

COUNCIL OF THE TOWN OF RIVERDALE PARK

ORDINANCE 2014-OR-01

Introduced By: CM Ebbeler

Date Introduced: January 6, 2014

Amendments Adopted: March 4, 2014

Date Adopted: March 4, 2014

Date Effective: March 24, 2014

An Ordinance concerning

FENCE MATERIAL

FOR the purpose of prohibiting the use of chain link fencing materials on side yard and rear yard fences in the Town of Riverdale Park; after a certain date; grandfathering certain existing chain link fences under certain terms and conditions and generally relating to regulating the construction of fences in the Town.

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BY repealing and reenacting, with amendments,
Chapter 66 – Walls, Fences and Hedges
Sections 66-1.1(d) and (h)
Code of the Town of Riverdale Park
(January 2008 2013 Revision)

SECTION 1: BE IT ENACTED BY THE COUNCIL OF THE TOWN OF RIVERDALE PARK, That ~~Section 66-1.1(d)~~ Sections 66-1.1(d) and (h) of the Code of the Town of Riverdale Park (January 2008 2013 Revision), Chapter 66, Walls, Fences and Hedges, is repealed and reenacted, with amendments to read as follows:

CHAPTER 66 – WALLS, FENCES AND HEDGES**§ 66-1.1 Prohibited Fences.**

(d) Side and Rear Yard Fences. Nothing in this section shall affect the design, permitting or erection of side and rear yard fences within the Town of Riverdale Park. The building code of the Town of Riverdale Park and Prince George's County, Maryland, as well as Section 66-1 of the Ordinance codes of the Town of Riverdale Park shall govern such fences. NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS SUBSECTION, SIDE AND REAR YARD FENCES MAY NOT BE CONSTRUCTED OF CHAIN LINK ON AND AFTER THE EFFECTIVE DATE OF THIS PROHIBITION.

(h) Grandfather Clause. All front yard fences legally existing as of the date of introduction of the ordinance resolution creating section 66-1.1, AND ALL SIDE AND REAR YARD FENCES ERECTED AFTER THE AMENDMENT OF SECTION 66-1.1 PROHIBITING THE CONSTRUCTION OF CHAIN LINK FENCES IN SIDE AND REAR YARDS, which do not comply with any subsection (i.e., front, SIDE AND REAR yard chain-link fences), shall be deemed non-conforming uses. All front yard fences erected subsequent to the introduction of the resolution creating section 66 1.1 (November 2,1998), OR SIDE OR REAR YARD FENCES ERECTED AFTER THE EFFECTIVE DATE OF THE PROHIBITION IN SECTION 66-1.1(D) AGAINST THE CONSTRUCTION OF CHAIN LINK FENCES IN SIDE OR REAR YARDS, that are intended to replace those fences deemed non-conforming uses shall conform to the requirements of this section. A fence deemed to be a non-conforming use under this subsection which has been removed or destroyed through no fault of, and due to circumstances beyond the control of the owner, may be replaced or repaired in a manner substantially identical in all material respects to the fence so removed or destroyed. Consideration shall be given to the similarity of such factors as materials, height, length and fence location between the original fence and the replacement fence. Nothing contained in this subsection shall be construed to prohibit the maintenance and repair of a non-conforming fence so long as the fence is not changed in character and all repairs are made with materials substantially the same as the materials requiring maintenance or repair.

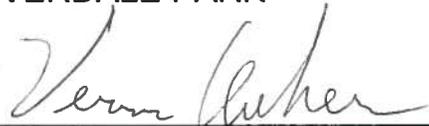
SECTION 2: AND BE IT FURTHER ENACTED that this Ordinance shall become effective twenty (20) days after its passage by the Council.

ATTEST:

COUNCIL OF THE TOWN OF
RIVERDALE PARK



Sara Imhulse, Town Administrator



Vernon Archer, Mayor

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

Underlining indicates amendments to bill.

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