

1 COUNCIL OF THE TOWN OF RIVERDALE PARK

2
3 ORDINANCE 2012-OR-08
4

5
6 Introduced By: CM Thompson
7

8 Date Introduced: May 7, 2012
9

10 Date Adopted: June 4, 2012
11

12 Date Effective: 20 days after approval by District Council
13

14 _____
15
16 An Emergency Ordinance concerning

17
18 Dumpsters and Storage Receptacles on Residential Property
19

20 FOR the purpose of prohibiting the placing of certain dumpsters and temporary
21 storage receptacles on residential property except pursuant to a permit
22 issued by the Town; providing for the issuance of and fees for such
23 permits; providing penalties for violations; providing that this Ordinance is
24 subject to approval by the Prince George's District Council; and generally
25 relating to the regulation of the placement of certain dumpsters and
26 temporary storage receptacles on residential property in the Town of
27 Riverdale Park.
28

29 * * * * *

30
31 BY adding
32 Chapter 50 – Peace and Good Order
33 Section 50-16
34 Code of the Town of Riverdale Park
35 (January 2008 Revision)
36
37

38 BY repealing and reenacting, with amendments
39 Chapter 50 - Peace and Good Order
40 Section 50-18.c)
41 Code of the Town of Riverdale Park
42 (January 2008 Revision)
43

44 EXPLANATORY STATEMENT: This is an Emergency Ordinance to address a
45 timing issue that arises as a result of the interplay between Section 210 of the Town
46 Charter and Article 28, Section 8-112.1, of the Maryland Code.
47

48 Section 8-112.1 authorizes municipalities in Prince George's County to adopt
49 limited zoning regulations. This Ordinance is a "zoning ordinance" within the meaning
50 of Section 8-112.1 since it addresses the regulation of residential storage. Section 8-
51 112.1 requires the Prince George's County Council to approve any such ordinance
52 before it becomes effective. The Town must deliver a certified copy of this adopted
53 zoning ordinance to the District Council (County Council) "within five days after
54 enactment of the ordinance and at least 30 days prior to the effective date of the
55 ordinance." A zoning ordinance that is not approved by the District Council "before the
56 effective date of the ordinance shall be considered disapproved and may not take
57 effect."
58

59 Section 210(b) of the Town Charter provides that, except in the case of an
60 emergency ordinance, a Town ordinance "shall become effective at the expiration of
61 twenty (20) calendar days following passage by the council. Any emergency ordinance
62 shall become effective on the date specified in the ordinance...."
63

64 Using the regular effective date of 20 calendar days after passage, the Town
65 could never satisfy the Section 8-112.1 requirement that an ordinance be delivered to
66 the County Council at least 30 days before its effective date. By adopting an ordinance
67 as an emergency ordinance the Town Council can specify any effective date. In this
68 Emergency Ordinance the effective date is 20 days after its approval by the District
69 Council. Since this Emergency Ordinance by its terms would take effect only after the
70 District Council approves it, the Section 8-112.1 requirement would be satisfied. Now,
71 therefore,
72

73 SECTION 1: BE IT ENACTED BY THE COUNCIL OF THE TOWN OF
74 RIVERDALE PARK, That new Section 50-16 is hereby added to the Code of the
75 Town of Riverdale Park (January 2008 Revision), Chapter 50 – Peace and Good Order, to
76 follow immediately after Section 50-15 and to read as follows:
77

78
79

Chapter 50 – Peace and Good Order

80 **§ 50-16. DUMPSTERS AND STORAGE RECEPTACLES ON RESIDENTIAL**
81 **PROPERTY.**

82
83 NO DUMPSTER OR OTHER RECEPTACLE FOR THE TEMPORARY STORAGE OR
84 TRANSPORT OF CONSTRUCTION OR OTHER DEBRIS, OR FOR THE
85 TEMPORARY STORAGE OF HOUSEHOLD OR OTHER ITEMS, GREATER IN SIZE
86 THAN THREE CUBIC YARDS, SHALL BE PLACED ON RESIDENTIAL PROPERTY
87 WITHOUT A PERMIT ISSUED BY THE TOWN. PERMITS SHALL EXPIRE NOT
88 LATER THAN ~~60~~ 90 DAYS AFTER ISSUANCE, AND SHALL BE SUBJECT TO SUCH
89 FURTHER CONDITIONS AS THE TOWN ADMINISTRATOR MAY REQUIRE. THE
90 COST OF A PERMIT IS TWENTY-FIVE DOLLARS (\$25). A PERMIT MAY BE
91 EXTENDED FOR UP TO AN ADDITIONAL ~~60~~ 90 DAYS IN ANY TWELVE-MONTH
92 PERIOD BY THE DIRECTOR OF PUBLIC WORKS TOWN ADMINISTRATOR UPON
93 PAYMENT OF A TWENTY-FIVE DOLLAR (\$25) EXTENSION FEE, AND
94 THEREAFTER BY THE TOWN ADMINISTRATOR FOR UP TO AN ADDITIONAL 90
95 DAYS IN THE SAME PERIOD UPON GOOD CAUSE SHOWN AND PAYMENT OF AN
96 ADDITIONAL TWENTY-FIVE DOLLAR (\$25) EXTENSION FEE. ANY FURTHER
97 EXTENSION WITHIN THE SAME PERIOD MAY BE AUTHORIZED ONLY BY THE
98 TOWN COUNCIL FOR A PERIOD OF UP TO AN ADDITIONAL 90 DAYS UPON A
99 SHOWING OF EXCEPTIONAL CIRCUMSTANCE AND PAYMENT OF AN
100 ADDITIONAL TWENTY-FIVE DOLLAR (\$25) EXTENSION FEE. ~~THE FEE FOR A~~
101 ~~PERMIT ISSUED UNDER THIS SECTION IS \$100.00.~~
102

103 SECTION 2: AND BE IT FURTHER ENACTED that Section 50-18.c) of the Code
104 of the Town of Riverdale Park (January 2008 Revision), Chapter 50 – Peace and Good
105 Order, is hereby repealed and reenacted, with amendments, to read as follows:
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107

Chapter 50 – Peace and Good Order

108

§ 50-18. Penalties.

109 c) Violations of the provisions of §§50-4 through 50-10, and 50-12, ~~and~~ 50-
110 15 AND 50-16 are municipal infractions, the penalty for which shall be one hundred
111 dollars ~~(400)~~ (\$100) for each offense, except for violations of §50-12, the penalty for
112 which shall be fifty dollars ~~(50)~~ (\$50) for each offense.
113
114
115

116
117 SECTION 3. AND BE IT FURTHER ENACTED, that a certified copy of this
118 Emergency Ordinance shall be sent to the Prince George's District Council within five (5)
119 days after enactment.
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121 SECTION 4: AND BE IT FURTHER ENACTED that, having been passed

122 by at least four members of the Town Council, this Emergency Ordinance shall
 123 become effective twenty (20) days after its approval by the Prince George's
 124 District Council, and if the Prince George's District Council does not approve this
 125 Ordinance by ~~June 30~~ December 31, 2012, this Ordinance shall be null and void
 126 without further action of the Town Council.

127

128 ATTEST:

COUNCIL OF THE TOWN OF
RIVERDALE PARK

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131

132

133 Sara Imhulse, Town Administrator

Vernon Archer, Deputy Mayor, for
 134 Mayor

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136 EXPLANATION:

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138 CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

139 Underlining indicates amendments to bill.

140 ~~Strike Out~~ indicates matter stricken from the bill by amendment or deleted
 141 from the law.