

TOWN OF CAPITOL HEIGHTS CODE OF ORDINANCES

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Article II

Animal Control

SECTION 201. ANIMAL RUNNING AT LARGE

No animal shall be permitted to run at large at any time within the Town, and it shall be unlawful for the owner, possessor or harbinger of any animal to permit or allow such animal to run or remain at large.

SECTION 202. DANGEROUS ANIMAL

It shall be unlawful for any person to own or keep within the Town any animal which shall be of a dangerous or vicious character after such person shall have official notice that such animal is vicious or dangerous.

SECTION 203. DISTURBING THE PEACE

No animal shall be kept within the Town which shall by its barking, whining, or howling or in any other manner, disturb the peace and quiet of any person or neighborhood, or which is known to be of a quarrelsome, dangerous or vicious disposition.

SECTION 204. DISPOSAL OP ANIMALS RUNNING AT LARGE

Whenever the health and safety of the people of the Town are endangered by reason of an animal or animals running at large within the Town, it shall be the duty of the Police Department and any persons authorized by the Town Government to handle or dispose of any animal or animals at large.

SECTION 205. RIDING OP ANIMALS

It shall be unlawful for any horse, mule or similar animal to be ridden upon, led upon, or allowed to occupy any public space within the corporate limits of the Town.

SECTION 206. PUBLIC EXCREMENT

No person owning, keeping or having custody to an animal, except a seeing eye dog, in the Town of Capitol Heights, shall allow or permit excrement from such animal to remain in any public place, nor shall any person permit excrement from such animal to remain on private property without the consent of the owner or occupant thereof.

Article IV

Peace and Order

SECTION 401. INTERFERENCE WITH TOWN OFFICIAL OR POLICE OFFICER

It shall be unlawful for any person or persons to interfere with any duly qualified public officer, police officer or employee of the Town acting on behalf of the Town in any manner so as to interfere with the aforesaid public officer, police officer or employee of the Town in the performance of any duty that may be assigned to him by his superiors or that may by virtue of any statute or ordinance be required of said officer or employee under his oath of office or Appointment.

SECTION 402. DISORDERLY CONDUCT

It shall be unlawful for any reason to enter upon the land or premises of any other person, whether such person be the owner, tenant or lessee of said land or premises, or on the streets, alley or any public place within the Town and willfully act in a disorderly manner, by making loud and unseemly noise so as to disturb the peace and tranquility of the neighborhood, or by profanely cursing or swearing, or using obscene language while thereon, or by indecent and unnecessary exposure of the human body.

SECTION 403. UNAUTHORIZED USE OF FIRE-ARMS OR OTHER WEAPONS

It shall be unlawful for any person or persons to fire, shoot, discharge, set-off or use for the purpose of propelling any bullet or any other missile whatsoever from a shotgun, rifle, pistol, toy cannon or any other kind or description of fire-arms, air-gun, bow and arrow, sling-shot, been shooter or any other fire-arm or missile propelling instrument or contraption, whether a missile therefore is propelled by powder, other explosive, compressed air or material of any kind whatsoever from a dwelling, garage, outbuilding, or any other kind of building whatsoever, or while in the streets, alleys or public places of the Town, nor shall any of the above enumerated missile propelling instruments be fired or used in the Town except in the necessary protection of life or property. This section shall not apply to police officers nor shall it apply to any authorized pistol, rifle or archery range which may be authorized by the Town.

SECTION 404. UNAUTHORIZED TARGET PRACTICE

Target practice may be permitted within the limits of the Town provided that one or more Town Police Officers or qualified instructor(s) authorized by the Town, with a thorough knowledge of the use of the instruments herein enumerated, are in attendance, and provided said target practice shall be at a suitable place within the Town and such place has been authorized by the Town.

SECTION 405. CONFISCATION OF DANGEROUS OR DEADLY WEAPON

Any police officer of the Town, who upon investigation or detection discovers any person within the Town wearing, carrying, or concealed upon or about his person any dangerous or deadly weapon prohibited by State or County law may seize and confiscate said weapon. At the expiration of six months after the conviction of the offender, the Police Department shall have the authority to dispose of any dangerous or deadly weapon seized or confiscated as a result of a violation of a State or County weapons law provided the State or County does not provide for the disposition of such weapon.

SECTION 406. DAMAGING, TAMPERING WITH, MOVING OR REMOVING TOWN, PUBLIC, OR PUBLIC UTILITY PROPERTY

It shall be unlawful for any person or persons to tamper with, break, damage, mutilate, transfer or remove any lantern, glass frame, barrier, street designation, fixture, road marker, official sign, public lamp, or any official marker or designation erected for the regulation and control of traffic or any other property belonging to the Town or to any public utility or construction firm authorized by the Town Government.

SECTION 407. UNLAWFUL THROWING OF MISSILES

It shall be unlawful for any person to throw any stone or other missile of any kind in the Town in any way that is likely to do harm or injure any person or property or in such a manner as to cause reasonable apprehension of such harm or injury.

SECTION 408. DRINKING IN PUBLIC

It shall be unlawful for any person to drink any intoxicating beverage on the streets, parks, or other public property, or while in any vehicle within the Town, unless authorized by the Town Government.

SECTION 409. UNAUTHORIZED USE OF OR INTERFERENCE WITH PRIVATE PROPERTY

It shall be unlawful for any person or persons to use or cause to be used any property belonging to another or in any way to interfere with the property of another without first obtaining the owner's permission therefor.

SECTION 410. EXCREMENTING WITHIN PUBLIC VIEW

It shall be unlawful within the Town for any person to excrement on public places or private property within the public view.

Article VI

Health and Nuisance

SECTION 601. LITTERING STREETS OR SIDEWALKS (PUBLIC PROPERTY)

It shall be unlawful for any person or persons, home owner or owners, tenant or tenants, or other, to cause or allow to flow any dirt, earth, and/or silt upon any of the sidewalks, streets, alleys, or other public space and it shall be similarly unlawful for any person to permit or allow any mud, dirt, garbage, bottles, trash, petroleum products or debris whatsoever, to be thrown from, to be dropped from or in any manner to fall from any vehicle onto or upon the streets, alleys or other public space without immediately removing the aforesaid mud, dirt garbage, bottles, trash, petroleum products or debris from the said areas of the Town.

SECTION 602. UNLAWFUL NUISANCE A DANGER TO ENVIRONMENTAL HEALTH

It shall be unlawful for any person to create, allow or cause to persist any nuisance within the Town. Whatever is dangerous to life or health, whatever renders air, food, water or drink unwholesome or unfit for human consumption, whatever odors, gases, or exhalation are offensive to the inhabitants or dangerous to the public health, whatever accumulations of animal, mineral, vegetable or other matter, whether in solid, liquid, or gas form, which are dangerous, harmful, or unsightly to the neighborhood, or are likely to become so, or are likely to attract persons generally, and children specifically, with the possibility of resulting hers or injury, are hereby declared to be nuisances within the scope and meaning of this section.

SECTION 603. VIOLATION OF SAFETY HAZARDS

It shall be unlawful for any owner or owners, tenant or tenants, of any private property in the Town to permit or cause to exist any dead trees or tree limbs to remain standing so as to create a safety hazard, or tree fungi or other plant diseases to spread within the town, or to persist or cause to exist any water wells/or dry wells to remain open or inadequately covered, or to keep discarded or unused ice boxes or refrigerators without first removing the doors thereof, on said property. It shall be unlawful, also, for any owner or owners, builder or builders or construction workers to cause or allow or maintain any hazard on any private property which would be detrimental to the public safety, generally, and to children especially.

SECTION 604. UNLAWFUL USE OF BARBED WIRE

It shall be unlawful for any person to erect or cause to be erected any barbed wire fence or enclosure within the Town except with permission of the Town Government.

SECTION 605. UNAUTHORIZED POSTING OF SIGNS

It shall be unlawful for any person or persons to erect, hang, place, paint or paper any sign in the Town, except as hereinafter provided. No sign, including nameplates and movable signs, shall be erected, fixed, painted or hung or otherwise displayed, altered, or repaired unless a permit therefor has been issued by the Town Government, except only, house number signs, resident occupancy signs and professional markers, and no sign of the latter type shall be permitted if it should be larger than one and one-half (1 1/2) feet long and more than six (6) inches wide, unless a permit therefor is first obtained from the Town Government. The Town Government shall be guided in passing upon the application for any such permit requested under this section, by consulting the Zoning Ordinances of the County.

SECTION 606. HOUSE NUMBER SIGNS

Any owner of a house or commercial building which is adjacent and abutting to any street within the Town shall be required to attach a house number sign in a conspicuous manner which is clearly visible from the street. No house number sign shall have lettering less than three (3) inches high.

SECTION 607. UNLAWFUL NUISANCE A DANGER TO HEALTH

It shall be unlawful for any person in possession of any land within the developed area of the Town, whether said person be a tenant or owner, to permit or allow any trash, waste material, garbage, offensive and dirty brush or other filth of any kind whatsoever to accumulate upon his premises, and further it shall be unlawful for any person in possession of any land within the developed area of the Town, whether said person be a tenant or owner, to permit or allow his yard, lot or land to grow or develop with weeds, briars or dead tree limbs or dead trees, and such is hereby declared to be a public nuisance. It shall be the duty of the Town Police, and/or the Code Enforcement Officer to notify the owner or owners, tenant or tenants, or person or persons in possession of any real estate as aforementioned in writing and It shall be the duty of the said person in possession to remove such public nuisance within ten (10) days after date of such notice. Upon failure to remove such public nuisance within the time specified, the nuisance will be removed by the Town or its representative and the cost thereof charged to him, her or them, as the case may be, unless cause to the contrary be shown by filing objections in writings with the Town Clerk on or before the expiration date of such notice. If such written objections are filed it shall be the duty of such person to appear before the Town Government at the next public meeting thereof. If such public nuisance is not removed within the time specified in such notice, and no written objections have been filed or if filed has been overruled by the Town Government, then the Town Administrator shall cause the public nuisance to be removed, and is authorized to incur the necessary expense in so doing, and shall place a charge against the proper person or persons for such cost and proceed to collect same by entering same on the tax records as a tax upon such real estate, or by suit if deemed necessary, or both.

SECTION 608. ABATEMENT OF NUISANCE

Any building or other property, real or personal, which shall be declared a fire hazard within the Town by the Fire Marshal of the County or by the Town Government shall be considered a nuisance under this Article; and after a proper declaration and after a reasonable time to permit objections to said declaration to be heard and determined by the Town Government, the Mayor and Council shall direct the Town Administrator or other Officer to take such corrective steps to abate the said nuisance as may be required, including the expenditure of Town Funds for which the Clerk of the Town, may assess costs against the owner or owners of said property, real or personal. In the alternative, the Mayor may refer the matter to the Town Council for such action or litigation as it may deem necessary.

SECTION 609. TRANSPORTING, DISPOSAL OR STORAGE OF HAZARDOUS WASTE

No hazardous waste as defined in "Title 7 of the Health-Environmental Article of the Annotated Code of Maryland, 1902 Edition," and as amended, may be transported, disposed of, or stored within the confines of the Town without first obtaining a permit therefore from the Town Government.

SECTION 610. GRASS AND WEEDS AS PUBLIC NUISANCE

It shall be the duty of all persons, whether said person(s) be the owner(s), tenant(s), or person(s) in possession of any yard, lot or land located within the Town, whether said property be private or public, to cut and maintain the grass and weeds shall not exceed six (6) inches in height. It shall be the duty of the Town Police and/or the Town Code Enforcement Officer to notify the owner or owners, tenant or tenants or person or persons, where the case may be, in possession of any real estate aforementioned in writing and it shall be the duty of said person in possession to cut said grass and weeds within five (5) days after the date of such notice. Violation of this ordinance is unlawful, and declared to be a public nuisance. The fine for violation of this ordinance is (\$25.00) dollars. Each day a violation of this ordinance exists or is allowed to continue shall be considered a separate offense.

SECTION 611. TRASH RECEPTACLE AND BULK TRASH

Receptacles containing trash and/or garbage shall be placed in front of the premises and in a position easily accessible to the collector of trash and/or garbage. No person shall place said receptacle in front of his premise prior to 6:00 p.m. the day before the trash and/or garbage is to be collected and said receptacle must be removed from in front of the premises and to the rear or side of said premises by 10:00 a.m. following the day the trash and/or garbage is collected. No person(s) shall place bulk trash in front of his or her premises for collection until he or she contacts the collector to schedule a pickup date. No person(s) shall place any bulk trash in front of his or her premise prior to 10:00 a.m. the day before the scheduled collection date.

Article VIII

Parking and Traffic

SECTION 801. IMPROPER SLEDDING, SKATING AND SKATEBOARDING

Sledding, skating and skateboarding within the Town shall be unlawful if the movement of such sled or other device shall come upon or across any street, except such street or streets within the Town as may be closed to vehicles and vehicular traffic for sledding by the Mayor and Council.

SECTION 802. PARKING WITHIN 25 FEET OF INTERSECTION

It shall be unlawful for any person to park or permit any vehicle to stand at a distance closer than 25 feet from the corner, or curb, or street at the point of the intersection closest to the position in which said vehicle is parked or standing.

SECTION 803. PARKING WITH IMPROPER SPACE BETWEEN VEHICLES

It shall be unlawful for any person to park any vehicle within the Town unless a minimum distance of three (3) feet is maintained between vehicles.

SECTION 804. LEAVING UNATTENDED DANGEROUS COMMERCIAL VEHICLES

No commercial vehicles carrying or containing explosives, highly combustible gases, or fluid, shall be left unattended within the Town; this section shall not apply to fuel trucks or vehicles where the driver has parked or left standing his vehicle preparatory to supplying any residence, building, or vehicle with said fuel for heating or other purposes, provided said preparation is immediate and effected without delay.

SECTION 805. UNLAWFUL PARKING OR HEAVY COMMERCIAL VEHICLES

No commercial vehicle, boat, bus, camper, or any trailer shall be parked on any Town street as to interfere with the free flow of traffic on said street. No boat, camper, or any trailer shall be parked on any public property within the town.

SECTION 806. LEAVING VEHICLE UNATTENDED WITH MOTOR RUNNING OR KEY IN IGNITION

It shall be unlawful to leave unattended any motor vehicle within the Town with the motor running or ignition key in place.

SECTION 807. PARKING TOO CLOSE TO HYDRANT, BUS, STOP SIGN OR PRIVATE PROPERTY

No person shall park any vehicle within the Town closer than fifteen (15) feet from any fire hydrant, closer than twenty-five (25) feet from the approach site of any bus stop, closer than thirty (30) feet from any stop sign, or within such curb areas as are painted yellow, within three (3) feet of a private or semi-private driveway, within any zone posted with signs or marked with red or yellow lines as a “fire lane” nor within any marked crosswalk or on any private property without the permission of the owner thereof. It shall also be unlawful to park in violation of any official posted sign.

SECTION 808. PARKING ON PUBLIC PROPERTY

No person shall park any vehicle on Town or public property which lies between the curb and the private property line, except in emergency conditions as permitted by the Town Government or Police Department and it shall be unlawful to make repairs to any vehicle on public property or private property without the permission of the owner thereof.

SECTION 809. PARKING ON PUBLIC SPACE OVER 48 HOURS

No vehicle shall be left parked on any street, or on any public property within the Town for a period of time greater than 48 hours without said vehicle being moved.

SECTION 810. UNLAWFUL PARKING IMPEDING TRAFFIC

It shall be unlawful to park any vehicle, or let any unattended vehicle stand in any Town alley or street when said vehicle shall block or impede the flow of traffic through said alley or street.

SECTION 811. PARKED VEHICLE IMPROPERLY BRAKED

It shall be unlawful for any person to park on public or private property within the Town or on any street within the Town unless said vehicle is properly braked or secured.

SECTION 812. UNLAWFUL DOUBLE-PARKING

It shall be unlawful to “double-park” on any street within the Town except when said vehicle is being loaded or unloaded; it shall be unlawful for any vehicle to block traffic, or parked vehicles by parking or standing or by double-parking on any street within the Town, or to park any vehicle alongside or opposite any street excavation when parking would obstruct the free flow of traffic.

SECTION 813. OVERTIME PARKING/UNREGISTERED VEHICLES

It shall be unlawful for any person to park in the Town on any street for a greater time than that period of time indicated by the authorized sign posted on said street or to park any vehicle on any public street without current valid registration tags.

SECTION 814. PARKING ON PUBLIC PROPERTY

No person shall stand or park a vehicle in the street other than parallel with the edge of the street headed in the direction of the lawful traffic movement and with the right-hand wheels of the vehicle within twelve (12) inches of the right side or curb of the roadway, except that on a one-way street, the left wheels may be adjacent to and within twelve (12) inches of the right side of curb of the roadway, except that on a one-way street, the left wheels may be adjacent to and within twelve (12) inches of the left curb or side of the roadway.

SECTION 815. IMPOUNDMENT

Any vehicle found parked in violation of any sections of this article, or any vehicle which is inoperative, and when the driver thereof is incapacitated, or any vehicle against which there is an outstanding Capitol Heights parking violation fine more than thirty (30) days overdue, may be removed or conveyed by towing or otherwise and impounded at the Town Police Station or other place designated by the Town Government or Town Police Department, and the cost for removing same or having said vehicle towed, and storage costs, if any, shall be assessed against the owner or person responsible for said vehicle along with any fines, impoundment fee or other penalty imposed. All fines and fees must be paid in full before said vehicle can be released to the owner.

SECTION 816. ABANDONED MOTOR VEHICLES

- A. It shall be unlawful to abandon a motor vehicle or any part thereof on any road, street, alley or highway, private or public property in this municipality.
- B. "Abandoned motor vehicle" means any motor vehicle, trailer, or semitrailer;
 1. That is inoperable and left unattended on public property for more than 48 hours; or
 2. That has remained on public property for more than 48 hours and is not displaying currently valid registration plates; or
 3. That has remained illegally on public property for more than 48 hours; or
 4. That has remained on private property for more than 48 hours without the consent of the owner, or person in control of the property.
- C. The Police Department shall have the authority to impound and remove any motor vehicle in violation of this section and charge the owner thereof the costs of towing, storage, and any other charges incurred in connection therewith, provided that written notice is first given by attaching a notice of violation on such motor vehicle, and directing the owner of said motor vehicle to remove said motor vehicle within forty-eight (48) hours from the date of notice.

SECTION 817. STORAGE OF UNREGISTERED/UNLICENSED OR NON-OPERATING MOTOR VEHICLE, OR MOTOR VEHICLE UNDER REPAIR

No person owning, leasing, occupying, or having charge of any premises within the Town of Capitol Heights shall allow or cause any unregistered motor vehicle, or any motor vehicle partially dismantled, wrecked, unused, in a junked condition stripped for spare parts, or otherwise non-operating to remain on such property in public view whether covered or uncovered in excess of thirty (30) days. (Where such vehicles are covered with canvas tarpaulins or similar covering devices and within public view, the resident shall be required to present proof of registration/license upon receipt of written request from Town authorities.) Nor shall any person owning, leasing, occupying, or having charge of any premises within the Town of Capitol Heights allow or cause any motor vehicle, or series of motor vehicles, to be dismantled, reconditioned, reworked, or otherwise repaired; save minor engine, and wheel adjustments, and replacement of engine fluids, regardless of whether said motor vehicle is properly registered/licensed in Maryland or any other jurisdiction, unless said motor vehicle is garaged out of public view in a wholly enclosed building. Nor shall any person owning, leasing, occupying or having charge of any premises within the Town of Capitol Heights allow or cause any minor engine adjustments to a motor vehicle to produce excessive noise, fumes, smoke, steam, or nocuous gases that create a neighborhood nuisance or otherwise disrupt neighborhood tranquility.

SECTION 818. ISSUANCE OF CITATION

In all cases of parking violations in the corporate limits of the Town of Capitol Heights, the officer who discovers the vehicle illegally parked *shall* deliver a citation to the operator or, if the vehicle is unattended; attach a citation to the vehicle in a conspicuous place. In the absence of the operator, the registered owner of the vehicle shall be presumed to be the person receiving the citation. A copy of the citation shall be retained by the officer and shall bear his certification, under penalty of perjury, attesting to the truth of the matter therein set forth. For the purpose of this ordinance, to park or parking shall mean the standing of a vehicle whether occupied or not, otherwise than temporarily for the purpose of and while actually loading or unloading passengers or merchandise.

SECTION 819. PAYMENT OF CITATION

The recipient of a parking citation may make payment for the violation, as set forth on the citation, to the Town of Capitol Heights at the office of the Capitol Heights Clerk-Treasurer, within fifteen (15) days of date of citation, or if he desires to stand trial for said offense he may elect to do so by notifying Town Clerk of his intention to stand trial, at least five (5) days prior to the payment date set forth in the citation. At the time the notice of intention to stand trial is given, the person receiving the citation must also notify the Town Clerk that he desires the presence at the said trial of the officer who issued the citation. If the person receiving the citation does not notify the Town Clerk that he desires the presence of the officer at the trial, it shall not be necessary for the officer to appear and the copy of the citation bearing the certification of the officer shall be prima facie evidence of the matter set forth therein.

SECTION 820. UNAUTHORIZED USE OF STREET BY TRACKED VEHICLE

It shall be unlawful for any person to drive on any public street, any cleated tractor truck, roller or other vehicle, the cleats revolving track or roller of which will cause damage to the Town streets, except where permission to so drive or operate said vehicle shall have been obtained from the Town Government.

SECTION 821. UNAUTHORIZED ASSEMBLY ON STREET

It shall be unlawful for any persons to congregate or assemble on any public property or Town street for a parade or public demonstration unless said person or persons shall have first obtained a permit therefor from the Mayor and Council.

SECTION 822. UNLAWFUL PARKING ON; CENTRAL AVENUE, CHAMBER AVENUE, AND LARCHMONT AVENUE

There shall be no parking or standing allowed on any portion of the roadway of Central Avenue, Chamber Avenue, or Larchmont Avenue within the Town limits of Capitol Heights unless so posted by signs and authorized by the Mayor and Council.

SECTION 823. UNLAWFUL PARKING IN A HANDICAPPED SPACE

It shall be unlawful for any person to park a vehicle in a space designated for the handicapped within the Town unless the vehicle displays a State registration plate or permit for the handicapped, and is transporting a handicapped person.

SECTION 824. RESIDENTIAL AREA PERMIT PARKING

(a) The Mayor and Common Council are hereby authorized to designate by ordinance public highways and other areas within the town on which the parking of vehicles may be restricted, beyond a consecutive three (3) hour period between the hours of 7:00 a.m. and 6:00 p.m. Monday through Saturday except holidays, in whole or in part to vehicles bearing a valid parking permit issued pursuant to this section. This authority shall be in addition to and may be exercised in conjunction with any other authority the Mayor and Common Council may have to regulate the times and conditions of motor vehicles parking

(b) As used in this section:

1. "Residential area" shall mean a contiguous or nearly contiguous area containing public highways or parts thereof primarily abutted by residential property or residential and nonbusiness property (such as schools, parks, churches, hospitals, and nursing homes), and designated as such by the Mayor and Common Council.

2. "Commuter vehicle" shall mean a motor vehicle parked in a residential area by a person who is not a resident thereof.

3. "Permit parking area" shall mean an area at least one block in length. A block shall be at least a one hundred series of street numbers in length and need not be from one intersecting street to another.

(c) A residential area shall be deemed eligible for residential permit parking if, based on objective criteria established by the Mayor and Common Council, parking therein is or will be impacted by commuter vehicles between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday, except holidays.

(d) In determining whether an area identified as eligible for residential permit parking shall be designated as a residential permit parking area, the Mayor and Common Council shall take into consideration the following factors:

1. The desire and need of the residents for residential permit parking and their willingness to bear the administrative costs in connecting therewith;

2. The protection of the residents of such areas from unreasonable burdens in obtaining adequate parking adjacent to or close by their places of residence and securing access to their residences;

3. The likelihood of alleviating traffic congestion, illegal parking, and related health and safety hazards;

4. The probable reduction in hazardous traffic conditions resulting from use of streets in designated residential areas for the parking of vehicles by persons using other commercial, industrial, transit, or other-than-residential area;

5. The possibility of a reduction in total vehicle miles driven in the Town of Capitol Heights and the resultant reduction in needed street maintenance and the resultant improvement of air quality;
6. The preservation of the safety of children and pedestrians in residential areas;
7. The protection of such residential areas from polluted air, excessive noise, the strewing of trash and refuse, and other environmental degradation caused by parking of nonlocal vehicles;
8. The prevention of the excessive utilization of streets, roads, and highways in the residential areas;
9. The preservation of the residential nature of impacted vehicles;
10. The proximity of public transportation to the residential areas;
11. The need for parking in excess of three (3) hours in proximity to establishments located therein and used by the general public for religious, health, or educational purposes.

(e) In order to determine whether a particular street, avenue, way or other location should be designated as a residential permit parking area, the Mayor and Common Council shall conduct, upon their own initiative or upon a petition of a majority of the households in such areas addressed to the Mayor and Common Council, a public hearing, prior to the designation of a parking permit area, or prior to the withdrawal of such designation once it is established. The hearing shall be part of a regular or special meeting of the Mayor and Common Council and shall be no more than one month after the action is initiated or petitioned. Advance notice of this type of hearing shall be given in the town newsletter or other newspaper of general circulation in the Town of Capitol Heights. The notice shall clearly state the purpose of the hearing, the exact location and boundaries of the residential permit parking area under consideration, the reasons why such area is being proposed for designation as a nonresidential permit parking area, and, if applicable, the proposed permit parking fee that would be charged. In addition to the published notice, a similar notification shall be mailed to every household, the identity of which can reasonably be established, within the area under consideration. During such hearing, any interested person shall be entitled to appear and be heard. No hearing shall be held and no area designated if it is not found to be in impacted area under subsection (c) and (d) of this section.

(f) At the conclusion of the hearing, the Mayor and Common Council shall decide, based on the record made at such hearing, whether or not to designate the area under consideration as a residential permit parking area or to remove the designation in the case of an established residential permit parking area. This action, if established or terminating a residential parking area shall be take in the form of a town ordinance as provided for in section 11-0 of the Charter of the Town of Capitol Heights.

(g) Following Mayor and Common council approval of the designation of a residential permit parking area, the Town Administrator or an alternate designated by the Mayor and Common Council shall issue appropriate permits and shall cause parking signs to be erected in the area, indicating the times, locations, and conditions under which unlimited parking shall be by permit only. A permit shall be issued upon application and payment of the applicable fee, only to the owner or the operator of a motor vehicle who resides on property immediately adjacent to a street, avenue, way or other location within the residential permit parking area.

(h) The application for a permit shall contain the name of the owner or operator of the motor vehicle, residential address, the motor vehicle's make, model, registration number, number of applicants, and operator's permit. The motor vehicle's registration and operator's license may, in the discretion of the Town Administrator, be required to be presented at the time of making said application in order to verify the contents thereof. The owner shall have valid Maryland motor vehicle license tags, unless not legally required to have them. The permit shall be renewed annually upon such conditions and procedures as the Mayor and Common Council shall specify. The permit shall identify the motor vehicle, the area authorized and expiration date.

(i) Notwithstanding any provision of this section to the contrary, the holder of a residential parking permit shall be permitted to stand or park a motor vehicle for which a residential parking permit has been issued in the designated residential parking area such times as the parking of motor vehicles therein is permitted. While a vehicle for which a residential parking permit has been issued is parked, such permit shall be displayed so as to be clearly visible on the vehicle in the place set by the Town Administrator. A residential parking permit shall not guarantee or reserve to the holder a parking space or a specific parking space within a designated residential permit parking area.

(j) A residential parking permit shall not authorize the holder thereof to stand or park a motor vehicle in such places or during such times as the stopping, standing, or parking of motor vehicle is prohibited or set aside for specified type of vehicles, nor exempt the holder from the observance of any traffic regulation other than the three (3) hours parking limit in the area for which a permit is held.

(k) No person other than the permittee named thereon shall use a residential parking permit or display it on a vehicle operated or parking, and any such use or display by a person other than the permittee shall constitute a violation of this section by the permittee and by the person who so used or displayed such parking permit.

(l) It shall constitute a violation of this section for any person to falsely represent such person as eligible for residential parking permit or to furnish any false information in an application to the Town Administrator in order to obtain a residential parking permit, or to reproduce in whole or part any parking permit issued by the Town Administrator, or to use any reproduced Town parking permit.

(m) The Town Administrator is authorized to revoke the residential parking permit of any permit holder found to be in violation of this section and, upon written notification thereof, the permit holder shall surrender such permit to the Town Administrator. Failure, when so requested, to surrender a residential parking permit so revoked shall constitute a violation of this section.

(n) The Town Administrator is authorized to establish an annual residential permit parking fee to cover the administrative costs of permits issued pursuant to this section.

(o) The Town Administrator is authorized to make provisions for:

(1) The issuance of temporary parking permits for periods up to thirty (30) days to bona fide visitors of residents of a designated residential parking area; and

(2) The issuance of exempted parking permits to handicapped persons.

(p) Any person who shall violate any provisions of this section shall, upon conviction, be subject to punishment of a fine of not more than one hundred dollars (\$100.00).

(q) "Residential permit parking area:"

Zone I	5900-6100 Blocks of Central Avenue, North and South. 10 units sides.
Zone II	00-100 Block of Tunic and Sultan Avenue. 61 units.
Zone III	5500-5600 Blocks of Altoona, Brenner, Dole, Emmet, Faye, Rem Place.
Zone IV	Reserved.
Zone V	00-100 Blocks of Quire and Capitol Heights Boulevard.
Zone VI	5300 Block of Altoona, Brenner, and off of Chamber Avenue. 19 units.
Zone VII	5200 Block of Cavalier, and east side of Southern Avenue. 36 units.
Zone VIII	5200 Block of Cavalier, Akin, Bayou, north of Cavalier, east side of Southern Avenue. 22 units.

SECTION 825. “PUBLIC PARKING AREAS”

(a) **APPLICABILITY.** This section shall apply to all public parking facilities throughout the Town operated by a public agency requiring regulatory enforcement.

(b) **DEFINITIONS.**

(1) **PUBLIC AGENCY** is:

(a) The Town of Capitol Heights Government; or

(b) The Washington Metropolitan Area Transit Authority.

(2) **PUBLIC PARKING FACILITY** means:

(a) Those properties in the Town of Capitol Heights owned or leased by the Town of Capitol Heights and designated for public parking; and

(b) Those properties in the Town of Capitol Heights owned or leased and operated by the Washington Metropolitan Area Transit Authority and designated for public parking.

(c) **MARKING OF PUBLIC PARKING FACILITIES.**

(1) Spaces for parking of motor vehicles shall be marked off along public parking facilities by means of painted lines on the parking surface, by raised curbs or by other suitable means so as to clearly delineate said space as a designated and authorized parking space for one (1) vehicle. Directional arrows, stop signs or stop bars and other traffic-control devices shall be provided to assist and direct circulation within public parking facilities.

(2) Areas of public parking facilities not otherwise designated by painted lines or otherwise as parking spaces, shall be considered official no-parking zones when indicated by posted signs or yellow painted lines on the parking surface unless otherwise posted.

(d) **PARKING REGULATIONS FOR PUBLIC PARKING FACILITIES.**

Except temporarily for the purpose of and while actually engaged in loading or unloading passengers or for emergency repairs when the vehicle cannot be driven, no person shall park any vehicle on a public parking facility:

(1) In violation of any of the other parking provisions of this chapter.

(2) In a no-parking zone when posted by sign or indicated by yellow painted curb or yellow painted lines on the parking surface;

- (3) Any place not otherwise designated by painted parking spaces or otherwise prohibited, including driving aisle, driveways, raised curb channelization structures, sidewalks, landscaped areas, islands, etc.;
- (4) In an area where parking is temporarily prohibited when marked off by temporary signs or barricades or when an official cover or hood is placed over a parking meter;
- (5) So as to prevent another vehicle already stopped or otherwise legally parking in a designated parking space from moving away;
- (6) For a period longer than twenty-four (24) hours;
- (7) By backing said vehicle into a parking space when posted by "Front in Only" sign;
- (8) In such a manner as to cause said vehicle to straddle the painted lines marked a parking space or otherwise cause the vehicle to be parked not wholly within the area of one (1) designated parking space;
- (9) And leave it unattended without first stopping the engine, locking the ignition, removing the key, and effectively setting the brake thereon; or
- (10) In such a manner so as to impede or obstruct the free flow of traffic or to cause a hazard to public safety.

(e) ACTS AND CONDUCT PROHIBITED.

It shall be unlawful for any person to enter upon a public parking facility and:

- (1) Engage in any conduct, sport or activity which may jeopardize the safety or welfare of persons or property, including but not limited to riding any coasting device, bicycle (except directly to and from a designated bicycle parking area) or unregistered self-propelled vehicle, playing in or tampering with elevators, climbing, skating or skateboard riding, ball playing, throwing, aligning or otherwise projecting objects within or from the public parking facility, and sledding.
- (2) Tamper with, deface or otherwise cause injury to fire equipment, parking equipment or other public property contained therein or to any automobile parked therein;
- (3) Discard waste material or otherwise deposit litter on the premises; or
- (4) Fail to pay the prescribed parking fee upon entering or leaving said facility when such facility is operated by an attendant, cashier or automatic collection device controlled by the public agency.

(f) USES PROHIBITED.

Except when authorized by written permission of the public agency, no person, association, business or corporation shall cause or otherwise be responsible to be used for any of the following purposes:

- (1) The storage of or for access to refuse containers associated with the use of any adjacent property;
- (2) For vehicular access to the adjacent property;
- (3) For the staging of construction, maintenance or repair work to the adjacent property;
- (4) For the solicitation of the general public for taxi, charity or business purposes or for the distribution of related handbills;
- (5) For a public assembly;
- (6) For the storage of equipment or materials of any kind;
- (7) To perform any service, maintenance or repair on any motor vehicle parked therein except for emergency service and repair necessary for the removal of an inoperative motor vehicle; or
- (8) To park or store any motor vehicle left in the custody of the management of a garage, repair shop or service facility.

(g) OBEDIENCE TO PUBLIC AREA REGULATIONS.

- (1) It shall be a violation of this section for any person to disobey any directions on any official traffic-control device or sign, or any of the provisions of this section.
- (2) Any vehicle parked in violation of this section or otherwise parked so as to constitute a definite hazard to public safety or which is so parked, stopped or standing so as to impede or obstruct the normal movement of traffic or pedestrians may be impounded by members of the police department.

(h) Penalties.

Unless another penalty is expressly provided by law or a specific penalty is provided within a subsection hereto, the general penalty provisions of the Code of Ordinance for the Town of Capitol Heights shall be applicable.

Article IX

Police

SECTION 901. POLICE DUTIES

(A) The police officers shall be charged with the duty of preserving the peace and order of the town and are authorized to make the necessary arrests in so doing, and to enforce the ordinances passed by the Mayor and Common Council of Capitol Heights as well as the Public General Laws and the Public Local Laws in force with the Town of Capitol Heights.

(B) The police officers shall perform such other services as the Mayor and Common Council shall from time to time direct the Chief of Police to provide.

SECTION 902. POLICE VACANCIES

All police officer vacancies will be filled by the Mayor and Council as needed. All police officers will be on a one-year probationary period starting the date his or her training period ends.

Article XI

Penalty and Severability

SECTION 1101. Any person who shall violate or fail to comply with any of the provisions of this Code of Ordinances, or who shall counsel, aid, or abet any such violation or failure to comply, shall be deemed guilty of a misdemeanor and where no specific penalty is provided therefor, the violation shall be punishable by a fine of not more than \$1000.00 or by imprisonment for not - more than six (6) months, or by both fine and imprisonment in the discretion of the court.

SECTION 1102. If any section-or provision, or parts thereof, in this Code of Ordinances shall be declared invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of this Code of Ordinances as a whole or any other section or provision or part thereof.

SECTION 1103. SPECIFIC FINE AMOUNTS

The following schedule shall prescribe fines for violations of various provisions of Article 2 entitled Animal Control:

Section	Title	Fine
201	Animal running at large	\$25.00
202	Dangerous animals	\$100.00
203	Disturbing the peace	\$25.00
205	Riding of animal	\$25.00
206	Public excrement	\$25.00

The following schedule shall prescribe fines for violations of various provisions of Article 4 entitled Peace and Order:

Section	Title	Fine
401	Interference with a Town Official	\$100.00
402	Disorderly conduct	\$50.00
403	Unauthorized use of fire-arms or other weapons	\$50.00
404	Unauthorized target practice	\$100.00
406	Damaging, tampering with, moving or removing or removing Town, public, or public utility property	\$100.00
407	Unlawful throwing of missiles	\$100.00
400	Drinking in public	\$25.00
410	Excrementing within public view	\$50.00

The following schedule shall prescribe fines for violation of the provisions of Article 6 entitled Health and Nuisance:

Section	Title	Fine
601	Littering streets or sidewalks	\$100.00
602	Unlawful nuisance a danger to environmental health	\$50.00
603	Violation of safety hazards	\$50.00
604	Unlawful use of barbed wire	\$50.00
605	Unauthorized posting of signs	\$25.00
606	House numbers signs	\$25.00
607	Unlawful nuisance a danger to health	\$100.00
600	Abatement of nuisance	\$100.00
600	Transported, disposal or storage of hazardous waste	\$100.00
610	Grass and weeds as public nuisance	\$25.00
611	Trash receptacles and bulk trash	\$25.00

The following schedule shall prescribe fines for violation of various provisions of Article 8 entitled Parking and Traffic:

Section	Title	Fine
801	Improper sledding, skating and skateboarding	\$25.00
802	Parking within 25 feet of intersection	\$25.00
803	Parking with Improper space between vehicles	\$25.00
804	Leaving unattended dangerous commercial vehicles	\$100.00
805	Unlawful parking of heavy commercial vehicles	\$50.00
806	Leaving vehicle unattended with motor running or key in ignition	\$50.00
807	Parking to close to hydrant, bus or stop sign, private or semi-private drives	\$50.00
808	Parking on public property	\$25.00
809	Parking on public space over 48 hours	\$25.00

Section	Title	Fine
810	Unlawful parking impeding traffic	\$35.00
811	Parked vehicle improperly braked	\$25.00
812	Unlawful double-parking	\$25.00
813	Overtime parking	\$45.00
814	Failure to park with proper wheels next to curb	\$35.00
815	Impoundment	\$75.00
816	Abandoned motor vehicles	\$50.00
817	Storage of wrecked or junked motor vehicles	\$50.00
820	Unauthorized use of street by tracked vehicle	\$50.00
821	Unauthorized assembly on street	\$25.00
822	Unlawful parking on Central Avenue, Chamber Avenue, and Larchmont Avenue	\$25.00
823	Unlawful parking in a handicapped space	\$250.00
824	Residential parking and parking permits	
	(i) Improper display of permit	\$25.00
	(k) Improper use of permit	\$50.00
	(l) Giving false information	\$100.00
	(m) Reproducing parking permit	\$100.00
	(n) Failure to surrender permit	\$100.00
825	Public parking areas	\$25.00
	(d) Parking regulations	\$25.00

SECTION 1104. PENALTIES

Unless another penalty is expressly provided by law or a specific penalty is provided within a subsection hereto, the general penalty provisions of the Code of Ordinances for the Town of Capitol Heights shall be applicable.

SECTION 1105. UNPAID OR LATE PARKING CITATIONS

All parking related fine amounts shall double after the 15th day from the day the citation was issued and every (30) thirty days thereafter until paid.

