

**ORDINANCES  
OF THE  
TOWN OF MORNINGSIDE**



**PRINCE GEORGE'S COUNTY  
MARYLAND**

REPRINTED: 3/19/19

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**AN ORDINANCE TO REPEAL  
 EXISTING ORDINANCES  
 AND TO  
 REENACT NEW ORDINANCES  
 OF  
 THE TOWN OF MORNINGSIDE  
 MARYLAND**

Section 1. Be It Ordained by the Town Council of Morningside, that all existing Ordinances adopted by the Town Council of Morningside, are hereby repealed; and in lieu thereof, the following Emergency Ordinances are respectively adopted, ratified, and enacted and ordained as the General Ordinances of the Town of Morningside and shall be effective on March 19, 2019.

Section 2. Be It Further Ordained by the Town Council of Morningside, that it shall not be necessary for the Council Secretary to record the aforesaid Ordinances, and that the printed copy of the said Ordinances with the original of this Ordinance hereto attached, shall be under the signature of the Council Secretary, attested by the seal of the Town, and shall be safely kept and preserved as and for the original of said Ordinances.

Section 3. Be It Further Ordained by the Town Council of Morningside, that should any section or part of a section of the aforesaid Ordinances, constituting the General Ordinances, be held to be invalid for any reason, such holding shall not be construed as affecting the validity of any remaining section or part of a section of such Ordinances or Article, it being the legislative intent of the Town Council of Morningside that the remainder of such Ordinance or Article shall stand, notwithstanding the invalidity of such section or part of a section.

Section 4. Be It Further Ordained by the Town Council of Morningside, that this Ordinance shall take effect on March 19, 2019.

\*/s/ signature on original  
BENNARD CANN, MAYOR

\*/s/ signature on original  
BRADLEY WADE, Vice Mayor

\*/s/ signature on original  
KATIE BLADE  
Council Member

\*/s/ signature on original  
SHARON FOWLER  
Council Member

\*/s/ signature on original  
TODD MULLINS  
Council Member

I, Karen D. Rooker, Council Secretary for the Town of Morningside, Maryland, a Municipal Corporation of the State of Maryland, do hereby certify that the foregoing is a true copy of the original Ordinances entitled, "An Ordinance to Repeal Existing Ordinances and to Reenact New Ordinances of the Town of Morningside, Maryland," passed by the Town Council of said municipal corporation on the 19<sup>th</sup> of March, 2019, and to take effect immediately.

In testimony whereof I have hereunto set my hand as Council Secretary and affixed the Seal of said Town of Morningside, this TBD.

(On original copy)

SEAL

\*/s/ signature on original  
Karen D. Rooker  
COUNCIL SECRETARY

\*original held on file by Town Clerk

Section 5. Be it ordained by the Town Council of Morningside that Chapters 4, 5, 6, 7, 16, and 17, are hereby repealed and the following number changes are adopted: Chapter 8 changed to Chapter 4, Chapter 9 changed to Chapter 5, Chapter 10 changed to Chapter 6, Chapter 12 changed to Chapter 7, Chapter 13 changed to Chapter 8, Chapter 14 changed to Chapter 9, Chapter 15 changed to Chapter 10, Chapter 18 changed to Chapter 11, Chapter 19 changed to Chapter 12, Chapter 20 changed to Chapter 13, Chapter 21 changed to Chapter 14, Chapter 22 changed to Chapter 15, Chapter 23 changed to Chapter 16, Chapter 23A changed to Chapter 16A, Chapter 24 changed to Chapter 17, Chapter 25 changed to Chapter 18. Chapter 19 approved by Council on Feb 20, 2018. Chapters 20, 21, 22, 23, 23-A, 24 and 25 are hereby deleted as of March 19, 2019.

(On original copy)

SEAL

\*/s/ signature on original  
Karen D. Rooker  
COUNCIL SECRETARY

\*/s/ signature on original  
BENNARD CANN, MAYOR

\*/s/ signature on original  
BRADLEY WADE, Vice Mayor

\*/s/ signature on original  
KATIE BLADE  
Council Member

\*/s/ signature on original  
SHARON FOWLER  
Council Member

\*/s/ signature on original  
TODD MULLINS  
Council Member

Pursuant to the authority of Article 11E of the Constitution of the State of Maryland and in accordance with Section 2 of Article 23A of the Annotated Code of Maryland (1957 edition as amended) title “Corporation Municipal”, and

WHEREAS, the Council of the Town of Morningside is desirous of updating all Chapters to the Code of the Town of Morningside.

NOW, THEREFORE, BE IT RESOLVED that all Chapters be updated as follows:

## **MUNICIPAL INFRACTIONS**

### 1. Definitions

Infraction. An infraction is any violation of this code, which violation has been specifically declared to be an infraction. For purposes of this code, an infraction is a civil offense.

Misdemeanor. A misdemeanor is:

- (a) a criminal offense, not amounting to a felony, arising from a violation a law of the State, which violation is defined as a misdemeanor, or
- (b) unless otherwise specified, a violation of any law of this town. All violations of this code shall be treated as misdemeanors unless specifically declared to be infractions.

### 2. Declaration of infraction; fine

The Council shall by official act declare the violation of which ordinance or ordinances shall be an infraction, or infractions, and for each such violation, a specific fine shall be set. The fine shall be expressed as a discrete amount rather than being expressed in terms of a maximum or minimum amount. The authority to declare infractions and set fines shall not be delegated by the Council to any other administrative or legislative body.

### 3. Issuance of citation

Those Code Enforcement Officials or Town Police authorized by the Council to enforce this code may deliver a citation to any person alleged to be committing an infraction. A copy of the citation shall be retained by the Town and shall bear the certification of the enforcing official attesting to the truth of the matter set forth in the citation.

The citation shall contain at a minimum the following information:

- (a) Name and address of the person charged;
- (b) The nature of the infraction;

- (c) The location and time that the infraction occurred or was observed;
- (d) The amount of the infraction fine assessed;
- (e) The manner, location, and time in which the fine may be paid to the Town; and
- (f) The right of the accused to stand trial for the infraction.

4. Payment of fine

The fine for an infraction shall be as specified in the law violated. The fine is payable by the recipient of the citation to the Town within (20) twenty calendar days from the date of the citation.

5. No formal hearing by Town

The Town shall not conduct any formal hearing for those persons in receipt of a citation of infraction. Any offender so cited may pay the fine as indicated in the citation or elect to stand trial for the offense. This provision shall not prevent an offender from requesting, either personally or through an attorney, additional information concerning the infraction.

6. Election to stand trial

A person receiving the citation for an infraction may elect to stand trial for the offense by notifying the Town in writing of their intention of standing trial within (20) twenty calendar days from the date of the citation. The notice shall be given prior to the date of payment as set forth in the citation. Upon receipt of the notice of the intention to stand trial, the Town shall forward to the District Court having venue a copy of the notice from the person who received the citation indicating their intention to stand trial. All fines, penalties, or forfeitures collected by the District Court for violations of infractions shall be remitted to the general fund of the Town.

7. Failure to pay fine

If a person receiving a citation for an infraction fails to pay the fine for the infraction or fails to file a notice of his intention to stand trial for the offense within (20) twenty days from the date of the citation, the fine may be double the stated amount. If after (20) twenty days from the date of issue, the citation has not been satisfied, the Town may request adjudication of the case through the District Court of Maryland.



8. Conviction not a criminal offense

Conviction of a municipal infraction, whether by the District Court or by payment of the fine to the Town, is not a criminal conviction for any purpose, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

9. Court proceedings and rights of accused

In any proceeding for a municipal infraction, the accused shall have the same rights as for the trial of criminal cases. They shall have the right to cross-examine witnesses against them, to testify or introduce evidence in their own behalf and to be represented by an attorney of their own selection and at their own expense.

10. Separability

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions whereof.

11. Fines

Fines will be imposed up to \$250.00 (two hundred-fifty) dollars for each first offense and \$500.00 (five hundred) dollars for each subsequent offense unless otherwise stated.

## GENERAL PROVISIONS

### Article 1. Construction and Effect of Ordinances

<u>Section</u>	<u>Title</u>
1-101.	How Codes Are Designated and Cited
1-102.	Definitions
1-103.	Catch Lines of Sections
1-104.	Effect of Repeal of Ordinances
1-105.	Provisions Deemed Continuations of Existing Ordinances
1-106.	Severability of Parts of Code
1-107.	Fines

#### Section 1-101.

##### How Codes Are Designated and Cited

The Ordinances embraced in the following chapters and sections shall constitute and be designated as “The Code of Ordinances of the Town of Morningside, Maryland,” and may so be cited. The Code may also be cited as “Morningside Town Code.”

#### Section 1-102.

##### Definitions

In the construction of this Code and all ordinances, the following general definitions shall be observed, unless such definitions would be inconsistent with the manifest intent of the Town Council.

Calendar year. The twelve month period beginning on January 1<sup>st</sup> of each year.

Charter. The word “Charter” shall mean the Charter of the Town of Morningside.

Council. The Council consists of the Mayor and four Council Members, all of whom are elected at large. All Council Members shall be elected to hold office for a term of two years. The Mayor shall be elected to hold office for a term of three years. All legislative powers of the Town are vested in this Council.

County. The words, “the County” or “this County” shall refer to Prince George’s County, Maryland.

Computation of time. The time within which an act is to be done shall be computed by excluding the first and including the last day; and if the last day is Saturday/Sunday or a legal holiday, that shall be excluded.

Fiscal Year. The twelve month period beginning on July 1<sup>st</sup> of each year.

Gender. The word they shall include all genders.

Joint authority. All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to majority of such persons or officers.

Keeper and proprietor. The words “keeper” and “proprietor” shall mean and include persons, firms, associations, corporations, clubs and co-partnerships, whether acting by themselves or a servant, agent or employee.

May. The word “may” is permissive.

Mayor. The Mayor is elected at large by voters of the Town for a term of three years. They serve as president of the Council, take part in all its discussions and may vote only in the case of a tie. They are recognized as the head of the Town government for ceremonial purposes. They also serve as the Chief Executive Officer and head of the administrative branch of the Town government.

Month. The word “month” shall mean a calendar month.

Number. Words used in the singular include the plural and the plural includes the singular numbers.

Oath. The word “oath” shall be construed to include an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words “swear” and “sworn” shall be equivalent to the words “affirm” and “affirmed.”

Owner. The word “owner,” applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land.

Person. The word “person” shall include a corporation, company, partnership, association or society as well as a natural person.

Personal property. Personal property includes money, goods, chattels, things in action and evidence of debt.

Preceding, following. The words “preceding” and “following” shall mean next before and next after, respectively.

Property. The word “property” shall include real and personal property.

Real property. Real property shall include lands, tenements and hereditaments.

Shall. The word “shall” is mandatory.

Sidewalk. A path or way, paved or unpaved, whether publicly or privately owned, intended for public use by pedestrians.

Signature or subscription. Signature or subscription includes a mark when the person cannot write, their name being written near it and witnessed by a person who writes their own name as witness.

State. The words “the state” or “this state” shall be construed to mean the State of Maryland.

Street. The word “street” shall include any public ways, roads, highways, and avenues within the Town.

Tenant, occupant. The words “tenant” and “occupant,” applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.

Time. Words used in the past or present tense include the future as well as the past and present.

Town. The words “the town” or “this town” shall mean the Town of Morningside, in the County of Prince George’s and State of Maryland, except as otherwise provided.

Writing. The word “writing” shall include printing.

Year. The word “year” shall mean a calendar year.

Section 1-103.

#### Catch Lines of Sections

The catch lines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, nor as any part of such sections, nor unless expressly so provided, shall they be deemed when any of such sections, including the catch lines, are amended or reenacted.

Section 1-104.

Effect of Repeal of Ordinances

The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

Section 1-105.

Provisions Deemed Continuations of Existing Ordinances

The provisions appearing in this Code, so far as they are the same in substance as ordinances existing at the effective date of this Code, shall be considered as continuations thereof and not as new enactments.

Section 1-106.

Severability of Parts of Code

It is hereby declared to be the intention of the Town Council that the sections, paragraphs, sentences, clauses and words of this Code are severable, and any word, clause, sentence, paragraph or section of this Code shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining words, clauses, sentences, paragraphs and sections of this Code, since the same would have been enacted by the Town Council without the incorporation in this Code of any such unconstitutional or invalid work, clause, sentence, paragraph or section.

Section 1-107.

Fines

Fines will be imposed up to two hundred – fifty dollars (\$250.00) for each initial violation and up to five hundred dollars (\$500.00) for each subsequent offense unless otherwise stated.

## CHAPTER 2

### GOVERNMENT ORGANIZATION

#### Article 1. Council Organization and Procedure

<u>Section</u>	<u>Title</u>
2-101.	Regular Meetings: Time and Place
2-102.	Order of Business
2-103.	Reading of Minutes
2-104.	Addressing the Council
2-105.	Addressing the Council After Motion is Made
2-106.	Manner of Addressing Council - Time Limit
2-107.	Silence Constitutes Affirmative Vote
2-108.	Decorum
2-109.	Enforcement of Decorum
2-110.	Persons Authorized to Be Seated at the Council Table
2-111.	Members May File Protests Against Council Action
2-112.	Claims Against Town
2-113.	Duties of Council Secretary
2-114.	Duties of Town Attorney
2-115.	Duties of Town Police Chief
2-116.	Duties of Town Engineer
2-117.	Duties of Treasurer
2-118.	Use of Personnel
2-119.	Compensation of Municipal Officers

2-120. Applicability

Section 2-101.

Regular Meetings: Time And Place

Meetings of the Council shall be as called for in the Charter, all parliamentary procedures shall be governed by Roberts Rule of Order, latest edition which are not in conflict with the Charter.

Section 2-102.

Order of Business

All scheduled meetings of the Council shall be open to the public, except when the Council meets in Executive Session. The business of the Council shall be taken up for consideration and disposition in the following order:

- (1) Call to order.
- (2) Roll Call.
- (3) Pledge of Allegiance.
- (4) Approval of minutes of previous meeting.
- (5) Introduction and adoption of resolutions and ordinances.
- (6) Report of Officers - Boards - Committees.
- (7) Unfinished business.
- (8) New business.
- (9) Miscellaneous/Open Forum.
- (10) Adjournment.

Section 2-103.

Reading of Minutes

Unless a reading of the minutes of a Council meeting is requested by a member of the Council, such minutes may be approved without reading if the Council Secretary has previously furnished each member with a copy thereof.

Section 2-104.

Addressing the Council

Any person desiring to address the Council shall first secure the permission of the Presiding Officer to do so; provided, however, that under the following headings of business, unless the Presiding Officer rules otherwise. Failure to secure of said permission may cause removal of the person from the proceedings.

1. Written communications: Interested parties or their authorized representative may address the Council by written communications in regard to matters then under discussion.

2. Oral communications: Residents or Taxpayers of the Town, or their authorized legal representatives, may address the Council by oral communications on any matter concerning the Town business, or any matter over which the Council has control: provided, however, that preference shall be given to those persons who may have notified the Council Secretary in advance of their desire to speak in order that the same may appear on the agenda of the Council.
3. Reading of protests, etc.: Residents or Taxpayers of the Town or their authorized representatives may address the Council by reading of protests, or communications relating to zoning, sewer and street proceedings, hearings on protests, appeals and petitions, or similar matters, in regard to matters then under consideration.

Section 2-105.

#### Addressing the Council After a Motion is Made

After a motion is made by the Council, no person shall address the Council without first securing the permission of the Presiding Officer to do so.

Section 2-106.

#### Manner of Addressing Council - Time Limit

Each person addressing the Council shall step up to the designated area, shall give their name in an audible tone of voice for the records, and unless further time is granted by the Council, shall limit their address to (3) three minutes. All remarks shall be addressed to the Council as a body and not to any member thereof. No person, other than the Council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Presiding Officer. No question shall be asked a Council member except through the Presiding Officer. The foregoing shall not apply to members of the Council or the Mayor.

Section 2-107.

#### Silence Constitutes Affirmative Vote

Unless a member of the Council states that they are not voting or abstaining, their silence shall be recorded as an affirmative vote.

Section 2-108.

#### Decorum



1. By Council members: While the Council is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking or refuse to obey the orders of the Council or its Presiding Officer, except as otherwise herein provided.
2. By persons: Any person making personal, impertinent, or slanderous remarks or who shall become boisterous while addressing the Council or who is otherwise causing a disturbance shall forthwith, by the Presiding Officer, be ejected from further audience before the Council, unless permission to continue be granted by a majority vote of the Council, and shall be removed from the building.
3. By Mayor: If the presiding officer is the person causing the delay or interruption of the proceeding then the second in command (Vice Mayor) may call for the meeting to immediately adjourn with the majority vote of the Council.

Section 2-109.

#### Enforcement of Decorum

The Chief of Police, or such member or members of the Police Department as they may designate, shall be Sergeant-at-Arms of the Council meetings. They shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum at the Council meeting. Upon instructions of the Presiding Officer, it shall be the duty of the Sergeant-at-Arms to place any person who violates the order and decorum of the meeting under arrest, and cause him to be prosecuted under the provisions of this Code, with the complaint to be signed by the Presiding Officer.

Section 2-110.

#### Persons Authorized to be Seated at the Council Table

No person, except Town officials, or their representatives, shall be permitted to be seated at the Council Table unless granted permission to do so by the Presiding Officer.

Section 2-111.

#### Council Members May File Protests Against Council Action

Any Council Member shall have the right to have the reasons for their dissent from, or protest against, any action of the Council entered in the minutes.

Section 2-112.

#### Claims Against Town

No account or other demand against the Town shall be allowed until the same has been considered and reported upon by the Council.

Section 2-113.

Duties of Council Secretary

The duties and responsibilities of the Council Secretary are as follows:

1. Shall keep accurate records of all public and official meetings.
2. Shall prepare and maintain an accurate record of correspondence.
3. Shall prepare, maintain and distribute copies of the minutes and incoming mail to the Mayor, Council and to all Departments.
4. Shall assist the Mayor and Council in preparation of official correspondence.
5. Shall assist the Police Department in preparation of official correspondence as required.

Section 2-114.

Duties of Town Attorney

The Town Attorney shall provide all legal advice deemed necessary by the Mayor and Council and represent the Town in litigation, when required.

Section 2-115.

Duties of Town Police Chief

The Chief of Police shall be responsible for the execution of procedures, management and leadership of the Police Department as set forth by the Mayor and Council and will enforce all Town, State, County and Federal Laws then in effect, committed in their presence or under their cognizance. They will ensure that all properties and powers entrusted to them are not abused.

Section 2-116.

Duties of Town Engineer

The Town Engineer shall provide technical and consulting advice to the Mayor and Council as required.

Section 2-117.

#### Duties of Treasurer

The Treasurer shall be responsible to the Council through the Mayor for the maintenance of the general accounting system, the disbursement of monies, the preparation of budget information, and fiscal reports, the distribution of tax bills and collection of Town taxes, and such other related duties as may be established by the Council.

Section 2-118.

#### Use of Personnel

The Mayor, with the approval of the Council, shall have the authority to employ personnel in dual capacities, on an interdepartmental basis within the Town if such employment shall be deemed necessary in the interests of economy and efficiency.

Section 2-119.

#### Compensation of Municipal Officers

The Mayor and Council may fix by ordinance the stipends of its Municipal Officers and that the agreed upon stipends shall take effect (20) twenty calendar days following passage by the Mayor and Council, provided that a fair summary of the ordinance is published at least once prior to its date of passage in the Town newsletter.

Section 2-120.

#### Applicability

The provisions of this article shall not be construed in such a manner as would render them in conflict with the provisions of the Town Charter or the Personnel Chapter.

## CHAPTER 3

### ELECTIONS

#### Article 1. Voter Registration

<u>Section</u>	<u>Title</u>
3-101.	Registration
3-102.	Vote count

Section 3-101.

#### Registration

Qualified residents may register to vote in Town elections by completing a form prescribed by the Town Council. Residents may register any time up to (30) thirty days before any special election. The first Monday in April shall be the final day to register for voting in General Town Elections. The completed prescribed forms may be mailed or hand delivered, but must be delivered to the Board of Supervisors of Elections by the dates prescribed in this Ordinance.

Section 3-102.

#### Vote Count

Within (24) twenty-four hours after 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 to the Secretary of the Town who shall record the results in the minutes of the Council. The candidate for Mayor with the highest number of votes shall be declared elected as Mayor. The two candidates for election as Council Members with the highest number of votes shall be declared elected as Council Members. A tie vote shall be decided by special election between the tied candidates. Write-in votes and absentee ballots shall be valid at all times. Absentee ballots must be received by the Board of Elections Supervisors prior to the closing of the polls on election day to be counted.

## CHAPTER 4

## **PUBLIC SAFETY**

### Article 1. Fire Prevention

<u>Section</u>	<u>Title</u>
4-101.	Adoption of Prince George's County Fire Code

Section 4-101.

#### Adoption Of Prince George's County Fire Code

The Prince George's County Fire Code is adopted by reference and is made a part of this Ordinance.

## **CHAPTER 5**

## PEACE AND ORDER

### Article 1. In General

<u>Section</u>	<u>Title</u>
5-101.	Adoption of Prince George's County Peace and Order Codes along with Town of Morningside Codes which are stricter than the County.
5-102.	Interference With Official Duties
5-103.	False Misrepresentation of Law Enforcement Officials
5-104.	Unlawful Assembly
5-105.	Disturbing Religious Meetings, Etc.
5-106.	Tumultuous Assembly and Disorderly Conduct
5-107.	Intentionally Left Blank
5-108.	Throwing Glass, Refuse, Etc., Upon the Streets
5-109.	Obstruction of Vehicles
5-110.	Destruction of Private Property
5-111.	Disturbing the Public Peace
5-112.	Disorderly Conduct on Public or Private Property
5-113.	Unlawful Peeping
5-114.	Indecent Exposure
5-115.	Disorderly House
5-116.	Gambling House
5-117.	Burning Within the Town Limits
5-118.	Animal Fights
5-119.	Intentionally Left Blank
5-120.	Loitering of Minors During Specified Hours

5-121. Severability

Section 5-101.

Adoption Of Prince George's County Peace and Order Code

Adoption of Prince George's County Peace and Order Codes along with Town of Morningside Codes which are stricter than the County.

Section 5-102.

Interference With Official Duties

No person shall resist or interfere with any officer of the Town in the legal performance of his duties.

Section 5-103.

False Misrepresentation Of Law Enforcement

The Town adopts the State Law and penalties for this infraction. It shall be unlawful for any person to falsely represent themselves as being a member of the police force of the State, or of any county or municipal corporation of the State, or to represent themselves as a sheriff, deputy sheriff or constable, or to have, use, wear, or display, any uniform, shield, button ornament, badge, shoulder patch, such as are worn by the members of the respective police forces or sheriff or constable, or to have any simulation or imitation of such articles for the purpose of deception, without the authority of the Superintendent of State Police, or the Chief of Police of any county or municipal corporation, or of a sheriff, deputy sheriff or constable

Section 5-104.

Unlawful Assembly

It shall be unlawful for any person or persons within the Town of Morningside to congregate and assemble in any street, road, or highway, or in or around any public building or enclosure, or any park or reservation, or at the entrance of any private building or enclosure, and engage in loud and boisterous talking or other disorderly conduct; or to insult, taunt, or threaten, or make rude or obscene gestures or comments or observations on persons passing by, or in their hearing; or to crowd, obstruct, or incommode, the free use of any such street, road, highway, or any of the foot pavements thereof, or the free entrance into any public or private building or enclosure. **Penalty for violation shall be (\$250.00) two-hundred fifty dollars, per event.**

Section 5-105.

Disturbing Religious Meetings, Etc.

It shall be unlawful for any person to willfully interrupt or disturb any religious congregation, society, meeting or Council meeting, by blowing horns, exploding firearms, auto racing, noisy, riotous, or disorderly conduct or conversation. **Penalty for violation shall be (\$250.00) two-hundred fifty dollars, per event.**

Section 5-106.

Tumultuous Assembly and Disorderly Conduct

It shall be unlawful for any person or persons within the Town of Morningside to:

1. Congregate with others under circumstances that a breach of the peace may be occasioned thereby, or congregate with others with intent to provoke a breach of the peace, on a public street, road or highway, or in or around any public building or enclosure, or at the entrance of any private building or enclosure, and refuse to move or when ordered to do so by a police officer. The offense under this subsection shall arise and be committed upon the refusal of the person or persons in the circumstances herein mentioned to disband and move on when so directed by the police officer.
2. Congregate and assemble in any street, road, or highway, or in or around any public building or enclosure, or at the entrance of any private building or enclosure, in such violent and turbulent manner as is calculated to terrify others, or to congregate and assemble in such places to engage in turbulent, tumultuous conduct as may threaten a breach of the peace or be the occasion of a breach of the peace or disorderly conduct. **Penalty for violation shall be (\$250.00) two-hundred fifty dollars, per event.**

Section 5-107.

Intentionally Left Blank

Section 5-108.

Throwing Glass, Refuse, Etc., Upon The Streets

No person shall throw any stone, fireworks, or other missile-type object in the Town in any way that is likely to harm or injure any person or property, or in such a 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. Sports equipment is exempt from this section. **Penalty for violation shall be (\$250.00) two-hundred fifty dollars, per event.**

Section 5-109.

Obstruction of Vehicles

No person shall deliberately obstruct or hinder the free passage of persons or vehicles along any street of the Town except as may be necessary in the normal maintenance and repair, or as a precautionary measure to protect life, health, or property. **Penalty for violation shall be (\$250.00) two-hundred fifty dollars, per event.**

Section 5-110.

Destruction of Private Property

It shall be unlawful for anyone to willfully and/or maliciously destroy, injure, deface or molest any real or personal property of another. **Penalty for violation shall be (\$250.00) two-hundred fifty dollars, per event.**

Section 5-111.

Disturbing the Public Peace

No person shall disturb the peace and quiet of any neighborhood by loud and unseemly noises or music – especially during the hours of 10pm – 7am - Sunday through Thursday and Midnight (12am) – 7am – Friday through Saturday, or by fighting, by using profane or vulgar language, by making rude or insulting remarks, by being impaired by drugs and/or alcohol, or by being disorderly; nor shall any person disturb or interfere with any religious worship or other legal public meeting. **Penalty for violation shall be (\$250.00) two-hundred fifty dollars, per event.**

Section 5-112.

Disorderly Conduct on Public or Private Property

It shall be unlawful for any person to willfully engage in conduct, in a disorderly manner by making loud and unseemly noises, or by profanely cursing or swearing or using obscene language, or by acting any other type of disorderly manner whether on public or private property. **Penalty for violation shall be (\$250.00) two-hundred fifty dollars, per event.**

Section 5-113.

Unlawful Peeping

It shall be unlawful for any person to enter upon the lands or premises of another for the purpose of invading the privacy of the occupants of any building or enclosure located thereon, by looking into any window, door, or other aperture of such building or enclosure. **Penalty for violation shall be (\$250.00) two-hundred fifty dollars, per event.**

Section 5-114.

Indecent Exposure

No person shall indecently expose their body, or aid or assist in the indecent exposure of the body of any other person. **Penalty for violation shall be (\$250.00) two-hundred fifty dollars, per event.**

Section 5-115.

Disorderly House

No person shall keep a disorderly house within the Town. Within the meaning of this section, a disorderly house is any property or building in connection with which immoral or illegal acts are committed with the knowledge of the owner or other person responsible for the use of the building. **Penalty for violation shall be (\$250.00) two-hundred fifty dollars, per event.**

Section 5-116.

Gambling House

No person shall operate a gambling house or a place where wagers or bets of any kind are taken within the Town; nor shall any person knowingly rent or lease any building or any portion thereof for such use. **Penalty for violation shall be (\$250.00) two-hundred fifty dollars, per event.**

Section 5-117.

Burning Within the Town Limits

Except as specifically authorized by the Town Council, no person shall burn any material on any of the streets or other public or private properties of the Town. **Penalty for violation shall be (\$250.00) two-hundred fifty dollars, per event.**

Section 5-118.

Animal Fights

No person shall hold, or aid or abet the holding of any animal fight, and/or no person shall be cruel in any other manner, whether by positive action or by neglect, to any animal. **Penalty for violation shall be (\$250.00) two-hundred fifty dollars, per event.**

Section 5-119.

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Section 5-120.

Loitering of Minors During Specified Hours

- a. Prohibitions. It shall be unlawful for any juvenile to loiter in any public place or in any place open to the public in the Town of Morningside between the hours of 10:00 p.m. of any day and 6:00 a.m. of the following day. Any juvenile found loitering during the prescribed hours and in the prescribed places shall be subject to the provisions of Subsection b. It shall be unlawful for any parent or guardian of a juvenile knowingly to permit such juvenile to loiter in such place during the above mentioned hours.
- b. Procedures. Any police officer finding a juvenile loitering as set forth in Subsection a, shall ascertain the name and address of such juvenile and warn them to desist from so loitering and direct them to proceed to their home or, for a legitimate purpose, to some other destination, and the police officer shall report such action to the Chief of Police of the Town for transmittal to the Town Council. The police officer may accompany or escort the juvenile to the juvenile's home, or to the other destination for which the juvenile is traveling for a legitimate purpose if the officer believes such course is required to preclude further loitering by the juvenile. If the juvenile heeds the warning and direction of the police officer and gives such officer his correct name and address, the juvenile's unlawful conduct on the first occasion of loitering shall not be further prosecuted nor will a formal complaint be issued for or on account of such loitering on the first occasion thereof, unless such conduct is but one of several offenses committed during the same transaction; if this is the case, the unlawful act of loitering may be prosecuted together with such other offenses. It shall be unlawful for any juvenile to refuse to heed the warning or direction by the police officer or refuse to give such police officer their correct name and address, and upon any such refusal, they shall be taken into custody by the said officer and a complaint for the violation of this Ordinance shall be issued.
- c. Upon receipt by the Chief of Police of a report of action taken by a police officer pursuant to Subsection a, or a report of a violation of Subsection b; the Chief of Police shall cause notice to be given personally to the parent or guardian of the juvenile involved, specifying the details of such action or the manner in which Subsection a or

Subsection b has been violated. Every parent or guardian to whom notice has been given and who thereafter has such a juvenile in his care, custody and control that loiters as set forth in Subsection a shall be deemed to knowingly have violated Subsection a. **Penalty for the first offense will be a verbal warning and each subsequent offense or event shall be (\$250.00) two-hundred fifty dollars payable within (20) twenty calendar days.**

Section 5-121.

Severability

If any provision of this Ordinance or its application to any person or circumstances shall be held invalid, the remainder of the Ordinance or the application to other persons or circumstances shall not be affected.

## **CHAPTER 6**

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**CHAPTER 7**

**LEGAL PROTECTION**

Article 1. Protection

Section	Title
7-101.	Legal Defense and Further Indemnification For Damages and Loss of Town Officials and Employees

In General

1. The Town of Morningside shall provide for proper legal defense of its officials and employees when they are parties to suits arising from the lawful performance of their official duties. The Town Attorney may be used in this defense or the Town Council may provide special legal counsel when it would not be appropriate or convenient for the Town Attorney to conduct the defense. The Town Council may appropriate funds to defray the costs of any such special legal defense, including the costs of insurance policies or other programs offering such protection.

2. In addition to the proceeding, the Town of Morningside shall provide for the indemnification of its officials and employees when they are parties to suits arising from the lawful performance of their official duties, either by permitting suits against the Town government or paying all damages, with the condition that if a public official were found guilty of deliberate tort, malicious act, or civil rights violation, the government would be entitled to reimbursement from the public official or employee.

**CHAPTER 8**  
**SOIL CONSERVATION**

Article 1. In General

Section Title

- 8-101. Adoption of Prince George's County DPIE Codes for Soil Conservation
- 8-102. Applicability
- 8-103. Standards
- 8-104. Violations and Penalties

Section 8-101.

Adoption of Prince George's County DPIE Codes for Soil Conservation

For this section, the Codes for Soil Conservation from Prince George's County DPIE will be adopted by reference.

Section 8-102.

Applicability

The provisions of this Ordinance shall apply to any construction activity, public or private and including work performed by the Town of Morningside, which involves the clearing, grading, or movement of earth within the Town of Morningside. The provisions of this Ordinance shall not apply to normal street repairs or small construction projects in which the amount of disturbed area is less than five thousand (5,000) square feet, and/or one hundred (100) cubic yards.

Section 8-103.

Standards

For the purpose of this Ordinance, the said conservation standards currently in effect in Prince George's County, regulating similar clearing, grading and construction operations within the County generally, are hereby made effective within the Town of Morningside.

Section 8 – 104.

## Violations and Penalties

For the purpose of this Ordinance, the said violations and penalties which are currently in effect in Prince George's County, regulating similar clearing, grading and construction operations within the County generally, are hereby made effective within the Town of Morningside.



# NEPOTISM

## Article 1. In General

<u>Section</u>	<u>Title</u>
9-101.	Influence Hiring
9-102.	Relatives Employed
9-103.	Persons Serving on the Town Council
9-104.	Employees of Town Serving on Town Council
9-105.	Exclusion of Article
9-106.	Penalty

Section 9-101.

### Influence Hiring

It shall be unlawful for the Mayor, any Council Member, appointed official or employee of the Town of Morningside to attempt to influence the hiring of any relative by coercion, intimidation or by any other means.

Section 9-102.

### Relatives Employed

No relative shall be employed by the Town of Morningside to a position that is less than three lines of supervision removed from the family member employed, appointed or elected to a public office within the Town.

Section 9-103.

### Persons Serving on the Town Council

Persons residing at the same address whether related or not shall not serve concurrently on the Town Council in any capacity.

Section 9-104.

### Employees of Town Serving on Town Council

Any person employed by the Town who wishes to pursue an elected position on the Town Council shall immediately vacate and/or resign their position with the Town upon election and swearing-in to said office.

Section 9-105

Exclusion of Article

Any member of a family presently employed, appointed or elected shall be excluded from the provisions of Section 9-102 until one or the other or all vacate the position held. When a position is vacated, Section 9-102 shall become effective and valid.

Section 9-106.

Penalty

Every person who shall violate the provisions of this article shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than **two hundred and fifty dollars (\$250.00)** or by imprisonment for not more than thirty (30) days or both fine and imprisonment at the discretion of the court. The party aggrieved shall have the right of appeal as is now provided under the general laws of the State.

**CHAPTER 10**

**CONFLICT OF INTEREST**

Article 1. In General

<u>Section</u>	<u>Title</u>
10-101.	Application
10-102.	Prohibited Conduct
10-103.	Disclosure and Nonparticipation, Ex Parte Communications
10-104.	Effect of Conflict of Interests
10-105.	Violations and Penalties
10-106.	Ethics Applicability
10-107.	Ethics Commission
10-108.	Ethics Conflicts of Interest
10-109.	Ethics Financial Disclosure Local Elected Officials and Candidates For Same
10-110.	Ethics Financial Disclosure Employees and Appointed Officials
10-111.	Ethics Exemptions and Modifications
10-112.	Ethics Enforcement

Section 10-101.

Application

The provisions of this article shall apply to all officers and employees of the Town of Morningside, and to the Mayor, the Town Council, the Town Attorney and all other officers, employees and persons hired or appointed by or under the authority of the Mayor or the Town Council.

Section 10-102.

Prohibited Conduct

1. No official shall

- (1) Decide or participate in a decision in which they have a financial interest as owner, member, partner, officer, employee, stockholder or other participant of or in any private business or professional enterprise that will be affected by such decision, nor shall an official knowingly participate in a decision affecting a person related to them or their spouse, such as father, mother, brother, sister or child. This subsection shall not be construed to prohibit an official from having or holding private investment, business or professional interests, but shall be construed to apply when such interests are, or reasonably may be, in conflict with the proper performance of duty by the official. Such interests shall be presumed to be in conflict with the proper performance of duty by the official when the official or their spouse, or the father, mother, brother, sister, or child of either, jointly or severally, owns a total of more than three per centum (3%) of the invested capital or capital stock of any groups, firms, corporations, or associations involved in the decision being made by the official or their agency, or receives a total combined compensation of more than five thousand dollars (\$5,000) per year from any individual, group, firm, corporation or association involved in the decision being made by the official or their agency. Such presumption shall not be construed to apply to or include an interest or investment in land geographically remote from the land involved in the decision, a possibility of reverter, a mortgage, or other security interest in which the real party in interest is not as otherwise defined in this subsection.
- (2) Act as broker, agent, attorney, representative or employee of any person in their business dealings with the Town or represent private interests before the Town; nor shall the official decide or participate in a decision on any matter in which a close business or professional associate has acted in any of these capacities or represented private interest before the Town.
- (3) Solicit or accept any gift, favor, loan, service, promise, employment, or thing which might influence or tend to influence the proper performance of their duty.
- (4) Voluntarily appears as attorney, counsel, or otherwise represent private interests or give opinion evidence against the interests of the Town in any action or proceedings in which the Town, or any official of the Town acting in their official duty, is a party, except where the interests of the Town are incompatible or adverse one to the other, and the official has been assigned to so appear or give evidence in accordance with their duty.

- (5) Disclose any confidential information concerning the property, management or affairs of the Town, or use such information to advance the financial or other private interests of themselves or other persons.
  - (6) Attempt to influence, for a purpose contrary to the provisions of this Article, any other Town official in the conduct of the other official's duties.
2. No part of this Article shall be construed to prohibit an official from appearing in the pursuit of his private interests as a citizen; or from accepting or receiving any benefit by operation of law, or prosecuting or pursuing any claim, right, privilege or remedy which is theirs by operation of law.

Section 10-103.

Disclosure and Nonparticipation, Ex Parte Communications

1. When an official has any interest, as described in this Article which is, or reasonably may be, incompatible with or in conflict with any of their official duties or acts, they shall disclose such interest either publicly or to their superior, whichever shall apply, and they shall disqualify themselves and not participate in the decision or the act affected thereby.
2. An official shall not consider any ex parte or private communication from any person, whether oral or written, which they knows is, or reasonably may be, intended to influence unlawfully the decision on the merits of any matter where a determination is required by law to be made on a record after opportunity for hearing to interested persons. Any such ex parte or private communication received and considered shall be made a public record by the recipient, or reported to their superior, whichever shall apply, and if made orally, shall be written down in substance for this purpose by the recipient.

Section 10-104.

Effect of Conflict of Interests

If, because of disqualification or disqualifications by interest under the provisions of this Article, less than a quorum of the Town Council is available to act upon any particular matter, the remaining member or members shall constitute a quorum and shall have authority to transact any business to the extent permitted by law; provided that this shall not be construed to permit transaction or business contrary to the quorum requirements or other provisions of State or other law.

Section 10-105.

Violations and Penalties

Any official convicted of violating any provisions of this Article shall be guilty of a misdemeanor and shall be punishable by a fine of not more than two hundred and fifty dollars (\$250.00) or thirty (30) days in jail, or both such fine and imprisonment, or by suspension from office or employment for not more than six (6) months, or by outright forfeiture and removal from office, or by any combination of these, as in the discretion of the court shall be fit and proper.

#### Section 10-106

##### Applicability – Ethics Provision

Pursuant to State Government Article, §§15-205, 15-206, and Title 15, Subtitle 8, Annotated Code of Maryland, the Town of Morningside has the authority to pass ordinances authorizing the amendment of Chapter 10, Conflict of Interest by creating Section 10-106, Ethics Provision. The provisions of this section apply to all elected officials, employees, and appointees to boards and commissions of the Town.

#### Section 10-107

##### Ethics Commission

- (a) There is a Town Ethics Commission that consists of three (3) members appointed by the Mayor or other chief Executive Officer.
- (b) The Commission shall:
  - (1) Devise, receive, and maintain all forms required by this chapter;
  - (2) Develop procedures and policies for advisory opinion requests and provide published advisory opinions to persons subject to this chapter regarding the applicability of the provisions of this chapter to them;
  - (3) Develop procedures and policies for the processing of complaints to make appropriate determinations regarding complaints filed by any person alleging violations of this chapter; and
  - (4) Conduct a public information program regarding the purposes and application of this chapter.
- (c) The Town Attorney shall advise the Commission.
- (d) The Commission shall certify to the State Ethics Commission on or before October 1 of each year that the Town is in compliance with the requirements of State Government Article, Title 15, Subtitle 8, Annotated Code of Maryland, for elected local officials.
- (e) The Commission shall determine if changes to this chapter are required to be in compliance with the requirements of State Government Article, Title 15, Subtitle 8, Annotated Code of Maryland, and shall forward any recommended changes and amendments to the Town Council for enactment.

(f) The Commission may adopt other policies and procedures to assist in the implementation of the Commission's programs established in this chapter.

#### Section 10-108

##### Conflicts Of Interest

(a) In this section, "qualified relative" means a spouse, parent, child, or sibling.

(b) All elected officials, officials appointed to the boards and commissions subject to this chapter, and employees are subject to this section.

(c) Participation prohibitions. Except as permitted by Commission regulation or opinion, an official or employee may not participate in:

(1) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision of the matter, any matter in which, to the knowledge of the official or employee, the official or employee, or a qualified relative of the official or employee has an interest.

(2) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision with respect to the matter, any matter in which any of the following is a party:

(i) A business entity in which the official or employee has a direct financial interest of which the official or employee may reasonably be expected to know;

(ii) A business entity for which the official, employee, or a qualified relative of the official or employee is an officer, director, trustee, partner, or employee;

(iii) A business entity with which the official or employee or, to the knowledge of the official or employee, a qualified relative is negotiating employment or has any arrangement concerning prospective employment.

(iv) If the contract reasonably could be expected to result in a conflict between the private interests of the official or employee and the official duties of the official or employee, a business entity that is a party to an existing contract with the official or employee, or which, to the knowledge of the official or employee, is a party to a contract with a qualified relative;

(v) An entity, doing business with the Town, in which a direct financial interest is owned by another entity in which the official or employee has a direct financial interest, if the official or employee may be reasonably expected to know of both direct financial interests;  
or

(vi) A business entity that:

(A) The official or employee knows is a creditor or obligee of the official or employee or a qualified relative of the official or employee with respect to a thing of economic value; and

(B) As a creditor or obligee, is in a position to directly and substantially affect the interest of the official or employee or a qualified relative of the official or employee.

(3) A person who is disqualified from participating under paragraphs (1) or (2) of this subsection shall disclose the nature and circumstances of the conflict and may participate or act if:

(i) The disqualification leaves a body with less than a quorum capable of acting;

(ii) The disqualified official or employee is required by law to act; or

(iii) The disqualified official or employee is the only person authorized to act.

(4) The prohibitions of paragraph 1 and 2 of this subsection do not apply if participation is allowed by regulation or opinion of the Commission.

(d) Employment and financial interest restrictions.

(1) Except as permitted by regulation of the Commission when the interest is disclosed or when the employment does not create a conflict of interest or appearance of conflict, an official or employee may not:

(i) Be employed by or have a financial interest in any entity:

(A) Subject to the authority of the official or employee or the Town agency, board, commission with which the official or employee is affiliated; or

(B) That is negotiating or has entered a contract with the agency, board, or commission with which the official or employee is affiliated; or

(ii) Hold any other employment relationship that would impair the impartiality or independence of judgment of the official or employee.

(2) This prohibition does not apply to:

(i) An official or employee who is appointed to a regulatory or licensing authority pursuant to a statutory requirement that persons subject to the jurisdiction of the authority be represented in appointments to the authority;

(ii) Subject to other provisions of law, a member of a board or commission in regard to a financial interest or employment held at the time of appointment, provided the financial interest or employment is publicly disclosed to the appointing authority and the Commission;

(iii) An official or employee whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest, as permitted by and in accordance with regulations adopted by the Commission; or



(iv) Employment or financial interests allowed by regulation of the Commission if the employment does not create a conflict of interest or the appearance of a conflict of interest or the financial interest is disclosed.

(e) Post-employment limitations and restrictions.

(1) A former official or employee may not assist or represent any party other than the Town for compensation in a case, contract, or other specific matter involving the Town if that matter is one in which the former official or employee significantly participated as an official or employee.

(2) Until the conclusion of the next regular session that begins after the elected official leaves office, a former member of the Town Council or legislative body may not assist or represent another party for compensation in a matter that is the subject of legislative action.

(f) Contingent compensation. Except in a judicial or quasi-judicial proceeding, an official or employee may not assist or represent a party for contingent compensation in any matter before or involving the Town.

(g) Use of prestige of office.

(1) An official or employee may not intentionally use the prestige of office or public position for the private gain of that official or employee or the private gain of another.

(2) This subsection does not prohibit the performance of usual and customary constituent services by an elected local official without additional compensation.

(h) Solicitation and acceptance of gifts.

(1) An official or employee may not solicit any gift.

(2) An official or employee may not directly solicit or facilitate the solicitation of a gift, on behalf of another person, from an individual regulated lobbyist.

(3) An official or employee may not knowingly accept a gift, directly or indirectly, from a person that the official or employee knows or has the reason to know:

(i) Is doing business with or seeking to do business with the Town office, agency, board, or commission with which the official or employee is affiliated;

(ii) Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the official duties of the official or employee;

(iii) Is engaged in an activity regulated or controlled by the official's or employee's governmental unit; or

(iv) Is a lobbyist with respect to matters within the jurisdiction of the official or employee.

(4) Paragraph (5) of this subsection does not apply to a gift:

(i) That would tend to impair the impartiality and the independence of judgment of the official or employee receiving the gift;

(ii) Of significant value that would give the appearance of impairing the impartiality and independence of judgment of the official or employee; or

(iii) Of significant value that the recipient official or employee believes or has reason to believe is designed to impair the impartiality and independence of judgment of the official or employee.

(5) Notwithstanding paragraph (3) of this subsection, an official or employee may accept the following:

(i) Meals and beverages consumed in the presence of the donor or sponsoring entity;

(ii) Ceremonial gifts or awards that have insignificant monetary value;

(iii) Unsolicited gifts of nominal value that do not exceed \$20 in cost or trivial items of informational value;

(iv) Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official or the employee at a meeting which is given in return for the participation of the official or employee in a panel or speaking engagement at the meeting;

(v) Gifts of tickets or free admission extended to an elected local official to attend a charitable, cultural, or political event, if the purpose of this gift or admission is a courtesy or ceremony extended to the elected official's office;

(vi) A specific gift or class of gifts that the Commission exempts from the operation of this subsection upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the Town and that the gift is purely personal and private in nature;

(vii) Gifts from a person related to the official or employee by blood or marriage, or any other individual who is a member of the household of the official or employee; or

(viii) Honoraria for speaking to or participating in a meeting, provided that the offering of the honorarium is in not related in any way to the official's or employee's official position.

(i) Disclosure of confidential information. Other than in the discharge of official duties, an official or employee may not disclose or use confidential information, that the official or employee acquired by reason of the official's or employee's public position and that is not available to the public, for the economic benefit of the official or employee or that of another person.

(j) Participation in procurement.

(1) An individual or a person that employs an individual who assists the Town in the drafting of specifications, an invitation for bids, or a request for proposals for a

procurement may not submit a bid or proposal for that procurement or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for the procurement.

(2) The Commission may establish exemptions from the requirements of this section for providing descriptive literature, sole source procurements, and written comments solicited by the procuring agency.

## Section 10-109

### Financial Disclosure

(A) This section applies to all local elected officials and candidates to be local elected officials. Except as provided in subsection (B) of this section, a local elected official or a candidate to be a local elected official shall file the financial disclosure statement required under this section:

- (i) On a form provided by the Commission;
- (ii) Under oath or affirmation; and
- (iii) With the Commission.

(3) Deadlines for filing statements.

(i) An incumbent local elected official shall file a financial disclosure statement annually no later than April 30 of each year for the preceding calendar year.

(ii) An individual who is appointed to fill a vacancy in an office for which a financial disclosure statement is required and who has not already filed a financial disclosure statement shall file a statement for the preceding calendar year within thirty (30) days after appointment.

(iii) (A) An individual who, other than by reason of death, leaves an office for which a statement is required shall file a statement within sixty (60) days after leaving the office.

(B) The statement shall cover:

1. The calendar year immediately preceding the year in which the individual left office, unless a statement covering that year has already been filed by the individual; and
2. The portion of the current calendar year during which the individual held the office.

(b) Candidates to be local elected officials.

(1) Except for an official who has filed a financial disclosure statement under another provision of this section for the reporting period, a candidate to be an elected local official shall file a financial disclosure statement each year beginning with the year in which the certificate of candidacy is filed through the year of the election.

(2) A candidate to be an elected local official shall file a statement required under this section:

(i) In the year the certificate of candidacy is filed, no later than the filing of the certificate of candidacy;

(ii) In the year of the election, on or before the earlier of April 30 or the last day for the withdrawal of candidacy; and

(iii) In all other years for which a statement is required, on or before April 30.

(3) A candidate to be an elected official:

(i) May file the statement required under §5(b)(2)(i) of this chapter with the Town Clerk or Board of Election Supervisors with the certificate of candidacy or with the Commission prior to filing the certificate of candidacy; and

(ii) Shall file the statements required under §5(b)(2)(ii) and (iii) with the Commission.

(4) If a candidate fails to file a statement required by this section after written notice is provided by the Town Clerk or Board of Election Supervisors at least twenty (20) days before the last day for the withdrawal of candidacy, the candidate is deemed to have withdrawn the candidacy.

(5) The Town Clerk or Board of Election Supervisors may not accept any certificate of candidacy unless a statement has been filed in proper form.

(6) Within thirty (30) days of the receipt of a statement required under this section, the Town Clerk or Board of Election Supervisors shall forward the statement to the Commission or the office designated by the Commission.

(c) Public record.

(1) The Commission or office designated by the Commission shall maintain all financial disclosure statements filed under this section.

(2) Financial disclosure statements shall be made available during normal office hours for examination and copying by the public subject to reasonable fees and administrative procedures established by the Commission.

(3) If an individual examines or copies a financial disclosure statement, the Commission or the office designated by the Commission shall record:

(i) The name and home address of the individual reviewing or copying the statement; and

(ii) The name of the person whose financial disclosure statement was examined or copied.

(4) Upon request by the official or employee whose financial disclosure statement was examined or copied, the Commission or the office designated by the Commission shall provide the official with a copy of the name and home address of the person who reviewed the official's financial disclosure statement.

(d) Retention requirements. The Commission or the office designated by the Commission shall retain financial disclosure statements for four (4) years from the date of receipt.

(e) Contents of statement.

(1) Interests in real property.

(i) A statement filed under this section shall include a schedule of all interests in real property wherever located.

(ii) For each interest in real property, the schedule shall include:

(A) The nature of the property and the location by street address, mailing address, or legal description of the property;

(B) The nature and extent of the interest held, including any conditions and encumbrances on the interest;

(C) The date when, the manner in which, and the identity of the person from whom the interest was acquired;

(D) The nature and amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired;

(E) If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and the identity of the person to whom the interest was transferred; and

(F) The identity of any other person with an interest in the property.

(2) Interests in corporations and partnerships. Excludes mutual funds.

(i) A statement filed under this section shall include a schedule of all interests in any corporation, partnership, limited liability partnership, or limited liability corporation, regardless of whether the corporation or partnership does business with the Town.

(ii) For each interest reported under this paragraph, the schedule shall include:

(A) The name and address of the principal office of the corporation, partnership, limited liability partnership, or limited liability corporation;

(B) The nature and amount of the interest held, including any conditions and encumbrances on the interest;

(C) With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and, if known, the identity of the person to whom the interest was transferred; and

(D) With respect to any interest acquired during the reporting period:

1. The date when, the manner in which, and the identity of the person from whom the interest was acquired; and

2. The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.

(iii) An individual may satisfy the requirement to report the amount of the interest held under item (ii)(B) of this paragraph by reporting, instead of a dollar amount:

(A) For an equity interest in a corporation, the number of shares held and, unless the corporation's stock is publicly traded, the percentage of equity interest held; or

(B) For an equity interest in a partnership, the percentage of equity interest held.

(3) Interests in business entities doing business with the Town.

(i) A statement filed under this section shall include a schedule of all interests in any business entity that does business with the Town, other than interests reported under paragraph (2) of this subsection.

(ii) For each interest reported under this paragraph, the schedule shall include:

(A) The name and address of the principal office of the business entity;

(B) The nature and amount of the interest held, including any conditions to and encumbrances on the interest;

(C) With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received in exchange for the interest, and, if known, the identity of the person to whom the interest was transferred; and

(D) With respect to any interest acquired during the reporting period:

1. The date when, the manner in which, and the identity of the person from whom the interest was acquired; and

2. The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.

(4) Gifts.

(i) A statement filed under this section shall include a schedule of each gift in excess of twenty dollars (\$20) in value or a series of gifts totaling one hundred dollars (\$100) or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with or is regulated by the Town.

(ii) For each gift reported, the schedule shall include:

(A) A description of the nature and value of the gift; and

(B) The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.

(5) Employment with or interests in entities doing business with the Town.

(i) A statement filed under this section shall include a schedule of all offices, directorships, and salaried employment by the individual or member of the immediate family of the individual held at any time during the reporting period with entities doing business with the Town.

(ii) For each position reported under this paragraph, the schedule shall include:

(A) The name and address of the principal office of the business entity;

(B) The title and nature of the office, directorship, or salaried employment held and the date it commenced; and

(C) The name of each Town agency with which the entity is involved.

(6) Indebtedness to entities doing business with the Town.

(i) A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with the Town owed at any time during the reporting period:

(A) By the individual; or

(B) By a member of the immediate family of the individual if the individual was involved in the transaction giving rise to the liability.

(ii) For each liability reported under this paragraph, the schedule shall include:

(A) The identity of the person to whom the liability was owed and the date the liability was incurred;

(B) The amount of the liability owed as of the end of the reporting period;

(C) The terms of payment of the liability and the extent to which the principal amount of the liability was increased or reduced during the year; and

(D) The security given, if any, for the liability.

(7) A statement filed under this section shall include a schedule of the immediate family members of the individual employed by the Town in any capacity at any time during the reporting period.

(8) Sources of earned income.

(i) A statement filed under this section shall include a schedule of the name and address of each place of employment and of each business entity of which the individual or a member of the individual's immediate family was a sole or partial owner and from which the individual or member of the individual's immediate family received earned income, at any time during the reporting period.

(ii) A minor child's employment or business ownership need not be disclosed if the agency that employs the individual does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child.

(9) A statement filed under this section may also include a schedule of additional interests or information that the individual making the statement wishes to disclose.

(f) For the purposes of §5(e)(1), (2), and (3) of this chapter, the following interests are considered to be the interests of the individual making the statement:

(1) An interest held by a member of the individual's immediate family, if the interest was, at any time during the reporting period, directly or indirectly controlled by the individual.

(2) An interest held by a business entity in which the individual held a thirty percent (30%) or greater interest at any time during the reporting period.

(3) An interest held by a trust or an estate in which, at any time during the reporting period:

(i) The individual held a reversionary interest or was a beneficiary; or

(ii) If a revocable trust, the individual was a settlor.

(g) (1) The Commission shall review the financial disclosure statements submitted under this section for compliance with the provisions of this section and shall notify an individual submitting the statement of any omissions or deficiencies.

(2) The Town Ethics Commission may take appropriate enforcement action to ensure compliance with this section.

#### Section 10-110

#### Financial Disclosure - Employees and Appointed Officials

(a) This section only applies to the following appointed officials and employees:

Chief of Police  
Clerk-Treasurer

(b) A statement filed under this section shall be filed with the Commission under oath or affirmation.

(c) On or before April 30 of each year during which an official or employee holds office, an official or employee shall file a statement disclosing gifts received during the preceding calendar year from any person that contracts with or is regulated by the Town, including the name of the donor of the gift and the approximate retail value at the time of receipt.

(d) An official or employee shall disclose employment and interests that raise conflicts of interest or potential conflicts of interest in connection with a specific proposed action by the employee or official sufficiently in advance of the action to provide adequate disclosure to the public.

(e) The Commission shall maintain all disclosure statements filed under this section as public records available for public inspection and copying as provided in §5(c) and (d) of this chapter.

#### Section 10-111



### Exemptions and Modifications

The Commission may grant exemptions and modifications to the provisions of §§4 and 6 of this chapter to employees and to appointed members of Town Boards and Commissions, when the Commission finds that an exemption or modification would not be contrary to the purposes of this chapter, and the application of this chapter would:

- (a) Constitute an unreasonable invasion of privacy; and
- (b) Significantly reduce the availability of qualified persons for public service.

### Section 10-112

### Enforcement

(a) The Commission may:

(1) Assess a late fee of two dollars (\$2) per day up to a maximum of two hundred fifty dollars (\$250) for a failure to timely file a financial disclosure statement required under §5 or 6 of this chapter;

(2) Assess a late fee of ten dollars (\$10) per day up to a maximum of two hundred fifty dollars (\$250) for a failure to file a timely lobbyist registration or lobbyist report required under §7 of this chapter; and

(3) Issue a cease and desist order against any person found to be in violation of this chapter.

(b) (1) Upon a finding of a violation of any provision of this chapter, the Commission may:

(i) Issue an order of compliance directing the respondent to cease and desist from the violation;

(ii) Issue a reprimand; or

(iii) Recommend to the appropriate authority other appropriate discipline of the respondent, including censure or removal if that discipline is authorized by law.

(c) (1) Upon request of by the Commission, the Town Attorney may file a petition for injunctive or other relief in the circuit court of Prince George's County, or in any other court having proper venue for the purpose of requiring compliance with the provisions of this chapter.

(2) (i) The court may:

(A) Issue an order to cease and desist from the violation;

(B) Except as provided in subparagraph (ii) of this paragraph, void an official action taken by an official or employee with a conflict of interest prohibited by this chapter when the action arises from or concerns the subject matter of the conflict and if the legal action is brought within 90 days of the occurrence of the official action, if the court deems voiding the action to be in the best interest of the public; or

(C) Impose a fine of up to five thousand dollars (\$5,000) for any violation of the provisions of this chapter, with each day upon which the violation occurs constituting a separate offense.

(ii) A court may not void any official action appropriating public funds, levying taxes, or providing for the issuance of bonds, notes, or other evidences of public obligations.

(d) In addition to any other enforcement provisions in this chapter, a person who the Commission or a court finds has violated this chapter:

(1) Is subject to termination or other disciplinary action; and

(2) May be suspended from receiving payment of salary or other compensation pending full compliance with the terms of an order of the Commission or a court.

(e) A Town official or employee found to have violated this chapter is subject to disciplinary or other appropriate personnel action, including removal from office, disciplinary action, suspension of salary, or other sanction.

(f) A finding of a violation of this chapter by the Commission is public information.

## **CHAPTER 11**

### **CABLE TELEVISION**

#### Article 1. In General

<u>Section</u>	<u>Title</u>
11-101.	Enabling Act
11-102.	Franchise Agreement
11-102.a	Franchise Agreement Extension
11-103.	Power to Alter Rates

- 11-104. Complaint Procedure
- 11-105. Franchise Revocation Procedure
- 11-106. Enforcement
- 11-107. Separability

Section 11-101.

Enabling Act

The Town is hereby authorized to grant, by resolution, and enter into a franchise agreement with, one or more non-exclusive franchises for the right to construct and operate a cable television system within the public ways of the Town for a term of fifteen (15) years after acceptance by the Town.

A franchise or franchises will be granted to the applicant or applicants whose construction technical and financial proposals, in the Town's judgment, best serve the public.

The Town is further authorized to adopt, by resolution, a CATV Specification which shall be kept among the Town records in the office of the Clerk and be made available for public inspection during usual business hours.

The Town is also authorized to adopt, by resolution, such rules and regulations as it may determine are necessary after holding a public hearing upon proper notice to the franchisee and subscribers.

Section 11-102.

Franchise Agreement

The franchise agreement shall incorporate the Town's CATV Specifications together with all of the terms of this Ordinance and such other matters that may be necessary to describe fully the terms of the franchise.

Section 11-102.a

Franchise Agreement Extension

Section 1: Effective June 12, 2012 (date of termination), the Franchise Agreement is extended until a new cable franchise becomes effective, or until the franchise is either renewed, terminated or final action is taken not to renew the franchise in accordance with the agreement, the Federal Cable Act and other applicable law, whichever occurs first. The extension of the franchise is contingent upon the Town receiving from Comcast of Maryland, Inc., a signed letter. During said extension, the terms and conditions of the Agreement shall

remain in full force and effect. This extension shall be effective as to the Franchisee immediately upon receipt by the Franchisee.

Section 2: This ordinance shall become effective twenty (20) days after enactment by the Mayor and Council of the Town of Morningside.

Section 11-103.

Power To Alter Rates

- (a) Any rate established shall be reasonable, fair to the public, and provide a reasonable return of investment to the franchisee.
- (b) The franchisee may petition for a rate change in the following manner:
  - (1) Written notice shall be given to the Town;
  - (2) The Town shall schedule a public hearing within sixty (60) days of receipt of the aforesaid notice;
  - (3) Notice of the public hearing shall be given by the franchisee to each subscriber within not later than thirty (30) days before the scheduled meeting.
- (c) At the hearing, evidence shall be received from the franchisee and any subscriber as to the necessity, reasonableness and fairness of the proposed rate.
- (d) Within thirty (30) days from the hearing, the Town shall render a written decision approving, disapproving or modifying the proposed rate changes. In default of a decision within the thirty day period, the proposed rates shall be considered approved. The new rates, if any, shall be effective from the first day of the month following the date of the Town's approval or modification.

Section 11-104.

Complaint Procedure

- (a) The franchisee shall maintain a conveniently located business office with a toll free telephone number which shall be answered at all times (between 9:00 a.m. and 5:00 p.m. by live receivers and between 5:00 p.m. and 9:00 a.m. by either live or electronic receivers at the option of the franchisee). The franchisee shall respond to and attempt to correct all service calls concerning malfunctions promptly, but not less than, within twenty-four (24) hours after notice. If the malfunction cannot be corrected within twenty-four (24) hours, the franchisee shall file a written report with the Town and the subscriber stating the reasons therefore.

- (b) The Town shall investigate any conflict of malfunction which has not been resolved by the franchisee within twenty-four (24) hours and shall be authorized to order a rebate of an amount not more than the monthly subscriber fee to be paid or credited to the subscriber's account by the franchisee.
- (c) The franchisee shall maintain a record of all complaints, outages times and locations and dispositions of same. These records shall be made available to the Town for inspection upon request.
- (d) The individual subscribers within the Town shall have the right and be afforded the right and opportunity to express their complaints against the franchisee and its performance without the fear of reprisal, in private or at a public hearing.

Section 11-105.

#### Franchise Revocation Procedure

- (a) The Town may revoke the franchise in the event franchisee shall refuse, or neglect to comply with any material requirement or limitation contained in this Ordinance, the Specification or franchise agreement. The Town's determination of what is "material" shall be conclusive unless clearly arbitrary, unreasonable or capricious.
- (b) Should the Town determine that franchisee is not, in its opinion, in compliance with this Ordinance or terms of the franchise issued hereunder, it shall notify the franchisee in writing and franchisee shall, within thirty (30) days of the receipt of the notice, bring the franchised system into compliance and report the corrective action to the town.
- (c) If the Town 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 franchisee and the public shall be given at least thirty (30) days notice of the hearing and any subscriber and the franchisee shall be heard in open hearing. At the conclusion of the public hearing, the Town shall determine whether the franchise should be revoked or other corrective action prescribed and shall set forth in writing, the facts and reasons upon which its decision is based.

Section 11-106.

#### Enforcement

- (a) Any breach by the franchisee of the franchise agreement in addition to constituting a breach of contract, shall constitute a violation of this Ordinance. The cost of any litigation, including reasonable attorney's fees, incurred by the Town to enforce this Ordinance or a franchise granted pursuant hereto shall be

reimbursed to the Town by the franchisee in respect to such litigation or part thereof in which the Town is the prevailing party.

- (b) The franchisee shall not be relieved of its obligation to comply promptly with any of the provisions of the franchise agreement by any failure of the Town to enforce prompt compliance.
- (c) It shall be unlawful for any person, without the consent of the franchisee, to willfully tamper with, remove or injure any cables, wires or equipment outside a subscriber's residence used for distribution of television signals, radio signals, pictures, programs or sound, or for a subscriber to willfully damage any such equipment inside his residence within the Town.

It shall be unlawful for any person, firm or corporation to make or use any unauthorized connection, whether physically, electrically, inductively or otherwise, with any part of a franchised cable television system within the Town 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.

- (d) All persons, including officers of any franchisee, causing, participating in or knowingly permitting any violation of any provision of this Ordinance or the franchise agreement shall be severally or jointly liable therefor and as such, subject to the fines and penalties provided in this Ordinance for such violation.
- (e) Violations of this Ordinance shall be a municipal infraction, as set forth in Article 23A, Section 3(b) of the Annotated Code of Maryland. Each day that such violation continues shall constitute a separate offense.

Section 11-107.

#### Separability

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof

**CHAPTER 12**  
**BUSINESS AND TRADE**

Article 1. Businesses

<u>Section</u>	<u>Title</u>
12-101.	License Required
12-102.	Definitions
12-103.	Exemptions
12-104.	Application
12-105.	Methods of approval
12-106.	Appeal
12-107.	Fees
12-108.	Use of street
12-109.	Exhibition of license
12-110.	Duty of Police to Enforce
12-111.	Records
12-112.	Revocation of License
12-113.	Expiration of License
12-114.	Penalty
12-115.	Separability Clause

Section 12-101.

## License Required

It shall be unlawful for any business as defined in Section 14-102, to engage in any such business within the Town of Morningside, without first obtaining a license therefore in compliance with the provisions of this Ordinance.

### Section 12-102.

When used in this Ordinance, the following terms shall be defined as such:

- (a) A business shall include any person, firm or other corporation, whether as owner, agent, consignee, or employee, whether or not a resident of the Town of Morningside, who engage in a business of selling, delivering or supplying goods, wares, services, and merchandise within the said Town, and who in furtherance of such a purpose hires, leases, uses or occupies any building, structure, hotel room, shop, street, alley, or other place within the Town for exhibition and/or sale of such goods, wares, services, and merchandise, either privately or at public auction.
- (b) The purpose of this ordinance is for the protection of the businesses and the citizens of the Town. Licenses may be granted at the sole exclusive discretion of the Mayor and Town Council.
- (c) “Peddler” shall include any person whether or not a resident of the Town of Morningside, who goes from house to house, from place to place or from street to street offering or exposing goods, wares or merchandise for sale, or making sales and delivering articles to purchasers; but shall not include vendors of milk, bakery products, groceries or ice, who distribute their products to regular customers or established routes.
- (d) “Canvasser” shall include any person, whether or not a resident of the Town of Morningside, who goes from house to house, from place to place or from street to street. Soliciting or taking or attempting to take orders for sale of goods, wares, or merchandise, including magazines, books, periodicals or personal property of any nature whether for future delivery, or for service to be performed in the future, whether or not such person has, carries or exposes for sale a sample of the subject of such order, or shall include any person who, for himself or for another person, firm or corporation, hires, leases, uses or occupies any building, motor vehicle, trailer, structure, tent, boat, hotel room, lodging house, apartment, shop or other place within the Town for the primary purpose of exhibiting samples or taking orders for future delivery.
- (e) “Transient Merchant” shall include any person, firm or other corporation, whether as owner, agent, consignee, or employee, whether or not a resident of the Town of Morningside, who engage in a temporary business of selling, delivering goods, wares and merchandise within said Town, and who in furtherance of such a purpose hires, leases, uses or occupies any building,



motor vehicle, trailer, structure, tent, boat, hotel room, lodging house, apartment, shop, street, alley or other place within the Town for exhibition and sale of such goods, wares and merchandise, either privately or at public auction.

#### Section 12-103

##### Exemptions

The terms of this Ordinance shall not be held to apply to religious, charitable, philanthropic, or patriotic or other noncommercial groups, nor to include the sale of personal property at wholesale to dealers in such articles, nor to apply to newsboys, nor to the acts of merchants or their employees in delivering goods in the regular course of business. Nothing in this Ordinance shall be held to prohibit any sale required by statute or by order of any court, not to prevent any person from conducting a bona fide auction sale pursuant to law.

#### Section 12-104.

##### Application

- (a) Applicants for a license under this Ordinance shall file an application in writing on a form to be prescribed by the Morningside Mayor and Town Council. Application forms may be obtained from the Town Clerk or the Code Enforcement Officer.
- (b) Fees required under Section 14-107 must accompany application. In the event the application is denied, the entire fee shall be returned to the applicant except for the sum of ten dollars (\$10.00) which shall be retained by the Town to cover clerical costs.
- (c) No license to carry on any business, trade, or profession, in the Town shall be issued until the applicant shall have provided evidence to the Town Clerk that:
  - (1) The business, trade, or profession is a corporation in good standing if the applicant is doing business as a corporation.
  - (2) The applicant is in possession of a valid use and occupancy permit issued by Prince George's County to carry on the business, trade, or profession at the identified premises.
  - (3) The applicant possesses a valid state license if the business, trade, or profession is one which is also licensed by the State of Maryland.
  - (4) The applicant has paid all applicable real estate and personal property taxes.
  - (5) The applicant is in compliance with all State and Prince George's County laws and municipal ordinances which govern the conduct of the business, trade, profession sought to be licensed.

#### Section 12-105.

### Methods of Approval

- (a) The Mayor and Town Council shall determine within a period of seven (7) business days, whether or not the application shall be approved. If the application is approved, the Town shall issue a license to the applicant.
- (b) Every license shall specify the name of the business, the person, firm or corporation to which the license shall be issued, the State of incorporation (if applicable) and the name and address of the officers and resident agent, if appropriate, and the location at which such business, trade, profession or service is to be carried on. Each license shall also contain the signature of the issuing officer and shall show the amount of fee paid, the date of issuance and the length of time the same shall be operative, as well as the license number.
- (c) Licenses granted under the terms of this chapter may be assigned or transferred, on application, upon the conditions applicable to granting the original licenses and the Town shall issue a certificate of such assignment or transfer upon the payment to the Town of a fee of twenty-five dollars (\$25.00) therefore.
- (d) Each business must secure a personal license; but no license shall be required of a bona fide employee of a licensee, if such employee does not solicit sales but is engaged only in assisting the licensee in making deliveries. No license shall be used at any time by any person other than the one to whom it is addressed, except by another employee of the person, firm, or corporation by whom the licensee is employed to perform the work covered by the license.
- (e) The Town Clerk shall keep a permanent record of all licenses issued.

### Section 12-106.

#### Appeal

- (a) Any person aggrieved by the action of the Mayor and Town Council in denial of a license as provided in Section 12-105 shall have the right to appeal to the Mayor and Town Council. Such appeal shall be taken by filing with the Town Clerk, within ten (10) business days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The Mayor shall set a time and place for a hearing on such an appeal, and notice of such a hearing shall be given to the applicant in writing by the Town Clerk.
- (b) The Mayor or any Council Member who is of opinion that a license has been improperly issued may, within ten (10) business days after its issuance, so notify the Town Clerk. In such a case the Mayor shall set a time and place for a hearing, and the Town Clerk shall notify, in writing, the licensee of such time and place.

- (c) After the hearing the Mayor and Town Council shall determine whether the license shall be issued, refused, ratified, or revoked.

Section 12-107.

Fees

Every applicant for a license under this Ordinance shall pay a license fee of one hundred-twenty dollars (\$120.00) a year or sixty dollars (\$60.00) for half year. The annual fee shall be assessed on a fiscal year basis; the half year fee, for the period from July 1 through December 31, or from January 1 through June 30. The penalty for violation shall be the cost of the license and one hundred dollars (\$100.00). If said fee and penalty is not paid in thirty (30) days, the indicated fine amount shall double in each thirty (30) day period that the license is not obtained. If violation of this section continues for a period of one hundred twenty (120) days, the Town of Morningside Police Department and/or Code Enforcement Officer shall cause the business to cease operations immediately.

Section 12-108.

Use of Street

No licensee shall have any exclusive right to any location in the public streets, nor be permitted a stationary location thereon, nor be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets. For the purpose of this Ordinance the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether or not an area is so congested as to impede or inconvenience the public.

Section 12-109.

Exhibition of License

Every licensee is required to exhibit their current license certificate at the request of any authorized Town official. Businesses are to conspicuously display their licenses on the licensed premises. **The penalty for violation shall be fifty dollars (\$50.00) for each initial offense and one hundred dollars (\$100.00) for each repeat offense.**

Section 12-110.

Duty of Police to Enforce

It shall be the duty of the Police and/or the Code Enforcement Officer of Morningside to enforce the provisions of this Ordinance. The Police Chief or his designee and the Code Enforcement Officer shall have the authority to enter, at all reasonable times, all premises

within the corporate Town limits for which a license is required pursuant to this chapter and to issue to any person violating this chapter a written citation apprising them of their specific violation. In the absence of the person affected or his agent or employee, a copy of said citation shall be affixed to the front door or other conspicuous structure on said premises.

Section 12-111.

#### Records

The Town Clerk shall deposit a record of all license numbers issued with the Chief of Police. The Chief of Police shall report to the Town Clerk any complaints against any person licensed under the provisions of this Ordinance and any conviction for violation of this Ordinance. The Town Clerk shall keep a record of all such a complaints and violations.

Section 12-112.

#### Revocation of License

- (a) All licenses for the conduct of any business shall be subject to revocation by the Mayor and Town Council after a public hearing, if it is shown that the license was erroneously issued or was obtained by fraud, misrepresentation or concealment of material facts or that the business or the manner in which the business is conducted is obnoxious to the public or constitutes a nuisance or if such business is being conducted in violation of any law or ordinance of the United States, the State of Maryland or any subdivision thereof, including the Maryland National Capital Park and Planning Commission and the District Council created in connection therewith, or if such place of business is being used for any illegal purpose.
- (b) Before any license shall be revoked, a notice shall be served on the holder of such license or left at their place of business, warning them to be and appear before the Mayor and Town Council at a time to be stated therein, and show cause why such license should not be revoked.
- (c) If such license is revoked, it shall thereafter be unlawful for any person, firm, or corporation to engage in or be employed in any business at such location until a license shall again be obtained.
- (d) All applications and licenses shall contain the following sentence: "This license is subject to revocation by the Mayor and Town Council, pursuant to the terms of this ordinance."

Section 12-113.

#### Expiration of License

All annual licenses issued under the provisions of this Ordinance shall expire at midnight on the 30<sup>th</sup> day of June. Semiannual licenses shall expire at midnight on either the 31<sup>st</sup> day of December or the 30<sup>th</sup> day of June.

Section 12-114.

**Penalty**

- (a) **Any person who shall be convicted of violating any provision of this Chapter shall be fined pursuant to the authority of Article 11E of the Constitution of the State of Maryland and in accordance with Section 2 of Article 23A of the Annotated Code of Maryland (1957 edition as amended) title “Corporation Municipal”.**
- (b) **In addition to the fines and penalties herein described, The Mayor and Town Council may avail themselves of any and all civil and equitable remedies for the purpose of enforcing the provisions of this chapter. The amount of any unpaid license fee, the payment of which is required hereunder, shall constitute a debt due the Town and may be recovered as provided by law.**

Section 12-115.

**Separability Clause**

If any provision of this Ordinance, or the application thereof to any person or circumstance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the remainder of the Ordinance, or the application of such provisions to other persons or circumstances.

**CHAPTER 13**

**ANIMALS**

**Article 1. In General**

**Section      Title**

13-101. Restricted Animals & Pit Bull Terriers

13-102 Public Safety

13-103 Separability Clause

Section 13-101.

Restricted Animals & Pit Bull Terriers

Adopt the Prince George’s County Ordinance (Zoning Ordinance Sections 27- 441 (b) (3) & (b) (7) (Keeping or raising livestock or any animal that is not customarily a household pet in R-55 (One-Family Detached Residential) zoned property is not permitted) and (Animal Control – Subtitle 3/Division 6 Section 3-185.01 – Pit Bull Terriers).

Section 13-102.

Public Safety

The provisions of this Ordinance are necessary to protect the general public from the unique hazard to public safety represented by the ownership and possession of Pit Bull Terriers and to control the presence of Pit Bull Terriers due to the unpredictable nature of dogs which have an extraordinarily savage behavior and physical capabilities in excess of those possessed by many other breeds of dogs.

Section 13-103.

Separability Clause

If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not effect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections or sections of this Ordinance, since the same would have been enacted without the incorporation of this Ordinance of any such invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.

## CHAPTER 14

### CONSTRUCTION AND HOUSING REGULATIONS

#### Article 1. Construction Regulations

<u>Section</u>	<u>Title</u>
14-101.	Building Permits
14-102.	Fees
14-103.	Proof of Insurance
14-104.	Penalty

#### Article 2. Building Regulations

<u>Section</u>	<u>Title</u>
14-201	Adopting Prince George's County Code and Violation Penalties
14-202.	Enforcement Officer
14-203.	Administration and Enforcement
14-204.	Conflict With Other Ordinances
14-205.	Administrative Liability
14-206.	Inspections
14-207.	Dangerous Structures
14-208.	Abatement of Unsafe Conditions or Demolition of Dangerous Structures
14-209.	Creation of a Tax Lien
14-210.	Structures Unfit For Human Occupancy
14-211.	Structures Illegally Occupied
14-212.	Notice
14-213.	Posting of Notice
14-214.	Form of Notice

- 14-215. Service of Notice
- 14-216. Removal of Placard or Notice
- 14-217. Vacating of Declared Building
- 14-218. Occupancy of Building
- 14-219. Report of Notice To Vacate
- 14-220. Service of Notice
- 14-221. Prosecution of Violation
- 14-222. Hardships
- 14-223. Severability
- 14-224. Saving Clause
- 14-225. Exterior Property Areas
- 14-226. Exterior Structure
- 14-227. Interior Structure
- 14-228. Basic Facilities
- 14-229. Occupancy Requirements
- 14-230. Light and Ventilation
- 14-231. Minimum Requirements For Safety From Fire
- 14-232. Correction of Defective System
- 14-233. Cleanliness
- 14-234. Disposal of Rubbish
- 14-235. Use and Operation of Supplied Plumbing Fixtures and Basic Facilities
- 14-236. Transfer of Responsibility
- 14-237. Seller Responsible For Compliance With Notice of Violation



- 14-238. Construction After January 30, 1970
- 14-239. “House for Sale/Rent” Signs
- 14-240. House Numbers
- 14-241. Unoccupied Homes
- 14-242. Licensing and Inspection of Rental Dwellings

Section 14-101.

### Building Permits

It shall be unlawful, for any person, persons, firm, corporation, or association to build, erect, construct, or remove from one location to another, any dwelling, shop, factory, store, or other building within the corporate limits of the Town of Morningside, or make any addition or alteration of the same which affects the external appearance and which has an estimated value of more than Five hundred dollars (\$500.00), without first applying for and receiving from the Town a permit to do so. At its discretion, the Town may require detailed plans and specifications together with a full statement as to the purpose for which the building is to be used. The Town may either reject or accept any and all applications, and may grant or refuse any permit. Nothing in this section shall be interpreted to apply to normal maintenance and repair; such as, replacing roofing, repair or replacement of sidewalks, gutters, railings, fencing, driveways, which does not involve a change in design or type of construction. A no cost permit is required on all maintenance.

**A Town of Morningside building permit shall be required whenever a Prince George’s County permit is required.**

Section 14-102.

### Fees

The Town of Morningside has decided that any building permits issued will be at a cost of up to 30% (thirty percent) for Residents of Morningside and 50% (fifty percent) for Non-Morningside Residents of what the current Prince George’s County DPIE charges are for the same permit.

Section 14-103.

### Public Service Corporations

All public service corporations, including electric companies, gas companies, water companies, telephone companies, and cable television providers, except those specifically exempt by law shall obtain a permit from the Town before beginning any construction within the corporate limits of the Town. The Town may require such information as it sees fit before issuing or refusing to issue a permit. The cost of such a permit shall be gratis; however if

there is a failure to inform the Town of impending service being done in the Town limits then there will be a penalty. **Penalty for violation shall be two hundred dollars (\$200.00) for each initial offense and two hundred fifty dollars (\$250.00) for each repeat offense.**

Section 14-104.

#### Proof Of Insurance

Where there is a possibility of damage to streets or other public property of the Town, the Town may require proof of insurance for each permit issued under Section 16-101 or Section 16-103. If Town property is damaged by the construction, the cost of repairing shall be charged to the permit holder and/or property owner.

### Article 2. Building Regulations

Section 14-201.

#### Adopting Prince George's County Code and Violation Penalties

The Town will adopt the County Code and Violation penalties for the following Building Regulations ordinances.

Section 14-202.

#### Enforcement Officer

The Code Enforcement Officer is hereby designated the Town official responsible for the enforcement and administration of the Building Code adopted by this article. The term "Code Enforcement Officer" whenever used in the Building Code, shall mean the Code Enforcement Officer authorized for the administration and enforcement of this article.

Section 14-203.

#### Administration and Enforcement

Administration and enforcement of the Building Code will be coordinated to the maximum extent feasible with other Town departments and in conjunction with the Building Code of Prince George's County in order that corrective actions and resources may be effectively applied to the common goal of improved housing conditions.

Section 14-204.

#### Conflict With Other Ordinances

Except as provided in this section, in any case where a provision of this Code is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of this Town, Prince George's County, or the State of Maryland existing on the effective date of this article, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

Section 14-205.

#### Administrative Liability

Except as may otherwise be provided by statute or local law or ordinance, no officer, agent, or employee of the Town charged with the enforcement of this Code shall render themselves personally liable for any damage that may accrue to persons or property as a result of any lawful act required or permitted in the discharge of their duties under this Code. No person who institutes, or assists in the prosecution of, a criminal proceeding under this code shall be liable to damages unless they acted with actual malice and without reasonable grounds for believing that the person accused was guilty of an unlawful act. Any suit brought against any officer, agent, or employee of the Town, as a result of any lawful act required or permitted in the discharge of their duties under this Code may be defended by the legal representative of the Town until final determination of the proceedings.

Section 14-206.

#### Inspections

1. Subject to the limitation and conditions as hereinafter stated in this section, it shall be the duty of the Code Enforcement Officer to arrange inspections as often as necessary to determine the conditions of dwellings, multi-family dwellings, rooming units and other premises in order to safeguard the safety, morals, and welfare of the public under the provisions of this Code. Such inspections shall be made in response to citizen or official complaints or other reliable information or allegations of existing violations of this Code. Inspections shall be made on a systematic basis (house-by-house, block-by-block) of premises when it is determined by the Code Enforcement Officer that such action is necessary. It shall be the responsibility of the Code Enforcement Officer to prove that a violation or safety hazard exists. No portion of this section or subsequent sections shall prevent an owner of the building from selling the dwelling until the violation or safety hazard is proven; if so proven, the owner of the dwelling will be granted a reasonable amount of time to correct the situation before the sale of the dwelling can continue.
2. The following limitations and conditions shall be observed by the Code Enforcement Officer in the performance of their duties:
  - (1) Proof of credentials and identity shall be exhibited to the occupant or person in charge, stating purpose of which entry is required.

- (2) Permission need not be granted for access to spaces and areas to which the public is ordinarily invited.
- (3) If entry is denied or restricted so as to limit or impair an inspection, no forced entry shall be made or attempted. Application shall be made to a judicial officer for a warrant authorizing entry and the performance of such inspection or other authorized function.
- (4) 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 applying for a judicial warrant authorizing entry could readily intensify such threat, then, and in that event, the Code Enforcement Officer shall contact the necessary Law Enforcement Agency.
- (5) Notwithstanding the foregoing, all licensing and permit inspections authorized and required by this Code shall be processed without the necessity for obtaining permission or obtaining a judicial warrant authorizing entry. Failure to allow entry for such inspections shall constitute sufficient reason for the denial or revocation of the license or permit involved.

Section 14-207.

#### Dangerous Structures

If all or part of any building or structure or the equipment for the operation thereof shall be found to be in an unsafe condition--dangerous to life, limb, or property - the Code Enforcement Officer may have the same condemned pursuant to the applicable provisions of the Basic Building Code of Prince George's County or other such code or codes of the Town pertaining to unsafe structures. **The penalty for violation shall be five hundred dollars (\$500.00) for each initial offense and one thousand dollars (\$1000.00) for each repeat offense.**

Section 14-208.

#### Abatement of Unsafe Conditions or Demolition of Dangerous Structures

In the event the responsible party fails to comply with the lawful order of the Code Enforcement Officer to make safe or demolish an unsafe structure or correct a dangerous condition, the Code Enforcement Officer shall proceed immediately to take emergency action to abate the unsafe condition by appropriate means including arranging for demolition and removal of dangerous structures, utilizing such public or private resources available. All costs incurred for such emergency action shall be paid from the Town Treasury on certificate of the Code Enforcement Officer and the legal officer of the Town shall institute appropriate action against the owner of the premises where the unsafe structure or condition was located for recovery of such costs, including, but not limited to, certification of a tax lien.

Section 14-209.

Creation of a Tax Lien

There is hereby created a tax lien on real property for monies expended by the Town for razing, demolition, removal, or making safe buildings and/or abatement of other unsafe nuisances or conditions constituting a danger to the public health and safety where the responsible party refuses or fails to comply with a lawful order of the Code Enforcement Officer after due notice thereof, either actual or constructive, is given as provided in this Code.

Upon certification of a tax lien to the Town Treasury by the Town Council, the amount of such lien shall be collected in the same manner as other Town real estate taxes.

Section 14-210.

Structures Unfit For Human Occupancy

Whenever the Code Enforcement Officer finds that any dwelling constitutes a hazard to the safety, health, or welfare of the occupants or to the public because it lacks maintenance; or is in disrepair, unsanitary, vermin or rodent infested; or because it lacks the sanitary facilities or equipment has not yet reached such state of complete disrepair as to be condemned as a dangerous structure, they may enlist the assistance if the County Code Officers to declare such dwelling as UNFIT FOR HUMAN HABITATION and order it to be vacated. **The penalty for violation shall be five hundred dollars (\$500.00) for each initial offense and one thousand dollars (\$1000.00) for each repeat offense.**

Section 14-211.

Structures Illegally Occupied

If any structure or any part thereof is occupied by more occupants than permitted under this Code, or was erected, altered, or occupied contrary to law, such structure shall be deemed an unlawful structure and the Code Enforcement Officer may cause such structure to be vacated. It shall be unlawful to again occupy such structure until it, or its occupation, as the case may be, has been made to conform to the law. A warning may be issued at the discretion of the Code Enforcement Officer. **Failure to comply will result in a fine of two hundred fifty dollars (\$250.00) for each initial offense and five hundred dollars (\$500.00) for each repeat offense.**

Section 14-212.

Notice

Notice of the declaration of any structure under this Code as unfit for human habitation and order to vacate it shall be served as provided herein. The Code Enforcement officer may enlist the assistance of the County Code Officers in the performance of these duties.

Section 14-213.

Posting of Notice

Any structure declared as UNFIT FOR HUMAN HABITATION shall be posted by the Code Enforcement Officer. The notice shall include the following:

1. Name of the Town.
2. The name of the authorized department having jurisdiction.
3. The article and section of this Code under which it is issued.
4. An order that the structure, when vacated, must remain vacant until the provisions of the order are complied with and the order to vacate is withdrawn.
5. The date of notice is posted.
6. A statement of the penalty for defacing or removal of the placard.

Section 14-214.

Form of Notice

Whenever the Code Enforcement Officer has a structure declared unfit for human habitation, they shall give notice to the owner and occupant. Such notice shall be in writing, include a description of the property sufficient for identification; include a statement of the reason why it is being issued; state the time occupants must vacate the premises; and the time allowed to correct the conditions.

Section 14-215.

Service of Notice

Service of notice to vacate shall be as follows: By delivery to the owner personally, or by leaving the notice at the usual place of abode or business of the owner with a person of suitable age and discretion; or by depositing the notice in the United States Post Office addressed to the owner at his last known address with postage prepaid; or by posting and keeping posted for twenty-four (24) hours a copy of the notice in a conspicuous place on the premises to be vacated.

Section 14-216.

Removal of Placard or Notice

No person shall deface or remove the notice from any structure or structure which has been declared condemned or unfit for human habitation except by authority in writing from the Code Enforcement Officer. **The penalty for violation shall be two hundred dollars**

**(\$200.00) for each initial offense and five hundred dollars (\$500.00) for each repeat offense.**

Section 14-217.

#### Vacating of Declared Building

Any structure which has been declared and placarded as unfit for human habitation by the Code Enforcement Officer shall be vacated within a reasonable time as required by the Code Enforcement Officer. **The violation for each initial offense shall be two hundred dollars (\$200.00) for each initial offense and five hundred dollars (\$500.00) for each repeat offense.**

Section 14-218.

#### Occupancy of Building

No structure which has been declared or placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from the Code Enforcement Officer. The Code Enforcement Officer shall remove such placard whenever the defect or defects upon which the declaration and placarded action were based have been eliminated. **The penalty for each initial offense shall be two hundred dollars (\$200.00) for each initial offense and five hundred dollars (\$500.00) for each repeat offense.**

Section 14-219.

#### Report of Notice To Vacate

The Code Enforcement Officer shall furnish a copy of each notice to vacate a building to the Town.

Section 14-220.

#### Service of Notice

Whenever the Code Enforcement Officer determines that there has been or is a violation, or that there are reasonable grounds to believe there has been or is a violation of any provisions of this Code, they shall give notice to such violation or alleged violation to the person or persons responsible therefore. Such notice shall be in writing and shall include a description of the property sufficient for identification; specify the violation which exists and the remedial action required; allow a reasonable time for the performance of any act it requires.

Section 14-221.

#### Prosecution of Violation

In case any violation order is not properly complied with, the Code Enforcement Officer may request the legal representative to institute an appropriate action or proceeding at law or in equity against the person responsible for the violation, ordering them to restrain, correct, or remove the violation or refrain from further execution of work; to restrain or correct the erection, installation or alteration of such structure; to require the removal of work in violation; to prevent the occupation or use of the structure; or to enforce the penalty provisions of this Code.

Section 14-222.

#### Hardships

When the literal application of the requirements of this Code would cause undue hardship, an exception may be granted by the Code Enforcement Officer upon written application. Such application shall state the reasons, shall be made in writing, and only when it is clearly evident that reasonable safety and sanitary conditions are assured and such exception shall be conditioned in such a manner to achieve those ends. In granting an exception, the Code Enforcement Officer may specify conditions and restrictions not generally specified by this Ordinance and Code.

Section 14-223.

#### Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Code shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Code which shall continue in full force and effect; and to this end the provisions of this Code are hereby declared to be severable.

Section 14-224.

#### Saving Clause

This Code shall not affect violations of any other ordinance, code, or regulation of the Town existing prior to the effective date hereof and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes, or regulations in effect at the time the violation was committed.

Section 14-225.

#### Exterior Property Areas

No person shall occupy as owner-occupant, or let to another for occupancy, any structure which does not comply with the following requirements. The Code Enforcement Officer of the Town shall cause periodic inspections to be made of dwelling premises to secure compliance.



1. All exterior property areas shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage. **Penalty for violation shall be one hundred dollars (\$100.00) for initial offense and two hundred dollars (\$200.00) for each repeat offense.**
2. All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon, or within any structure located thereon. **Penalty for violation shall be one hundred dollars (\$100.00) for initial offense and two hundred dollars (\$200.00) for each repeat offense.**
3. All accessory structures shall be maintained structurally safe and sound and in good repair. Exterior steps and walkways shall be maintained free of unsafe obstructions or hazardous conditions. **Penalty for violation shall be one hundred dollars (\$100.00) for initial offense and two hundred dollars (\$200.00) for each repeat offense.**

Section 14-226.

#### Exterior Structure

No person shall occupy as owner-occupant, or let to another for occupancy, any structure which does not comply with the following requirements:

1. Every foundation, exterior wall, roof, and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair and shall be kept in such condition as to exclude rodents. **Penalty for each initial violation shall be one hundred dollars (\$100.00) for initial offense and two hundred dollars (\$200.00) for each repeat offense.**
2. The foundation elements shall adequately support the building at all points. **Penalty for each violation shall be one hundred dollars (\$100.00) for initial offense and two hundred dollars (\$200.00) for each repeat offense.**
3. Every weather exposed exterior surface shall be free of holes, breaks, loose or rotting boards or timbers and any other condition which might admit rain or dampness to the interior portions of the walls or occupied spaces of the structure. All exterior surfaces shall be made substantially impervious to the adverse affects of weather by periodic application of an approved protective coating of weather-resistant, preservative, and be maintained in good condition. Exterior metal surfaces subject to rust or corrosion shall likewise be protected. **Penalty for each violation shall be one hundred dollars (\$100.00) for initial offense and two hundred dollars (\$200.00) for each repeat offense.**
4. Every outside stair, porch and appurtenance attached thereto shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected, and shall be kept in sound condition and good repair. **Penalty for each violation shall be one**

**hundred dollars (\$100.00) for initial offense and two hundred dollars (\$200.00) for each repeat offense.**

5. Where the Code Enforcement Officer deems it necessary for safety, every flight of stairs which is more than two (2) risers high shall have handrails. Balustrade railings, capable of bearing normally imposed loads, shall be placed on the open portions of stairs, porches, landings, and stairwells. **Penalty for each violation shall be one hundred dollars (\$100.00) for initial offense and two hundred dollars (\$200.00) for each repeat offense.**
6. Every window and exterior door shall be substantially tight and shall be kept in sound condition and repair. **Penalty for each violation shall be one hundred dollars (\$100.00) for initial offense and two hundred dollars (\$200.00) for each repeat offense.**
7. Every basement doorway shall be so constructed and maintained as to prevent the entrance of rodents, rain, and surface drainage into the structure. **Penalty for each violation shall be one hundred dollars (\$100.00) for initial offense and two hundred dollars (\$200.00) for each repeat offense.**

Section 14-227.

Interior Structure

No person shall occupy as owner-occupant, or let to another for occupancy, any structure (for the purpose of living therein), which does not comply with the following requirements. **Penalty for each violation shall be one hundred dollars (\$100.00) for initial offense and two hundred dollars (\$200.00) for each repeat offense.**

1. Every bathroom floor shall be constructed and maintained so as to be substantially impervious to water and to permit the floor to be kept in a sanitary condition. **Penalty for each violation shall be one hundred dollars (\$100.00) for initial offense and two hundred dollars (\$200.00) for each repeat offense.**
2. The interior of every structure used for human habitation shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage. **Penalty for each violation shall be one hundred dollars (\$100.00) for initial offense and two hundred dollars (\$200.00) for each repeat offense.**
3. Structures used for human habitation shall be kept free from insect and rodent infestation. **Penalty for each violation shall be one hundred dollars (\$100.00) for initial offense and two hundred dollars (\$200.00) for each repeat offense.**
4. Interior walls, floors and ceiling shall be maintained in a clean, sanitary and structurally sound condition, free from excessive holes, cracks, loosed plaster or wallpaper, and flaking paint. When paint is applied to interior surfaces or habitable spaces, it must be lead free. **Penalty for each violation shall be one hundred**

**dollars (\$100.00) for initial offense and two hundred dollars (\$200.00) for each repeat offense.**

Section 14-228.

Basic Facilities

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

1. Every structure used as a dwelling unit shall contain within its walls, a room, separate from the habitable rooms, which afford privacy and which is equipped with a toilet, lavatory, a bathtub or shower. **Penalty for each violation shall be one hundred dollars (\$100.00) for initial offense and two hundred dollars (\$200.00) for each repeat offense.**
2. Every structure used as a dwelling unit shall contain a kitchen sink apart from the lavatory described in Section 16-227, Subsection 1. **Penalty for each violation shall be one hundred dollars (\$100.00) for initial offense and two hundred dollars (\$200.00) for each repeat offense.**
3. Every structure used as a dwelling unit shall contain cooking and baking facilities for the purpose of preparation of food, which shall be kept in a clean and sanitary condition. **Penalty for each violation shall be one hundred dollars (\$100.00) for initial offense and two hundred dollars (\$200.00) for each repeat offense.**
4. Every structure used as a dwelling unit shall contain a refrigeration unit adequate for the temporary storage of perishable foods which shall be capable of maintaining an average temperature below 45 degrees Fahrenheit. **Penalty for each violation shall be one hundred dollars (\$100.00) for initial offense and two hundred dollars (\$200.00) for each repeat offense.**
5. All sinks, lavatories, bathtubs, showers, toilets and clothes washing equipment required by this section shall be properly connected to either a public water and sewer system or to an approved private water and sewer system. All sinks, lavatories, bathtubs, and showers shall be supplied with hot and cold running water. **Penalty for each violation shall be one hundred dollars (\$100.00) for initial offense and two hundred dollars (\$200.00) for each repeat offense.**
6. Every structure used as a dwelling shall contain water heating facilities to permit an adequate amount of water to be drawn at every fixture described in this section at a temperature of not less than one hundred twenty (120) degrees Fahrenheit at any time needed. **Penalty for each violation shall be one hundred dollars (\$100.00) for initial offense and two hundred dollars (\$200.00) for each repeat offense.**
7. Every structure used as a dwelling shall have heating facilities and the owner shall be required to see that they are capable of safely and adequately heating all habitable

rooms to a temperature of at least sixty-eight (68) degrees Fahrenheit. **Penalty for each violation shall be one hundred dollars (\$100.00) for initial offense and two hundred dollars (\$200.00) for each repeat offense.**

Section 14-229.

#### Occupancy Requirements

No person shall occupy as owner-occupant, or let to another for occupancy any structure used as a dwelling unit for the purpose of living therein, which does not comply with the following requirements. **Penalty for each violation shall be one hundred dollars (\$100.00) for initial offense and two hundred dollars (\$200.00) for each repeat offense.**

1. Every structure used as a dwelling unit shall contain a minimum gross floor area of not less than one hundred (100) square feet for the first occupant, and one hundred (100) square feet for each additional occupant. The floor area shall be calculated on the basis of the total area for all habitable rooms. **Penalty for each violation shall be one hundred dollars (\$100.00) for initial offense and two hundred dollars (\$200.00) for each repeat offense.**
2. In every structure used as a dwelling unit, every room occupied for sleeping purposes by one (1) occupant shall have a minimum gross floor area of at least seventy (70) square feet. Every room occupied for sleeping purposes by more than one occupant shall contain at least fifty (50) square feet of floor area for each occupant. **Penalty for each violation shall be one hundred dollars (\$100.00) for initial offense and two hundred dollars (\$200.00) for each repeat offense.**
3. No structure used as a dwelling unit shall have such room arrangement that access to a bathroom or water closet compartment can be had only by going through another sleeping room. No bathroom shall be so located that access thereto is solely through a kitchen. **Penalty for each violation shall be one hundred dollars (\$100.00) for initial offense and two hundred dollars (\$200.00) for each repeat offense.**

Section 14-230.

#### Light and Ventilation

No person shall occupy as owner-occupant, or let to another for occupancy, any structure used as a dwelling unit for the purpose of living therein, which does not comply with the following requirements. **Penalty for each violation shall be one hundred dollars (\$100.00) for initial offense and two hundred dollars (\$200.00) for each repeat offense.**

1. Every habitable room of a dwelling built after January 30, 1970, shall contain at least three (3) separate and remote outlets, one (1) of which may be a ceiling or wall type electric light fixture. Every hall, bathroom, laundry room, or furnace room shall contain at least one electric light fixture. In addition to the electric light fixture in

every bathroom and laundry room, there shall be provided at least one electric outlet. **Penalty for each violation shall be one hundred dollars (\$100.00) for initial offense and two hundred dollars (\$200.00) for each repeat offense.**

2. Every structure used as a dwelling built after January 30, 1970 shall be provided with a minimum of one hundred (100) ampere service. **Penalty for each violation shall be one hundred dollars (\$100.00) for initial offense and two hundred dollars (\$200.00) for each repeat offense.** Every habitable room with an exterior wall shall have at least one (1) window which can be easily opened, except where mechanical ventilation is provided. **Penalty for each initial violation shall be \$100.00 and \$200.00 for each repeat offense.**
3. Every bathroom shall also comply with the ventilation requirements for habitable rooms. **Penalty for each violation shall be one hundred dollars (\$100.00) for initial offense and two hundred dollars (\$200.00) for each repeat offense.**

Section 14-231.

#### Minimum Requirements For Safety From Fire

No person shall occupy as owner-occupant, or let to another for occupancy, any structure used as a dwelling unit for the purpose of living therein which does not comply with the applicable provisions of the fire prevention sections of the Basic Building Code Ordinances in the Town and the following additional requirements for safety from fire.

1. All cooking and heating equipment, components, and accessories in every heating, cooking, and water heating device shall be maintained free from leaks and obstructions, and kept functional so as to be free from fire, health, and accident hazards. All installations and repairs shall be made in accordance with local laws or ordinances. Portable cooking and heating equipment employing flame are prohibited except as permitted by County and/or State Law. **Penalty for each initial violation shall be two hundred fifty dollars (\$250.00) and five hundred dollars (\$500.00) for each repeat offense.**
2. Smoke detectors shall be installed and maintained in working order as directed by County and/or State Law. **Penalty for each violation shall be one hundred dollars (\$100.00) for initial offense and two hundred dollars (\$200.00) for each repeat offense.**

Section 14-232.

#### Correction of Defective System

Where it is found, by the Code Enforcement Officer, that any type of system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper installation, deterioration, damage, or for similar reasons, they shall require the defects to be corrected to eliminate the hazard. **Penalty for each initial violation shall be**

**two hundred fifty dollars (\$250.00) and five hundred dollars (\$500.00) for each repeat offense.**

Section 14-233.

Cleanliness

Occupants of structures used as dwellings shall be responsible for routine cleaning of the structure in which they dwell. **Penalty for each violation shall be one hundred dollars (\$100.00) for initial offense and two hundred dollars (\$200.00) for each repeat offense.**

Section 14-234.

Disposal of Rubbish

Every occupant of a structure used as a dwelling shall dispose of all their rubbish in a clean and sanitary manner by placing it in approved rubbish containers or other disposal method as may be required by local law or ordinance. **Penalty for each violation shall be one hundred dollars (\$100.00) for initial offense and two hundred dollars (\$200.00) for each repeat offense.**

Section 14-235.

Use and Operation of Supplied Plumbing Fixtures and Basic Facilities

Every occupant of a structure used as a dwelling shall keep all supplied basic facilities, including plumbing fixtures, cooking and refrigeration equipment, and electrical fixtures in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in their proper use and operation. **Penalty for each violation shall be one hundred dollars (\$100.00) for initial offense and two hundred dollars (\$200.00) for each repeat offense.**

Section 14-236.

Transfer of Responsibility

A contract, lease, or other agreement effective between owner and occupant with regard to matters covered hereunder shall not relieve any party of their responsibility under the provisions of this Code.

Section 14-237.

Seller Responsible For Compliance With Notice of Violation

The seller of a structure used as a dwelling and premises shall be responsible for compliance with all issued notices of violations of this Code or other laws and ordinances of

the Town, Prince George's County or the State of Maryland, or any actions in any court on account thereof, against or affecting the property at the date of execution, or any agreement of sale or transfer or ownership of said dwelling structure and premises. Nothing contained herein shall affect the validity of any role, transfer or disposition of any interest in real estate.

Section 14-238.

#### Construction After January 30, 1970

Any dwelling or building erected or constructed within the Town boundaries after January 30, 1970, shall comply with all Town Ordinances, County and State building laws and zoning regulations then in effect before proceeding with the said erection of any building or dwelling.

Section 14-239.

#### "House For Sale-Rent" Signs

All house for sale-rent signs shall be placed on the property of the house for sale-rent, and not on the Town right-of-way. All house for sale-rent signs must carry the word(s) "for sale" or "sale", "for rent" or "rent". All house for sale-rent signs must meet the size requirements imposed by Prince George's County sign ordinance for size. **The penalty for violation shall be fifty dollars (\$50.00) for each initial offense and one hundred dollars (\$100.00) for each repeat offense.**

Section 14-240.

#### House Numbers

Every structure used as a dwelling and commercial business within the Town limits shall have a dwelling or building number as assigned by the Town. The assigned number shall be affixed to each dwelling or business and shall be of such size to be clearly discernible from the street. **The penalty for violation shall be fifty dollars (\$50.00) for each initial offense and one hundred dollars (\$100.00) for each repeat offense.**

Section 14-241.

#### Unoccupied Homes

Any home discovered to be unoccupied within the Town (homes advertised for sale excluded) shall have a placard immediately affixed to the front door indicating the home is in violation of the Town Code, and shall be secured within fourteen (14) calendar days by boarding up all exterior doors and windows by utilizing ½ inch exterior type plywood.

1. A written notice shall be sent by Certificate of Mailing on the same date as the discovery, to the last known owner; and directing the owner to comply with this ordinance within fourteen (14) calendar days.

2. Failure to comply with this ordinance and written notification shall cause the Town to immediately secure the building in the recommended manner and all expenses incurred shall be charged as a lien upon such property and placed on the Town's tax bill with the County for reimbursement.
3. **Failure to comply with any portion of this ordinance shall cause the owner to be subjected to a five hundred dollar (\$500.00) penalty for each written notification.**

SECTION 14-242.

Licensing and inspection of rental dwellings.

(a) RENTAL LICENSE. It shall be unlawful for any person to let any single-family rental dwelling or multifamily rental dwelling or rooming house within the Town without having first obtained a license or temporary certificate to do so as hereinafter provided. No license is required when at least one of the property owners resides at the property address or the tenant is an immediate family member of the owner. For the purposes of this section, an immediate family member is defined as an adult child, sibling or parent or grandparent. If no property owner resides at the property address or within fifty miles of the Town, the property owners shall designate on the application for the rental license or temporary certificate the name, address, and telephone number of a local agent residing within fifty miles of the Town, who is authorized by the property owners to receive inspection notices and other correspondence regarding violations pertaining to the property, other than citations or other legal process, and the property owners shall keep such information current with the Town.

(b) LICENSE APPLICATION. Within sixty (60) days after the enactment of this section, the legal owner of record shall make written application to the Town for a rental unit license upon such form or forms as the Town shall from time to time designate. Such application shall be submitted together with a non-refundable rental license fee of \$100.00 annual. The amount of such fee is to be established by this ordinance of the Council.

(c) TEMPORARY CERTIFICATES. Upon receipt of a completed application for a license, the Code Enforcement Officer or designee shall issue a non-transferable "Temporary Certificate" indicating that a license has been duly applied for, and that a non-transferable license shall be issued or denied after the building, including interior portions thereof, has been inspected for compliance with applicable provisions of the Town Code. It is the duty of the property owner to ensure that the inspection occur within thirty (30) days of the issuance of the temporary certificate and that any required maintenance, repairs and re-inspection are completed within thirty (30) days of the date of inspection, except that the Code Enforcement or his designee may extend the time for maintenance, repairs and re-inspection upon a showing of good cause for such additional period as may be reasonable and necessary, at the Town's discretion. The temporary certificate shall expire sixty (60) days after issuance or, if an extension has been granted for repairs, maintenance and/or re-inspection as provided herein, upon the expiration of such extended time period.

(d) INSPECTIONS. All rental properties shall be subject to periodic inspections to determine if they are in compliance with this Code. Failure to allow entry for such



inspection or to require any tenant to allow entry for such inspection upon request shall constitute a municipal infraction subject to a fine as set forth in this Code and shall further constitute sufficient reason for the denial or revocation of the rental license or temporary certificate. Whenever the town inspector notices violations he shall re-inspect the premises to confirm that the violations have been corrected. If the violations have not been corrected, there is hereby imposed an additional charge of fifty dollars (\$50) for each re-inspection, until compliance has been obtained. No charge shall be made hereunder for a re-inspection unless written notice of such re-inspection has been sent to the owner of record at least ten (10) days in advance of such scheduled re-inspection. If notice of inspection or re-inspection has been given at least ten (10) days in advance of a scheduled inspection or re-inspection, and the property owner fails to contact the Town prior to the date of such scheduled inspection or re-inspection and fails to appear or otherwise make arrangements for the Code Enforcement Officer or designee to gain access to the property for inspection purposes an additional charge of fifty dollars (\$50) shall be imposed upon the property owner and shall be paid prior to the scheduling of any further inspection.

(e) **REVOCATION OR DENIAL OF LICENSE.** A license may be revoked or denied by the Code Enforcement Officer or the Town's designee, if the owner, after ten (10) days' notice from the Town, fails to abate violations of the Town Code. Revocation or denial of a license shall be in addition to, and not in substitution for, such other penalties as may be provided for said violations elsewhere in this Code. All cost of Uniform Civil Citation incurred by the Town and or penalties imposed by the town shall be paid by the property owner of record within 30 days. Failure to pay the cost will be considered to be a forfeiture. After forfeiture, the cost may be added to the property tax bill for the upcoming year, or collected by suit, or by both.

(f) **LICENSE RENEWAL.** Licenses and temporary certificates issued hereunder shall expire one (1) year from the date of issuance and shall be renewable annually at the fees specified elsewhere in this Code. Application for renewals shall be made at least sixty (60) days prior to the expiration date. The license or certificate renewal fee shall be subject to a ten percent (10%) penalty per month, or any portion thereof, beyond the date due and payable.

(g) **DISPLAY OF LICENSES.** Licenses and temporary certificates issued under this section shall be produced on the demand of a tenant or prospective tenant and shall be available at reasonable times for examination by Code Enforcement Officer and or towns designee.

(h) **REDUCTION OF LEAD RISK.** In accordance with Title 5, Subtitle 1 of the Local Government Article of the Annotated Code of Maryland, the owner of residential property that contains any rental dwelling unit that is licensed by the Town is required to:

(1) State in writing, under penalty of perjury, as part of the owner's application for a rental license or any renewal thereof, that:

(I) The residential property is not an affected property as that term is defined in Md. Code Ann., Env. Art., §6-801; or

(II) The residential property is an affected property as that term is defined in Md. Code Ann., Env. Art., §6-801 that has been registered and for which the registration has been renewed in accordance with the Environment Article of the Maryland Annotated Code; and

(2) If the property is an affected property, provide the State of Maryland Department of

the Environment Inspection Certificate number for the most recent inspection conducted for the current tenancy, as required under any provisions of the Environment Article of the Maryland Annotated Code.

(Sec. 5-9(a), (c), and (e) amended by O-8-12, adopted 12/3/12, effective 1/2/13)

(Sec. 5-9(e), (h)(1)(I)(II) and (h)(2) amended by O-1-17, adopted 3/20/17, effective 4/19/17)

## **CHAPTER 15**

### **HEALTH AND SANITATION**

#### Article 1. In General

<u>Section</u>	<u>Title</u>
15-101.	Litter in Public Places
15-102.	Litter on Private Property
15-103.	Owner To Maintain Premises Free of Litter
15-104.	Litter as a Public Nuisance
15-105.	Intentionally Left Blank

- 15-106. Intentionally Left Blank
- 15-107. Burning Offensive Smelling Substances
- 15-108. Trees & Shrubbery as an Obstruction
- 15-109. Trees as a Public Nuisance
- 15-110. Abatement of Public Nuisance

Section 15-101.

Litter in Public Places

It shall be unlawful for any person to throw, cast, scatter, drop, deposit or leave in or upon any street, avenue, alley, highway, or other public place or space within the Town of Morningside, any garbage, grass litter, refuse, waste paper, tin cans, dead animals, trash, rubbish, leaves, waste matter or any substances injurious to the public health. **Penalty for each initial violation shall be one hundred dollars (\$100.00) and two hundred dollars (\$200.00) for each repeat offense.**

Section 15-102.

Litter on Private Property

It shall be unlawful for any person to throw, cast, scatter, drop, deposit or leave in and upon the land of any person within the Town of Morningside, any garbage, litter, waste paper, tin cans, dead animals, trash, rubbish, refuse, waste matter or any substance or matter injurious to the public health without the specific permission of the occupant of said land. **Penalty for each initial violation shall be one hundred dollars (\$100.00) and two hundred dollars (\$200.00) for each repeat offense.**

Section 15-103.

Owner To Maintain Premises Free of Litter

It shall be unlawful for any owner, tenant, occupant or person in charge of any lot or parcel of land within the Town of Morningside to voluntarily permit or suffer any other person to throw, cast, scatter, drop, deposit or leave upon said land or any part thereof, any garbage, litter, waste paper, tin cans, discarded automobiles or parts thereof, or any material causing an unsightly appearance or obnoxious odors, or any substance or matter injurious to the public health, or to permit or suffer said land or any part thereof to be used by the public as a dumping place for the disposal of the substances previously enumerated, without first having obtained permission to do so from the Town Council of Morningside. **Penalty for each initial violation shall be one hundred fifty dollars (\$150.00) and three hundred dollars (\$300.00) for each repeat offense.**

Section 15-104.

Litter as a Public Nuisance

- (a) Any trash, waste material; garbage; construction material or debris; other offensive material; artificial or man-made ponds or containers that allow for the collection of standing water; dead, fallen or broken tree limbs, branches and/or weeds (all grasses, annual plants and vegetation) more than 8 inches tall, which has been or which may hereafter be allowed to stand, accumulate or grow on any property, and which may serve as a breeding place for insects, or which may invite the presences of rodents, snakes or any other domesticated and/or undomesticated animals, and/or may be the source of obnoxious odors, or which may by the sole judgement of the Code Officer, present a sufficiently unsightly appearance to reduce the sales value of adjacent properties, is hereby declared to be a public nuisance.

If any such violation is found on the property and the said property is known or thought to be occupied and/or unoccupied, a five (5) day warning notice and/or an official Violation Notice will be posted and issued to the owner of said property at the discretion of the Code Enforcement Officer. **If a violation notice is issued and the violation is not corrected within five (5) days, a citation notice with a penalty of one hundred dollars (\$100.00) for each initial violation and two hundred dollars (\$200.00) for each repeat violation will be issued. If the original violation notice has not been brought into compliance after the first five (5) day period from the date of the first citation notice, a re-occurring penalty/fine of two hundred dollars (\$200.00) will be incurred to the property owner and every five (5) days thereafter, until the property has been brought into full compliance with the issued violation(s). It shall be the judgement of the Code Enforcement Officer and/or the Chief of Police to determine if the property is in full compliance of the Town of Morningside's Ordinance and Code regulations relating to any and all violations or citations issued to said property.**

If any violation is found on a property, and the said property is known or thought to be vacant, unoccupied and/or abandoned at the time of the violation, and the Code Enforcement Officer is unable to contact or locate the current property owner, and/or the property owner of either an occupied property is unable or unwilling to correct the violation(s) immediately or what the Code Enforcement Officer determines to be within a reasonable amount of time, and the Code Enforcement Officer has sufficient evidence to deem the property a Public Nuisance as defined within this section, the Code Enforcement Officer, and only with the approval of the Chief of Police, will have the authority to take immediate action in bringing the said property into compliance. **If immediate action is required or taken by the Code Enforcement Officer and/or the Town of Morningside to bring said property into full compliance, the property owner will be subject to and issued a fine of three hundred dollars (\$300.00) for each violation.** The Code Enforcement Officer and/or the Chief of Police, may then request to utilize the Town Public

Works Department in bringing said property into immediate compliance. If the Public Works Department is unable to bring said property into compliance, the Code Enforcement Office will secure an estimate from an outside contractor to bring said property into compliance and will present the estimate to the Mayor and Council for approval and authorization of work to be completed before authorizing outside contractors to begin work.

In the absence of a Code Enforcement Officer or a departmental need, The Chief of Police may elect to handle or designate a Town police officer to act as the Code Enforcement Officer's position.

In the event that the property has incurred any fines/penalties or costs for removal of the nuisance (including any and all costs or fees associated or generated with work completed by the Public Works Department and/or any outside hired contractors) The Town Council shall place a charge against the property owner, or other person(s) in charge of the property, as the case may be, for the full cost of removal of the nuisance, as well as any outstanding fines and/or penalties incurred because of the violation(s) or citation(s). The charge may also be collected by entering it on the tax records as a lien upon the property, or by suit or by both.

- (b) It shall be the responsibility of the resident or owner of any property within the Town to maintain the area in front of their property line to the street by keeping the area cleaned, mowed and properly trimmed. Properties with street sidewalks in front of their property free and clear of any obstructions as to allow the safe passage of pedestrians. Any property utilizing the town trash and/or recycling program that may have no option, other than to place their trash/recycling bins on the sidewalk are permitted to do so the evening before any scheduled trash/recycling/yard waste and/or bulk trash pick-ups, however empty collections bins must be removed from any sidewalks within twenty four (24) hours after collection, as to not hinder or obstruct the safe passage of pedestrians.

**A citation will be issued for each initial violation of one hundred dollars (\$100.00) and two hundred dollars (\$200.00) for each repeat offense. If the initial violation is not brought into compliance, a re-occurring penalty/fine of two hundred dollars (\$200.00) will be incurred to the property owner every five (5) days thereafter, until the property has been brought into compliance.** It shall be the judgement of the Code Enforcement Officer and/or the Chief of Police to determine if the property is in full compliance of the Town of Morningside's Ordinance and Code regulations relating to any and all violation(s) and/or citation(s) issued to said property.

In the absence of a Code Enforcement Officer or departmental need, the Chief of Police may elect to handle or designate a Town Police Officer to act in the Code Enforcement Officer's position.

Section 15-105.

Intentionally Left Blank

Section 15-106.

Intentionally Left Blank

Section 15-107.

Burning Offensive Smelling Substances

It shall be unlawful for any person to set fire or cause to be burned within the limits of the Town of Morningside any substances which emit strong offensive odors. **Penalties for each initial violation shall be one hundred dollars (\$100.00) and two hundred dollars (\$200.00) for each repeat offence.**

Section 15-108.

Trees or Shrubbery as Obstruction

Residents are responsible for maintenance on their own property, particularly for trees which extend over public rights-of-way(s) and/or adjacent to other private property. Residents are also responsible for tree trimming to maintain clearance for pedestrian, vehicular traffic and infringement on private property.

1. It shall be the duty and responsibility of every person(s) owning any residential property or business property within the Town of Morningside, to maintain and confine all trees and shrubbery on the property or origination. Trees and shrubbery must be properly maintained and/or trimmed in such a manner that it does not obstruct the view of any street sign, traffic sign or device for vehicle traffic. **Violation of this ordinance shall be considered a Municipal Infraction and has a penalty of one hundred dollars (\$100.00).** The Code Enforcement Officer or a law enforcement officer may elect to have the obstruction immediately abated or removed. Cost of that abatement may be charged to the owner or put as a tax lien onto the property. If the owner fails to pay the impending fine, the fine will become a tax lien on the property.
2. The owner of any corner lot or property in the Town of Morningside shall keep trees, vegetation at the corners of intersecting streets within the private property line, or from the private property line to the street so trimmed as to not block the view of oncoming traffic. **Violation of this Ordinance shall be considered a Municipal Infraction and a penalty of one hundred dollars (\$100.00).** The Code Enforcement Officer or a law enforcement officer may elect to have the obstruction immediately abated or removed. Cost of that abatement may be charged to the owner. If the owner fails to pay the impending fine, the fine will become a tax lien on the property. In addition, the property owner shall not dispose of tree limbs, debris, or vegetation in the streets of Morningside. **This unlawful disposal is subject to a penalty of one hundred dollars (\$100.00).**
3. Any overhanging or protruding tree limbs, branches, hedges or shrubbery can be trimmed by the neighboring resident if the vegetation is imposing itself

upon the neighboring resident's property. However, any/all tree debris must be removed by the individual doing the trimming, and any tree trimming must not cause permanent damage to the tree, hedges or shrubbery.

#### Section 15-109

##### Trees as a Public Nuisance

Any tree by virtue of its condition and location endangers the life, health, or safety of any person or structure, or structure on adjacent or adjoining public rights of way or private property is hereby declared to be a public nuisance.

#### Section 15-110.

##### Abatement of Public Nuisance

1. Any tree (including but not limited to hedges, shrubs, limbs, branches) which overhangs, extends, or protrudes into any street, sidewalk, public alley, or Town owned property from a neighboring property considered by the Code Enforcement Officer to be a danger to public safety, constitutes a public nuisance. The Code Enforcement Officer, or a law enforcement officer shall issue a five (5) day warning notice and/or an official Violation Notice to the owner of said property, citing the corrective action required to remove the public nuisance. **If a violation notice is issued and the violation is not corrected within ten (10) days, a citation notice with a penalty of one hundred dollars (\$100.00) for each initial violation. Each day the violation continues, there will be a fine of two hundred dollars (\$200.00).**
2. It shall be the judgement of the Code Enforcement Officer and/or the appointed designee to determine if the property violation is in full compliance of the Town of Morningside's Ordinance and Code regulations.
  - (a) If a tree which constitutes a public nuisance is located on a residential or business property which is not owned by the Town of Morningside, the Code Enforcement Officer or the designee. Shall notify the owner of such tree in writing, return receipt requested, to the address of the owner shown on the (online) records of the Prince George's County Real Estate Assessor, citing the tree's condition and the corrective action required to remove the public nuisance. If such owner cannot be identified or found, a copy of such notice shall be placed upon such tree or part thereof.
  - (b) Upon receipt of the written notice described above, the property owner may appeal the order to the Town of Morningside Council. Such appeal must be made in writing during the fifteen (15) day interval given in the first notice from the Code Enforcement Officer, or the designee. Any actions required in the notice shall be delayed pending on the Morningside Council's response to the appeal.
  - (c) The Town may request the Town Attorney to institute a suit for an injunction to compel the responsible party to abate or remove the public notice and/or see that such responsible person is prosecuted for violation of section.

- (d) If the tree constituting a public nuisance presents imminent threat to life or property, then the Code Enforcement Officer is authorized and directed to immediately abate or remove such public nuisance using the Department of Public Works or an authorized contractor. The Town may bring action against the responsible party (to include placing a tax lien against the property) to recover the necessary costs incurred for the provision of emergency services reasonably required to abate any such public nuisance.
- (e) The term “responsible party” shall include, but not limited to, the owner, bank entity that has acquired the property, or possessor of the premises where the nuisance is located.
- (f) For the purpose of this ordinance, “dead tree which might endanger the health or safety of persons or property” which includes any dead tree, or has dead or diseased, broken limbs, a broken trunk, or any tree that is totally or partially uprooted. If the tree, the limb or trunk were to fall within the public right of way or strike a structure or residential or business property, it is also considered a danger. A determination of whether or not a tree or part thereof is dead or diseased shall be made by a qualified arborist employed, contracted, or appointed by the Town.

## **CHAPTER 16**

### **PARKING VIOLATIONS**

#### Article 1. Parking Violations

<u>Section</u>	<u>Title</u>
16-101.	Leaving Unattended Vehicle
16-102.	Time Limit Parking
16-103.	Parking Near Fire Hydrant
16-104.	Parking Within Intersection
16-105	Parking Obstructing Crosswalks or Handicap Ramps
16-106.	Parking Near Intersection
16-107.	Parking Near “Stop” or “Yield” Signs
16-108.	Parking By “No Parking” Signs or Yellow Curbs



- 16-109. Parking Near Emergency or Emergency Device
- 16-110. Parking On Private Property Without Permission
- 16-111. Parking To Obstruct Motor Vehicle Flow
- 16-112. Parking To Obstruct Entrances and Exits
- 16-113. Parking Further Than 12 Inches From Curb or Street Edge
- 16-114. Double Parking
- 16-115. Parking Near Fire Station
- 16-116. Overhauling or Repairing Motor Vehicles
- 16-117. Trucks With Dual Rear Wheels Prohibited
- 16-117a. Vehicles Not Qualified For Exemption
- 16-117b. Requirements For Special Parking Permit(s)
- 16-118. Parking With Left Wheels Parallel To Street Edge
- 16-119. Parking Leaking Vehicles
- 16-120. Parking Trailers
- 16-121. Parking Unregistered Vehicles
- 16-122. Reserved Parking For the Handicapped
- 16-123. Penalty For Failure To Comply With Violation Notice
- 16-124. Towing Authority
- 16-125. Parking Control Devices and Obedience To Regulations
- 16-126. Parking Vehicles Without Lawful Equipment Installed
- 16-126a. Enforcement Shall Be As Follows
- 16-127. Parking Obstructing Sidewalks
- 16-128. Parking In a "Fire Lane" Prohibited

- 16-129. Snow Emergency Plan
- 16-130. Unpaved Surfaces
- 16-130a. Vehicles Exempt
- 16-130b. Applying for an Exemption
- 16-130c. Penalty

Article 2. Moving Violations

- 16-201. Enforcement
- 16-201.1 Speed Monitoring Systems
- 16-202. Fines

Article 1 – Parking Violations

Section 16-101.

Leaving Unattended Vehicle

It shall be unlawful for the owner or operator of any vehicle or motor vehicle to park or leave said vehicle or motor vehicle standing parked and unattended, with the motor running or keys in ignition, on any street, highway, or public thoroughfare. **Penalty for each violation shall be eighty dollars (\$80.00).**

Section 16-102.

Time Limit Parking

It shall be unlawful to park or leave standing any vehicle or motor vehicle for a longer period of time than seventy-two (72) hours on any street, or public place. **Penalty for each violation shall be eighty dollars (\$80.00).**

Section 16-103.

Parking Near Fire Hydrant

It shall be unlawful to park or leave standing any vehicle within eight (8) feet of a fire hydrant on any street. **Penalty for each violation shall be eighty dollars (\$80.00).**

Section 16-104.

Parking Within Intersection

It shall be unlawful to park or leave standing any vehicle within the intersection of any street. **Penalty for each violation shall be eighty dollars (\$80.00).**

Section 16-105.

Parking Obstructing Crosswalks or Handicap Ramps

It shall be unlawful to park or leave standing any vehicle so as to obstruct the crosswalk or handicap ramp at any street intersection. **Penalty for each violation shall be eighty dollars (\$80.00).**

Section 16-106.

Parking Near Intersection

It shall be unlawful to park or leave standing any vehicle within twenty (20) feet of any street intersection. **Penalty for each violation shall be eighty dollars (\$80.00).**

Section 16-107.

Parking Near “Stop” or “Yield” Signs

It shall be unlawful to park or leave standing any vehicle within twenty (20) feet of a “STOP” or “YIELD” sign erected for control and regulation of traffic. **Penalty for each violation shall be eighty dollars (\$80.00).**

Section 16-108.

Parking By “No Parking” Signs or Yellow Curbs

It shall be unlawful to park or leave standing any vehicle in any area or place where parking is prohibited by the authority of the Mayor and Town Council, by placing of “No Parking” signs or where the curb in said area or place is painted yellow. **Penalty for each violation shall be eighty dollars (\$80.00).**

Section 16-109.

### Parking Near Emergency or Emergency Device

It shall be unlawful to park or leave standing any vehicle, within twenty (20) feet of any emergency or device posted or erected by authority of the Mayor and Town Council indicating that any emergency exists in such place or area. **Penalty for each violation shall be eighty dollars (\$80.00).**

Section 16-110.

### Parking On Private Property Without Permission

It shall be unlawful to park any vehicle on private property without the permission of the owner, or his agent. (*Police department policy requires the owner's or agent's signature on the ticket if the property owner or agent requests removal of vehicle.*) **Penalty for each violation shall be two hundred dollars (\$200.00).**

Section 16-111.

### Parking To Obstruct Motor Vehicle Flow

1. It shall be unlawful to park or leave standing any vehicle alongside of or opposite any street excavation or obstruction in any street or highway so as to unreasonably interfere with the free movement of motor vehicle traffic. **Penalty for each violation shall be eighty dollars (\$80.00).**
2. It shall be unlawful to park or leave standing any vehicle upon any public street or highway so as to obstruct the free movement and free passage of other vehicles using said public street or highway. **Penalty for each violation shall be eighty dollars (\$80.00).**

Section 16-112.

### Parking To Obstruct Entrances and Exits

It shall be unlawful to park or leave standing any vehicle so as to obstruct the ingress to and egress from any driveway or the entrance to any building or garage on said street without the consent of the property owner. **Penalty for each violation shall be eighty dollars (\$80.00).**

Section 16-113.

### Parking Further Than 12 Inches From Curb or Street Edge

It shall be unlawful to park or leave standing any vehicle except in the case of an emergency, at a greater distance than twelve (12) inches from the curb or street edge. **Penalty for each violation shall be eighty dollars (\$80.00).**

Section 16-114.

Double Parking

It shall be unlawful to park or leave standing any vehicle on a street on the roadway side of any vehicle stopped or parked at the edge or curb of a street, except for the purpose of receiving or discharging passengers or merchandise. **Penalty for each violation shall be forty dollars (\$40.00).**

Section 16-115.

Parking Near Fire Station

It shall be unlawful to park or leave standing any vehicle within twenty (20) feet of a driveway entrance to any fire department station and on the side of the street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when sign posted. **Penalty for each violation shall be eighty dollars (\$80.00).**

Section 16-116.

Overhauling or Repairing Motor Vehicles

It shall be unlawful for any person or persons to park and leave standing any motor vehicle undergoing major repairs, or overhaul any vehicle or automobile on any street or roadway or between roadway and property line. Overhaul and repair are described in the following subsections:

- a. Removal and installation of brakes and systems
- b. Removal and installation of engines or oil
- c. Removal and installation of transmissions or fluid
- d. Removal and installation of differentials or grease
- e. Replacing and repacking wheel bearings
- f. Body repairs and painting
- g. Removal and installation of safety glass and windshields
- h. Removal and installation of engine heads, valves, pistons, and bearings
- i. Value adjustment
- j. Removal and installation of water and fuel pumps, starters, generators and alternators
- k. Removal and installation of suspension system, steering, springs, and shock absorbers
- l. Removal and installation of gas tank, radiator and air conditioning system

**The penalty for each violation shall be eighty dollars (\$80.00).**

Section 16-117.

Trucks With Dual Rear Wheels Prohibited

It shall be unlawful for any person or persons to park any truck with dual rear wheels, within the Town limits (excluding passenger vans, recreational vehicles and privately owned, non-commercial stock bodied pickup trucks used for the pulling of recreational vehicles and boats) on any street, public highway or any driveway or on any lot or private property in the residential area of the Town of Morningside except for the purpose of loading or unloading said truck, or for any emergency repairs. All recreational vehicles such as motor homes, camping trailers, boats, etc. must comply with Section 16-129. Any person utilizing a truck with dual wheels for the purpose of transportation to and from work may apply to the Town Council for an exemption from this section. **This section specifically excludes all vehicles owned by the Town of Morningside and businesses within the Town that possess a valid business license for vehicles parked on the private commercial property of that business. Town residents, first violation will receive a written warning; each additional violation will result in a two hundred fifty dollar (\$250.00) fine.**

Section 16-117a.

Vehicles Not Qualified For Exemption

The following vehicles will not be considered for an exemption of Section 16-117:

1. Dump Trucks in excess of 10,000 lbs. G.V.W.
2. Cranes
3. Hazmat Transport Carrier

Section 16-117b.

Requirements For Special Parking Permit(s)

1. Application and Site Plan Approved by the Town Council
2. Valid Registration
3. Vehicle must be parked on private property with owners, tenants or agents consent as not to impede the flow of pedestrian or motor vehicle traffic.
4. Parked on prepared surface such as concrete, asphalt, gravel or other approved materials.

*Special Parking Permits will be issued by and revoked by the Town Council.*

*They are to be displayed in the lower driver's side front window.*

*Fees for Special Parking Permit shall be fifty dollars (\$50.00) per year.*

Section 16-118.

Parking With Left Wheels Parallel To Street Edge

It shall be unlawful to park or leave standing an automobile or vehicle with its left wheels parallel to the curb or street edge on any street or roadway, avenue or public highway except on one-way streets. **Penalty for each violation shall be eighty dollars (\$80.00).**

Section 16-119.

Parking Leaking Vehicles

It shall be unlawful for any person or persons to park or leave standing any automobile or vehicle from which an excessive amount of grease, oil, or gasoline may leak and be deposited or spread upon any street or roadway, except in case of emergency. **Penalty for each initial violation shall be eighty dollars (\$80.00).**

Section 16-120.

### Parking Trailers

1. It shall be unlawful to park or leave standing any trailer of any kind, including mobile home trailers, commercial type trailers, utility trailers, and camper-type trailers on any street or roadway, except when engaged in loading or unloading.
2. This section shall not apply to any trailer of a public utility company while actively engaged in work within the Town.

**Penalty for each initial violation shall be eighty dollars (\$80.00).**

Section 16-121.

### Parking Unregistered Vehicles

It shall be unlawful to park or leave standing any unregistered motor vehicle on any street or right-of-way. **Penalty for each violation shall be one hundred dollars (\$100.00).**

Section 16-122.

### Reserved Parking For The Handicapped

No person shall stand or park a vehicle in any parking space on public or private property designated as parking reserved for the physically handicapped with the proper signs posted in conformance with the sign standards in the Maryland Manual, unless said vehicle displays a special registration plate or permit issued by the State with the handicap designation or other appropriate designation issued by the County. **Penalty for each violation shall be two hundred dollars (\$200.00).**

Section 16-123.

### Penalty For Failure To Comply With Violation Notice

Should the violator fail to notify the Town or pay the fine within 20 days from the date of the citation issue, the violator will then be required to pay double the original fine amount. Failure to comply with a violation notice will result in violator's vehicle registration renewal or transfer of registration being withheld by the State Motor Vehicle Administration (Chapter 693, Laws of 1974) **and an administrative fee of fifty dollars (\$50.00) to be added.**

Section 16-124.



### Towing Authority

All police officers and the Code Enforcement Officer are authorized to remove, cause to be removed or tow any vehicle in violation of Sections 16-101 through 16-128.

Section 16-125.

### Parking Control Devices and Obedience To Regulations

- a. No person, without lawful authority, shall willfully deface, injure, move or interfere with any sign, signal or any other control, device, or any part thereof, erected by the authority of the Town or any directions, lines or marks painted on any pavement, curb or roadway for the purpose of directing or parking vehicles. **Penalty for each initial violation shall be one hundred dollars (\$100.00).**
- b. No person shall fail, neglect, or refuse to comply with any instructions or directions on any sign, marking, signal or other traffic control device installed by the Town for regulation of traffic or parking. **Penalty for each violation shall be eighty dollars (\$80.00).**
- c. It shall be unlawful for any dual wheel truck to traverse any street, roadway, driveway, private or governmental property anywhere within the Town limits where a sign depicting "NO TRUCKS" is posted, except for loading and unloading. **Penalty for each violation shall be eighty dollars (\$80.00).**

Section 16-126.

### Parking Vehicles Without Lawful Equipment Installed

It shall be unlawful for any person to park, leave standing or to place any vehicle on any street within the Town that does not have the following required equipment and the body of the vehicle is not kept in a safe condition as follows:

- a. Both front and rear registration plates installed if required by issuing state.
- b. All front head lamps installed and unbroken.
- c. All rear tail lamps installed with unbroken lenses, missing, torn or ragged fenders or body parts.
- d. Hood and deck lid shall be installed.
- e. Windshield shall be installed and unbroken.
- f. All wheels shall be installed, with tires inflated.
- g. Engine, transmission and differential shall be installed.
- h. Side and rear windows shall be unbroken.
- i. Both front and rear bumpers shall be installed.

Section 16-126a.

### Enforcement Shall Be as Follows

1. A warning shall be issued and attached to the windshield area of the violating vehicle.
2. The warning shall clearly state the violation and that the violator shall have ten (10) calendar days to bring the vehicle into compliance.
3. **After ten (10) calendar days, should the vehicle continue to be in violation, a citation may then be issued for each day that violation continues. Penalty for the initial violation shall be seventy-five dollars (\$75.00) and seventy-five dollars (\$75.00) for each subsequent violation.**

Section 16-127.

#### Parking Obstructing Sidewalks

It shall be unlawful to park any vehicle in such a manner as to obstruct the free flow of pedestrian traffic upon any sidewalk. **Penalty for each violation shall be eighty dollars (\$80.00).**

Section 16-128.

#### Parking in a "Fire Lane" Prohibited

It shall be unlawful to park any vehicle in any area posted by a sign as a "Fire Lane". **Penalty for each violation shall be two hundred dollars (\$200.00).**

Section 16-129.

#### Snow Emergency Plan

When Prince George's County, Maryland declares a snow emergency plan in effect, all vehicles must be parked in a driveway or on the odd numbered side of the street to allow for plowing and emergency access if needed. Any vehicle which is parked in violation of this Plan shall be issued a citation for such violation and may be subject to being towed and/or impounded. **Any person issued a citation for this violation of this Plan shall be subject to a fine of fifty dollars (\$50.00).**

Section 16-130.

#### Parking on Unpaved Surfaces

It shall be unlawful to park, leave standing or to place any vehicle or trailer on an unprepared/unpaved surface or grass plot on residential property within the Town of Morningside. A surface not consisting of poured concrete; or asphalt rolled to a smooth and level surface; or brick, crushed gravel or like material, pavers, or other structural material, compacted and maintained free of loose materials, dust and infiltration of vegetative growth is in violation of the section. All surfaces must be completed in a workmanlike fashion.

Section 16-130a.

### Vehicles Exempt

Boats or camping trailers (recreational purposes) are exempt from this section. Exempted vehicles or trailers must be stored at the rear of the property.

Section 16-130b.

### Applying For an Exemption

Any person owning a trailer (other than for recreational purposes) wishing to apply for an exemption must provide the following information:

1. A letter of request for exemption, along with a n explanation of the need for an exemption
2. A copy of the trailer's registration
3. A picture of the trailer
4. A picture of the exact location where the trailer will be parked

Section 16-130c.

### Penalty

**The Chief of Police, Code Enforcement Officer or his agent upon discovering the vehicle or trailer in violation of the Section shall issue a written five (5) day Warning Notice.**

**Failure to comply with the five (5) day Warning Notice will cause the vehicle or trailer to be issued a Uniform Civil Citation for non-compliance. The fine for this violation shall be eighty dollars (\$80.00).**

**Failure to comply with the Uniform Civil Citation will cause the vehicle or trailer to be impounded fourteen (14) days from the date of the Uniform Civil Citation.**

**All cost and Uniform Civil Citation incurred by the Town of Morningside to remove to vehicle or trailer shall be paid by the vehicle/trailer owner, property owner or both within thirty (30) days. Failure to pay the cost will be considered to be a forfeiture. After forfeiture, the cost may be added to the property tax bill or collected by suit, or by both.**

## Article 2. MOVING VIOLATIONS

- A. Unless otherwise defined herein, words and phrases, when used in these sections on traffic regulations, shall have the meanings ascribed to them in the Maryland Vehicle Laws (titles 11 through 27 of the Transportation article of the Annotated Code of

Maryland), as now in force or as hereafter amended, enacted, or reenacted, except where the context clearly indicates a different meaning.

- B. These sections on traffic regulations and any regulations adopted thereby may be enforced by any Police Officer of the State of Maryland or any political subdivision thereof having jurisdiction as well as those Police Code Enforcement Officers, or other persons designated by the Town.
- C. Should the violator fail to notify the Town or pay a speed monitoring fine within twenty (20) days from the date of the citation issued, the violator will then be required to pay double the original fine amount. Failure to comply with a violation notice will result in violator's vehicle registration renewal or transfer of registration being withheld by the State Motor Vehicle Administration (Chapter 693, Laws of 1974) and an administrative fee of thirty dollars (\$30.00) to be added (03/30/03)
- D. The Town of Morningside cooperates with the Maryland Department of Transportation Motor Vehicle Administration's vehicle tag-flagging program. Violators whose tags are flagged under this program must pay an administrative charge to the Town for the removal of the flag, as well as the applicable fines. Administrative charges and fines are set forth in the Town's Code.

Section 16-201.

#### Traffic Rules

**A. Definitions. A Traffic Control Device Is:**

- 1) A sign or light, or device that conforms in size, color, shape and graphics to the most recent version, edition, amendment or replacement of the Federal Highway Administration Manual of Uniform Control Devices, the Maryland State Highway Administrative Manual of Uniform Traffic Control Devices for Streets and Highways, The State of Maryland Sign Book, or to signs in regular use by the Town for traffic; AND
  - 2) Is placed on or near the streets, roads, or highways or other public place including property owned or leased by the Town; AND
  - 3) Governs the stopping, parking or movement of vehicles over such public streets, roads, highways, rights-of-way or property.
- B. It shall be unlawful to disregard or disobey or act in a manner contrary to the message of any traffic control device regulating speed, movement of vehicles, parking and stopping unless directed otherwise by Police or Public Works personnel or their designees.
- C. A Traffic control device or sign is presumed to be duly authorized if it conforms to the definition above in this Section.

- D. The Town Manager, after consultation with the Police Department, may authorize the placement or removal of traffic control devices and signs that are determined to be necessary for the safety of all traffic in the Town.
- E. All traffic control devices which meet the requirements cited in this section, paragraph C above, and are in place within the Town on June 2011 are hereby authorized by the Town.
- F. Nothing in this chapter shall curtail the authority of the Mayor or Town Council over the placement or removal of approved traffic control devices in the Town by motion, resolution or ordinance.
- G. General Restriction. No person shall drive a vehicle on a street or highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event, speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the street or highway in compliance with legal requirements and the duty of all persons to use due care.

Section 16-201.1

A. Speed Monitoring Systems.

- 1. A “speed monitoring system”, as defined in Maryland law, means a device with one or more motor vehicle sensors producing recorded images of motor vehicles travelling at least 12 miles over the posted speed limit.
- 2. School zone speed monitoring systems are hereby authorized at locations determined by the Chief of Police or his/her designee after consultation with the Mayor and Town Council, in school zones within the Town, as established under Section 21-83.1 of the Transportation Article of the Annotated Code of Maryland.
- 3. Before activating any school zone speed monitoring system(s), the Town shall:
- 4. Publish notice of the location(s) of the speed monitoring system(s) in a newspaper of general circulation within the Town or Town newsletter; and
- 5. Ensure that each sign that designates a school zone indicates that speed monitoring systems are in use in school zones.
- 6. The school zone speed monitoring system may operate Monday through Friday between 6:00 a.m. and 8:00 p.m.
- 7. For a period of at least 30 days after the first speed monitoring system is placed in the Town, any violations recorded by any speed monitoring system in the Town shall be enforced only by the issuance of a warning.
- 8. The school zone speed monitoring system in the Town shall be conducted in compliance with all applicable provisions of the Maryland Vehicle Law.

B. School Zones.

- 1. School zones in the half mile radius around A) Skyline Elementary School; B) Morningside Elementary School and C) Benjamin D. Foulois Academy.

2. Town staff is hereby authorized to take those actions necessary to allow operation of a speed monitoring system in the above designated school zone areas within the Town.
3. Town staff is hereby authorized to take those actions necessary to obtain any required permission from the State of Maryland or other County government with the jurisdiction to operate a speed monitoring system within one-half mile of the school zones.

**C. Fines.**

**A civil penalty under this subsection for a speed monitoring system violation may not exceed forty dollars (\$40.00).**

Be it further ordained that if any provision of this Ordinance or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other applications of this ordinance which can be given effect with the invalid provision or applications, and to this end, all the provisions of this Ordinance are hereby declared to be severable.

(passed June 21, 2011)

**CHAPTER 16A**

**STORAGE OF UNREGISTERED OR  
UNLICENSED MOTOR VEHICLES**

Article 1. In General

<u>Section</u>	<u>Title</u>
16-A 101.	Storage of Unregistered or Unlicensed Motor Vehicles
16-A 102.	Sale of Unregistered or Unlicensed Motor Vehicles Previously Discovered
16-A 103.	Continuing Vehicle Violation Rediscovery

Section 16A-101.

Storage of Unregistered or Unlicensed Motor Vehicles

Unless otherwise authorized, no person owning, leasing, occupying, or having charge of any residential or commercial premises within the Town of Morningside shall allow or cause any unregistered, unlicensed, wrecked, unused, or in a junked condition, stripped for spare parts, or otherwise non-operating motor vehicle to remain on residential or commercial property, street, road, lot or field whether covered or uncovered. The Chief of Police, Code Enforcement Officer or his agent upon discovering a vehicle in violation of this section shall place a Warning Notice upon the vehicle or trailer and issue a written notice stating the violation of this article and section to the property owner giving twenty (20) days to comply.

After twenty (20) days should the vehicle or trailer not be brought into compliance with this article and section, the Chief of Police, Code Enforcement Officer or his agent shall issue a Uniform Civil Citation for said vehicle or trailer. **The fine for this violation shall be one hundred dollars (\$100.00).**

Failure to comply will cause the vehicle or trailer to be impounded fourteen (14) days from the date of the Uniform Civil Citation.

- a. Impound vehicles or trailers in accordance with this article and section shall be subject to a Uniform Civil Citation for an administrative fee of sixty dollars (\$60.00).
- b. All costs and Uniform Civil Citations incurred by the Town of Morningside to remove the vehicle or trailer shall be paid by the vehicle or trailer owner or property owner or both within thirty (30) days. Failure to pay the cost will be considered to be a forfeiture. After forfeiture, the cost may be added to the property tax bill for the upcoming year, or collected by suit, or both.
- i. Properties exempt from this article are: licensed motor vehicle dealers, motor vehicle mechanical or body repair facilities, and towing and storage businesses. However, such vehicles must be stored on a licensed and fenced property as to shield from view and shall not be stored more than ninety (90) days.

Upon written request submitted to the Mayor and Town Council and good cause being shown, an extension may be granted for storage of the vehicle for up to sixty (60) days by the Mayor and Town Council.

Section 16A-102.

Sale of Unregistered or Unlicensed Vehicle Previously Discovered

Any owner who sells a vehicle or trailer that has been previously discovered in violation of Article 18A-101 and has been given a notice from the Town to bring the said vehicle into compliance shall notify the Town of the sale providing the name and address of the new owner. (03/30/03)

Section 16A-103.

Continuing Vehicle Violation Rediscovery

Any vehicle or trailer that has been previously discovered, where the occupant or owner of the property upon which the original discovery was made and was served notice in accordance with Article 18A-101 and that vehicle is rediscovered in the Town within six (6) months of original discovery and the vehicle is not in compliance with Article 18A-101, the vehicle may be impounded upon discovery in accordance with police department impound procedures. All costs involved with impounding the vehicle shall be paid in accordance with procedures outlined in Article 18A-101. (03/30/03)

**CHAPTER 17**

**STREETS AND ENVIRONS**

Article 1. Fences

SectionTitle



- 17-101. In General
- 17-102. Fence Maintenance; Violations of Such
- 17-103. Dangerous Fences
- 17-104. Method of Obtaining Fence Permits
- 17-105. Exceptions
- 17-106. Fences Which Obstruct Driver's Vision
- 17-107. Violation of Preceding Section

Article 2. Streets and Driveways

- 17-201. Use of Unusual Vehicles
- 17-202. Driveways Required
- 17-203. Closed Streets
- 17-204. Tampering With Caution Signs
- 17-205. Signs In Public Rights-of-Way (passed 9/20/11)
- 17-206. Interfering With Street Construction, Repairs, Etc.

Section 17-101.

In General

1. No person shall erect any fence or wall or combination thereof on any property beyond the building or side yard setback line or within 2 feet of any property line, around any property lying adjacent to any public street or alley within the corporate limits of the Town without a permit from the Town Council.
2. On a corner lot, beyond the building line or side yard setback line, there shall be no fence, wall, terrace, structure, shrubbery or planting, which is an obstruction to vision for a height greater than four (4) feet above the curb level of the abutting street for a distance of twenty-five (25) feet from the intersection of the front and side street lines.
3. No permit will be issued for a fence or wall which is greater in height than forty eight (48) inches where it is proposed to be erected on the portion of the property abutting a street or road or forward of (towards the street or road) the building line, nor greater in height than six (6) feet where it is proposed for erection anywhere else on the property. No permit will be issued unless the application therefore is accompanied by

specifications of the type of fence and mode or methods of construction proposed. The Mayor and Council may call upon the applicant to supplement or enlarge the application by supplying more specific details concerning the size, nature and type of fence being applied for. No permit shall be issued for a fence or wall unless the materials proposed therefore, and the mode of proposed construction, are such that the proposed construction is considered sound and that the fence or wall is capable of being maintained in good repair and will not be an occasion of danger to passers-by, whether on foot or in vehicles. The height limitations herein above specified do not apply where the proposed fence is to enclose a swimming pool, and the fence meets the requirements to such an enclosure.

Section 17-102.

#### Fence Maintenance; Violation Of Such

The owner of the property upon which a fence is located shall keep the fence in good repair, by himself, his agent, employee, tenant or representative, and he shall prevent accumulation of weeds, trash, rodents or refuse matter to the fence, wall, or property line and if he fails to accomplish either of the preceding matters, the Town may notify the owner to make the repairs or eliminate the unlawful accumulation within not less than ten (10) days after the date of such notice, and thereafter if the repairs have not been made, or the accumulation removed, the Town may remove the accumulation, or make the necessary repairs, or remove the fence, with the costs of such repairs or removal to be assessed against and paid by the owner of the property.

The Town shall be reimbursed all costs and reasonable expenses necessarily incurred in repairing the fence or removing the structure, to be recovered from the party so refusing or delaying to make the repair, in the manner in which debts of like amount are recoverable. Such costs and expenses shall be a first lien on the property on which the fence is or was erected. The failure or refusal of the owner to make the necessary repairs following written notice from the Town shall be a violation of this Ordinance, and each day on which the failure or refusal persists shall be a separate violation. The notice shall be in writing and shall be sent to the last known address of the owner, except that if the owner is a non-resident then the written notice will be mailed and a copy placed upon the door of the principal dwelling house upon the property or, if there be no dwelling house, upon the fence or wall subject of the notice, or some other prominent projection on the property.

Section 17-103.

#### Dangerous Fences

It shall be unlawful to erect or maintain anywhere in the Town a fence assembled with or having barbed wire, spikes or similar device, or carrying any electric charge sufficient to cause shock. No permit will be issued for any proposed fence specifying such material or mode of operation. **Failure to remove fence within two (2) days will cause a violation to be issued in the amount of two hundred fifty dollars (\$250.00) and five hundred dollars (\$500.00) for each repeat violation.**

Section 17-104.

Method of Obtaining Fence Permits

Permits may be issued by the Code Enforcement Officer where the application therefore meets the requirements specified in the foregoing subsections, but in any cases where the Code Enforcement Officer believes that there is a substantial question as to compliance with the requirements of this Ordinance or that the type of fence or its location may create a danger to the health, safety and welfare of the Town, the permit will not be issued by the Code Enforcement Officer but the application therefore will be acted upon by the Mayor and Council. **Penalty for each initial violation shall be one hundred dollars (\$100.00) and one hundred fifty dollars (\$150.00) for each repeat offense.**

Section 17-105.

Exceptions

The foregoing provisions shall not apply to fences or walls, or combinations thereof, existing on the date of passage of the Ordinance, but the owners of properties having fences not complying with the foregoing requirements shall not enlarge, extend or add to such fences or walls without a permit and except upon compliance with the foregoing requirements, and further, except for minor repairs necessary to keep the fence or wall from becoming a hazard to safety, health or welfare, no such fence or wall shall be restored, replaced or re-erected.

Section 17-106.

Fences Which Obstruct Driver's Vision

It shall be unlawful for the owner or the occupant of any premises within the corporate limits of the Town of Morningside to erect any fence or wall to a height of no more than forty-eight (48) inches as to obstruct the clear vision of the drivers of vehicles. **Penalty for each initial violation shall be one hundred dollars (\$100.00) and two hundred dollars (\$200.00) for each repeat offense.**

Section 17-107.

Violation of Preceding Section

Whenever any fence, hedge fence, or fence of shrubbery is found to be higher than is permitted by the preceding section, the Town shall mail or cause to be delivered to the owner or occupant of such premises a written notice of such violation requiring the owner or occupant of such premises to comply with this section within ten (10) days from the date of mailing or delivery of such notice, as the case may be, and if the same be not corrected to conform, within the time specified in such notice, such person, firm or corporation shall be subject to the penalties provided for the violation, provided, however, that if any person, firm or corporation feels aggrieved by the application of this provision in his or its particular case,

he or it may appeal, at any time before the expiration of such notice, to the Town of Morningside, where he or it shall be given a hearing and if the Town shall find that any exceptional conditions exist resulting from the location or contour of the land which would make the application of this provision as to height manifestly unreasonable in such a particular case, the Town shall determine what is a reasonable height for that particular location under the circumstances, and such person, firm or corporation shall, from and after the expiration of five (5) days from the time of such determination, not permit such fence, hedge fence, or fence of shrubbery to be or to grow to a height greater than that determined upon as aforesaid.

## Article 2. Streets and Driveways

### Section 17-201.

#### Use of Unusual Vehicles

No person shall operate over and upon any of the streets, roads, or highways within the limits of the Town of Morningside, any vehicle so constructed or equipped as to cause any unusual amount of damage to such streets, or operate over or upon such streets, truck, road engine, traction engine or other vehicle equipped with metal tires or treads having upon the wheels any clamps, spikes, ribs or other devices which may cut into or injure the road surface, or operate over such streets any vehicle of any kind equipped with a rough lock or similar device under one or more of the wheels or treads thereof in such a manner as to cut or injure the road surface. **Penalty for each initial violation shall be one hundred dollars (\$100.00) and two hundred dollars (\$200.00) for each repeat offense.**

### Section 17-202.

#### Driveways Required

Each property constructed since May 1, 1952, within the Town that is used as a dwelling or for business purposes shall be provided with a driveway from the street to the property suitable for the convenient parking of at least one automobile. The property owner shall be responsible for building and maintaining such driveway. If the owner does not provide such a driveway, he or she will be subject to the penalties provided for violation of this article, and the Town may have cause to be built and maintained the required driveway and place a charge against the property owner for the full cost of such construction and maintenance. Such a charge may be collected by entering it on the tax records as a lien upon the property, or by suit, or by both. Any person who feels that this section would work an undue hardship on him may petition the Town for an exception to this section. After a hearing of the matter before the Town, the Town may grant an exception to this section if it is convinced that such would work an undue hardship. Each person who constructs a driveway from any street to a private property shall be personally responsible for seeing that such construction does no damage to Town property or interferes in any way with the normal functioning or use of the Town property, except as specific permission may have been granted by the Town before construction is started.

Section 17-203.

Closed Streets

No person shall drive any vehicle across or over any public street in the Town of Morningside at which there is any barrier, sign, lantern or flare, or authorized person indicating that the street is closed, except for the purpose of entrance or exit from abutting properties. **Penalty for each initial violation shall be fifty dollars (\$50.00) and one hundred dollars (\$100.00) for each repeat offense.**

Section 17-204.

Tampering With Caution Signs

No person shall remove, tamper with, or destroy any barrier, barricade, lantern or flare or sign indicating a need for caution unless specifically authorized to do so. **Penalty for each initial violation shall be fifty dollars (\$50.00) and one hundred dollars (\$100.00) for each repeat offense, plus cost of replacement or repair.**

Section 17-205.

Signs In Public Rights-of-Way.

- A. Except as otherwise provided in this section, no person shall paint, mark, write on post or otherwise affix any handbill or sign to or upon any sidewalk, crosswalk, curb, curbstone, median strip or Town easement, street lamppost, hydrant, tree shrub, tree stake or guard, guardrail, electric light, power or telephone pole or wire appurtenance thereof, or any other fixture of the fire alarm or police system, or upon any lighting system, public bridge, street sign or traffic sign.
- B. Nothing in this section shall apply to the painting of house numbers upon the curbs. Any house or street address numbers which are painted, stenciled, or affixed to any curb pursuant to the provisions of this section shall consist of black numerals not less than two and one half (2-1/2) inches, nor more than four (4) inches in height on a white background. First quality paint shall be used in all cases.
- C. Any person or entity that causes or engages another person or entity to place a sign or handbill in the public right-of-way or do any of the acts specified in subsection A above, shall be guilty of violating this section. Unless rebutted by competent evidence, any such sign or handbill shall be presumed to be owned by the person whose name, business address, telephone or trademark is contained on the face of the sign or handbill.
- D. Temporary directional real estate signs may be placed on public rights-of-way behind the curb line, but may not be placed within any Town parks or within one hundred twenty (120) feet of any Town of Morningside entrance sign. Temporary real estate signs are permitted to be placed on Fridays after 6PM and must be removed on Mondays before 6AM. The directional signs must be made of a rigid material, such as metal, cardboard or plastic, and be attached to a metal or wooden stake. Signs are not to be attached to trees, utility, street sign or traffic sign poles.

- E. Campaign Signs shall not be placed on public rights-of-way. Campaign signs shall only be displayed or placed on private residential or business properties. Campaign signs may be displayed forty-five (45) days prior to an election date and must be removed within forty-eight (48) hours after the close of the election polls. Campaign signs must be made of a rigid material, such as metal, cardboard or plastic, and be attached to a metal or wooden stake. Signs are not to be attached to trees, utility, street sign or traffic sign poles.
- F. Violations of this section by any person, firm or corporation, is declared to be a municipal civil infraction. The penalty for violating this ordinance shall be two hundred dollars (\$200.00) for each offense. Each additional sign shall constitute a separate offense. Each day that a violation is permitted to exist shall constitute a separate offense.

Section 17-206.

Interfering With Street Construction, Repairs, Etc.

It shall be unlawful for any person to interfere in any manner with any improvement, any construction, repairs or maintenance that has been authorized by the Town on any street, highway, or property of the Town of Morningside. **Penalty for each initial violation shall be one hundred dollars (\$100.00) and two hundred dollars (\$200.00) for each repeat offense.**

**CHAPTER 18**

**SATELLITE RECEIVERS/FREE STANDING ANTENNAS**

Article 1. In General

<u>Section</u>	<u>Title</u>
18-101.	Building Permits
18-102.	Satellite Parabolic Dish
18-103.	Penalty
18-104.	Separability

Section 18-101.

Building Permits

It shall be unlawful for any person, group or organization to erect or cause to be erected or constructed, any Satellite Parabolic Dish, Free Standing or Ground Based Antenna over fifty feet in height within the Town of Morningside without first obtaining a construction permit from the Town.

No Satellite Dish or Free Standing Antenna shall be erected when in its vertical or lateral position is closer than twenty (20) feet to any public utility power line.

Section 18-102.

Satellite Parabolic Dish/Free Standing and Ground Base

No Satellite Dish, free standing or ground base shall be erected or constructed within the Town of Morningside without first obtaining a construction permit for installation, or is placed in such a position as to present an eyesore to the adjacent neighbors, or would create a traffic hazard to passing motorists and would depreciate the value of adjoining properties. No Satellite Dish shall be erected or constructed forward of the rear of any dwelling or business within the Town of Morningside.

Section 18-103.

Penalty

Violation of this Ordinance shall be deemed a municipal infraction as set forth in Article 23A, Section 3(b) of the Annotated Code of Maryland. **Any person, group or organization violating any section of this Ordinance shall be fined fifty dollars (\$50.00) and costs for each offense. Each day that such violation continues shall be deemed a separate offense.**

Section 18-104

Separability

If any section, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.



## **Article 1. In General**

<u>Section</u>	<u>Title</u>
19-101.	Creation of Office of Emergency Management
19-102.	Intent of Subtitle; Scope
19-103.	Definition as Used In This Subtitle
19-104.	Emergency Power and Authority of Town Mayor Over Emergency Management
19-105.	Subtitle Not Construed as Abridging Power of Council
19-106.	Expenditures For Emergency Management
19-107.	Utilization of Existing Services and Facilities
19-108.	Liability of Town and Agents
19-109.	Accept Service, Grants or Loans
19-110.	Coordination of Programs; Mutual Aid Agreements
19-111.	Unauthorized Display of Emergency Management Insignia
19-112.	Interfering With Emergency Management Organization and Regulations
19-113.	Police To Enforce Subtitle

Section 19-101.

### Creation of Office of Emergency Management

There shall be an Office of Emergency Management headed by a Director of Emergency Management. The Office of Emergency Management shall be responsible for providing planning, coordination and domestic preparedness training and shall coordinate the Town's emergency management effort with Federal, State and local jurisdictions/partners. The Office of Emergency Management shall also be responsible for management of an integrated public safety system, as well as all other responsibilities as described in the intent of subtitle. The head of the Office of Emergency Management shall be appointed by the Town Mayor and act under his/her authority. The head of the Office of Emergency Management shall be the Mayor/Town Council or his/her designee.

Section 19-102.

Intent of Subtitle; Scope

- (1) The intent of this Subtitle is to provide for the preparation and execution of plans for the mitigation of, preparation for, response to and recovery from disasters and major emergencies for the emergency management of persons and property within the Town in the event of an enemy attack, sabotage or other hostile action, or from fire, flood, earthquake, hurricane, or other natural causes, and to provide for the coordination of the emergency management functions of the Town with all public agencies and their various departments, with other Counties, cities and political subdivisions, and with private agencies, organizations, persons and corporations of every type to insure the complete and efficient utilization of all facilities available to combat any disaster or emergency.
- (2) The Office of Emergency Management created by this Subtitle shall be the coordinating agency for all activity of the emergency management program, and during a period of attack, terrorist act or natural disaster it will act as the instrument through which the Town Mayor may exercise the authority and discharge the responsibilities vested in him by this Subtitle.
- (3) This Subtitle shall not relieve any Town department of the normal responsibilities of authority ascribed to it, nor will it adversely affect the work of the American Red Cross or other volunteer agencies dedicated to disaster relief activities.

Section 19-103.

Definition as Used In This Subtitle

- (1) Attack shall mean a direct assault against the Town by the forces of a hostile nation or the agents thereof, including assault by bombing, chemical or biological warfare, terrorist act or sabotage as well as acts of domestic terrorism.
- (2) Curfew shall mean a prohibition against a person walking, running, standing or motoring upon any alley, street, highway, public property or vacant premises within the County, excepting persons officially designated to duty relating to the civil emergency and those persons who are in public places by reason of their employment or a private emergency involving health, safety or protection of property.
- (3) Director shall mean the Director of the Office of Emergency Management, as executive head of the Office of Emergency Management, or a Deputy Director duly appointed and acting for the Director in accordance with the provisions of this Subtitle.
- (4) Emergency shall mean:
  - (A) An act of civil unrest or unlawful assembly characterized by the use of actual force or violence or a threat to use force if accompanied by immediate power to execute by two (2) or more persons acting together without authority of law.

- (B) Any man-made calamity within the Town resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.
  - (C) Natural disasters, as defined below.
- (5) Emergency management shall mean the preparation for and the carrying out of all emergency functions, other than functions for which military forces or other Federal agencies are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters caused by enemy attack, sabotage or other hostile action, or by fire, flood or other causes. These functions include, but are not limited to, firefighting services, police services, medical and health services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency welfare service, civilian aid service, emergency transportation, plant protection, temporary restoration of public utility services, and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation for carrying out of the foregoing functions.
  - (6) Emergency management forces shall mean the employees, equipment and facilities of all Town departments, boards, institutions and commissions suitable for, or adaptable to, emergency management activity and designated by the Town Mayor to participate in the emergency management activity. In addition, it shall include all volunteer personnel, equipment and facilities contributed by, or obtained from volunteer persons or agencies.
  - (7) Emergency management volunteer shall mean any person duly registered and appointed by the Director and assigned to participate in the emergency management activity.
  - (8) Natural disaster shall mean any condition seriously affecting or threatening public health, welfare or security as a result of severe fire, explosion, flood, tornado, hurricane or similar natural or accidental cause and which is beyond the control of public or private agencies ordinarily responsible for the control or relief of such conditions. This does not include riots, strikes, insurrection or civil disturbances.
  - (9) Volunteer shall mean contributing service, equipment or facilities to the Office of Emergency Management without remuneration or without formal agreement or contract of hire.

Section 19-104.

#### Emergency Power and Authority of Town Mayor Over Emergency Management

- (1) The Town Council, or their designee, may exercise the emergency power and authority as specified in this Subtitle.
- (2) Under the following circumstances, the Town Mayor may assemble and utilize the emergency management forces and may prescribe the manner and condition of their use:

- a. Whenever, on the basis of information received from authoritative sources, the Town Mayor feels that an attack in the Town or an emergency is impending or imminent;
  - b. During any period of attack or emergency in the Town, and thereafter so long as the Town deems it necessary.
- (3) During any period when attack or emergency in the County is imminent or when the County has been subjected to attack or emergency, the County Executive may promulgate such reasonable regulations as he deems necessary to protect life and property and preserve critical resources. Such regulations may include, but shall not be limited to, the following:
- a. Regulations prohibiting or restricting the movement of vehicles in order to facilitate the mass movement of persons from critical areas of the County;
  - b. Regulations pertaining to the movement of persons from areas deemed to be hazardous or vulnerable to attack or emergency;
  - c. Regulations designed to lessen the hazards to property and citizens from attack or emergency.
- (4) The Town Mayor shall order emergency management forces to the aid of other communities in accordance with the Statutes of the State. The Town Mayor may request the State, or political subdivisions of the State, to send aid to the Town in case of natural disaster or in case of disaster resulting from attack or emergency when conditions in the Town are beyond the control of the local emergency management forces.
- (5) When obtaining formal approval would result in delay of attack-relief activity, the Town Mayor may, until the Council convenes, waive procedures and formalities otherwise required pertaining to the performance of public works, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase and distribution of supplies, materials and facilities, and expenditures of existing funds. The Council is also empowered to waive any such procedures and formalities.
- (6) Whenever the Town Mayor finds that any condition in the Town has attained, or threatens to attain, the proportions of a natural disaster, the Town Mayor may assemble and utilize emergency management forces and may prescribe the manner and conditions of their use. The Town Mayor, when deemed in the public interest, may send emergency management forces of the Town to the aid of other communities stricken by natural disaster when such disaster is affecting the health, welfare or security of the stricken community; provided, that after the Town Council convenes, the further continuance of any such natural disaster relief and the period thereof, shall be subject to the action of the Town Council.
- (7) The Town Mayor may make regulations permitting the conduct of practice tests of the Emergency Management Organization. Such regulations shall be filed with the Town Council and shall be binding upon the emergency management forces.

Section 19-105

Subtitle Not Construed as Abridging Power Of Council

Nothing in this Subtitle shall be construed as power or authority to abridge or lessen the legislative and administrative powers of the Council, unless such is specifically granted in this Subtitle.

Section 19-106.

Expenditures For Emergency Management

No person shall have the right to bind the Town of Morningside by contract, agreement or otherwise, without prior and specific approval of the Town.

Section 19-107.

Utilization of Existing Services and Facilities

In carrying out the provisions of this Subtitle, the Town Mayor is authorized to utilize the services, equipment, supplies and facilities of the existing departments, bureaus, offices, commissions, committees, authorities and agencies of the Town to the maximum extent practicable. The officers, agents, employees and personnel of all such departments, bureaus, offices, commissions, committees, authorities and agencies of the Town shall cooperate with and extend all services and facilities to the Town Mayor, the Office of Emergency Management and to the Director.

Section 19-108.

Liability of Town and Agents

- (1) Neither the Town nor any of its agencies, agents or representatives engaged in any emergency management activities, while complying with or attempting to comply with the rules and regulations promulgated pursuant to the provisions of this Subtitle, except in cases of willful misconduct, shall be liable for the death or injury to any person or damage to any property, as a result of such activity.
- (2) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the Town the right to inspect, designate and use the whole or any part of the premises or real estate for the purpose of sheltering persons during an actual, impending or practice enemy attack or natural disaster shall not be civilly liable for the death or injury to any person on or about the real estate or premises under license, privilege or other permission or for loss of or damage to property of such person.
- (3) The provisions of this Section shall not affect the right of any person to receive benefits to which he would otherwise be entitled to under this Subtitle, or under the Workmen's Compensation Law, or under any pension law, nor the right of any person to receive any benefits or compensations under any act of Congress.

Section 19-109.

Accept Service, Grants Or Loan

Whenever the Federal government or the State or any agency or officer thereof, or any person offers to the Town or to the Office of Emergency Management any services, equipment, supplies, materials or funds by way of gift, grant or loan for purposes of emergency management and disaster relief, the Town, acting through the Town Mayor may authorize any officer of the Town, or the Director or any Deputy Director of the Office of Emergency Management as the case may be, to receive such services, equipment, supplies, materials or funds on behalf of the Town, and subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer. Such acceptance, however, shall not create any liability on the part of the Town, Office of Emergency Management or any officer, agent or employee thereof for failure to comply with the terms of such offer and the rules and regulations, if any, of the agency making the offer.

Section 19-110.

#### Coordination of Programs; Mutual Aid Agreements

- (1) All emergency management and disaster relief functions of the Town shall be coordinated to the maximum extent possible with comparable functions of the State, Federal and local governments, including their various departments and agencies, and with private agencies of every type, to the end that the most effective preparation and use can be made of the Town's manpower resources and facilities for dealing with any disaster or emergency that may occur.
- (2) The Director of the Office of Emergency Management may, subject to the approval of the Town Mayor and Towns Council, develop, cause to be developed, or enter into mutual aid agreements for reciprocal emergency management aid and assistance in case of a disaster too great to be dealt with unassisted. The agreements shall be consistent with the Washington Metropolitan Area and State emergency management plans and programs. In case of emergency it shall be the duty of each local organization for emergency management to render assistance in accordance with the mutual aid agreements.
- (3) The Director of the Office of Emergency Management may, subject to the approval of the Town Mayor, enter into mutual agreements with Emergency Management agencies or organizations in other States for reciprocal emergency aid and assistance in case of a disaster too great to be dealt with unassisted.

Section 19-111.

#### Unauthorized Display of Emergency Management Insignia

No person shall display any identifying emergency management insignia for any purpose other than that for which it was intended, or under circumstances not authorized by the Director of the Office of Emergency Management.

- (1) No person shall wear or display in any manner any insignia, sign or device purported to be an emergency management insignia, except when such insignia has been duly issued by the Office of Emergency Management and is displayed in accordance with regulations established by the Director of the Office of Emergency Management.

Section 19-112.

Interfering With Emergency Management Organization and Regulations

No person shall willfully obstruct, hinder or delay any member of the Office of Emergency Management in the enforcement of any rule or regulation issued pursuant to this Subtitle, or violate any of the rules or regulations issued pursuant to the authority contained in this Subtitle.

Section 19-113.

Police To Enforce Subtitle

The Police Department is authorized and directed to take any necessary action to make effective any order, rule or regulation promulgated under the authority conferred by this Subtitle.

(Whole section adopted on 2/20/18)