

**ORDINANCE**  
**OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND,**  
**AMENDING CITY CODE CHAPTER 5, "BUILDING AND PROPERTY**  
**MAINTENANCE", SECTION 5-7 "STANDARDS" TO ADD ADDITIONAL**  
**PROPERTY MAINTENANCE STANDARDS IN ORDER TO REDUCE THE**  
**LIKELIHOOD OF NUISANCE AND BLIGHTED CONDITIONS; AND**  
**AMENDING SECTION 5-9, "LICENSING AND INSPECTIONS OF RENTAL**  
**DWELLINGS", TO ALTER CERTAIN PROCEDURES AND INCREASE**  
**CERTAIN FEES AND TO DELETE SECTION 5-9(H); AND AMENDING**  
**SECTION 5-13, "VIOLATIONS", TO INCORPORATE THE SUBSTANCE OF**  
**FORMER SECTION 5-9(H) AND TO CLARIFY THE FINE TO BE IMPOSED**  
**FOR VIOLATIONS OF CHAPTER 5 OF THE CITY CODE**

WHEREAS, pursuant to Article 23A of the Annotated Code of Maryland, the Council of the City of Bowie, Maryland (the "City Council") has the authority to pass such ordinances as it deems necessary to preserve peace and good order, to secure persons from danger and destruction and to protect the health, comfort and convenience of the citizens of the municipality; and

WHEREAS, pursuant to this authority, the City of Bowie has established and presently enforces certain standards for the maintenance of exterior property areas that are set forth in Chapter 5, "Building and Property Maintenance", Section 5-7 "Standards" of the City Code, and

WHEREAS, Section 5-7(b)(2) requires property owners to maintain the exterior property areas in a clean and sanitary condition, free from the accumulation of various items and Section 5-7(b)(6) prohibits the open storage of various items and materials in exterior property areas; and

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herein

**WHEREAS**, the City Council deems it to be in the public interest to amend Section 5-7(b)(2) and (6) to include additional materials, the accumulation and/or storage of which have proven to be a problem in the City; and

**WHEREAS**, Section 5-7(b)(3) prohibits the drainage of water from certain sources across neighboring property or in a manner that might cause erosions;

**WHEREAS**, the City Council deems it to be in the public interest to amend Section 5-7(b)(3) to prohibit the drainage of water from any source in such a manner; and

**WHEREAS**, Section 5-7(b)(6) prohibits the outdoor storage of certain materials;

**WHEREAS**, the City Council deems it to be in the public interest to amend Section 5-7(b)(6) to add additional items to the list of materials that may not be stored in the exterior areas of a property; and

**WHEREAS**, the Code currently does not adequately address the maintenance of exterior stairways, walkways and driveways; and

**WHEREAS**, it has come to the attention of the City Council that the failure by many property owners properly to maintain exterior stairways, walkways and driveways is increasingly causing nuisance or blighted conditions to affect neighboring properties adversely;

**WHEREAS**, the City Council deems it to be in the public interest to amend Section 5-7(b) to add a new subsection (b)(11) to require the proper maintenance of exterior stairways, walkways and driveways, and

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**Section 1. NOW, THEREFORE, BE IT ORDAINED AND ENACTED,** by the Council of the City of Bowie, Maryland that Chapter 5, "Building and Property Maintenance," Section 5-7 "Standards" of the City Code be and is hereby amended to read as follows:

**Sec. 5-7 Standards.**

\* \* \*

(b) Exterior Property Areas. The exterior property areas of any residential or commercial structure, whether occupied or unoccupied, shall comply with the following requirements

\* \* \*

3. Grading and drainage. All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon or within any building or structure located thereon. Water in swimming pools, wading pools, and fish ponds shall not be allowed to stagnate and shall be maintained in a clean and sanitary condition at all times. [Water from swimming pools, wading pools and fish ponds shall not be drained in such a manner as to flow on neighboring property or to cause erosion] NO PERSON SHALL REDIRECT STORMWATER OR DRAIN WATER FROM ANY SOURCE SO THAT IT FLOWS ONTO OR ACROSS ABUTTING PROPERTY OR POOLS OR CAUSES EROSION.

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7. Accessory Structures Any building or structure, the use of which is incidental to that of the main building or residence and which is located on the same lot or ground, including but not limited to, the following: fences, attached or detached garages, storage sheds [or] AND buildings[, and exterior stairways and walkways,] shall be maintained structurally safe and sound and in good repair, and free from rust, corrosion and graffiti.

\* \* \*

6. Open Storage: Exterior property areas shall not be utilized for any period of time for the open storage of building rubbish or refuse, bathroom, kitchen OR OTHER fixtures, household appliances, glass, furniture, tires, automotive parts, BUILDING MATERIALS OR EQUIPMENT, INCLUDING CONSTRUCTION EQUIPMENT AND ATTACHMENTS THERETO, or OTHER similar items or materials OR THE RESIDUE THEREFROM, irrespective of age or condition. THIS SECTION SHALL NOT BE CONSTRUED TO PROHIBIT THE STORAGE OF MATERIALS INTENDED FOR COMMERCIAL SALE BY AN ENTITY PROPERLY LICENSED TO ENGAGE IN SUCH SALE AND ON PROPERTY PROPERLY ZONED FOR SUCH SALE OR TO PROHIBIT THE STORAGE OF BUILDING MATERIALS OTHERWISE PERMITTED BY SECTION 26-9(B) OF THIS CODE.

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10. All vehicle repair facilities, towing stations, and storage lots abutting areas used for residential purposes shall be completely screened in accordance with the requirements of Subtitle 27 of the Code of Prince George's County, Maryland notwithstanding the nonconforming status of a property.

11. ALL EXTERIOR STAIRWAYS, WALKWAYS, DRIVEWAYS AND OTHER PARTS OF THE PREMISES THAT ARE ACCESSIBLE TO AND USED BY PERSONS ON THE PREMSIES SHALL BE KEPT IN GOOD REPAIR AND FREE FROM CORROSION AND GRAFFITI. IT SHALL BE THE DUFY OF THE OWNER TO KEEP THE PREMISES FREE OF HAZARDOUS CONDITIONS, WHICH INCLUDE BUT ARE NOT LIMITED TO GROUND SURFACE HAZARDS, HOLES, EXCAVATIONS, BREAKS, AND PROJECTIONS, AND SUCH CONDITIONS SHALL PROMPTLY BE FILLED, REPAIRED, REPLACED OR REMOVED TO ELIMINATE ANY HAZARD.

\* \* \*

(h) Lighting and ventilation. No person shall occupy as owner-occupant, or let to another for occupancy, any dwelling, or portion thereof which does not comply with the following requirements.

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[5. Smoke detectors. All rental dwelling units shall be equipped with smoke detectors of a type, make, and model approved by the Prince George's County Fire

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Protection Codes and mounted in locations as set forth in the aforementioned Fire Protection Codes. Smoke detectors required by this section shall be installed and in operation by October 1, 1980 and maintained thereafter. All non-rental dwelling units shall be equipped with smoke detectors as well, also in accordance with Prince George's County Fire Protection Codes. This provision applies only to those non-rental dwelling units constructed after January 1, 1992 ]

[6]5 Adequate ventilation. Every habitable room shall have at least one (1) window which can be easily opened or such other device as will adequately ventilate the room. the total openable window area in every habitable room shall be equal to at least forty-five percent (45%) of the minimum window area size required by the light and ventilation requirements of this Code except where mechanical ventilation is provided in accordance with the provisions of the Building Code.

[7]6. Ventilation and light in bathroom and water closet. Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms as required by the Building Code, except that no window shall be required in bathrooms or water closet compartments equipped with an adequate ventilation system.

(i) Fire Safety. No person shall occupy as owner-occupant, or shall let to another for occupancy, any dwelling, or portion thereof, which does not comply with the applicable provisions of the fire prevention sections of the Building Code AND the

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[Code for Safety to Life] LIFE SAFETY CODE, AS AMENDED FROM TIME TO TIME, and the following additional requirements for safety from fire.

\* \* \*

4. All multifamily apartments [constructed after April 1, 1987 and all rental properties licensed by the City of Bowie after January 1, 1992] shall have:

- a) A fire extinguisher in each unit or located in a place accessible to all units.
- b) A card posted beside all central fire alarm switches which gives simple directions on the use of the central fire alarm switch as well as the street name and address of the building in which the central fire alarm switch is located.
- c) Entrance doors to each multifamily unit secured by a dead-bolt lock shall be easily opened from within without the use of a key.
- d) A peephole with one hundred eighty (180) degree visibility from inside a multifamily unit, located in the entrance door to each multifamily unit.

5. SMOKE DETECTORS ALL DWELLING UNITS SHALL BE EQUIPPED WITH SMOKE DETECTORS OF A TYPE, MAKE, AND MODEL APPROVED BY THE PRINCE GEORGE'S COUNTY FIRE PROTECTION CODES THESE UNITS SHALL BE MOUNTED IN LOCATIONS AS SET FORTH IN THE AFOREMENTIONED FIRE PROTECTION CODES AND MAINTAINED IN THE MANNER PRESCRIBED

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**Section 2.** BE IT FURTHER ORDAINED AND ENACTED, by the Council of the City of Bowie, Maryland that Chapter 5, "Building and Property Maintenance," Section 5-9 "Licensing and inspection of rental dwellings", of the City Code be and is hereby amended to delete subsection (h) as follows.

**Sec. 5-9. Licensing and inspection of rental dwellings.**

\* \* \*

(c) TEMPORARY CERTIFICATES. Upon receipt of a completed application for a license, the City Manager 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 Building 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 REINSPECTION ARE COMPLETED WITHIN THIRTY (30) DAYS OF THE DATE OF INSPECTION, EXCEPT THAT THE CITY MANAGER OR HIS DESIGNEE MAY EXTEND THE TIME FOR MAINTENANCE, REPAIRS AND REINSPECTION UPON A SHOWING OF GOOD CAUSE FOR SUCH ADDITIONAL PERIOD AS MAY BE REASONABLE AND NECESSARY, IN THE CITY'S DISCRETION. THE TEMPORARY

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CERTIFICATE SHALL EXPIRE SIXTY (60) DAYS AFTER ISSUANCE OR, IF AN EXTENSION HAS BEEN GRANTED FOR REPAIRS, MAINTENANCE AND/OR REINSPECTION AS PROVIDED HEREIN, UPON THE EXPIRATION OF SUCH EXTENDED TIME PERIOD .

(d) INSPECTIONS. All rental properties shall be subject to periodic inspection to determine if they are in conformance with this Code. Permission for such inspections, upon a judicial warrant if required by the property owner or tenant, is a condition of any license or temporary certificate Failure to allow entry for such inspection or to require any tenant to allow entry for such inspection upon a judicial warrant shall constitute a municipal infraction subject to a fine as set forth in Section 5-13 of this Chapter and shall further constitute sufficient reason for the denial or revocation of the rental license or temporary certificate. Whenever the housing inspector notices violations he shall reinspect 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 [ten] FIFTY dollars [(\$10)] (\$50) for each succeeding reinspection, until compliance has been obtained. No charge shall be made hereunder for a reinspection unless written notice of such reinspection has been sent to the owner of record at least ten (10) days in advance OF SUCH SCHEDULED REINSPECTION. IF NOTICE OF INSPECTION OR REINSPECTION HAS BEEN GIVEN AT LEAST TEN (10) DAYS IN ADVANCE OF A SCHEDULED

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INSPECTION OR REINSPECTION, AND THE PROPERTY OWNER FAILS TO CONTACT THE CITY PRIOR TO THE DATE OF SUCH SCHEDULED INSPECTION OR RESINSPECTION AND FAILS TO APPEAR OR OTHERWISE MAKE ARRANGEMENTS FOR THE CODE ENFORCEMENT OFFICER TO GAIN ACCESS TO THE PROPERTY FOR INSPECTION PURPOSES AND 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.

\* \* \*

(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.

\* \* \*

[(h) PENALTY. Failure to obtain a rental license after receiving notification to obtain such license is a municipal infraction carrying a fine of fifty dollars (\$50.00). Property owners who are licensed by the City for one or more rental properties and

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who fail to obtain a license for a subsequent rental property are subject to a municipal infraction carrying a fine of two hundred dollars (\$200.00).]

**Section 3.** BE IT FURTHER ORDAINED AND ENACTED, by the Council of the City of Bowie, Maryland that Chapter 5, "Building and Property Maintenance," Section 5-13 "Violations" of the City Code be and is hereby amended to read as follows.

**Sec. 5-13. Violations.**

\* \* \*

(b) PENALTY FOR VIOLATIONS. Violations of this Chapter are municipal infractions, subject to the penalty and enforcement provisions of Chapter 1, Sections 6 and 6A of this Code, UNLESS OTHERWISE PROVIDED HEREIN. Violations of Section 5-7 of this Chapter with respect to commercial buildings or commercial units are subject to a fine of One Hundred Dollars (\$100.00) for the first violation, and Two Hundred Dollars (\$200.00) for a second violation, Three Hundred Dollars (\$300.00) for a third violation, and Five Hundred Dollars (\$500.00) for each repeat violation in excess of four. Violations of Section 5-9 of this Chapter [are punishable by] WITH RESPECT TO LICENSING OF RENTAL UNITS BY PERSON WHO ARE LICENSED FOR ONE OR MORE RENTAL UNITS AND WHO FAIL TO OBTAIN A LICENSE FOR ADDITIONAL UNITS ARE SUBJECT TO a fine of Two Hundred Dollars (\$200.00)

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\* \* \*

**BE IT FURTHER ORDAINED** that this Ordinance shall become effective thirty (30) days after its enactment by the Council of the City of Bowie, Maryland provided that a fair summary of this Ordinance is published at least once prior to the date of passage and at least once within ten (10) days after the date of passage in a newspaper having general circulation in the City.

**INTRODUCED** by the Council of the City of Bowie, Maryland at a regular meeting on the 9 day of April, 2007.

**PASSED** by the Council of the City of Bowie, Maryland at a regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2007

**ATTEST:**

**THE CITY OF BOWIE,**

**MARYLAND**

\_\_\_\_\_  
Pamela A. Fleming  
City Clerk

By:

\_\_\_\_\_  
G. Frederick Robinson, Mayor

**APPROVED AS TO FORM  
AND SUFFICIENCY:**

\_\_\_\_\_  
Elissa Levan, City Attorney

CAPITALS

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