (10) calendar days after physical posting of the property and so notify the person responsible for making the notice. If the violation is not corrected within such time period, then person responsible for sending the notice is hereby authorized and empowered to defray the costs of disposing of such litter or weeds, or both, by contract or to order disposal by public employees. The property owner shall be notified of the charges in the manner prescribed in subsection 5, and shall have thirty (30) days to pay.

Subsection 7. Charges Included in Tax Bill.

When the Town or the County at the Town's behest, has effected the removal of such litter or weeds, or both, or has paid for its removal, the actual cost thereof, if not paid by the owner within thirty (30) days shall be charged to the owner of such property by a supplemental tax bill issued upon recordation of a statement require by subsection 9 below.

Subsection 8. Recorded Statement Constitutes Lien.

Where the full amount due the public authority is not paid by such Towner with thirty (30) days after notice of the charges for the disposal of such litter or weeds, or both, the person responsible shall cause to be recorded with the Clerk-Treasurer or the Director of Finance for Prince George's County a sworn statement showing the cost and expenses incurred for the work, the date the work was done and the location of the property on which said work was done. Recordation of such statement shall constitute a lien on such property and shall be collected in the same manner as other real estate taxes.

Subsection 9. Appeals.

Within ten (10) calendar days from the certified mailing the notice or within ten (10) calendar days after personal service of the notice, or with ten (10) calendar days of the posting of the property, whichever is applicable, the property owner or any responsible person may file an appeal with the Mayor and Town Council, if the notice is mailed, served or posted by the Clerk-Treasurer or his designee, or with the Prince George's County Board of Appeals if the notice was mailed, served or posted by the Director, or his designee, if the notice was sent by the Director or

his designee, stating in detail the reasons to why the action proposed should not be taken. Upon receipt of such appeal, the Mayor and Town Council or the Board of Appeals shall put the cause on its agenda at their earliest convenience, notify the appellant thereof, hear and decide the merits of the appeal.

Section 5-104. Trash Receptacles

Each private residence, apartment house, commercial establishment, and other place of business or residence, shall maintain a suitable container, or containers, constructed of durable, fire resistant materials, with handles suitable for lifting, not to exceed 40 gallon capacity, and having a lid, for the storage of trash and/or garbage. The above mentioned containers shall, on collection days, be placed within, two feet of the curb line. No such receptacle shall be permitted on any street except after days prior to regular collection. The receptacles must be removed by 9:00 A.M. on the day following the collection.

Section 5-105. Privies, Etc.

It shall be unlawful for any person to construct or use, any privy, vault, cesspool, outside toilet or private septic system, or to occupy any private property wherein exists any privy, vault, cesspool toilet or private septic system within the corporate limits of the Town of Colmar Manor.

Section 5-106. Keeping of Junk Yards, Permit Required

It shall be unlawful for any person to keep, maintain, or establish any junk yard or any yard for the display, sale, or storage, of vehicles within the corporate limits of the Town of Colmar Manor, without obtaining a license form the Mayor and Town Council.

Section 5-107. Use and Occupancy of Trailers. License Required

It shall be unlawful for any person to occupy or use, any trailer the Town of Colmar Manor for a period greater than seventy-two (72) hours, without first obtaining a license from the Mayor and Town Council.

Section 5-108. Rental Housing. Compliance, Licenses, Inspections, Standards, Rental Housing Disclosure List, Violations and Penalties

a. Every owner of property which is rented in whole or in part shall comply with all applicable provisions of any Federal, State or County statute, code, regulation or ordinance governing the maintenance, construction, use or appearance of a rental dwelling unit and the property of which it is a part and shall also be subject to the provisions of this section.

b. Licenses

1. No person, partnership, non-profit association, group or corporation or other entity, shall rent all or portions of a single family residential dwelling in the Town of Colmar Manor without securing a rental license from the Town.

2. The rental license shall be granted for a period of two (2) years.

3. The rental license fee shall be established by resolution of the Town Council.

4. The owner of rental property shall make written application to the Town for a rental license. Each application shall include a non-refundable rental license fee.

5. The rental license issued by the Town is non-transferable and will be issued or denied after inspection of the premises, building, and dwelling units if the property is determined by the Town to comply with Section 5-112.a. of this section.

6. After a rental license is approved, the owner shall post the rental dwelling unit with a Rental Housing Disclosure List.

c. Inspections

1. The Mayor shall designate a Code Enforcement Officer to inspect the dwelling units, building and premises of an applicant requesting a rental license or renewal rental license to determine if the dwelling units are in compliance with all applicable provisions of any Federal, State, County or Town statute, code, regulation or ordinance.

2. Failure to allow entry on the premises or building for such inspections shall constitute sufficient reason for denial or revocation of the rental license.

d. Standards

No person as owner, occupant, lessor, lessee or agent in charge or control or any rental private property shall allow litter, rubbish, waste material, refuse, garbage, trash, debris or other discarded materials to be deposited or accumulate or collect on the property without being stored in appropriate receptacles.

2. Every owner, occupant, lessee or agent in charge or control of any rental property within the Town shall keep the rental dwelling or dwelling unit in a clean and sanitary condition,

depositing all garbage and any organic waste in a clean and sanitary manner in a garbage-disposal or appropriate receptacle.

3. No person shall occupy or let to another for occupancy any rental dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

- A: clean, safe and sanitary conditions;
- B: heat, water and hot water available to the occupant;
- C. every dwelling unit or two (2) or more rooms, rooms occupied for sleeping, shall have such room arrangements that permit individual access to a bathroom without going through another sleeping room;
- D. toilets, bathing and washing facilities shall be available to occupants, and shall not be less than one (1) facility to each five (5) residents of a rental dwelling or rental dwelling unit.

4. No rental dwelling or dwelling unit shall be licensed unless it meets the health and fire standards of Prince George's County.

e. Rental Housing Disclosure List

1. Each owner, agent or lessor of a rental dwelling or dwelling unit shall post inside each dwelling unit a Rental Housing Disclosure List.

2. The Rental Housing disclosure List shall include the requirements that any tenant, occupant, visitor or guest:

- A. maintain clean, sanitary and safe living conditions

- B. dispose of all litter, trash, garbage in appropriate receptacles
 - C. recognize the owner's duty to provide and make available heat, water and hot water to the occupants and to maintain the premises in a habitable condition
 - D. recognize the tenants, occupants, visitors and guests responsibility to maintain clean grounds and premises.
- f. Violations and Penalties
1. Violations noted by inspection shall be corrected by the licensee or legal owner or record prior to reinspection. If the violation has not been corrected at the time of reinspection there shall be imposed an additional fifty and 00/00 dollars (\$50.00) fine for each succeeding reinspection until the correction has been made.
 2. A license may be revoked or denied by the Town if the violations are not corrected by the licensee. A written notice of violation shall be issued by the Town. The notice shall set forth the ground for the revocation or denial. The notice shall provide for a ten (10) day period of time to correct the violation. Revocation or denial of a license shall be in addition to, and not in substitution for, such other penalties as may be provided for.
 3. Penalty for violation of the rental housing provisions shall be deemed a municipal infraction and shall be punishable by a fine of fifty and 00/00 dollars (\$50.00) for the first offense and one hundred and 00/00 for every subsequent offense. Each day any violation of any provision of this Article shall continue after citation for said offense by the Town's Code Enforcement Officer authorized by the Town to enforce this code shall constitute a separate offense.

Section 5-109. **Penalty**

Any violation of this Article, except for violations of Section 5.8 hereof, is declared to be a municipal infraction. The penalty for each initial infraction shall be fifty dollars (\$50.00) and for each repeat, or continuing infraction shall be one-hundred dollars (\$100.00).

ARTICLE 6

Licenses

Section 6-101. **Definitions of Terms Used in this Article**

- a. **"Person"** or **"Owner"** shall mean and include an individual, firm, corporation, company, partnership, association, and incorporated association, and any person acting in a fiduciary capacity.
- b. **"Business"** shall mean and include all kinds of vocations, occupations, professions, enterprises, establishments, and all other kinds of activities and matters, together with all devices, machines, vehicles, and appurtenances used therein, any of which are conducted for private profit, or benefit, either directly, on any premises of the Town of Colmar Manor or anywhere else within this jurisdiction.

Section 6-102. **Licenses Required, Payment**

Except persons holding an unexpired license or permit issued for the same purpose under a previous ordinance, no person shall engage in or carry on, any business or trade in the Town of Colmar Manor, for which a license fee is imposed by the terms of this ordinance, without having first obtained a license from the Town of Colmar Manor. Payments for all licenses shall be made

to the Clerk-Treasurer, and no license shall be granted until payment of all outstanding taxes, fees and penalties shall have been made in full. Every license shall specify by name, the person, firm, or corporation to which it shall be granted, and the location at which such business, trade, or calling is to be carried on.

Section 6-103. Schedule of Specific License Fees

| | |
|--|---|
| After hour clubs | \$2,500.00 |
| Alcoholic beverage sales | 20% of the fee and authorization in Article 2B businesses selling alcoholic beverages on or off the premises in addition to other license fees |
| New and Used Car Sales | \$300.00 |
| Used Car Sales only | \$150.00 |
| Parts and Distributors | \$250.00 |
| Banks, trust companies and building associations, mortgage companies and small loan companies | \$200.00 |
| Barbers | \$100.00 |
| Beauty parlors | \$100.00 |
| Billiard or pool parlors | \$300.00 |
| Bowling alleys | \$300.00 |
| Cigarette machines | \$20.00 |
| Cleaning, pressing, tailoring | \$100.00 |
| Cobblers & shoe repair shops | \$100.00 |

| | |
|---|------------------|
| Coin operated pool tables | |
| coin operated amusement machines (fee per machine) | \$50.00 |
| Drug stores | \$250.00 |
| Garage and automobile repair shop | \$200.00 |
| Gasoline stations | \$300.00 |
| Hackers and peddlers | \$50.00 |
| Home occupations (as defined and permitted by the Zoning Ordinance of Prince George's County) | \$50.00 |
| Job printing and publishing | \$200.00 |
| Junkyard | \$1,000.00 |
| Industrial laundries | \$250.00 |
| Liquor stores | \$200.00 |
| Magazines, book salesmen and solicitors | \$50.00 |
| Motion pictures | to be determined |
| Non-Resident Merchants, including bakeries, dairies, coal & ice dealers, fruit & vegetable dealers & soft drink merchants | \$50.00 |
| Parking lots for occupancy of trailers, trucks or buses | \$750.00 |
| Fortune tellers, clairvoyants & phrenologists | \$500.00 |
| Real estate and insurance sales and service | \$200.00 |
| Restaurant & eating places | \$250.00 |

| | |
|---|-----------|
| Retail shoe stores | \$250.00 |
| Rug cleaners | \$150.00 |
| Upholsterers | \$150.00 |
| Trades or businesses for which annual fees are not set forth in the above schedule shall pay annual business license fee in the amount of | \$200.00. |

The Clerk Treasurer is authorized, after October 31 in any year to accept the payment of one-half the annual business license fee for any new business and to issue a business license to that new business until the next April 30.

Section 6-104. Permit Required for Street Dances, Carnivals

It shall be unlawful for any person to hold or operate, or cause to be held and operated, any street dances, carnivals, side shows or other gatherings where the public is invited, without first obtaining a permit from the Mayor and Town Council, making application for a license, and paying the necessary fees impose by the Mayor and Town Council.

Section 6-105. Revocation of Business License

All business licenses issued by the authority of the Mayor and Town Council shall be subject to revocation by said body, after a public hearing, if it be shown that the representation or concealment of material facts, or that the business or the manner in which such business is conducted, is obnoxious to the public constitutes a nuisance, or if such business is being conducted in violation of any law; provided that before said public hearing, notice shall be served

on the business licensee, informing him to appear before the Mayor and Town Council at a time to be stated therein, and show cause why such license should not be revoked.

Section 6-106. Penalty

Violation of this Article is declared to be a municipal infraction. The penalty for each initial infraction shall be one-hundred dollars (\$100.00), and for each additional or continuing infraction, the penalty shall be two-hundred and fifty dollars (\$250.00).

ARTICLE 7

Peace and Order

Section 7-101. Definition of Terms Used in this Article

a. "Person" shall mean and include any individual, firm, partnership, association or corporation.

Section 7-102. Damage to Town Property

It shall be unlawful for any person without lawful authority to destroy, injure, mutilate, deface, remove, or otherwise interfere with any property of the Town of Colmar Manor.

Section 7-103. Throwing of Stones, Etc.

It shall be unlawful for any person to throw any stone, or other missile of any kind in the Town of Colmar Manor, in any way that is likely to do harm or injury to any person or property, or in a manner as to cause reasonable apprehension of such harm or injury.

Section 7-104. Disturbing the Peace

It shall be unlawful for any person or persons to congregate or assemble with other persons on the public streets or upon public property in such manner as to disturb the peace and order of Town of Colmar Manor, after being notified by a public official to disassemble.

Section 7-105. Impeding the Flow of Traffic

It shall be unlawful for any person to impede the orderly flow traffic, or to interfere with the travel of any person upon the streets and sidewalks of the Town of Colmar Manor.

Section 7-106. Keeping a Disorderly House

It shall be unlawful for any person or group of persons to keep or maintain a disorderly house in the Town of Colmar Manor. A disorderly house within the meaning of the Article, is hereby defined to be any building in which any immoral or illegal conduct is carried on, with the knowledge of the owner, tenant or occupant of said building.

Section 7-107. Penalty

Violation of this Article is declared to be a municipal infraction. The penalty shall be one hundred dollars (\$100.00) for each initial offense, and two-hundred and fifty dollars (\$250.00) for each repeat or reoccurring offense.

ARTICLE 8

Loitering

Section 8-101. Purpose

The purpose of this article is to prohibit any person from loitering in any public place or place open to the public, in such a manner as shall interfere with pedestrian or vehicular traffic

interfere with or obstruct other members of the public, or cause a breach of the peace; to further prohibit any person found loitering as defined from refusing a police officer's reasonable order to move on; to require identification under certain circumstances; to define the terms "loiter".

"Public Place", and Place Open to the public"; providing a Municipal Infraction for any violation of said Article; providing that a police officer may issue a "Notice of violation" in lieu of arresting a violator in order to enforce said Article; and providing a maximum penalty for conviction of any violation.

Section 8-102. Definitions

a. "**Loiter**" means to stand around or to remain parked in a motor vehicle at a public place or place open to the public, and to engage in any conduct prohibited under this law. Loiter, also means to collect, gather, congregate, or be a member of a group or a crowd of people, where gathered together in any public place or place open to the public, and to engage in any conduct prohibited under this law

b. "**Public Place**" means any public street, road or highway, alley, lane, sidewalk, crosswalk, or other public way or any public resort, place of amusement, park, playground, public building or grounds appurtenant thereto, school building or school grounds, public parking lot, or any vacant lot.

c. "**Place Open to the Public**" means, any place open to the public, or any place which the public is invited, and in, on, or around any privately owned, place of business, private parking lot, or amusement and entertainment, whether or not a charge of admission or entry thereto is made

includes the elevator, lobby, halls, corridors, and areas open to the public of any store, office, or apartment building.

Section 8-103. Prohibited Conduct.

a. It shall be unlawful for any person to loiter at, or on a public place or place open to the public in such a manner:

- (1) to interfere, impede or hinder the free passage of pedestrian or vehicular traffic, or
- (2) to interfere with, obstruct, harass, curse, or threaten to do physical harm to another person, member, or members of the public, or
- (3) that by words, acts or other conduct it is clear that there is a reasonable likelihood to result in a breach of the peace, or disorderly conduct.

b. It shall be unlawful for any person to loiter as defined Section 2 of this Article, at a public place, or place open to the public, and to fail to obey the direction of a uniformed officer, or the direction of a properly identified police officer not uniformed, to move on, when not to obey such direction, shall endanger the public peace.

c. It shall be unlawful for any person or persons to loiter in any public park maintained by the Town of Colmar Manor, between the hours of 10:00 P.M. and 8:00 A.M. Such loitering shall be considered trespassing. Each park shall display a sign spelling out this section.

Section 8-104 Identification

It shall be unlawful for any person at a public place, or place open to the public, to refuse to identify himself by name and address, at the request of a uniformed officer, or of a properly

identified police officer not in uniform, if the surrounding circumstances are such as to indicate to a reasonable, that the public safety requires such identification.

Section 8-105. Lawful Assembly

Nothing herein shall be construed as prohibiting orderly picketing, or other lawful assembly.

Section 8-106. Penalty

Violation of this Article shall be declared a municipal infraction. The penalty for violation shall be one-hundred dollars (\$100.00) for each initial offense and two hundred fifty dollars (\$250.00) for each repeat offense.

b. Any police officer witnessing a violation of this ordinance may, as an alternative to making an arrest, after necessary identification has been made, issue to said violator, a "Notice of Violation", which notice shall specify the violation with which said violator is charged, and shall set forth the hour, date, and location, that said violator is summoned to appear before the District Court for Prince George's County, Maryland to answer said charge.

c. No person shall be charged with a violation of this Ordinance unless and until the arresting officer has first warned the person of the violation and such person has failed, or refused to stop such violation.

Section 8-107. Savings Clause

Should any section, subsection, sentence, clause or phrase of this Article, be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the

Article in entirety or of any part thereof other than so declared to be invalid. The Mayor and Town Council of Colmar Manor, Maryland, hereby declare that it would have adopted this Article and each section, subsection, sentence, clause, and phrase thereof, irrespective, of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid

ARTICLE 8A

Acquisition of Real Property

Section 8A-101. Power of Mayor and Town Council to Acquire

The Mayor and Town Council of Colmar Manor may acquire by conveyance, purchase or condemnation real or leasehold property needed for any public purpose; to erect buildings thereon for the benefit of the municipality; and to sell at public or private sale after twenty days' reasonable notice to the purchaser or purchasers thereof any real or leasehold property belonging to the municipality when it determines that the same is no longer needed for public use.

Section 8A-102. Manner to Effectuate Sale

The Mayor and Town Council hereby authorize the Mayor and/or the Clerk-Treasurer for the Town of Colmar Manor to act on behalf of the Town of Colmar Manor to execute and deliver a contract of sale, deed and all necessary documents and rights set forth in Section 1 of this Article 8A.

ARTICLE 9

Streets and Sidewalks

Section 9-101. Definition of Terms as Used in this Article

a. **"Refuse"** shall mean any combustible or non-combustible waste and other similar materials.

Section 9-102. Improper Disposal Prohibited

It shall be unlawful for any person to throw or deposit on any street, or sidewalk within the corporate limits of the Town of Colmar Manor, any refuse, glass, bottles, nails, tacks and or any other substance likely to injure any other person, animal or vehicle upon such street, Any person who drops, or permits to be dropped, or thrown upon any street or sidewalk within the corporate limits of the Town of Colmar Manor, any destructive, hazardous, or injures material, shall immediately remove the same, or cause it to be removed.

Section 9-103. Access to Streets and Alleys, Permit Required

It shall be unlawful, within the corporate limits of the Town of Colmar Manor, for any person or corporation to construct any driveway to or from a public street or alley to the property of such person or corporation, whether or not the driveway crosses over any sidewalk of the Town of Colmar Manor, except upon plans submitted to, and by approved the Mayor and Town Council. The Mayor and Town Council may issue their approval by an agent or officer of the Town duly appointed by the Mayor and Town Council.

Section 9-104. Limitations on Signs and Banners

It shall be unlawful for any sign or board to project over the sidewalk, nor shall any flag, banner, sign, notice, poster or any other manner of display be attached to any public building or public property or stretched across any streets, or sidewalks of the Town of Colmar Manor

without first obtaining permission of the Mayor and Town Council.

Section 9-105. Accumulations of Ice and Snow

It shall be unlawful for any person to permit any ice or snow to remain on any public sidewalk abutting or constructed on his property for more than 12 hours after the cessation of any snow or sleet storm.

Section 9-106. Construction Standards

- a. **Applicability.** The provisions of this ordinance shall apply to any construction activity, public or private and including work performed by the Town of Colmar Manor, which involves the clearing grading, or movement of earth within any dedicated public street, right-of-way, in the Town of Colmar Manor. The provisions of this ordinance shall not apply to normal street repairs or small construction projects in which the amount of disturbed area lying within a public street right-of-way, is less than five thousand (5,000) square feet, and/or one hundred cubic yards.
- b. **Standards.** For the purpose of this ordinance, the soil conservation standards currently in effect in Prince George's County, regulating similar clearing grading, and construction operation within the County generally, are hereby made effective within the Town of Colmar Manor to regulate construction within any public street right-of way.
- c. **Erosion and Sediment Control Plans.** Any person, partnership, firm, or corporation, to whom a Town Permit may be issued for construction with a public street right-of way, shall submit as a part of their application, two copies of an erosion and sediment control plan which has been approved by the Prince George's Soil Conservation District. The permit issued for said

construction, shall specify that the work will conform in all respects to the approved erosion and sediment control plan. In the case of construction projects undertaken by the Town, no work shall commence until an erosion and sediment control plan has been approved by the Prince George's Soil Conservation District, and the work shall conform to that plan.

d. **Inspection.** All construction projects for which an erosion and sediment control plan is required shall be inspected periodically by the Code Enforcement Officer to determine compliance with the plan. The Code Enforcement Officer shall immediately notify the permittee in writing of any exceptions to the approved plan, noted in his inspection, and all specify a reasonable number of days in which the work must be corrected to conform to the plan. A final inspection shall be made and a report of same referred Prince George's Soil Conservation District. In addition to any other permit fees and charges, the Town may charge an additional fee, in an amount sufficient to cover the cost of said inspections by the Code Enforcement Officer.

9-107. Violations and Penalties

a. Upon failure to take the directed corrective action within the time specified by the Code Enforcement Officer, the permittee shall be deemed to be in violation of this penalty for ordinance. Each violation continues uncorrected shall be deemed to be a separate offense.

b. **General Penalties.** Except as provided in Section 9-107.c., any violation of this Article is declared to be a municipal infraction. The penalty for violation shall be Twenty-Five Dollars (\$25.00) for each initial offense and Fifty Dollars (\$50.00) for each repeat or, continuing offense.

c. **Specific Penalties.** Violation of Sections 9-102, 9-103, 9-104 and 9-105 of this Article 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 or reoccurring offense.

ARTICLE 10

Traffic

Section 10-101. Scope

The provisions of this Article are intended to be in addition to, and supplementary to, the provisions of the Transportation Code of the Annotated Code of Maryland, as amended, and in accordance with authority specifically granted by said Article.

Section 10-102. Definitions of Terms as Used in this Article

- a. **"Operator"** shall mean and include every individual who shall operate a vehicle as owner thereof, or as the agent, employee, or permittee of the owner, or is in actual physical control of a vehicle within the boundaries of Colmar Manor.
- b. **"Vehicle"** shall mean any device in, upon or by which any person or property is or may be transported upon a highway, except a device which is operated upon rails or tracks.
- c. **"Park or Parking"** shall mean the standing of a vehicle, whether occupied or not upon a street, except (i) when temporarily, and while actually engaged in, receiving or discharging passengers, or loading or unloading merchandise, which in all situations shall be in obedience of traffic regulations of the Town, or (ii) an involuntary stopping of the vehicle by reason or causes beyond the control of the operator of the vehicle.

Section 10-103. Traffic and Parking Control Signs

Whenever, in the judgment of the Mayor and Town Council of Colmar Manor, it is necessary for the safety or control of vehicular or pedestrian traffic or for the regulation of the use of parking areas, the Mayor and Council of Colmar Manor may erect or cause to be erected "STOP", "NO PARKING", "SPEED LIMIT", "ONE WAY", and other traffic control and parking restriction signs, designated to control, regulate, warn or guide traffic, or limit parking on public streets, highway, or other areas in the Town of Colmar Manor. A list of such signs posted shall be available for public inspection at the Colmar Manor Town Office. It shall be the duty of all persons to observe such signs, and any person failing to observe such sign, shall, upon conviction thereof, be guilty of a misdemeanor. Additionally, it shall be unlawful for any person to drive, or conduct any vehicle, so as to fail to stop at any Stop sign, or fail to obey any similar traffic sign or signal in the Town of Colmar Manor without bringing such vehicles to a full and complete stop, or complying with such similar sign or traffic signal. Nothing here contained shall be deemed to constitute a repeal of the authority heretofore granted by the Mayor and Town Council of the Town of Colmar Manor for the erection of traffic control and parking restriction signs and failure to observe any such signs here before erected shall be subject to the same penalties as set forth hereafter.

Section 10-104. Parking Regulations

(A) General Rule. The provisions of this section apply except as necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control

device.

(B) Stopping, standing, or parking. No person shall stop, stand, or park a vehicle:

- (1) in front of a public driveway;
- (2) on a sidewalk;
- (3) in an intersection;
- (4) on a crosswalk;
- (5) between a safety zone and the adjacent curb or within 30 feet of points on

the curb immediately opposite the ends of a safety zone, unless a sign ordered erected by the Mayor and Town Council indicates a different length by signs or markings;

(6) alongside or opposite any highway excavation or obstruction if to do so would obstruct traffic;

(7) on any bridge or other elevated structure on a highway;

(8) at any place where stopping is prohibited by a sign erected by order of the Mayor and Town Council; or

(C) Standing or Parking. No person shall stand or park a vehicle:

(1) in front of a private driveway without the consent of the owner or occupant of the premises;

(2) within 6 feet of a fire hydrant;

(3) within 5 feet of a crosswalk at an intersection or 20 feet from the point of curvature of the curb at any intersection, whichever is less;

(4) within 30 feet on the approach to any flashing signal, stop sign, yield sign, or traffic control signal located at the side of a roadway;

(5) within 20 feet of the driveway entrance to any fire station or on the side of a highway opposite the entrance to any fire station within 75 feet of the entrance, if properly sign posted;

(6) at any place where standing is prohibited by a sign erected by order of the Mayor and Town Council;

(7) on the roadway side of any other vehicle that is stopped or parked at the edge or curb of a highway; or

(8) with one or more of the side wheels more than twelve inches from the curb;

(9) so as to prevent another vehicle already stopped near the curb or otherwise legally parked, from moving away;

(10) not wholly within a designated parking space, or within two feet of the front or rear bumper of another vehicle parked at or parallel to the curb;

(11) in a taxi stand when properly posted by signs erected by order of the Mayor and Town Council;

(12) upon any street or alley in such a manner or under such conditions as to leave available less than 9 feet of the width of a roadway for free movement of vehicular traffic;

(13) between the curb lines and the adjacent property lines except where signs are installed at the order of the Mayor and Town Council designating the area as a permissible parking area.

(14) on an unpaved area of any lot or parcel of property that is one acre or less in size.

(D) Parking. No person shall park a vehicle:

(1) unless for the use of handicapped individual, in a space or zone marked as restricted for the use of handicapped individuals;

(2) at any other place where parking is prohibited by a sign erected by order of the Mayor and Town Council.

(E) Penalty. Except as elsewhere provided herein, any person or the owner of any vehicle issued a citation for a violation of this Section 10.4 of Article 10 of the Code shall be subject to a fine of Fifty dollars (\$50.00) for each offense. Any fine cited hereunder not paid within thirty (30) days for which a request for hearing has not timely been made to the District Court of Maryland shall double. Any person or the owner of any vehicle issued a citation for a violation of the handicapped parking regulations as set forth in Article 10, Traffic, Section 10-104.(D)(1) shall be subject to a fine of \$250.00.

(F) Any vehicle in violation of the provisions of this Article for a period of greater than forty-eight (48) consecutive hours shall at the direction of any police office or code enforcement officer be subject to impoundment. In the event such vehicle is impounded, the Town, by the Clerk-

Treasurer or his designee, shall notify the Chief of Police, the Code Enforcement Officer, the Maryland State Motor Vehicle Administration, and such other police and government agencies as deemed proper by the Clerk-Treasurer, together with the owner of record of the vehicle as set forth in the records of the Maryland State Motor Vehicle Administration or, if the vehicle is not presently registered than the last registered owner of the vehicle. The costs of such impoundment, including any cost to the Town, or charge for towing and storage, shall be paid in full to the Clerk-Treasurer, or his designee, prior to the release of any vehicle impounded hereunder to any person having the right to possess such vehicle.

Section 10-105. Parking Restricted

- a. It shall be unlawful for any person to park any vehicle on any of the streets of Colmar Manor for a continuous period of more than forty-eight (48) hours at any one time.
- b. It shall be unlawful for any person to operate or park any motor vehicle in and upon the streets of Colmar Manor which motor vehicle does not bear current year motor vehicle license plates. It shall also be unlawful for any person to leave any abandoned vehicle at any place with the Town, and no owner, lessee, or custodian in charge or any lot, field, road, street, lane, or other property, except as licensed by law to store such vehicles, shall permit any abandoned motor vehicle to remain on such property within the Town for a continuous period of more than forty-eight (48) hours at any one time.
- b.1 **"Abandoned Vehicle"** means any motor vehicle, trailer, or semi-trailer:
 - 1. That is inoperable and left unattended on public property for more than 48 hours.

2. That has remained illegally on public property for more than 48 hours.
 3. That has remained on public property for more than 48 hours; and
 - a. is not displaying currently valid registration plates; or
 - b. is displaying registration plates of another vehicle.
 4. That has remained on private property for more than 48 hours; and
 - a. is inoperable in that one or more of its, major mechanical components, including but not limited to engine, transmission, drive train and wheels, is missing or not functional unless such vehicle is kept in an enclosed building; or
 - b. is not displaying currently valid registration plates; or
 - c. is displaying registration plates of another vehicle.
- b.2 Any partially dismantled, wrecked, or junked motor vehicle may be presumed to have been or be abandoned.
- b.3 Any person issued a citation for violation of this section shall be subject to a fine of fifty dollars (\$50.00) for each violation.
- c. It shall be unlawful to make repairs to any motor vehicle parked in and upon the streets of Colmar Manor, except here from those items which do not require the removal of units by the vehicle propels itself and which do not require interior and exterior body repairs.
- d. All vehicles on the streets of Colmar Manor, when not in motion, shall park or stand in the direction of traffic, with their right side parallel to and near the right-hand side of the

highway, street, or alley as practicable and no driver shall park or stop a vehicle otherwise on the public highways of the Town of Colmar Manor.

Section 10-106. Overnight Parking of Trailers and Commercial Vehicles Prohibited

The Mayor and Town Council of the Town of Colmar Manor, Maryland have adopted Section 26-11-16 (Overnight Parking Motor Vehicles), under Bill No.CB-23-1977 (“CB-23”) of the County Council of Prince George's County, Maryland, and adopted by the County Council of Prince George's County, Maryland on the 28th day of November, 1977, to become effective on March 1, 1978. This section prohibits the parking of any trailer or commercial vehicle on any street or highway in the County, between the hours of 6:00 P.M. and 6:00 A.M. each day of the week, including Sundays and holidays. The penalties for violation of this section are, as outlined in Section 26-110-of CB-23, include as follows:

- a. Tow-away, the towing and storage charge shall be a lien against the vehicle and shall be paid before the vehicle may be released from impoundment.
- b. The penalty for a violation of the Section 10.6 shall be fine of up to One Hundred Dollars (\$100.00) or ten (10) days in jail, or both.

Section 10-107. Safety Zones Established

It shall be unlawful for any person to drive or operate or cause to be used or driven or operated, any vehicle into any part of any safety zone which has been or is hereafter established by the authority of the Mayor and Town Council, and indicated by yellow lines painted on the curb or street.

Section 10-108. Throwing Objects at Vehicles

It shall be unlawful for any person to throw, or propel, use to throw or propelled, any object, substance or paper against or into any vehicle within the corporate limits of the Town of Colmar Manor.

Section 10-109 Maximum Speed

It shall be unlawful for any person to operate any motor vehicle upon any street or alley of the Town of Colmar Manor at a rate of speed greater than reasonable and proper, or at a speed greater than twenty-five (25) miles per hour.

Section 10-110. Bicycles

It shall be unlawful for any person to ride any bicycle or vehicle upon any curb or sidewalk within the corporate limits of the Town of Colmar Manor; provided, this section shall not prohibit small children from riding velocipede or other light toy vehicles upon the sidewalks. It shall also be unlawful for any persons to ride any bicycle upon the streets of the Town at night without displaying a front white light and a rear red light or red reflector.

Section 10-111. Reservation of Powers

Nothing in this ordinance shall be construed as prohibit the Town of Colmar Manor from providing for bus stops, for taxicab stands and other matters of similar nature. The loading and unloading of a truck, van or other commercial vehicle may be conducted for a reasonable period, usually two hours, at any time.

Section 10-112. Parking of Certain Vehicles in Town Prohibited

It shall be unlawful for any person to park a motor vehicle with a rated load capacity in excess of three quarter ton (3/4) on any of the streets of Colmar Manor, except while loading or unloading.

Section 10-113. Impounding of Motor Vehicles Standing or Parked in Violation of Any of the Ordinances of the Town

- a. No person shall allow, or permit any motor vehicle in any public place or street or upon private property in the Town to be in violation of any of the ordinances or local laws of this Town regulating the standing and parking of vehicles, nor shall any vehicles be so placed or parked by any person.
- b. Any vehicle found standing or parked in violation of any such ordinance or local law whether on public or private property provided that two (2) or more such vehicles are found to be in violation on any one (1) lot or group of adjacent lots under common ownership or control may be removed, towed, conveyed by, or at the direction of a member of any peace officer of the State of Maryland or its political Subdivisions, or the Code Enforcement Officer to any vehicle pound designated by Prince George's County or the Mayor and Town Council and such removal shall be deemed to abatement of a nuisance and at the risk and expense of the owner, or other person entitled to the possession thereof. Such owner or person entitled to possession of the vehicle shall pay to the vehicle pound, the amount of all expense actually and necessarily incurred in effecting such removal, together with any charges for storage. The Town shall be deemed a creditor

of such owner or person entitled to possession and shall have a lien against such vehicle for the amount of expense so incurred. The Town may maintain an action against the owner or owners, the person who parked said vehicle, the vehicle or any of them to recover the amount of the lien in a civil action or as penalty for violation of Paragraph (a) of this ordinance. Whenever the owner or person, firm or business entity entitled to possession of any said motor vehicle or part thereof, fails to redeem the same from impoundment for a period of sixty (60) days, the same may be disposed of at public sale in accordance with the provisions of the Annotated Code of Maryland as amended from time to time.

- c. If no bids are received at the public sale hereinbefore authorized, Prince George's County or the Mayor and Town Council, through their respective authorized agents may remove, destroy and break up or otherwise dispose of such vehicle without being libel to the owners thereof, or to any person having or claiming any interest therein, for any amounts received for the sale or disposition of said vehicle and further the Town may maintain a civil action against them to recover the amount of expense for such removal advertisement, sale, destruction or disposal.
- d. (1) within two (2) full working days after impoundment of any vehicle pursuant to section, the Code Enforcement Officer or the Police Department shall mail a notice by registered mail to the last known registered owner of the vehicle and to each secured party, as may be disclosed by the vehicle license number, if such be

obtainable, and to any other person who claims the right to possession of the vehicle, if such a claim is actually known to an officer, agent, or employee of the Police Department who has knowledge of the impoundment. If a police officer or the Code Enforcement Officer who has knowledge of the impoundment has reason to believe that an owner or one who claims the right to possession of the vehicle is residing or is in custody at some different address which is known to the officer, a copy of the notice shall also be mailed by regular mail to such owner or claimant at the known address. If a vehicle is redeemed prior to the mailing of such notice, then such notice need not be mailed.

- (2) the notice shall contain the following:
 - (a) a statement as to the reason why the vehicle has been impounded;
 - (b) the year, make, model, and vehicle identification number of the vehicle;
 - (c) the location of the impoundment facility where the vehicle is being held;
 - (d) a statement that the vehicle owner or secured party has the right to a hearing to contest the validity of the impoundment at any time within twenty-one (21) calendar days of the date of such notice by filing a request for hearing with the Police Department or the Code Enforcement Officer on a request form which shall be included with such notice; and
 - (e) a statement that the owner or the secured party may have a right, depending upon the reason for the impoundment, to reclaim the vehicle upon payment

of all outstanding parking violations and all towing and storage charges resulting from the storage and towing of the vehicle.

- e. At such time as the vehicle is impounded, the officer conducting the impoundment shall undertake an inventory of the vehicle. A copy of the inventory shall be (1) securely placed in the vehicle, and (2) attached to any notice sent with regard to impoundment of the vehicle.

Section 10-114. Operation of Vehicles with a Load in Excess of 15,000 Pounds in Weight Prohibited Without Permit

It shall be unlawful to operate any vehicle with which its load exceeds 15,000 pounds in weight, on any of the streets of Colmar Manor without prior written permission from the Mayor and Town Council.

Section 10-115. Cleated Vehicles Prohibited Without Permit

It shall be unlawful to operate any vehicle of the cleated tread on any street, or portion thereof, of the Town, without first obtaining permission from the Mayor and Town Council.

Section 10-116. Penalties and Administrative Fee.

Because of the expenses to the Town for the flagging of vehicles with outstanding violations, the Clerk-Treasurer is authorized to impose a fee of up to twenty-five dollars (\$25.00) for the processing of such violations issued under this Article 10, traffic, which are not paid within thirty (30) days of their issuance.

Violation of this Article of this Article shall be declared a municipal infraction. The

penalty for violation shall be fifty dollars (\$50.00) for the first violation and one-hundred dollars (\$100.00) for each subsequent violation.

Any violation of Sections 10-104, 10-105, 10-107, 10-108, 10-110, 10-112, 10-114 or 10-115 is hereby 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.

ARTICLE 10A

Stormwater Management

Pursuant to Subtitle 8-11A of the Natural Resources Article of the Annotated Code of Maryland and Section 08.05.05.04 of the Code of Maryland of Maryland Regulations, the Mayor and Town Council of Colmar Manor hereby adopts the Prince George's County Code, Division 4, Sections 4-229.1 through 4-229.22, as amended, and any regulations issued thereunder pursuant thereto as stormwater regulations for the Town of Colmar Manor.

ARTICLE 11

Penalty For Violations of Provisions of These Articles

Except where penalties are definitely set, any person who shall violate or fail to comply with their requirements shall, upon conviction, be subject to a fine of not less than One Dollar (\$1.00), and costs, and confinement in jail for a period of no ore than ninety (90) days, besides costs.

ARTICLE 12

Severability

Section 12-101 Severability

If any word , phrase, clause, item, sentence, paragraph, section article in these Ordinances shall judicially be declared to be unconstitutional or the applicability of the remainder of the Article or ordinances so affected and the applicability thereof to other sections, phrases and words and persons and circumstances shall not be affected thereby.

ARTICLE 13

CATV

Article 13 is not reproduced in this Code, a copy of the Article is available upon request to the Clerk-Treasurer.

ARTICLE 14

Public Ethics

Section 14-101. Applicability

The provisions of this Article apply to the officials and employees of the Mayor and Town Council of Colmar Manor.

Section 14-102. Ethics Commission

There shall be a Colmar Manor Ethics Commission which shall be composed of 3 members appointed by the Mayor, subject to the approval of the Town Council. Each commission member shall serve a term of two (2) years beginning July 1 of each odd numbered

year and terminating on June 30 two years thereafter or upon appointment of a successor.

Vacancies in unexpired terms shall be filled in the same manner of appointment as provided herein. The Commission shall be advised by the Town Attorney and shall have the following responsibilities:

- a. To devise, receive and maintain all forms generated by this Article:
- b. To provide advisory opinions of persons subject to this Article as to the applicability of the provisions of this Article to them which shall be retained in the records of the Town and shall be public information:
- c. To process and make determinations as to complaints filed by any person alleging violations of this Article: and
- d. To conduct a public information program regarding the purposes and application of this Article.

Section 14-103. Conflicts of Interest

Colmar Manor officials and employees who are subject to this Article shall not solicit any gift or accept gifts of any value from any person or entity that has or is negotiating contract with the Town or is regulated by the Town, except where the acceptance of such gifts would not present a conflict of interest as determined by the Commission.

Section 14-104. Annual Disclosure

- a. Town elected officials and employees, who have decision-making and policy responsibilities, as determined by the Town Council, or who have authority to

commit the Town to the expenditure of public funds, and candidates or applicants for offices listed in paragraph (b) of this section shall annually file no later than January 31 of each calendar year during which they hold office or, in the case of candidates for Town elective office or applicants for Town employment, upon becoming a candidate or applicant a statement with the Commission disclosing any gifts received during the preceding calendar year from any person having a contract with the Town or any person regulated by the Town. The statement shall identify the donor of the gift and its approximate retail value at the time of receipt.

- b. The Mayor, members of the Town Council, and the Clerk-Treasurer shall file statements required by Section 4.
- c. All Town officials and employees subject to this Article, and candidates for public office shall file a statement with the Commission disclosing any interest or employment the holding of which would require disqualification from holding the elective office or appointed position they hold or seek. This statement shall be filed in advance of any anticipated action to allow adequate disclosure to the public.
- d. Disclosure statements filed pursuant to this section shall be maintained by the Commission as public records available for public inspection and copying.

Section 14-105. Enforcement

Any person who knowingly or willfully violates any provision of this Article shall be

subject to a fine of up to \$1,000.00 plus cost or imprisonment up to one year.

ARTICLE 15

Political Contributions

Section 15-101. Applicability

The provisions of this Article apply to the officials of the Mayor and Town Council of Colmar Manor and candidates for office of the Mayor and Town Council:

Section 15-102. Board of Election Supervisors

The Board of Election Supervisors, appointed by authority of the Colmar Manor Charter shall be advised by the Town Attorney and shall have the following additional responsibilities:

- a. Receive and maintain all forms generated by this Article.
- b. To provide opinions to persons subject to the Article as to the applicability of the provisions of the Article to them which shall be retained in the records of the Town and be public information.
- c. To purpose and make determinations as to complaints filed by any person alleging violations of this Article; and
- d. To conduct a public information program regarding the purposes and application of this Article.

Section 15-103. Filing by Candidate or Committee Supporting Candidate

Every candidate for a public office of Colmar Manor who receives any political contributions for that election or any elected official while in office receives any political

contributions shall:

- a. Appoint a treasurer whose name must be filed with the Board of Election Supervisors.
- b. In the event a committee or other partisan organization is formed to assist in the election of a candidate, the names of the Chairperson and the Treasurer of that organization must be filed with the Board of Election Supervisors.

Section 15-104. Financial Disclosure

- a. In both instances, the Treasurer is to receive, collect, or disburse all sums of money or other valuable things collected or received by the candidate or organization.
- b. The Treasurer is responsible for the financial records of the candidate or committee.
- c. The Treasurer of the candidate or committee is required to submit a report, on forms supplied by the Board of Election Supervisors, containing all contributions received and expenditures made in furtherance of the candidate's election. The Board of Election Supervisors containing all contributions received and expenditures made in furtherance of the candidate's election. The reports are to be filed periodically throughout the year with the Board of Election Supervisors. The final report shall be filed no later than 10 days before the election date.
- d. If a candidate does not intent to receive or make expenditures or \$30.00 or more, he is exempt form the filing requirements. However, affidavits must be executed

by the candidate and his Treasurer stating that the candidate will not in fact receive contributions, the Chairperson will be governed by the same financial sums and conditions, the Chairperson will also execute the affidavit.

- e. Reports filed pursuant to this section will be maintained by the Board of Election Supervisors as public records available for public inspection and copying.

Section 15-105. Limitation of Contributions

- a. The amount a contributor may give to a candidate or make during a particular election
 - 1. Any contribution of money or thing of value may not be greater than \$100.00 to any candidate, and
 - 2. No contribution of money in excess of \$10.00 may be made except by check, further
 - 3. Total contributions by a contributor under this subsection shall not exceed \$250.00 in any election.
- b. This section does not prevent any person from expressing his/her own personal views, provided that coincident with any statement that is expressed, the public must be informed that the statement is a "Paid Political Advertisement".

Section 15-106. Contributions by Persons Doing Business with the Town of Colmar Manor

- a. Every person who has done business with the Town of Colmar Manor during the

preceding calendar year must file a statement with the Board of Election Supervisors if during the last two proceeding calendar years s/he has made a contribution to a political candidate.

- b. A person which includes any individual or business entity, is considered doing "business" when any one or combination of sale, purchases, leases, or contracts involving \$500.00 or more is entered into with the Town of Colmar Manor. If the agreement calls for the \$500.00 or more to be paid over a period of more than one calendar year, the year the agreement is entered into is controlling.
- c. A contribution is any gift, donation, or payment or money in excess of \$10.00. It includes the payment for admission or the purchase of tickets for any event. However, a bona fide gift by a spouse or relative with the third degree of consanguinity or an honorary membership in a social, service, or fraternal organization presented as a courtesy by the organization will not be considered a contribution. "Contribution" shall include any contribution actually made or contribution caused to be made.
- d. The statement regarding political contributions to be filed with the Board of Election Supervisors must be under oath and must contain the names of the candidate and the political office sought, the amount of the contribution to each candidate, and the nature and the amount of business done with the Town of Colmar Manor.

- e. The Board of Election Supervisors may waive the requirements in point (D.) above if it would unduly burdensome to require this information. The requirements will be waived only if the public's interest will not be substantially impaired and the person who seeks a waiver stipulates that he has done the requisite business in the amount of \$500.00 or more.
- f. Certain contributions will be attributed to a business entity and must be included in the statement filed by that business entity. Those contributions are:

ARTICLE 16

Wards

Section 1. That pursuant to the power and authority vested in the Mayor and Town Council by the provisions Section 203 of the Charter of the Town of Colmar Manor, Maryland that the following four wards of the Town as described in Section 202 of the Charter of the Town are redistricted as follows:

First Ward: That portion of the Town lying between western boundary of the Town and a line from Bladensburg Road to the Anacostia River, following the center line of 40th Avenue.

Second Ward: That portion of the Town lying between a line following the center line of 40th Avenue from Bladensburg Road to the Anacostia River and a line from Bladensburg Road to the Anacostia River following the center line of 41st Avenue and including all of the properties along Kearney Road.

Third Ward: That portion of the Town lying between a line following the center line of 41st Avenue from Bladensburg Road to the Anacostia River and a line from Bladensburg Road to the Anacostia River following the center line of 43rd Avenue.

Fourth Ward: That portion of the Town lying between a line following the center line of 43rd Avenue from Bladensburg Road to the Anacostia River and the eastern boundary of the Town.