

AN ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK,
AMENDING CHAPTER 15, "BOARDS, COMMISSIONS AND COMMITTEES", §15-19,
"POWERS AND DUTIES"; CHAPTER 125, "HOUSING CODE", §125-8,
"MAINTENANCE OF DWELLINGS", §125-17, "FIRESAFETY LAWS", AND §125-17.1,
ABATEMENT OF CERTAIN VIOLATIONS; AND CHAPTER 157, "PROPERTY
MAINTENANCE", §157-2, "DEFINITIONS; WORD USAGE"; §157-3, "COMPLIANCE;
INSPECTIONS"; §157-4, "NOTIFICATION OF VIOLATIONS; HEARINGS", §157-6,
RESPONSIBILITIES OF OWNERS AND OCCUPANTS"; §157-7" DESIGNATION OF
UNFIT BUILDINGS; CONDEMNATION"; § 157-8, "HIGHER STANDARDS TO
PREVAIL"; DELETING §157-5, "ADOPTION OF RULES AND REGULATIONS", AND
§157-9 "HEARINGS"; AMENDING CHAPTER 110, 'FEES AND PENALTIES", §110-2,
"PENALTIES", AND ADOPTING A NEW CHAPTER 115, "FIRE SAFETY", TO
UPDATE AND CLARIFY THE CODES, INCLUDE FIRE SAFETY LAWS IN ONE
CHAPTER AND PROVIDE FOR A FINE, AND TO MAKE CERTAIN CONFORMING
CHANGES

WHEREAS, pursuant to §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, the City of College Park, Maryland (hereinafter, the "City") has the power to pass such ordinances as it deems necessary to assure the good government of the municipality, and to protect and preserve the municipality's property; and

WHEREAS, pursuant to this authority, the Mayor and Council have adopted an exterior property code for non-residential properties (Chapter 157), a Housing Code (Chapter 125), and a fire safety code (§125-17) and have provided for appeals from Chapter 157 (Chapter 15) as part of code enforcement in the City; and

WHEREAS, the Mayor and Council have engaged in a review of these provisions and have determined that certain changes to the City Code are in the public interest.

Section 1. NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that Chapter 15 "Boards, Commissions and Committees", Article IV, "Advisory Planning Commission", §15-19, "Powers and duties" of the

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Code of the City of College Park be, and is hereby, repealed, reenacted and amended to read as follows:

§15-19. Powers and duties.

The Advisory Planning Commission's duties are as follows:

A. to E. * * * *

F. To hear appeals and perform such other functions enumerated in § 125-4 of Chapter 125 of the College Park Code, entitled "Housing Regulations," § 87-19 of Chapter 87 of the College Park Code, entitled "Building Construction," § 157-[9] 6 of Chapter 157 of the College Park Code, entitled "Property Maintenance," and as otherwise directed by the Council.

Section 2. **BE IT FURTHER ORDAINED AND ENACTED**, by the Mayor and Council of the City of College Park, Maryland, that Chapter 15 “Boards, Commissions and Committees”, Article IV, “Advisory Planning Commission”, §15-29.1, “Hearing panel for fire protection and fire safety” of the Code of the City of College Park be, and is hereby, repealed, reenacted and amended to read as follows:

§15-29.1. Hearing panel for fire protection and fire safety.

Notwithstanding any other provision of this Code or any regulations adopted hereunder, the Advisory Planning Commission is authorized to hear appeals pursuant to ~~§125-4~~§115-7 of the City Code involving fire protection or fire safety violations by means of panels comprised of three or more permanent and/or temporary members. Action by the panel on such appeals may be taken by the affirmative vote of the majority of the panel.

Section 3. **BE IT FURTHER ORDAINED AND ENACTED**, by the Mayor and Council of the City of College Park, Maryland, that Chapter 115 “Fires Safety Code”, §15-29.1, “Hearing panel for fire protection and fire safety” of the Code of the City of College Park be, and is hereby, enacted to read as follows:

CHAPTER 115 FIRE SAFETY CODE

§115-1. GENERALLY. DIVISION 4 OF SUBTITLE 11 OF THE FIRE SAFETY LAW OF PRINCE GEORGE'S COUNTY, MARYLAND, 2012 EDITION, AS AMENDED FROM TIME TO TIME, WITH THE EXCEPTION OF SECTION 11-293, IS INCORPORATED HEREIN AND ADOPTED BY REFERENCE. THIS SECTION ALSO INCORPORATES BY

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REFERENCE CHAPTER 24 OF THE NFPA 101 LIFE SAFETY CODE, 2015 EDITION, AND IS APPLICABLE TO ONE- AND TWO-FAMILY DWELLINGS AS DEFINED THEREIN. REFERENCES IN THE FIRE PREVENTION CODE OF PRINCE GEORGE'S COUNTY TO THE FIRE CHIEF OR AUTHORIZED REPRESENTATIVE SHALL BE CONSTRUED TO INCLUDE THE CITY PUBLIC SERVICES DEPARTMENT DIRECTOR AND CODE ENFORCEMENT OFFICERS. INSPECTIONS SHALL BE PERFORMED BY THE CITY'S PUBLIC SERVICES DEPARTMENT AND VIOLATIONS SHALL BE ENFORCED IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION. NOTHING HEREIN SHALL BE CONSTRUED AS PREVENTING COUNTY PERSONNEL FROM PERFORMING INSPECTIONS AND ENFORCING THE COUNTY'S FIRE SAFETY LAWS.

§115-2. SMOKE ALARMS. THE OWNER(S) OF ALL RENTAL ROOMING OR DWELLING UNITS, TO INCLUDE BUT NOT BE LIMITED TO APARTMENT UNITS, BOARDING AND ROOMING HOUSES, FRATERNITIES, SORORITIES, ROOMS RENTED AS A HOME OCCUPATION BUT REQUIRED TO HAVE AN OCCUPANCY PERMIT, HOTELS, MOTELS, TOURIST HOMES, AND SINGLE AND DUAL-FAMILY HOMES, WITHIN THE CITY OF COLLEGE PARK ARE REQUIRED TO INSTALL, MAINTAIN, AND HAVE IN OPERATION AT ALL TIMES SMOKE ALARMS OF A TYPE, MAKE AND MODEL APPROVED BY, AND MOUNTED IN LOCATIONS AS SET FORTH IN, DIVISION 4 OF SUBTITLE 11 OF THE FIRE SAFETY LAW OF PRINCE GEORGE'S COUNTY.

§115-3. AUTOMATIC FIRE SPRINKLERS.

A. DORMITORIES, WHICH FOR PURPOSES OF THIS SECTION SHALL INCLUDE ANY FRATERNITY AND SORORITY HOUSE, REGARDLESS OF THE NUMBER OF SLEEPING ACCOMMODATIONS, SHALL BE PROTECTED THROUGHOUT BY INSTALLATION OF AN AUTOMATIC FIRE SPRINKLER SYSTEM MEETING THE REQUIREMENTS OF NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) STANDARD NO. 13, 13D OR 13R, IN ACCORDANCE WITH THE COMPLIANCE DEADLINES SET OUT IN THIS SECTION:

B. ALL CONNECTIONS SHALL BE LOCATED ON THE STREET SIDE OF EACH BUILDING, AND ACTIVATION OF THE SPRINKLER SYSTEM SHALL ACTIVATE BOTH THE REQUIRED FIRE ALARM SYSTEM AND A SUPERVISORY ALARM AT A TWENTY-FOUR-HOUR CERTIFIED AND LICENSED ALARM MONITORY SERVICE. INSTALLATION SHALL BE PERFORMED BY A CONTRACTOR POSSESSING A SPRINKLER CONTRACTOR LICENSE FROM THE STATE OF MARYLAND. SAID CONTRACTOR MUST OBTAIN A PERMIT FROM PRINCE GEORGE'S COUNTY PRIOR TO INSTALLATION OF THE SPRINKLER SYSTEM.

C. DETACHED AND SECONDARY BUILDINGS. EXISTING DORMITORY BUILDINGS ARE EXEMPT FROM THE REQUIREMENTS OF THIS SECTION AS TO FIRE SPRINKLER SYSTEMS IF THEY HAVE NO MORE THAN 1,000 SQUARE FEET OF FLOOR AREA, ARE NOT DIRECTLY CONNECTED TO THE MAIN BUILDING USED FOR SLEEPING, AND HAVE NO FACILITIES INTENDED OR USED FOR SLEEPING.

D. DISABLING SPRINKLER SYSTEM. NO PERSON SHALL SHUT OFF OR DISABLE AN AUTOMATIC FIRE SPRINKLER SYSTEM INSTALLED PURSUANT TO THIS SECTION, EXCEPT DURING THE ACTUAL PERFORMANCE OF MAINTENANCE WORK BY A LICENSED CONTRACTOR.

E. MAINTENANCE OF SPRINKLER SYSTEM. ANY SPRINKLER SYSTEM INSTALLED PURSUANT TO THIS CHAPTER SHALL BE MAINTAINED IN ACCORDANCE WITH NFPA 25, AS AMENDED, BY A CONTRACTOR LICENSED BY THE STATE TO PERFORM SUCH MAINTENANCE.

§115-4. CARBON MONOXIDE DETECTORS. THE REQUIREMENTS OF SEC. 11-295 OF THE PRINCE GEORGE’S COUNTY CODE TO INSTALL AND MAINTAIN CARBON MONOXIDE DETECTORS SHALL ALSO APPLY TO ALL EXISTING SINGLE FAMILY RESIDENCES.

§ 115-5. NOTICE OF VIOLATION. WHENEVER THE CODE ENFORCEMENT OFFICER DETERMINES THAT THERE ARE REASONABLE GROUNDS TO BELIEVE THAT THERE HAS BEEN A VIOLATION OF ANY PROVISION OF THIS CHAPTER OR OF ANY RULE OR REGULATION ADOPTED PURSUANT THERETO, NOTICE OF SUCH ALLEGED VIOLATION SHALL BE GIVEN TO THE PERSON OR PERSONS RESPONSIBLE THEREFOR, AS HEREINAFTER PROVIDED. SUCH NOTICE SHALL:

- A. BE PUT IN WRITING.
- B. INCLUDE A STATEMENT OF THE REASONS WHY IT IS BEING ISSUED.
- C. STATE THE TIME FOR THE PERFORMANCE OF ANY ACT IT REQUIRES.
- D. BE SERVED UPON THE OWNER OR HIS/HER AGENT OR THE OCCUPANT, AS THE CASE MAY REQUIRE, PROVIDED THAT SUCH NOTICE SHALL BE DEEMED TO BE PROPERLY SERVED UPON SUCH OWNER OR AGENT OR UPON SUCH OCCUPANT IF A COPY THEREOF IS SERVED UPON HIM/HER PERSONALLY OR IF A COPY THEREOF IS SENT BY REGULAR MAIL TO HIS/HER LAST KNOWN ADDRESS OR IF A COPY THEREOF IS POSTED IN A CONSPICUOUS PLACE IN OR ABOUT THE DWELLING AFFECTED BY THE NOTICE OR IF HE/SHE IS SERVED WITH SUCH NOTICE BY ANY OTHER METHOD AUTHORIZED OR REQUIRED UNDER THE LAWS OF THIS STATE.

§115-6. PENALTIES. FAILURE TO COMPLY WITH THE PROVISIONS OF THIS SECTION WITHIN TWENTY-FOUR HOURS OF NOTIFICATION SHALL SUBJECT THE OWNER TO AN IMMEDIATE ABATEMENT/CORRECTION ORDER, ISSUANCE OF A MUNICIPAL INFRACTION AND PENALTIES AS PROVIDED IN § 110-2 . AN ADDITIONAL CITATION MAY BE ISSUED FOR EACH SUCCESSIVE TWENTY-FOUR-HOUR PERIOD IN WHICH THE VIOLATION IS NOT FULLY CORRECTED.

§115-7. REQUEST FOR APPEAL. ANY PERSON AFFECTED BY ANY NOTICE OR ORDER WHICH HAS BEEN ISSUED IN CONNECTION WITH THE ENFORCEMENT OF ANY PROVISION OF THIS ARTICLE MAY REQUEST AND SHALL BE GRANTED A

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HEARING ON THE MATTER BY THE ADVISORY PLANNING COMMISSION, PROVIDED THAT SUCH PERSON SHALL, WITHIN 10 DAYS AFTER SERVICE OF A NOTICE OR ORDER, FILE IN THE OFFICE OF THE PUBLIC SERVICES DIRECTOR A SIGNED, WRITTEN NOTICE OF APPEAL, REQUESTING A HEARING AND SETTING FORTH A BRIEF STATEMENT OF THE REASONS THEREFOR. UPON RECEIPT OF SUCH NOTICE OF APPEAL, THE PUBLIC SERVICES DIRECTOR SHALL NOTIFY THE ADVISORY PLANNING COMMISSION.

§115-8. APPEALS. THE PLANNING COMMISSION SHALL HEAR APPEALS FROM ALLEGED VIOLATIONS OF THE PROVISIONS OF THIS CHAPTER. A QUORUM OF THREE OR MORE PERMANENT AND/OR TEMPORARY MEMBERS SHALL BE REQUIRED BEFORE THE COMMISSION MAY TAKE ANY OFFICIAL ACTION. ACTION MAY BE TAKEN BY THE AFFIRMATIVE VOTE OF THE MAJORITY OF THE PANEL. THE ADVISORY PLANNING COMMISSION SHALL SET A TIME AND PLACE FOR SUCH HEARING AND SHALL GIVE THE PERSON APPEALING AND THE PUBLIC SERVICES DIRECTOR NOTICE THEREOF. THE BOARD SHALL DETERMINE SUCH APPEALS AS PROMPTLY AS PRACTICABLE.

§115-9. DECISION. AFTER SUCH HEARING, THE ADVISORY PLANNING COMMISSION MAY AFFIRM, AMEND, MODIFY OR WITHDRAW THE NOTICE OR ORDER APPEALED FROM. THE DECISION OF THE ADVISORY PLANNING COMMISSION SHALL CONSTITUTE AN ORDER, AND ANY PERSON WHO SHALL FAIL, REFUSE OR NEGLECT TO COMPLY WITH ANY SUCH ORDER SHALL BE GUILTY OF VIOLATING THE PROVISIONS OF THIS ARTICLE. THE DECISION OF THE COMMISSION SHALL IN ALL CASES BE FINAL, EXCEPT THAT ANY APPELLANT OR PARTY DIRECTLY AGGRIEVED BY A DECISION OF THE COMMISSION MAY, PROVIDED THAT HE/SHE DOES SO, APPEAL TO A COURT OF RECORD OF COMPETENT JURISDICTION WITHIN 30 DAYS AFTER THE RENDERING OF SUCH DECISION.

§115-10. EMERGENCIES. UPON A DETERMINATION THAT A FIRE SAFETY EMERGENCY EXISTS WHICH REQUIRES IMMEDIATE ACTION TO PROTECT THE PUBLIC HEALTH, THE DIRECTOR OF PUBLIC SERVICES MAY, WITHOUT NOTICE OR HEARING, ISSUE AN ORDER RECITING THE EXISTENCE OF SUCH AN EMERGENCY AND REQUIRING SUCH ACTION TO BE TAKEN AS IS DEEMED NECESSARY TO MEET THE EMERGENCY. NOTWITHSTANDING THE OTHER PROVISIONS OF THIS ARTICLE, SUCH ORDER SHALL BE EFFECTIVE IMMEDIATELY. IF REQUESTED, A HEARING SHALL BE AFFORDED AS SOON AS POSSIBLE.

Section 4. BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that Chapter 125, "Housing Code", §125-8

“Maintenance of dwellings”, of the Code of the City of College Park be, and is hereby, repealed as follows:

§125-8. Maintenance of dwellings.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling, or dwelling or rooming unit, for the purpose of living therein, which does not comply with the following requirements:

A. – H. * * * *

I. Grading and drainage. All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon or within any building or structure located thereon. No stagnant water may be allowed to accumulate or stand anywhere on or about the premises, or in any items or receptacles on the premises in which water has collected, and ruts or other uneven surfaces shall be graded to eliminate standing water. Water in swimming pools, wading pools and fish ponds shall not be allowed to stagnate and shall be maintained in a clean and sanitary condition at all times. Water from swimming or wading pools, sump pumps, or fish ponds shall not be drained in such a manner as to flow onto neighboring property, or onto sidewalks or driveway aprons in the public right-of-way, or to cause erosion. Every downspout or gutter shall be properly installed, free from leaks and obstructions, and kept in good repair. ANY CONSTRUCTION, GRADING, INSTALLATION OF IMPERMEABLE SURFACES SUCH AS PATIOS, DRIVEWAYS, WALKWAYS OR TERRACES OR OTHER PAVING, OR THE INSTALLATION OF ANY DOWNSPOUT OR DRAIN, WHICH WILL ALTER THE FLOW OF WATER OR DRAINAGE SO AS TO HAVE AN ADVERSE EFFECT ON ABUTTING OR NEARBY PROPERTIES OR ONTO THE PUBLIC RIGHT OF WAY IS PROHIBITED. A notice of violation shall give the responsible party 10 days to correct the violation.

Section 5. BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and

Council of the City of College Park, Maryland, that Chapter 125, “Housing Code”, §125-17

“Firesafety laws”, of the Code of the City of College Park be, and is hereby, repealed as follows:

~~§125-17. “Firesafety laws.~~

~~A. Generally. Division 4 of Subtitle 11 of the Fire Safety Law of Prince George's County, Maryland, as amended effective January 2007 and from time to time, is incorporated herein and adopted by reference. This section also incorporates by reference Chapter 24 of the NFPA 101 Life Safety Code, 2006 Edition, and is applicable to one and two family dwellings as defined therein. References in the Fire Prevention Code of Prince George's County to the Fire Chief or authorized representative shall be construed to include the City Public Services Department Director and Code Enforcement Officers. Inspections shall be performed by the City's Public Services Department and violations shall be enforced in accordance with the provisions of~~

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~~§ 125-3. Nothing herein shall be construed as preventing county personnel from performing inspections and enforcing the county's fire safety laws.~~

~~B. Smoke alarms. The owner(s) of all rental rooming or dwelling units, to include but not be limited to apartment units, boarding and rooming houses, fraternities, sororities, rooms rented as a home occupation but required to have an occupancy permit, hotels, motels, tourist homes, and single family homes, within the City of College Park are required to install, maintain, and have in operation at all times smoke alarms of a type, make and model approved by, and mounted in locations as set forth in, the Prince George's Fire Protection Codes.~~

~~C. Automatic fire sprinklers.~~

~~(1) Required.~~

~~(a) The following existing structures or buildings shall be protected throughout by installation of an automatic fire sprinkler system meeting the requirements of National Fire Protection Association (NFPA) Standard No. 13, 13D or 13R, in accordance with the compliance deadlines set out in this section:~~

~~[1] Dormitories, which for purposes of this section shall include any fraternity and sorority house, regardless of the number of sleeping accommodations.~~

~~(b) All connections shall be located on the street side of each building, and activation of the sprinkler system shall activate both the required fire alarm system and a supervisory alarm at a twenty-four-hour certified and licensed alarm monitoring service. Installation shall be performed by a contractor possessing a sprinkler contractor license from the State of Maryland. Said contractor must obtain a permit from Prince George's County prior to installation of the sprinkler system.~~

~~(2) Compliance period. Existing dormitories shall come into compliance with this section within three years of its effective date. If an existing structure is proposed to be converted to use as a dormitory, compliance with this section is required prior to the issuance of any occupancy permit for that use. If an existing structure is in use as a dormitory and is renovated prior to the three-year compliance period at a cost exceeding 50% of the structure's taxable value, then compliance with this section is required at the time of renovation completion.~~

~~(3) Detached and secondary buildings. Existing dormitory buildings are exempt from the requirements of this section as to fire sprinkler systems if they have no more than 1,000 square feet of floor area, are not directly connected to the main building used for sleeping, and have no facilities intended or used for sleeping.~~

~~(4) Disabling sprinkler system. No person shall shut off or disable an automatic fire sprinkler system installed pursuant to this section, except during the actual performance of maintenance work by a licensed contractor.~~

~~(5) Maintenance of sprinkler system. Any sprinkler system installed pursuant to this chapter shall be maintained in accordance with NFPA 25, as amended, by a contractor licensed by the state to perform such maintenance.~~

~~D. Penalties. Failure to comply with the provisions of this section shall subject the owner to an immediate abatement/correction order and penalties as provided in § 110-2 and § 125-3B(4).]~~

Section 6. BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and

Council of the City of College Park, Maryland, that Chapter 125, "Housing Code", §125-17.1

“Abatement of certain violations”, of the Code of the City of College Park be, and is hereby, renumbered as follows:

§125-17[-1]. Abatement of certain violations.

* * * *

Section 7. BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that Chapter 157 “Property Maintenance, Article I, “Nonresidential Premises”, §157-2, “Definitions; word usage” of the Code of the City of College Park be, and is hereby, repealed, reenacted and amended to read as follows:

§157-2. Definitions; word usage.

A. The following terms, wherever used herein or referred to in this [code] CHAPTER, shall have the respective meanings assigned to them unless a different meaning clearly appears from the context:

* * * *

[FIRE HAZARD

~~Anything or any act which increases or may cause an increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service of preventing, suppressing or extinguishing fire or which may obstruct, delay or hinder or may become the cause of an obstruction, a delay, a hazard or a hindrance to the prevention, suppression or extinguishment of fire. (See also "nuisance.")~~

FIRE MARSHAL

~~The Fire Marshal of the City of College Park or Princee George's County.]~~

* * * *

GARBAGE

~~[Putrescible animal and]~~ ANIMAL OR vegetable waste THAT IS SUBJECT TO ORGANIC DECOMPOSTION AND resulting from the handling, preparation, cooking and consumption of food. (See also "refuse" and "rubbish.")]

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LITTER

ALL RUBBISH, WASTE MATERIAL, REFUSE, GARBAGE, TRASH, DEBRIS, DEAD ANIMALS OR OTHER DISCARDED MATERIALS OR PROPERTY OF EVERY KIND AND DESCRIPTION.

* * * *

NUISANCE

- (1) Any public nuisance known at common law or in equity jurisprudence or as provided by the statutes of the State of Maryland, Prince George's County or the ordinances of the City of College Park.
- (2) Any nuisance which may prove detrimental to the health or safety of children, whether in a building, on the premises of a building or upon an unoccupied lot. This includes but is not limited to abandoned walls, shafts, basements, excavations, abandoned iceboxes, refrigerators, motor vehicles, any structurally unsound fences or structures, and lumber, trash, LITTER, [~~fences,~~] debris or vegetation, such as poison ivy, oak or sumac, which may prove a hazard for inquisitive minors.
- (3) Physical conditions dangerous to human life or detrimental to the health of persons on or near the premises where the conditions exist.
- (4) Overcrowding of a room with occupants in violation of [~~this code~~] Chapter 115, FIRE SAFETY.
- (5) Insufficient ventilation or illumination in violation of this [~~code~~] CHAPTER.
- (6) Inadequate or insanitary sewerage or plumbing facilities in violation of this code.
- (7) Insanitary conditions or anything offensive to the senses or dangerous to health in violation of this code.
- (8) Whatever renders air, food or drink unwholesome or detrimental to the health of human beings.
- (9) Fire hazards.
- (10) Walks, roadways, parking lots and similar areas open to the public which present hazardous conditions by reason of poor maintenance.

* * * *

REFUSE

All putrescible and non-putrescible solid wastes, except body wastes, including but not limited to garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes. [(See also "~~garbage" and "rubbish."~~)]

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RUBBISH

Non-putrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials. ~~[(See also "garbage" and "refuse.")]~~

Section 8 . **BE IT FURTHER ORDAINED AND ENACTED**, by the Mayor and Council of the City of College Park, Maryland, that Chapter 157 “Property Maintenance, Article I, “Nonresidential Premises”, §157-3, “Compliance; inspections” of the Code of the City of College Park be, and is hereby, repealed, reenacted and amended to read as follows:

§157-3. Compliance; inspections.

A. – C. * * * *

~~[D. Occupancy permit. After inspection by the Public Services Department and compliance with this article is obtained, an occupancy permit for the use of the structure may be issued in compliance with Chapter 144 of the City Code.]~~

Section 9 . **BE IT FURTHER ORDAINED AND ENACTED**, by the Mayor and Council of the City of College Park, Maryland, that Chapter 157 “Property Maintenance, Article I, “Nonresidential Premises”, §157-4, “Notification of violations; hearings” of the Code of the City of College Park be, and is hereby, repealed, reenacted and amended to read as follows:

§157-4. Notification of violations; hearings.

A. Notice; fine.

(1) * * * *

(2) Public nuisance-type violations adversely affecting the public because of odor, safety or health may require expedited corrective action within ~~[eight]~~ FOUR hours of notification to the offending or responsible party. Failure to take such corrective action shall result in the imposition of a fine as set forth in Chapter 110, Fees and Penalties, and the issuance of a citation in accordance with the requirements of ~~[Article 23A, § 3(b)(2),]~~ §6-102

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ET SEQ. of the LOCAL GOVERNMENT ARTICLE, Annotated Code of Maryland. If the violator fails to pay the fine by the date of payment set forth on the citation and fails to file a notice of his/her intention to stand trial for the offense, the person shall be liable for the assessed fine as set forth in Chapter 110, Fees and Penalties. If the City, because of the urgency of having the violation corrected, uses City labor or material to correct the violation, the material and labor charges shall be assessed and shall be collectible as a tax lien against the subject property. In addition to the foregoing, the Public Services Department is authorized to seek injunctive relief when the situation so warrants.

Section 10 . BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that Chapter 157 “Property Maintenance, Article I, “Nonresidential Premises”, §157-5, “Adoption of rules and regulations” of the Code of the City of College Park be, and is hereby, deleted as follows:

~~[§157-5. Adoption of rules and regulations.~~

~~The Mayor and Council is hereby authorized to make and to adopt such written rules and regulations as may be necessary for the proper enforcement of the provisions of this article, provided that such rules and regulations shall not be in conflict with the provisions of this article. Such rules and regulations shall have the same force and effect as the provisions of this article and the penalty for violation of the provisions of this article, as hereinafter provided.]~~

Section 11 . BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that Chapter 157 “Property Maintenance, Article I, “Nonresidential Premises”, §157-6, “Responsibilities of owners and occupants” of the Code of the City of College Park be, and is hereby, repealed, reenacted, renumbered and amended to read as follows:

§157-[6] 5. Responsibilities of owners and occupants.

A. General Requirements * * * *

B. Duties and responsibilities of owner.

(1) Maintenance of exterior of premises.

(a) [1] –[9]

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[10] Public nuisances, snow removal: IT SHALL BE THE DUTY OF EVERY OWNER, OPERATOR AND OCCUPANT OF A PROPERTY TO REMOVE AND CLEAR AWAY ANY accumulated snow or ice ~~[on]~~ FROM THE PORTION OF THE PUBLIC SIDEWALK WHICH ABUTS SAID PROPERTY, AND FROM paths, walks, driveways, parking lots and parking areas and other areas which are accessible and used by pedestrians and automobiles ON THE PROPERTY, WITHIN 24 HOURS OF CESSATION OF SNOWFALL ~~[where such snow and/or ice remains uncleared within eight hours of daylight after the termination of the snowfall.]~~ [Note: Section 157-4F may be applied to this section if deemed necessary because of emergency conditions. See § 157-4A(2) for applying noncompliance charges.]

[11] * * * *

[12] GRADING OR CONSTRUCTION OF IMPERMEABLE SURFACES, SUCH AS PATIOS, DRIVEWAYS, WALKWAYS OR TERRACES OR OTHER PAVING, OR THE INSTALLATION OF ANY DOWNSPOUT OR DRAIN, WHICH WILL ALTER THE FLOW OF WATER OR DRAINAGE SO AS TO HAVE AN ADVERSE EFFECT ON ABUTTING OR NEARBY PROPERTIES OR ONTO THE PUBLIC RIGHT OF WAY IS PROHIBITED.

* * * *

(2) Interior maintenance.

(a) – (f) * * * *

(g) Designated storage bins, rooms and areas shall be used for accumulating garbage or refuse. Flammable or combustible liquids or other materials may not be stored on the premises unless they are of a type ~~[approved for storage by the regulations of the Fire Marshal.]~~ THAT IS COMPLIANT WITH CHAPTER 115 OF THIS CODE and then only in such quantities and in such fireproof storage containers as may be prescribed by the regulations.

(h) – (i) * * * *

- (j) ~~[If the capacity of the building is fewer than 50 people, only one egress is needed. If rated for 50 or more people, two egresses are needed.]~~
- (j) All exit signs, lights and emergency lights are to be in good repair and operating efficiently.
- (k) THE OWNER AND OPERATOR SHALL BE RESPONSIBLE FOR THE ELIMINATION OF INFESTATION IN AND ON THE PREMISES SUBJECT TO HIS/HER CONTROL

* * * *

C. Duties and responsibilities of occupant.

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- (1) Cleanliness and sanitation. All parts of the premises under the control of the occupant or operator shall be kept in a clean and sanitary condition, and the occupant shall refrain from performing any acts which would render other parts of the premises unclean or insanitary or which would prevent the owner or operator from performing any duty required hereunder or maintaining the premises in a clean and sanitary condition. ~~[Every operator shall be responsible for the elimination of infestation in and on the premises subject to his/her control.]~~
- (2) ~~[Malicious damage. Every occupant shall be responsible for willfully or maliciously causing damage to any part of the premises.]~~
- (3) Installation and maintenance of heating equipment. Where any occupant undertakes to install heating equipment, the same shall conform to the requirements of the ~~[Prince George's County]~~ CITY'S Building Code. The occupant shall thereafter be responsible for maintaining such equipment installed by him/her in good repair and operating condition during all times that the heating equipment shall remain under his/her control. The area around the heating equipment shall be kept clean and free of any material and be accessible for servicing. No flammable materials shall be stored in this area.

Section 12. BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that Chapter 157 "Property Maintenance, Article I, "Nonresidential Premises", §157-7, "Designation of unfit buildings; condemnation" of the Code of the City of College Park be, and is hereby, repealed, reenacted, renumbered and amended to read as follows:

§157-~~[7]~~ 6. Designation of unfit buildings; condemnation; HEARING

A. - D. * * * *

E. THE ADVISORY PLANNING COMMISSION, UPON INFORMATION FROM THE PUBLIC SERVICES DIRECTOR THAT ANY NONRESIDENTIAL BUILDING WITHIN THE CORPORATE LIMITS OF THE CITY HAS BEEN ORDERED DEMOLISHED OR REPAIRED UNDER THE PROVISIONS OF § 157-6B, SHALL SCHEDULE A HEARING ON THE MATTER WITHIN A REASONABLE TIME THEREAFTER. THE OWNER OF THE PROPERTY SHALL BE NOTIFIED BY REGISTERED MAIL OF THE SCHEDULED HEARING AT LEAST 15 DAYS IN ADVANCE OF THE SCHEDULED MEETING. NOTICE OF THE MEETING, INCLUDING A DESCRIPTION OF THE INVOLVED PROPERTY, SHALL BE PUBLISHED IN TWO CONSECUTIVE ISSUES OF A NEWSPAPER OF GENERAL CIRCULATION IN THE CITY. ON THE SCHEDULED DATE OF THE HEARING, THE ADVISORY PLANNING COMMISSION SHALL HEAR THE OWNER OF SAID PROPERTY, OR HIS/HER DULY DESIGNATED AGENT OR REPRESENTATIVE, IF EITHER SHALL APPEAR, AND MAY ALSO HEAR ANY

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ADDITIONAL EVIDENCE OR VERIFIED INFORMATION WHICH MAY HAVE A BEARING UPON THE CASE.

Section 13. BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that Chapter 157 “Property Maintenance, Article I, “Nonresidential Premises”, §157-8, “Higher standards to prevail” of the Code of the City of College Park be, and is hereby, repealed, reenacted, renumbered and amended to read as follows:

§157-[8] 7. Higher standards to prevail.

* * * *

Section 14. BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that Chapter 157 “Property Maintenance, Article I, “Nonresidential Premises”, §157-9, “Hearings” of the Code of the City of College Park be, and is repealed and amended to read as follows:

[§157-9. Hearings.

~~A. The Advisory Planning Commission, upon information from the Public Services Director that any nonresidential building within the corporate limits of the City has been ordered demolished or repaired under the provisions of § 157-7B, shall schedule a hearing on the matter within a reasonable time thereafter. The owner of the property shall be notified by registered mail of the scheduled hearing at least 15 days in advance of the scheduled meeting. Notice of the meeting, including a description of the involved property, shall be published in two consecutive issues of a newspaper of general circulation in the City.~~

~~B.~~

~~On the scheduled date of the hearing, the Advisory Planning Commission shall hear the owner of said property, or his/her duly designated agent or representative, if either shall appear, and may also hear any additional evidence or verified information which may have a bearing upon the case.]~~

Section 15. BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that that Chapter 110 “Fees and Penalties”, §110-2, “Penalties” be and it is hereby repealed, re-enacted and amended to read as follows:

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§110-2 Penalties.

Unless otherwise noted herein, the violation of a City ordinance or resolution is a municipal infraction. The following fines and/or imprisonment for violations of various ordinances or resolutions are applicable in the City of College Park:

Chapter/Section	Violation	Penalty
	* * * * *	

Chapter 115, Fire Safety Code

* * * * *

Chapter:	First violation	\$100
	Second violation	\$200
	Each additional 24 hours	\$200

Section 16. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall publish this proposed ordinance or a fair summary thereof in a newspaper having a general circulation in the City of College Park together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing, hereby set for 7:30 P.M. on the 14th day of June, 2016, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. As soon as practicable after adoption, the City Clerk

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shall have a fair summary of the Ordinance and notice of its adoption published in a newspaper having a general circulation in the City of College Park and available at the City's offices. This Ordinance shall become effective on July 5, 2016 provided that a fair summary of this Ordinance is published at least once prior to the date of passage and once as soon as practical after the date of passage in a newspaper having general circulation in the City.

INTRODUCED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 10th day of May, 2016.

ADOPTED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 14th day of June 2016.

EFFECTIVE the 5th day of July, 2016.

ATTEST:

CITY OF COLLEGE PARK

Janeen S. Miller
Janeen S. Miller, CMC, City Clerk

Patrick L. Wojahn
Patrick L. Wojahn, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Suellen M. Ferguson
Suellen M. Ferguson, City Attorney

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