

**COTTAGE CITY COMMISSION  
TOWN OF COTTAGE CITY**

**ORDINANCE NO. 2023 - 01**

**AN ORDINANCE OF THE TOWN OF COTTAGE CITY AMENDING THE CODE OF THE TOWN OF COTTAGE CITY TO CHANGE THE TITLE OF CODE ENFORCEMENT OFFICER TO CODE COMPLIANCE OFFICER**

Introduced By: The Cottage City Commission

**WHEREAS**, pursuant to Section 18(2) of the Town Charter, the Cottage City Commission has the power to pass ordinances not contrary to the laws and Constitution of this State, for the specific purposes including to provide, maintain, and operate community and social services for the preservation and promotion of the health, recreation, welfare, and enlightenment of the inhabitants of the Town; and

**WHEREAS**, the Cottage City Commission finds that the Town Code should be amended to rename the Code Enforcement Officer to the Code Compliance Officer throughout.

**SECTION 1.**

**NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE COTTAGE CITY COMMISSION**, that the Code of the Town of Cottage City as stated herein below is hereby revised and amended such that said Code and the provisions of said Code, and particularly Chapters 4 (Health and Nuisances), 11 (Police and Code Enforcement) and 15 (Public Ethics) thereof shall henceforth read as follows:

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**CHAPTER 4**

**HEALTH AND NUISANCES**

§4-3. Notice of violation; right to perform work; collection of costs.

Upon it appearing to the Commissioners that a condition exists which is prohibited by the foregoing sections, the Town Clerk or the police or code [~~enforcement~~] COMPLIANCE officer shall notify the owner of the property to remedy the condition within 10 days after receipt of such notice, and upon failure to comply with such notice, the Commissioners shall employ a person to do the work, who shall have the right of entering the premises for the purpose, and the cost thereof shall be assessed against the property owner. The Town shall proceed to collect this cost by

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entering same on the tax records as a tax upon such real estate, or by suit if deemed necessary, or both.

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## CHAPTER 11

### POLICE AND CODE [ENFORCEMENT] COMPLIANCE

#### §11-8. Designation and duties of Code [Enforcement] COMPLIANCE Officer.

There is created and established the Office of Code [Enforcement] Officer. The appointment of a Code [Enforcement] COMPLIANCE Officer shall be approved by ordinance or written resolution. The Code [Enforcement] COMPLIANCE Officer shall be supervised by the Chief of Police and shall be responsible to the Town Manager. A Code [Enforcement] COMPLIANCE Officer shall be recommended for appointment by the Town Manager to the Commission and shall have the following powers, authorizations, duties, qualifications and functions:

A. Subject to the requirements of the Cottage City Commission, the Code [Enforcement] COMPLIANCE Officer, shall, in addition to such other duties as may be assigned to him or her by the Chief of Police, enforce such laws and ordinances relating to property, buildings and structures as may be specifically provided.

B. The Code [Enforcement] COMPLIANCE Officer shall be technically informed 1) on the quality and strength of building materials; 2) on the prevailing methods of building and construction; 3) on the latest practices in fire prevention; 4) on the accepted requirement for safe facilities; and 5) on the proper equipment in buildings, and other installations for the safety, comfort and convenience of the occupants and the public. He or she shall not have any interest whatever, directly or indirectly in the sale or manufacture of any material, process or device entering into or used in or in connection with property maintenance, building or construction within the Town.

C. The Code [Enforcement] COMPLIANCE Officer and/or a designated police officer may be authorized by the Cottage City Commission to enforce the Town's ordinances and may deliver a municipal infraction citation, criminal misdemeanor violation summons, charging document or criminal citation to any person alleged to be committing or to have committed a municipal infraction or other violation.

D. The Code [Enforcement] COMPLIANCE Officer shall examine premises for which permits have been or will be issued and shall make necessary inspections to see that the provisions of applicable laws or ordinances are complied with and that maintenance or construction is prosecuted safely. He or she shall, when requested by the Town Manager or when the interests of the Town so require, make investigations in connection with matters referred to within Town ordinances and render written reports on the same. For the purpose of enforcing compliance with law, to remove illegal, nuisance or unsafe conditions, to secure the necessary safeguards, or to

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require adequate facilities in existing building or improved properties, he or she shall issue notices or orders as may be necessary.

E. Unless posted or informed otherwise (i.e., no trespassing), the Code [Enforcement] COMPLIANCE or Police Officer shall have the right, upon proper identification, to enter upon private property so far as is necessary for the performance of duties. The Code [Enforcement] COMPLIANCE Officer's right of entry upon residential property shall be limited to entry for the purposes of directly approaching the front door and seeking consent from the owner or occupant to conduct an inspection or as otherwise permitted by law including 4th Amendment Constitutional Jurisprudence.

F. The Town Manager is hereby authorized and empowered to establish additional duties for any assigned Code [Enforcement] COMPLIANCE Officer provided that said officer shall not be vested with police powers of arrest. Code [Enforcement] COMPLIANCE Officers are not authorized to carry firearms, and they shall not carry firearms while on duty. Said officers shall be assigned such duties as are civilian and administrative in nature that the Town Manager, from time to time, may direct, that are not inconsistent with the limitations set forth in this Code of Ordinances, or state law and, in addition, the Code [Enforcement] COMPLIANCE Officer shall be vested with the authority to issue parking citations, criminal citations and citations for municipal infractions as expressly provided for in each applicable article or section of the Town's Code of Ordinances or other ordinances.

G. The Code [Enforcement] COMPLIANCE Officer shall keep careful and comprehensive records of applications, of permits issued, of certificates issued, of inspections made, of reports rendered, and of notices, citations or orders issued.

H. In the absence or disability of the Code [Enforcement] COMPLIANCE Officer, the Town Manager may recommend to the Cottage City Commission a police officer or other qualified person to discharge the duties of the Code [Enforcement] COMPLIANCE Officer.

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## CHAPTER 15

### PUBLIC ETHICS

#### §15-4. Improper use of position.

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B. Examples of improper uses of position include, but are not necessarily limited to, circumstances where an elected official, appointee or Town employee:

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(2) Interferes with the ordinary course of law enforcement within the Town, or suggests or requests special favors, consideration or disposition on the part of any law enforcement-related official, supervisor or adviser of the Town, including the Chief of Police, police officers, Code [Enforcement] COMPLIANCE Officers, Town Attorney or administrative support staff, concerning any Town law enforcement matter including, but not limited to, parking tickets, traffic tickets, citations, municipal infractions, or the enforcement of Town ordinances. This does not prohibit discussion of policy matters or matters of interpretation of Town ordinances or other requirements, or addressing the special needs of particular persons residing in the Town;

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**SECTION 2.**

**AND BE IT FURTHER ORDAINED AND ENACTED**, that the Cottage City Commission hereby intends to change the official title of the Code Enforcement Officer to Code Compliance Officer throughout the Code of Ordinance including any uncodified ordinances and that the Town Manager is hereby authorized to make any changes necessary to any Town publications, documents, instruments, or resolutions to carry out the intent of this Ordinance.

**SECTION 3.**

**AND BE IT FURTHER ORDAINED AND ENACTED**, that severability is intended throughout and within the provisions of this Ordinance, and if any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 4.**

**AND BE IT FURTHER ORDAINED AND ENACTED**, that a fair summary of this ordinance shall be published at least once prior to the date of passage in a newspaper or newspapers having general circulation in the city, and a fair summary of this ordinance shall be published at least once within ten days after the date of passage in a newspaper or newspapers having general circulation in the city.

**SECTION 5.**

**AND BE IT FURTHER ORDAINED AND ENACTED**, that the Commissioner-Chairman shall be authorized to sign this Ordinance on behalf of the Commission.

**HAVING BEEN INTRODUCED AND HAVING BEEN READ** as a regular ordinance and passed by a yea and nay vote of the Cottage City Commission with the affirmative votes of a


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majority of the whole number of members elected to the legislative body as indicated below at a Public Meeting of the Town of Cottage City held on this 8 day of February 2023, at approximately 7 o'clock p.m., in the Town Hall in Cottage City, Maryland.

**I HEREBY CERTIFY** that the above Ordinance No. 2023-01 was passed by the required ye and nay votes of the Cottage City Commission on the 8 day of February 2023.

ATTEST:

TOWN OF COTTAGE CITY, MARYLAND

  
Carol Richardson, Town Manager

By:   
Wanda Wheatley, Commissioner-Chair

CERTIFICATION

I, HEREBY CERTIFY, as the duly appointed Town Manager of the Town of Cottage City, Maryland, that on the 8 day of February 2023 with 4 Aye votes and 0 Nay votes, 1 absent, the aforesaid Ordinance 2023-01 passed.

  
Carol Richardson, Town Manager

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