

The Riverdale Park *Town Crier*

March 2007

Volume 36, Issue 2

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**Clean out the attic,
basement, and garage and
get rid of your stuff!**

**Spring Clean-up Day
Tuesday, May 29, 2007**

*Questions????
Call 301-864-1803*

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Town of Riverdale Park ELECTION NOTICE

In compliance with the terms of the Charter of the
Town of Riverdale Park, Maryland an election will be held

Monday, May 7, 2007

To elect Town Officials for Mayor & Council Seats

**Polls will be open from 7 a.m. to 8 p.m. at the
Riverdale Park Municipal Center, 5008 Queensbury Road.**

All citizens, eighteen years of age or older, who have resided in the town of Riverdale Park for 45 days or more preceding Monday, May 7th and who are registered to vote in the town of Riverdale Park will be entitled to vote.

All residents who wish to qualify to vote in a town election must register on a Prince George's County form. To qualify to vote your registration form must be received at the Board of Elections in Upper Marlboro Friday, March 30, 2007, 4:30 p.m.

Candidates for office must file Petition and Financial Disclosure Affidavits with the Election Judges at the Town Hall no later than 5 p.m., Thursday, April 12th, 2007 in order to have their name on the official ballot. (Financial Disclosure Affidavits and Petition forms are available at the Riverdale Park Town office.)

Joyce K. Marcos, Chief Judge
Louis King, Deputy Chief Judge



Easter Egg Hunt

**Saturday, March 31, 2007, 10:00am
Riversdale Mansion, 4811 Riverdale Road**

Council Actions

By Waverly Pollitt

January 29, 2007

1. **Approved** – Verizon Cable Franchise 2007-OR-01

February 5, 2007

1. **Approved** – Minutes for October 2, 2007
2. **Approved** – Minutes for January 2, 2007
3. **Approved** – Election Judge, Alternate & Appeals for Town Election May 7, 2007.
4. **Approved** – Town Election Matters, Ballot, Time, Place etc.
5. **Approved** – Action to engage Richard T. Colaresi and Team to perform title search of Trolley right of way.
6. **Approved**- Action to engage Milliman Inc. and Associates to conduct actuary study for Town's Define Benefit Plan
7. **Approved** – 6ft. Fence 4901 Madison Street, Ward 3
8. **Approved** - Amendment to the Police Employee Classification pay plan to include the rank of Captain.
9. **Approved- Amended** Ordinance Resolution 2007-OR-02 Compensation for Mayor & Council.
10. **Tabled** – Historic Signs for the Historic District within Riverdale Park.
11. **Introduction** – To modify chapter 55 and chapter 56 of Town Code
12. **Introduction** – To modify chapter 67
13. **Approved** – Resolution of Support for the Dumm's Corner Development Proposal 2007-R- 01
14. **Approved** – Fire Dept. officers living outside of Town's incorporated limits.

To: All Residents of Ward 6

By J. Alberto Morales

I am a resident of Riverdale Park since 1970. In early January, Mayor Vernon Archer paid me a visit and asked if I was willing to help out as a replacement council member for Ward 6 until the election that will take place in May 2007. Accepting a public office job is a major responsibility and my schedule is already quite busy, so I could not answer right away. But, I told him that I would consider the offer thanks to the confidence he had in me.

On the first Monday in February, I was sworn in as the Ward 6 council member at our regular legislative meeting.

At that meeting, I found out that there was little interest among our residents in running for a council seat. However, I am willing to work toward the best interests of our ward and Town. I would like to hear from you any problems related with home improvement permits, or if you have problems with public space sidewalks, driveways, roots, trees or branches, potholes, broken water meters, sewage or storm covers, poor lighting, high vegetation, trash or debris in front of your property or nearby that you may think is a hazard for your and your kids.

Thank you for your cooperation and I hope to hear from you soon. You may contact me at 301-779-5934. It will be a pleasure to be working with all of you. With your help, we can have safe and clean neighborhoods.

A: Los Residents del Distrito #6

Nombre: J. Albertos Morales

Soy vecino residente del Riverdale Park desde 1970, a Principios del mes de

Enero El Sr. Alcalde Vernon Archer me visito con el objective que lo ayudara a llenar el cupo vacio por el representante de nuestro vecindario #6, me extraño un poco su invitacion pero bueno le dije que lo pensaria porque ya tenia compromisos anteriores, En la reunion mensual que se lleva a cabo el primer dia lunes del mes presente y declare oficialmente Representate del vecindario # 6, este cargo lo ocupare al mes de Mayo cuando sean las nuevas elecciones y Uds. Eligiran a su Nuevo representante.

En esta reunion mesual me di cuenta que nadie de nuestros vecinos esta interezado en dicho puesto. Pero bien you estoy aqui y dispuesto a servirles por tanto quiero pedirles que si tienen alguna inquietude o problema con permisos par hacerle alguna renovacion a su propiedad, curvas y banquetas dañadas por raises o las ramas de los arboles o deterioradas, Agya estabcada despues de lluvias, Tragantes tapado o quebrados, hoyos en las calles, vegetacion alta, basura u objetos indeseables en el vecindario que crean Uds, que pone en riesgo la seguridad de Uds, y sus hijos favor de cumnicarse con migo telefono arriba mecionado (301-779-5934).

Mi deceo es trabajar con Uds, y con un poquito de comunicacion haremos este lugar seguro y limpio.

Atentamente.

Town of Riverdale Park

www.ci.riverdale-park.md.us

Town Hall

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Riverdale Park, MD 20737
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varcher@gmail.com

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L. Ron Goff, Public Works director

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Colleen M. Ferguson

Police Department 301-927-4343
RivPD@comcast.net
E. Thomas Parker, Chief

Fire Department Emergency 911
Information 301-927-0356
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www.riverdalevfd.com
Vincent Harrison, Chief

Town Crier

The Official Newsletter of the
Town of Riverdale Park, Maryland
Editor-in-Chief:

rptowncrier@comcast.net

It is the policy of the Town of Riverdale Park, pursuant to the provision of Section 504 of the Rehabilitation Act and The American with Disabilities Act, to prohibit discrimination against qualified persons with disabilities in any aspect of employment within the government.

It is also the policy of the Town of Riverdale Park to disallow discrimination in fair housing based on race, gender, sexual orientation, marital status, disabilities, and/or age.

Some materials contained in *The Town Crier* represent the opinion of the authors and do not necessarily represent the view of the Town of Riverdale Park.

Submission deadline: 15th of each month.

Proposed Ordinances to be Considered by Town Council

By Gerry Kiernan

The following three pieces of proposed legislation is being considered by the Town Council at its next legislative meeting.

Resolution 2007-OR-03

Whereas, the Town of Riverdale Park has become aware of the construction of apartments in existing single family homes, and

Whereas, currently, there are no protections afforded to the persons renting such apartments, and

Whereas, currently, there are no protections afforded to persons renting single family homes from members of their immediate families,

Therefore, be it resolved to amendment Chapter 55, "Rental Licensing and Inspection", of The Code of Riverdale Park as follows: (Deletions are shown by strike through and new language by bold italic.)

§ 55-1. Purpose.

The purpose of this chapter is to protect the health, safety, and welfare of the general public by:

- (a) Establishing minimum standards, in accordance with the Prince George's County Housing Code and applicable town ordinances, for basic equipment and facilities for light, ventilation, space heating, and sanitation; structural soundness for safety from fire; for space, use, and location; for safe and sanitary maintenance; and for cooking equipment in all single family rental units/dwellings;
- (
b) Establishing the responsibilities of owners and occupants of single family rental units/dwellings ***and of owner-occupied houses where additional dwelling unit(s)/apartment(s) has been added to an existing single family home;*** and
- (c) Providing for administration, enforcement, and penalties.

§ 55-3. Definitions.

The terms used in this chapter are defined as follows:

"Town" is the Town of Riverdale Park.

"Town administrator" is the town administrator of the Town of Riverdale Park.

"Code enforcement officer" is the code enforcement officer of the Town of Riverdale Park.

Apartment: See "Dwelling Unit"

Apartment, Efficiency: A "Dwelling Unit" comprised of one (1) main room (enclosed floor space) used for living, dining, and sleeping purposes; one (1) kitchen; one (1) bathroom; and accessory enclosed floor spaces, such as closets and pantries.

Degrees of Relationship: The following chart shows degrees of relationship. The number next to the title shows the degree of relationship. Anyone who is directly related by blood within the 1-2-3 range, related by adoption within the 1-2-3 range, or related by marriage (including stepchildren, in-laws, etc.) in the 1-2-3 range constitute relatives within the third degree of relationship.

**Table of Consanguinity
Showing Degrees of relationships**

				4.Great- GreatGrand Par- ents
			3.Great Grand Parents	5.Great-Grand Uncles/Aunts
		2.Grand Par- ents	4.Great Un- cles/Aunts	6.First Cousins Twice Removed
	1.Parents	3.Uncles/Aunts	5.First Cousins Once Removed	7.SecondCousi ns Once Removed
Owner/ Lessee	2. Brothers Sisters	4.First Cousins	6.Second Cous- ins	8.Third Cous- ins
1.Children	3.Nephews/Nie ces	5First Cousins Once Removed	7. SecondCous- ins OnceRemoved	9.Third Cous- ins OnceRemoved
2.GrandChildr en	4.Grand Neph- ews/Nieces	6. FirstCousins TwiceRemoved	8.Second Cous- ins TwiceRemoved	10.Third Cous- ins Twice Removed
3.Great-Grand Children	5Great-Grand Nephews/Nieces	7.First Cousins Thrice Removed	9.Second Cous- ins Thrice Removed	11.Third Cous- ins Thrice Removed

Dwelling: A "Building" used for living facilities for one (1) or more "Families."

Dwelling Unit: A "Building" (or part of a "Building") used as a complete and independent living facility for only one (1) "Family," which includes permanent provisions for living, sleeping, eating, cooking, and sanitation. (Abbreviated as "d.u.")

Family:

- (A) An individual maintaining a household in a "Dwelling Unit"; or
- (B) Two (2) or more individuals related by blood, adoption, or marriage within three degrees of relationship (including a "Foster Home" relationship other than a "Group Residential Facility") who maintain a common household in a "Dwelling Unit"; or
- (C) Not more than five (5) individuals (excluding servants), all or a part of whom are unrelated to one another by blood, adoption, or marriage, and who maintain a common household in a "Dwelling Unit."

"Minimum standards" are the provisions of the Prince George's County Housing Code, as amended from time to time, and applicable town ordinances.

"Rental unit" for purposes of this chapter shall be defined as any rented room or group of rooms in a structure forming a single habitable unit that is used or intended to be used by one or more occupants for living and sleeping. *See "Dwelling Unit".*

"Rental dwelling" for the purposes of this chapter shall be defined as a structure being occupied or intended to be occupied by a single family and/or one or more individual(s) who are not the legal owners of record of the property.

"Local agent" is a Maryland resident appointed by the owner to supervise and/or care for the property and to respond to any violations concerning the property.

§ 55-4. License required prior to occupancy; exceptions.

(a) The legal owner of record of any rental unit or rental dwelling located within the town shall not, except as provided by the terms of a temporary certificate issued upon application for a rental license, permit or allow such unit or dwelling to be occupied without first having obtained a rental license from the town.

(b) All rental units within a single family dwelling shall be individually licensed in accordance with this chapter.

(c) Any owner of record of a multi-family apartment house, as defined in § H-210.0 of the Housing Code, shall be exempt from this section upon showing to the town administrator or the person(s) or firm designated by the Mayor and Council that the owner has obtained a license or temporary certificate issued pursuant to § 13-181 of the Housing Code Chapter and shall be governed by Chapter 56 of the Town of Riverdale Park Code.

(d) Any single family dwelling that is occupied by a legal owner as a principal place of residence containing no more than one (1) rental unit/dwelling shall be ~~exempt from~~ *subject to* the provisions of this chapter.

~~(e) Any rental unit/dwelling leased by a legal owner to a relative related to the owner to the second degree of consanguinity or less — that is, grandparents, parents, children, grandchildren, aunts and uncles, nephews and nieces, and first cousins — shall be exempt from the provisions of this chapter.~~

Resolution 2007-OR-04

Whereas, Chapters 55 and 56 of the Code of the Town of Riverdale Park address rental housing in the Town and both contain appeals procedures. Chapter 55 is for single family home rental. Chapter 56 is for multi-unit (i.e., apartment houses) rentals, and,

Whereas, the appeals procedures in the two chapters are not identical,

Therefore be it resolved to replace the appeals procedure in Chapter 56 with the procedure in Chapter 55. Deleted text is struck through. New text is in italics.

§56-9. Appeals Procedure.

~~(a) Any persons aggrieved by an action of the Code Enforcement Officer or the Town under this chapter may appeal such an action by filing a written notice thereof with the Town Administrator, on a form provided by the Town Administrator, and paying an appeal fee in the amount of one hundred dollars (\$100). The notice of appeal shall attach a copy of the ——— order of decision from which the appeal is taken and shall set forth all legal and factual bases upon which the appellant contends that the order or decision from which the appeal is taken and shall set forth all legal and factual bases upon which the appellant contends that the order or decision ——— appealed from was erroneous. The notice of appeal shall be filed within fifteen (15) days after the date of the decision or order from which the appeal is taken. If a proper and complete notice of appeal, including the appeal fee, is not timely filed, the appeal is barred. An appeal shall not operate to stay any of the provisions or requirement of this chapter, or any order or decision issued under this chapter, unless the Mayor and Town Council shall otherwise order. Within thirty (30) days after a timely and complete notice of appeal is filed, a hearing shall be conducted before the Mayor and Council, or before such Hearing Board as the Mayor and Council may, from time to time, designate for such purpose. Any hearing board designated by the Mayor and Council shall consist of five persons, two of whom shall be members of the Town Council, at least another of whom shall be experienced in matters that are the subject of the appeal and the least two members, in addition to the two members of the Town Council, who shall be residents of the Town. The hearing shall be open to the public, records and minutes shall be maintained, and the person aggrieved, the Town and other interested persons shall be given and opportunity to present evidence. At the hearing the board shall take such evidence that the board deems necessary and proper, and the burden shall ——— be on the appellant to demonstrate that the decision or order appealed from ——— was arbitrary, capricious, or erroneous as a matter of law. The Hearing Board shall, within thirty (30) days after conclusion of the hearing, reverse, modify, or affirm the action complained of and cause a copy of the board's decision to be sent to the appellant and other interested persons.~~

(a) Designation of Housing Review Board. The Housing Review Board as established in §55-9 is designated to hear appeals from the application of this chapter.

~~(b) Any person Aggrieved by a decision of the Mayor and Council or a Hearing Board may appeal that decision to the Circuit Court for Prince George's County, Maryland by filing a petition for judicial review with that court within fifteen (15) days after the decision of the board.~~

(b) Rules of Procedure. All persons challenging an action under the provisions of this chapter may, within ten (10) days of date of violation notice, request a hearing before the Board. The hearing request will be on forms provided by the town administrator and shall be filed with the town administrator, who will notify the appellant in writing of the time and

place set for the hearing. Within thirty (30) days of the filing of the notice of hearing, the Housing Review Board shall conduct a hearing at which time an opportunity shall be given to both the person(s) challenging and the town staff to present evidence. The hearing shall be open to the public and records and minutes shall be maintained by the Board at all such hearings. Within ten (10) days after the hearing, the Board shall present its findings of fact and decisions. Said decisions may either reverse, modify, or affirm the action taken by the town's code enforcement officer or by the person(s) or firm designated. The decision of the Housing Review Board shall be final.

~~(e) Failure to abide by an unappealed decision rendered by the Mayor and Council or a Hearing Board shall constitute a violation of this chapter.~~

(c) Failure to abide by the decision of the Housing Review Board shall constitute a violation of this chapter.

Resolution 2007-OR-05

Granting the Code Enforcement Officer Authority to enforce housing standards on owner occupied homes

Whereas, Chapters 55 and 56 authorize the Town's Code Enforcement Officers to enforce building and safety standards on rental properties, both single family homes and multi-unit apartment houses, and

Whereas, the Prince George's County inspectors have to be brought into town when unsafe conditions exist in owner occupied properties,

Therefore, Chapter 67 is added to the Code of the Town of Riverdale Park to grant the authority to investigate and abate such conditions to the Town's Code Enforcement Officers.

Chapter 67 HOUSING STANDARDS

§ 67-1 Adoption of standards by reference.

§ 67-2. Unsafe structures and equipment.

§ 67-3. Emergency measures.

§ 67-4. Demolition.

§ 67-5. Appeals.

§ 67-6. Notices and orders.

§ 67-10. Violations and penalties.

General Provisions

§ 67-1. Adoption of standards by reference.

(a) Subtitle 13, Housing and property standards, of the Prince George's County Code, as it may from time to time be amended, is hereby adopted by the Town, and all of the powers, rights and requirements of compliance therein not in conflict with Town Charter, this Code, or Town regulations, may be exercised by the Town.¹ However, all references in Chapter 13 of the County Code (or the International Property Maintenance Code which the County Code currently incorporates) to the appointment, discipline, employment and termination of any property or code enforcement personnel or to a board of appeals shall not be effective in the Town.

(b) The Code Official shall be the Town Administrator, his/her designee or any code enforcement officer of the Town.

§ 67-2. Unsafe structures and equipment.

(a) General. When a structure or equipment is found by the Code Official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this Code. For purposes of this Chapter, condemnation means a declaration of illegality, danger or unfitness and does not include taking of property for compensation by a governmental unit.

(1) Unsafe Structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn oc-

¹ A copy of the complete text of the standards adopted herein is on file at Town Hall

cupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

(2) Unsafe Equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

(3) Structure Unfit for Human Occupancy. A structure is unfit for human occupancy whenever the Code Official finds that such structure is unsafe, or because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this Code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

(4) Unlawful Structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this Code, or was erected, altered or occupied contrary to law.

(b) Closing of vacant structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the Code Official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the Code Official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

(c) Notice. Whenever the Code Official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with §67-6(c). If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in §67-6(b).

(d) Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the Code Official shall post on the premises or on defective equipment a placard bearing the word "condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

(1) Placard Removal. The Code Official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the Code Official shall be subject to the penalties provided by this Code.

(e) Prohibited occupancy. Any occupied structure condemned and placarded by the Code Official shall be vacated as ordered by the Code Official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this Code.

§ 67-3. Emergency measures.

(a) Imminent danger. When, in the opinion of the Code Official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Code Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Code Official shall cause to be posted at each entrance to such structure a notice reading as follows: "this structure is unsafe and its occupancy has been prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

(b) Temporary safeguards. Notwithstanding other provisions of this Code, whenever, in the opinion of the Code Official, there is imminent danger due to an unsafe condition, the Code Official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted, and shall cause such other action to be taken as the Code Official deems necessary to meet such emergency.

(c) Closing streets. When necessary for public safety, the Code Official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

(d) Emergency repairs. For the purposes of this section, the Code Official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

(e) Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the Town. The legal counsel of the Town shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

(f) Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the Town, be afforded a hearing as described in this chapter.

§ 67-4. Demolition.

(a) General. The Code Official shall order the owner of any premises upon which is located any structure, which in the Code Official's judgment is so dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than one year, to demolish and remove such structure.

(b) Notices and orders. All notices and orders shall comply with §67-6.

(c) Failure to comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the Code Official shall cause an action to be filed in the court for demolition and recovery of all costs and fees (including attorney and expert fees) incurred in the enforcement of this subsection. The cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

(d) Salvage materials. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

§ 67-5. Appeals.

(a) Designation of Housing Review Board. The Housing Review Board as established in §55-9 is designated to hear appeals from the application of this chapter.

(b) Rules of Procedure. All persons challenging an action under the provisions of this chapter may, within ten (10) days of date of violation notice, request a hearing before the Board. The hearing request will be on forms provided by the town administrator and shall be filed with the town administrator, who will notify the appellant in writing of the time and place set for the hearing. Within thirty (30) days of the filing of the notice of hearing, the Housing Review Board shall conduct a hearing at which time an opportunity shall be given to both the person(s) challenging and the town staff to present evidence. The hearing shall be open to the public and records and minutes shall be maintained by the Board at all such hearings. Within ten (10) days after the hearing, the Board shall present its findings of fact and decisions. Said decisions may either reverse, modify, or affirm the action taken by the town's code enforcement officer or by the person(s) or firm designated. The decision of the Housing Review Board shall be final.

(c) Failure to abide by the decision of the Housing Review Board shall constitute a violation of this chapter.

§ 67-6. Notices and orders.

(a) Notice to person responsible. Whenever the Code Official determines that there has been a violation of this Code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in §§b and c, immediately below, to the person responsible for the violation as specified in this Code. Notices for condemnation procedures shall also comply with §67-2(c).

(b) Such notice prescribed in §A shall be in accordance with all of the following:

(1) be in writing.

(2) include a description of the real estate sufficient for identification.

(3) include a statement of the violation or violations, why the notice is being issued and the day and time the violation was discovered.

(4) include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Code.

(5) inform the property owner of the right to appeal.

(6) include a statement of the right of the Town to file a tax lien.

(c) Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

(1) delivered personally to the tenant if any, and to the owner of record; or
(2) sent by certified mail addressed to the last known address of the owner and the tenant, if any, so long as a copy thereof shall be posted in a conspicuous place or about the structure affected by such notice.

(d) Penalties. Penalties for noncompliance with orders and notices shall be as set forth in section 67-10(e)(4).

(e) Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Code Official and shall furnish to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

ARTICLE II

Enforcement

§ 67-10. Violations and penalties.

(a) Unless otherwise provided, violations of this Chapter shall be punishable as a municipal infraction and the fine for any single initial violation shall be one hundred dollars (\$100.), with the fine for each repeat of that offense shall be two hundred dollars (\$200.).

(b) The fine for any single initial violation of Article II shall be two hundred fifty (\$250.00) and the fine for each repeat of that offense shall be five hundred dollars (\$500.00).

(c) In addition to the penalties prescribed above, the Town shall have the right to institute injunction, mandamus or any other appropriate civil action or proceeding to prevent violations of this chapter. The provisions of the real property article of the Maryland Code §14-120, as amended, shall be followed when they apply to the proceeding.

(d) Where a municipal infraction citation has been issued for a violation of this Chapter, each thirty-day period following the issuance of said citation during which the violation(s) continues unabated or recurs shall constitute a separate violation for which additional citations may be issued, and additional fines incurred.

(e) Stop Orders.

(1) Whenever any work is being done without a permit, when such is required by this Code, or in violation of the provisions of this Chapter or in exception with the term of any permit issued for such work, the Town Administrator or his or her duly authorized representative, or the Code Officer, may order all or part of the work on the job stopped until such violation or exception is eliminated and the work or installation made in violation of this subtitle is corrected. Such stop order, if oral, shall be followed by a written stop order within twenty-four (24) hours (excluding saturday, sunday or holidays).

(2) It shall be unlawful to do or perform any work in violation of such stop order, except as may be necessary to prevent injury or damage to persons or property or to correct the violation.

(3) The stop order shall contain, or be accompanied by, a written notice indicating that there is a right to a hearing within a reasonable time before the Town Administrator or his or her designee. Such request for a hearing must be filed in writing at the Town office no later than seventy-two (72) hours. The owner or permittee affected by such stop order shall be entitled to such hearing as quickly as feasible, but at least within forty-eight (48) hours of receipt of such request for hearing by the Town Administrator. The Town Administrator, or a designated impartial member of his or her staff who has or is delegated authority to act, shall afford the owner or permittee a fair hearing with an opportunity to present evidence or testimony that is relevant to the stop order. The owner or permittee shall be afforded reasonable notice of the time and place of the hearing at the time of the request in person, or by telephone or other appropriate means if the request is forwarded in writing.

(4) The penalty for violating any stop order shall be a misdemeanor with a maximum penalty of one thousand dollars (\$1,000.00) and/or thirty (30) days imprisonment.

(f) Abatement. The Town may order the abatement of any violation of this Chapter pursuant to the notice and orders requirements of this Chapter at §67-6. Hearings on such notices and orders shall be governed by §67-5 appeals.



Riverdale Park Police Department

January 2007

Crime Report

Crime	Murder	Rape	Rob- bery	Assault	Bur- glary	Stln. Veh.
Ward 1	0	0	0	0	1	0
Ward 2	0	0	1	0	0	2
Ward 3	0	0	0	0	0	0
Ward 4	0	0	0	2	2	3
Ward 5	0	0	0	0	2	1
Ward 6	0	0	2	2	0	0
Total	0	0	3**	4	5*	6

** 2 citizen, 1 carjacking

*3 residential, 2 commercial

Officer Activity

Activity	Total
Calls For Service	867
Routine Patrols	270
Traffic Stops	378*
Reported Traffic Accidents	50**
Parking Citations	77
Subjects Arrested	35

* 284 Traffic Citations,

** 14 Written Accidents

Mayor's Report

By Vernon Archer



At the February legislative meeting, the Council followed my request and unanimously passed a resolution of support for the redevelopment of Dumm's Corner. This resolution was a significant step taken after more than a year and a half of negotiation, investigation, and thoughtful consideration. This proposal calls for a four story building on the south side of Riverdale Road to be constructed in a first phase. The ground floor will house a significantly expanded Dumm's Market and Restaurant. There will be parking at street level and underground. The 2nd, 3rd, and 4th floor will be sold as residential condominium space. The second phase will begin after both the market and restaurant move into their new spaces. Phase two will be a five story building that provides commercial space on the ground floor along with substantial parking. The floors above will again be sold as condominiums and resident parking will be underground.

Because this project will have such an impact on the community, it is important for you to understand the grounds on which the Council (including me as the chair) decided to endorse this project, and to understand the limits of that endorsement. A quick review of the process is necessary to understand how we got here.

The first step in doing any substantial work in the town center area is to submit plans to the Mixed Use Town Center Committee (MUTC). The committee then reviews the plan based on guidelines created several years ago by our community in a partnership with our local zoning authority, the Maryland National Capital Park and Planning Commission. Projects like the Dumm's proposal are judged against around 200 standards that oversee things like parking, size, placement, building style, and almost everything you can imagine. That committee can then either: (1) approve; (2) approve subject to conditions; or (3) reject a plan.

MUTC approved the current Dumm's Corner plan subject to it meeting, or obtaining the necessary variances from several standards. The committee cannot grant variances from the standards; that can only be granted by Park and Planning subject to the recommendation of the Town Council. This conditional approval was given because this project meets the overall intentions of MUTC (to encourage attractive, human-scale development that creates a sense of place, and supports commercial and residential vitality) in style, purpose, and quality.

There were questions about several dozen standards. However, the critical issue was the size of the project. The Dumm's team maintained the project was not economically feasible at the smaller size called for in the MUTC plan. There was testimony at the meeting from Park and Planning that this argument for greater size was likely true.

Over the preceding year, I have used my authority as the Town's CEO to investigate and try to find a developer to do this type of project within the 3 story standard set by MUTC. After speaking with six separate developers, it is clear to me that nothing like the expansion that is envisioned for Dumm's is economically feasible within the standard.

Pete Spiropoulos, owner of Dumm's and the head of the redevelopment project, then asked to the Town Council to take a position on the critical size issue prior to his going to the expense of seeking Park and Planning approval. He estimated that it will cost more than \$100,000 to go through the variance process and he naturally didn't want to waste the money if the Town Council would not support him in the end.

So the Council took up the question. After reviewing where we were in the process, negotiating with Pete, and discussing the issues with Park and Planning, I had prepared for the Council the resolution that passed. It basically states the following: (1) the town supports the height variance and will support the buildings construction at the setback from the railroad of the existing Dumm's Market; and, (2) it makes our support conditional on the project being in full compliance of every other standard—including all the critical issues such as parking, quality building materials, and design.

Thus, the town's official position is that the project can be larger than the zoning originally envisioned, but demands compliance with every other standard set forth in MUTC--99% compliance of the 200 standards. The town has much power over the process and we have the will to demand that the quality remain through to the end.

The council is now convinced that we are getting a good deal for the town. The project will bring significant improvement in a much larger Dumm's market and a genuine restaurant; it will bring more people into our otherwise largely deserted town center; and, it will create an encouraging environment for other businesses to come into our Town Center.

As the redevelopment process moves forward I will continue as I have to actively forge consensus that includes all stake holders. I wish to thank all of the persons who have taken an interest in this long process from every angle. Those who have supported it have given both the town government and the Spiropoulos family the strength to keep going and bring good things to our town. Those who have been more critical of the plans have helped to demand a better product and we will all benefit from this in the end. When I think back at how residents have come together and grappled with the hard issues involved in this project with such a strong community spirit, it reminds me how fortunate I am to be mayor of such a wonderful town.

Public Works

By Debbie Murphy

Contacting Public Works During Emergencies

In extreme emergencies (e.g., snow storms, hurricanes, etc.) resident calls for Public Works need to be routed to the Police Department (301-927-4343), who will contact us. Often Public Works staff is not available to answer the phones during such emergencies; but the Police Department has radio communication with Public Works.

Lights Out

It is important to Pepco that residents call and report that their electricity is out. This helps Pepco to better understand a widespread outage, as well as, where or what the problem may be. Pepco's number is (202) 833-7500.

Recycled Oil Tank

The recycled oil tank is a service for residents to recycle their used motor oil. Please do not put anything other than used motor oil in this tank.

Recycle-Recycle-Recycle

The county charges a fee for your recycling whether you recycle or not. So please join the program and recycle glass bottles and jars, metal cans, and plastic containers. The more the residents get out of the waste stream and into recycling, the more money residents save.

Recycling bucket replacements can be obtained **free** from the Prince George's County Office of Recycling by calling (301) 952-7630.

Residents can **recycle used antifreeze, cans of paint, automotive batteries, and other hazardous liquids** by taking them to the Brown Station Landfill on Sundays between 7:30am and 3:30pm (closed on holidays). They cannot be brought in commercial vehicles. Residents must use their own vehicle.

Spring Clean-Up Day

Riverdale Park's Spring Clean-up day will be Tuesday, May 29, 2007. More details will follow.

Ward One and Community Affairs Reports

By Rob Oppenheim

Lets Walk

Want to take a walk for fun and exercise? Some of us are doing just that—most weekends and some weekdays. Let me know if you would like to join us (oppenheim@email.com, 301-779-1745). We leave home at about 4 p.m. and meet at Town Center at about 4:05. Join us there, or at the park 10 minutes later. We enter the park at 51st Ave. & Somerset Road and turn left (north).

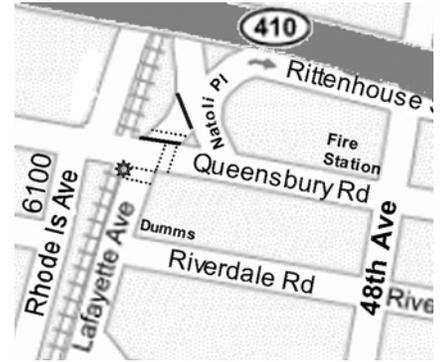


Town Clock. It's working! Yea!

RailRoad Crossing Improvements. We will be installing streetlights at the southwest corner of Lafayette and Queensbury next to the railroad crossing to improve pedestrian safety and hopefully to reduce the incidents where cars turn onto the tracks—thinking they are turning onto Lafayette.



We are looking at other safety improvements for this area too. One suggestion is to revisit the idea of closing a little piece of Lafayette and directing that traffic onto Natoli. The idea is to reduce the complexity of the intersection near the tracks and add a pedestrian friendly crossing. It is an idea well worth considering. We could erect temporary barriers there to see how it goes. If



it works well we could put in a nice wide walkway and cross walks and maybe round out the corner on Natoli and Queensbury for an easier turn west.

Trolley Line—50 Years Ago

The trolley video and walk was a big success. The place was packed and everyone had fun. We showed a movie of a trolley rolling through our town center from 50 years ago. If there is enough interest, we can show it again, perhaps in mid April.

Chris Suspect made a short 6-minute video of the event. It has clips from the Trolley movie along with brief comments. It's quite good. (Of course I would think so—I'm in it!). To see it, go to www.hyattsvilleh4x.com and scroll down to "Episode 33 - The Trolley Trail", then click on the big "Play" button.

As always, let me hear from you. The best way is e-mail: oppenheim@email.com or call 301-779-1745.

Ward Three Report

By David Lingua

My reports are getting longer and longer. While I do have a number of items to cover, I will remember brevity is the soul of wit.

Last month I stated I would have conferred with the neighbors around the industrial park at 47th Avenue regarding the parking issue. While I have met with a few, I fell far short of my mark. I will redouble my effort and would ask you to please excuse my incompleteness.

A house on Oglethorpe was brought to my attention because of its unsafe living condition. I asked Code Enforcement Manager Colleen Ferguson to look into it. Being a rental property, Code Enforcement made an announced inspection on February 13 with the assistance of Officer Larry Hayes. After spending the better part of the day there, the house was deemed unfit for habitation. The family was required to vacate the premise and the animals were removed by animal control. Code Enforcement has been in contact with the property owner and will meet with them upon the owner's return to the area. I'd like to thank everyone involved in what was a grueling task addressing a reprehensible and tragic situation.

With the spring comes blossoms, perennial promise, and home improvement projects. Three of our neighbors have received county approval to construct additions, two on Oglethorpe and one on Madison. In conjunction with being asked to "pardon the dust", we can expect a good faith effort made to minimize it. Congratulations and best wishes for a safe and successful completion.

Speaking of keeping things to a minimum, the county Department of Environmental Resources publishes the "Homeowner's Guide to Permits" to aid with planning. It is a very informative thirty pages; bound to save on time, money, and aggravation. Also weighing in at thirty pages is their other compelling bedtime reader, "Residential Drainage: A Homeowner's Guide To Drainage Problems and Solutions". Senior Planner Mary Fulton dropped off several copies to aid in our water management effort. Inspiration, move us brightly. If you have not received a copy and would like one please contact me. On a related note, a follow up meeting with the county engineer regarding storm water management is being coordinated.

And now for something completely different, a request for speed humps at the west end of Nicholson was brought up at the January 29th work session. It is under consideration with similar requests for Public Works Director Ron Goff to look into. While on the subject of automotive behavior modification, I would like to ask, again, this time just short of a plea, of all parents and guardians to please follow the traffic guards' directions around the elementary school. Please! They want to help you get in and out as quickly as possible while making the streets safe for all parties involved.

See you March 31st for the Easter Egg Hunt at the Mansion.

Our Town

Riverdale Park Loses a Favorite Son

By Marita Novicky

It was Thursday, February 9, 2007 when Steve Schmidlin died in his sleep. A service was held at Chambers on Valentine's evening, February 14, 2007 which was the beginning of the recent ice storm. It was a stand-

ing-room only crowd at Chambers that evening as many of Steve's friends and admirers joined his family and close friends to say their farewells. We braved the storm to say good bye to one of Riverdale Park's favorite sons, Steve Schmidlin.

It's hard to sum up what a wonderful a person Steve was and I fear failing to do him justice. He was a quiet and unassuming man; very soft spoken. I knew him as the owner and proprietor of S&J's Restaurant and Bar. He bought the establishment several years ago and set about making it the hot spot in Riverdale Park. There were not just simple changes, but radical ones that made S&J's a comfortable place where families could take their children. Most recently, he hosted an overflowing crowd that came to see film on the Trolley Line that once ran through Riverdale Park. Oohs and aahs could be heard throughout the crowd as they sat in S&J's and reminisced about the Trolley and those days back when. It was standing room only at S&J's that day.

There were many times that Steve was approached to contribute to Town events, and he never failed to respond. He had a deep sense of pride and a great community spirit. Most recently, he donated to the Town's 2006 Festival of Lights and Holiday Market. There wasn't a time when he said no. He was that type of guy.

I remember one time when I had invited Bruce Wernek to S&J's. I wanted to "stand him a drink" in honor of his father who had recently passed. When Steve stopped by to say hello and asked what was up, he decided to "stand a drink" along with us in honor of Mr. Wernek and he paid the bill! He was that type of guy.

I barely knew his wife Ziggy, but I knew she was a strong force in the success of their business. It is hard to imagine S&J's without Steve. Our thoughts and prayers go out to Ziggy and the Schmidlin family for their deep loss. We will miss Steve and the goodness he brought to Our Town.

CORRECTION: in my February 2007 Our Town, I incorrectly stated that the Calvert Inn... has been newly rejuvenated by Ferybous Salimi and wife following their buyout of the Calvert from Ferybous' brother Ferydoun Salimi". I had this information backwards. In a letter from the management at the Calvert Inn, I was given this information, "Freydoun Salimi and his wife Sousan bought out his brother Fariborz Salimi." I stand corrected. I sincerely apologize to Mr. and Mrs. Salimi for this error. As always, the Salimis are doing a wonderful job of providing excellent dining and entertaining to our Town, making the Calvert Inn famous statewide.

The Editor.

The Riverdale Park Business Association

By Carol Patsel

The Riverdale Park Business Association held their monthly meeting on Wednesday, February 7, 2007, at Gerald King's Art Studio. Congratulations to the Vice President of the RPBA, J.D. Williams! On January 24, 2007, he was awarded the first Realtor Emeritus by the Prince George's County Association of Realtors. J.D. has been a realtor for over 40 years and is a past president and current Chair person for the Community Service Committee of PGCAR.

It was with much sadness we learned that RPBA member, Steve Schmidlin, owner of S&J Restaurant on the corner of Queensbury Road and Rhode Island Avenue died suddenly on Thursday, February 8, 2007. The RPBA delivered flowers to Chambers Funeral Home and donated \$100 to the Lion's Club in his memory.

The RPBA plans to hold their annual dinner on Wednesday, April 18, 2007, at the Calvert House Inn. Bruce Wernek has volunteered to be chairperson for the dinner committee. All those who are interested and willing to volunteer their time in helping Bruce, are encouraged to contact him at bruce.wernek@mindspring.com.

Guest Speaker, Laura Almirez, our local representative for the Gazette, addressed members regarding advertising, weekly distribution, staffing changes and upgrades in technology used for production on the newspaper. Audrey Bragg pointed out that Riverdale no longer has a banner on the front page. Distribution of the Gazette in Riverdale Park is listed under "Hyattsville/Port Towns". Riverdale Park is not a Port Town. Laura assured us that she will bring this to the attention of her employers and hopefully have this omission corrected.

The first RPBA Membership Directory appeared as an insert in the February issue of the Town Crier. The objective is to provide residents of the community a listing of businesses for easy reference. The following corrections were made and will appear on the next insert. David Martin, Realtor and Chambers Funeral Home phone number: 301-699-5500.

J.D. Williams announced that Christmas in April will take place on Saturday, April 28, 2007. A house has been selected (5508 59th Street) All clean-up and improvements are outside. The projects need only 5 volunteers to perform "light work". Pete Spiropoulos offered the use of his truck to transport any materials to the location. Deadline to volunteer is March 1, 2007.

Next RPBA meeting will be held at the Town Hall on Wednesday, March 7, 2007 at 5:30 p.m.

S & J Restaurant

Daily Lunch and Dinner Specials

"Eat In/Carry Out

Free Wi-Fi"

Breakfast Specials—7 days a week \$3.95

Monday—Tacos, \$1.00 each

All You Can Eat Soup, Salad & Sandwich

Monday—Friday, 11:00 a.m. – 2:00 p.m.

Saturday—All you can eat Shrimp--\$15.95

4:00—8:00 p.m.

Steamed Shrimp Everyday

Sandwich/Sub of the Month--\$3.95

Karaoke Tuesday & Saturday Nights

Corner of Queensbury and Rhode Island Avenue
Riverdale Park, MD

301-927-3977

A paid advertisement

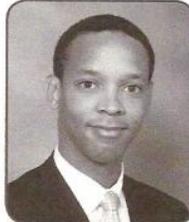
Christian Life Center Community Food and Clothing

Distribution Center is in need of clothing, especially men's and children's clothing. These can be dropped off at 5600 Taylor Road Saturday's between 10:00a.m. and 12:00p.m. Or call 301-277-5969 to make arrangements for drop off of items.



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Mark McGibbon, Agent, CLU ChFC Se habla español
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Riverdale, MD 20737-1059
Bus: 301-927-5030
mark.mcgibbon.nysc@statefarm.com

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- ◆ General Litigation (Civil & Criminal)
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- ◆ Land Use Planning & Development
- ◆ Governmental Relations
- ◆ Real Estate Transactions & Financing
- ◆ Business, Corporate, Partnership & Banking Law
- ◆ Wills, Estate Planning & Estate Administration
- ◆ Municipal Law & Municipal Finance Law
- ◆ Alcoholic Beverage Licensing

**PROUDLY SERVING RIVERDALE PARK AND
THE SURROUNDING COMMUNITIES
FOR OVER 30 YEARS**

**6801 Kenilworth Avenue, Suite 400
Riverdale Park, Maryland 20737-1385
Phone: 301/699-5800
Fax: 301/779-5746**

**10 Baltimore Street, Suite 1405
Baltimore, Maryland 21202
Phone: 410/244-5800
Fax: 410/244-5810**

**1445 Research Boulevard
Rockville, MD 20850
Phone: 301/738-7061
Fax: 301/738-7065**

Community Circles

ORGANIZATIONS

Northern County Soccer Alliance, Inc. (NCSA): For more information on NCSA and on travel, recreation, home school, and training programs, contact www.ncsa-soccer.org or call (301-927-0560). NCSA is the only all year-round soccer club in the North/west Prince Georges County area. Tax deductible donations accepted at www.justgive.org. Volunteers needed—this is an excellent opportunity to get involved with your child in fun and great physical activity.

Riverdale Park Boys Scouts – Troop 252, Contact: Scoutmaster Bob Killen at (202)282-8302. Troop 252's Scouts and Scoutmaster had a great time skiing at Timberline, as well as Mountain Biking on the horse trails in the muck at Jug Bay. We're going again, as well as biking down the C&O Canal this Spring Break, and canoeing down the Patuxent River when it thaws. We built ladders by lashing bamboo poles together, and climbed up to the roof of the Dade Center using our home-made ladders. The Scoutmaster reports that the troop are “pretty good cooks, too. Ask about our delicious out-of-doors fried chicken. Don't ask about pizza. We'll be selling citrus after Masses at St. Bernard's until Easter. They taste MUCH better than you can get at the store, too. We do it as a service, and it makes a little money for our Scouts, too. Join the FUN!

Riverdale Park Girl Scouts -- Contact: Charmaine Wilson at (301)449-5690.

Riverdale Park Business Association (RPBA) -- Contact Audrey Bragg at (301)277-7393 for date and place of next meeting or go to

CIVIC COMMITTEES

Riverdale Park Farmer's Market – Organizational meeting, March 3, 2007, Town Hall at 10:00 a.m. Contact Jim Coleman 301-209-8529 for more information.

The Riverdale Community Garden – Meeting, March 3, 2007, Town Hall at 12:30 p.m. Contact Jim Coleman 301-209-8529 for more information.

Madison Hill Homeowner's Association—For information call (301) 513-9188 or email MadisonHillHOA@aol.com.

Recreation Board – Volunteers needed. Call Anissa Sunday at (301) 277-2458 for more information. **Save the Date: Annual Easter Egg Hunt, Saturday, March 31' 2007** at Riversdale from 11:00 a.m.–1:00 p.m.

Lion's Club—Contact Guy Tiberio at (301) 864-3545 for more information.

Riversdale Historical Society—Contact Riversdale Mansion (301) 864-0420 for more information.

Riverdale Park Tree Committee—For information contact rebecca.feldberg@gmail.com.

Traffic Study Committee—Contact Gerry Kiernan (301-277-4554), gerardkiernan@earthlink.net.

Web Site Committee--For information, call Alan Thompson at (301) 927-7407 or email webmaster@ci.riverdale-park.md.us

Riversdale House Museum--4811 Riverdale Rd., 301-864-0420. March events include:

Tuesday, March 6, 7:30 p.m. Lecture, C.M. Harris, Editor of the papers of architect William Thornton, "A Federalist Salon for Martha Peter: William Thornton's First Design for Tudor Place, \$5.00.

Saturday, March 10, 10:00 a.m. "From Apple Charlotte to Henrietta Pudding" parent/child open hearth cooking class. \$45 for team of 1 adult and 1 child, ages 8 & up; advance payment required by March 7, 2007.

Saturday, March 24, 8:00 p.m. Tavern Night. Join us in the cellar for tavern-style food and beverages and an evening of rousing entertainment by the Ship's Company Chanteymen. \$20.00 advance payment required by March 20, 2007.

Tuesday, March 27, 7:30 p.m. Lecture, Dr. Psyche Williams-Forsen, Assistant Professor, Dept. of American Studies, University of Maryland, "From the Marketplace to the Kitchen: African-American Foodways in Early America, \$5.00.

If you have information to share with the community, please submit it to the Editor, Town Crier, 5800 Queensbury Road, Riverdale Park, Maryland 20737 by the 15th of the month, or email: RiverdaleParkMD@comcast.net.

The Homestead Credit Program

“You may be eligible to receive a Homestead Credit”

By Patrick J. Prangley

What is the Homestead Credit?

To help homeowners deal with large assessment increases state law has established the Homestead Property Tax Credit. The Homestead Credit limits the increase in taxable assessments each year to a fixed percentage. Every county and municipality in Maryland is required to limit taxable assessment increases to 10% or less each year. Listing of homestead caps for each local government.

The Homestead Credit applies only to the principal residence of the property owner and is based on the total market value for the dwelling and land associated with the dwelling.

Technically, the Homestead Credit does not limit the market value of the property as determined by the Department of Assessments and Taxation. It is actually a credit calculated on any assessment increase exceeding 10% (or the lower cap enacted by the local governments) from one year to the next. The credit is calculated based on the 10% limit for purposes of the State property tax, and 10% or less (as determined by local governments) for purposes of local taxation. In other words, the homeowner pays no property tax on the market value increase which is above the limit.

Where is it Shown?

A quick look at your reassessment notice will tell you if you may be eligible to receive a Homestead Credit. Does the box at the top of the assessment notice page show that the property is the principal residence? Do boxes 8, 9 and 10 show annual increases of more than 10% (or the lower cap enacted by the local governments) over the prior year? Are boxes 1, 2 or 3 lower than box 8? If you answered yes to these questions, you may be eligible to receive the homestead credit.

Your local government will actually grant the credit when calculating your property tax bill. The net amount, with the credit deducted, will be shown as the tax due. The credit will automatically be granted if you are eligible. No application is required.

Example

Assume that your old assessment was \$100,000 and that your new phased-in assessment for the 1st year is \$120,000. An increase of 10% would result in an assessment of \$110,000. The difference between \$120,000 and \$110,000 is \$10,000. The tax credit would apply to the taxes due on the \$10,000. If the tax rate was \$1.20 per \$100 of assessed value the tax credit would be \$120 ($\$10,000 \div 100 \times \1.20).

Conditions

The tax credit will be granted if the following conditions are met during the previous tax year:

- The property was not transferred to new ownership.
- There was no change in the zoning classification requested by the homeowner resulting in an increase value of the property.
- A substantial change did not occur in the use of the property.
- The previous assessment was not clearly erroneous.

A further condition is that the dwelling must be the owner's principal residence and the owner must have lived in it for at least six months of the year, including July 1 of the year for which the credit is applicable, unless the owner was temporarily unable to do so by reason of illness or need of special care. An owner can receive a credit only on one property - the principal residence.

Appeal Rights

If you have been denied a Homestead Tax Credit and you believe that you are eligible, contact your local assessment office. A final denial of a Homestead Tax Credit by the assessment office may be appealed within 30 days to the Property Tax Assessment Appeal Board in the jurisdiction where the property is located.

Source: Maryland Department of Assessments and Taxation.

“To help homeowners deal with large assessment increases state law has established the Homestead Property Tax Credit.”