

Amending Chapter 4, Building and  
Construction  
Sponsored by: Councilmember McGaughey

LEGISLATIVE RESOLUTION 21-0-12

**RESOLUTION AND ORDINANCE OF THE TOWN OF UNIVERSITY PARK TO AMEND CHAPTER 4 “BUILDING AND CONSTRUCTION”, BY REPEALING § 4-111, LIMITATION ON CONSTRUCTION OF SWIMMING POOLS, HOT TUBS AND OTHER WATER RECEPTACLES, AND § 4-114, “DEVELOPMENTAL NONCONFORMITIES”; BY REPEALING AND RE-ENACTING §4-101, “APPOINTMENT OF BUILDING INSPECTOR, APPLICATION OF BUILDING CODE”, §4-102, “DEFINITIONS”, §4-103, “PERMIT REQUIRED”, § 4-104, “PERMIT APPLICATIONS”, §4-105, “CRITERIA FOR CONSTRUCTION OF BUILDINGS”, §4-107, “AMENDMENTS”, §4-108, “SITE INSPECTION”, § 4-109, “CONSTRUCTION SITE REQUIREMENTS”, §4-204, “INSPECTION”, §4-205, “VIOLATIONS”, § 4-206, “PENALTIES”, §4-301, “DRAINAGE CONTROL”, §4-302, “PENALTIES AND ENFORCEMENT”; BY REPEALING, RE-ENACTING AND RENUMBERING §4-112, “SIGNS OR ADVERTISEMENTS”, §4-113, “PERMIT EXPIRATION”, AND §4-115, “SPECIAL EXCEPTIONS” AND BY RENUMBERING §4-116, “PENALTY” AND 4-117, “RULES AND REGULATIONS”.**

WHEREAS, pursuant to §5-202 of the Local Government Article, Annotated Code of Maryland, the Mayor and Common Council of the Town of University Park have the power to pass such ordinances as deemed necessary to protect the health, safety and welfare of the residents of the municipality and to prevent and remove nuisances; and

WHEREAS, Town staff and the Town Attorney have reviewed and made certain recommendations with respect to amendment of Chapter 4, “Building and Construction” to, in part, update various provisions and reflect current Town practice and procedures and amendments to the County Zoning Ordinance; and

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EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW

~~[Brackets]~~ indicate matter deleted from existing law

\* \* Asterisks\* \* indicate existing law which are unchanged but not set forth in the ordinance

CAPITALS INDICATE MATTER ADDED BY AMENDMENT TO THE PROPOSED ORDINANCE

~~[Brackets]~~ indicate matter deleted by amendment to the proposed ordinance

WHEREAS, the Mayor and Common Council have determined that the said recommendations are in the public interest and should be adopted.

Section 1: NOW THEREFORE be it resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 4 "Building and Construction", §4-101, "Appointment of Building Inspector, application of Building Code" of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

## ARTICLE I

### Building Code

#### § 4-101. ~~[Appointment of Building Inspector, a]~~ Application of Building Code.

A. ~~[The Mayor, with the advice and consent of the common Council, shall select and appoint a Building Inspector for the Town, who shall, unless otherwise decided, be the Town Engineer.]~~

~~[B.]~~The rules and regulations for the construction of buildings known as the "Building Code of Prince George's County, Maryland," ~~[1983 edition,]~~ as amended, including references therein to the FOLLOWING REFERENCED CODES~~[Basic Building Code, ninth edition, 1984,]~~ and cumulative supplements thereto, is hereby adopted as the Building Code for the Town of University Park for the control of buildings, structures and grading; and is hereby established and made a part hereof and will be followed and complied with by all builders, contractors, AND individuals ~~[and the Building Inspector]~~, where said provisions are not in conflict with or different from the specific provisions of this chapter or the building restrictions which are incorporated in applicable deeds of conveyance and/or restrictive covenants:

1. THE INTERNATIONAL BUILDING CODE;
2. THE INTERNATIONAL MECHANICAL CODE;
3. THE INTERNATIONAL ENERGY CONSERVATION CODE, 2018 EDITION (HEREINAFTER REFERRED TO AS THE 'IECC'); AND
4. THE INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, 2018 EDITION (HEREINAFTER REFERRED TO AS THE 'IRC');
5. THE INTERNATIONAL SWIMMING POOL AND SPA CODE, 2018 EDITION (HEREINAFTER REFERRED TO AS THE 'ISpsc');
6. THE INTERNATIONAL EXISTING BUILDING CODE 2018 EDITION (HEREINAFTER REFERRED TO AS THE 'IEBC').

B. UPDATED STANDARDS. WHERE EXISTING STANDARDS OR REQUIREMENTS ADOPTED HEREIN HAVE BEEN UPDATED OR SUPERSEDED BY THE PROMULGATING AUTHORITY, SUCH REVISED STANDARD OR REQUIREMENT SHALL BE DEEMED AS THE CURRENT CODE ADOPTED AND AS PRIMA FACIE EVIDENCE OF COMPLIANCE WITH THE INTENT OF THE CHAPTER.

C. CONFLICT WITH THE WASHINGTON SUBURBAN SANITARY COMMISSION PLUMBING AND FUEL GAS CODE: IF A CONFLICT EXISTS BETWEEN THE STANDARDS OR REQUIREMENTS SET FORTH IN THE ADOPTED CODES AND THE STANDARDS AND REQUIREMENTS FOR PLUMBING AND GAS FITTING AS SET FORTH IN THE WASHINGTON SUBURBAN SANITARY COMMISSION PLUMBING AND FUEL GAS CODE, THE STANDARDS OR REQUIREMENTS SET FORTH IN THE LATTER SHALL GOVERN.

D. THE ADOPTION OF THIS SECTION SHALL INCLUDE INCORPORATION BY REFERENCE OF FUTURE AMENDMENTS TO THE PRINCE GEORGE'S COUNTY BUILDING CODE.

Section 2. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 4 "Building and Construction", §4-102, "Definitions" of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

**§ 4-102. Definitions.**

As used in this chapter, the following terms mean:

**BUILDING RESTRICTION LINE** - The setback line established by the Prince George's County Zoning Code for the R-55 Zone and RSF-65 zone, by plat, or by covenant or agreement, whichever is applicable, beyond which no part of a main building or other structure may extend.

**FENCE** - Any structure, wall, retaining wall, barrier, partition or combination thereof erected for the purpose or with the effect of enclosing a piece of land, dividing a piece of land into distinct portions, separating two contiguous estates, or stopping and/or creating an obstacle to pedestrian crossings, or consisting of a section or sections of any type or fencing material, including chain, railing, arbor, or trellis, or any other type of similar structure constructed or set in place and made of any material such as bricks, blocks, stones, wood, iron, wire, plastics, concrete or any other building or construction material. Fence does not include underground, invisible animal restraint barriers.

**FRONT LOT LINE** - The line running along the "Front of the Lot" and separating it from the Street. In this Subtitle, the Front Lot Line is also called the Front Street Line. In a Through Lot, all lines abutting the Streets are Front Street Lines.

**FRONT YARD** - All that area between an existing or proposed street, alley or roadway, and the front building restriction line extending from side to side on the property. If the main building on the lot is not contiguous with the front building

restriction line, then the front yard is that area between an existing or proposed street, alley or roadway and a line running parallel to the existing or proposed street, alley or roadway across the front of the main BUILDING (OR ITS ENCLOSED OR COVERED PROJECTION) and running the full width of the lot.

~~[MINOR CONSTRUCTION — The construction of:~~

~~A. Patios;~~

~~B. Prefabricated sheds;~~

~~C. Enclosures of existing porches or patios;~~

~~D. Curb cuts;~~

~~E. Additions to existing structures extending enclosed floor space by 100 square feet or less; and~~

~~F. Sidewalks, steps, driveways or new paving.]~~

REAR LOT LINE - The lot line generally opposite or parallel to the front street, except in a through lot, WHICH HAS NOT REAR LOT LINE. If a rear lot line is less than 10 feet long, or the lot comes to a point at the rear, said rear lot line is assumed to be a line at least 10 feet long, lying wholly within the lot, parallel to the chord of the arc of said front street line.

~~REAR YARD - [All that area between the rear lot line and a line drawn across the rear of the house or main building on the lot, running the full width of the lot.]~~ THE YARD EXTENDING ACROSS THE WIDTH OF A LOT, BETWEEN THE REAR LOT LINE AND THE NEAREST PART OF A "MAIN BUILDING" (OR ITS ENCLOSED OR COVERED PROJECTION). A THROUGH LOT HAS NO REAR YARD.

SIDE LOT LINE: ANY LOT LINE OTHER THAN A FRONT STREET LINE OR A REAR LOT LINE. A SIDE LOT LINE SEPARATING THE LOT FROM A STREET IS A SIDE STREET LINE. IN THE ABSENCE OF A FRONT STREET LINE, ALL LOT LINE ARE SIDE LOT LINES.

~~SIDE YARD - [All that area which is not part of the front yard or rear yard, and which is behind the building restriction line.]~~ THE YARD BETWEEN THE SIDE LOT LINE OR SIDE STREET LINE AND THE NEAREST PART OF A MAIN BUILDING (OR ITS ENCLOSED OR COVERED PROJECTION), EXTENDING FROM THE FRONT YARD TO THE REAR YARD OR, IN THE ABSENCE OF EITHER OF THESE YARDS, TO THE FRONT STREET LINE AND REAR LOT LINE. IN THE ABSENCE OF A FRONT STREET LINE, ALL YARD ARE SIDE YARDS. IN A THROUGH LOT, ANY YARD THAT DOES NOT ABUT A STREET IS A SIDE YARD.

Section 3. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 4 ""Building and Construction", §4-103, "Permit required" of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

**§ 4-103. Permit required.**

No person shall construct or erect any building, structural addition, ACCESSORY BUILDING, fence, swimming pool, HOT TUB, PATIO, DRIVEWAYS OR WALKWAYS THAT CROSS TOWN RIGHTS-OF-WAY, or other improvement; or move or demolish any sound structure or improvement, without a valid building permit issued by the Clerk~~[-Treasurer or his]~~ OR designee. A permit is not required for the demolition or removal of fences or collapsed structures, or for decorative or preventative maintenance. No construction OR DEMOLITION REQUIRING A PERMIT shall proceed without a validly issued permit being prominently displayed for inspection at the site of construction.

Section 4. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 4 “Building and Construction”, §4-104, “Permit applications” of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

**§ 4-104. Permit applications.**

A. Applications for Building Permits. All applications for building permits shall be made to the Office of the Mayor and shall be accompanied by a non-refundable filing fee of ~~[\$10]~~ \$50 and the plans and specifications for the work to be done. The plans and specifications shall be accompanied by a survey and a plat of the lot with the location and plan of the structure or structures indicated thereon together with an approved, valid county permit. All applicants shall include the name of the owner, lot and block number, kind of structure, number of stories, structure dimensions, lot coverage and location on the lot, projected use, estimated value of the work to be done, and zoning approval. THE FEE FOR ANY REQUIRED REVIEW BY AN ENGINEER, TO INCLUDE WITHOUT LIMITATION FOR STORM WATER MANAGEMENT REVIEW, SHALL BE PAID BY THE PERMIT APPLICANT. Whenever any work for which a permit is required under this article has been started prior to obtaining a permit, a special review shall be made before the permit is considered and a special review fee of \$100 shall be due and payable, in addition to any other fee noted herein, at the time of filing the application for the required permit. Upon approval by the Town of the application, the applicant shall pay to the Town ~~[Treasurer]~~ CLERK an additional permit fee which shall be calculated by multiplying the permit fee computed by the county pursuant to § 4-~~[2]~~352, by a multiplier of 0.1. The permit fee and any special review fees shall be paid in full prior to the issuance of the permit.

B. ~~[Exceptional requirements. Any plan for the construction of a new building shall demonstrate that the sewer construction or disposal system has been approved by the Washington Suburban Sanitary Commission. Any plans for the demolition or removal of a building shall show that Town and County Police and Fire Departments have approved the plans.]~~ C.] Procedures. To be eligible for consideration, permit applications must be submitted to the Office of the Mayor at least five calendar days prior to the date of the meeting at which consideration of the permit is requested. COMPLETED Permit

applications will be considered by the Council at the public meeting. ~~[Each completed application shall be considered by t]~~The Council ~~[which]~~ shall grant or deny a permit. The granting of a permit shall certify to the county that the Town has approved the proposed activity. All application fees are non-refundable and all plans and specifications submitted to the Office of the Mayor shall be kept on file for public inspection, as required by state law.

Section 5. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 4 "Building and Construction", §4-105, "Criteria for construction of buildings" of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

§ 4-105. Criteria for the construction of buildings.

A. Building and construction: general prohibitions.

(1) No person or persons shall erect any structure, or make any alterations, repairs or additions to any existing structure, and no permit shall issue therefore, unless said structure alterations, repairs and/or additions conform to the building restrictions set forth in this chapter and restrictions which are or may be incorporated in applicable deeds of conveyance and restrictive covenants.

(2) All houses in the Town shall be built and used for residence purposes exclusively, except accessory buildings for use in connection with such residences, and no trade, business, manufacture or sales, or nuisance of any kind shall be carried on or permitted upon any premises, except as provided in the Prince George's County Zoning ~~[Code]~~ ORDINANCE, as amended and applicable Town zoning rules and regulations.

(3) No permit shall be issued for the construction of any dwelling unless it shall be located to conform to the requirements and covenants of any applicable deeds of conveyance and/or restrictive covenants.

~~(4) — [No permit shall be issued for construction of any improvement which may reasonably be expected to injure any tree of any size on an abutting or nearby property or to violate any other Town ordinance concerning trees.~~

~~(5) Air conditioners, heat pumps and accessories shall not be constructed within seven feet of any side lot line or rear lot line nor in the front yard of any property.~~

~~[Revised, effective 12-12-1989]~~

B. — Residences:

~~(1) — A permit for a proposed residential structure shall not be issued unless the plans indicate that the value of the proposed residential structure, exclusive of the land, shall equal or exceed \$200,000.~~

~~(2) — A proposed residential structure shall be a minimum of 3,500 square feet in size, including the basement.~~

~~(3) — Brick, natural stone, stucco, clapboard, or a compatible mix of such materials must compose a minimum of 75% of the exterior of the proposed residential structure, exclusive of the doors and windows.]~~

~~(4) Construction of exposed metal chimneys is prohibited.~~

~~[(C)Detached Garages:~~

~~(4) — No person or persons shall erect any detached garage, or make any alterations or additions to any existing garage within the Town, so that the structure exceeds one story, or 15 feet in height at its highest point, or exceeds 24 feet by 24 feet in width and depth.~~

~~(5) — No garage shall exceed 75% of the exterior dimensions of the residence it serves.~~

~~(6) — Any detached garage must be made of materials substantially similar to those of the house it serves.~~

~~C. — Other Outbuildings:~~

~~(4)] 5. No outbuilding or other accessory building, or alteration or addition to such existing outbuilding, may be constructed of metal.~~

~~[(2) Any outbuilding larger than 100 square feet must meet the requirements for detached garages.]~~

**B. ZONING. PERMITS SHALL BE ISSUED IN COMPLIANCE WITH THE COUNTY ZONING ORDINANCE INCLUDING SETBACK REQUIREMENTS.**

Section 6. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 4 “Building and Construction”, §4-107, “Amendments” of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

**§ 4-107. Amendments.**

Any MINOR change in a project for which a building permit has been issued shall be submitted ~~[to the Office of the Mayor]~~ FOR APPROVAL BY THE MAYOR as an amendment to the plans and specifications of the project. ~~[No work on the change shall commence until the Council has approved the amendment. The Mayor shall issue a]~~ A stop-work order MAY BE ISSUED against any person violating this section.

Section 7. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 4 “Building and construction”, §4-108, “Site inspection”

of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

**§ 4-108. Site inspection.**

A. Right of inspection. The ~~[Mayor and Building Inspector appointed by the Council]~~ TOWN shall have the right to inspect any activity for which a building permit has been issued and/or requested. This right of inspection shall be exercised only during reasonable hours of the day and shall extend through the duration of the activity.

B. Penalties. The Council ~~[shall]~~ MAY revoke and/or refuse to issue, the permit of any person or his agent who impedes or refuses an inspection, or who deviates from the plans or specifications unless amended.

Section 8. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 4 “Building and Construction”, §4-109, “Construction site requirements” of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

**§ 4-109. Construction site requirements.**

Persons engaged in activities regulated by building permits may occupy street space with building materials with the consent of and for the time period allotted by the Council~~]. Each contractor or owner occupying a public way with building materials shall exhibit two red lights at each end of the obstruction and red lights not more than 10 feet apart so as to clearly show a passage in the public way. No dirt or rubbish shall be stored on any public way at any time, SUBJECT TO APPROVED CONDITIONS.~~

Section 9. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 4 “Building and Construction”, §4-111, “Limitation on construction of swimming pools, hot tubs and other water receptacles” of the Code of the Town of University Park, be repealed as follows:

~~§ 4-111. Limitation on construction of swimming pools, hot tubs and other water receptacles.~~

~~A. — Swimming Pools. Every swimming pool constructed in the Town shall:~~

~~(1) — Have a water level below ground level;~~

~~(2) — Have a filtering system that has been approved by Prince George's County;~~

~~(3) — Provide complete drainage by gravity or a pump;~~

~~(4) — Be completely enclosed by a fence not less than six feet high, which shall be maintained free of any vegetation, or natural or man-made fibers and which shall not obscure visibility adjoining properties without the approval of the Council.~~

~~(5) — Be set back at least 10 feet from both side property lines and at least 20 feet from the rear~~

~~property line. Such measurement shall be made from the inside wall of the swimming pool. No swimming pool apron, deck or diving board shall be placed within 10 feet of any side or rear lot line. No swimming pool pumps, filters or other pool accessories shall be constructed or installed within seven feet of any side or rear lot lines.~~

~~(6) — Be equipped with self latching latches on all gates, which shall be placed in such a way as to be inaccessible to small children and said gates shall also be equipped with approved locking devices which shall be locked when the pool is unattended.~~

~~(7) — Shall be constructed only on owner occupied property.~~

~~(8) — Lighting. Lights used to illuminate any swimming pool shall be so arranged and shaded as to reflect light away from adjoining premises, and shall be maintained and operated in such a manner as not to be a nuisance or an annoyance to any neighboring properties. In no event shall any such lights be on after 11:00 p.m. on any night. Lights and electric outlets and conduits installed under or near the pool surface or within the surrounding deck area shall not be over 12 volts and in all other respects shall comply with the Electrical Code of the county.~~

~~(9) — Noise. All pools shall be maintained and operated so that they do not cause nuisances or annoyances to neighboring property owners or any residents of the Town; no person shall make, continue, or cause to be made or continued at any swimming pool, any loud, unnecessary or unusual noise; or any noise which annoys, distorts, injures or endangers the comfort, repose, health, peace or safety of others. Any diving board included as part of a swimming pool shall be so constructed, fastened or snubbed as to eliminate unnecessary noise in its use.~~

~~B. — Hot tubs, Jacuzzis and other similar water receptacles. Every outdoor hot tub, Jacuzzi or other similar water receptacle with a depth of more than 24 inches or equipped with a water circulating system constructed in the Town shall:~~

~~(1) — Have a filtering system approved by Prince George's County;~~

~~(2) — Provide complete drainage by gravity or pump;~~

~~(3) — Be equipped with an approved device to completely cover such receptacle when not in use, which shall be locked with approved locking mechanisms when the receptacle is unattended;~~

~~(4) — Be placed at the rear of the residential structure and in any event in such a way as to avoid disturbing adjoining properties.]~~

Section 10. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 4 “Building and Construction”, §4-112, “Signs or advertisements” of the Code of the Town of University Park, be repealed, re-enacted, renumbered and amended to read as follows:

**§ 4-[112]111. Signs [or advertisements].**

~~[No sign or advertisement connected with any business enterprise shall be erected or maintained in the Town. Signs advertising the sale or rent of the property on which they are located are exempt from this provision.]~~ THE PROVISIONS OF SUBTITLE 27, ZONING, SEC. 27-61500 *ET SEQ.*, “SIGNAGE”, OF THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE, AS AMENDED FROM TIME TO TIME, ARE HEREBY ADOPTED AND INCORPORATED HEREIN BY REFERENCE. ANY SIGN ERECTED IN VIOLATION OF THE AFOREMENTIONED PROVISIONS OF THE

PRINCE GEORGE'S COUNTY ZONING ORDINANCE SHALL BE AN ILLEGAL SIGN.

Section 11. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 4 “Building and Construction”, §4-113, “Permit expiration” of the Code of the Town of University Park, be repealed, re-enacted, renumbered and amended to read as follows:

**§ 4-~~113~~112. Permit expiration.**

A Town permit under which no work is commenced within six months after the date of issuance, shall expire and become null and void unless, prior to expiration, the permit is extended BY THE MAYOR’S OFFICE. [~~for a period not to exceed an additional six months by the Council~~].

Section 12. . Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 4 “Building and Construction”, §4-114, “Permit expiration” of the Code of the Town of University Park, be repealed as follows:

~~§ 4-114. Developmental nonconformities.]~~

~~Any part or aspect of a structure which no longer meets the requirements and specifications set forth in this Building Code, which is part of a residence or a structure attached to a residence, may be replaced or repaired. A developmental nonconformity which is detached from a residence may not be replaced. No developmental nonconformity may be expanded. An air conditioner or heat pump which is a developmental nonconformity may not be replaced.]~~

Section 13. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 4 “Building and Construction”, §4-115, “Special exceptions” of the Code of the Town of University Park, be repealed, re-enacted, renumbered and amended to read as follows:

**§ 4-~~115~~ 113. Special exceptions.**

A. The Common Council may consider an application for a special exception based upon a particular case or situation, and may approve the application provided that there is a showing of hardship, unique topography, unusual circumstances or safety considerations that warrant an exception. Special exceptions shall be granted by the Council only if it finds that such exception:

1. Will not adversely affect the public health, safety, welfare or interest, nor the reasonable use of adjoining properties;
2. Will not violate any covenants applicable to the property;
3. Can be granted without substantial impairment of the purpose and intent of the Town building regulations;
4. Will not interfere with or obstruct the visibility of motorists or cyclists; and
5. Will not unduly impede the enforcement of any other applicable law.

B. ALL ABUTTING AND CONFRONTING OWNERS TO THE PROPERTY SHALL BE NOTIFIED IN WRITING AT LEAST 10 DAYS PRIOR TO A COUNCIL MEETING AT WHICH A REQUEST FOR A SPECIAL EXCEPTION WILL BE CONSIDERED.

Section 14. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 4, “Building and Construction”, §4-116, “Penalty” and 4-117, “Rules and Regulations”, of the Code of the Town of University Park, be renumbered as §4-114 and §4-115, respectively.

## ARTICLE II

### Erosion and Sediment Control

Section 15. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 4 “Building and Construction”, §4-204, “Inspection” of the Code of the Town of University Park, be repealed, re-enacted, and amended to read as follows:

#### § 4-204. Inspection.

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

Section 16. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 4 “Building and Construction”, §4-205, “Violations” of the Code of the Town of University Park, be repealed, re-enacted, and amended to read as follows:

**§ 4-205. Violations.**

Upon failure to take the directed corrective action within the time specified by the Town [Engineer], the permittee shall be deemed to be in violation of this article. Each day a violation continues uncorrected shall be deemed a separate offense. In addition, the Mayor may authorize the Town Counsel or other legal counsel to seek injunction or other appropriate relief to correct such violations.

Section 17. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 4 “Building and Construction”, §4-206, “Penalties” of the Code of the Town of University Park, be repealed, re-enacted, and amended to read as follows:

**§ 4-206. Penalties.**

Any person, partnership, firm, ENTITY or corporation violating the provisions of this article ~~[, upon conviction of such violation, shall be]~~ IS subject to a MUNICIPAL INFRACTION AND penalty of \$200. ~~[Imprisonment in default of fine shall not exceed 25 days and shall be regulated by the provisions of Section 4 of Article 38 of the Annotated Code of Maryland.]~~

**ARTICLE III  
Drainage**

Section 18. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 4 “Building and Construction”, §4-301, “Drainage control” of the Code of the Town of University Park, be repealed, re-enacted, and amended to read as follows:

**§ 4-301. Drainage control.**

A. No person shall construct, install, erect or establish any device, structure, or system for the removal of surface or subsurface water, OR EXCAVATE, ALTER OR REGRADE THE SURFACE TO CHANGE THE FLOW OF SURFACE OR SUBSURFACE WATER, from any property within University Park without a permit issued by the Town. Applications for drainage permits shall be

made to the [~~Chairman of the Building Specifications Committee~~] with a non-refundable filing fee of [~~\$1~~] \$50.00 and plans for the work to be done and referred to the Town's SELECTED Engineer for review. THE TOWN MAY INCLUDE IN THE APPLICATION FEE THE COST FOR THE TOWN DESIGNATED ENGINEER TO APPROVE AND INSPECT THE WORK. The Town DESIGNATED Engineer may approve the application upon a finding that the proposed [~~drainage system or structure~~] WORK shall not result in an alteration of the natural drainage patterns in a manner adversely affecting Town property or adjacent properties. Notwithstanding anything contained herein, a permit will not be required of any person establishing a drainage system which connects an established storm drain system maintained and operated by a public or governmental agency.

B. [~~Upon written request addressed to t~~]The Mayor[~~, the Town Engineer~~] may require any person or property owner to remove or modify any established device, drainage system or structure for the removal of surface or subsurface water from any property [~~within University Park,~~] OR ANY EXCAVATION, ALTERATION OR REGRADING OF THE SURFACE at the expense of the owner of the property upon which the system or structure is located, upon a finding that the continued maintenance of the system or structure, EXCAVATION, ALTERATION OR REGRADING is changing the natural flow of water from said property in a manner adversely affecting Town property or adjacent properties.

Section 19. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 4 "Building and Construction", §4-302, "Penalties and enforcement" of the Code of the Town of University Park, be repealed, re-enacted, and amended to read as follows:

§ 4-302. Penalties and enforcement.

Any violation of this article, including a failure to comply with an order of the Town [~~Engineer~~], shall constitute an infraction subject to a penalty of \$200 and further shall be subject to injunction and other appropriate legal remedies requiring removal of the structure, device or system, AND/OR EXCAVATION, ALTERATION OR REGRADING at the expense of the person installing or authorizing the installation of the system and/or the owner of the property.

- \* On September 17, 1984, the Town adopted CB-52-1984 of Prince George's County, Maryland as the Town's Stormwater Management Ordinance and delegated the authority for administration and enforcement to Prince George's County. The text of CB-52-1984 is attached to this Code of Ordinances as Appendix A and is made a part hereof [**Resolution 84-10; 9-17-1984**]

Section 20. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that this Ordinance shall become effective twenty (20) days after enactment by the Mayor and Common Council of University Park.

Section 21: Be it further resolved that, after adoption, a complete and exact copy of this Ordinance shall be posted on the entrance door of the Town Building of University Park, Maryland, for a period of not less than ten (10) days, and a fair summary of this Ordinance shall be published at least once in a newspaper having general circulation in the community.

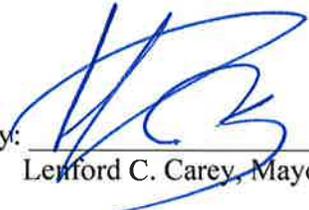
Section 22. If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the Town that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

APPROVED this 24<sup>th</sup> day of January, 2022

ATTEST:

MAYOR AND COMMON COUNCIL  
TOWN OF UNIVERSITY PARK

TC Hegeman  
TC Hegeman, Town Clerk

By:   
Lenford C. Carey, Mayor

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By: Suellen M. Ferguson  
Suellen M. Ferguson, Town Attorney

# 21-O-12 Signed by LC

Final Audit Report

2022-02-09

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