

Code  
of the  
Town of Bladensburg

PRINCE GEORGE'S COUNTY  
STATE OF MARYLAND

TOWN OF BLADENSBURG  
4229 Edmonston Road  
Bladensburg, Maryland 20710

Revised 1998

OFFICIALS  
OF THE  
TOWN OF BLADENSBURG

Municipal Building

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Bladensburg, Maryland 20710  
Telephone: 301/927-7048

1998

Mayor  
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Council Members  
STEPHEN A. CATON, Ward I  
MARION M. HOFFMAN, Ward I  
OTIS DE. COLLINS, Ward II  
ANNA L. SMITHEY, Ward II

Town Administrator  
ROYLENE M. ROBERTS

Treasurer  
BELLE SEYOUM

Town Clerk  
ALFRED J. TAWNEY

Attorney  
JOHN F. SHAY, JR., ESQ.

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1991

Mayor

BEN Y. STEPHENSON

Council Members

DELLA L. BUSCHER  
MARION M. HOFFMAN  
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H. SUSANNA C. YATMAN

Town Administrator  
T. ERIC MORSICATO

Treasurer  
WILLIAM D. OYLER

Town Clerk  
ELSIE S. MORRISON

Attorney  
JOHN F. SHAY, JR., ESQ.

## CERTIFICATION

### TOWN OF BLADENSBURG

I, ALFRED J. TAWNEY, Town Clerk of the Town of Bladensburg, hereby certify that the chapters contained in this volume are based upon the original Charter, ordinances and resolutions of the Mayor and Council of the Town of Bladensburg, and that said Charter, ordinances and resolutions, as revised and codified, renumbered as to sections and rearranged into chapters, constitute the Charter, as ratified by Res. No. 5-88, and the Code, as adopted January 11, 1988, by Ord. No. 1-88, of the Town of Bladensburg, County of Prince George, State of Maryland.

Given under my hand and the Seal of the Town of Bladensburg, County of Prince George, State of Maryland, this \_\_\_\_ day of March 1998, at Bladensburg, Maryland.

s/ALFRED J. TAWNEY

\_\_\_\_\_  
Town Clerk

## **PREFACE**

The Town of Bladensburg has, over the years, passed through a process of legislative change common to many American communities. While only a few simple laws were necessary at the time of the establishment of the town, subsequent growth of the community, together with the complexity of modern life, has created the need for new and more detailed legislation for the proper function and government of the town. The recording of local law is an aspect of municipal history, and as the community develops and changes, review and revision of old laws and consideration of new laws, in the light of current trends, must keep pace. The orderly collection of these records is an important step in this ever-continuing process. Legislation must be more than mere chronological enactments reposing in the pages of old records. It must be available and logically arranged for convenient use and must be kept up-to-date. It was with thoughts such as these in mind that the Council ordered the following codification of the town's legislation.

### **Contents of Code**

The various chapters of the Code contain all currently effective legislation (ordinances and certain resolutions) of a general and permanent nature enacted by the Council of the Town of Bladensburg, including revisions or amendments to existing legislation deemed necessary by the Council in the course of the codification.

### **Division of Code**

The Code is divided into two major divisions. The first division includes the Charter of the town. The second division includes all legislation of a general and permanent nature as Parts I and II. Part I, Administrative Legislation, contains all town legislation of an administrative nature, such as that dealing with the administration of government, that establishing or regulating municipal departments and that affecting officers and employees of the municipal government and its departments. Part II, General Legislation, contains all other town legislation of a regulatory nature. Items of legislation in this part generally impose penalties for violation of their provisions, whereas those in Part I do not.

### **Grouping of Legislation and Arrangement of Chapters**

The various items of legislation are organized into chapters, their order being an alphabetical progression from one subject to another. Wherever there are two or more items of legislation dealing with the same subject, they are combined into a single chapter. Thus, for example, all legislation pertaining to the regulation of streets and sidewalks may be found in Part II, in the chapter entitled "Streets and Sidewalks." In such chapters, use of Article or Part designations has preserved the identity of the individual items of legislation.

### **Table of Contents**

The Table of Contents details the alphabetical arrangement of material by chapter as a means of identifying specific areas of legislation. Wherever two or more items of legislation have been combined by the editor into a single chapter, titles of the several Articles or Parts are listed beneath the chapter title in order to facilitate location of the individual item of legislation.

### **Reserved Chapters**

Space has been provided in the Code for the convenient insertion, alphabetically, of later enactments. In the Table of Contents such space appears as chapters entitled "(Reserved)." In the body of the Code, reserved space is provided by breaks in the page-numbering sequence between chapters.

## **Pagination**

A unique page-numbering system has been used, in which each chapter forms an autonomous unit. One hundred pages have been allotted to each chapter, and the first page of each is the number of that chapter followed by the numerals "01." Thus, Chapter 6 begins on page 601, Chapter 53 on page 5301, etc. By use of this system, it is possible to add or to change pages in any chapter without affecting the sequence of subsequent pages in other chapters, and to insert new chapters without affecting the existing organization.

## **Numbering of Sections**

A chapter-related section-numbering system is employed, in which each section of every item of legislation is assigned a number which indicates both the number of the chapter in which the legislation is located and the location of the section within that chapter. Thus, the first section of Chapter 6 is § 6-1, while the fourth section of Chapter 53 is § 53-4. New sections can then be added between existing sections using a decimal system. Thus, for example, if two sections were to be added between §§ 53-4 and 53-5, they would be numbered as §§ 53-4.1 and 53-4.2.

## **Scheme**

The Scheme is the list of section titles which precedes the text of each chapter. These titles are carefully written so that, taken together, they may be considered as a summary of the content of the chapter. Taken separately, each describes the content of a particular section. For ease and precision of reference, the Scheme titles are repeated as section headings in the text.

## **Histories**

At the end of the Scheme in each chapter is located the legislative history for that chapter. This History indicates the specific legislative source from which the chapter was derived, including the enactment number (e.g., ordinance number, local law number, bylaw number, resolution number, etc.), if pertinent, and the date of adoption. In the case of chapters containing Parts or Articles derived from more than one item of legislation, the source of each Part or Article is indicated in the History. Amendments to individual sections or subsections are indicated by histories where appropriate in the text.

## **Codification**

### **Amendments and Revisions**

New chapters adopted or sections amended or revised during the process of codification are specifically enumerated in chapter Histories with reference to "Ch. 1, General Provisions," where the legislation adopting this Code and making such revisions will appear after final enactment. Sections so amended or revised are also indicated in the text by means of Editor's Notes referring to the chapter cited above.

## **General References; Editor's Notes**

In each chapter containing material related to other chapters in the Code, a table of General References is included to direct the reader's attention to such related chapters. Editor's Notes are used in the text to provide supplementary information and cross-references to related provisions in other chapters.

## **Appendix**

Certain forms of local legislation are not of a nature suitable for inclusion in the main body of the Code but are of such significance that their application is community-wide or their provisions are germane to the conduct of

municipal government. The Appendix of this Code is reserved for such legislation and for any other material that the community may wish to include.

## **Index**

The Index is a guide to information. Since it is likely that this Code will be used by persons without formal legal training, the Index has been formulated to enable such persons to locate a particular section quickly. Each section of each chapter has been indexed. The Index will be supplemented and revised from time to time as new legislation is added to the Code.

## **Instructions for Amending the Code**

All changes to the Code, whether they are amendments, deletions or complete new additions, should be adopted as amending the Code. In doing so, existing material that is not being substantively altered should not be renumbered. Where new sections are to be added to a chapter, they can be added at the end of the existing material (continuing the numbering sequence) or inserted between existing sections as decimal numbers (e.g., a new section between §§ 45-5 and 45-6 should be designated § 45-5.1). New chapters should be added in the proper alphabetical sequence in the appropriate division or part (e.g., Part I, Administrative Legislation, or Part II, General Legislation), utilizing the reserved chapter numbers. New chapter titles should begin with the key word for the alphabetical listing (e.g., new legislation on abandoned vehicles should be titled “Vehicles, Abandoned” under “V” in the Table of contents, and a new enactment on coin-operated amusement devices should be “Amusement Devices” or “Amusement Devices, Coin-Operated” under “A” in the table of contents). Where a reserved number is not available, an “A” chapter should be used (e.g., a new chapter to be included between Chapters 45 and 46 should be designated Chapter 45A). New Articles may be inserted between existing Articles in a chapter (e.g., adding a new district to the Zoning Regulations) by the use of “A” Articles (e.g., a new Article to be included between Articles XVI and XVII should be designated Article XVIA). The section numbers would be as indicated above (e.g., if the new Article XVIA contains six sections and existing Article XVI ends with § 45-30 and Article XVII begins with § 45-31, Article XVIA should contain §§ 45-30.1 through 45-30.6).

## **Supplementation**

Supplementation of the Code will follow the adoption of new legislation. New legislation or amendments to existing legislation will be included and repeals will be indicated as soon as possible after passage. Supplemental pages should be inserted as soon as they are received and old pages removed, in accordance with the Instruction Page which accompanies each supplement.

## **Acknowledgment**

The Code of the Town of Bladensburg is the result of the work of numerous individuals, including the entire Council. Special acknowledgment should be given to John F. Shay, Jr., Esq., Town Attorney; Roylene M. Roberts, Town Administrator; Charles L. Owens, Lieutenant Bladensburg Police Department and Rae E. Darby, Bladensburg Police Department, who, in addition to reviewing the legislation to be included in the Code, contributed the needed coordination of all communication involved. Most significantly, this 1998 Code compilation has been converted to a protected disk format inhouse. The Code is available on disk or hard copy, as well as reviewable by all employees or the town network or town lan. The Code is prepared for inclusion on a town home page when developed. Previous editions of the Charter and Code are obsolete. We gratefully acknowledge the assistance of the above-mentioned individuals, as well as others whose names are not specifically mentioned.

The codification of the legislation of the Town of Bladensburg reflects an appreciation of the needs of a progressive and expanding community. As in many other municipalities, officials are faced with fundamental changes

involving nearly every facet of community life. Problems increase in number and complexity and range in importance from everyday details to crucial areas of civic planning. This compilation contains all Charter and Code changes enacted by the Mayor and Town Council from 1991 to December 1997. The Code is intended to be updated on an annual basis reflecting each year's council actions. As Samuel Johnson observed, "The law is the last result of human wisdom acting upon human experience for the benefit of the public."

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# **THE CHARTER**

## CHARTER

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ARTICLE VII  
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- § C7-5. Severability.

[HISTORY- Adopted by the Council of the Town of Bladensburg 1-10-77 as Res. No. 3-77; effective 3-1-77. Section C1-4T added and §§ C3-12, C3-16 and C7-2 amended during codification; see Ch. 1, General Provisions, Art II. Other amendments noted where applicable.]

## GENERAL REFERENCES

Personnel - See Ch. 16.  
 Alcoholic beverages - See Ch. 26.  
 Streets and sidewalks - See Ch. 103.  
 Taxation - See Ch. 107.

ARTICLE I  
 Incorporation; Powers

## § C1-1. Incorporation; general powers.

The citizens of the Town of Bladensburg included with the provisions of this Charter within the corporate limits legally established from time to time are hereby constituted and/or continued a body corporate by the name of the "Town of Bladensburg" with all the privileges of a body corporate, by that name to be sued and sue to plead and be impleaded in any court of law or equity, to have and use a common seal and to have perpetual succession, unless the Charter and the corporate existence are legally abrogated.

## § C1-2 Corporate limits.

The boundaries of the Town of Bladensburg shall be as follows, and as shown on a plan, No. M-398 A, prepared by Greenhorne and O'Mara, latest revision date February 17, 1964, beginning at a monument set at the angle point in the real lines of Lot 16, "Decatur Heights Section 1," recorded among the land records of Prince George's County, Maryland, in Plat Book RNR 2 as Plat No. 33, and running thence with the outline of said plat and the outline of the town boundary, (1) south 11E 10' 56" east 340.53 feet to a monument, thence (2) beginning at the end of the line numbered 1, as shown on a plat entitled "Town of Bladensburg Boundary Lines" dated November 1957, revised June 6, 1963, prepared by Greenhorne and O'Mara, Civil Engineers and Land Surveyors, said beginning is located in the northerly line of Quincy Street, formerly Old Landover Road, at the southwesterly corner of Lot 20, as shown on a plat entitled "Rope Walk," recorded among the land records of Prince George's County, Maryland, in Plat Book BB9 as Plat 37, and thence running along the extension of the westerly line of said Lot 20;

- a) South 11E 10' 56" east 21.03 feet and thence running along the southeasterly boundary line of said above-mentioned plat of Rope Walk
- b) North 68E 04' 04" east 76.80 feet to the end of the westerly boundary line shown on the plat entitled "Parcel A, Quincy Manor," recorded among the aforesaid land records in Plat Book WWW30 as Plat No. 18, and thence running along said line, which is also part of the westerly line of Parcel A, as shown on the last above-mentioned plat
- c) South 16E36' 26" east 129.75 feet and thence continuing along the westerly line of said Parcel A, and continuing said line
- d) South 16E 50' 24" west 94.90 feet to the northeasterly corner of Parcel A as shown on the plat entitled "Parcels A and B, Norwitz Addition to Quincy Manor," recorded among the aforesaid land records in Plat Book WWW49 as Plat No. 60, and thence running along the easterly lines of said Parcels A and B
- e) South 14E 57' 26" east 969.80 feet to the easterly corner of Parcel P, as shown on the plat entitled "Parcels N, O, P and Q, Industrial City," recorded among the aforesaid land records in Plat Book WWW38 as Plat 56, and thence running along the northeasterly line of said Parcel P

- f) North 58E 12' 21" west 272.17 feet, and thence running along the westerly line of said Parcel P
- g) South 07E 41' 46" west 210.24 feet to the northeasterly corner of Parcel Q as shown on the aforesaid last above-mentioned plat, and thence running along the northeasterly line of said Parcel Q
- h) North 68E 17' 58" west 233.16 feet to the northwesterly corner of said Parcel Q, and thence running along part of the westerly line of said parcel
- i) South 21E 36' 52" west 19.95 feet, and thence running along the northeasterly lines of Parcels Z and Y, as shown on a plat entitled "Parcels Y and Z, Industrial City," recorded among the aforesaid land records in Plat Book WWW47 as Plat No. 19, and continuing said line
- j) North 72E 26' 46" west 482.06 feet to the center of 52nd Avenue, formerly River Road, and thence running along the northerly line of Blocks D and C, as shown on the plat entitled "Blocks A, B, C and D, Newton Village," recorded among the aforesaid land records in Plat Book BB7 as Plat No. 73
- k) South 77E 33' 14" west 751.06 feet, and thence continuing along the northerly line of said plat and extending said line
- l) South 77E 00' 39" west 413.52 feet, to the easterly line of Kenilworth Avenue, 90 feet wide, and thence running along said line of said avenue
- m) North 34E 49' 00" west 967 feet, more or less, to intersect the line numbered 3 on the first above-mentioned plat entitled "Town of Bladensburg Boundary Lines," and thence running, reversely, along a part of said line c
- n) North 89E 04' 59" east 1,406 feet, more or less, to the end of the line numbered 2, and thence running, reversely, along said line b
- o) North 64E 00' 37" east 990.23 feet to the point of beginning; containing 41.1372 acres, more or less, thence (3) south 64E 00' 37" west 990.23 feet to a monument located the extreme rear property line known as "Paynes Place" southwest of the intersection of 52nd Street (Old River Road) and Quincy Street, thence (4) south 89E 04' 59" west 819.65 feet, to a monument located rear of Lot 4, then continuing (5) south 89E 04' 59" west 596.23 feet, to a monument "B" located in the divided strip of New Kenilworth Avenue, thence continuing (6) south 89E 04' 59" west 725.00 feet into the Prince George's Marina area to a monument identified "A," said monument abutting the edge of the west side of parking area approximately 48 feet from a fire hydrant, then across the marina (7) north 61E 25' 01" west 1,077.14 feet to a pipe identified as No. 3, located on the west side of the roadway to the landfill, thence (8) north 61E 25' 01" west 482.11 feet, across Bladensburg Road boundary line of the Town of Colmar Manor to a pipe and marker located 20 feet from station marked 2 and Bunker Hill Road, thence (9) north 12E 04' 59" east 2,499.75 feet, thence (10) north 71E 05' 55" east 726.00 feet across the north and south directions of Baltimore Avenue at the location of the bridge, thence (11) south 61E 54' 05" east 1,988.93 feet, through Block 11, Block 13, part Block 19, the prolongation line in the Linwood subdivision, the Town of Edmonston being on the north side and the Town of Bladensburg being on the south side of said line, to the east right-of-way line of the New Kenilworth Avenue, thence running with said right-of-way line the following courses and distances, (12) chord north 45E 27' 36" east 297.32 feet with an arc of 297.39, radius 3,864.72, (13) south 46E 44' 40" east 20.00 feet (14) north 48E 29' 20" east 51.13 feet (15) north 42E 01' 4" east 65.17 feet, (16) north 39E 21' 00" east 67.22 feet, (17) north 40E 04' 00" east 65.14 feet, (18) north 50E 24' 16" west 23.00 feet, thence along the (19) chord north 39E 14' 35" east 47.55 feet with an arc of 47.55, radius 3,864.72, thence (20) south 51E 06' 34" east 15.00 feet, (21) north 38E 39' 56" east 30.47 feet, (22) north 51E 33' 34" west 15.00 feet, thence along a chord (23) north 36E 29' 58" east 261.81 feet with an arc of 261.88, radius 3,864.72, thence leaving the said right-of-way line and running (24) south 71E 37' 10" east 369.14 feet thence (25) south 53E 37' 20" west 291.90 feet, thence (26) north 85E 44' 00" east 98.20 feet, thence

(27) north 85E 41' 50" east 1,551.28, the prolongation north boundary line north of Blocks 2 to 8, Decatur Heights, Section 2, Plat Book RNR 2 Plat No. 36, land records of Prince George's County, to an iron pipe in concrete cone located rear of Block B-I and E, Lot 1, thence (28) north 33E 21' 10" east 13.19 feet, thence (29) north 57E 07' 13" west 134.24 feet to the center line of 54th Place, thence along same, chord (30) north 26E 54' 45" east 45.24 feet, with an arc of 45.32, radius 229.59, thence (31) 32E 44' 42" east 117.55 feet, thence (32) south 57E 08' 30" east 351.22 feet, the center line of Chesapeake Street, thence (33) north 33E 51' 20" east 54.84 feet, the center line and intersection of 54th Place Bladensburg and 55th Avenue Roger's Heights, thence (34) south 56E 08' 40" east 110.00 feet, being the dividing line of Lots 11 and 12, Block C, as shown on the plat of Roger's Heights subdivision, Blocks C, D and E, January 1947, thence from the rear line of Lot 12, Block C, (35) north 33E 51' 20" east 220 feet along the rear property lines of Lots 11, 10, 9, 8, Block C, Roger's Heights, to a point on the rear line of Lots 1-3, Block C, thence running (36) north 56E 08' 40" west 40 feet to a point dividing Lots 1 and 2, Block C, thence (37) north 33E 51' 20" east 94.77 feet, to a point on the southerly right-of-way line of Decatur Street (60 feet wide); thence leaving Decatur Street right-of-way line within the plat of subdivision entitled "Roger's Heights, Blocks A and B," recorded among the land records of Prince George's County, Plat Book BB9 as Plat 21, thence (38) north 33E 40' 25" east 30.00 feet, to a point on the center line of Decatur Street, thence running (39) 128.08 feet along the arc of a curve deflecting to the left having a radius of 1,096.84 feet and a chord bearing south 59E 40' 17" east 128.00 feet to the point of tangency, thence (40) south 63E 01' 00" east 360.00 feet to a point; thence leaving the center line and running with the extension of and the dividing line between Lots 21 and 22, Block B, as shown on said plat (41) north 26E 59' 00" east 160.00 feet to the rear line of Lots 19-21, Block B, thence (42) south 51E 03' 40" east 168.84 feet to a point common with Lots 17-19, Block B, thence with the dividing line between Lots 17 and 18, Block B, and the extension thereof, (43) north 71E 59' 27" east 134.14 feet to a point on the easterly right-of-way line of 56th Avenue; thence running with said right-of-way line (44) 25.42 feet along the arc of a curve deflecting to the right having a radius of 362.29 feet and a chord south 15E 59' 57" east 25.42 feet, to the dividing line of Lots 20 and 21, Block H as shown on plat Blocks F, G, H, Roger's Heights in Plat Book WWW16 as Plat 7; thence leaving the easterly right-of-way line of 56th Avenue, continue (45) north 76E 00' 40" east 72.39 feet dividing line between Lots 20 and 21, Block H to a point common with Lots 19-21, Block H as shown on said plat, thence (46) north 28E 41' 50" east 94.23 feet to a point common with Lots 14, 15, 17, 18, 21 and 22, Block H, thence (47) south 79E 59' 20" east 78.10 feet to a point common with Lots 15 and 17, Block H, thence running with the dividing line Lots 16 and 17, (48) south 52E 51' 00" east 100 feet to a point on the center line of 56th Place (60 feet wide), thence running with center line of 56th Avenue (49) north 37E 09' 00" east 304.26 feet, to a point of curvature; thence (50) 201.67 feet with the arc of a curve deflecting to the left having a radius 682.79 feet and a chord bearing north 28E ments) (53) north 02E 48' 00" west 98.54 feet (rear of Lot 3, Block M), thence (54) north 60E 15' 06" east 38.11 feet; thence (55) north 29E 44' 54" west 34.36 feet to a pipe found at the southwest corner of Lot 1, Block B, Parkway Gate Gardens, thence running with the rear line of Lot 1, 2, 3, Block B (56) north 49E 16' 53" east 195.00 feet to a point northeast corner of Lot 3, Block B Parkway Gate Walk," recorded among the land records of Prince George's County, Maryland, in Plat Book BB9 as Plat 37, and thence running along the extension of the westerly line of said Lot 20

South 11E 10' 56" east 21.03 feet and thence running along the southeasterly boundary line of said above-mentioned plat of Rope Walk

North 68E 04' 04" east 76.80 feet to the end of the westerly

South 16E 50' 24" west 94.90 feet to the northeasterly corner of Parcel A as shown on the plat entitled "Parcels A and B, Norwitz Addition to Quincy Manor," recorded among the aforesaid land records in Plat Book WWW49 as Plat No. 60, and thence running along the easterly lines of said Parcels A and B

South 14E 57' 26" east 969.80 feet to the easterly corner of Parcel P as shown on the plat entitled "Parcels N, O, P, and Q, Industrial City," recorded among the aforesaid land records in Plat Book WWW38 as Plat 56, and thence running along the northeasterly line of said Parcel P

North 58E 12' 21" west 272.17 feet and thence running along the westerly line of said Parcel P

South 07E 41' 46" west 210.24 feet to the northeasterly corner of Parcel Q as shown on the aforesaid last above-mentioned plat and thence running along the northeasterly line of said Parcel Q

North 68E 17' 58" west 233.16 feet to the northwesterly corner of said Parcel Q and thence running along part of the westerly line of said parcel

South 21E 36' 52" west 19.95 feet and thence running along the northeasterly lines of Parcels Z and Y as shown on a plat entitled "Parcels Y and Z, Industrial City," recorded among the aforesaid land records in Plat Book WWW47 as Plat No. 19, and continuing said line

North 72E 26' 46" west 482.06 feet to the center of 52nd Avenue, formerly River Road, and thence running along the northerly line of Blocks D and C as shown on the plat entitled "Blocks A, B, C, and D, Newton Village," recorded among the aforesaid land records in Plat Book BB7 as Plat No. 73

South 77E 33' 14" west 751.06 feet and thence continuing along the northerly line of said plat and extending said line

South 77E 00' 39" west 413.52 feet to the easterly line of Kenilworth Avenue, 90 feet wide, and thence running along said line of said avenue

North 34E 49' 00" west 967 feet, more or less, to intersect the line numbered 3 on the first above-mentioned plat entitled "Town of Bladensburg Boundary Lines," and thence running, reversely, along a part of said line 3

North 89E 04' 59" east 1,406 feet, more or less, to the end of the line numbered 2, and thence running, reversely, along said line 2

North 64E 00' 37" east 990.23 feet to the point of beginning; containing 41.1372 acres, more or less, thence

South 64E 00' 37" west 990.23 feet to a monument located at the extreme rear property line of Paynes Place southwest of the intersection of 52nd Avenue (Old River Road) and Quincy Street; thence south 819.65 feet to a monument located rear of Lot 4; thence south 89E 04' 59" west 596.23 feet to a monument "B" located in the divided strip of the east and west directions of the new Kenilworth Avenue; thence continuing southwest across the B. & O. Railroad tracks continuing 725.00 feet, across the Prince George's Marina area to a monument identified "A," said monument abutting the edge of the west side of parking area approximately 48 feet from a fire hydrant; thence 1,077.14 feet across the river bend of the marina to a pipe identified as No. 3, located on the west side of the roadway to the landfill; thence north 482.11 feet, across the Bladensburg Road boundary line of the Town of Colmar Manor, to a pipe and marker located 20 feet from station marked No. 2, and the old location of Bunker Hill Road, and Bladensburg Road, north 61E 25' 01", the same station being north 60E 11' 06" west 57.75 feet, leaving this point thence north 12E 04' 59" east 2,499.75 feet; thence north 71E 05' 55" east 726.00 feet across the north and south directions of Baltimore Avenue location of the bridge; then south 61E 54' 05" east 1,988.93 feet, through Block 11, Block 13, part Block 19, being the prolongation line in the Linwood subdivision, the Town of Edmonston being on the north side of said line and the Town of Bladensburg being on the south side of said line, to the east right-of-way line of the new Kenilworth Avenue; thence running with the said

right-of-way line (1) chord north 45E 27' 36" east 297.32 feet, thence 20.00 feet, thence 51.13 feet, thence 65.17 feet, thence 67.22 feet, thence 65.14 feet thence 23.00 feet, thence 47.54 feet, 15.00 feet, thence 30.47 feet, thence 15.00 feet; thence along a chord north 36E 29' 58" east 261.86 feet; thence leaving the said right-of-way line running south 71E 37' 10" east 369.14 feet; thence south 53E 37' 20" 291.90 feet; thence 85E 44' 00" east 98.20 feet; thence north 85E 41' 50" east 1,551.28 feet (the prolongation north boundary line north of Blocks 2 to 8, Decatur Heights, Section 2, Plat Book RNR 2, Plat No. 36, land records of Prince George's County) to an iron pipe in concrete cone located rear of Block B-1, Lots 2 and 3, and the southwest corner of Lot 1, Block E, part of Whitely subdivision, and the same being the northwest corner of Lot 6, Block 12, Washington Suburban Homes; thence directly south on a prolongation dividing line of which the west side is Decatur Heights Section A, Ward 1, and on the east side of said line is Washington Suburban Homes "Sunnybrook" Ward 2, and recorded among the land records in Plat Book 2 as Plat No. 36, said division line before mentioned running to a point, double iron markers, located in Annapolis Road the same being south 71E 03' 19" west; thence leaving the said Annapolis Road and running with Decatur Heights outline, being the northeast corner of Lot 12; thence running south 0E 19' 41" east 392.74 feet to the point of beginning (being Lot 16), the east line of the original Decatur Heights Section 1, Bladensburg.

- B. Second Ward. Ward No. 2 shall embrace the area beginning at a point, said point being an iron pipe in concrete cone located rear of Block B-1, Lots 2, 3, and Block E, Lot 3, and the northwest corner of Block 12, original Washington Suburban Homes, known as "Sunnybrook;" thence north 13.19 feet; thence northwest 134.24 feet to the center line of 54th Place; thence along same, chord north 26E 54' 45" east 45.24 feet; thence north 32E 44' 42" east 117.55 feet; thence 351.22 feet, the center line of Chesapeake Street; thence 54.84 feet, the center line and intersection of 54th Place, Bladensburg, and 55th Avenue, Roger's Heights; thence east 54.84 feet; thence east 135 feet, being the dividing line and the rear corner of Lots 11 and 12, Block C; thence north along the rear property lines of Lots 11, 10, 9, 8, Block C, Roger's Heights subdivision, east 220 feet to a point on the rear line of Lots 1-3, Block C; thence running west 40.00 feet to a point on the dividing lots of 1-2, Block C; thence east 94.77 feet to a point on the southerly right-of-way line of Decatur Street (60 feet wide); thence leaving Decatur Street right-of-way line within the plat of subdivision entitled "Roger's Heights, Block A and B," recorded among the land records of Prince George's County, Plat Book BB 9 as Plat 21; thence east 30.00 feet to a point on the center line of Decatur Street; thence running 128.08 feet along the arc of a curb deflecting to the left having a radius of 1,096.84 feet, and running with the extension of and the dividing line between Lots 22 and 21, Block B, as shown on said plat, east 160.00 feet to the rear line of Lots 20-19-18 across 56th Avenue to the dividing line of Lots 20 and 21, Block H, said Lot 20,, the east side thereof, from the W.S.S.C. water tower north to the north side of Emerson Street, including all of Block A, Lots 1 to 11; thence leaving 56th Place along the south side of Lot 1, Block M; thence running with the outlines of Parkway Gate Gardens (now known as "Mattapony Manor Apartments") along the rear property lines of Lots 1, 2 and 3, Block M, and 1, 2 and 3, Block B; thence along the north property line of Lot 3, Block B, to a point on the east side of oPublic improvements. To make and maintain public improvements and to acquire property within the corporate limits necessary for such improvements. Such improvements may include storm drainage, the listing of which shall not exclude other improvements.
- N. Public services. To furnish any or all public services; to own or dispose of stock in, purchase, hire, construct, own, maintain and operate or lease public utilities or public utility services; to sell, lease or otherwise dispose of public utilities or public utility services; to acquire by condemnation or otherwise, within the corporate limits, property necessary for any such purposes, subject to restrictions imposed by laws of the State of Maryland; and to grant local public utility franchises.

- O. Regulations. To adopt and enforce within the corporate limits police, health, sanitary, fire, traffic, parking, building and other similar regulations not in conflict with the laws of the State of Maryland.
- P. Streets. To have control over all the public roads, streets, alleys and sidewalks within the corporate limits of the Town of Bladensburg which are not under the jurisdiction of the State of Maryland or Prince George's County; to provide for repairing, resurfacing, constructing, reconstructing, grading, cleaning, mending and perfecting the public roads under the jurisdiction of the town; to open, close, straighten, widen and otherwise alter such public roads, streets, alleys and sidewalks, with the same powers as are or may be granted to or imposed upon the County Council of Prince George's County.
- Q. Taxes; borrowing power. To levy, asses and collect taxes according to the assessable valuation set by the county and to borrow money within the limits provided by this Charter; to levy and collect special assessments for benefits conferred; and to receive payments in lieu of taxes, and to account for, expend and otherwise treat such payments in the manner provided by law in connection with taxation.
- R. Trailer camps. To regulate the operation of trailer camps.
- S. Wards. To change or create ward boundaries by ordinance.
- T. Liens. To provide that any valid charges, taxes or assessments made against any real or personal property within the town shall be liens upon such property, to be collected as municipal taxes are collected, reserving to the town the right to also proceed by way, of personal suit against the property owner(s) for such collection. [Added 1-11-88 by Res. No. 4-88]

ARTICLE II  
Town Government

§ C2-1. Creation of the Council.

- A. The town is governed by and the corporate powers of the town are vested in and exercised by a Council, officially known as the "Council of the Town of Bladensburg." Any references to the Town Council, the Council, the Mayor and Council or the Common Council now existing in the Code or Charter of the town shall hereinafter mean the Council of the Town of Bladensburg.
- B. The Council consists of the Mayor and two (2) Councilmen for each ward, who shall govern and exercise the powers of the town in the manner prescribed in this Charter and the laws of the State of Maryland, or if not prescribed in either, then in the manner provided by ordinance or resolution of the Council.

§ C2-2. Office of Mayor.

- A. Selection and term. The Mayor of the town is elected from the town at large and holds office for a term of two (2) years or until his successor is elected and qualified. Before entering the office, the Mayor-elect shall take and subscribe to the oath of office as provided in this Charter. He shall take office on the first regular meeting after the Council certifies to his election.
- B. Qualifications. The Mayor of the town shall be at least thirty (30) years of age, a citizen of the United States, a registered voter in the town and an actual dweller within the limits of the town. In case the Mayor ceases to possess any of the qualifications specified in this section or is convicted of a felony or any crime which is a misdemeanor related to his public duties and responsibilities and

involves moral turpitude for which the penalty may be incarceration in any penal institution while in office, he shall cease to be Mayor and there shall exist a vacancy in the office, to be filled as hereinafter provided.

- C. Salary. The Mayor shall receive an annual salary as set from time to time by an ordinance passed by the Council, provided that the change in salary does not take effect until after the next regular election for Councilmen in the town.
- D. Duties. The Mayor is recognized as the head of the town government for all ceremonial purposes, by the courts for serving civil processes and by the Governor for the purpose of martial law.
- E. The Mayor is a voting member of the Council and shall preside at its meetings.
- F. The Mayor, with the approval of the Council, shall appoint the heads of the departments of town government.
- G. The Mayor exercises other powers and performs other duties as are conferred and imposed upon him by law.

§ C2-3. Office of Councilman.

- A. Selection and term. No more than two (2) Councilmen from each ward shall be elected. The term of each Councilman is for four (4) years and until his successor is qualified, and begins his duties on the first regular meeting after the Council certifies to his election. Before entering upon the duties of his office, each Councilman shall take and subscribe to the oath of office as provided in this Charter.
- B. Qualifications. Each Councilman shall be a qualified voter of the town, at least twenty-five (25) years of age, a resident of the town and ward he represents. He shall not hold any other elected public office, except that he may be a notary public or nonelected officer or employee of the United States. A Councilman ceasing to possess any of the qualifications specified in this section or convicted of a felony or a misdemeanor related to his public duties and responsibilities and involving moral turpitude for which the penalty may be incarceration in any penal institution while in office shall immediately forfeit that office.
- C. Salary. Each Councilman shall receive a yearly salary, which shall be equal for all Councilmen and set by the Council in an ordinance. Any change in salary shall not take effect until after the next regular election for Councilmen in the town.

§ C2-4. Vacancies; contested elections.

A vacancy occurs in any elected office of the town if the holder is convicted of a felony or a misdemeanor related to his public duties and responsibilities and involving moral turpitude for which the penalty may be incarceration in any penal institution, dies, resigns, removes his residency from the area which he represents or refuses to act in the capacity of his office. The remaining members of the Council shall elect qualified person to fill the vacancy. If an elected candidate cannot qualify for office, the Council shall elect a qualified person to fill the vacancy. Any contested election shall be appealed to the Circuit Court for Prince George's County, Maryland.

§ C2-5. Installation of officers; meetings.

- A. Installation of new Council members. On the first Friday following the filing of the certificate of election, the Council shall meet at the place provided for its meetings and the newly elected members shall take the oath of office and assume the duties of office. If any meeting is held before such day and after publication of the certificate of election, the newly elected Council and Mayor shall take the oath of office and assume the duties of office at such meeting.
- B. Regular meetings. The Council shall meet at such time as may be prescribed by ordinance or resolution, but not less frequently than once each month unless the Council at the meeting immediately preceding, by a majority vote, cancels the next regularly scheduled meeting. All regular meetings of the Council shall be open to the public, and the rules of the Council shall provide that citizens of the town have a reasonable opportunity to be heard at any such meetings in regard to any matter considered.
- C. Special meetings. Special meetings are called by the Clerk upon written request of the Mayor or two (2) or more of the Councilmen. Any such notice shall state the subject to be considered at the special meeting, and no other subject shall be considered except by unanimous consent of all members present.

§ C2-6. Chief executive officer. [Amended 1-28-86 by Res. No. 3-85]

The Mayor serves as chief executive office of the Council. The Mayor Pro Tem will rotate on a six-month basis in seniority rotation; the Mayor Pro Tem shall act as chief executive in the absence of the Mayor.

§ C2-7. Rules.

The Council shall determine its own rules and order of business and keep a journal of its proceedings. The Council shall have powwill be eighteen (18) years of age on or before the day of any town election and has resided within the corporate limits of the town for thirty (30) days preceding any town election and is registered in accordance with the provisions of this Charter shall be a qualified voter of the town. Every qualified voter of the town shall be qualified to vote at any or all town elections.

§ C3-2. Board of supervisors of Elections.

- A. There icle 33, § 3-2, of the registration and election laws of Maryland at any time during the year except when the registration books are closed. Registration shall be permanent, and no person shall be entitled to vote in town elections unless he or she is registered. It shall be the duty of the Board of Supervisors of Elections to keep the registration list, by wards, up-to-date and by removing from the lists persons known to have died or have moved out of the town. The Council is hereby authorized and directed, by ordinance, to adopt and enforce any provisions necessary to establish and maintain a system of permanent registration and to provide for a re-registration for the town when necessary.

§ C3-6. Registration procedures.

Registration shall be by wards. The Supervisor of Elections shall be furnished by the Town Council, prior to the first registration day under this Article, with a well-bound registration book or books, in which book or books there shall be provided spaces or individual registration cards for the name of each person registering for the ward in which he or she resides, his or her age, actual address of residence, date of registration, and each person registering shall sign his or her name, or in which his or her mark shall be made if such person is unable to write. The Supervisor of Elections or any clerk acting as such shall swear each applicant for registering, and if upon the examination of such applicant it appears to both of them that such applicant is a qualified voter in accordance with the provisions hereof, they shall register his or her name in said registration book; and all persons so registered and qualified shall be entitled to vote at town elections so long as his or her name appears upon such registration book of his or her particular ward. All registration books of all wards shall be returned to the Town Council within three (3) days after each election, and all such books shall thereupon become the official registration books of the town. In any event the town registration books of all the wards shall be closed for any further registration thirty (30) days prior to the town election day. The Town Supervisor of Elections shall be responsible for and the custodian of all the registration books of the town until after the election day as provided herein.

§ C3-7. Appeals.

If any person shall feel aggrieved by the action of the Board of Supervisors of Elections in refusing to register or in striking or removing the name of any person or by any other action, such person may appeal to the Council. Any decision or action of the Council upon such appeals may be appealed to the Circuit Court for Prince George's County within thirty (30) days of the decision or action of the Council.

§ C3-8. Candidate certificates. [Amended 1-9-1989 by Res. No. 1-89]

Any person having the qualifications provided for herein may become a candidate for Councilman or Mayor by filing with the Town Supervisor of Elections at least forty-five (45) days prior to the election a certificate that he or she is a candidate, by giving his age, residence, occupation and that he or she is a registered voter at the time of filing, listed upon the registration books of the town. Candidate certificates for public office shall be obtained from the Town Clerks office. No person shall file to be a candidate for more than one (1) elective town public office at any one time. The term "elective" is construed to mean a person elected by the people to serve a term of office and not a person appointed by the Mayor or the Council to serve as the head of town committees or head of town departments. In the event that less persons than are to be elected shall file as candidates, or any candidate having filed, dies or withdraws, the said Supervisors may receive petitions of candidacy up to within three (3) days of the election. Candidates' names shall appear in alphabetical order for office sought on the ballots or voting machine labels. Of the candidates participating, the persons receiving the highest number of votes shall be named and considered the winners of the election. The candidate filing for the office of Mayor shall be elected at large, and the candidates filing for the office of Councilman shall state on the candidate certificate that he or she is a candidate for Councilman for the particular ward for the town in which he or she is a resident.

§ C3-9. Date of election for Mayor and Councilmen. [Amended 2-28-84 by Res. No. 1-84]

Commencing in calendar year 1985, the regular election day for the choice of Mayor and Councilmen shall be held on the first Monday in October every odd-numbered year. The qualified voters of the town shall elect one (1) person as Mayor for a term of two (2) years and two (2) persons from each ward as Ward Councilmen for a term of four (4) years.

§ C3-10. Absentee voting.

- A. Qualifications. Any qualified voter who may be unavoidably absent for any reason on any election day from the ward where he is registered to vote may vote as an absentee voter.
- B. Procedure. A qualified voter desiring to vote at any election as an absentee voter shall make application in writing to the Board for an absentee ballot. The application must be received not later than seven (7) days before the election. Applications shall be made available by the Board of Supervisors of Elections and shall conform to the requirements of the State Administrative Board of Election Laws. The information required on the application is supplied by the applicant under penalty of perjury.
- C. Form of ballot. The ballots, ballot instructions and envelopes used for the ballots shall conform to the requirements for absentee ballots set forth by the State Administrative Board of Election Laws.
- D. Delivery of ballot. The Town Board of Supervisors of Elections shall determine if the applicant is a qualified voter. If it is determined that the applicant is qualified, the Board shall deliver to him as soon as possible an absentee voter's ballot and envelope. The ballot shall be delivered to the applicant at the office of the Board or by mailing it to him at the address designated on his application. If the ballot is to be delivered by mail, it shall be sent in such time as to allow for receipt and return of the ballot, by regular mail or airmail, not later than the time of the closing of the polls on the day of election.
- E. Record of applications received and ballots delivered. The Board of Supervisors of Elections shall keep a record of applications for absentee voters' ballots as they are received. Such record shall be available for examination by any registered voter. After the receipt of the application and delivery of the absentee ballot, the Board shall cause the voter's name or card to be removed from the rolls for the election and placed in a file designated for absentee voters. No voter to whom an absentee ballot has been delivered or mailed shall be allowed to vote in person at any polling place.
- F. Validity of ballots. Any absentee ballot received after the time of the closing of the polls on the day of election shall be considered invalid.

§ C3-11. Ballots and voting machines; poll hours.

- A. The Mayor and Council shall provide for each general and special election a suitable place for voting and suitable ballot boxes and ballots or voting machines for each ward. The ballots or voting machines shall be arranged so that candidates for Council from each ward shall appear in alphabetical order only on the ballot for the ward in which such candidate seeks office. The candidates for Mayor shall appear on ballots for all the wards within the town.
- B. The Board of Supervisors of Elections shall keep the voting polls open from 7:00 am. to 7:00 p.m. on election day, or for longer hours if the Council requires it. All special town elections shall be conducted by the Board of Supervisors of Elections in the same manner and with the same personnel, as far as practicable, as regular elections.

§ C3-12. Vote count<sup>1</sup>

Within a reasonable time after the closing of the polls, the Board of Supervisors of Elections shall determine the vote cast for each candidate or question and shall certify the results of the election for each of the particular wards from the voting machines or ballot boxes and the results shall be placed in a sealed envelope for delivery to the Town Council on the first Wednesday after each election at a meeting of the Mayor and Council. The Supervisor of Elections shall attend and present to the Council and to the Town Clerk the returns of election. The Council shall then examine said returns and, if it finds them to be in order, shall declare those persons elected by the highest number of votes cast, and the candidate for Mayor with the highest number of votes shall be declared elected as Mayor, and the candidates for Councilman with the highest number of votes in each ward shall be declared elected as such in their particular ward.

§ C3-13. Preservation of ballots and records.

All ballots and voting machine records of results of elections shall be preserved for at least six (6) months from the date of election.

§ C3-14. Regulation and control by Council.

The Council shall have the power to provide by ordinance for the conduct of registration and elections and for the prevention of fraud and wrongdoings in connection therewith and for a recount of ballots and the tabulations of voting machines if necessary.

§ C3-15. Violations; penalty.

Any person who fails to perform any duty required of him under the provisions of this Article or any ordinance passed thereunder, or in any manner willfully or corruptly violates any of the provisions of this Article, or willfully or corruptly does anything which will or will tend to affect fraudulently any registration or town election, shall be deemed guilty of a misdemeanor. Any officer or employee of the town government who is convicted of a misdemeanor under the provisions of this section shall immediately upon conviction thereof cease to hold such office or employment.

§ C3-16. Contesting of elections.<sup>2</sup>

Any defeated candidate at such election may contest the same to the circuit court for Prince George's County, Maryland. No such contest shall, however, be considered unless a petition is filed in the Circuit Court for Prince George's County, Maryland, within seven (7) days, exclusive of Sundays and holidays, after the decision of the Town Council of Bladensburg on the election shall be made. Any legally qualified voter who has voted at any election in said town on any question submitted to the voters shall have a similar right to contest the results of such election.

§ C3-17. Failure to hold elections.

If the Mayor and Council of the town at any time neglects to hold an election as provided in this Charter, the power of electing town officers shall not cease but shall continue, and the officers for the time being shall continue in office until the election and qualification of their successors, but in such case the Mayor and Council is hereby directed to call an election as soon as practicable after the regular election date.

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<sup>1</sup>Editor's Note: Amended during codification; see Ch. 1, General Provisions, Art. II.

<sup>2</sup>Editor's Note: Amended during codification; see Ch. 1, General Provisions, Art. II.

§ C3-18. Tie votes.

In the event of a tie vote, another election shall be held as soon as practicable to elect one of the candidates so tied, limited, if for Councilman only, to the ward in which the tie vote occurred. Such special election shall be held in accord with the election provisions of this Charter so far as they are applicable.

ARTICLE IV  
Administration

§ C4-1. Town Administrator.

- A. Selection and term. The Town Administrator is appointed by the Mayor with the approval of the Council for an indefinite term. Before entering into his office, he shall take and subscribe to the oath of office as provided in this Charter.
- B. Qualifications. The Town Administrator is chosen on the basis of executive and administrative qualifications with reference to knowledge of or experience with the duties of the office. He shall furnish to the town for approval a surety bond conditioned on the faithful performance of duties. The bond premium is paid by the town. During his tenure of office, the Town Administrator shall reside within the Washington metropolitan area.
- C. Ineligibility of Council members. No member of the Council shall be appointed to this office during the term for which the member was elected nor within one (1) year after the expiration of the term.
- D. Salary. The Town Administrator shall receive such compensation as the Council fixes from time to time.
- E. Powers and duties. The Town Administrator is the chief administrative officer of the town. He shall see that all laws and ordinances are faithfully executed and perform other duties as required by the Council that are not inconsistent with these laws. He may head more than one (1) department with the approval of the Council and shall be responsible to the Council for the proper administration of all affairs of the town. To this end, the Town Administrator shall:
  - (1) Serve as the Personnel Officer of the town and, in this capacity, formulate personnel rules and regulations to be approved by the Council. The personnel rules and regulations shall include a pay schedule for each position in the town service and a description of the hiring, suspension and removal of all employees. Department heads shall be recommended by the Town Administrator for appointment by the Mayor with approval of the Council. The Town Administrator shall inform the Council of any change in the status of career service employees and may make recommendations as he feels necessary to implement the personnel system.
  - (2) Prepare the annual budget and submit it to the Council with a message describing its important features; administer the budget after adoption; and prepare and submit to the Council at the end of the fiscal year an annual report.
  - (3) Supervise the purchase of all goods for which funds are provided in the budget; let contracts necessary for operation or maintenance of town services, for amounts as set forth in Council resolutions; receive sealed bids for large purchases or contracts, present them to the Council for approval and advise the Council on the bids. No contract in excess of an amount specified by the Council and no contract for new construction shall be let except by the

Town Council. No purchase shall be made, contract let or obligation incurred for any item or service which exceeds the current budget appropriation without a supplemental appropriation by the Council.

- (4) Have the power to award contracts and make purchases in case of accident, disaster or other circumstances creating a public emergency, provided that the Town Administrator shall file promptly with the Council a certificate showing such emergency and the necessity for such action, together with an itemized account of all expenditures.
  - (5) Attend all meetings of the Town Council unless excused; take part in the discussion of all matters before the Council; and report verbally or in writing to the Council at its regular meeting the financial condition of the town, all major administrative actions and any recommendations for Council action that would improve or maintain the good health, safety, welfare or administration of the town. The Town Administrator may report such matters to the Council more frequently than at each regular Council meeting.
  - (6) Investigate the affairs of the town or any town department and report to the Council any deficiencies; investigate all complaints in relation to the administration of town government and in relation to service provided by the public utilities in the town; ensure the faithful observance of all franchises, permits and privileges granted by the town.
- F. Vacancy. Any vacancy in the office of Town Administrator shall be filled within ninety (90) days after the effective date of such vacancy.

§ C4-2. Town Treasurer.

- A. Selection and term. The Town Treasurer is appointed by the Mayor with the approval of the Council for an indefinite term.
- B. Compensation. The Town Treasurer shall receive such compensation as the Council fixes from time to time.
- C. Duties. The Town Treasurer serves at the pleasure of the Council and is under the supervision of the Town Administrator. Before taking office, the Town Treasurer shall present to the town a bond in an amount the Council requires. He shall:
  - (1) Ensure that all taxable property in the town is assessed and collect all taxes, special assessments and other revenues of the town.
  - (2) Receive all funds, moneys and revenues for the town and disburse them promptly on order of the Town Administrator.
  - (3) By means of an accounting system, keep a record of all funds, moneys and revenues received and disbursed by him on behalf of the town. This accounting system shall record from whom money was received, to whom it was disbursed, on what account received and disbursed and how paid.
  - (4) Hold in his custody all bonds and notes of the town.
  - (5) Pay employees of the town service.

- (6) Provide the Town Administrator with any information he may need to prepare the budget.
- (7) Perform all other duties directed by the Council which are not in conflict with the laws of Maryland.
- (8) Report to the Council each month, at a regular public meeting of the Council, all moneys received by him and all disbursements made from the finances of the town.

§ C4-3. Appointments. [Amended 6-6-83 by Res. No. 7-82, Amended 5-13-91 by Res. No. 2-91]

The Mayor with the advice and consent of the majority of the Council, shall appoint all department heads, the Town Attorney, and the Town Clerk. Notwithstanding any other provision of the Charter to the contrary, no such appointee may be removed or suspended from such position without due notice to the appointee and an opportunity to be heard at a public meeting. No removal or suspension shall be effective unless by the affirmative vote of three members of the Council, except for a 90-day period following the swearing-in of each newly elected Council when no such removal or suspension shall be effective unless by the affirmative vote of four members of the Council.

§ C4-4. Oath of office.

The Mayor, Councilmen, Treasurer and all other officers and officials, elective or appointive, shall, before they enter upon the duties of their office, take and subscribe before any officer of the State of Maryland duly authorized to take an affidavit an oath that he will support the Constitution of the United States and diligently and faithfully, according to the best of his judgment, perform the duties of his office without favor, partiality or prejudice, and a certificate of such qualification shall be returned by such officer of the State of Maryland to the Town Council, to be filed and recorded among its proceedings. Failure to take the oath of office within thirty (30) days after election shall constitute a vacancy in that office.

§ C4-5. Authority to employ personnel.

The town has the power to employ such officers and employees as it deems necessary to execute the powers and duties provided by this Charter or other state laws and to operate the town government

§ C4-6. Licensing sale of alcoholic beverages.

The Council may require a license for the sale of alcoholic beverages within the town, provided that the license fee does not exceed the amount allowed to be set by municipalities under state law.

ARTICLE V  
Finance

§ C5-1. Budget.

- A. Submission. The Town Administrator, on such date as the Council shall determine, but at least thirty-two (32) days before the beginning of any fiscal year, shall submit a budget to the Council. The budget shall provide a complete financial plan for the fiscal year and shall contain estimates of anticipated revenues and proposed expenditures for the coming fiscal year. The total of the anticipated revenues shall equal or exceed the total proposed expenditures. The budget shall be a public record in the municipal building of the town, open for public inspection during normal business hours.

- B. Public hearing. Before adopting the budget, the Council shall hold a public hearing concerning it. The Council shall give two (2) weeks' notice of the hearing in a newspaper having general circulation within the municipality.
- C. Council actions. The Council may insert new items or may increase or decrease the items of the budget. Where the Council shall increase the total proposed expenditures, it shall also increase the total anticipated revenues in an amount at least equal to such total proposed expenditures.
- D. Adoption and effect. The budget shall be prepared and adopted in the form of an ordinance. From the effective date of the adopted budget, the amount designated in the budget to be raised by the property tax shall constitute a determination of the amount of the tax levy in the corresponding tax year.

§ C5-2. Taxable property; rate; levy; overdue taxes.

- A. Taxable property. All real property and all tangible property within the corporate limits of the town which may have a situs there by reason of the owner's residence in the town shall be subject to taxation for municipal purposes. The assessments used shall be the same as that for the state and county taxes. No authority is given by this section to imposed taxes on any property which is exempt from taxation by any act of the General Assembly.
- B. Rate. The Council is authorized and empowered to levy annually such taxes upon assessable property within the corporate limits as it deems necessary and to provide that the tax rate shall be set annually by resolution of the Council. [Amended 6-2-81 by Res. No. 3-81]
- C. Notice of levy.
  - (1) Immediately after the levy is made by the Council in each fiscal year, a public notice announcing the levy shall be posted in the town municipal building.
  - (2) The Treasurer shall make out the tax bills and mail or deliver to each taxpayer or his agent at his last known address a bill of the account of the taxes due from him. The tax bill or account shall contain a statement of the amount of real or tangible property with which the taxpayer is assessed, the rate of taxation, the amount of taxes due and the date on which the taxes will bear interest.
  - (3) Failure to give or receive any notice of a tax bill required by this section shall not relieve any taxpayer of the responsibility to pay on the dates established by this Charter all taxes levied on his property.
- D. Overdue taxes.
  - (1) All taxes are due and payable on the first day of July in each and every year for which such taxes are levied. If not paid to the Treasurer before the first day of October, the taxes shall be overdue and in arrears until paid. While in arrears, they shall bear interest at a rate of two-thirds of one per centum (0.67%) and a penalty of one and one-third of one per centum (1.33%) for each month or fraction of a month until paid.
  - (2) All taxes not paid and in arrears after the first day of the following January shall be collected as provided by state law. [Amended 8-3-82 by Res. No. 5-82]

§ C5-3. Tax sales.

A list of all property on which the town taxes have not been paid and are in arrears as provided in this Charter shall be turned over by the Town Treasurer to the official responsible for the sale of tax delinquent property as provided by state law.

§ C5-4. Audit; expenditures; borrowing; repayment of debt

- A. Audit. The financial books and accounts of the town shall be audited annually. The Auditor's report shall be available for public inspection in the municipal building during normal business hours.
- B. Limited expenditures. The Council shall not in any one year expend for general purposes of the town more money than the amount receivable from taxes and any other source. No contract for such excessive expenditure shall be enforceable against it.
- C. Special purpose expenditures. Nothing in this section shall be construed to prevent the Mayor and Town Council from making any agreements or contracts for any special purposes to be payable out of funds to be derived from special sources for such special purposes.
- D. Temporary or emergency needs. Nothing in this section shall be construed to prevent the Council from short-term borrowing to meet temporary needs or unforeseen emergency expenses. Notes for such short-term borrowing shall be issued for a period not to exceed three (3) years and in an amount not to exceed two per centum (2%) of the assessed valuation of the town.
- E. Repayment of debt incurred. Any amount borrowed under the provisions of this section shall bear an annual rate of interest as approved by the Council, to be repaid within a three-year period from the proceeds of the regular annual tax levy, which shall be adjusted to provide the required funds.

§ C5-5. Special taxes.

In addition to all other powers of taxation vested in the Council, it shall be authorized and empowered to levy and special tax upon property within the Town of Bladensburg in order to provide land and buildings, or either of them, for any lawful municipal purposes. The proceeds of such tax may be expended directly upon such land and buildings, or such proceeds may be applied to pay the interest as it comes due and to redeem the principal on any bonds, notes or other certificates of indebtedness issued to provide immediate funds for such land and buildings. The Council is authorized and empowered to issue such bonds, notes or other certificates of indebtedness and to borrow such money, subject to such rate of interest and other terms and conditions as the Council deems proper; and such authority to issue bonds, notes or other certificates of indebtedness and to borrow money shall be in addition to all other such powers vested in the Council. Any such special tax or taxes shall not be imposed at any one time in the aggregate in excess of ten cents (\$0.10) on each one hundred dollars (\$100.00) of assessed valuation. Any ordinance or resolution to impose such a tax or taxes shall be effective only if it has first been submitted to a referendum of the voters of the town, at any regular or special election therein. The Mayor and Town Council shall give at least two (2) weeks' notice to said voters of the submission of any such question, in a newspaper of general circulation in the town. The ballots or ballot labels shall contain a brief summary of the amount and purposes of the proposed tax with the words "For the proposed tax" and "Against the proposed tax." If a majority of the persons voting on said question vote for the proposed tax, the Mayor shall so proclaim publicly, and the said ordinance or resolution shall thereupon be effective and in force according to its terms. If a majority of the persons voting on said question vote against the proposed tax, the Mayor shall so proclaim, and the said ordinance or resolution shall thereupon be null and void and of no further force or effect.

§ C5-6. Long-term borrowing.

- A. Purposes for borrowing. The Council may borrow on the credit of the town for the following purposes:
- (1) To construct gutters and effectuate storm and surface water control and disposition projects.
  - (2) To construct public improvements and buildings and acquire sites for such construction.
  - (3) To acquire equipment for public services.
- B. Limitation on borrowing. The Council shall not borrow an amount in excess of two per centum (2%) of the assessed valuation of all real property in the town. The limit of two per centum (2%) on borrowing shall include any previous bonding debt which has not been retired. However, any debt incurred for special purposes, temporary needs or emergency expenditures shall not be included in the limit on borrowing.
- C. Bonding and debt retirement.
- (1) The bonds issued to pay for the public projects specified in this section shall be payable within a period of no longer than twenty (20) years with an annual interest rate set by the Council.
  - (2) In addition to the maximum rate of taxation provided in this Charter, the Council may levy and collect on assessable property a tax not in excess of ten cents (\$0.10) on each one hundred dollars (\$100.00) of assessable property in the town. The tax revenues shall be used to pay the principal and interest on the bonds sold under this section.
- D. Tax levy. The taxes provided in this section shall be collected with the regular taxes of the town and shall bear the same interest penalty for nonpayment as the regular taxes of the town.

ARTICLE VI  
Public Ways and Improvements

§ C6-1. Definitions.

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

**PUBLIC IMPROVEMENTS** - Includes public ways and stormwater drainage systems.

**PUBLIC WAYS** - Includes all streets, avenues, roads, highways, public thoroughfares, lanes, alleys, bridges, curbs, gutters and sidewalks.

§ C6-2. Control of public ways.

The town shall have control of all public ways in the town except those which may be under the jurisdiction of the State of Maryland or Prince George's County. Subject to the laws of the state and this Charter, the town may do whatever it deems necessary to establish, operate and maintain the public ways of the town.

§ C6-3. Powers of town.

The town shall have the power to:

- A. Establish, regulate and change from time to time the grade lines, width and construction materials of any town public way or its parts.
- B. Create, lay out, grade, construct, install, open, extend and pave or otherwise surface new public ways within the town.
- C. Grade, straighten, widen, alter, improve, maintain, repair, repave or otherwise resurface or close existing public ways or their parts within the town.
- D. Name town public ways.
- E. Construct or accept stormwater and watershed drainage systems and their parts.
- F. Have surveys, plans specifications and estimates made for any of the above activities, projects or their parts.

§ C6-4. Sidewalk construction.

The town may grade, lay out or construct a new sidewalk only after obtaining the written consent of the owners of the majority of front footage abutting on the proposed sidewalk. Once such agreement has been obtained and the sidewalk constructed, a special assessment shall be levied against the owners of property abutting the sidewalk until the full cost of the project has been recovered. When no special assessment is to be levied against the abutting property owners, no such consent is necessary.

§ C6-5. New street construction.

- A. The Council may construct new streets by passing an ordinance providing for such construction. The ordinance shall also specify the time and date of a public hearing concerning the proposed street. The hearing shall be held no earlier than four (4) weeks from the date of passage but after the notice of the hearing has been published three (3) times. A fair summary of the ordinance, including an announcement of the hearing, shall be published once weekly for three (3) weeks in a newspaper of general circulation within the town. An exact copy of the ordinance shall be available for public inspection in the municipal building.
- B. At the hearing, the ordinance must be approved by three-fifths (3/5) of the Council to be enacted. If the ordinance is enacted, the owners of property abutting the street shall be assessed the cost of the construction in the form of a special assessment.

§ C6-6. Stormwater drainage systems.

The town may construct stormwater drainage systems or their parts only after obtaining the written consent of the owners of the majority of footage abutting on the proposed project. The construction proposal shall take the form of an ordinance subject to a public hearing. A fair summary of the ordinance, including the time and place of the public hearing, shall be published once weekly for three (3) weeks in a newspaper of general circulation in the town. The public hearing shall be held the week following the last advertisement. Not less than thirty (30) days prior to final enactment, an exact copy of the ordinance shall be available for public inspection in the municipal building. The ordinance shall be voted upon at the hearing and shall require a three-fifths majority of the Council to

enact the ordinance. If the ordinance is agreed to, the owners of the property abutting the street shall be assessed the cost of construction in the form of a special assessment.

§ C6-7. Bonding for public improvements.

In order to make the public improvements listed in this Article, the Council may borrow money and issue bonds to pay for the construction, land and other legal, engineering, administrative or advertising costs directly related to the improvement project and the bonds issued for it. The bonds shall bear interest at a rate to be established by the Council and shall be payable within a period of twenty (20) years or less. The total sum of money borrowed for public improvement projects shall not at any time exceed two per centum (2%) of the total assessed valuation of all property within the town.

§ C6-8. Special assessments.

- A. Levy of the assessment. When a public improvement project has been agreed to as provided in this Charter, the Council shall levy and collect taxes from special assessments upon the property abutting on the project. The assessments shall be levied to cover the costs of the bonds issued to pay for the project. The special assessments shall be levied so that the owners of the parcels of land abutting on the project pay in proportion to the amount of front footage owned. However, owners of corner lots shall be assessed for public way projects on either the front or side of the lot, whichever is longer, so long as the assessable footage of such owners totals at least forty (40) feet.
- B. Town option on public ways. The Council may assume financial responsibility for public rights-of-way, bridges and sidewalk and street construction on town property to settle any dispute among affected property owners as to front footage assessments. The footage assumed by the Council shall be made a part of the special assessment in order to calculate costs.
- C. Payment of assessments. Special assessments shall constitute a lien against abutting property and together with interest shall be payable every six (6) months from the date of assessment. Installments shall be collectible as town taxes, including penalties for late payment. Property upon which special assessments are overdue for more than five (5) months shall be sold in the same manner as property upon which other taxes are delinquent.
- D. Appeal of assessment. Any owner of property which has been specially assessed shall have the right to appeal to the Circuit Court for Prince George's County, Maryland, within thirty (30) days from the date of the assessment.

ARTICLE VII  
General Provisions

§ C7-1. Effect of Charter on prior rights and obligations.

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

§ C7-2. Violations and penalties. [Amended 4-29-80 by Res. No. 1-80<sup>3</sup>]

- A. Misdemeanors. Every act or omission which, by ordinance or resolution, is made a misdemeanor under the authority of this Charter, unless otherwise provided, shall be punishable, upon conviction before the District Court of Maryland, by a fine not exceeding one thousand dollars (\$1,000.00) or imprisonment for a term not exceeding six (6) months, or both fine and imprisonment. The party aggrieved shall have the right to appeal as is now provided under the general laws of the state. Where the act or omission is of a continuing nature and is persisted in, a conviction for one (1) offense shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.
- B. Municipal infractions. The Council may, by ordinance or resolution, provide that violations of any town ordinance be a municipal infraction. Citations therefor may be issued and delivered by those officials authorized and designated by the Council, by ordinance or resolution to deliver a citation to any person whom they adjudge to be committing a municipal infraction. Thereafter, the matter shall proceed in the manner provided by § 3B of Article 23A of the Annotated Code of Maryland §§ 4-401 and 12-401 of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland as said sections are now in force and as the same may be amended from time to time by the General Assembly of Maryland.

§ C7-3. Effect of Charter on existing ordinances.

- A. Compatible ordinances. All ordinances, resolutions, rules and regulations in effect in the town at the time this Charter becomes effective which are not in conflict with the provisions of this Charter shall remain in effect until changed or repealed according to the provisions of this Charter.
- B. Incompatible ordinances. All ordinances, resolutions, rules and regulations in effect in the town at the time this Charter becomes effective which are in conflict with the provisions of this Charter are hereby repealed to the extent of such conflict.

§ C7-4. Gender and number.

Every word in this Charter importing the masculine gender shall extend to and be applied to females as well as males; and every word importing the singular number only shall extend and be applied to several persons or things as well as to one (1) person or thing; and every word importing the plural number only shall extend and be applied to one (1) person or thing as well as to several persons or things.

§ C7-5. Severability.

In any section or part of a section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section so held invalid shall appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

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<sup>3</sup>Editor's Note: Amended during codification; see Ch. 1, General Provisions, Art. II.

# **THE CODE**

# **PART I**

## **ADMINISTRATIVE LEGISLATION**

Chapter 1

GENERAL PROVISIONS

ARTICLE I

Adoption of Code

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

ARTICLE II

Charter Amendments

ARTICLE III

Ratification of Nonsubstantive Changes to the Charter

- § 1-16. Number change.
- § 1-17. Other nonsubstantive revisions.

[HISTORY: Adopted by the Council of the Town of Bladensburg: Art. I, 1-11-88 as Ord. No. 1-88; Art. III, 1-11-88 as Res. No. 5-88. Amendments noted where applicable.]

ARTICLE I  
Adoption of Code  
[Adopted 1-11-88 as Ord. No. 1-88]

Be it enacted and ordained by the Mayor and Town Council of the Town of Bladensburg, Maryland, as follows:

§ 1-1. Adoption of Code.

The ordinances and certain resolutions of the Town of Bladensburg, of a general and permanent nature, adopted by the Mayor and Council of the Town of Bladensburg, as revised, codified and consolidated into chapters and sections by General Code Publishers Corp. and consisting of Chapters 1 through 122, together with an Appendix, are hereby approved, adopted, ordained and enacted as the “Code of the Town of Bladensburg,” hereinafter known and referred to as the “Code.”

§ 1-2. Code supersedes prior legislation.

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

§ 1-3. Effective date.

All provisions of this ordinance of the Code shall be in full force and effect on and after the 15th day of March 1988.

§ 1-4. Copy of Code on file.

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

§ 1-5. Amendments to Code.

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

§ 1-6. Publication and filing.

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

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

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

§ 1-8. Sale of Code book.

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

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

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Town of Bladensburg to be misrepresented thereby. Any person violating any provision of this Article shall, upon conviction, be guilty of a misdemeanor and shall be punishable as provided in § C7-2A of the Charter.

§ 1-10. Severability of Code provisions.

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

§ 1-11. Severability of ordinance provisions.

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

§ 1-12. Repeal of ordinances.

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

§ 1-13. Legislation saved from repeal.

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

- A. Any ordinance adopted subsequent to November 1, 1987.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.

- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered, prior to the effective date of this ordinance brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing of grade, changing of name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.
- G. Any ordinance or resolution appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the town's indebtedness.
- H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract or obligation.
- I. The levy or imposition of taxes, assessments or charges.
- J. Ordinances establishing the amount and manner of payment of salaries or compensation of officers and employees, establishing workdays and working hours of certain employees and providing for holidays and vacations for employees and keeping of employment records.

§ 1-14. Changes in previously adopted legislation.

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

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

Pursuant to Section 9A of Article 23A of the Annotated Code of Maryland, a copy of the Code of the Town of Bladensburg containing the Charter shall be deposited with the Maryland Department of Legislative Reference.

ARTICLE II  
Charter Amendments

[During the process of codification in 1988, certain substantive amendments were made to the Charter of the Town of Bladensburg. These changes are noted in the history of the Charter as "... amended during codification, see Ch. 1, General Provisions, Art. II." During the course of normal supplementation, specific dates of adoption will be inserted where pertinent in the text of the Charter.

The enumeration appearing below lists each section of the Charter affected by such legislation adopted during codification. The complete text of these amendments is on file in the town offices, where it may be inspected during regular office hours.)

Date of	Resolution
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Section	Adoption	Number
§ C1-4T	1-11-88	4-88
§ C3-12	1-11-88	1-88
§ C3-16	1-11-88	2-88
§ C7-2	1-11-88	3-88

### ARTICLE III

#### Ratification of Nonsubstantive Changes to the Charter

[Adopted 1-11-88 as Res. No. 5-88]

§ 1-16. Number change.

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

§ 1-17. Other nonsubstantive revisions.

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

Chapter 8  
ETHICS

- § 8-1. Applicability.
- § 8-2. Ethics Commissioner.
- § 8-3. Conflicts of interest.
- § 8-4. Financial disclosure.
- § 8-5. Lobbying disclosure.
- § 8-6. Exemptions and modifications.
- § 8-7. Enforcement.

[HISTORY: Adopted by the Council of the Town of Bladensburg at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]

GENERAL REFERENCES

Personnel - See Ch. 16.

- § 8-1. Applicability.

The provisions of this chapter shall apply to all elected officials and full-time employees of the Town of Bladensburg, Maryland, and to all appointed members of any board or commission of the town whether or not compensated by the town.

- § 8-2. Ethics Commissioner.

A. There shall be an Ethics Commissioner appointed by the Council, who shall have the following responsibilities:

- (1) To devise, receive and maintain all forms generated by this chapter.
- (2) To provide published advisory opinions to persons subject to the provisions of this chapter as to the applicability of the provisions of this chapter.
- (3) To process and make determinations as to complaints filed by any person alleging violations of this chapter.
- (4) To provide information to the public regarding the purposes and application of this chapter.
- (5) To perform such other duties as may be necessary to carry out the intent of this chapter and the regulations of the State Ethics Commission.

B. The Town Attorney shall serve as the Ethics Commissioner unless the Council appoints another person in the place and stead of the Town Attorney.

- § 8-3. Conflicts of interest.

No elected official or employee of the Town of Bladensburg, Maryland, who is otherwise subject to the provisions of this chapter shall:

- A. Participate on behalf of the town in any matter which would, to his knowledge, have a direct

financial impact, as distinguished from the public generally, on him, his spouse or dependent child or any business entity with which he is affiliated.

- B. Hold or acquire an interest of fifty percent (50%) or greater in any business entity that has or is negotiating a contract of ten thousand dollars (\$10,000.00) or more with the Town of Bladensburg, Maryland, or is regulated by the town, except as exempted by the Ethics Commissioner where the interest is disclosed pursuant to the provisions of this chapter.
- C. Be employed by a business entity that has or is negotiating a contract of ten thousand dollars (\$10,000.00) or more with the Town of Bladensburg or is regulated by the town, except as exempted by the Ethics Commissioner where the interest is disclosed pursuant to the provisions of this chapter.
- D. Hold any outside employment relationship which would impair his impartiality or independence of judgment with respect to any town activity or business.
- E. Represent any party before any town body.
- F. Within one (1) year following termination of town service as an elected official or employee, act as a compensated representative of another in connection with any matter in which the elected official or employee participated as an elected town official or employee.
- G. Solicit any gift or accept any gift greater than fifty dollars (\$50.00) in value from any person that has or is negotiating a contract with the town or is regulated by the town, except when such gift or gifts would not present a conflict of interest as determined by the Ethics Commissioner. The term "gift" as used throughout this chapter includes but is not limited to the receipt or transfer of anything of value without adequate and lawful consideration.
- H. Use the prestige of his office for his own benefit or that of another.
- I. Use any information acquired in his official position for his own benefit or the benefit of another as distinguished from the public generally.

§ 8-4. Financial disclosure.

- A. The elected town officials and the designated department heads and other employees listed in Subsection C of this section shall file annually, not later than January 31 of each calendar year during which they hold office or employment, a statement with the Ethics Commissioner disclosing any gifts received during the preceding calendar year from any person having a contract with the town or any person or entity regulated by the town. The statement shall identify the donor of the gift and its approximate retail value at the time of receipt. In addition, whenever an anticipated action of any town official, department head or other employee listed in Subsection C of this section will present a potential conflict with the personal interest of said town official, department head or employee, such individual shall file a financial disclosure statement with the Ethics Commissioner sufficiently in advance of the anticipated action to provide adequate disclosure to the public.
- B. Any candidate for elective office in the town shall file a statement consistent with the requirements of Subsection A at the time that he files his certificate of candidacy with the Town of Bladensburg.
- C. Officials and employees required to file financial disclosure forms are as follows:

- (1) The Mayor of the town.
  - (2) The members of the Council from each ward.
  - (3) The appointed Town Administrator, Town Clerk, Town Treasurer, Chief of Police and Public Works Supervisor.
  - (4) The appointed members of any board or commission appointed by the town whether or not compensated by the town.
- D. All town officials and employees or candidates for elected offices or positions subject to this section shall file a statement with the Ethics Commissioner disclosing any interests or employment, the holding of which would require disqualification from participation pursuant to § 8-3 of this chapter.
- E. Disclosure statements filed pursuant to this section shall be maintained by the Ethics Commissioner as public records available to the public for inspection and copying at reasonable hours at the main office of the town.

§ 8-5. Lobbying disclosure.

- A. Any person who appears before any town official or employee with the intent to influence that person in the performance of the official duties of the town official or employee and who, in connection with such intent expends or reasonably expects to expend in any calendar year in excess of one hundred dollars (\$100.00) on food, entertainment or other gifts for such official or employee shall file a registration statement with the Ethics Commissioner not later than January 15 of the calendar year or within five (5) days after first making the appearance.
- B. The registration statement shall include complete identification of the name and address of the registrant and of any other person on whose behalf the registrant acts. The statement shall also identify the subject matter in which the registrant appears or proposes to make the appearance.
- C. Registrants under this section shall file a report within thirty (30) days after the end of any calendar year during which they were registered, disclosing the value, date and nature of any food, entertainment or other gift provided to a town official or employee. When a gift or series of gifts to a single official or employee exceeds fifty dollars (\$50.00) in value, the official or employee shall also be identified.
- D. The registration and reports filed pursuant to this section shall be maintained by the Ethics Commissioner as public records available to the public for inspection and copying at reasonable hours at the main office of the town.

§ 8-6. Exemptions and modifications.

The Ethics Commissioner may grant exemptions and modifications to the provisions of this chapter if the Commissioner determines that applications of any provision would:

- A. Constitute an unreasonable invasion of privacy.
- B. Significantly reduce the availability of qualified persons for public service.
- C. Not be required to preserve the purposes of this chapter.

§ 8-7. Enforcement.

- A. The Ethics Commissioner may issue a cease and desist order against any person found to be in violation of this chapter and may seek enforcement of this order in the Circuit Court for Prince George's County, Maryland.
- B. A town official or employee determined by the Ethics Commissioner to have violated any provisions of this chapter may be subject to such disciplinary or other appropriate personnel action, including suspension of town salary or other compensation, as may be determined.
- C. Any violation of this chapter shall be a misdemeanor punishable as provided in § C7-2A of the Charter.

Chapter 10  
FORFEITING AUTHORITY

§ 10-1. Designation.

[HISTORY: Adopted by the Council of the Town of Bladensburg 10-13-1989 as Res. No. 4-89. Amendments noted where applicable.]

§ 10-1. Designation.

Pursuant to Article 27, § 297, of the Annotated Code of Maryland, regarding controlled dangerous substances and forfeiture of property, the States Attorney for Prince George's County, Maryland, is hereby designated as the forfeiting authority on behalf of the Town of Bladensburg for the purpose of filing and prosecuting forfeiture complaints pertaining to vehicles, conveyances, real property, money and any other assets of any type which are forfeitable according to the Annotated Code of Maryland.

Chapter 16  
PERSONNEL

- § 16-1. Statutory authority.
- § 16-2. Service divisions.
- § 16-3. Career service.
- § 16-4. Exempt service.
- § 16-5. Attainment of career status; probationary status.
- § 16-6. Implementation and supervision by Town Administrator, Personnel Officer.
- § 16-7. Duties of Personnel Officer.
- § 16-8. Duties and responsibilities of Council.
- § 16-9. Personnel rules and regulations.
- § 16-10. Pay plan.
- § 16-11. Nondiscrimination.
- § 16-12. Intergovernmental agreements.
- § 16-13. Employee organizations.
- § 16-14. Political activities.
- § 16-15. Unlawful acts.
- § 16-16. Violations and penalties.
- § 16-17. Ineligibility for employment; forfeiture of position.

[HISTORY: Adopted by the Council of the Town of Bladensburg at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]

GENERAL REFERENCES

Authority to employ personnel - See Charter, § C4-5.  
Ethics - See Ch. 8.

- § 16-1. Statutory authority.

By virtue of the authority vested in the Council of the Town of Bladensburg by Article 23A of the Annotated Code of Maryland, there is hereby established a personnel system for the town.

- § 16-2. Service divisions.

All offices and employees of the Town of Bladensburg are divided into career service and exempt service.

- § 16-3. Career service.

The provisions of this chapter shall apply to the career service, unless otherwise specified. The career service is composed of all fulltime employees of the town who are paid an annual salary on an hourly, weekly, monthly or yearly rate and who are appointed by the Personnel Officer, unless such employees are exempted.

- § 16-4. Exempt service.

The exempt service consists of the following:

- A. All elected officials and members of boards or commissions.
- B. Professional consultants performing temporary or part-time service.

- C. Seasonal or occasional employees.
- D. Volunteer personnel and personnel appointed to serve without pay.
- E. Department heads such as the Chief of Police and the Supervisor of Public Works.
- F. The Town Administrator, the Town Attorney, the Town Treasurer and the Town Clerk.

§ 16-5. Attainment of career status; probationary status.

Employees who have held positions in the career service for at least twelve (12) months consecutively shall have career status. Employees in career service positions with less than twelve (12) consecutive months of service on the effective date of this chapter shall continue in a probationary status until twelve (12) consecutive months of service have been completed, at which time career status may be conferred.

§ 16-6. Implementation and supervision by Town Administrator, Personnel Officer.

The general responsibility for implementing the provisions of this chapter and for supervising the administration of the personnel system is vested in the Town Administration. The Town Administrator may serve as Personnel Officer or may duly authorize a representative to serve in this capacity.

§ 16-7. Duties of Personnel Officer.

The duties and responsibilities of the Personnel Officer are to:

- A. Formulate the pay plan and personnel rules and regulations for review and adoption by the Council.
- B. Inform the Council of any changes in the status of employees in the career service. He or she may make recommendations to the Council concerning:
  - (1) Appropriations to implement personnel programs.
  - (2) Amendments to the pay plan and the personnel rules and regulations.
  - (3) The establishment, disestablishment, and reclassification of jobs in the town service.
  - (4) Changes in the retirement, life insurance, health insurance and hospitalization plans for all employees.
- C. Appoint, transfer, promote, demote, suspend, dismiss or make any other change in the status of career service employees, in accordance with the personnel rules and regulations as adopted and amended by the Council.
- D. Recommend to the Council for approval all department heads.
- E. Provide for the maintenance of personnel records for every employee in the town service.
- F. Implement new safety measures for town employees and new programs to effectively utilize the human resources of the town.

G. Perform any lawful act which may be necessary to carry out the intent and provisions of this chapter or to execute the policies of the Council as they relate to all personnel in the town service.

§ 16-8. Duties and responsibilities of Council.

The duties and responsibilities of the Council on personnel matters are to:

- A. Adopt the pay plan and the personnel rules and regulations and amend them from time to time.
- B. Approve or disapprove the recommendations of the Personnel Officer concerning department heads and the establishment, disestablishment and reclassification of jobs.
- C. Change the retirement, life insurance, health insurance and hospitalization plans for all employees.

§ 16-9. Personnel rules and regulations.

A. The personnel rules and regulations shall include but not be limited to:

- (1) Qualifications for all positions in the career service.
- (2) Objective methods of recruitment, examination, investigation and determination of the relative qualifications of all applicants for career service positions.
- (3) Conditions of employment in the career service.
- (4) Procedures by which career service employees shall be evaluated from time to time.
- (5) Procedures by which disciplinary action may be taken against an employee.
- (6) Procedures for the promotion, demotion, suspension, dismissal or laying off of employees in the career service.
- (7) Procedures for the hearing of employee grievances and complaints.
- (8) Specifications of what employee records shall contain.

B. The personnel rules and regulations have the force and effect of law. Amendments to the personnel rules and regulations shall be made only by the Council. All employees in the town service shall have access to copies of the personnel rules and regulations and any amendments to them.

§ 16-10. Pay plan.

The pay plan shall include a uniform and equitable schedule of pay for each position in the career service. No career service employee shall be paid less than the minimum rate of pay for his or her position. The adoption of the pay plan shall not cause any career service employee to receive less than his or her current rate of pay.

§ 16-11. Nondiscrimination.

All appointments and changes in job status of career service employees shall be made without regard to sex, race, age, religion or political affiliation and shall be based on merit and fitness.

§ 16-12. Intergovernmental agreements.

The Town Administrator, acting in behalf of the Council, may cooperate with other governmental agencies charged with public personnel administration in conducting personnel tests, recruitment and training of personnel and establishing lists from which eligible candidates may be certified for appointment and for interchange of personnel and other benefits.

§ 16-13. Employee organizations.

Town employees shall have the right to organize, join and participate in, or to refuse to organize, join and participate in, any employee organizations freely and without fear of penalty or reprisal, for the purpose of collective negotiation through representatives of their own choosing on terms and conditions of employment.

§ 16-14. Political activities.

- A. No town employee in the career service shall be an officer of a political party or hold political office.
- B. No employee, official or person shall solicit any assessment, contribution or services for any political party from any employee in the career service.
- C. Nothing shall prevent an employee from holding membership in and supporting a political party, from voting as he or she chooses, from expressing privately his or her opinions on all political subjects and candidates and from attending political meetings.

§ 16-15. Unlawful acts.

- A. No person shall make any false statement, certificate, mark, rating or report with regard to any test, certification or appointment made under any provision of this chapter, or in any manner commit or attempt to commit any fraud, preventing the impartial execution of this chapter and its policies.
- B. No person shall directly or indirectly give, render, pay, offer, solicit or accept any money, service or other valuable consideration for any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, a position in the career service.
- C. No employee of the town or other person shall defeat, deceive or obstruct any person in his right to examination, eligibility, certification or appointment under this chapter or furnish to any person any special or privileged information for the purpose of affecting the rights or prospects of any person with respect to employment in the career service.

§ 16-16. Violations and penalties.

Any person who willfully violates any provision of this chapter or of the policies implemented as a result of it shall, upon conviction, be guilty of a misdemeanor and shall be punishable as provided in § C7-2A of the Charter.

§ 16-17. Ineligibility for employment; forfeiture of position.

Any person who is convicted of a misdemeanor under this chapter shall, for a period of five (5) years, be ineligible for appointment to or employment in a position in the town service, and if that person is an officer or employee of the town, he shall forfeit that office or position.

Chapter 17  
LIABILITY INDEMNIFICATION OF TOWN EMPLOYEES

- § 17-1. Declaration of indemnification.
- § 17-2. Definitions.
- § 17-3. Designation of Attorney.
- § 17-4. Determination of Coverage.
- § 17-5. Cooperation of Employee.
- § 17-6. Effect of other insurance, bond or indemnification plan.
- § 17-7. Limit of Coverage.
- § 17-8. Subrogation right of Town.
- § 17-9. Assignments prohibited.
- § 17-10. Continuation of protection.

[HISTORY: Adopted by the Council of the Town of Bladensburg on November 1, 1997 by Resolution No. 6-97.]

- § 17-1. Declaration of indemnification.

The Mayor and Town Council of Bladensburg, Maryland, in order to protect those individuals who perform governmental services on behalf of the Town government from certain risks and to protect those individuals from claims that may be made against them arising out of their service to the Town government, hereby declare that the Town shall defend, save harmless and indemnify its employees against and for any and all claims, causes of actions, suits, judgments, penalties, fines, settlements and reasonable costs of expenses, including attorneys' fees, which may be due, levied or incurred with respect to any claim that may be made on account of any alleged act or omission arising out of the performance of duty or by reason of employee's official capacity. (The Town may compromise and settle any monetary claim and shall pay the amount of any settlement or judgement rendered thereon.)

- § 17-2. Definitions.

For the purpose of this Indemnification Plan only, the following definitions apply:

**CLAIM** - Includes any inquiry, investigation, change, demand, or other claim of any kind or nature whatsoever so initiated by the Town, whether or not groundless and including any threatened, pending or completed action suit or proceeding, whether civil, criminal, administrative or investigative.

**TOWN** - The Town of Bladensburg, Maryland.

**EMPLOYEE** - Includes any employee of the Town whose compensation comes in whole or in part from Town funds and who is working under the direction or control of any official or department of the Town, an appointed or elected official, and a volunteer performing duties or providing services at the request and under the direction and control of Town government. The term also includes any person serving with or without compensation in any form as a member of any board or committee, commission, task force or similar body duly established by the Mayor and Town Council.

**PERFORMANCE OF DUTY** - The term shall be interpreted as broadly as possible to include any situation or circumstance in which an employee could conceivably be determined to be acting within the scope of their employment or official or volunteer service. Provided, however, that if it is judicially determined that the employee acted with actual malice, or that the subject act or omission constituted deliberate and intentional, tortious or criminal conduct or active and deliberate and intentional tortious or criminal conduct or active and deliberate dishonesty or other conscious malfeasance in office or willful

and wanton neglect of duty, the employee shall be fully liable for all damages awarded and costs or expenses incurred.

§ 17-3. Designation of Attorney.

The Town reserves the right to designate an attorney to represent an employee under this plan.

§ 17-4. Determination of Coverage.

The Town reserves the right to determine the appropriateness of coverage by a review of the circumstances conducted by the Town Administrator in conjunction with the Town Attorney.

§ 17-5. Cooperation of Employee.

An employee is required to fully cooperate with the Town and is required to:

- A. Use due care in reporting to the Town Administrator or the employee's Department Head any incident or matter which the employee might reasonably expect could result in a claim against the employee of the Town.
- B. Notify the Town Administrator of any notice of claim, summons, complaint, warrant, charging document or similar notice received by the employee in connection with any incident or matter that might be covered under this plan. Such notice shall be given to the Town Administrator within ten (10) working days of its receipt by the employee.
- C. Exercise a reasonable effort to notify the Town Administrator of any claim which is threatened against him.
- D. Cooperate with the Town Attorney or his designee in any investigation or in the defense against any claim.

§ 17-6. Effect of other insurance, bond or indemnification plan.

If the Town or employee against whom a claim has been made, has any other valid insurance, bond or indemnification plan available to provide payment of or reimbursement or other indemnification for cost or expenses incurred or loss or damages alleged against the Town or employee, such insurance, bond or other plan shall first be applied to payment of any claim, and the obligation of the Town under this plan shall be limited to the excess of such other coverage, if any.

§ 17-7. Limit of Coverage.

The Town shall limit uninsured legal defense expenses to an amount not to exceed \$7,000 per incident.

§ 17-8. Subrogation right of Town.

The Town shall be subjugated to all of an employee's rights of recovery against any person or organization, and the employee shall execute and deliver any appropriate instruments or papers and to whatever else is necessary to secure such rights for the benefit of the Town.

§ 17-9. Assignments prohibited.

Assignment of interest under this plan is not permitted without the written consent of the Town, and no such assignment shall bind the Town unless such written consent is given prior to assignment. If an employee covered hereunder dies, the benefits of this plan shall be available to and apply fully to the employee's personal representative while acting within the scope of his duties as such.

§ 17-10. Continuation of protection.

Coverage and benefits under this plan shall continue after an employee is no longer in Town service if the act or omission that gives rise to the claim occurred during the time of employment with the Town. If a claim against a former employee is asserted as a counter claim or set-off in a suit brought by the employee under his own claim.

Chapter 20  
RECREATION COUNCIL

- § 20-1. Duties.
- § 20-2. Membership; terms.
- § 20-3. Officers.
- § 20-4. Fund; expenditures; acquired property.
- § 20-5. Responsibility; activities.

[HISTORY: Adopted by the Council of the Town of Bladensburg at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]

- § 20-1. Duties.

The duties of the Recreation Council are to:

- A. Serve as an advisory body to the Town Council on all matters of recreation and leisure-time activities. The Recreation Council shall submit a written report on the status of proposed and prior activities each calendar year to the Town Council by April 30 of each year.
- B. Be responsible for the development of a well-rounded program of recreational and leisure-time activities for all residents of the Town of Bladensburg.
- C. Establish and maintain liaison with all organizations in the community interested in recreation and, to the extent possible, coordinate their efforts in order to have the greatest benefit to the residents of the Town of Bladensburg.
- D. Establish and maintain liaison with appropriate governmental agencies and, when in the best interest of the residents of the Town of Bladensburg, participate in the programs and activities of such governmental agencies in accordance with the duties enumerated herein.
- E. Carry out the directives of and give effect to the policies established by the Town Council on all matters of recreation.
- F. Prepare and submit an annual budget to the Town Administrator by March 1 of each year for inclusion with the Town Administrator's annual budget recommendations to the Town Council.

- § 20-2. Membership; terms.

- A. Members of the Recreation Council shall be appointed upon application to and with the approval of the Town Council. Members shall be residents of the Town of Bladensburg, representatives of appropriate civic organizations or other individuals with a substantial interest in the Town of Bladensburg.
- B. Members shall be appointed for a term of two (2) years from January 1 of each odd-numbered year regardless of the date of appointment and shall serve at the pleasure of the Town Council.

§ 20-3. Officers.

- A. The officers of the Recreation Council shall consist of a Chairman, 1st Vice Chairman, 2nd Vice Chairman, Finance Director and Secretary.
- B. The officers shall be elected by the members of the Recreation Council in accordance with their established bylaws.

§ 20-4. Fund; expenditures; acquired property.

A special account shall be established within the town for the accounting of the funds of the Recreation Council. The procedure for handling expenditures and receipts, including appropriations from the general fund and receipts for Recreation Council functions, shall be as established by the Town Administrator. All applications for funds, equipment or other property and all agreements with individuals, organizations or governmental agencies and other similar matters shall receive the prior approval of the Town Council. For the purpose of this section, the approval of the annual budget by the Town Council shall suffice as approval for these matters contained therein. All equipment, facilities and other property acquired by the Recreation Council shall become the property of the Town of Bladensburg.

§ 20-5. Responsibility; activities.

The Town of Bladensburg and the Bladensburg Recreation Council shall not be responsible for any person in any program or activity sponsored by the Bladensburg Recreation Council. All day-to-day activities of the Recreation Council shall be in accordance with an established set of bylaws approved by the Town Council.

## **PART II**

# **GENERAL LEGISLATION**

Chapter 26  
ALCOHOLIC BEVERAGES

- § 26-1. License required.
- § 26-2. Issuance of license.
- § 26-3. Fees.
- § 26-4. Rights of licensees.
- § 26-5. Violations and penalties.

[HISTORY: Adopted by the Council of the Town of Bladensburg at time of adoption of Code; see Ch. 1, General Provisions, Art. 1. Amendments noted where applicable.]

GENERAL REFERENCES

Licensing - See Ch. 76.  
Possession of intoxicating beverages in public places - See Ch. 85, § 85-2.

- § 26-1. License required.

No person shall sell or display for sale any alcoholic beverages within the town without first having obtained from the town a license.

- § 26-2. Issuance of license.

The town shall issue a license for the sale of alcoholic beverages to any person holding a license granted by the Board of License Commissioners for Prince George's County. All licenses shall specify type of beverage and class (off-sale or on-sale) and shall expire June 30 following their issuance. The type and class of license shall be the same as that established by the laws of Maryland.

- § 26-3. Fees.

The town shall not issue a license until the applicant has paid the proper annual fee. The annual fee shall not exceed twenty per centum (20%) of the fees specified by the laws of Maryland for each class of off-sale and on-sale alcoholic beverages. The fees shall be set by resolution by the Town Council. The fee schedule shall be kept on file by the Town Treasurer and made available to the public upon request.

- § 26-4. Rights of licensees.

All persons holding licenses issued under the provisions of the laws of Maryland shall be permitted to exercise in the town any privileges conferred by such licenses.

- § 26-5. Violations and penalties.

Any person violating a provision of this chapter shall, upon conviction, be guilty of a municipal infraction and shall be punishable as provided in § C7-2B of the Charter. Each day that a violation continues shall constitute a separate or repeat offense.

Chapter 30  
AMUSEMENTS

- § 30-1. Definitions.
- § 30-2. Permit required, fee.
- § 30-3. Display of permit.
- § 30-4. Violations and penalties.

[HISTORY: Adopted by the Council of the Town of Bladensburg at time of adoption of Code, see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]

GENERAL REFERENCES

Licensing - See Ch. 76.

Admissions and amusements tax - See Ch. 107, Art. II.

- § 30-1. Definitions.

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

**AMUSEMENT MACHINE** - Any video game or electronic game, coin-operated music machine, pool table, claw machine, pinball machine (console or other), shuffleboard, mechanical bowling game or other similar device for public amusement whose operation requires the insertion of a coin or token and the result of whose operation depends, in whole or part, upon the skill of the operator, whether or not it affords an award to the successful operator, and which is set up for public use.

**AMUSEMENT SHOW** - Carnivals, circuses, vaudeville shows or other shows or performances given where the operating individual, firm or corporation receives any portion of profit from them, but excluding any show or performance given for charity and where no profit or portion of the receipts from it shall be given to any operator or other person.

- § 30-2. Permit required; fee.

A. It shall be unlawful for any amusement machine or amusement show to be set up or operated within the town without first obtaining a written permit issued by the town.

B. Application for a permit shall be accompanied by a fee for each amusement machine or amusement show. The fee shall be set by resolution of the Town Council from time to time. The fee schedule shall be kept on file by the Town Clerk and made available to the public upon request.

- § 30-3. Display of permit.

All such permits issued for amusement machines or amusement shows shall be displayed in clear public view and made available to the Town Code Enforcement Officer for inspection upon request.

- § 30-4. Violations and penalties.

Any person violating a provision of this chapter shall, upon conviction, be guilty of a municipal infraction and shall be punishable as provided in § C7-2B of the Charter. Each day a violation continues shall constitute a separate or repeat offense.

Chapter 33  
ANIMALS

- § 33-1. Definitions.
- § 33-2. Swine prohibited.
- § 33-3. Permit for livestock required; fee; expiration, renewal and revocation.
- § 33-4. Livestock at large prohibited.
- § 33-5. Dog and cat licenses required.
- § 33-6. Restrictions on number of dogs.
- § 33-7. Dog leashing required; control of other animals.
- § 33-8. Nuisances by dogs; owner subject to penalties.
- § 33-9. Reporting of animal bites.
- § 33-10. Dangerous or vicious animals prohibited.
- § 33-11. Enforcement of county regulations.
- § 33-12. Dog Defecation; Removal; Exception.
- § 33-13. Violations and penalties.

[HISTORY: Adopted by the Council of the Town of Bladensburg at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]

GENERAL REFERENCES

Licensing - See Ch. 76.

Pigeon keeping - See Ch. 91, § 91-6.

- § 33-1. Definitions.

For the purposes of this chapter, the following words and definitions shall apply:

**LIVESTOCK** - Animals usually raised on farms for profit or consumptions, including but not limited to chickens, rabbits, ducks, pigeons, chinchillas, cows, sheep, horses, but specifically excluding swine and animals classed as pets.

**PETS** - Domesticated animals kept for pleasure rather than utility, including but not limited to birds, cats, dogs, fish, hamsters, reptiles and domesticated wild animals.

- § 33-2. Swine prohibited.

No person shall keep or raise any swine within the town.

- § 33-3. Permit for livestock required; fee; expiration, renewal and revocation.

A. Permit required; fee. No person shall raise or keep animals defined as livestock without a valid permit from the town. All applications for permits shall be accompanied by an inspection fee set by resolution of the Town Council. The fee schedule shall be kept on file by the Town Clerk and made available to the public upon request. The Town Administrator may refuse a permit on the basis that the health, safety and welfare of the town residents would be endangered.

B. Expiration, renewal and revocation. A permit for raising or keeping livestock shall expire at the end of the fiscal year in which it is issued. A permit may be renewed upon payment of the required fee. The Council may hold a hearing on whether or not to revoke a permit if at least two (2) households within three hundred (300) feet of the permit holder's property so request. The Council may revoke

the permit if the holder is found to be keeping his livestock in a manner that endangers the health, safety and welfare of the town residents.

§ 33-4. Livestock at large prohibited.

No person shall allow his livestock to go free on any public or private property other than on the property of the owner of the livestock.

§ 33-5. Dog and cat licenses required.

No person shall keep within the town any dog or cat over the age of four (4) months unless it has a current license and appropriate identification tag issued by the animal control authorities of Prince George's County.

§ 33-6. Restrictions on number of dogs.

It shall be unlawful to raise, house or keep any number of dogs greater than four (4) over the age of four (4) months without a special permit issued by the town.

§ 33-7. Dog leashing required; control of other animals.

A. No person shall allow his dog to go free on any public property or public way unless it is secured by a leash and under the immediate control of a responsible person.

B. The control of all other animals, including but not limited to cats, chickens, ducks, horses, sheep, etc., must meet the applicable Prince George's County ordinances.

§ 33-8. Nuisances by dogs; owner subject to penalties.

Any animal which causes annoyance by loud or habitual barking, yelping or howling, annoying people and vehicles on public ways, injuring or destroying the property of persons other than its owners, disturbing garbage and waste containers is deemed a nuisance. The owner of such animal is subject to the penalties imposed under this chapter for each such offense committed by the animal.

§ 33-9. Reporting of animal bites.

Any person whose dog, cat or other animal bites another person shall report the incident to the Town Police Department and give all the information required by county law.

§ 33-10. Dangerous or vicious animals prohibited.

No person shall keep within the town any dog, cat or other animal which has been judged vicious or dangerous by the county animal control authorities.

§ 33-11. Enforcement of county regulations.

The Code Enforcement Officer or any sworn police officer has the authority to enforce the provisions of the Prince George's County Animal Control Ordinance, as amended. The Police Department or Code Enforcement Officer may request assistance from the county to enforce the provisions, if necessary.

§ 33-12. Dog Defecation; Removal; Exception. [Amended 3-20-97 by Res. 97-2]

- A. Any person owning, possessing, harboring or having the care, charge, control or custody of any dog shall immediately remove and thereafter dispose of any fecal matter deposited by such dog on any public or private property without the consent of the owner or person in lawful possession of said property. For the purpose of this Section, such dog fecal matter shall be immediately removed by placing said matter in a closed or sealed container and thereafter disposed in a closed or sealed container.
- B. This Section shall not apply to blind persons accompanied by a dog used for their assistance.

§ 33-13. Violations and penalties.

Any person who violates the provisions of this chapter shall upon conviction be guilty of a municipal infraction and shall be punishable as provided in § C7-2B of the Charter.

Chapter 40  
BUILDINGS AND CONSTRUCTION

- § 40-1. Permit required.
- § 40-2. Exemptions from permit.
- § 40-3. Fee; approval of plans by other agencies.
- § 40-4. Application information.
- § 40-5. Term of permit; resubmission of applications.
- § 40-6. Nonrefundable fees; filing of plans; damage to public ways.
- § 40-7. Project changes; plan amendment approval required.
- § 40-8. Rights of inspection and revocation.
- § 40-9. Soil conservation standards.
- § 40-10. Violations and penalties.

[HISTORY: Adopted by the Council of the Town of Bladensburg at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]

GENERAL REFERENCES

Electrical standards - See Ch. 47.  
Fire prevention - See Ch. 54.  
Licensing - See Ch. 76.  
Plumbing - See Ch. 89.  
Zoning - See Ch. 122.

- § 40-1. Permit required.

No person shall construct or erect any building, structural addition, fence over four (4) feet in height, swimming pool or other improvement, or move, burn or demolish any sound structure or improvement, without a valid permit issued by the town.

- § 40-2. Exemptions from permit.

A permit is not required for the demolition or removal of fences or collapsed structures or for decorative or preventive maintenance.

- § 40-3. Fee; approval of plans by other agencies.

All applications for building permits shall be accompanied by a fee equivalent to one-half (½) the fee charged by Prince George's County. All plans and specifications shall first be approved by Prince George's County and meet current applicable county codes for the work to be done and in accordance with the BOCA Code. Any plan for the construction of a new building shall demonstrate that the sewer connection or disposal system has been approved by the Washington Suburban Sanitary Commission. Any plan for the demolition, burning or removal of a building shall show that the County Fire Marshal has approved the plan.

- § 40-4. Application information.

All applications for building permits shall include:

- A. The name of the owner.
- B. Lot and block and square number.

- C. Kind of building.
- D. Number of stories.
- E. Building dimensions and location on the lot.
- F. Projected use.
- G. Estimated value of the work to be done.
- H. Zoning designation of the area.
- I. Zoning approval.

§ 40-5. Term of permit; resubmission of applications.

The permit is valid for one (1) year from the date of issue. If construction is to last longer than one (1) year, the applicant must resubmit to the town a permit application on or before the anniversary date of his initial filing. The fee for such filing shall be the same as the initial fee. In the case of swimming pools, a construction permit is valid for six (6) months from the date of issuance. If construction is to last longer than six (6) months, the applicant must resubmit to the town a permit application on or before the expiration date. The fee for such filing shall be the same as the initial fee.

§ 40-6. Nonrefundable fees; filing of plans; damage to public ways.

All application fees are nonrefundable, and all plans and specifications submitted to the Code Enforcement Officer shall be kept on file for public inspection. The applicant shall be responsible to the town for any damages to the public ways in the course of construction.

§ 40-7. Project changes; plan amendment approval required.

Any material change in a project for which a building permit has been issued shall be submitted to the town as an amendment to the plans and specifications of the project. No work on the change shall commence until the amendment has been approved and filed with both Prince George's County and the Town of Bladensburg. The Code Enforcement Officer or any other person authorized in § 40-8 below shall issue a stop-work order against any person violating this section.

§ 40-8. Rights of inspection and revocation.

- A. Right of inspection. Any person so appointed by the Town Administrator shall have the right to inspect any activity for which a building permit has been issued. This right of inspection shall be exercised only during reasonable hours of the day and shall extend until completion of work for which the permit was issued.
- B. Right of revocation. The Town Administrator or the Mayor and Town Council shall revoke the permit of any person or his agent who impedes or refuses an inspection or who deviates from the plans or specifications unless amended.
- C. The Town Administrator or the Mayor and Town Council may issue a stop-work order if work being prosecuted is contrary to the provisions or conditions of the permit. The stop-work order shall be in writing and shall be given to the owner of the property involved or to the owner's agent or to

the person doing the work and shall state the conditions under which work may be resumed. Any person who shall continue any work after having been served with a stop-work order shall be in violation of the chapter and shall be subject to a penalty as provided in § 40-10. [Added 7-11-88 by Ord. No. 3-88]

§ 40-9. Soil conservation standards.

The soil conservation standards currently in effect in the county which regulate clearing, grading and construction operations within the county shall be effective within the town.

§ 40-10. Violations and penalties.

The failure of anyone to abide by the provisions of this chapter constitutes a municipal infraction, the penalty for which, upon conviction, shall be as provided in § C7-2B of the Charter.

Chapter 47  
ELECTRICAL STANDARDS

[Electrical installation and inspection within the town is administered in accordance with and in compliance with the Prince George's County Code. A copy of the county code is on file in the office of the Town Clerk.]

GENERAL REFERENCES

Buildings and construction - See Ch. 40.  
Fire prevention - See Ch. 54.  
Housing standards - See Ch. 68.  
Plumbing - See Ch. 89.

Chapter 50  
PROPERTY MAINTENANCE CODE

[Amended 5-12-97 by Res. No. 4-97]

- § 50-1. Adoption of Property Maintenance Code.
- § 50-2. Inconsistent Ordinances Repealed.
- § 50-3. Additions, Insertions and Changes.
- § 50-4. Saving Clause.
- § 50-5. Date of Effect.

[HISTORY: Adopted by the Council of the Town of Bladensburg on May 12, 1997 by Resolution No. 4-97]

GENERAL REFERENCES

- § 50-1. Adoption of Property Maintenance Code.

That a certain document, three (3) copies of which are on file in the office of the Town Clerk of the Town of Bladensburg, being marked and designated as "The BOCA National Property Maintenance Code, Fourth Edition, 1993" as published by the Building Officials and Code Administrators International, Inc., be and is hereby adopted as the Property Maintenance Code of the Town of Bladensburg, in the State of Maryland; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said BOCA National Property Maintenance Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 3 of this Ordinance.

- § 50-2. Inconsistent Ordinances Repealed.

That all ordinances, or parts of ordinances in conflict herewith are hereby repealed.

- § 50-3. Additions, Insertions and Changes.

That the BOCA National Property Maintenance Code is amended and revised in the following respects:

Section PM 101.1 (page 1, second line), insert: Town of Bladensburg.

Section PM 106.2 (page 3, third line), insert: \$100.00 and \$200.00.

Section PM 106.2 (page 3, fourth line), insert: 0 days.

Section PM 111.2 (page 5, second line), delete: "five members appointed by the chief appointing authority as follows: Thereafter, each new member shall serve for five years or until a successor has been appointed" Insert: "date members appointed by the mayor and approved by the town council."

Section PM 111.2.1 (page 5, delete entire sub-section.) Insert: The board shall annually select one of its members to serve as chairman. A member shall not bear an appeal in which that member has any personal, professional, or financial interest.

Section PM 111.2.2 (page 5, delete entire sub-section.)

Section PM 111.2.3 (page 5, delete entire sub-section.)

Section PM 111.2.4 (page 5, delete entire sub-section.)

Section PM 111.2.5 (page 5, delete entire sub-section.)

Section PM 111.2.6 (page 5, delete entire sub-section.)

Section PM 111.5 (page 5, first line), “five members” amend to, “three members.”

Section PM 303.8 (page 10, delete entire sub-section.)

Section PM 304.12 (page 11, first line), insert: April 1, December 1.

Section PM 602.2.1 (page 17, fifth line), insert: October 1, May 1.

Section PM 602.3 (page 17, third line), insert: October 1, May 1.

Section PM 603.0 (page 17, delete entire section.)

Section PM 604.1 (page 17, delete entire sub-section.)

Section PM 604.2 (page 17, delete entire sub-section.)

Section PM 605 A (page 18, delete entire sub-section.)

Section PM 702.2 (page 19, delete entire sub-section.)

Section PM 702.3 (page 19, delete entire sub-section.)

Section PM 702.6 (page 19, delete entire sub-section.)

Section PM 702.7 (page 19, delete entire sub-section.)

Section PM 702.8 (page 19, delete entire sub-section.)

Section PM 707.1 (page 21, delete entire sub-section.)

§ 50-4. Saving Clause.

That nothing in this Ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

§ 50-5. Date of Effect.

That the Town Clerk shall certify to the adoption of this Ordinance, and cause the same to be published as required by law; and this Ordinance shall take effect and be in force from and after its approval as required by law.

Chapter 51  
MAINTENANCE CODE

- § 51-1. Responsible person.
- § 51-2. Maintenance Requirements.
- § 51-3. Disposal of Garbage and Rubbish.
- § 51-4. Screening.
- § 51-5. Accessory Structures.
- § 51-6. Weeds.
- § 51-7. Insect and Rat Control.
- § 51-8. Public Areas.
- § 51-9. Exterior Surfaces, Walls and Foundations of Structures.
- § 51-10. Roofs and Drainage.
- § 51-11. Decorative Features.
- § 51-12. Signs, Marquees and Awnings.
- § 51-13. Notice of Violation.
- § 51-14. Appeals.
- § 51-15. Enforcement and Penalty.

[HISTORY: Adopted by the Council of the Town of Bladensburg on May 9, 1994 by Resolution No. 3-94.]

- § 51-1. Responsible person.

All owners of property are responsible for complying with the requirement of this code.

- § 51-2. Maintenance Requirements.

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

- § 51-3. Disposal of Garbage and Rubbish.

All garbage, vegetable waste, or other perishable materials or rubbish, shall be placed in approved containers provided with close fitting covers for the storage of such waste until removed from the premises for proper disposal. All containers will be placed at the rear of the property and shall be completely screened from abutting areas used for residential purposes and all adjacent streets.

- § 51-4. Screening.

All approved vehicle repair facilities, towing stations, and storage lots abutting areas used for residential purposes and all adjacent streets and roadways shall be completely screened in accordance to the Prince George's County Zoning laws except that, notwithstanding the non-conforming status of a property, all properties shall have the required screening prior to January 1, 1990.

- § 51-5. Accessory Structures.

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

- § 51-6. Weeds.

All property shall be kept free from weeds in excess of nine (9) inches in height except where prohibited by other applicable laws.

§ 51-7. Insect and Rat Control.

- A. All owners of the property shall be responsible for the extermination of insects, rats, vermin, or other pests in all areas of the property.
- B. Any product that is placed out to exterminate insects, rats, vermin, or other pests must be a product that will not harm pets, birds, or other animals that would be considered to be pets in the Town of Bladensburg.

§ 51-8. Public Areas.

All sidewalks, steps, driveways, parking spaces, and similar paved areas for public use shall be kept in a proper state of repair and maintained free of hazardous conditions.

§ 51-9. Exterior Surfaces, Walls and Foundations of Structures.

- A. Every exterior surface, wall, and foundation shall be free of holes, breaks, loose or rotting boards, timbers or other materials, and any condition which might admit rain or dampness to the interior portions of the walls. All exterior surface material, including wood, composition, cinder block, brick, stone, or metal siding shall be maintained in a weather-proof condition and properly surface-coated.
- B. Painted surfaces shall be painted in a range of colors such as Benjamin Moore Paints Historical Colors HC-1 through HC-174 or their equivalent colors.

§ 51-10. Roofs and Drainage.

Roofs and drainage systems shall be structurally sound and tight and without defects which might admit rain or cause dampness or deterioration in the interior portion of the building. Roof water shall not be discharged in a manner which creates a private or public nuisance.

§ 51-11. Decorative Features.

- A. All cornices, entablatures, belt courses, core belts, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
- B. When major facade changes, renovations, or alterations are planned by the owner(s) of a commercial/industrial building and or a shopping center, they must appear before the Mayor and Town Council or their designated committee for approval of any and all planned changes and for any suggestions they may have and for approval or disapproval of the plans.

§ 51-12. Signs, Marquees and Awnings.

- A. Canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts, and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept safe and in sound condition. They shall be protected from the elements against decay and rust by periodic application of a weather-resistant material such as paint or other protective treatment.
- B. Any structure, post, or foundation which was constructed, erected, or maintained for the purpose

of supporting or displaying, or which was used for support or display of any business sign, but which has not been used for such support or display for a period of one hundred eighty (180) consecutive days is prohibited and must be removed.

§ 51-13. Notice of Violation.

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

§ 51-14. Appeals.

A responsible party may appeal a notice of violation of the code officer with respect to any section of this code by filing a written appeal to the Town Administrator, within thirty (30) days or within the period required for compliance, whichever is shorter. The appeal shall state in detail the reasons for the appeal. The Town Administrator shall hold a hearing on the appeal within thirty (30) days after the receipt of the notice for an appeal. The decision of the Town Administrator shall be in writing within thirty (30) days after the hearing is concluded. Any party aggrieved by the decision of the Town Administrator with respect to this code may appeal such decisions to the Circuit Court of Prince George's County, Maryland, pursuant to the rules governing appeals from administrative agencies. All appeals shall be on the record.

§ 51-15. Enforcement and Penalty.

- A. In the event that the owner does not comply with a notice of violation within the time period provided (including any period allowed by appeal) and the violation still exists, the code officer may issue upon the responsible parties a civil citation.
- B. The person issued the civil citation shall be subject to a fine of One Hundred Dollars (\$100.00) for the first violation, Two Hundred Dollars (\$200.00) for a repeat offense of the same violation, Three Hundred Dollars (\$300.00) for the third violation, Four Hundred Dollars (\$400.00) for the fourth violation, and Five Hundred Dollars (\$500.00) for each offense in excess of four (4) violations.
- C. Each day the violation continues is deemed a separate offense and is subject to an additional citation and fine in the same dollar amount as the initial or repeat violation.
- D. In addition, any person who violates or fails to comply with any part of this code shall, upon conviction be guilty of a misdemeanor and subject to a fine not exceeding One Thousand Dollars (\$1,000.00) or imprisonment not to exceed six (6) months or both.
- E. In addition to the other remedies provided herein, the Town Attorney, on behalf of the Town, may institute an injunction, mandamus, or other appropriate action or proceeding to enforce this code.
- F. If corrective action becomes necessary by the Town and charges for the corrective action are not paid within (30) days by the owner, the Town may collect the same by way of a suit or the Town may assess the charges as a special tax against the premises and collect the same as taxes are now

collectable, including the sale of the real property following a default of payment.

Chapter 54  
FIRE PREVENTION

- § 54-1. Appointment and duties of Fire Marshal.
- § 54-2. Collection of combustible and organic wastes prohibited.
- § 54-3. Outdoor burning.
- § 54-4. Burning of buildings.
- § 54-5. Inspection for fire hazards; order to remedy.
- § 54-6. Emergency situations.
- § 54-7. Violations and penalties.

[HISTORY: Adopted by the Council of the Town of Bladensburg at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]

GENERAL REFERENCES

Fireworks - See Ch. 57.  
Garbage, rubbish and refuse - See Ch. 61.  
Licensing - See Ch. 76.  
Hazardous structures - See Ch. 91, § 91-2.

- § 54-1. Appointment and duties of Fire Marshal.
  - A. Appointment. The Fire Marshal of the town is appointed by the Mayor with the approval of the Town Council and serves at the pleasure of the Mayor and Town Council for a one-year period. If the Mayor does not appoint a Town Fire Marshal, the Mayor with the approval of the Council may authorize the Town Administrator to request the services of the County Fire Marshal.
  - B. Duties. It shall be the duty of the Town Fire Marshal to enforce all town ordinances which relate to fire safety and prevention and to cooperate with the county in the enforcement of such county laws as are applicable within the town.

- § 54-2. Collection of combustible and organic wastes prohibited.

No person shall store or allow to collect on his premises wastepaper, grass, weeds, litter, printing materials, ink-stained fibers or other hazardous substances which commonly cause spontaneous combustion fires. All property owners shall be responsible for the cutting and removal of any weeds, grass, vines and organic waste which are judged by the Fire Marshal to be a fire hazard.

- § 54-3. Outdoor burning.

No person shall burn any flammable materials in the open air unless such person has secured a special burning permit from the county. Charcoal burners and other outdoor cooking units are not included in this prohibition.

- § 54-4. Burning of buildings.

No person shall burn a building in the town without first securing the written permission of the property owner and the Town Fire Marshal and obtaining a special burning permit from the county. The burning shall be supervised by the Fire Department servicing the town. The property owner shall be responsible for clearing away all debris resulting from the burning in accordance with the health standards of the county.

§ 54-5. Inspection for fire hazards; order to remedy.

- A. Fire hazards prohibited. No person shall construct, alter, maintain, or use any building, equipment or land in a way that endangers life or property from hazards of fire or explosion.
- B. Inspection. The Town Fire Marshal shall have the right to inspect all buildings for fire hazards. If the Fire Marshal determines that any building is a fire hazard by reason of want of repair, age, dilapidation or abandoned condition so as to endanger other property, or by reason of the presence of any combustible, flammable or explosive substance or other conditions dangerous to the safety of any occupants and adjacent property, he shall have the power to make reasonable orders in writing, directed to the owner or occupant stipulating the appropriate remedy for each condition.
- C. Service of order. The written order of the Fire Marshal shall be served by delivering a copy of the order to the owner or occupant within five (5) days of the date of issuance. If no person is found on the premises, a copy of the order shall be posted thereon within five (5) days of the date of issuance. The order shall require that the owner or occupant comply with the stipulations of the order or enter an appeal from the order to the Circuit Court of Prince George's County within thirty (30) days from the date of issuance.
- D. Compliance. If any owner or occupant fails to comply with the order served to him within thirty (30) days of the date of issuance or after any appeal from the order has been affirmed by the Court the Town Fire Marshal shall have the right to enter onto the property and cause the building to be closed except for purposes of repair or demolition until it is in compliance with the order.

§ 54-6. Emergency situations.

Notwithstanding the foregoing and in the event of an emergency situation constituting an immediate threat to human life, property or the public safety, and if, in addition, the time necessarily consumed in complying with the order referred to in § 54-5C and D could readily intensify such threat, then and in that event the town shall have the right, without permission or warrant, to make an emergency entrance for the purpose of eliminating the dangerous condition. Any cost incurred in the performance of emergency work shall be a lien on the property and collectible in the same manner as delinquent taxes.

§ 54-7. Violations and penalties.

Any person violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor and shall be punishable as provided in § C7-2A of the Charter.

Chapter 57  
FIREWORKS

§ 57-1. Permit required; county authorization.

§ 57-2. Violations and penalties.

[HISTORY: Adopted by the Council of the Town of Bladensburg at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]

§ 57-1. Permit required; county authorization.

No person shall ignite any fireworks within the town without a valid permit issued by the town, and said person must be authorized by Prince George's County Bureau of Fire Prevention.

§ 57-2. Violations and penalties.

Any person violating any provision of this chapter shall, upon conviction, be guilty of a misdemeanor and shall be punishable as provided in § C7-2A of the Charter.

Chapter 61  
GARBAGE, RUBBISH AND REFUSE

- § 61-1. Deposit of waste restricted.
- § 61-2. Collection regulations for single-family homes.
- § 61-3. Commercial, industrial and institutional garbage and trash removal.
- § 61-4. Offensive accumulations prohibited.
- § 61-5. Burning of garbage and waste.
- § 61-6. Refuse in streams and drainage ditches prohibited.
- § 61-7. Violations and penalties.

[HISTORY: Adopted by the Council of the Town of Bladensburg at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]

GENERAL REFERENCES

Plants and weeds - See Ch. 91, Art. II.

- § 61-1. Deposit of waste restricted.

It shall be unlawful for any person to deposit any filth, trash, rubbish, garbage, human or animal waste upon private or public property, including parking lots and areas adjacent to the front and rear of businesses or parts thereof, within the town, except such waste materials and garbage substances as are deposited in lidded and leakproof metal or plastic containers or other sturdy containers and placed on the front curblin for the usual trash and garbage collections.

- § 61-2. Collection regulations for single-family homes.

- A. The following regulations shall apply to all trash and garbage collections for single-family homes within the town:
  - (1) All trash and garbage collections shall be made twice weekly as determined by the town. Trash and garbage shall be placed in containers at the curbside late in the evening on the night before scheduled collection or before 7:00 a.m. on the day of pickup. No emptied trash or garbage receptacles and/or containers shall remain at the front curblin longer than twenty-four (24) hours immediately after the trash and garbage pickup services, and all such receptacles/containers shall be removed to the rear of properties unnoticed from the street and public ways.
  - (2) All trash, garbage and waste materials shall be placed in metal, plastic or other sturdy containers with a tightfitting lid or sealed in such a manner that animals shall not be attracted by the contents of the receptacles or containers.
  - (3) It shall be unlawful to deposit any trash, waste materials or the like in paper containers for any purpose whatsoever or for the purpose of the front curb trash collections.
  - (4) No single filled container or bundle shall exceed sixty (60) pounds in weight. There is no limit to the number of standard containers up to thirty-two (32) gallons capacity that may be used, but no more than two hundred (200) pounds will be picked up at any time.
  - (5) No automobile parts, tree stumps, large tree trunks and limbs, stone, sod, dirt, poisons, acids, caustics, explosives and paints will be picked up at any time.

- (6) Articles such as boxes, crates, magazines, newspapers, tree trimmings and hedge cuttings, when not placed in standard containers, must be broken down and tied in compact bundles not heavier than sixty (60) pounds nor more than four (4) feet in length.
- (7) Excess refuse not fitting into standard containers must be prepared in a compact bundle or placed in a disposable container.
- (8) Bulky trash from residences [one (1) item only], such as old refrigerators, washing machines, water tanks and old furniture, must be placed at the front curb. Refrigerators must have their doors removed as a safety precaution. This service will be provided on a weekly basis.
- (9) Leaf collection will be made in the fall of each year on a continual basis as determined by the town. Leaves shall be piled and placed at the curblines, not in the street or gutters.

B. For garbage and trash not covered in this section, special arrangements should be made between resident, agent or owner and the contracting company, provided that such arrangements shall not be in conflict with the ordinances of the town and county.

§ 61-3. Commercial, industrial and institutional garbage and trash removal.

Trash originating in institutional, industrial and commercial establishments, including apartment houses, shall be excluded from all municipal garbage and trash pickup. The owners or their representative agents of such institutional, industrial and commercial establishments shall have the responsibility of garbage and trash removal, provided that such garbage and trash removal shall not be in conflict with the ordinances of the town and county.

§ 61-4. Offensive accumulations prohibited.

It shall be unlawful for any owner, tenant or servant to keep or cause to be kept or to deposit or accumulate any trash, waste materials, rubbish, filth and stagnant water upon his property that would in any manner cause unhealthy, unsanitary and offensive conditions, nor shall any person permit any of the above to remain thereon for a period in excess of twenty-four (24) hours, unless, however, such offensive nuisance becomes a detriment to the immediate property owners or to the neighborhood, in which case action may be taken by the Code Enforcement Officer to abate the nuisance immediately.

§ 61-5. Burning of garbage and waste.

No owner, tenant, person or servant shall burn any garbage, food substance or animal waste on any property or in any incinerator or open fireplace within the town unless the incinerator is approved for this specific purpose by Prince George's County.

§ 61-6. Refuse in streams and drainage ditches prohibited.

No person shall dump or throw any waste materials or garbage in any stream or open branch or drainage ditch within the town.

§ 61-7. Violations and penalties. [Amended 12-24-93 by Res. No. 2-93]

It shall be unlawful to cause or permit any earth, clay, sand, gravel, broken stone, mortar, hay, straw, manure, shavings, sawdust, coal, ashes, paper, rubbish, or any loose material, or any liquid except water to be scattered, dropped, leaked, spilled or let fall from any cart, wagon, truck or other vehicle in which the same may be carried, upon any of the streets or roadways within the Town of Bladensburg, and this prohibition shall apply to the owner, driver, operator, manager, agent, foreman, superintendent or person or persons in charge of such cart, wagon, truck, or other vehicle from which any of the materials hereinbefore mentioned shall be scattered, dropped, leaked, spilled or let fall upon any street or roadway.

Any person who violates the provisions of this chapter shall upon conviction be guilty of a municipal infraction and shall be punishable as provided for in §C7-2b of the Charter.

Chapter 68  
HOUSING STANDARDS

[The current Housing Code of Prince George's County, Maryland, as enacted and revised by the County Council, is hereby adopted to be and to continue in effect throughout the Town of Bladensburg. It is the intent of the Mayor and Council that any amendment made to the Housing Code for Prince George's County from time to time by the aforesaid Council members shall become effective elsewhere in the county.]

GENERAL REFERENCES

Unfit structures - See Ch. 91, § 91-2.

Chapter 76  
LICENSING

- § 76-1. Licenses and permits for business activities.
- § 76-1.1. Temporary uses and permits.
- § 76-2. Definitions.
- § 76-3. Applications for licenses and permits.
- § 76-4. Fees.
- § 76-5. Branch establishments.
- § 76-6. Late and adjusted fees.
- § 76-7. Responsibility for obtaining license.
- § 76-8. Preparation and keeping of forms.
- § 76-9. Compliance with other regulations.
- § 76-10. Revocation.
- § 76-11. Hearing on revocation or denial of license.
- § 76-12. Transferability; refunds.
- § 76-13. Display of license or production on demand.
- § 76-14. Violations and penalties.
- § 76-15. Right of Appeal

[HISTORY: Adopted by the Council of the Town of Bladensburg at time of adoption of Code 1-11-88 by Ord. No. 1-88; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic beverages - See Ch. 26.  
Amusements - See Ch. 30.  
Animals - See Ch. 33.  
Buildings and construction - See Ch. 40.  
Fire prevention - See Ch. 54.  
Fireworks - See Ch. 57.  
Peddlers and solicitors - See Ch. 85, § 85-8.  
Signs - See Ch. 95.  
Streets and sidewalks - See Ch. 103.

- § 76-1. Licenses and permits for business activities.

No person, corporation, firm, partnership or association shall engage in any kind of business activity for profit or nonprofit within the town without first obtaining a license or permit. All town business licenses and permits, including the fees required as applicable, are in addition to any other licenses and permits as may be required by the Prince George's County government and the State of Maryland.

- § 76-1.1. Temporary uses and permits.
  - A. The town may approve and issue temporary use and occupancy permits for certain temporary structures and uses under conditions specified in this section.
  - B. In any zone, a temporary use and occupancy permit may be issued for any and all of the following:
    - (1) Construction contractor's office.
    - (2) Construction yard.

- (3) Construction shed.
- (4) Construction storing building.
- (5) Temporary real estate sales office.

C. In any zone, a temporary use and occupancy permit, not to exceed forty-five (45) days' duration, may be issued for the display and sale of products grown or produced for seasonal decoration.

§ 76-2. Definitions.

In the construction of this chapter, the following definitions shall be observed unless the context otherwise indicates:

**BUSINESS** - Includes 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 or indirectly, on any premises in the town.

**LICENSES or LICENSEE** - Includes, respectively, the words “permit” and “permittee,” or the holder for any use or period of time of any similar privilege, wherever relevant to any provision of this chapter or other laws or ordinances of the town.

**NONPROFIT ASSOCIATION** - An association organized and operating without the purpose of making a profit, such as an association operating for charitable purposes.

**PERSON** - Includes individual natural persons, partnerships, joint ventures, societies, associations, clubs, trustees, trusts or corporations, or any officers, agents, employees, factors or any kind of personal representatives of any thereof, in any capacity, acting either for himself or for any other person under either personal appointment or pursuant to law.

**PREMISES** - Includes all lands, structures, places and also the equipment and appurtenances connected or used therewith in any business, and also any personal property which is either affixed to or is otherwise used in connection with any such business conducted on such premises.

§ 76-3. Applications for licenses and permits.

- A. All applications for licenses and permits shall be made in writing to the Town Clerk prior to July 1 with the appropriate fee. Each application shall state the name of the applicant, the permit or license desired, the location to be used, if any, the time covered and the fee to be paid. No license shall be issued until the prescribed fee is paid.
- B. No application for a license will be approved for a business or activity which is in violation of the ordinances of the town, county or state or which is a nuisance or constitutes a danger to the welfare, health or safety of the town.

§ 76-4. Fees. [Amended 4-14-97 by Res. No. 1-97]

§ 76-4-1.	Automobile Dealers	\$100	
§ 76-4-2.	Banks	\$100	
§ 76-4-3.	Barber/Beauty Shops	\$ 50	
§ 76-4-4.	Billiard Parlors	\$300	
§ 76-4-5.	Drug Stores (more than 5,000 sq. ft.)		\$125
§ 76-4-6.	Drug Stores (less than 5,000 sq. ft.)	\$100	
§ 76-4-7.	Dry Cleaning and Laundry	\$ 50	
§ 76-4-8.	Professional Offices	\$100	
§ 76-4-9.	Auto Repair Shops	\$100	
§ 76-4-10.	Grocery Stores (more than 10,000 sq. ft.)	\$150	
§ 76-4-11.	Grocery Stores (less than 10,000 sq. ft.)	\$100	
§ 76-4-12.	Gasoline Stations	\$ 75	
§ 76-4-13.	Restaurants, Carry Out	\$ 60	
§ 76-4-14.	Restaurants, Dine In	\$ 75	
§ 76-4-15.	Restaurant, Lounge no enter	\$100	
§ 76-4-16.	Restaurant, Lounge w/enter	\$200	
§ 76-4-17.	Pawn Shops	\$300	
§ 76-4-18.	Recyclers	\$300	
§ 76-4-19.	Fee for all other	\$ 10 for each 500 sq. ft. or portion thereof, minimum fee \$50, maximum \$300	

Fees will be prorated after the first quarter of license year for the number of quarters remaining for new businesses. One time fee of \$20 for use and occupancy permit. A late fee of \$50 will be charged when a required license is obtained after July 1. In addition, a penalty of 10% of the license fee will be charged for each 30 days past the due date.

§ 76-5. Branch establishments.

If a business conducted on any premises is also conducted on any other premises within the town, a separate license shall be required for each branch establishment, provided that warehouses and distribution plants used in connection with a business are incidental to a business licensed under the provisions of this chapter and shall not be deemed to be separate places of business or branch establishments.

§ 76-6. Late and adjusted fees.

- A. The fee for any business begun after the first quarter of the license year shall be prorated on a quarterly basis for the number of quarters remaining in the year, except that the minimum fee for a license paid on a prorated basis shall be ten dollars (\$10.00).
- B. A late fee of ten dollars (\$10.00) shall be charged for any required license obtained after July 1. After July 15 a penalty of ten percent (10%) of the license fee due shall be charged for each thirty (30) days or fraction thereof that the license fee is overdue, provided that the minimum penalty shall be five dollars (\$5.00) in addition to the late fee charge of ten dollars (\$10.00).

§ 76-7. Responsibility for obtaining license.

The resident owner, or in the case of no resident ownership, the manager, superintendent or person actually carrying on the business, shall be responsible for obtaining the license herein required.

§ 76-8. Preparation and keeping of forms.

Forms for all licenses and permits and all applications therefor shall be prepared and kept on file by the Town Administrator.

§ 76-9. Compliance with other regulations.

All licenses will be issued subject to the requirements of the BOCA Code and regulations and laws of the Prince George's County and the State of Maryland.

§ 76-10. Revocation.

All business licenses issued shall be subject to revocation by the Town Council if it is shown that the manner in which such business is conducted is obnoxious or constitutes a nuisance to the public, or if such business is being conducted in violation of any law, or if such business constitutes a danger to the public health, safety or welfare of the residents of the town.

§ 76-11. Hearing on revocation or denial of license.

No application shall be denied or revoked by the person in charge or in authority unless the applicant is first afforded the opportunity to be heard in a special or regularly scheduled session of the Council. Notice of such hearing shall be given, in writing, to the applicant at least seven (7) days prior, stating the time and place of said hearing. After the hearing, the Council shall determine whether the license shall be issued, refused, ratified or revoked. No license will be issued and no hearing shall be required if the applicant for a license has not paid in full all fees due the town at the time of application.

§ 76-12. Transferability; refunds.

A license or permit issued pursuant to the provisions of this chapter shall not be transferred to another person, firm or corporation. If a licensee or permittee should sell his business, the new owner of said business shall obtain a new license in his own name before engaging in the business of the previous owner. No refund will be made of any part of the license fees paid.

§ 76-13. Display of license or production on demand.

It shall be the duty of any person conducting a business in the town to keep his license or permit posted at all times in a prominent place on the premises or vehicle used for such business. Whenever licenses or permits cannot be so posted, such as those issued to canvassers or individual salespersons, the provisions of this section may be satisfied by the individual's producing the license or permit on demand by the town officials.

§ 76-14. Violations and penalties.

Any person violating a provision of this chapter shall, upon conviction, be guilty of a municipal infraction and shall be punishable as provided in § C7-2B of the Charter.

§ 76-15. Right of Appeal [Added 9/22/94 by Res. No. 5-94]

In addition to the other remedies provided herein, the Town Attorney on behalf of the Town of Bladensburg, may institute an action for injunctive, mandamus, or other appropriate action or proceedings to enforce the provision of this ordinance in the Circuit Court for Prince George's County, Maryland.

§ 76-15.1. Any person aggrieved by a decision made by the Town Council after a hearing held in accordance with § 76-11 of this Chapter, may within 30 days of the date of the Council's written decision, file an appeal to the Circuit Court for Prince George's County. Such an appeal will proceed in conjunction with the rules governing an appeal from an administrative agency.

Chapter 77  
ALARM MONITORING SYSTEM

[Added 10-9-95 by Res. No. 2-95]

- § 77-1. Definitions.
- § 77-2. Monitoring.
- § 77-3. License Fee.
- § 77-4. Cancellation of Monitoring Service.
- § 77-5. Collection of Penalty and Fees.
- § 77-6. Procedure for Cancellation of the Monitoring Service.
- § 77-7. Fines.

[HISTORY: Adopted by the Council of the Town of Bladensburg on October 9, 1995 by Resolution No. 2-95.]

GENERAL REFERENCES

- § 77-1. Definitions.
  - A. Alarm System -- any device designed for the detection of fire, burglary, theft, armed robbery, or the commission of any unauthorized entry into any building, place or premises.
  - B. Automatic direct-dialing device -- any police, fire or other emergency alarm system which consists of a telephone device or telephone attachment that automatically or electronically sends over a telephone line a prerecorded code signal when an alarm system is activated.
  - C. False Alarm -- an alarm system signal causing a response by the Bladensburg Police Department, or other public safety agency of the Town, when none of the emergency situations listed below are present. This definition does not include an alarm signal caused by unusually violent conditions of nature nor does it include other extraordinary circumstances not reasonably subject to control by the alarm user:
    - 1. Armed Robbery;
    - 2. Burglary;
    - 3. Fire;
    - 4. Any unauthorized entry into building, place or premises.
  - D. Person -- any natural person, trust, court-appointed representative, syndicate, association, partnership, firm, club, company, corporation, business trust, institution, agency, contractor, supplier, vendor, vendee, operator, user, owner or any officers, agents, employees or other representatives acting either for himself or for any other person in any capacity or any other entity recognized by law as the subject of rights and duties. The masculine, feminine, singular or plural is included in any circumstances.

§ 77-2. Monitoring.

A. The Town of Bladensburg Police Department will only monitor the following types of alarms:

1. Armed Robbery/Hold-up;
2. Burglary;
3. Fire;
4. Unauthorized entry into building, place, or premise.

B. The Town of Bladensburg Police Department will not monitor the following signals:

1. Openings and Closing of any building, place or premise;
2. Any other signals not specified in § 77-2(A).

§ 77-3. License Fee.

For each subscriber connected to the alarm monitoring system located in the Bladensburg Police Department, there is hereby imposed an annual license fee of \$100.00 per alarm system site.

§ 77-4. Cancellation of Monitoring Service.

Any person receiving the alarm monitoring service shall cease to have his alarm monitored and the license suspended if any of the following occurs:

- A. Failure to pay the annual alarm license fee;
- B. Failure to pay imposed fine for false alarm;
- C. Failure to make necessary repairs to the alarm system within seven (7) days after notice from the Bladensburg Police Department;
- D. Intentional activation of the alarm system to test the response time of the public safety unit;
- E. Repeated false robbery alarms;
- F. Unreasonable failure of the subscriber to check the premises after the alarm system has been activated indicating a burglary;
- G. Unreasonable failure of the subscriber, or agent designated by the subscriber, to respond to the premises where the alarm system is activated when requested to do so by the Bladensburg Police Department.

§ 77-5. Collection of Penalty and Fees.

If a penalty for false alarm or the license fee is not paid within thirty (30) days, the same becomes a debt past due and as such shall be collected through civil proceedings. § 77-4(A) and § 77-4(B) apply.

§ 77-6. Procedure for Cancellation of the Monitoring Service.

Upon probable cause that grounds for cancellation of monitoring exists, the Chief of Police, or his designee, will inform the person receiving the service that the person must show cause after twenty (20) days at a hearing before a board designated by the Town Administrator for the Town of Bladensburg as to why the monitoring service should not be terminated. Such notice shall specify the location of the alarm system, dates and description of offending conditions or occurrences, date, time and place of the hearing, and other such matters necessary to adequately inform the alleged offending person. The notice of hearing shall be served at least ten (10) days before the hearing by certified mail, return receipt delivery by the United States Postal Service or hand delivered.

If such hearing officers determine that grounds exist which justify service cancellation, such service may be terminated for a period of no more than one year from the date of the hearing. The ruling of the hearing officers shall be appealable to the appropriate state court having jurisdiction of appeals from actions of municipal governing authorities. No person may resume monitoring service after any revocation unless all delinquent penalties and fees are paid.

The license holder may apply to the Chief of Police for reinstatement of their license and service after all deficiencies are corrected and documentation establishing the corrections are provided to the Chief of Police.

§ 77-7. Fines.

The Town of Bladensburg reserves the right to establish, by resolution, a schedule of fines and/or penalties for the repeated activation of false alarms.

Chapter 80  
LOITERING

[The Prince George's County Juvenile Anti-Loitering Ordinance is effective in the Town of Bladensburg. A copy of the ordinance is on file in the office of the Town Clerk.]

GENERAL REFERENCES

Peace and good order - See Ch. 85.

Chapter 85  
PEACE AND GOOD ORDER

- § 85-1. Definitions.
- § 85-2. Alcoholic beverages.
- § 85-3. Firearms and weapons.
- § 85-4. Injurious substances on streets prohibited.
- § 85-5. Playing in streets or sidewalks prohibited.
- § 85-6. Indecent exposure.
- § 85-7. Loitering by tramps and vagrants prohibited.
- § 85-8. Peddlers, solicitors and transient merchants.
- § 85-9. Distribution of handbills.
- § 85-10. Violations and penalties.

[HISTORY. Adopted by the Council of the Town of Bladensburg at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]

GENERAL REFERENCES

Loitering - See Ch. 80.

- § 85-1. Definitions.

In the construction of this chapter, the following definitions shall be observed unless the context otherwise indicates:

**DISORDERLY HOUSE** - Any property or building in connection with which any illegal acts are committed with the knowledge of the owner or other person responsible for the use of the building.

**LOITERING** - Remaining idle in essentially one (1) location, and includes the concepts of spending time idly, loafing or walking about aimlessly, and also includes the colloquial expression, "hanging around."

**PUBLIC PLACE AND SPACE** - Includes any place or space to which the general public has access and a right to resort for business, entertainment or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern or other place of business and also public grounds, areas or parks.

**TRAMP or VAGRANT** - Includes any person found loitering or strolling in, about or upon any street, alley or other public way or public space or at any public gathering or assembly or in or around any store, shop or business or commercial establishment or on any private property or place without lawful business and having no lawful means of support realized solely from lawful occupations or sources.

- § 85-2. Alcoholic beverages.<sup>4</sup>

No person shall drink any intoxicating beverage or offer a drink of such to another, whether accepted or not, or have in his possession an open container containing an intoxicating beverage, in any public place within the town or upon any street, avenue, alley, parking lot, playground, park or sidewalk or in any building without the owner's or lessee's express consent except on premises for which an on-sale license for the sale of alcoholic beverages shall have been issued; provided, however, that the Town Council may, by resolution, permit the consumption of

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<sup>4</sup>Editor's Note: See also Ch. 26, Alcoholic Beverages.

alcoholic beverages on any of the above places during a special event.

§ 85-3. Firearms and weapons.

- A. It shall be unlawful for any person to discharge or possess any loaded shotgun, rifle, air gun, bow or any device, by whatever name known, which is designed to expel a projectile by any explosive force, gas, compressed air, spring or elastic, in or upon any school or school ground, public or private, church or church ground, places of public assembly, public parks and playgrounds and any public street, ways or property within the Town of Bladensburg.
- B. As to definition of “shotgun” or “rifle,” refer to Annotated Code of Maryland, Article 27, § 36F, as amended. This section does not regulate pistols or revolvers in compliance with the Annotated Code of Maryland, Article 27, § 445(a). Refer to Annotated Code of Maryland, Article 27, § 441 et seq., for pistol and revolver regulation.

§ 85-4. Injurious substances on streets prohibited.

No person shall throw any stones, fireworks or other missile in the town in any way that is likely to harm or injure any person or property or in such manner as to cause reasonable apprehension of such harm or injury. No person shall throw or place any glass, nails, tacks or other materials which would damage any vehicle or person into any street, alley or public parking area of the town.

§ 85-5. Playing in streets or sidewalks prohibited.

- A. It shall be unlawful for any person to play in the public streets or sidewalks within the Town of Bladensburg.
- B. “Playing” indicates ballplaying; riding of tricycles, bicycles, roller skates, skateboards, scooters, wagons or other vehicular play toys; playing tag games; and any other games where the participants are engaged in the activity on a public street or sidewalk.
- C. This section is not intended to prohibit the use of bicycles as a mode of transportation as provided in the Maryland State Department of Transportation laws and regulations.

§ 85-6. Indecent exposure.

It shall be unlawful for any person or persons at any time to make any indecent exposure of his or her person or their persons in any street, alley, open space or public place or in any dwelling or other buildings where the same may be seen in any street, alley, roadway or open space within the Town of Bladensburg.

§ 85-7. Loitering by tramps and vagrants prohibited.

Tramps, vagrants, disorderly persons, beggars or persons having no means of support shall not be permitted to loiter within the Town of Bladensburg.

§ 85-8. Peddlers, solicitors and transient merchants.

It shall be unlawful for any peddler, canvasser, solicitor, hawker, agent, salesman or transient vendor of merchandise to go in or upon any private property for the purpose of selling or soliciting orders for the sale of goods, wares, merchandise or services without first obtaining the necessary licenses required by the state, Prince George's County or the Town of Bladensburg. It shall be unlawful for any vendor to enter upon any property posted with a "No Soliciting" sign or for any vendor to remain on the property of others after being notified to leave said property by the owner, agent, resident or other legal occupant.

§ 85-9. Distribution of handbills.

It shall be unlawful for any person to distribute any handbills, pamphlets, advertising matters, books or magazines upon any streets or roads in such a way as to impede traffic or to throw such items to a person or persons in any vehicle while standing or moving upon any streets or roads within the Town of Bladensburg.

§ 85-10. Violations and penalties.

Any person violating a provision of this chapter shall, upon conviction, be guilty of a misdemeanor and shall be punishable as provided in § C7-2A of the Charter. Each day a violation continues shall, unless otherwise provided, constitute a separate or repeat offense.

Chapter 87  
PEDDLING

[For provisions relating to peddlers, solicitors, canvassers and transient merchants, see Ch. 85, Peace and Good Order, § 85-8.]

GENERAL REFERENCES

Licensing - See Ch. 76.

Chapter 89  
PLUMBING

[Plumbing within the town is administered in accordance with and in compliance with the Prince George's County Code. A copy of the county code is on file in the office of the Town Clerk.]

GENERAL REFERENCES

Buildings and construction - See Ch. 40.

Temporary sewer facilities - See Ch. 91, § 91-1.

Water and sewers - See Ch. 118.

Chapter 91  
PUBLIC HEALTH

ARTICLE I  
General

- § 91-1. Temporary sewer facilities.
- § 91-2. Hazardous or unfit structures.
- § 91-3. Duties of Code Enforcement Officer.
- § 91-4. Notice to abate unsanitary conditions; hearing.
- § 91-5. Rodent control.
- § 91-6. Pigeon keeping and breeding.
- § 91-7. Violations and penalties.

ARTICLE II  
Plants and Weeds

- § 91-8. Growth of certain weeds declared a nuisance.
- § 91-9. Height restrictions; trimming; corner lots.
- § 91-10. Notice to abate.
- § 91-11. Abatement by town; payment of expenses.
- § 91-12. Violations and penalties.

[HISTORY: Adopted by the Council of the Town of Bladensburg - Art. I, at time of adoption of Code (see Ch. 1, General Provisions, Art. I); Art. II at time of adoption of Code (see Ch. 1, General Provisions Art. I). Amendments noted where applicable.]

GENERAL REFERENCES

Animals - See Ch. 33.  
Garbage, rubbish and refuse - See Ch. 61.  
Housing standards - See Ch. 68.  
Fences and hedges - See Ch. 103, § 103-14.

ARTICLE I  
General

[Adopted at time of adoption of Code<sup>5</sup>]

- § 91-1. Temporary sewer facilities.

It shall be unlawful for any owner, occupant or agent of buildings and of properties to maintain an outside privy or other temporary sewer facilities for a period longer than thirty (30) days immediately following the installation and establishment of sewer connections on the property by the Washington Suburban Sanitary Commission (WSSC).

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<sup>5</sup>Editors Note: See Ch. 1, General Provisions, Art. I.

§ 91-2. Hazardous or unfit structures.

It shall be unlawful for any owner, occupant or agent of buildings and/or properties to leave standing unprotected any building which is rotten or about to fall or in danger of falling, or which is a menace to the residents of the town or is considered a fire hazard or danger to the lives of the occupants who may live therein, or to occupy by living therein such building which has been posted by the Code Enforcement Officer of the town to be unfit for residential, commercial or industrial use as provided for under town building regulations.<sup>6</sup> The abatement of said structure by the town and any expenses so incurred shall be charged against the owner of the property. Failure of the owner to pay such expenses within thirty (30) days of the receipt of the bill shall result in a lien against the property for the amount of the expense, to be payable in the same manner as real property taxes.

§ 91-3. Duties of Code Enforcement Officer.

The Code Enforcement Officer shall be responsible for examining the health and sanitation conditions of the town and its buildings, as well as the conditions of all lots and open spaces, private or public, to determine if such places are kept by the owners or agents thereof in a condition so as not to pose a menace to the health and welfare of the town; for investigating all complaints as to the existence of alleged nuisances on any premises or properties and for reporting the condition thereof to the Town Administrator or his designee.

§ 91-4. Notice to abate unsanitary conditions; hearing.

- A. The owner, occupant or agent shall be served personally or by certified mail with notice to abate any unsanitary conditions, and conditions shall be abated as specified in the citation. If the conditions still exist after the time specified, the conditions may be abated by the town and any expenses so incurred shall be charged against the owner of the property. Failure of the owner to pay such expenses within thirty (30) days of the receipt of the bill shall result in a lien against the property for the amount of the expense, to be payable in the same manner as real property taxes.
- B. The owner of said premises shall have the right, upon written request made by him prior to the expiration date specified in the citation, to be heard before the Town Council. The duty to abate the unsanitary conditions shall be stayed pending decision of the Town Council.

§ 91-5. Rodent control.

It shall be unlawful for any owner, occupant or agent of buildings and of properties to have on the premises or to permit thereon uncovered trash and garbage containers, trash piles, wood and lumber piles directly upon the ground in such manner as to be a cause for the habitation, breeding and hibernation of rodents anywhere within the town.

§ 91-6. Pigeon keeping and breeding.

- A. Permit required. No owner, occupant or agent shall keep or breed pigeons on any premises within the town nor, except as an integral part of a duly licensed pet business, in any industrial zone, unless a permit therefor has been obtained from the town.
- B. Restrictions. No permit shall be issued by the town for the keeping and breeding of pigeons on any premises which are less than twenty thousand (20,000) square feet (under the same ownership), nor where the pigeons would be kept or housed in a building, structure, cage or enclosure which is less than fifty (50) feet in any direction from any residence or commercial building.

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<sup>6</sup>Editors Note: See Ch. 40, Buildings and Construction.

- C. Permit procedures. Application for a town permit for the keeping or breeding of pigeons shall be on the form provided by the town. The application shall specify by street address and lot and block designation the specific premises upon which the birds are proposed to be kept and exhibit sufficient information as to the number of birds, the type of house or enclosure and the specified location on the premises therefor as to enable the town to determine that a permit may be granted without danger to the public health and welfare.
- D. Permit fee. All applications for permits shall be accompanied by a fee to be paid in advance to the Town Clerk. Such fees shall be determined and established from time to time by resolution of the Council. Any permit granted under this section shall be renewable annually, on or before July 1 of each year, with a renewal fee. The permit will be renewed only if there are no material changes in the specifications covered by the original permit.
- E. Health and sanitation requirements. The owner, occupant or agent keeping and breeding pigeons shall do so in full compliance with the health and sanitation requirements of the town as well as of Prince George's County, and any violation of these regulations or codes shall be a cause for revocation of the permit.

§ 91-7. Violations and penalties. [Amended 5-19-94 by Res. No. 2-94]

Any person violating a provision of this Article shall upon conviction be guilty of a municipal infraction and shall be punishable as provided in § C7-2B of the Charter.

ARTICLE II  
Plants and Weeds  
[Adopted at time of adoption of Code<sup>7</sup>]

§ 91-8. Growth of certain weeds declared a nuisance.

It shall be unlawful to grow or let remain on any lot or tract of land within the town weeds such as jimson, burdock, ragweed, thistle, cocklebur or other weeds of a like nature which carry pollen or cause hay fever or asthma or which cause unhealthy nuisances for the residents of the town. Any such weeds found growing within the town are hereby declared to be a nuisance and abatable as such.

§ 91-9. Height restrictions; trimming; corner lots.

- A. It shall be unlawful to permit any weeds, grass or plants, other than trees, bushes, flowers or other ornamental plants, to grow to a height exceeding nine (9) inches anywhere within the town.
- B. It shall be the responsibility of every owner, occupant or agent of land, property, lots and open land spaces to keep grass and sod cut and trimmed on the right-of-way area lying between the street and roadway curb and gutter line and the property line or boundary of the property owner adjacent thereto and to keep hedges, shrubs and bushes used as a property line or boundary line marker immediately adjacent to the right-of-way areas cut and trimmed so as not to exceed four (4) feet in height within the town.
- C. It shall be unlawful for any person to let grow higher than four (4) feet any hedge being used as a fence or boundary marker on private or public properties adjacent to or facing the street, roadway, walkway and passageways or intersections, and on a corner lot at a height so as to obstruct vision.

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<sup>7</sup>Editor's Note: See Ch. 1, General Provisions, Art. I.

§ 91-10. Notice to abate.

It shall be the duty of the Code Enforcement Officer, upon direction of the Town Administrator, to serve or cause to be served a notice upon the owner or occupant of any premises on which weeds or plants are permitted to grow in violation of the provision of this Article and to demand the abatement of such plants and weeds within seven (7) days.

§ 91-11. Abatement by town; payment of expenses.

If the person so served does not abate the nuisance within seven (7) days, the Town Administrator or his designee may proceed to abate such nuisance, keeping on account of the expense of the abatement, and such expense shall be charged to and paid by such owner or occupant.

§ 91-12. Violations and penalties.

A person violating a provision of this Article shall, upon conviction, be guilty of a municipal infraction and shall be punishable as provided in § C7-2B of the Charter.

Chapter 93  
SALES

ARTICLE I  
Yard Sales

- § 93-1. Definitions.
- § 93-2. Permit required.
- § 93-3. Duration of sale.
- § 93-4. Single location restriction.
- § 93-5. Single sponsor restriction.
- § 93-6. Liability of sponsor.
- § 93-7. Content of permit; responsibility for cleanup.
- § 93-8. Permitted locations.
- § 93-9. Traffic control at site.
- § 93-10. Creation of nuisances prohibited.
- § 93-11. Creation of health and safety hazards prohibited.
- § 93-12. Maintenance of site.
- § 93-13. Compliance with existing provisions required.
- § 93-14. Advertising.
- § 93-15. Signs.
- § 93-16. Inspection prior to permit issuance; suspension and revocation; application; appeals.
- § 93-17. Violations and penalties.

ARTICLE II  
Flea Markets and Temporary Sales

- § 93-18. Definitions.
- § 93-19. Permit required; conditions for issuance.
- § 93-20. Duration of sale.
- § 93-21. Single location restriction.
- § 93-22. Single sponsor restriction.
- § 93-23. Liability of sponsor.
- § 93-24. Content of permit; responsibility for cleanup; deposit.
- § 93-25. Fees; exemptions.
- § 93-26. Permitted locations.
- § 93-27. Traffic control at site.
- § 93-28. Creation of nuisances prohibited.
- § 93-29. Creation of health and safety hazards prohibited.
- § 93-30. Maintenance of site.
- § 93-31. Compliance with existing provisions required.
- § 93-32. Advertising.
- § 93-33. Signs.
- § 93-34. Inspection prior to permit issuance; suspension and revocation; application; appeals.
- § 93-35. Violations and penalties.

[HISTORY: Adopted by the Council of the Town of Bladensburg: Art. I, 10-8-1990 as Ord. No. 3-90; Art. II, 10-8-1990 as Ord. No. 4-90. Amendments noted where applicable.]

GENERAL REFERENCES

Peace and good order - See Ch. 85.  
Peddling - See Ch. 87.  
Signs - See Ch. 95.

ARTICLE I

Yard Sales

[Adopted 10-8-1990 as Ord. No. 3-90]

§ 93-1. Definitions.

For the purposes of this Article, the following terms, phrases, words and derivatives shall have the meanings given herein:

CHARITY SALE - Any temporary sale for which the sponsor is a recognized charitable organization and the proceeds of which go to one (1) or more charitable organizations.

GOODS - Includes any goods, food products, wares, merchandise or other personal property capable of being the object of a sale regulated hereunder.

PERSON - Any person conducting yard sales in the residential zone on his or her property, or any person or persons conducting a yard sale on another person's property with the expressed written authority of that person.

SPONSOR - Any person who organizes or sponsors a yard sale and who assumes liability and responsibility during the sale for compliance with all pertinent laws and regulations of the town. A "sponsor" may represent himself or herself as a single vendor or any number of vendors as in the case of a multiple-yard sale.

YARD SALES - Includes all sales of goods, whether or not for profit for a period of time not to exceed three (3) days from a fixed location within the residential zone.

§ 93-2. Permit required.

Any person conducting a yard sale as defined herein shall have first obtained from the town a yard sale permit.

§ 93-3. Duration of sale.

All yard sales shall be limited to the sale period stated on the permit, but in no case shall it exceed three (3) consecutive days.

§ 93-4. Single location restriction.

Each yard sale permit shall be issued for one (1) location or site only.

§ 93-5. Single sponsor restriction.

Each yard sale permit shall be issued to one (1) sponsor only. The sponsor can be any person as defined herein.

§ 93-6. Liability of sponsor.

The sponsor shall be responsible for compliance by all persons involved in the yard sale with all pertinent laws and regulations of the town and shall be liable for all acts arising from the yard sale in the same way and to the same extent as other persons operating a business in the town.

§ 93-7. Content of permit; responsibility for cleanup.

A. Permit requirements.

(1) Each yard sale permit shall specify, at the minimum, the following :

- (a) The name of the sponsor.
- (b) The name of the organization, if any, which will receive proceeds from the sale.
- (c) The goods and/or services to be sold.
- (d) The location or site of the sale.
- (e) The period of time during which the sale will take place.

(2) No signs shall be placed on utility poles.

B. The sponsor shall be responsible for cleaning up the sale site or location.

§ 93-8. Permitted locations.

A yard sale may take place in all residential zones within the Town of Bladensburg if all pertinent health and safety concerns are adhered to by the sponsor.

§ 93-9. Traffic control at site.

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

§ 93-10. Creation of nuisances prohibited.

No yard sale or any activity associated therewith shall be conducted in any way that will disturb the peace, endanger the safety or threaten the welfare of persons nearby or interfere with the reasonable use of adjacent property.

§ 93-11. Creation of health and safety hazards prohibited.

No yard sale shall be conducted in any way which shall present a danger or hazard to the health or safety of persons or property.

§ 93-12. Maintenance of site.

The site or location of a yard sale shall be maintained clean and free from litter at all times. Any litter which shall fall on the property of another shall be removed immediately. Upon conclusion of the yard sale, the sponsor shall be responsible for the removal of all litter and trash from the site and adjacent property not later than one (1) day after the sale ends. Should the sponsor fail to do so, the town may remove such trash or litter and charge the cost thereof to the sponsor.

§ 93-13. Compliance with existing provisions required.

Any construction, electrical work, plumbing, sign erection or other related activity conducted in association with the yard sale shall be in accordance with the pertinent building, electrical, plumbing or other applicable codes of the town,<sup>8</sup> state or county. No sound system will be allowed.

§ 93-14. Advertising.

Advertising can only be placed on the sponsor’s or owner’s property or a site so designated by the town.

§ 93-15. Signs.

Any sign advertising the yard sale may not be erected more than seven (7) days before the sale begins and must be removed not later than one (1) day after the sale ends.

§ 93-16. Inspection prior to permit issuance; suspension and revocation; application; appeals.

- A. The town shall issue the permit applied for after inspection of the proposed yard sale site by the Code Enforcement Officer and his certification that such sale is in conformance with the provisions of this Article.
- B. The Code Enforcement Officer of the town shall be empowered to revoke or suspend any permit issued under this Article upon determination that the permittee is conducting the activities in an unsafe, unsanitary or unsightly manner.
- C. Application shall be made seven (7) days prior to the commencement of the desired date of such a yard sale.
- D. Appeal. Any person aggrieved by any action of the Code Enforcement Officer under Subsection B of this section may file an appeal within ten (10) days of the action with the Town Administrator's office. Within five (5) business days of the appeal filing, the Town Administrator shall hold a hearing where the aggrieved party may show cause why the action of the Code Enforcement Officer should not be enforced. The Town Administrator shall issue a written decision within one (1) business day of the hearing.

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<sup>8</sup>Editors Note: See Ch. 40, Buildings and Construction, Ch. 47, Electrical Standards, and Ch. 89, Plumbing, respectively.

§ 93-17. Violations and penalties.

Violations of this Article shall be punishable as a municipal infraction as provided for in the Bladensburg Town Charter. The fine for any single initial violation shall be forty dollars (\$40.00), and the fine for each repeat of that offense shall be eighty dollars (\$80.00).

ARTICLE II  
Flea Markets and Temporary Sales  
[Adopted 10-8-1990 as Ord. No. 4-90]

§ 93-18. Definitions.

For the purposes of this Article, the following terms, phrases, words and derivatives shall have the meanings given herein:

CHARITY SALE - Any temporary sale for which the sponsor is a recognized charitable organization and the proceeds of which go to one (1) or more charitable organizations.

GOODS - Includes any goods, food products, wares, merchandise or other personal property capable of being the object of a sale regulated hereunder.

PERSON - Any person, firm, partnership, association, corporation, company or organization of any kind.

SERVICES - Includes any work or act capable of being performed for a fee or donation during a sale regulated hereunder. Examples of "services" occasionally performed as part of a temporary sale are a car wash or appliance repairs.

SPONSOR - Any person who organizes or sponsors a temporary sale and who assumes liability and responsibility during the sale for compliance with all pertinent laws and regulations of the town. A "sponsor" may represent himself or herself as a single vendor or any number of vendors as in the case of a multiple-vendor sale.

TEMPORARY SALES - Includes all sales of goods or services in a commercial location, whether or not for profit, for a period of time not to exceed forty-five (45) days from a fixed location, store, shop or other site not otherwise licensed to do business there. This includes but is not limited to such sales as flea markets and fresh produce sales.

§ 93-19. Permit required; conditions for issuance.

Any person conducting a temporary sale as defined herein shall have first obtained from the town a temporary sales permit. No person shall be entitled to obtain more than one (1) permit per calendar year. Prior to the town issuing a temporary sales permit, the sponsor must show proof that all applicable Prince George's County and State of Maryland codes and regulations have been adhered to by the sponsor.

§ 93-20. Duration of sale.

All temporary sales shall be limited to the sale period stated on the permit, but in no case shall it exceed forty-five consecutive days.

§ 93-21. Single location restriction.

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

§ 93-22. Single sponsor restriction.

Each temporary sale permit shall be issued to one (1) sponsor only. The sponsor can be any person as defined herein.

§ 93-23. Liability of sponsor.

The sponsor shall be responsible for compliance by all persons involved in the temporary sale with all pertinent laws and regulations of the town and shall be liable for all acts arising from the temporary sale in the same way and to the same extent as other persons operating a business in the town.

§ 93-24. Content of permit; responsibility for cleanup; deposit.

A. Permit requirements.

- (1) Each temporary sale permit shall specify, at the minimum, the following:
  - (a) The name of the sponsor.
  - (b) The name of the organization, if any, which will receive proceeds from the sale.
  - (c) The goods and/or services to be sold.
  - (d) The location or site of the sale.
  - (e) The period of time during which the sale will take place.

- (2) No signs shall be placed on utility poles.

B. The sponsor shall be responsible for cleaning up the sale site or location.

C. The sponsor shall be responsible for leaving fifty dollars (\$50.00) with the Code Enforcement Officer as a deposit. The moneys shall be returned to the sponsor upon final inspection and approval by the Code Enforcement Officer.

§ 93-25. Fees; exemptions.

- A. A schedule of temporary sale permit fees shall be established from time to time by the Town Council. The fee may vary depending on the duration of the sale.
- B. A recognized charitable or nonprofit organization may be exempt of any fee and restrictions herein.

§ 93-26. Permitted locations.

A temporary sale may take place either in an industrial or commercial area. Regulations governing such matters as advertising, signs, construction, sanitation and traffic shall be the same as for businesses operating in the CSC Zone or industrial zones within the town.

§ 93-27. Traffic control at site.

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

§ 93-28. Creation of nuisances prohibited.

No temporary sale or any activity associated therewith shall be conducted in any way that will disturb the peace, endanger the safety or threaten the welfare of persons nearby or interfere with the reasonable use of adjacent property.

§ 93-29. Creation of health and safety hazards prohibited.

No temporary sale shall be conducted in any way which shall present a danger or hazard to the health or safety of persons or property.

§ 93-30. Maintenance of site.

The site or location of a temporary sale shall be maintained clean and free from litter at all times. Any litter which shall fall on the property of another shall be removed immediately. Upon conclusion of the temporary sale, the sponsor shall be responsible for the removal of all litter and trash from the site and adjacent property not later than one (1) day after the sale ends. Should the sponsor fail to do so, the town may remove such trash or litter and charge the cost thereof to the sponsor.

§ 93-31. Compliance with existing provisions required.

Any construction, electrical work, plumbing, sign erection or other related activity conducted in association with the temporary sale shall be in association with the pertinent building, electrical, plumbing or other applicable codes of the town,<sup>9</sup> state or county. No sound system will be allowed.

§ 93-32. Advertising.

Any advertising of the temporary sale shall be subject to the same regulations as pertains to other business activities in the town located in the CSC Zone and as may be defined herein and in the Prince George's County Zoning Ordinance.

§ 93-33. Signs.

- A. Any sign advertising the temporary sale may not be erected more than seven (7) days before the sale begins and must be removed not later than one (1) day after the sale ends.
- B. A permit issued by the town shall be required for any sign larger in size than four (4) square feet and for electrical signs of any size.

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<sup>9</sup>Editors Note: See Ch. 40, Buildings and Construction, Ch. 47, Electrical Standards, and Ch. 89, Plumbing, respectively.

- C. Signs may not be erected on any public property, including utility poles, or on private property unless the sponsor has first received expressed written permission from the owner or agent.

§ 93-34. Inspection prior to permit issuance; suspension and revocation; application; appeals.

- A. The town shall issue the permit applied for after inspection of the proposed temporary sale site by the Code Enforcement Officer and the certification that such sale is in conformance with the provisions of this Article.
- B. The Code Enforcement Officer of the town shall be empowered to refuse to issue a permit or revoke or suspend any permit issued under this Article upon determination that the permittee is conducting the activities in an unsafe, unsanitary or unsightly manner or that the sponsor's permit has been revoked for any reason in the past.
- C. Application shall be made seven (7) days prior to the commencement of the desired date of such a temporary sale.
- D. Appeal. Any person aggrieved by any action of the Code Enforcement Officer under Subsection B of this section may file an appeal within ten (10) days of the action with the Town Administrator's office. Within five (5) business days of the appeal filing, the Town Administrator shall hold a hearing where the aggrieved party may show cause why the action of the Code Enforcement Officer should not be enforced. The Town Administrator shall issue a written decision within one (1) business day of the hearing.

§ 93-35. Violations and penalties.

Violations of the Article shall be punishable as a municipal infraction as provided for in the Bladensburg Town Charter. The fine for any single initial violation shall be forty dollars (\$40.00), and the fine for each repeat of that offense shall be eighty dollars (\$80.00).

Chapter 95  
SIGNS

- § 95-1. Definitions.
- § 95-2. Certain signs prohibited.
- § 95-3. Permit and fee required.
- § 95-4. Application for permits.
- § 95-5. Compliance with other regulations; permit fee.
- § 95-6. Expiration of permits.
- § 95-7. Annual inspection; permit renewal.
- § 95-8. Violations and penalties.

[HISTORY: Adopted by the Council of the Town of Bladensburg at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]

GENERAL REFERENCES

Licensing - See Ch. 76.  
Zoning - See Ch. 122.

- § 95-1. Definitions.

As used in this chapter, unless the context otherwise indicates, the following definitions shall apply:

SIGNS - Includes all signs requiring a permit under the current Prince George's County Zoning Ordinance.<sup>10</sup>

- § 95-2. Certain signs prohibited.

- A. No sign shall be constructed or maintained which, by reason of its shape, color or wording, may be confused with any traffic sign, signal or device placed by any public authority or which may mislead or confuse traffic.
- B. Any sign no longer advertising a business or service on the premises or advertising products no longer stocked or sold shall be removed by the owner of the building or premises within a period of thirty (30) days of the termination of such business or service or of the sale of such products.
- C. The erection or continued existence of the following signs is prohibited in all zones:
  - (1) Signs which are not clean or legible or not in a state of good repair.
  - (2) Obsolete signs; that is, signs no longer in use, worn out or effaced.
  - (3) Signs which are illegal under state or federal laws or regulations in effect at the location of such signs.
  - (4) Signs which are not consistent with the provisions of this chapter.

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<sup>10</sup>Editor's Note: A copy of the Prince George's County Zoning Ordinance is on file in the office of the Town Clerk.

- (5) Signs which are placed on a right-of-way dedicated to public use or owned or maintained by a municipality, the county or the state, except those placed thereon by public authorities or agencies or pursuant to authority derived from such sources.

§ 95-3. Permit and fee required.

It shall be unlawful for any person to erect, alter, relocate or maintain any sign or other advertising material or structure within the town, as defined in this chapter, without first obtaining a permit from the town official responsible for the issuing of said permit and making payment of the fee required by § 95-5 herein.

§ 95-4. Application for permits.

Application for permits for outdoor signs shall be made at the town office. The application form shall contain the following information:

- A. Name, address, telephone number and business conducted.
- B. The location of the building or structure and lot upon which the sign or other advertising structure is to be attached or erected.
- C. The position of the sign or other advertising structure in relation to nearby buildings or structures.

§ 95-5. Compliance with other regulations; permit fee.

No town permit shall be issued unless the applicant has complied with all the applicable provisions of the laws and regulations of Prince George's County. Every applicant, before being granted a sign permit, shall pay to the town a fee for each sign or advertising structure regulated by this chapter. Such fees shall be determined and established from time to time by resolution of the Council.

§ 95-6. Expiration of permits.

Permits for signs shall expire on the 30th day of June in the fiscal year in which issued.

§ 95-7. Annual inspection; permit renewal.

All signs and advertising structures shall be subject to an annual inspection by the Town Code Enforcement Officer, and every permit issued under this chapter shall be renewed July 1.

§ 95-8. Violations and penalties.

Any person violating a provision of this chapter shall, upon conviction, be guilty of a municipal infraction and shall be punishable as provided in § C7-2B of the Charter. Each day a violation continues shall, unless otherwise provided, constitute a separate or repeat offense.

Chapter 103  
STREETS AND SIDEWALKS

ARTICLE I  
General

- § 103-1. Cutting or damaging curbs, sidewalks and streets.
- § 103-2. Replacement or restoration.
- § 103-3. Construction and repair requirements.
- § 103-4. Barricades and obstructions.
- § 103-5. Driving on sidewalks.
- § 103-5.1. Vehicle repairs on streets.
- § 103-6. Maintenance of sidewalk, driveway apron and sod.
- § 103-7. Removal of snow and ice required.
- § 103-8. Displays or banners as obstructions.
- § 103-9. Buildings on sidewalks; burning on or littering public ways or gutters.
- § 103-10. Storage of materials on public ways; safety devices.
- § 103-11. Tampering with safety devices prohibited.
- § 103-12. Drainage facilities and advertising devices in public ways.
- § 103-13. Grading of street rights-of-way adjacent to property being developed.
- § 103-14. Fences and hedges.
- § 103-15. Notice of violation; failure to comply; abatement by town; recovery of expenses.
- § 103-16. Standards and specifications for construction.
- § 103-17. Driveway entrances.
- § 103-18. Removal of defaulting tenants chattels from public way.
- § 103-19. Violations and penalties.

ARTICLE II  
Snow and Ice Emergencies

- § 103-20. Conditions constituting emergency.
- § 103-21. Obstruction of traffic and interference with snow removal equipment prohibited.
- § 103-22. Deposit of snow in streets prohibited; permitted disposal.
- § 103-23. Removal and impounding of vehicles.
- § 103-24. Violations and penalties.

[HISTORY: Adopted by the Council of the Town of Bladensburg: Art. I, at time of adoption of Code 1-11-88 by Ord. No. 1-88 (see Ch. 1, General Provisions, Art. I); Art. II, at time of adoption of Code 1-11-88 by Ord. No. 1-88 (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]

GENERAL REFERENCES

Public ways - See Charter, Art. VI.  
Height restrictions on plants and weeds - See Ch. 91, Art. II.  
Impoundment of vehicles - See Ch. 112.

ARTICLE I  
General  
[Adopted 1-11-88 by Ord. No. 1-88]

§ 103-1. Cutting or damaging curbs, sidewalks and streets.

Unless express permission is given by the town, no person, firm or corporation shall cut, break or remove any curb, gutter or sidewalk or dig, fill or excavate in any street or roadway over which the town exercises control.

§ 103-2. Replacement or restoration.

When in the course of construction or repair work of any building, street or other fixture in the town, streets or sidewalks or curbs become destroyed or otherwise broken, cracked or moved, the person, firm or corporation responsible for said work shall also be responsible for the replacement or restoration of any streets and sidewalks so damaged and shall replace or restore the same according to standards and specifications set forth by the town and Prince George's County. The Public Works Supervisor shall be responsible for judging damages done to streets and sidewalks.

§ 103-3. Construction and repair requirements.

- A. Permit required. It shall be unlawful for any person, firm or agent thereof to construct or lay any pavement on a public street, sidewalk, alley or other public way or to repair the same without having first obtained a construction or improvement permit from the town. Application for such permit shall state the location of the intended grading, construction or repair, the extent thereof and the person or firm who is to do the actual construction work. No such permit shall be issued except where the work will conform to the ordinances of the town and Prince George's County.
- B. Permit fee. Applications for permits submitted under this section shall be accompanied by a permit fee as established from time to time by resolution of the Town Council.
- C. Performance bond. In addition to the required permit and permit fee, the town may require the posting of a performance bond prior to the inception of the project. The amount of the bond shall be set by the town, taking into consideration the nature of the project and potential damage to town property.

§ 103-4. Barricades and obstructions.

It shall be unlawful for any person, firm or corporation to place or cause to be placed any barrier, obstruction or barricade in or across any public sidewalk, street, highway or thoroughfare except as may be necessary in the interest of public safety for excavations, construction work or other emergency situations.

§ 103-5. Driving on sidewalks.

It shall be unlawful for any person to operate or permit to be operated any vehicle over or upon the sidewalk or curbing unless a driveway apron, ramp or entrance has been constructed within the sidewalk.

§ 103-5.1. Vehicle repairs on streets.

Minor and emergency repairs, such as flat tires, are lawful in town as long as at no time not more than one (1) wheel is off the ground and at no time is it lawful to have a motor vehicle placed on blocks for repair.

§ 103-6. Maintenance of sidewalk, driveway apron and sod.

It shall be unlawful for any owner or occupant of property adjacent to a sidewalk in a public right-of-way to fail to maintain the adjacent sidewalk, curbing, driveway apron and sod in a clean, orderly condition so as to be safe for public usage.

§ 103-7. Removal of snow and ice required.

- A. Owners and occupants of property adjacent to a sidewalk in a public right-of-way are required to remove snow and/or ice from the sidewalk serving their property or business within twenty-four (24) hours following a snow or freeze. Failure to do so can result in the issuance by the town of a written notice that a violation exists. If the sidewalk is not cleared within twenty-four (24) hours after the notice is issued, a municipal infraction citation can be issued. If after an additional twenty-four (24) hours the sidewalk remains uncleared, a second municipal infraction citation can be issued.
- B. If the owner or occupant does not comply with the clearing of snow and/or ice as delineated in this section, the Town of Bladensburg reserves the right to clear the sidewalk and bill the property owner for both clearing and administrative cost. Any cost incurred in the performance of emergency work shall be a lien on the property and collectible in the same manner as delinquent taxes.

§ 103-8. Displays or banners as obstructions.

It shall be unlawful for any person or persons to improperly obstruct any public way, sidewalk, street or alley with any signs, lumber, flags, banners, merchandise or other manner of display or device, nor shall any material be stretched across any public ways or sidewalks of the town without first obtaining a written permit from the town.

§ 103-9. Buildings on sidewalks; burning on or littering public ways or gutters.

It shall be unlawful for any person, firm or corporation to erect or maintain any building or obstruction in or upon any public way or sidewalk or to burn or set fire to any material or to deposit any litter upon any public way or in any gutter, drain, culvert or passageway provided for the flow of water from, over, under or adjacent to any public way, so as to prevent or decrease the natural flow of water, without first having obtained a written permit from the town.

§ 103-10. Storage of materials on public ways; safety devices.

It shall be unlawful for any person, firm, corporation, contractor or employees of such to use the public ways or sidewalks within the town to store materials thereon without first having obtained a written permit from the town. Appropriate light devices shall be displayed from sunset to sunrise to warn the public of such obstruction and so as to show distinctly the unobstructed passageway remaining in the public way or sidewalk within the town.

§ 103-11. Tampering with safety devices prohibited.

It shall be unlawful for any person to break, damage, mutilate or carry away from its place any streetlamps, lanterns, lighting devices, frames, barriers, road markers, official signs or any part of such protective devices erected for the regulation and control of traffic on public ways or located on town property.

§ 103-12. Drainage facilities and advertising devices in public ways.

It shall be unlawful for any person, firm or corporation to lay any pipe or similar device intended for drainage purposes in any gutter of the public ways or to construct any artificial drain, trench or indentation in or, across

any sidewalk or public ways of the town without first having obtained a permit from the town. It shall be unlawful for any person to place or inscribe upon any public way or sidewalk in any manner whatsoever any lettering or marking or advertising devices without first having obtained a permit from the town.

§ 103-13. Grading of street rights-of-way adjacent to property being developed.

All street rights-of-way immediately adjacent to any property which is being developed or improved shall be graded in accordance with Prince George’s County and town specifications and standards for cross-section configuration of public streets so as to permit future installations and construction of sidewalks within said right-of-way without a change of grading.

§ 103-14. Fences and hedges.

- A. It shall be unlawful to erect a fence, hedge or any other obstruction of any kind beyond the property line of any dwelling or business property onto or within the right-of-way adjacent to any street, road, alley, or public passageway. Any fence or obstruction existing on the town right-of-way shall be removed.
- B. It shall be unlawful for any person to let grow higher than four (4) feet any hedge being used as a fence or boundary marker on private or public properties adjacent to or facing the street, roadway, walkway and passageways or intersections, and on a corner lot, at a height so as to obstruct vision.
- C. [Added 12-11-1989 by Ord. No. 2-89] It shall be unlawful to erect or cause to be erected or constructed any fence of the following description:
  - (1) Residential Zone R-55. Fences over four (4) feet in height except those located within the rear side and rear areas of the property. For the purpose of this subsection, rear side and rear property shall start at the original rear building foundation line and encompass all applicable property located to the rear of this line.
    - (a) Any fence built prior to the passage of this subsection shall be grandfathered into the existing codes of the town and shall be considered a legal usage until said fence is replaced or moved.
    - (b) It shall be unlawful to erect or construct or cause to be erected or constructed any fence without first obtaining a permit from the town. All applications for fence permits shall be accompanied by duplicate sketches or designs of the proposed fence and the location plot plan.
  - (2) [Added 4-9-1990 by Ord. No. 1-90] Residential Zone R-55. Fences up to six (6) feet in height may only be erected or constructed in the area defined as the Corner Lot Fence Envelope as depicted in Diagram 103-14C(2)-1.<sup>11</sup>
    - (a) Any fence built prior to the passage of this subsection shall remain a legal usage under the existing codes of the town until said fence is replaced or removed.
    - (b) Waiver. The Town Council may authorize a waiver from the provisions of this subsection where there are practical difficulties in carrying out the strict letter of any of the provisions of this subsection. However, no such waiver shall be granted except in a specific case and after a public hearing before the Town Council,

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<sup>11</sup>Editor's Note: Diagram 103-14C(2)-1 is on file in the office of the Town Clerk.

pursuant to request and after a report with a finding of fact provided by the town's Code Enforcement Officer.

§ 103-15. Notice of violation; failure to comply; abatement by town; recovery of expenses.

Upon complaint of any violations existing on any properties under the provisions of this Article, the Code Enforcement Officer shall take the necessary action to serve notice on the owner, renter or tenant of such property to remove the violations, construction or menace therefrom within fifteen (15) days from receiving said notice. Should any owner, renter, tenant or responsible person of the property refuse or fail to comply with any notice from the Code Enforcement Officer, the town shall have the power to remove the obstruction or menace from such property and the expense of such removal shall be recovered by the town in an action against the owner or responsible party of said property. In any case where the owner of property is a nonresident person or party and the premises are vacant, notice of removal of such obstruction or menace shall be posted on the premises for at least fifteen (15) days and the owner or owners shall be informed by certified mail of action taken against the said property, and should the owner of said property fail to comply with said notice within fifteen (15) days' mailing of said notice, the town shall take the necessary steps to remove such obstruction or menace therefrom and the expense shall be recovered by the town against the nonresident property owner.

§ 103-16. Standards and specifications for construction.

All street, sidewalk and road construction shall be made in conformity with standards and specifications set forth by the town and Prince George's County.

§ 103-17. Driveway entrances.

Driveway entrances to individual lots shall be required if the town determines that off-street parking facilities are practicable and necessary. All driveways shall be constructed in accordance with specifications set forth by the town and Prince George's County.

§ 103-18. Removal of defaulting tenant's chattels from public way.

- A. Whenever any landlord or his agent or attorney occasions the removal of a defaulting tenant's chattels and personal property from the house, home or space occupied by such tenant to any part of a public street, avenue, alley or public way of the Town of Bladensburg, whether the portion of the public way is improved or unimproved, the landlord, his agent or attorney shall notify the town that the personal property is to be so removed from the defaulting tenant's space. Such notice shall include the day and time of the removal, the location of the defaulting tenant's space and the portion of the public way in which it is proposed to deposit the said tenant's personal property. The notice shall be given not less than forty-eight (48) hours prior to any placement of the tenant's property in any part of a public way.
- B. Neither the town nor any of its officials shall be responsible for the landlord's proceedings against his tenant nor for the safety or safekeeping of the defaulting tenant's personal property deposited upon the public way. The property so deposited upon the public way shall be removed by the owner thereof not later than sunset of the day on which it is placed on the public way, and if not so removed by the owner, it shall be the duty of the landlord, or his agent or attorney who occasioned the legal process giving rise to the removal of the tenant's property to the public way to remove the same. If not removed by the owner of the personal property or by the landlord by sunset on the day on which the deposit in the public way is made, the property may be removed by the Town of Bladensburg and the cost thereof shall be assessed against the owner of the premises from which the defaulting tenant was removed. If the removal is accomplished by the town and the charges therefor

are not paid within five (5) days by the owner of the premises, the town may collect the same by way of suit or the town may assess the charges as a special tax against the premises and collect the same as taxes are now collectible, including the sale of the real property following a default of payment.

- C. Any property so removed from a public way by the town may be disposed of in a manner convenient to the town, including delivery to a junkyard or dumping in a dump or trash disposal facility. Determination of whether the property has any salvageable value shall be the sole determination of the town.

§103-19. Violations and penalties. [Amended 7-11-88 by Ord. No. 4-88, Amended 5-19-94 by Res. No. 1-94]

Any person violating a provision of this Article shall upon conviction be guilty of a municipal infraction and shall be punishable as provided in §C7-2B of the Charter.

## ARTICLE II

### Snow and Ice Emergencies

[Adopted 1-11-88 by Ord. No. 1-88]

§ 103-20. Conditions constituting emergency.

The accumulation of snow or ice on the streets and roads of the Town of Bladensburg which causes unsafe or hazardous driving conditions shall constitute a snow emergency, and such snow emergency will continue in effect until such time as the town public street and roads have been cleared of snow and/or ice and are safe for vehicular traffic.

§ 103-21. Obstruction of traffic and interference with snow removal equipment prohibited.

It shall be unlawful to drive or park a vehicle into or upon a street or road so as to obstruct the flow of traffic or to interfere with the clearance of snow and/or ice by equipment used for such purpose.

§ 103-22. Deposit of snow in streets prohibited; permitted disposal.

It shall be unlawful for any person, owner, occupant or tenant of premises abutting upon any public street or road in the Town of Bladensburg to throw or shovel or cause to be thrown snow into or upon any street or road at any time. Snow may be placed in the right-of-way space between the street side of the sidewalk or walkway and the street curb in front of any residence or place of business without blocking any walkway or sidewalk with snow.

§ 103-23. Removal and impounding of vehicles.

Where there are found to be violations under the provisions of this Article, police officers of the Town of Bladensburg are hereby empowered to remove, impound or authorize the removal and impoundment of any vehicle from any street, highway, roadway or alley during the snow emergency period to a place of detention designated by the town. At the same time of removal or impounding of any such vehicle, the police officer responsible shall issue a traffic citation for the violation existing, and the owner or responsible person of such vehicle shall be responsible for the cost of removing, towing and storage of any such vehicle.

§ 103-24. Violations and penalties.

The failure of anyone to abide by the provisions of this Article constitutes, upon conviction, a municipal infraction, the penalty for which shall be as provided in § C7-2B of the Charter.

Chapter 107  
TAXATION

ARTICLE I  
Property Taxes

- § 107-1. Levy and collection.
- § 107-2. Exemptions; return of collected taxes.
- § 107-3. Collection of escaped taxes.
- § 107-4. Refunds.

ARTICLE II  
Admissions and Amusements Tax

- § 107-5. Levy; rate of tax.
- § 107-6. Definitions.
- § 107-7. Additional tax.
- § 107-8. Collection.

[HISTORY: Adopted by the Council of the Town of Bladensburg: Art. I, at time of adoption of Code (see Ch. 1, General Provisions, Art. I.); Art. II, at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]

GENERAL REFERENCES

Taxable property - See Charter, Art. V.  
Amusements - See Ch. 30.

ARTICLE I  
Property Taxes  
[Adopted at time of adoption of Code<sup>12</sup>]

- § 107-1. Levy and collection.
  - A. Levy and collection of assessable town property taxes shall be in accordance with applicable state and county laws and the town laws as set out in the Charter of the Town of Bladensburg.
  - B. The Town Council is authorized and empowered to levy annually such taxes upon assessable property within said corporation as it may deem necessary. Such taxes shall be collected by the Town Treasurer. The levy of assessable property taxes shall be made by resolution on or before June 30 of each year.
- § 107-2. Exemptions; return of collected taxes.
  - A. Churches, parsonages and free off-street parking lots for church purposes and buildings used for or in connection with public worship, the furniture contained therein, any parsonage used in connection therewith and grounds appurtenant to or within a reasonable distance of such houses,

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<sup>12</sup>Editor's Note - See Ch. 1, General Provisions, Art. I.

buildings and parsonages and necessary for the respective uses thereof shall be exempted from the town assessment and property taxes.

- B. The return of taxes collected may be made by the Town Council, by appropriate resolution, when it has been determined that such collected property taxes should have been exempted, by proper claim in writing submitted in the fiscal year then existing and in the manner provided hereunder, provided further that any church, person or party who purchases land and property within the town from the effective date of this Article and claims exemptions from taxes and assessments on such land and property purchases shall notify, in writing, the Mayor and Council, listing the lot and block number and subdivision and street for the purpose of the Town Treasurer records. All such purchases must be recorded in the land records office of Prince George's County.

§ 107-3. Collection of escaped taxes.

- A. For the purpose of this Article, "escaped property" shall mean such property which by law is subject to assessment and taxation but has been overlooked or otherwise has not been taxed or has "escaped" taxation. Such property shall be entered upon the assessment rolls at any time and shall be subject to taxation for current and previous years, not exceeding four (4) years in all, in the same manner as other property is subject to taxation.
- B. The Town Treasurer, upon instructions from the Town Council to issue tax statements for the current and last three (3) years to the owners of escaped property within the town, shall be responsible for obtaining the names of the owners of said property, together with the current assessed valuation, if any. In the event the escaped property has not been assessed, the Town Council shall have the power to levy a special or limited rate of town taxation on any class of property so selected as a subject of town taxation for which a fixed or limited rate of town taxation is not prescribed in applicable sections of the state law. The town shall have the right and authority to assess any escaped taxable property in said town which shall be subject to the regular tax rate on the assessment thus made until such property has been assessed by the appropriate assessment authorities under state law. Any party so aggrieved by any such assessment shall have the same right of appeal as in all cases of assessments as may be provided under the laws of the State of Maryland.

§ 107-4. Refunds.

Whenever any person shall claim to have erroneously or mistakenly paid the town more money for ordinary town taxes than was properly and legally chargeable or collectible, such person may file a written demand for refund thereof from the town, and if it is determined that a refund should be made, the Treasurer shall be instructed to make the proper refund. If the refund demand is not found to be justifiable, the person making such claim shall be so advised.

ARTICLE II  
Admissions and Amusements Tax  
[Adopted at time of adoption of Code<sup>13</sup>]

§ 107-5. Levy; rate of tax.

The Council of the Town of Bladensburg, pursuant to the authority granted in § 402, of Article 81 of the Annotated Code of Maryland, hereby levies a tax at the rate of ten per centum (10%) of the gross receipts of every person, firm or corporation derived from the amounts charged in the Town of Bladensburg for:

- A. Admission to any place, whether such admission be by single ticket, season ticket or subscription, including a cover charge for seats or tables at any roof garden, cabaret or other similar place where there is furnished a performance when payment of such amount entitles the patron thereof to be present during any portion of such performance.
- B. Admission within an enclosure in addition to the initial charge for admission to such enclosure.
- C. The use of sporting or recreational facilities or equipment, including the rental of sporting or recreation equipment.
- D. Refreshments, service or merchandise at any roof garden, cabaret or other similar place where there is furnished a performance.

§ 107-6. Definitions.

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

ROOF GARDEN OR OTHER SIMILAR PLACE - Includes any room in any hotel, restaurant, hall or other place where music or dancing privileges or other entertainment except mechanical music, radio or television alone and where no dancing is permitted, are afforded the members, guests or patrons in connection with the serving or selling of food, refreshments or merchandise.

§ 107-7. Additional tax.

The Council of the Town of Bladensburg, pursuant to the authority granted in § 402(c) of Article 81 of the Annotated Code of Maryland, hereby levies an additional tax of five cents (\$0.05) for each person provided with an admission without charge or at reduced rates whenever a charge for admissions is made to any other person not in excess of fifty cents (\$0.50), and a tax of ten cents (\$0.10) whenever a charge for admission to such other persons is in excess of fifty cents (\$0.50) but not in excess of one dollar (\$1.00) and a tax of fifteen cents (\$0.15) whenever a charge for admission to such other person is in excess of one dollar (\$1.00). The tax levied by this section shall be collected by the State Comptroller.

§ 107-8. Collection.

The Comptroller is hereby authorized and directed to collect and pay over said tax as provided by § 404 of Article 81 of the Annotated Code of Maryland.

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<sup>13</sup>Editor's Note - See Ch. 1. General Provisions, Art. I.

Chapter 112  
VEHICLES AND TRAFFIC

- § 112-1. Authority of town police.
- § 112-2. Enumeration of powers.
- § 112-3. Stopping, standing and parking prohibited in specified places.
- § 112-3.1. Time limit parking.
- § 112-4. Manner of parking.
- § 112-5. Stopping, standing or parking on private property.
- § 112-6. Parking of unattended motor vehicle.
- § 112-7. Overnight parking.
- § 112-8. Damage to highways prohibited.
- § 112-9. Abandoned vehicles.
- § 112-10. Impoundment or attachment of vehicles.
- § 112-11. Payment of fines, fees and other charges.
- § 112-11.1 Stopping, standing or parking
- § 112-11.2 Standing or parking
- § 112-11.3 Standing or parking
- § 112-11.4 Parking
- § 112-11.5 Manner of parking
- § 112-11.6 Stopping, standing or parking on private property
- § 112-11.7 Overnight parking
- § 112-11.8 Damage to highways prohibited
- § 112-11.9 Abandoned vehicles

[HISTORY: Adopted by the Council of the Town of Bladensburg at time of adoption of Code 1-11-1988 by Ord. No. 1-88; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]

GENERAL REFERENCES

Snow and ice emergencies - See Ch. 103, Art. II.

- § 112-1. Authority of town police.

All town police officers shall enforce all traffic laws and/or ordinances enacted and provided for under the provisions of this chapter and shall direct all traffic either by voice or signal control or devices in conformance with the Maryland Vehicle Law (Titles 11 through 27 of the Transportation Article of the Annotated Code of Maryland).

- § 112-2. Enumeration of powers.

A. The Town Council, as provided for in the Maryland Vehicle Law, is authorized to:

- (1) Regulate traffic by means of police officers or traffic control devices.
- (2) Regulate or prohibit the stopping, standing or parking of vehicles and provide for the impounding of vehicles parked in violation.
- (3) Regulate or prohibit processions or assemblies on highways or streets.
- (4) Designate particular highways or separate roadways as one-way highways and require that all vehicles on them move in one (1) specified direction.
- (5) Regulate the speed and weight of vehicles in public parks.
- (6) Designate any highway as a through highway or designate any intersection as a stop intersection or a yield intersection.

- (7) Restrict the use of highways when the highway is in danger of serious damage from deterioration, rain, snow or any other condition by prohibiting operation of vehicles on the highway; by restricting the weight of vehicles permitted to drive on the highway; or by reducing the maximum speed limit for vehicles operating on the highway. A restriction, imposed under this subsection may not restrict the right to use the highway for more than sixty (60) consecutive days or more than ninety (90) days during any one (1) calendar year.
  - (8) Regulate the operation of bicycles, requiring them to be registered, and impose a registration fee.
  - (9) Require minibikes and off-the-road motorcycles to be registered and impose a registration fee. For the purpose of this subsection, a “minibike” or “off-the-road motorcycle” includes motorcycles designed for off-the-road operation and motorcycles not otherwise eligible for registration under the Maryland Vehicle Law, and a motorcycle commonly referred to as a “dirt bike” means a motor vehicle that has a saddle for the use of the rider, is designed to travel on not more than three (3) wheels in contact with the ground, and is not subject to registration under the Maryland Vehicle Law and does not include a farm tractor. The use of a minibike on a highway is illegal.
  - (10) Regulate or prohibit the turning of vehicles or specified types of vehicles at intersections.
  - (11) Alter speed limits in school zones to fifteen (15) miles per hour during school hours.
  - (12) Regulate through truck traffic and prohibit trucks from using any highway or alley not designated as a state or federal highway.
  - (13) Regulate taxi stands, including taxi stands in the middle of a block.
  - (14) Adopt any other traffic regulations as specifically authorized in the Maryland Vehicle Law.
- B. All specific regulations, prohibitions and restrictions under this section will be adopted by resolutions of the Town Council at the regularly scheduled town meeting, and notice will be posted in a public place for two (2) weeks prior to implementation.

§ 112-3. Stopping, standing and parking prohibited in specified places.

- A. General. The provisions of this section apply except as necessary to avoid conflict with other traffic or in compliance with the law or the directions of a police officer or traffic control device.
- B. Stopping, standing or parking. A person may not 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 thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless the town 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) In a highway tunnel.
  - (9) At any place where stopping is prohibited by an official sign.
  - (10) On any entrance or exit ramp of any highway with two (2) or more lanes for traffic moving in the same direction.
- C. Standing or parking. A person may not 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 fifteen (15) feet of a fire hydrant.
- (3) Within twenty (20) feet of a crosswalk at an intersection.
- (4) Within thirty (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) In an official fire lane.
- (6) Within twenty (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 seventy-five (75) feet of the entrance, if properly signposted.
- (7) At any place where standing is prohibited by an official sign.
- (8) On the roadway side of any other vehicle that is stopped or parked at the edge or curb of a highway.
- (9) On a curve or hill where solid lines on the surface of the roadway indicate a zone in which passing is prohibited.
- (10) In a space or zone marked as restricted for the use of handicapped individuals unless the vehicle bears a special registration plate or permit.
- (11) In a space reserved for a person confined to a wheelchair or permanently disabled unless the vehicle displays a permit issued for the space in which the vehicle is parked.

D. Parking. A person may not park a vehicle:

- (1) Within fifty (50) feet of the nearest rail in a railroad grade crossing.
- (2) At any other place where parking is prohibited by an official sign.
- (3) On any public property or right-of-way unless designated by the town as an official parking area.
- (4) For longer than forty-eight (48) hours continuous time.
- (5) Without a valid registration.
- (6) In other than a designated parking space that could interfere with the ingress or egress of vehicular traffic on any multi dwelling parking lot or any parking lot that is open for public use.

E. [Added 3-14-88 by Res. No. 8-88] It shall be unlawful to park vehicles any time on the following streets, public roads and highways within the town unless otherwise directed by authorized signs indicating time limitations:

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
46th Street	West	From Annapolis Road north for 200 feet
51st Street	Both	From Edmonston Avenue to Varnurn Street
51st Street, 4100 Block	West	From 172 feet north of Taylor Street to a point 293 feet north of Taylor Street
52nd Street, 3900 Block	East	From Quincy Street to a point 92 feet north of Quincy Street
52nd Street, 3900 Block	West	From Quincy Street to a point 286 feet north of Quincy Street
53rd Place, 4100 Block	Both	From Annapolis Road to a point 175 feet north of Annapolis Road
53rd Place, 4200 Block	East	From Tilden Road to a point 211 feet south of Tilden Road
53rd Place, 4200 Block	West	From Tilden Road to a point 132 feet south of Tilden Road

53rd Street, 3900 Block	East	From Quincy Street to a point 360 feet north of Quincy Street
53rd Street, 4000 Block	West	From Annapolis Road to a point 150 feet south of Annapolis Road
54th Street, 4200 Block	East	From Taussig Road to a point 45 feet south of Taussig Road
55th Avenue, 4100 Block	East	From Annapolis Road north to Spring Road
55th Avenue, 4100-4200 Block	West	From Annapolis Road north to Tilden Road
56th Avenue, 4100 Block	East	From Annapolis Road to 55th Avenue
56th Avenue, 4100 Block	East	From Spring Road to a point 42 feet north of Spring Road
56th Avenue, 4100 Block	West	From Annapolis Road to 55th Avenue
56th Avenue, 4100 Block	West	From 55th Avenue north for 232 feet to the driveway of 4104 56th Avenue
57th Avenue	East	From Annapolis Road to Emerson Street
57th Avenue	West	From Annapolis Road to Emerson Street
58th Avenue	Both	From 57th Avenue to include the entire length thereof lying within the Town of Bladensburg
Annapolis Road	Both	Entire length within the town limits
Baltimore Avenue (U.S. Route 1)	Both	Entire length within the town limits
Decatur Street	South	From Volta Avenue to the driveway at 5519 Decatur Street, for a total distance of 114 feet
Edmonston Avenue	Both	From Taylor Street to Annapolis Road
Edmonston Avenue [Added 9-12-1988 by Res. No. 10-88]	Both	From Tilden Road north to Upshur Street
Edmonston Avenue [Added 1-8-1990 by Res. No. 1-90]	East	From Tilden Road south to Taylor Street
Edmonston Avenue [Added 6-11-1990 by Res. No. 4-90]	West	From Upshur Street south to a point 110 feet from the intersection of Edmonston Avenue and Upshur Street
Emerson Street	East	From 25 feet north of the north driveway of 5999 Emerson Street to 25 feet south of the north driveway of 5999 Emerson Street, for a total distance of 86 feet
Emerson Street, 5700 Block [Added 4-14-1997 by Res. No. 3-97]	North	57th Avenue to 58th Avenue
Kenilworth Avenue [Added 6-11-1990 by Res. No. 4-90]	Both	From Upshur Street south to a point 420 feet from Upshur Street
Quincy Place	North	From the east side of Service Drive exit west to 48th Street
Shepherd Street, 5300 Block	North	From 53rd Place east to 54th Street
Shepherd Street, 5300 Block	South	From 53rd Place extending 50 feet in an easterly direction
Tanglewood Drive [Added 9-12-1988 by Res. No. 10-88]	North	From a point 92 feet west of the Bladensburg-Edmonston Town boundary westward for 30 feet

Tanglewood Drive [Added 9-12-1988 by Res. No. 10-88]	South	From the Bladensburg-Edmonston Town boundary westward for 30 feet; from a point 90 feet west of the Bladensburg-Edmonston Town boundary westward for 59 feet; and from a point 247 feet west of the Bladensburg-Edmonston Town boundary westward for 19 feet
Taylor Street, 4900 Block	South	From Edmonston Avenue east to 51st Street
Tilden Road [Added 9-12-1988 by Res. No. 10-88]	Both	From Edmonston Avenue east to 51st Street
Tilden Road	South	From 53rd Place to the west side of the driveway at 5221 Tilden Road, for a total distance of 90 feet
Tilden Road, 4900-5000 Block	South	From Edmonston Avenue to 51st Street
Tilden Road, 4900-5400 Block	North	From Edmonston Avenue to 55th Avenue
Tilden Road, 5500 Block	South	From 55th Avenue to 56th Avenue
Tilden Road, 5600 Block	Both	From 56th Avenue to the high school property
Upshur Street	Both	From Baltimore Avenue north to Edmonston Avenue
Upshur Street [Added 6-11-1990 by Ord. No. 4-90]	Both	Between Kenilworth Avenue and Edmonston Avenue
Upshur Street, 4900 Block	North	From 133 feet from Edmonston Avenue to 224 feet from Edmonston Avenue
Varnum Street, 5400 Block	Both	From 54th Place to the dead end at Rozina Baldi Park

F. There shall be no parking Monday through Saturday on the Town of Bladensburg's parking lots, located at 4229 Edmonston Avenue and 4910 Tilden Road, except when conducting business with the Town of Bladensburg or while attending a function at the Bladensburg Town Hall or the Town Park. [Added 1-8-1990 by Res. No. 1-90]

G. Traffic Restrictions.

1. DO NOT ENTER northbound 54th Street from Annapolis Road (MD Route 450) between 7:00 a.m and 9:00 a.m. Monday through Friday.
2. DO NOT ENTER westbound Shepherd Street at 54th Place between 7:00 a.m and 9:00 a.m. Monday through Friday.
3. DO NOT ENTER northbound into 53rd Place from Annapolis Road (MD Route 450) between 7:00 a.m and 9:00 a.m. Monday through Friday.
4. NO RIGHT TURN northbound into 53rd Street from Annapolis Road (MD Route 450) between 7:00 a.m and 9:00 a.m. Monday through Friday.

§ 112-3.1. Time limit parking. [Added 9-12-1988 by Res. No. 10-88]

Time limit parking areas shall be as follows:

Name of Street	Side	Time Limit; Hours/Days	Location
Tanglewood Drive	North	1 hour; All/All	From the Bladensburg-Edmonston Town boundary westward for 92 feet and from a point 122 feet west of the Bladensburg-Edmonston Town boundary westward for 100 feet

Tanglewood Drive South 1 hour; All/All From a point 30 feet west of the Bladensburg-Edmonston Town boundary westward for 60 feet; from a point 149 feet west of the Bladensburg-Edmonston Town boundary westward for 98 feet; and from a point 266 feet west of the Bladensburg-Edmonston Town boundary westward for 22 feet.

§ 112-4. Manner of parking.

- A. A vehicle that is stopped or parked in a two-way roadway shall be stopped or parked parallel to the right-hand curb or edge at the roadway, with its right-hand wheels within twelve (12) inches of that curb or edge of the roadway.
- B. A vehicle that is stopped or parked on a one-way roadway shall be stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with:
  - (1) Its right-hand wheels within twelve (12) inches of the right-hand curb or edge of the roadway; or
  - (2) Its left-hand wheels within twelve (12) inches of the left-hand curb or edge of the roadway.

§ 112-5. Stopping, standing or parking on private property.

A person may not stop, stand or park a vehicle on any private property not owned by the owner or driver of the vehicle unless the person has express or implied permission from the property owner, his tenant or his agent.

§ 112-6. Parking of unattended motor vehicle.

A person may not leave an unattended motor vehicle parked until:

- A. The engine is stopped, the ignition locked, the key removed and the brake effectively set.
- B. If the vehicle is on a grade, the front wheels are turned to the curb or side of the roadway.

§ 112-7. Overnight parking.

- A. No vehicles may be parked in or upon any street, road, alley or thoroughfare within the Town of Bladensburg between the hours of 7:00 p.m. and 7:00 a.m., Monday through Saturday, or at any time on Sundays and holidays, unless that vehicle falls into one of the following excepted categories and is less than eighty (80) inches in width, including all protrusions except side mirrors:
  - (1) Class A passenger vehicles.
  - (2) Class B for-hire vehicles.
  - (3) Class D motorcycles.
  - (4) Class E trucks with a one-ton-or-less manufacturer's rated capacity.
  - (5) Class J vanpool vehicle with a one-ton-or-less manufacturer's rated capacity.
  - (6) Class L historic vehicles with a one-ton-or-less manufacturer's rated capacity.
  - (7) Class M multipurpose vehicles with a one-ton-or-less manufacturer's rated capacity.

B. The prohibition in Subsection A shall not apply to any vehicle while parked for one of the following purposes:

- (1) While making deliveries or while loading or unloading where the process takes no longer than three (3) hours.
- (2) While on official business or on an emergency if the vehicle is a public safety or emergency vehicle.

C. Definitions. For the purpose of this section, the following terms are defined as follows:

CLASS - Refers to those classes of vehicles as are defined in §§ 13-911 through 13-938 of the Transportation Article of the Maryland Annotated Code.

MANUFACTURER'S RATED CAPACITY - The maximum load a vehicle is able to carry as rated by its manufacturer.

PUBLIC SAFETY OR EMERGENCY VEHICLE:

- (1) Public safety vehicles while on official business or emergencies.
- (2) Service vehicles while at the scene of an emergency.

VEHICLE - Any device in, on or by which any individual or property is or might be transported or towed on a highway.

§ 112-8. Damage to highways prohibited.

A person may not park any vehicle or other object on or across any road if the vehicle or object is constructed or equipped so that it might do unusual damage to the highway or road.

§ 112-9. Abandoned vehicles.

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

ABANDONED VEHICLE - Any motor vehicle, trailer or semitrailer that is inoperable or not displaying a valid registration plate or displaying the registration plates of another vehicle.

B. Restrictions. A vehicle may not be abandoned:

- (1) On public property. [Amended 9-12-1988 by Ord. No. 5-88]
- (2) On private property without the permission of the owner or person in control of the property.
- (3) On private property for more than forty-eight (48) hours with the knowledge and consent of the owner or person in control of the property unless:
  - (a) The vehicle is not in plain view of the public.
  - (b) The vehicle is undergoing repairs and the custodian has obtained an exemption from the Town Administrator or his designee.
  - (c) The vehicle is not required to be registered under the Maryland Vehicle Law and is operable.

- (4) In a garage for more than ten (10) days after the garage keeper has given notice to the owner of the vehicle by registered mail, return receipt requested, to remove the vehicle, or after the period when, by contract, the vehicle was to remain in the garage. "Garage" means any of the following if operated for commercial purposes:
  - (a) A parking place or establishment.
  - (b) A vehicle storage facility.
  - (c) An establishment for the serving, repair or maintenance of vehicles.

C. Impoundment and disposal.

- (1) The Police Department may take any abandoned vehicle into custody. For this purpose, the Police Department may use its own personnel, equipment and facilities or use other personnel, equipment and facilities for removing, preserving, storing and disposing of abandoned vehicles. All expenses, costs and debts arising from the impoundment of an abandoned vehicle will be the responsibility of the owner of the vehicle.
- (2) The Police Department will dispose of impounded vehicles in accordance with the Maryland Vehicle Law.
- (3) Before impounding a vehicle abandoned on private property as described in Subsection B(3) of this section, the last registered owner of the vehicle and the owner, agent or tenant of the property will be notified by certified mail, return receipt requested, to remove the vehicle or to show cause why it should not be removed, unless the owner, agent or tenant has given prior written permission to remove the vehicle.

§ 112-10. Impoundment or attachment of vehicles.

A. A vehicle may be impounded or attached if:

- (1) It is parked unattended or found parked in violation of any traffic law, ordinance or regulation.
- (2) It is disabled and is creating a traffic hazard and all reasonable means to move it have been exhausted.
- (3) It is parked unattended and there are three (3) or more outstanding town parking citations, all of which were issued at least thirty (30) days prior.
- (4) It is parked on public or private property in violation of § 112-9.

B. A vehicle parked in violation of Subsection A of this section may be impounded or attached by:

- (1) Towing or conveying the vehicle to a place of storage designated by the Chief of Police, and all expenses incurred in the impoundment will be the responsibility of the owner of the vehicle.
- (2) Attaching an immobilizing device (commonly called a "boot") to the vehicle, and all expenses incurred for the attaching and detaching of the immobilizing device will be the responsibility of the owner of the vehicle.

C. Vehicles impounded or attached will not be released unless:

- (1) All outstanding parking citations for the Town of Bladensburg have been satisfied; and
- (2) All expenses incurred by the town for impoundment or attachment have been satisfied.

D. The expenses incurred for attaching and detaching the immobilizing device, the expenses of certified mail and/or newspaper publication and the man-hours expended will be set by the Chief of Police.

§ 112-11. Payment of fines, fees and other charges. [Amended 4-14-97 by Res. No. 2-97]

A. Penalties and administrative fees will be set by resolution of the Mayor and Council.

B. Fines and administrative fees.

- (1) Payment of fines and administrative fees will be paid within fifteen (15) days after the citation is issued.
- (2) If payment is not received by the town within fifteen (15) days, a warning letter will be sent to the last known registered owner of the vehicle.
- (3) If payment is not received by the town within thirty (30) days, the fine and administrative fees will double.
- (4) Any vehicle which is impounded or attached will not be released until all fines, administrative fees and other related expenses are paid.
- (5) If the vehicle is registered in the State of Maryland, it will be subject to the state's flagging programs until all fines, fees and expenses are paid.

§ 112-11.1 Stopping, standing or parking \$35.00

- (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 thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless the Town 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) In a highway tunnel.
- (9) At any place where stopping is prohibited by an official sign.
- (10) On an entrance or exit ramp of any highway with two (2) or more lanes for traffic moving in the same direction.

§ 112-11.2 Standing or parking \$35.00

- (1) In front of a private driveway without the consent of the owner or occupant of the premises.
- (3) Within twenty (20) feet of a crosswalk at an intersection.
- (4) Within thirty (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) At any place where standing is prohibited by an official sign.
- (6) On the roadway side of any other vehicle that is stopped or parked at the edge or curb of a highway.
- (7) On a curve or hill where solid lines on the surface of the roadway indicate a zone in which passing is prohibited.

§ 112-11.3 Standing or parking \$100.00

- (1) Within fifteen (15) feet of a fire hydrant.
- (2) In an official fire lane.
- (3) Within twenty (20) feet of the driveway enhance to any fire station or on the side of a highway opposite the entrance to any fire station, within seventy (70) feet of the entrance, if properly signposted.
- (4) In a space or zone marked as restricted for the use of handicapped individuals unless the vehicle bears a special registration plate or permit.
- (5) In a space reserved for a person confined to a wheelchair or permanently disabled unless the vehicle displays a permit issued for the space in which the vehicle is parked.

§ 112-11.4 Parking \$35.00

- (1) Within fifty (50) feet of the nearest rail in a railroad grade crossing.
- (2) At any other place where parking is prohibited by an official sign.
- (3) On any public property or right-of-way unless designated by the Town as an official parking area.
- (4) For longer than forty-eight (48) hours continuous time.
- (5) Without a valid registration.
- (6) In other than a designated parking space that could interfere with the ingress or egress of vehicular traffic on any multi dwelling parking lot or any parking lot that is open for public use.

§ 112-11.5 Manner of parking \$35.00

- A. A vehicle that is stopped or parked in a two way roadway shall be stopped or parked parallel to the right-hand curb or edge of the roadway, with its righthand wheels within twelve (12) inches of that curb or edge of the roadway.
- B. A vehicle that is stopped or parked on a one-way roadway shall be stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with:
  - (1) Its right-hand wheels within twelve (12) inches of the right-hand curb or edge of the roadway; or
  - (2) Its left-hand wheels within twelve (12) inches of the left-hand curb or edge of the roadway.

§ 112-11.6 Stopping, standing or parking on private property \$70.00

A person may not stop, stand or park a vehicle on any private property not owned by the owner or driver of the vehicle unless the person has express or implied permission from the property owner, his tenant or his agent.

§ 112-11.7 Overnight parking \$35.00

- A. No vehicles may be parked in or upon any street, road, alley or thoroughfare within the Town of Bladensburg between the hours of 7:00 p.m. and 7:00 a.m., Monday through Saturday, or at any time on Sundays and holidays, unless that vehicle falls into one of the following excepted categories and is less than eighty (80) inches in width, including all protrusions, except side mirrors:
  - (1) Class A passenger cars.
  - (2) Class B for-hire vehicles.
  - (3) Class D motorcycles.
  - (4) Class E trucks with a one-ton-or less manufacturer's rated capacity.

- (5) Class J vanpool vehicles with a one-ton-or-less manufacturer's rated capacity.
- (6) Class L historic vehicles with a one-ton-or-less manufacturer's rated capacity.
- (7) Class M multi-purpose vehicles with a one-ton-or-less manufacturer's rated capacity.

§ 112-11.8 Damage to highways prohibited \$100.00

A person may not park any vehicle or other object on or across any road if the vehicle or object is constructed or equipped so that it might do unusual damage to the highway or road.

§ 112-11.9 Abandoned vehicles \$70.00

A. Restrictions. A vehicle may not be abandoned:

- (1) On public property for more than forty-eight (48) hours.
- (2) On private property without the permission of the owner or person in control of the property.
- (3) On private property for more than forty-eight (48) hours with the knowledge and consent of the owner or person in control of the property unless:
  - (a) The vehicle is not in plain view of the public.
  - (b) The vehicle is undergoing repairs and the custodian has obtained an exemption from the Town Administrator or his/her designee.
  - (c) The vehicle is not required to be registered under the Maryland Vehicle Law and is operable.
- (4) In a garage for more than ten (10) days after the garage keeper has given notice to the owner of the vehicle by registered mail, return receipt requested, to remove the vehicle, or after the period when, by contract, the vehicle was to remain in the garage. "Garage" means any of the following if operated for commercial purposes:
  - (a) A parking place or establishment.
  - (b) A vehicle storage facility.

Chapter 118  
WATER AND SEWERS

[The Town of Bladensburg's water and sewer systems fall under the auspices of the Washington Suburban Sanitary Commission.]

GENERAL REFERENCES

Plumbing - See Ch. 89.

Temporary sewer facilities - See Ch. 91, § 91-1.

Chapter 122  
ZONING

[The zoning ordinances for the Maryland-Washington Regional District in Prince George's County, as amended from time to time by the Maryland National Capital Parks and Planning Commission, are effective in the Town of Bladensburg.]

GENERAL REFERENCES

Buildings and construction - See Ch. 40.  
Signs - See Ch. 95.

# **APPENDIX**

Chapter A125  
CABLE TELEVISION FRANCHISE

- § A125-1. Title.
- § A125-2. Definitions and word usage.
- § A125-3. Rights and privileges granted by franchise.
- § A125-4. Term; conditions; termination; revocation.
- § A125-5. Limitations; transfer of control.
- § A125-6. Indemnification; liability insurance.
- § A125-7. Technical standards.
- § A125-8. Safety requirements.
- § A125-9. Service standards; business office; resolution of complaints.
- § A125-10. Conditions on street occupancy.
- § A125-11. Area of coverage; extension; discontinuance of operation; removal of property.
- § A125-12. Indemnity bond.
- § A125-13. Franchise fee; financial statement; inspection of records.
- § A125-14. Establishment of rates; changes.
- § A125-15. Removal of subscribers equipment upon termination of service.
- § A125-16. Service to public facilities and during emergencies.
- § A125-17. Amendment of ordinance.
- § A125-18. Renewal procedures.
- § A125-19. Tampering; unauthorized connections; violations and penalties.
- § A125-20. Continued use of individual antennas protected.
- § A125-21. Rules and regulations of grantee.
- § A125-22. Delegation of powers.
- § A125-23. Service of notice.
- § A125-24. Equal, employment opportunities.
- § A125-25. Prohibited against obscenity.
- § A125-26. Applications for franchise; filing fee.
- § A125-27. Basis for grant of franchise.
- § A125-28. Cumulative nature of rights and remedies.
- § A125-29. Right of franchise entity to intervene.
- § A125-30. Severability.
- § A125-31. Franchise required; violations and penalties.

[HISTORY: Adopted by the Council of the Town of Bladensburg 12-10-79 as Ord. No. 1-80. Amendments noted where applicable.]

§ A125-1. Title.

This ordinance and the provisions of §§ A125-1 through A125-31 may be cited as the “Town of Bladensburg Cable Television Franchise Ordinance” or, alternatively, “Bladensburg CATV Franchise Ordinance.”

§ A125-2. Definitions and word usage.

- A. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular number; and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.
- B. For the purposes of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein, unless the context clearly indicates that another meaning is intended:

AGENCY - The person, department or agency designated by the Mayor and Council as the franchise authority, by resolution, to act for it in administrative matters relating to cable television.

AUXILIARY SERVICES - Any communications service in addition to regular subscriber services, including but not limited to pay television, burglar alarm service, data transmission, facsimile service, home shopping service or two-way communications on the cable television (CATV) system.

CABLE TELEVISION SYSTEM or CATV SYSTEM - Any nonbroadcast facility that, in whole or part, receives directly or indirectly over the air and amplifies or otherwise modifies the signals transmitting programs broadcast by one (1) or more television or radio stations and distributes such signals by wire or cable to subscribing members of the public who pay for such service. Such definition does not include any similar facility that serves only the residents and/or commercial establishments located on the premises of an apartment building or buildings with one (1) or more apartment dwellings under common ownership or under a condominium ownership.

CHANNEL - A band of frequencies six (6) megahertz wide in the electromagnetic spectrum capable of carrying either one (1) audiovisual television signal and a few nonvideo signals or a large number of nonvideo signals.

FEDERAL COMMUNICATIONS COMMISSION or FCC - The present federal agency of that name as constituted by the Communications Act of 1934, or any successor agency created by the United States Congress.

FRANCHISE - An authorization granted by the franchise authority which permits the construction, operation and maintenance of a cable television system within the franchise area under the terms of this ordinance.

FRANCHISE AGREEMENT - The agreement signed by the grantee accepting and agreeing to perform fully the franchise which may be awarded to it. The franchise and "franchise agreement" may be included in one (1) instrument and enacted or issued in such fashion by the Mayor and Council.

FRANCHISE AREA - That portion of the franchise entity for which a franchise is granted under the authority of this ordinance. The "franchise area" may or may not be coterminous with the franchise entity.

FRANCHISE AUTHORITY - The governing body of the Town of Bladensburg.

FRANCHISE ENTITY - The Town of Bladensburg, Maryland, as presently constituted and including any area henceforth added thereto during the terms of any franchise granted hereunder.

GRANTEE - The person, firm or corporation to whom a franchise may be granted and who enters into a franchise agreement under the provisions of this ordinance, or any successor to an initial grantee who succeeds in accordance with the provisions of the franchise.

GROSS REVENUES - Revenues derived directly or indirectly by a grantee from both regular subscriber service and auxiliary services.

GROSS SUBSCRIBER REVENUES - Those revenues derived directly or indirectly by a grantee from the supplying of regular subscriber service; that is, the installation fees, disconnect and reconnect fees and fees for regular cable benefits, including the transmission of broadcast signals and access and origination channels if utilized. It does not include revenues derived from auxiliary services or from any

taxes whether or not passed on to users, per program or per channel charges, leased channel revenues, advertising revenues or any other income derived from the system.

MAJOR STOCKHOLDER - A beneficial owner, directly or indirectly, of ten percent (10%) or more of the issued and outstanding voting stock of any corporation.

PERSON or PERSONS - Any people, firms, corporations, associations or other legally recognized entities.

PUBLIC WAY - The surface of and the space above and below any public street, avenue, highway, boulevard, concourse, driveway, bridge, tunnel, park, parkway, waterway, dock, bulkhead, wharf, pier, alley, right-of-way, public utility easement and any other public ground or water subject to the jurisdiction and control of the Town of Bladensburg.

REGULAR SUBSCRIBER SERVICE - That service regularly provided to all subscribers. It includes all broadcast signal carriage, access channel carriage, if required, including origination programming. It does not include specialized programming for which a per channel charge is made.

SUBSCRIBER - Any person receiving regular subscriber service.

§ A125-3. Rights and privileges granted by franchise.

A franchise granted hereunder will give the grantee the right, privilege and franchise to have, acquire, construct, reconstruct, maintain, use and operate in the franchise area a CATV system, and to have, acquire, construct, reconstruct, maintain, use and operate in, over, under and along the present and future streets of the Town of Bladensburg, as well as other easements and rights-of-way held by the municipality, all necessary or desirable poles, towers, anchors, wires, cables, electronic conductors, underground conduits, manholes and other structures and appurtenances necessary for the construction, maintenance and operation of a CATV system in the franchise area of the municipality.

§ A125-4. Term; conditions; termination; revocation.

A. The franchise shall be for a term of fifteen (15) years commencing on the date such franchise is awarded to the grantee. It may be renewed by the Mayor and Council upon application of the grantee and review of the performance of grantee in a public proceeding, for successive fifteen-year periods, with such modification of terms as the governing body may determine in each instance of renewal. To become effective, an awarded franchise or a renewal thereof must be accepted by the grantee. The grantee's acceptance must:

- (1) Be in the form of a writing duly executed and acknowledged under oath.
- (2) Contain a promise that the grantee shall comply with and abide by all terms, provisions and conditions of the franchise.
- (3) Be filed with the Mayor and Council, or its CATV agency if one has been designated, within sixty (60) days from the date of grant of the franchise, accompanied by a nonrefundable payment of one thousand dollars (\$1,000.00). The payment shall be made by certified or cashier's check payable to the Town of Bladensburg. This payment is required and will be used to offset costs incurred by the town in granting the franchise and administering the provisions hereof. The grantee shall exercise none of the rights granted by the franchise until evidence of compliance with the insurance and bonding requirements of §§ A125-6 and A125-12 of this CATV Ordinance has been filed with the Mayor and Council or its CATV agency if one has been designated.

- B. The Mayor and Council may terminate the franchise in the event the grantee shall refuse or neglect to comply with any material requirement or limitation contained in this ordinance or in the franchise agreement.
- C. Should the franchise authority determine that the grantee is not, in its opinion, in compliance with this ordinance and the franchise issued hereunder, it shall so notify the grantee, and the grantee shall, within thirty (30) days, bring the franchised system into compliance, reporting to the Mayor and Council the corrective action taken by the grantee.
- D. If the Mayor and Council is not satisfied that compliance has been achieved or that good faith progress is being made toward compliance, it may schedule a public hearing to determine whether the franchise should be revoked. The grantee and the public shall be given at least thirty (30) days' notice of such hearing, and all interested parties shall be heard in open hearing. At the conclusion of the public hearing, the Mayor and Council shall determine whether the franchise should be terminated and shall set forth, in writing, the facts and reasons upon which its decision is based.

§ A125-5. Limitations; transfer of control.

- A. The franchise granted under this ordinance shall be nonexclusive, and nothing herein shall be construed to prevent the Mayor and Council from granting identical or similar franchises to more than one (1) person within all or any portion of the franchise entity.
- B. The grantee shall, at all times during the life of the franchise, be subject to the lawful exercise of the police power of the Town of Bladensburg and such reasonable regulations as the Mayor and Council may subsequently promulgate thereunder. Nothing contained in this ordinance shall be deemed to prohibit in any way the right of the Mayor and Council to levy nondiscriminatory property taxes or business license fees on any activity conducted by grantee. Neither the initial franchise fee specified in § A125-4A(3) nor the annual franchise payments made pursuant to § A125-13 hereof is a substitute for nor shall be a credit against such property taxes or business license fees.
- C. All privileges prescribed by the franchise shall be subordinate to any prior lawful occupancy of the public streets, and the franchise authority reserves the right to reasonably designate where a grantee's facilities are to be placed within the public ways.
- D. Transfer of control.
  - (1) The franchise shall be a privilege which is personal to the original grantee. It shall not be sold, transferred, leased, assigned or disposed of, in whole or in part, either by sale, merger, consolidation or otherwise, without prior consent of the franchise authority expressed by resolution, and then only under such conditions as may therein be prescribed. Any such transfer or assignment shall be made only by an instrument in writing, which shall include an acceptance of all terms and conditions of the franchise by the transferee, a duly executed copy of which shall be filed with the agency within thirty (30) days after any such transfer or assignment.
  - (2) Consent of the franchise authority shall not be granted until it has examined the proposed assignee's legal, financial, technical, character and other qualifications to construct, operate and maintain a cable television system in the franchise entity and has afforded all interested parties notice and an opportunity to be heard on the question.
  - (3) Consent of the franchise authority shall not be arbitrarily refused, provided that the proposed assignee possesses the requisite qualifications and agrees, in writing, to comply with all provisions of the franchise and this ordinance.

- (4) Transfer of fifty percent (50%) or more of the voting securities of a corporate grantee to a person not presently a stockholder shall be deemed to be a transfer of control.
  - (5) No such consent shall be required for a transfer.
    - (a) In trust, of system assets by mortgage or by other hypothecation, to secure an indebtedness.
    - (b) To a parent or subsidiary of a corporate grantee.
    - (c) To a corporation whose stock is held by the same stockholders as the grantee's.
    - (d) Of less than twenty percent (20%) of the voting securities of a corporate grantee unless such transfer also results in a transfer of voting control.
    - (e) Of stock from one present stockholder to another present stockholder unless such transfer also results in a transfer of voting control.
- E. Nothing herein shall be deemed to in any way impair or affect the right of the franchise entity to acquire the property of the grantee, either by purchase or through the exercise of the right of eminent domain, at a price reflective of its fair market value, and nothing herein shall be construed to constitute a waiver or bar to the exercise of any governmental right or power of the franchise entity.

§ A125-6. Indemnification; liability insurance.

- A. The grantee shall pay, and by its acceptance of the franchise specifically agrees to indemnify and hold harmless the franchise entity from and against, and to pay, any and all costs, expenses, including those specified in Subsection B below, damages or penalties which the franchise entity may be legally required to pay as a result of grantee's installation, operation or maintenance of a franchise cable television system under this ordinance whether or not the acts or omissions complained of are authorized, allowed or prohibited by the franchise entity.
- B. The grantee shall also pay all expenses incurred by the franchise entity in defending itself with regard to any and all damages and penalties mentioned in Subsection A above. These expenses shall include all costs of defense and out-of-pocket expenses, including reasonable attorneys' fees and the reasonable value of services rendered by any employee of the franchise entity.
- C. Liability insurance.
  - (1) The grantee shall maintain, throughout the term of the franchise, liability insurance insuring the franchise entity and the grantee with regard to all damages mentioned in Subsection A above, caused by the grantee or its agents, in the minimum amounts of:
    - (a) Workers' compensation insurance as provided by the laws of the State of Maryland.
    - (b) One hundred thousand dollars (\$100,000.00) for bodily injury or death to any one (1) person, within the limit, however, of one million dollars (\$1,000,000.00) for bodily injury or death resulting from any one (1) accident.
    - (c) Five hundred thousand dollars (\$500,000.00) for property damage resulting from any one (1) accident.
  - (2) The insurance policies obtained by the grantee in compliance with this section shall be issued by a company or companies licensed to do business in the State of Maryland by the Insurance Commission of the state and acceptable to the franchise entity, and a current certificate, or certificates of insurance, along with written evidence of payment of all required premiums, shall be filed and maintained with the agency during the term of the

franchise. Said policies shall name the franchise entity as an additional insured and shall contain a provision that a written notice of cancellation or reduction in coverage of said policy shall be delivered to the franchise entity thirty (30) days in advance of the effective date thereof.

- (3) The franchise agreement may provide for modification of the foregoing figures, to take into account inflation or an increase in the grantee's scope of operations.

§ A125-7. Technical standards.

The CATV system to be constructed by the grantee shall be installed, maintained and operated at all times in full compliance with the technical and channel capacity standards of the Federal Communications Commission. The results of annual performance test conducted in accordance with Section 76.601(c) of the FCC rules (or such other section of the rules as shall incorporate its substance) shall be retained for at least five (5) years and available for inspection by the franchise entity.

§ A125-8. Safety requirements.

The grantee shall at all times:

- A. Install and maintain its wires, cables, fixtures and other equipments in accordance with the requirements of the franchise entity's Building Code and electrical safety ordinances,<sup>14</sup> if any, and in any such manner that they will not interfere with any installations of the franchise entity.
- B. Keep and maintain in a safe, suitable, substantial condition and in good order and repair all structures, lines and equipment in public ways or places of the franchise entity.

§ A125-9. Service standards; business office; resolution of complaints.

A. Throughout the life of its franchise, the grantee shall:

- (1) Maintain all parts of its system in good condition and in accordance with standards generally observed by the cable television industry. Sufficient employees shall be retained to provide safe, adequate and prompt service for all of its facilities.
- (2) Maintain within Prince George's County, Maryland, at a location which is not inconvenient to the Bladensburg subscribers, a business office and service center to which subscribers may telephone without incurring added message units or toll charges. This office shall be open during all usual business hours and be so operated that complaints and requests for repairs or adjustments may be received by telephone at any time when any television signals are being broadcast.
- (3) Dispatch personnel to investigate all service complaints and equipment malfunctions within twenty-four (24) hours and strive to resolve such complaints as promptly as possible. Planned interruption of service shall be only for good cause. Insofar as possible, planned service interruptions shall be preceded by notice, be of brief duration and occur during minimum viewing hours.
- (4) Maintain a complete list of all complaints received and the measures taken to resolve them, in a form to be approved by the franchise authority. This list shall be available to the franchise authority upon request.
- (5) Permit the franchise authority to inspect and test the system's technical equipment and facilities upon reasonable [twelve (12) to twenty-four (24) hours] notice.

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<sup>14</sup>Editor's Note: See Ch. 40, Buildings and Construction, and Ch. 47, Electrical Standards.

- B. Responsibility for the administration of any franchise granted hereinunder and for the resolution of all complaints against the grantee regarding the quality of service, equipment malfunctions and similar matters may be hereby delegated by the Mayor and Council to a CATV agency established by it. The agency may be empowered, among other things, to adjust, settle or compromise any controversy arising from operations of the grantee, either on behalf of the franchise entity, the grantee or any subscriber, in accordance with the best interest of the public, provided that any person aggrieved by a decision of the agency may appeal the matter to the franchise authority for hearing and determination. The franchise authority may accept, reject or modify the decision of the agency and may adjust, settle, or compromise any controversy arising from the operations of the grantee under any franchise granted pursuant to this ordinance. No adjustment, settlement or compromise, whether instituted by the agency or by the franchise authority, shall be contrary to the provisions of this ordinance or of the franchise agreement, and neither the agency nor the franchise authority, in the adjustment, settlement or compromise of any controversy between the grantee and a subscriber, shall have the right to add to, modify or delete, any provision of this ordinance or of the franchise. The grantee shall notify subscribers at the time of initial subscription, to the system of the procedure for reporting and resolving complaints by delivering to each subscriber a notice in form approved by the agency.

§ A125-10. Conditions on street occupancy.

- A. Any pavements, sidewalks, curbing or other paved area taken up or any excavations made by the grantee shall be done under the supervision and direction of the town under permits issued for work by the proper officials of the Town of Bladensburg and shall be done in such manner as to give the least inconvenience to the inhabitants of the franchise entity.

The grantee shall, at its own cost and expense and in a manner approved by the agency, replace and restore any such pavements, sidewalks, curbing or other paved areas in as good a condition as before the work involving such disturbance was done, and shall also make and keep full and complete plats, maps and records showing the exact locations of its facilities located within the public streets, ways and easements of the franchise entity. These maps shall be available for inspection at any time during business hours by the agency.

- B. The grantee shall, at its expense, protect, support, temporarily disconnect, relocate or remove any of its property when required by the franchise entity by reason of traffic conditions, public safety, road construction, change of street grade, installation of sewers, drains, waterpipes, power lines, signal lines, tracks or any other type of municipal improvements; provided, however, that the grantee shall, in all such cases, have the privilege of abandoning any property in place. If the franchise entity requests substantial relocating, it shall compensate grantee in the amount of its relocation costs.
- C. The grantee shall, on the request of any person holding a building moving permit issued by the franchise entity, temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal or raising or lowering of wires shall be paid by the person requesting same, and the grantee shall have the authority to require such payment in advance. The grantee shall be given not less than forty-eight (48) hours' advance notice to arrange for such temporary wire changes.
- D. The grantee shall have authority to trim the trees upon and overhanging the public street so as to prevent the branches of such trees from coming in contact with the wires and cables of the grantee, except that, at the option of the franchise authority, such trimming may be done by it or under its supervision and direction, at the expense of the grantee.

- E. In all sections of the franchise area where the cables, wires or other similar facilities of public utilities are placed underground, the grantee shall place its cables, wires or other like facilities underground to the maximum extent that existing technology reasonably permits the grantee to do so.

§ A125-11. Area of coverage; extension; discontinuance of operation; removal of property.

- A. The area covered by the franchise shall be specified therein. The grantee must agree to serve all of the specified areas and to provide signal distribution capabilities to all citizens in the franchise area according to the extension-of-service schedule which may be specified in the franchise.
- B. The grantee shall extend the installation of cables, amplifiers and related equipment throughout the area covered by the franchise as rapidly as practicable and according to the schedule which may be specified in the franchise agreement. As new contiguous areas are developed, service shall be extended throughout such areas within six (6) months or such other time, if any, specified in the franchise agreement.
- C. The grantee shall file a map and program report with the franchise authority at the close of each calendar year, showing the exact areas of the franchise entity being served by the cable television system and the location and identification of major component parts of the system.
- D. Failure on the part of the grantee to commence and diligently pursue each of the foregoing requirements and to complete each of the matters set forth herein shall be grounds for termination of its franchise pursuant to the terms of § A125-4B.
- E. In the event the operation of any part of a cable television system is discontinued for a continuous period of twelve (12) months, or in the event such system has been installed in any public street without complying with the requirements of the grantee's franchise, the grantee shall promptly, upon being given ten (10) days' notice, remove from the streets or public places all such property and poles of such system. Any property which the grantee allows to remain in place sixty (60) days after having been notified by the franchise entity that it must be removed shall be considered permanently abandoned and shall become the property of the franchise entity, subject to the provisions of any utility joint use attachment agreement.
- F. Upon the failure of the grantee to satisfactorily complete any work upon the public streets as may be required by law or the terms of its franchise within the time prescribed, the franchise entity, at its option, may cause such work to be done and the grantee shall pay to the franchise entity the cost thereof within thirty (30) days after receipt of an itemized report.

§ A125-12. Indemnity bond.

- A. Concurrently with the acceptance of its franchise, a grantee shall file with the agency a bond with an acceptable surety in the amount of twenty-five thousand dollars (\$25,000.00) to indemnify the franchise entity against any losses it may suffer in the event the grantee fails to comply with one (1) or more of the provisions of its franchise. Said bond shall be obtained at the sole expense of the grantee and remain in effect for the full term of the franchise or any renewal thereof plus an additional six (6) months thereafter. The grantee and its surety shall be jointly and severally liable under the terms of the bond for any damages or loss suffered by the franchise entity as a result of the grantee's nonperformance, including the full amount of any compensation, indemnification or cost of removal of any property of the grantee in the event of default, plus a reasonable allowance for attorneys' fees and costs, up to the full amount of the bond. The bond shall provide for thirty

(30) days' prior written notice to the franchise authority of any intention on the part of the grantee to cancel, fail to renew or otherwise materially alter its terms.

- B. Neither the filing of an indemnity bond with the agency nor the receipt of any damages recovered by the franchise authority thereunder shall be construed to excuse faithful performance by the grantee or limit the liability of the grantee under the terms of its franchise for damages, either to the full amount of the bond or otherwise.

§ A125-13. Franchise fee; financial statement; inspection of records.

- A. The grantee shall pay to the franchise entity, each year during the life of the franchise, a franchise fee in the amount of three percent (3%) of its annual gross revenues derived from its operation of the franchised cable television system within the franchise area limits.
- B. The grantee shall file with the Mayor and Council, within ninety (90) days after the expiration of any calendar year or portion thereof during which its franchise is in force, a financial statement certified by an independent certified public accountant selected by the grantee and at its expense, showing in detail the gross revenues, as defined herein, of the grantee during the preceding calendar year or portion thereof. It shall be the duty of the grantee to pay to the Mayor and Council, within fifteen (15) days after the time for filing such statement, the sum prescribed above or any unpaid balance thereof for the calendar year covered by such statement
- C. The franchise entity shall have the right to inspect the grantee's records showing the gross revenues from which its franchise payments are computed and shall also have the right of audit and recomputation of any and all amounts paid under this ordinance. No acceptance of payment shall be construed as a release, or as an accord and satisfaction of any claim the franchise entity may have for further or additional sums payable under this ordinance or for the performance of any other obligation hereunder, however, an accounting rendered to the franchise entity and to which no exception is made within three (3) years after receipt by the franchise entity shall be deemed to be accurate and shall not thereafter be subject to question or made the basis of any claim by the franchise entity against the grantee.

§ A125-14. Establishment of rates; changes.

- A. The franchise agreement will set forth the initial rates which the grantee may charge its subscribers upon commencing services. Thereafter, these rates shall be changed when appropriate in accordance with the provisions of this section.
- B. A refundable converter deposit may be established as necessary to ensure return of the grantee's equipment placed in subscriber premises.
- C. Any rate established shall be reasonable, just and fair to the public and to the grantee, taking into account its investment, costs of operation and the factor of attracting additional capital for purposes of expansion or improvement of service to the public.
- D. No rate established shall afford any undue preference or advantage among subscribers, but separate rates may be established for separate classes of subscribers, as may be described and approved in the franchise agreement. Unless the franchise agreement makes provision for an installation charge to a class of residential dwellings different from another, the installation rate must be uniform for residential subscribers.

- E. Changes in established rates may be made only by giving the Mayor and Council written notice of proposed rate change, filed not less than ninety (90) days prior to the proposed effective date of the new rate(s). The Mayor and Council shall review the proposed rate change and schedule and publicize notice of a public hearing on the matter to be heard within sixty (60) days of receipt of the notice of proposed change. At the public hearing, all interested parties shall be heard. Evidence shall be taken and received on all of the elements reasonably deemed necessary by the Mayor and Council to be considered in determining the reasonableness of the proposed rates, including the return experienced by the grantee on its investment. Thereafter, the Mayor and Council shall decide the matter by a majority vote and render a written decision within ninety (90) days from receipt of the proposed rate change, approving, disapproving or modifying the proposed rate change. The decision shall set forth facts and conclusions regarding all of the basic elements considered in determining the rates, as set forth above. The decision of the Mayor and Council is subject to appeal to a court of competent jurisdiction if it is arbitrary, discriminatory or constitutes an abuse of discretion, but the pendency of such proceedings shall not affect the rates approved or decided by the Mayor and Council, and until and unless such decision or approval is overturned by a final order of the court, including appellate court, the rate shall not be changed. A judicial reversal of the Mayor and Council's approved rate shall not have a retroactive effect.

§ A125-15. Removal of subscriber's equipment upon termination of service.

Upon termination of service to any subscriber, the grantee shall promptly remove all its facilities and equipment from the premises of such subscriber upon his request, without charge except as may be provided therefor in the franchise agreement.

§ A125-16. Service to public facilities and during emergencies.

- A. Provide at least one (1) service outlet to each of those municipal facilities, public libraries and public schools within its franchise area at no cost to the municipality or school or library involved, with subscriber service thereon without subscriber charge, and shall charge only its time and material costs for any additional service outlets to such facilities.
- B. Make its facilities immediately available to the Mayor and Council or its designated official representative upon request during the course of any emergency or disaster when such emergency or disaster is found to exist by the Mayor and Council.

§ A125-17. Amendment of ordinance.

The franchise authority may amend this ordinance upon its own motion or upon the application of the grantee, in accordance with the Charter of the Town of Bladensburg. An amendment may be proposed or adopted in order to enable the grantee to utilize new developments in television or radio signal transmission which would improve and update cable television service in the franchise area or to comply with any modifications in the rules of the FCC. No amendment shall be adopted except after full, open public hearing.

§ A125-18. Renewal procedures.

- A. A franchise may be renewed by the franchise authority for a period of up to fifteen (15) years upon the written request of the grantee without soliciting additional applicants. Such a renewal request shall be filed at least six (6) months but not more than twelve (12) months prior to the expiration of the franchise and shall be accompanied by a nonrefundable application fee of one thousand dollars (\$1,000.00) or such application fee as may then be specified, it being recognized that inflationary factors may have occasioned an increase in this fee and an amendment to this section of the

ordinance. The renewal request may propose modifications in the terms of a grantee's franchise, which shall be considered by the franchise authority, but in any case the franchise authority may, upon its own motion, modify the terms of the grantee's franchise, subject to the conditions set forth in Subsection B below.

- B. Upon receipt of a request for a renewal of a franchise, the franchise authority shall schedule a public hearing on the matter, giving at least thirty (30) days' notice of such hearing and any franchise modifications proposed by either the grantee or the franchise authority. After hearing all of the evidence, opinions and representations, the franchise authority shall then render a decision to renew or not to renew the grantee's franchise and, if the former course is taken, whether or not its franchise should be modified in any way. The grantee shall file its acceptance of a renewal franchise in the same form, with the initial franchise payment, as upon acceptance of an initial franchise, within thirty (30) days after it is offered by the franchise authority. Upon failure to do so, the grantee shall be conclusively presumed to have consented to the expiration of its franchise.
- C. In the event of nonrenewal or termination of a franchise, the franchise entity may purchase or may require any successor grantee to purchase the grantee's facilities at a cost not to exceed their then fair market value, with a reduction for any uncompensated damages or expenses incurred by the franchise entity in connection with the grantee's operation. The amount of such reduction shall be retained by the Town of Bladensburg or paid to it by the successor grantee, as the case may be, and the balance paid to or for the benefit of the nonrenewed or terminated franchise (grantee). If agreement cannot be reached, the fair market value shall be determined by arbitration. The parties may agree upon a single arbitrator; however, if no agreement as to a single arbitrator can be reached, the parties shall then each choose one (1) arbitrator, and the two (2) arbitrators so chosen shall choose a third arbitrator in accordance with the rules and procedures under the auspices of the American Arbitration Association. Arbitration proceedings shall be conducted within the State of Maryland according to the rules and procedures of the American Arbitration Association, and the decision of the arbitrator as to the current fair market value of the facilities and as to all other issues submitted to arbitration shall be final and binding upon all parties. Cost of arbitration shall be borne one-half (½) by franchise entity and one-half (½) by grantee. Each party shall bear the expense of its own counsel and witnesses.

§ A125-19. Tampering; unauthorized connections; violations and penalties.

- A. It shall be unlawful for any person, without the consent of the owner, to willfully tamper with, remove or injure any cables, wires or equipment used for distribution of television signals, radio signals, pictures, programs or sound within the franchise entity.
- B. It shall be unlawful for any person, firm or corporation to make or use any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of a franchised cable television system within the franchise entity for the purpose of enabling himself or others to receive any television signal, radio signal, picture, program or sound, without payment to the owner of said system.
- C. Violation of this section shall be a misdemeanor and punishable by a fine not to exceed five hundred dollars (\$500.00) or imprisonment not to exceed ninety (90) days, or both.

§ A125-20. Continued use of individual antennas protected.

It is not the franchise authority's intention to prohibit the erection or continued use of individual television antennas, and no one is or will be required to receive cable television service or connect with a cable television system.

§ A125-21. Rules and regulations of grantee.

Subject to approval of the Mayor and Council, the grantee shall have the authority to promulgate such rules, regulations, terms and conditions of its business as shall be reasonably necessary to enable it to exercise its rights and perform its services under this ordinance and the rules of the FCC and to assure uninterrupted service to each and all of its subscribers. Such rules and regulations shall not be deemed to have the force of law.

§ A125-22. Delegation of powers.

Any delegable right, power or duty of the franchise authority, the franchise entity, the agency or any official of the franchise entity may be transferred to or delegated by resolution of the Mayor and Council to an appropriate officer, employee or department of the franchise entity.

§ A125-23. Service of notice.

Every direction, notice or order to be served upon the grantee shall be sent to the local office specified in the franchise agreement. Every notice to be served upon the franchise entity shall be delivered or sent by certified mail as specified in the franchise agreement. The delivery of such notice shall be deemed to have been at the time of receipt.

§ A125-24. Equal employment opportunities.

Equal opportunity in employment and employment practices shall be afforded by the grantee to all qualified persons, and no person shall be discriminated against in employment or in employment practices because of race, color, religion, national origin or sex.

§ A125-25. Prohibition against obscenity.

A franchise granted hereunder permits the grantee to use the public ways and spaces of the Town of Bladensburg for its communication distribution facilities. No CATV franchise (grantee) shall broadcast or carry on the CATV system, whether on the channel(s) for general subscribers or for auxiliary services, any program, language or material which is obscene, lewd, lascivious or immoral. In determining whether a violation of this section of the ordinance or a breach of the franchise agreement, which shall include this ordinance provision, has occurred, the determination will be based upon contemporary community standards and whether the dominant theme of the material in question appeals to the prurient interest or its calculated purpose is substantially to arouse sexual desires and the probability of this effect is so great as to outweigh whatever other merits the material may possess, as those tests have been enunciated by the courts of the United States in connection with the prohibitions against obscenity contained in Title 18, Sections 1464 and 1465, United States Code (concerning broadcasting, or transportation of obscene matter in interstate commerce), and the courts of Maryland in connection with the statutes of the State of Maryland on the subject [Article 66A, § 6(b), Annotated Code of Maryland].

§ A125-26. Applications for franchise; filing fee.

- A. An application for a CATV franchise hereunder shall be made in writing, subscribed by the applicant if an individual, or by a partner if a partnership, or an officer of the corporation if a corporate entity. The application shall contain a certification that the facts and matters therein set forth, together with exhibits or supplemental material submitted therewith are true, complete and correct to the best of the subscriber's knowledge and belief and are made in good faith, and that willfully false statements may be deemed perjurious and disqualify the applicant from further consideration, which sanction will be in addition to and not in lieu of any provision for penalty which may be provided under the laws of the State of Maryland for willfully false submissions to a governmental entity.

- B. The written application shall set forth the name, address and entity status (individual, corporation, partnership, joint venture, for example) of the applicant. It shall list the name and residential address of each of its principals, which, for a corporation, includes officers, directors and any person holding one percent (1%) or more of its capital stock; other major business interests of major stockholders; and the same for partners if a partnership, or if a limited partnership, the general partners and limited partners with a partnership interest of one percent (1%) or more, and all joint ventures, if a joint venture. The application will contain facts and information as to the applicant's legal, financial, technical and character qualifications (citizenship and presence or absence of felony conviction of any principal) and a complete disclosure of all persons holding a present or contractual future interest in the applicant and sufficient detail to fairly and accurately portray the applicant's proposal for service, schedule of rates, connection fees, other charges and the technical service aspects of its proposal required by this ordinance or as specified for consideration in any application announcement adopted by the Mayor and Council.
- C. An application shall be accompanied by a nonrefundable application fee of one thousand dollars (\$1,000.00), payable by certified or cashier's check to the order of the Town of Bladensburg, Maryland, which amount shall be used by the Town of Bladensburg to offset expenses incurred in the franchising and evaluation procedures, including but not limited to staff time and consulting assistance.
- D. Applications for the first franchise which may be issued hereunder must be complete and on file, together with the application fee, in the office of the Mayor and Council by 4:00 p.m., local time, on Thursday, January 10, 1980. Applications which may be tendered in the office of the Mayor and Council, Municipal Building, Bladensburg, after the stated date and time, will not be considered until after consideration and disposition of applications timely filed. Applications for subsequent franchises or which may be tendered in connection with the consideration of the renewal of a granted franchise will be subject to the filing requirements promulgated by the Mayor and Council at that time or from time to time.

§ A125-27. Basis for grant of franchise.

The granting of any franchise shall be based upon the franchise authority's judgment as to whether it will serve the public interest and welfare and will include the franchise authority's evaluation of the applicant's qualifications, construction schedule and its technical, financial and CATV service plans and arrangements and the benefits from the applicant's proposal to the welfare and safety of the town and its citizens as may be determined by the franchise authority, the Mayor and Council of the Town of Bladensburg. Such judgment shall be discretionary, and no provision of this ordinance shall require the granting of a franchise.

§ A125-28. Cumulative nature of rights and remedies.

The rights and remedies specified in this ordinance are cumulative and shall not add or subtract from any other right or remedy which any party may have with respect to the subject matter of this ordinance, and waiver thereof at any time shall not affect any other time.

§ A125-29. Right of franchise entity to intervene.

The franchise entity reserves to itself the right to intervene in any suit, action or proceeding involving any provision of this ordinance.

§ A125-30. Severability.

If any provision of this ordinance or the particular application thereof shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining provisions and their application shall not be affected thereby.

§ A125-31. Franchise required; violations and penalties.

- A. It shall be unlawful for any person to own, operate or solicit subscribers for any cable television system without first having obtained a franchise from the Mayor and Council.
- B. Violation of this section shall be a misdemeanor and punishable by a fine not to exceed five hundred dollars (\$500.00) or imprisonment not to exceed ninety (90) days, or both.

# INDEX

## INDEX INSTRUCTIONS

The main INDEX, beginning on page 1, will guide you to the legislation contained within the Code at the time the main INDEX was originally prepared. As new legislation is adopted, or existing legislation is amended, the Code Pages are replaced by supplementary pages which include the new material, thereby causing some INDEX entries to become obsolete. INDEX entries to the new material will be provided for in the SUPPLEMENTAL INDEX, beginning on page SI-1.

The SUPPLEMENTAL INDEX should, therefore, be consulted first, since it refers to the more recent legislation. Then reference should be made to the main INDEX.

When received, SUPPLEMENTAL INDEX pages should be placed directly following this page and in front of the main INDEX, according to the instructions accompanying the supplement.

Numbers in the indices refer to section numbers in the Code, e.g., 39-3 is a reference to Chapter 39, Section 3. Charter references are indicated by the designation of the letter C, e.g., § C1-1 is the first section of the Charter.

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