

Chapter 69
COMMERCIAL PROPERTY STANDARDS

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[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville 10-20-97 as Hyattsville Bill 97-03]
GENERAL REFERENCES

- Municipal infractions - See Ch. 20.
- Building construction - See Ch. 46.
- Electrical standards - See Ch 55.
- Fire prevention - See Ch. 59.
- Health and sanitation - See Ch. 65.
- Plumbing - See Ch. 93.
- Licensing of rental units - See Ch. 96.
- Zoning - See Ch. 120.

ARTICLE I

General Provisions

§ 69-1. Adoption of standards by reference. [Added 10-20-97]

Subtitle 13, Division 7, Property Standards and Maintenance, of the Prince George’s County Code, 1995 Edition⁹, as it may from time to time be amended, is hereby adopted by the City, and all of the powers, rights and requirements of compliance therein, (except with respect to enforcement and penalty) to the extent that they may be exercisable by a municipal corporation, may be exercised by the City.

⁹ Editor’s Note: A copy of the applicable text of the standards adopted herein is on file and open to public inspection in the office of Code Enforcement.

§ 69-2. Notice of violation; right of appeal. [Added 10-20-97]

Notice of violation of such standards shall be the responsibility of the Code Enforcement Officer, with right of appeal to the City Council.

§ 69-3. Violation and penalties. [Added 10-20-97]

A. Violations of this chapter shall be punishable as a municipal infraction as provided in Chapter 20 of this Code.

B. In addition to the penalties prescribed above, the City shall have the right to institute injunction, mandamus or any other appropriate civil action or proceeding to prevent violations of this chapter.

ARTICLE II

Windows, Door and Loading Dock Covers

[Added 2-17-04 by HO-2004-02]

§ 69-4 Enclosures within openings in commercial buildings – generally.

A. For purposes of this Article “enclosure” shall mean, any barrier, partition or screen that can be installed, removed, swung, drawn, or lowered or that is stationary, and is put in place for the purpose of, or has the effect of, limiting or blocking an opening in buildings used for a commercial purpose, whether or not the item is intended to provide or assure safety. Enclosure shall include, but not be limited to, gates, grilles and shutters.

B. Purpose. It is the intent and purpose of this section to protect the public health, safety, and general welfare of the citizens of the City of Hyattsville by regulating the placement of enclosures within window and door openings of buildings used for a commercial purpose. Such regulation shall, among other things: permit the rapid, free and unobstructed access to buildings by emergency personnel and equipment; add to the attractiveness and comfort of the commercial districts; create a better commercial environment in the City; and preserve, improve and protect the general character of commercial property within the City and the improvements thereon.

§ 69-5 Permit required.

A. Permit required. No enclosure shall be installed within or over the openings of buildings used or designated to be used for commercial purposes in the City of Hyattsville, and no such enclosure shall be altered or replaced, until a permit is obtained from the City. All such work on enclosures must conform to this code and conditions imposed on the permit.

B. Application. Applications for issuance of a City permit to install an enclosure within an opening of a building used for a commercial purpose in the City of Hyattsville shall be filed with the permit administrator on a form prescribed by the permit administrator. The permit administrator shall be designated by the City Administrator. The application shall be accompanied by the following:

(1) Plans and specifications drawn to scale with sufficient clarity and detail to show the nature and character of the proposed work.

(2) A site plan drawn to scale depicting the size and location of all buildings, including accessory structures, fences and other structures on the site, distances from lot lines, and distances to buildings, including accessory buildings, on adjacent lots. The site plan shall be drawn in accordance with an accurate boundary survey.

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(3) A written statement and adequate evidence demonstrating that the proposed work will conform to the standards set forth in this section for the granting of a City permit.

(4) A copy of the county permit, if one is required for the proposed work.

(5) Permit fee of one hundred dollars (\$100.00) which shall cover one inspection. A re-inspection fee of fifty dollars (\$50.00) may be imposed. A late fee of one hundred dollars (\$100.00) will be assessed for failure to apply for the permit before beginning work on the enclosure.

§ 69-6 Issuance of permits.

A. The permit administrator shall be responsible for issuing permits and waivers under this Article of the City Code. The application for a permit may be denied, granted or granted with reasonably necessary conditions. If an application is denied, the permit fee shall be refunded to the applicant.

B. The City may refuse to issue a permit where the public health, safety, welfare of the citizens, or property values are impacted by any of these issues:

(1) The visibility of enclosure from the public roadway(s) and sidewalk(s) adjacent to the subject property.

(2) The amount of time the enclosure(s) would be deployed and visible during daylight hours.

(3) The amount of surface area and/or conspicuousness of the proposed enclosure(s).

(4) The enclosure's harmony or consistency with surrounding materials, colors, shapes and forms.

(5) The potential for the enclosure to interfere with emergency personnel access to the building.

C. Conditions for issuance of permit.

(1) The submitted plans and the work performed pursuant to a permit to install an enclosure within an opening of a building used for a commercial purpose must meet the following conditions:

(a) Any enclosure must be at least 80% open (visible through).

(b) No enclosure that covers a vertical surface area of more than 20 square feet shall be mounted on the exterior of a commercial structure if that device could be viewed from an adjacent public roadway, right-of-way or sidewalk.

(c) If any enclosure will be fixed in place, the applicant must present evidence of approval of the proposed installation by the fire marshal. If the proposed installation does not include a quick-release mechanism, the applicant must also present evidence of approval of the installation by the City police department.

§ 69-7 Appeal.

A. The applicant may appeal the issuance or denial of a permit or waiver to the City Administrator or his/her designee. The appeal must be made in writing within fifteen (15) calendar days of the issuance or denial. The City Administrator shall conduct a hearing of record regarding the appeal, giving at least ten (10) calendar days' notice of the hearing to the parties.

§ 69-8 Security measures.

A. In the event that an applicant desires to install an enclosure that is not allowed under this Article, the following security measures are permitted and are encouraged in lieu of devices regulated by this Article:

- (1) Barrier-type devices that are indistinguishable from the other architectural elements of the enclosure (*e.g.*, enclosure-plastic windows, reinforced doors, etc.).
- (2) Alarm devices that provide an audible signal of an unauthorized intrusion.
- (3) Surveillance measures that detect and/or report an unauthorized intrusion (video cameras, alarm monitoring services, security guards, etc.)

§ 69-9 Waiver.

A. The permit administrator may grant a waiver of the conditions for the issuance of a permit outlined in §69-6 (b) in this chapter provided that the applicant demonstrates that the sole purpose of the enclosure is to provide security or safety, and provided further the applicant can demonstrate the following:

1. That alternative security measures such as those described in §69-8 are impractical and/or insufficient to provide adequate security for subject premises.
2. That a clear danger of criminal activity exists for the subject premises, as indicated by crime records for the most recent 24 months of occupation of said premises and/or a demonstration that the type of business conducted in the subject premises is frequently and disproportionately victimized by crime.
3. For any device that fails to meet one or more of the provisions of §69-8, that no other device that conforms to this Article more is practical and/or sufficient to provide adequate security for subject premises; and
4. That a significant hardship will be suffered by the applicant if a permit is not granted for such enclosure(s).

§ 69-10 Legal non-conforming use.

A. Any owner of a property at which a nonconforming enclosure was installed prior to enactment of this Article shall have five (5) years from the date of enactment of this Article to bring the property into conformance with the provisions of this Article.

§ 69-11 Maintenance and repair.

A. All devices regulated by this Article that are approved by permit or as a legal, nonconforming use, shall be maintained in good repair, painted a uniform color and be free from graffiti.

B. Any such device exhibiting substantial conditions of deterioration including either rusted finishes, peeling paint, accumulated grime, graffiti, bent, broken or distorted surfaces, if not repaired within thirty (30) days after written notice from the City, shall be considered beyond repair, and shall be removed by the owner of the property at his or her own expense upon direction by the City, and the property owner shall be cited for a violation of this Article. Failure to remove the cited enclosure within thirty (30) days and each subsequent 30 days thereafter shall be deemed additional violations of this Article. For purposes of this section, “substantial conditions” shall be considered to be 20 percent (20%) or more of the surface material.

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C. A property owner directed by the City to remove an enclosure under the terms of this section 69-11 shall be ineligible to apply for a permit for an enclosure at the same premises for a period of three (3) years, except as a waiver.

§ 69-12 Penalties.

A. A violation of any provision of this Article shall be deemed a municipal infraction, and any violator shall be subject to the following penalties:

- (1) First violation - a fine of \$200.00.
- (2) Second violation - a fine of \$500.00.
- (3) Third and each subsequent violation - a fine of \$1,000.00.