

Town of Upper Marlboro

14211 School Lane • Upper Marlboro, Maryland 20772

**BOARD OF COMMISSIONERS
FOR THE
THE TOWN OF UPPER MARLBORO
2ND DRAFT**

ORDINANCE: 2017-03
SESSION: Town Worksession
INTRODUCED: August 8, 2017

AN ORDINANCE OF THE TOWN OF UPPER MARLBORO TO BE ENTITLED “COMMERCIAL PROPERTY STANDARDS OR ORDINANCE” AUTHORIZING THE TOWN TO ENFORCE CERTAIN STANDARDS PERTAINING TO THE UPKEEP AND MAINTENANCE OF COMMERCIAL PROPERTIES; THEREBY PROVIDING NEW SECTIONS OF TOWN LAW REGARDING THE ORDINANCE’S PURPOSE, AUTHORITY, DECLARATION OF INTEREST AND APPLICABILITY OF COUNTY LAW; STATING THE POWERS, DUTIES, & FUNCTIONS OF CERTAIN TOWN OFFICIALS; ADOPTING CERTAIN CODES BY REFERENCE; DEFINING CERTAIN TERMS; PROVIDING FOR CERTAIN PENALTIES AND LIENS FOR VIOLATIONS; PROVIDING A PROCESS TO PURSUE A RIGHT OF APPEAL OR WAIVER; PROVIDING FOR THE PROMULGATION OF RULES & REGULATIONS; PROVIDING A SEVERABILITY PROVISION AND ESTABLISHING CERTAIN FINES, OR CHARGES PERMITTED TO BE MODIFIED BY RESOLUTION; AND GENERALLY RELATING TO THE ENFORCEMENT OF PROPERTY STANDARDS AND ABATING NUISANCES.

WHEREAS, pursuant to § 82-16(1) (General Powers) of the Town Charter, the Board of Commissioners shall have the power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or the Town Charter as it may deem necessary for the good government of the Town; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town and visitors thereto and sojourners therein; and

WHEREAS, pursuant to § 82-16(2) (u) (Filth) of the Charter the Board shall have the power to compel the occupant of any premises, building or outhouse situated in the Town, when the same has become filthy or unwholesome, to abate or cleanse the condition; and after reasonable notice to the owners or occupants to authorize such work to be done by the proper officers and to assess the expense thereof against such property, making it collectible by taxes or against the occupant or occupants; and

WHEREAS, pursuant to § 82-16(2) (nn) (Nuisances) of the Charter the Board shall have the power to prevent or abate by appropriate ordinance all nuisances in the Town whether the same

be herein specifically named or not; to regulate, to prohibit, to control the location of, or to require the removal from the Town of all trading in, handling of, or manufacture of any commodity which is or may become offensive, obnoxious, or injurious to the public comfort or health; and

WHEREAS, pursuant to § 82-16(2) (aa) (Garbage) of the Charter the Board shall have the power to prevent the deposit of any unwholesome substance either on private or public property, and to compel its removal to designated points; to require slops, garbage, ashes and other waste or other unwholesome materials to be removed to designated points, or to require the occupants of the premises to place them conveniently for removal; and

WHEREAS, pursuant § 82-16(2) (hh) (Specific Powers; Liens) of the Charter the Board shall have the power to provide that any valid taxes, assessments or charges made against any real property within the Town shall be liens upon such property from the date they became payable; and

WHEREAS, pursuant § 82-18 (Enforcement) of the Charter to ensure the observance of the ordinances of the Town, the Board shall have the power to provide that violation thereof shall be a misdemeanor or municipal infraction, punishable as provided in Sec. 82–88 thereof; and

WHEREAS, pursuant to LG Art., § 5-205(d)(1) of the Annotated Code of Maryland, a municipality may establish and collect reasonable fees and charges associated with the exercise of a governmental or proprietary function exercised by the municipality.

NOW, THEREFORE, the Board of Commissioners of the Town of Upper Marlboro, State of Maryland, does ordain and enact as follows:

Commercial Property Standards Ordinance

SECTION 1: PURPOSE AND AUTHORITY

SECTION 2: APPLICABILITY OF THE ORDINANCE

SECTION 3: DECLARATION OF LEGISLATIVE INTEREST

SECTION 4: PRINCE GEORGE’S COUNTY ZONING ORDINANCE AND REGULATORY AGENCIES

SECTION 5: ADOPTION OF STANDARDS BY REFERENCE

SECTION 6: DEFINITIONS

SECTION 7: VIOLATIONS

SECTION 8: RENTAL PROPERTIES

SECTION 9: DUMPSTERS, SPECIALIZED TRASH AND GARBAGE RECEPTACLES

SECTION 10: ENFORCEMENT AND WAIVERS

SECTION 11: NOTICE OF VIOLATIONS; PENALTIES FOR VIOLATIONS; ABATEMENT AND SERVICE OF NOTICE

SECTION 12: REPEAT VIOLATIONS

SECTION 13: VACANT COMMERCIAL PROPERTIES

SECTION 14: SNOW REMOVAL FROM SIDEWALKS

SECTION 15: RIGHT TO APPEAL

SECTION 16: INTERPRETATION AND WAIVER

SECTION 17: RULES AND REGULATIONS

SECTION 18: SEPARABILITY

SECTION 19: FINE SCHEDULE

1. PURPOSE AND AUTHORITY

A. Purpose- The purpose of this Ordinance is designed to promote the economic well-being of the Town and to protect the health, safety, and welfare of Town residents, and individuals employed in or visitors to the Town from excessive accumulation of garbage, litter, refuse, rubbish and weeds on any improved or unimproved real property in the commercial or industrial zone as defined in the Prince George's County Zoning Ordinance or on any improved or unimproved real property assessed or taxed as commercial or industrial property; require owners of same to maintain the appearance, upkeep and good repair of structures on said property and the equipment on the structures and surrounding grounds; require owners to maintain the appearance, upkeep and good repair of surrounding grounds, parking lots, compactor, commercial garbage or refuse container or dumpster and garbage, refuse or recycling areas, enclosed or screened or not, including the aprons, curb, gutter and sidewalk in the State, County or Town right-of-way, and the line striping of directional arrows, handicap parking stalls, parking stalls and painting of curbs on-site; and require owners to keep property free of abandoned, junked, wrecked, untagged or unlicensed motor vehicles.

B. Authority – The authority to provide for the protection of the health, safety, comfort, convenience, or welfare of the residents of and visitors to the Town is generally provided for in Section 82-16– General Powers of the Town Charter.

2. APPLICABILITY OF ORDINANCE

The provisions herein shall apply to any improved or unimproved real property in the commercial or industrial zones located in corporate limits as defined in the Prince George's County Zoning Ordinance or to any improved or unimproved real property assessed or taxed as commercial or industrial property located within the corporate limits of the Town of Upper Marlboro including the abutting State, County or Town right-of-way.

3. DECLARATION OF LEGISLATIVE INTEREST

The Board of Commissioners finds and determines that excessive accumulation of garbage, litter, refuse, rubbish and weeds on any improved or unimproved real property in the commercial or industrial zone as defined in the Prince George's County Zoning Ordinance or any improved or unimproved real property assessed or taxed as commercial or industrial property; or failure to maintain the appearance, upkeep and good repair of structures on said property and the equipment on the structures and surrounding grounds; or failure to maintain the appearance, upkeep and good repair of surrounding grounds of said property, parking lots, compactors, commercial garbage or refuse containers or dumpsters and garbage, refuse or recycling areas, enclosed or screened or not, including the apron, curb, gutter and sidewalk in the State, County, or Town right-of-way and the on-site aprons, curbs, gutters, sidewalks, parking lots, storm water infrastructure, line striping of directional arrows, handicap parking stalls, parking stalls and painting of curbs; or failure to keep the property free of abandoned, junked, wrecked, untagged or unlicensed motor vehicles readily threatens or endangers the health, safety, comfort, convenience or welfare of the residents of and visitors to the Town and is hereby prohibited and declared to be a public nuisance subject to the penalties and procedures hereinafter prescribed.

4. PRINCE GEORGE'S COUNTY ZONING ORDINANCE AND REGULATORY AGENCIES

A. All applicable provisions of the Prince George's County Zoning Ordinance shall be taken into consideration when enforcing this Ordinance. The commercial zones in the Town of Upper Marlboro are C-O (Commercial Office), C-S-C (Commercial Shopping Center), and DDO (District Development Overlay). Any industrial zone in Town of Upper Marlboro is I-1 (Light Industrial) and the mixed- use zone is M-X-T (Mixed Use Transportation Oriented).

B. The uses permitted in the Commercial Zones are listed in the Uses Permitted Tables of Part 6, Section 27-461 of the Zoning Ordinance; for the Industrial Zones in the Uses Permitted Table of Part 7, Section 27-473; and for the Mixed Use for the Mixed Use – Transportation Oriented Zone in the Uses Permitted Table of Part 10, Section 27-547.

C. The rules and regulations of State or County agencies such as the Maryland State Department of the Environment shall be taken into consideration when enforcing this Ordinance.

5. ADOPTION OF STANDARDS BY REFERENCE

The Building Code of the Town of Upper Marlboro shall be the current Building Code of Prince George's County. The official Building Code of Prince George's County substantially adopting the International Building Code, 2015 Edition, and the Maryland Rehabilitation Code, as amended from time to time, and as adopted by the State of Maryland, and other related codes together with the changes, deletions, or modifications prescribed in said codes as amended from time to time, shall be the Official Building Codes of the Town of Upper Marlboro.

6. DEFINITIONS

In this Ordinance, the following words have the meanings indicated. Where terms are not defined, they shall have their ordinarily accepted meanings such as the context may imply.

Words used in the present tense include the future: words used in the masculine gender include feminine and neuter; and the singular includes the plural and the plural the singular.

A. Abandoned, Junked or Wrecked Motor Vehicles means any motor vehicle or not-over-the-road construction, grass cutting or like equipment, which is without current license tags; required registration documents, inoperable; dismantled; or wrecked.

B. Accessory Structure means a building or structure, the use of which is incidental to that of the main building, which is located on the property and under control of the owners or operators of such premises.

C. Agent means a person authorized on behalf of the landlord/owner to make, contract for, and authorize repairs to a property; receive and comply with orders, notices and requests of the Town; and accept all communications, notices, orders and all types of service of process, including but not limited to municipal violations and infraction citations relating to the property. The agent may be, but need not be, the operator of the property.

D. Appurtenance or Appurtenant Structure means all exterior decorative, aesthetic or other devices such as, but not limited to, cupolas, flower boxes, signage, that are attached to walls or railings, other parts of the structure, and exterior of the structure, which shall be maintained in a safe and weather-resistant condition. All dumpsters shall be enclosed in accordance to Prince Georges Code Landscaping Manuel.

E. Board of Town Commissioners means the sitting Board of Town Commissioners for Town of Upper Marlboro

F. Dumpster means any receptacle larger than a normal trash can utilized for collecting of trash or recyclable materials from single family residential properties

[E.] G. Extermination means the control and elimination of insects, rats or other pests by eliminating their harborage places: by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, and trapping; or by any other approved elimination methods.

[F.] H. Exterior Property Areas means all areas on unimproved real property or external to principal structure on improved real property including State or Town right-of-way and adjacent street curb, gutter and sidewalk. This definition specifically excludes any trees along or in the State or Town right-of-way unless the property owner planted the trees.

I. Garbage means animal or human feces or animal, mineral or vegetable waste resulting from the cooking, handling, preparing and serving of foods.

J. Graffiti means the drawings or inscriptions that have been scratched, painted, rubbed, etched, gouged, cut, engraved, or built on property, buildings or any surface, public or private, usually so as to be seen by the public; which mar, blemish, deface, disfigure, blight (reduce in value), cause deterioration, damage, loss, erosion, mutilation, corrosion, or tarnish to said property, building or surface.

K. Infestation means the presence within, or contiguous to, a structure or premises of insects, rats, vermin or other pests.

L. Litter and/or Rubbish means all combustible and noncombustible waste materials, except garbage; and the term shall include, but not be limited to, appliances and furniture, boxes, building and construction waste, cartons, excelsior, leather, metals, mineral matter, motor vehicle parts, packing material, paper, rags, rubber, yard and lawn clippings and trimmings, dead trees, tree branches and leaves, rubber, the residue from burning of wood, coal, coke, wood and other combustible materials which: 1. Create or tend to create a danger to the public health, safety, welfare or property to the extent and in the manner that a lot, parcel or tract of land, is, or may become, infested or inhabited by rodents, vermin or wild animals; or 2. May reasonably cause disease; or 3. Adversely may affect and/or impair the economic welfare or status of adjacent property or the neighborhood; or 4. May reasonably constitute a present or potential fire hazard.

M. Owner means one who has complete dominion over particular property and who is the one in whom legal or equitable title rests, when applied to a building or land. Owner means any part owner, joint tenant in common, tenant by the entirety, or joint tenant, of the whole or part of such building or land.

N. Paved Area means any asphalt, bluestone, brick, brick paver, concrete, gravel or other hard rock or paved surface.

O. Person means any individual, natural person, legal entity, joint stock company, partnership, voluntary association, society, club, firm, company, corporation, business trust, organization, owner, occupant, or any other group acting as a unit, principal or agent, or the manager, lessor, lessee, agent, servant, partner, member, director, officer or employee of any of them including an executor, administrator, trustee, receiver, or other representative appointed according to law.

P. Premises means a lot, plot or parcel of land including any structures thereon.

Q. Public Nuisance means situation, condition or action whereby an agent, owner, occupant, property manager or tenant creates an environment that is unsafe or threatens the health and welfare of the surrounding area or disturbs the public peace.

R. Board of Commissioners means the sitting Town Board of Commissioners for Town of Upper Marlboro.

S. Weeds mean brush, grass, weeds or any noxious growth. This excludes properly tended trees, ornamental shrubs, plants, flowers, vegetable plants, or undisturbed woodland, not otherwise in violation.

7. VIOLATIONS

The following are considered violations of this Ordinance and subject to fines and penalties as set forth in Section [40] 18 of this Ordinance:

A. All exterior property areas shall be maintained in a clean, safe and sanitary condition, free from any accumulation of debris, garbage, litter, refuse or rubbish.

B. All premises and exterior property areas shall be properly maintained in an attractive, presentable appearance free from weeds, grass in excess of six (6) inches tall other than annual or perennial cultivated flowers and plants, bushes, shrubs, garden and yard plantings; and trees, properly maintained by the owner or occupant, shall be allowed to accumulate or grow on any private premises or property in the Town of Upper Marlboro. All noxious and bamboo plants shall be prohibited. No vegetation shall be allowed to grow in or into the apron, or sidewalk either on-site or in the State, County or Town right-of-way.

C. All structures, exterior premises, and surrounding grounds or property shall be kept free from rodent harborage and infestation. Where rodents or an infestation of insects, termites, vermin or other pests are found, they shall be promptly exterminated at owner's expense by any approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

D. All premises and exterior property areas zoned as C-O, C-S-C, D-D-O and M-X-T as defined in the Prince George's County Zoning Ordinance shall be kept free of abandoned, junked, wrecked, untagged or unlicensed motor vehicles. No owner, lessee or occupant shall permit an abandoned, junked, wrecked, untagged or unlicensed motor vehicle to remain on such property except enclosed in a garage unless the vehicle is actively being inspected at a Maryland State Police authorized vehicle inspection station. All premises and exterior property zoned I-1 shall not permit abandoned, junked, wrecked, untagged or unlicensed motor vehicle unless there are provisions to the contrary in the Prince George's County Zoning Ordinance or a County or State agency regulation.

E. All aprons and sidewalks in the State, County, or Town right-of-way shall be kept free of debris, litter, refuse, rubbish, vegetation, snow and ice.

F. All shrubbery located on exterior property areas shall be maintained in such a way so as not to pose a danger or obstruction to adjoining property, persons walking on designated walking areas or obstructs line-of-sight at street intersections or along streets.

G. All bushes, shrubs, trees and other plantings on the premises or in the State or Town right-of-way shall be maintained in an attractive, presentable appearance.

H. Grass areas, yard and other unpaved areas shall not be used for the parking of boats, motor vehicles, trailers or similar items except where permitted in the Industrial Zone by the Prince George's County Zoning Ordinance. Exempted are vehicle (s) for which a written permit for same shall have been obtained from the Town Administrator or by action of the Board of Commissioners for a period not to exceed one year and such permit may be renewed only by action of the Town Administrator or Board of Commissioners.

I. Exterior property areas shall not be utilized for the open storage of bathroom or kitchen fixtures, building construction materials, furniture, motor vehicle parts, or lawn and garden equipment, irrespective of age or condition, except for outdoor lawn furniture or table and chairs for active restaurant facilities, or materials used in construction or renovation projects with County and Town permits or where permitted.

J. The storage of wood and other materials not prescribed by this Ordinance including compost piles shall be accomplished in a manner designed to avoid rodents, termites and other insect infestation. All exterior property areas shall be kept free of debris to prevent infestation by insects, rodents, vermin and other pests. If rodents, termites or insect infestation are found, they shall be promptly exterminated by the property owner by acceptable processes at the owner's expense, which will not be injurious to the health of humans or animals.

K. It shall be the responsibility of any property owner, lessee, agent, or other occupant, who possess animals on any property in the Town of Upper Marlboro to keep said animals in a safe and sanitary condition.

L. All on-site aprons, curbs, gutters, sidewalks, parking lots, parking spaces, stairs, storm water infrastructure, walkways and similar areas shall be kept in a proper state of cleanliness, have a maintained appearance, be in good repair and structurally sound, and maintained free from hazardous conditions. The owner shall maintain the appearance and keep in good repair all on-site line stripping of directional arrows, handicap-parking stalls, parking stalls, painted curbs and signage.

M. All structures and accessory structures shall be kept in a proper state of cleanliness, have a maintained appearance, be in good repair and structurally sound, maintained free from hazardous conditions and painted, if appropriate, including all equipment on all structures, accessory structures and surrounding grounds and including, but not limited to, commercial garbage or refuse container or dumpster and garbage, refuse, recycling or rubbish areas, enclosed or screened or not, compactor, fences, garages, and walls or retaining walls of any type. All commercial garbage or refuse container or dumpster, compactor, and garbage, refuse, recycling or rubbish areas are to be screened from view of adjoining properties or street in accordance with the Prince George's County Landscape Manual.

N. No owner shall allow unattended structures or property to become a public nuisance, safety or health hazard or condition to encourage trespassing.

O. All fences, walls, retaining walls and similar structures shall be of the height, size, type and location permitted by applicable Prince George's County Ordinances; be safe; have a maintained appearance; painted, if appropriate; in good repair and condition; and structurally sound,

P. All property owners are required to maintain the appearance, upkeep and in good repair all structures and accessory structures on the property and the equipment on the structures and on the surrounding grounds in accordance with the rules and regulations adopted from time to time by the Board of Commissioners and the provisions of the International Code Council International Building Code of America, as amended from time to time, and the Maryland Building Rehabilitation Code, as amended from time to time.

Q. All aprons and sidewalks in the State, County or Town right-of-way shall have a maintained appearance, be in good repair and structurally sound, and maintained free of hazardous conditions.

R. All premises shall be graded and maintained to prevent erosion of soil and to prevent the accumulation of stagnant water thereon or within any structure located thereon.

S. Owner is required to comply with all provisions, limitations and conditions on uses as permitted in the Prince George's County Zoning Ordinance.

T. Identification. All premises shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property.

8. RENTAL PROPERTIES

In order to ensure all Town residents and occupants, reside in a safe environment, the Town sets the below requirements for all rental properties located in commercial zones:

A. All rental properties located in Commercially Zoned areas shall be properly licensed and inspected as required by Prince George's County Code.

B. No property owner shall be allowed to operate a rental unit without compliance with this Ordinance.

C. It shall be the responsibility of Property Owners to provide adequate refuse collection services and parking to all tenants renting spaces in Commercially-zoned properties within Town.

9. DUMPSTERS, SPECIALIZED TRASH AND GARBAGE RECEPTACLES

Specialized trash and garbage receptacles means any receptacle larger than or different from a receptacle utilized for the collection of trash or recyclable materials from a single-family home.

- A. Enclosure required: All dumpsters including specialized/dedicated trash and garbage receptacles (including those that collect grease or other like material) shall be enclosed on all four (4) sides and sitting on a concrete slab. Such enclosures shall be opaque and the location of the dumpster or other specialized/dedicated trash/garbage receptacle shall not be visible from the exterior of said structure.
- B. Materials: All such structures shall be made of either masonry or wood in accordance with the Prince George's County Landscape Manual. The choice of material and color shall be determined by the type of development surrounding the location of the enclosure, as well as the zoning of such properties.
- C. Upkeep: Property owners are responsible for ensuring the dumpster enclosure is in good repair, free from the accumulation of litter/debris, is regularly emptied, and properly secured at all times.
- D. Existing dumpsters/dedicated trash/garbage receptacles: All existing dumpsters/specialized dedicated trash/garbage receptacles shall be enclosed by a structure as noted above which shall be completed by June 30, 2018. Extensions of this deadline may be granted for good cause by the Board of Town Commissioners. The Town Official shall review and approve such amendment which sites the structure in accordance with this Ordinance and the [~~Unified Land Development~~] Prince George's County Code. Appeals from any decision of the Town Code official shall be to the Board of Town Commissioners. No building permit will be issued, and no structure will be constructed except in conformity with the approved amended site plan.

10. ENFORCEMENT AND WAIVERS

A. It shall be the duty and responsibility of a sworn police officer or the appointed Code Enforcement Officer of the Town, to enforce the provisions of this Ordinance as herein provided.

B. The Board of Town Commissioners may waive applicability of this Ordinance to a property on application of the property owner if:

1. Adequate notice is given in a form and manner specified by the Town,
2. The owner is afforded an opportunity to comment on the complaint or matter either in writing or in person,
3. The waiver would not threaten the health or safety of any resident,

4. The strict application of this Ordinance would impose an unnecessary hardship on the owner,
5. The hardship results from conditions that are peculiar to the property, and
6. The hardship is not a self-created hardship.

**11. NOTICE OF VIOLATIONS [~~AND~~]; PENALTIES FOR VIOLATIONS;
ABATEMENT AND SERVICE OF NOTICE**

A. Whenever the Code Enforcement Official or designated representative determines that there are reasonable grounds to believe that there has been or is a violation of any provision of this Ordinance or of any rule or regulation adopted pursuant thereto, the Code Enforcement Official or designated representative shall give notice of such alleged violation to the person or persons responsible therefore, as hereinafter provided. Such notice shall:

1. Be in writing to both the property owner and tenant, if applicable;
2. Include a description of the real property sufficient for identification;
3. Include a statement of the reason why it is being issued;
4. Allow time, as set forth in this Ordinance, for the performance of any act it requires; and
5. Said notice shall contain an outline of remedial action, which, if taken, will effect compliance with the provisions of this Ordinance and with any rules and regulations adopted pursuant thereto.

B. In cases where the Code Enforcement Official or designated representative determines there has been a violation of Section 7.A., Section 7 B., Section 7 C., Section 7 D., Section 7.E., or Section 7.F. whereby all exterior areas are not in a clean, safe and sanitary condition, free from any accumulation of debris, garbage, litter or refuse, or rubbish; or grass is more than six (6) inches tall; or premises is not free of rodents or an infestation; or premises is not free of abandoned, junked, wrecked, untagged or unlicensed motor vehicles; or all aprons and sidewalks in the State, County, or Town right-of-way are not free of debris, litter, refuse, rubbish, vegetation, snow or ice; or if all shrubbery located on exterior property areas are not maintained in such a way as to not pose a danger or obstruction to adjoining property, persons walking on designated walking areas or obstructs line-of-sight at street intersections or along streets; such notice shall contain the requirement that the violation must be fully corrected within five (5) days from the date of the notice and that in the event the owner fails to do so within the five (5) day period, a second notice shall be sent advising the owner of the imposition of a charge or fine payable to the Town. In the event that the violation is not fully corrected within five (5) days of the date of the second notice, a third notice shall be sent advising the owner of the imposition of a further charge or fine. Each additional five (5) days thereafter that this violation exists will constitute an additional charge or fine. For each additional prescribed period that the violation is not fully corrected, notice will be issued of the fine amount as due and payable to the Town of

Upper Marlboro. Fines for failure to take remedial action shall be established in this Ordinance and shall not exceed the amount of one thousand dollars (\$1,000.00) per violation. Failure to pay fine(s) will result in the amount of any fine(s) imposed being recorded as a lien against the property and collected in the same manner as delinquent Town taxes.

C. In cases where the Code Enforcement Official or designated representative determines there has been a violation of Section 7.G. through Section 7.K., such notice shall contain the requirement that the violation must be fully corrected within fifteen (15) days from the date of the notice and that in the event the owner fails to do so within the fifteen (15) day period, a second notice shall be sent advising the owner of the imposition of a charge or fine payable to the Town. In the event the violation is not fully corrected within fifteen (15) days of the date of the second notice, a third notice shall be sent advising the owner of the imposition of a further charge or fine. Each additional fifteen (15) days thereafter that this violation exists will constitute an additional charge or fine. For each additional prescribed period that the violation is not fully corrected, notice will be issued of the charge or fine amount as due and payable to the Town of Upper Marlboro. Fines for failure to take remedial action shall be established from time to time by resolution of the Board of Commissioners and shall not exceed the amount of one thousand dollars (\$1,000.00) per violation. Failure to pay fine(s) will result in the amount of any fine(s) imposed being recorded as a lien against the property and collected in the same manner as delinquent Town taxes.

D. In cases where the Code Enforcement Official or designated representative determines there has been a violation of Sections 7.L. through Section 7.S., such notice shall contain the requirement that the violation must be fully corrected within thirty (30) days from the date of the notice and that in the event the owner fails to do so within the thirty (30) day period, a second notice shall be sent advising the owner of the imposition of a charge or fine payable to the Town. In the event that the violation is not fully corrected within thirty (30) days of the date of the second notice, a third notice shall be sent advising the owner of the imposition of a further charge or fine. Each additional thirty (30) days thereafter that this violation exists will constitute an additional charge or fine. For each additional prescribed period that the violation is not fully corrected, notice will be issued of the charge or fine amount as due and payable to the Town of Upper Marlboro. However, the Code Enforcement Official is authorized to work with the property owner to develop a corrective action plan and compliance time schedule to correct all infrastructure and equipment violations set forth in Sections 7.L. through 7.S. above and beyond the thirty (30) day compliance schedule. Fines for failure to take remedial action shall be established from time to time by resolution of the Board of Commissioners and shall not exceed the amount of one thousand dollars (\$1,000.00) per violation. Failure to pay fine(s) will result in the amount of any fine(s) imposed being recorded as a lien against the property and collected in the same manner as delinquent Town taxes.

E. Abatement of Original Violation by Town. The Town of Upper Marlboro shall have the right, after ten (10) calendar days of continued violation and one (1) calendar day of continued violation in the case of violations of Sections 7.A, 7.B., 7.C., 7.D., 7.E., or 7.F., to enter onto the

premises of the property in violation to abate any violation, the costs of which will be charged to the property owner. Failure to pay these costs within ten (10) days of the date of the notice will result in the filing of a lien against the property and collected in the same manner as delinquent Town taxes. Repeat violations may be abated in five (5) calendar days and any subsequent repeat violations may be abated immediately. Abatement by the Town does not constitute compliance. Action for abatement of Section 7.N. may include the boarding up or razing of building (s) on premises, the costs of which will be charged to the property owner. Failure to pay these costs within ten (10) days of the date of the notice will result in the filing of a lien against the property and collected in the same manner as delinquent Town taxes.

C. Service of notice that the premises or structure(s) is in violation shall be as follows:

1. By delivery to the owner or agent personally or by leaving the notice at the usual place of business of the owner or office of agent with a person of suitable age and discretion who shall be informed of the intent thereof; or
2. By certified or registered mail addressed to the owner or agent at the address provided to the Town by the owner as required by this Ordinance with postage prepaid thereon with return receipt requested, or if said letter is returned with receipt showing non-delivery, then
3. By posting a copy of the notice in a conspicuous place on the premises affected by such notice.

12. REPEAT VIOLATIONS

A. Any violations reoccurring within a twelve (12) month period shall be considered a repeat of the original violation. It shall be the responsibility of any owner or responsible person duly notified under the provisions of this section to fully correct the repeat violation charged within five (5) calendar days from the date of the notice for the repeat violation. Any subsequent repeat violation will be cause for immediate fine. However, the Code Enforcement Official shall have the authority to issue an immediate fine for repeat violations within a twelve (12) month period of Sections 7.A., 7.B., 7.C., 7.D., 7.E. or 7.F.

B. Upon noncompliance with the violation notice within the time limits imposed in this Section, a second notice shall be issued, in accordance with the notice requirements of this Ordinance, advising the person found in violation of the imposition of a fine payable to the Town of Upper Marlboro. In the event that the violation has not been fully corrected within the period prescribed in the second notice, a third notice shall be issued, in accordance with the notice requirements of this Ordinance, advising the person found in violation of the imposition of a further charge or fine payable to the Town of Upper Marlboro. For each additional prescribed period that the violation is not fully corrected, notice will be issued of the fine amount as due and payable to the Town of Upper Marlboro. Fines for failure to take remedial action shall be established by resolution of the Board of Commissioners and shall not exceed the amount of one thousand dollars (\$1,000.00) per violation. Failure to pay fine(s) will result in the amount of any fine(s) imposed being recorded as a lien against the property and collected in the same manner as delinquent Town taxes.

C. Abatement of subsequent violations. The Town of Upper Marlboro shall have the right, after five (5) calendar days of continued violation, and one (1) calendar day of continued violation of Sections 7.A., 7.B., 7.C., 7.D., 7.E., or 7.F. to enter onto the premises of the property in violation to abate any violation, the costs of which will be charged to the property owner. Failure to pay these costs within ten (10) days of the date of the notice will result in the filing of a lien against the property and collected in the same manner as delinquent Town taxes. Repeat violations may be abated in five (5) calendar days and any subsequent repeat violations may be abated immediately. Abatement by the Town does not constitute compliance as defined in Section 10. A.6. or Section 10. A.7. or Section 10. A. 8. Action for abatement of violation of Section 7.N. may include the boarding up or razing of buildings on premises, the costs of which will be charged to the property owner and, if not paid, the filing of a lien against the property and collected the same as delinquent Town taxes.

13. VACANT COMMERCIAL PROPERTIES

It is the responsibility of the property owner to meet all requirements after a business or tenant has vacated their property for over 30 days to ensure all tenant signage, and that the property is secure and in good repair.

14. SNOW REMOVAL FROM SIDEWALKS

Snow and ice shall be removed from sidewalks by the owner or occupant within twenty-four (24) hours of the last snowfall.

15. RIGHT TO APPEAL

A. Any person affected by any notice of violation may elect to appeal to the Board of Commissioners.

1. Any person affected by any notice of violation which had been issued in connection with the enforcement of any provision of this Ordinance may request and shall be granted a hearing on the matter by the Board of Commissioners, provided that such person shall within ten (10) days after service of a notice of violation, file with the Board of Commissioners 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 Board of Commissioners shall set a time and place for such hearing and shall determine appeals as promptly as practicable. The Town Board of Commissioners, with a quorum present, shall hear appeals.

2. After such hearing the Board of Town Commissioners may, by a majority of members present, affirm, amend, modify or withdraw the notice of violation that has been appealed. Any person who shall fail, refuse or neglect to comply with the decision of the Board of Commissioners shall be guilty of violating the provisions of this Ordinance.

3. In the event a person wishes to contest the decision of the Board of Commissioners, he or she may notify the Town of his or her intent within ten (10) days after the rendering of

the decision by the Board of Commissioners. In that event the Town shall issue a municipal infraction citation to the aggrieved person who may request a hearing in the District Court of Maryland pursuant to the Municipal Infraction procedure. The decision of the Board of Commissioners in such a case shall be stayed, pending a decision by the District Court. To the extent of this Section of the Ordinance, all violations of this Ordinance will be considered municipal infractions of the Town.

B. Failure to pay after adjudication or request of adjudication by the Town will result in the amount of any fine imposed being recorded as a lien against the property and collected in the same manner as delinquent Town taxes.

16. INTERPRETATION

The Upper Marlboro Board of Commissioners shall decide questions of interpretation of this Ordinance. Upon written request, the Board of Commissioners may waive or vary particular provisions of this Ordinance as provided in Section 10.

17. RULES AND REGULATIONS

The Board of Commissioners may pass such rules and regulations as are consistent with the purpose, intent and enforcement of this Ordinance.

18. SEPARABILITY

If any section or part of a section of this Ordinance shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Ordinance.

19. FINE SCHEDULE

Below is the fine schedule for violations within this Ordinance. Changes to the fine schedule must be made by the Board via an Ordinance amendment.

	Violations	1st Offense	2nd Offense	3rd Offense
1	Sec 14, Sec 7- A, B, C, D, E, F, G, H	\$50.00	\$75.00	\$100.00
2	Sec 7- I, J, K, L, M, N, O, P, Q, R, S, T	\$100.00	\$150.00	\$200.00
3	Section 8, Section 9, Section 13	\$150.00		
If violation not specifically listed above, it falls under Violation Fine Type 1				

AND BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that said Board may set the fines, penalties, and fees associated with violating this Ordinance from time to time by resolution.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that any prior ordinances adopting and enacting any provision of this Ordinance or any other ordinance or resolution previously adopted pertaining to a subject or subjects embodied by the title of this Ordinance or the provisions found in conflict herein shall be deemed repealed and superseded by the provisions of this Ordinance, and should a

previously enacted ordinance cover a provision or subject that is not covered by this Ordinance, it shall remain in full force and effect unless it directly conflicts with the express language of this Ordinance.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this Ordinance shall become effective at the expiration of twenty (20) calendar days following approval by the Board of Commissioners.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this Ordinance shall be posted in the Town Hall office, and it or a fair summary thereof, shall be published once in a newspaper of general circulation in the Town.

Adopted this _____ day of _____, 2017.

Ordinance 2017-03 Schedule:

Introduction:	August 8, 2017(Town Meeting)
Resident Requested Input Due-	August 21, 2017 by 12pm
Board Discussion/First Reading-	August 22, 2017 (Board Worksession)
Second Reading/Approval/Board Vote-	September 12, 2017 (Town Meeting)

**Above schedule subject to change by Board, check online or contact Town Hall for updates.*