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Chapter 1
GENERAL PROVISIONS

§ 1-1. Adoption of Code.

§ 1-2. Interpretation of terms; designation of Code provisions.

§ 1-3. Enforcement.

§ 1-4. Effect of partial invalidity.

§ 1-5. Penalties.

§ 1-6. Civil relief.

[HISTORY: General provisions adopted 1-20-54, effective 2-1-54, as Article I. Codification as Chapter 4 adopted 2-7-66. Revised and restated in its entirety 11-7-94, effective 1-1-95, as Chapter 1. Amendment to effect name change throughout code adopted and made effective 8-5-99. Subsequent Amendment history noted where applicable.]

§ 1-1. Adoption of Code.

Be it ordained by the Mayor and Council of the Town of Riverdale Park* this 7th day of November, 1994, that this Code, as revised hereinafter, be accepted and adopted as the Code of the Town of Riverdale Park, Maryland, hereinafter, "Code," to take effect January 1, 1995, from which date all ordinances or parts of ordinances in conflict with this Code are hereby repealed, provided that such repeal shall not affect ordinances on subjects not included in this codification or prosecutions under any prior ordinances pending in any court when this Code shall take effect.

A copy of the Code subscribed by the Mayor and members of the Council and duly attested by the Town Administrator shall be deposited with the Town Administrator to be safely kept and preserved as and for the original of the ordinances. It shall also be the duty of the Town Administrator to preserve with the text of the original copy of the Code a copy of all future ordinances amending, repealing, enacting, or reenacting any section or provision of the Code.

*Formerly Town of Riverdale, name changed to Town of Riverdale Park by charter amendment effective September 7, 1998; name change amendment to ordinance effective August 5, 1999.

§ 1-2. Interpretation of terms; designation of Code provisions. [Amended 3-6-95, effective 3-26-95.]

(a) This Code may be cited as the "Riverdale Park Ordinance Code" or the "Riverdale Park Code" or the "Riverdale Park Town Code." It shall be sufficient to refer to any provision of this Code by citation to the appropriate chapter, part, article, section, subsection, paragraph, and clause, as appropriate, whenever any of its provisions shall be referred to in any amendment thereof, or whenever any of its provisions shall be referred to in any proceeding or prosecution for the enforcement thereof. Wherever the masculine is referred to herein the reference shall include the feminine gender except where such reference would be unreasonable. Wherever the singular is used it shall include the plural except where such construction would be unreasonable. The terms indicated below shall include the following meanings:

"Person" -- shall include individuals, firms, partnerships, associations, and corporations.

"Street" -- shall include each and every place commonly known as a street, alley, highway, roadway, or public space.

"Sidewalk" -- except where such construction would be unreasonable, shall include sidewalks, whether improved or not, and footpaths and walkways for pedestrian travel along streets, roadways, and on public property.

"Vehicle" -- shall include all horse-drawn vehicles and all vehicles propelled by steam, electricity, gasoline, oil, solar, or other power.

"Town," "Town of Riverdale Park," "Mayor and Council," or Mayor and Town Council" - - shall be construed as meaning the municipal corporation chartered as the "Town of Riverdale Park" under Article 23A of the Annotated Code of the Public General Laws of Maryland and the laws of the State of Maryland, as amended and supplemented, except where such construction would be unreasonable. The offenses defined herein shall mean those committed within the corporate limits of the Town of Riverdale Park.

(b) Designation of Code provisions. The provisions of this Code are designated by the appropriate chapter, section, and sub classification number. Each section of the Code shall be preceded by a number consisting of two component parts separated by a dash. The figure before the dash refers to the chapter number and the figure after the dash refers to the position of the section within the chapter. In addition, a uniform system of designating the sub classifications within sections shall be utilized as exemplified below:

- 1-1 -- section
- 1-1(a) -- subsection
- 1-1(a) (1) -- paragraph
- 1-1(a) (1) (A) -- subparagraph
- 1-1(a) (1) (A) (I) -- clause.

§ 1-3. Enforcement.

Except where otherwise specified in a particular chapter of this Code, the provisions of this Code shall be enforced by the town code enforcement officer and/or the town police

department, who shall have a reasonable right of access and entry at reasonable hours onto any property within the town limits for the purpose of discharging their duties.

§ 1-4. Effect of partial invalidity.

If any provision or portion of this Code be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remainder of the Code.

§ 1-5. Penalties. [Amended 3-6-95, effective 3-26-95.]

(a) Any person violating any provision of this Code for which no specific penalty has been provided shall, upon conviction thereof, be punished by a fine of not more than one thousand dollars (\$1,000) or imprisonment in such place of confinement as may be provided by law, not exceeding six (6) months, or by both fine and imprisonment in the discretion of the court hearing the case. Imprisonment in default of the fine and costs shall be regulated by Section 4 of Article 38 of the Annotated Code of the Public General Laws of Maryland, 1957 edition, and any amendments thereof.

(b) The suspension or revocation of any license, permit, certificate or other privilege conferred by the town shall not be regarded as a penalty for the purposes of this Code, but shall be in addition thereto.

§ 1-6. Civil relief. [Added 3-6-95, effective 3-26-95.]

In addition to any penalties set forth in this Code, the town is empowered to seek appropriate civil relief to restrain any violations of this Code and/or to recover costs and damages that the town may incur as a result of violations of this Code.

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**Chapter 2
ADMINISTRATION**

§ 2-1. Committees.

§ 2-2. Action on petitions.

§ 2-3. Personnel matters.

§ 2-4. Establishment of civil service departments and classified service positions.

§ 2-5. Merit system; personnel manual.

§ 2-6. Unclassified service offices and positions.

§ 2-7. Compensation of elected officials.

§ 2-8. Prohibitions and Penalties.

[HISTORY: Adopted 4-2-79 as Chapter 6. Revised and restated in its entirety 11-7-94, effective 1-1-95, as Chapter 2. Subsequent amendment history noted where applicable.]

REFERENCES

Personnel -- See Articles III and VII of the Charter and the Personnel Manual.

Financial disclosure -- See Chapter 32.

Police Department -- See Chapter 53.

§ 2-1. Committees. [Revised 3-6-95.]

The Mayor, with the approval of the Council, shall appoint standing and other committees of the Council to perform such functions and be composed of such members as the Mayor may designate. The standing committees shall be Finance, Public Works, Public Safety and Legislative.

(a) Finance is concerned with expenditures, revenue and budgetary items.

(b) Public Works is concerned with maintenance and sanitation of streets and public grounds.

(c) Public Safety is concerned with police, fire, and safety matters.

(d) Legislative is concerned with legislation, including but not limited to ordinances, resolutions, charter changes or any legislation which may be introduced by the chairman of the Committee or any member of the Council.

§ 2-2. Action on petitions.

Any petition bearing the signatures of bona fide residents of the Town of Riverdale Park equal to at least ten (10%) of the number of registered voters in the town shall be acted upon by the Council at the meeting at which it is presented. If any member of the Council believes the petition has merit enough to warrant further Council deliberation, action may be taken to refer it to a standing or regular committee or to a special committee or to table it to a committee or table it to the next meeting or to a special meeting. In any event, decisive action must be taken at the next regular Council meeting. Under no circumstances shall such a petition be construed to be a demand, request, or pressure for the recall of an elected official.

§ 2-3. Personnel matters.

Pursuant to its authority under Articles III and VII of the Charter, the Council, acting on the recommendations of the Town Administrator or the Mayor, shall approve, establish, modify, or abolish town personnel positions and classes of positions in the classified or unclassified service of the town.

§ 2-4. Establishment of civil service departments and classified service positions. [Revised 3-6-95.]

Pursuant to the authority vested in the town under Articles III and VII of the Charter, the following departments in the civil service of the town are established.

- (a) Town Office;
- (b) Public Works Department; and
- (c) Police Department.

Subject to the provisions of § 705 of the Charter and § 2-6 of this chapter, the employees of these departments and any other departments or employee positions which may be hereafter created are members of the classified civil service of the town and subject to the merit systems that are a part of the classified civil service of the town.

§ 2-5. Merit system; personnel manual. [Revised 3-6-95.]

(a) Merit system. Pursuant to the authority vested in the town under Articles III and VII of the Charter, a merit system for the appointment and promotion of employees in the town's classified civil service is established. The merit system shall provide rules and regulations regarding, among other things, job classification plans and descriptions of jobs, functions, and

duties, compensation plans, probationary periods, appeals by employees included in the classified civil service from dismissal or other disciplinary action, suspensions and removals, and vacation and sick leave regulations.

(b) Personnel Manual. The rules, regulations, job descriptions, and procedures of the merit system and all additional matters pertaining to the personnel systems of the town are set forth in the town's Personnel Manual, which is incorporated herein by reference and shall be amended or revised by Council resolution.

§ 2-6. Unclassified service offices and positions. [Revised 3-6-95.]

The following offices and positions are not included in the classified service of the town. Appointments and removals of persons to these offices and positions shall be subject to the provisions of §§ 404, 702, and 705 of the Charter. Subject to the provisions of Articles III and VII of the Charter, the descriptions of these offices and positions and their powers, duties, and functions shall be set forth in the Personnel Manual.

- (a) Town Administrator;
- (b) Chief of Police;
- (c) Public Works Supervisor; and
- (d) Town Attorney.

§ 2-7. Compensation of elected officials. [Revised 3-6-95.] [Revised 2-25-07][Amended 6-4-12, effective 6-24-12]

(a) On and after June 3, 2013, the Mayor shall be compensated at the rate of one thousand dollars (\$1,000) per month.

(b) On and after June 3, 2013, the members of the Council shall be compensated at the rate of five hundred dollars (\$500) per month.

§ 2-8. Prohibitions and Penalties. [Revised 3-6-95.]

(a) Prohibitions.

(1) If a merit system is adopted, no person in the classified service of the town or seeking admission thereto shall be appointed, promoted, demoted, removed, or in any way favored or discriminated against because of his political or religious opinions or affiliations or any other factors not related to ability to perform the work.

(2) No person shall willfully or corruptly commit or attempt to commit any fraud preventing the impartial execution of the personnel provisions of this Code or any of the rules and regulations made there under.

(3) No officer or employee in the classified service of the town shall continue in such position after becoming a candidate for nomination or election to any town public office.

(4) No person seeking appointment to or promotion in the service of the town shall either directly or indirectly give, render, or pay any money, service, or other thing of value to any person for or on account of or in connection with his appointment, proposed appointment, promotion, or proposed promotion.

(5) No person holding a position in the classified service of the town shall make any contribution to the campaign funds of any political party or any candidate for town public office or take any part in the management, affairs, or political campaign of any political party or candidate for town public office, further than in the exercise of his rights as a citizen to express his opinion and to cast his vote.

(b) Penalties.

Any person who by himself or with others willfully or corruptly violates any of the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500), or by imprisonment for a term not exceeding ninety (90) days, or by both such fine and imprisonment. Any person who is convicted under this section is ineligible for a period of five (5) years for appointment to or employment in a position in the town service and, if he be an officer or employee of the town, shall immediately forfeit the office or position he holds.

Chapter 3
TOWN CRIER OR NEWSLETTER

§ 3-1. General Policy.

§ 3-2. Letters to the Editor.

§ 3-3. Mayor's Report.

§ 3-4. Submission by Town Council members.

§ 3-5. Submissions by Department Heads.

§ 3-6. Submissions by Town Organizations and Residents.

§ 3-7. Proposed Ordinances.

§ 3-8. Advertising.

§ 3-9. Oversight.

[HISTORY - Section added in 10-1-01.]

§3-1. General Policy.

The town newsletter (presently called the Riverdale Park Town Crier) shall be the official newsletter of the Town of Riverdale Park. It shall be printed on a monthly basis, 10 times during the calendar year (there shall be two issues for two-month period to allow for summer and winter holidays, i.e., December/January issue and a June/July issue). It shall provide residents with information concerning policies, proposals, and laws either adopted or under consideration. It shall also provide space for paid advertising from local businesses for a fee, except where otherwise provided. It shall provide a forum for the free flow of ideas from elected officials and residents on matters of concern to residents of the Town, The newsletter shall also announce upcoming elections and show the names of candidates for town elections as they will appear on the ballot. It shall be managed by an Editor-in-Chief, who shall not be an elected official of the town government.

§3-2. Letters to the Editor.

(a) General Rule - The newsletter shall accept for publication letters to the editor from town residents who are not elected officials of the town. Any letter must include a name, address and telephone number of the person submitting the letter and be signed by that person. Any person writing such letters shall be limited to one letter of two hundred and fifty (250) words or less per edition of the town newsletter. Such letters must relate to administrative, regulatory or

Legislative functions of the town, or be of some matter of unique concern to the town or its residents (e.g., obituaries, events of town groups or town-sponsored organizations, history of

the town, etc.). Such letters may promote a position on matters of public policy, but may not advocate support or opposition for any candidate for public office. Such letters shall be directed to the Editor-in-Chief of the newsletter and shall be printed in the next issue of the newsletter after it has been received.

(B) Time of Submission - A deadline of the 15th day of the calendar month shall be set for any submission to be printed in the next edition. If a letter to the editor is received after the submission deadline, it shall be printed in the following edition. In the event multiple submissions are received for an upcoming edition, the Editor-in-Chief shall set forth two (2) full pages for such letters and if ample space is still not available, provide a written rationale for why some letters were printed and others were held to the subsequent edition. No letter deemed appropriate under the guidelines may be held for any reason for more than 45 days before publication.

(c) Editing for Length and Content - In the event a letter exceeds the two hundred and fifty (250) word length, it shall be subject to editing by the Editor-in-Chief who shall shorten its length by removing or replacing words, but who shall not change the intent of the letter writer. In the event any portion of the content shall include curse words inappropriate for publication, the Editor-in-Chief shall have the authority to remove or replace such words at his or her discretion.

§3-3. Mayor's Report.

The mayor, at his or her election, may include in any issue of the newsletter a "Mayor's Report." This report shall be limited to 1,000 words in length, and may not exceed one printed page of text. The scope of such report shall relate to the legislative, administrative, or regulatory functions of the town, or be of such nature that it has unique concern to the town or its residents (e.g., obituaries, events of town groups or town-sponsored organizations, history of the town, etc.) It may include positions on matters being proposed or already before the legislative body of the town. Such report may not include advocacy or electioneering on behalf of any candidate for public office.

§3-4. Submissions by Town Council members.

Any Town Councilmember, at his or her election, may include in any issue of the newsletter an article for submission. This article shall be limited to 1,000 words in length, and may not exceed one printed page of text. The scope of such report shall relate to the legislative, administrative, or regulatory functions of the town, or be of such nature that it has unique concern to the town or its residents (e.g., obituaries, events of town groups or town-sponsored organizations, history of the town, etc.) It may include positions on matters being proposed or already before the legislative body of the town. Such report may not include advocacy or electioneering on behalf of any candidate for public office. The word limitation may be waived by a majority vote of the town council should a submission be of such concern that it is in the best interests of the town and its residents to do so (e.g., updated census data, redrawing of ward boundary lines, etc.).

§3-5. Submissions by Department Heads.

Any department head (Town Administrator, Police Chief, and Director of Public Works Director of Code Enforcement) or their designee may submit articles for publication relating to the unique operations of that department. Such submissions may not include any matter relating to any individual that could cause any legal action to be brought against the town, (e.g., personnel matter). Such articles can include advice to residents on specific code or law enforcement concerns of those departments or explanations on the actions of said department.

§ 3-6. Submissions by Town Organizations and Residents.

Town organizations and residents may submit articles for publications concerning events sponsored by those organizations or of a matter of generally concern to the residents of the town. Such articles shall be printed on a space-available basis, but the Editor-in-Chief shall make every effort to print such submissions in a timely manner. Such articles may not include advocacy or electioneering on behalf of any candidate for public office. In order to accommodate such articles, the Editor-in-Chief shall alter font sizes in order to make space available, unless it is impracticable or impossible. Such articles are subject to meeting the same deadline requirements for letters to the editor.

§ 3-7. Proposed Ordinances.

Regardless of text length, the full text of any proposed ordinance shall be printed in the next edition of the town newsletter after it has been introduced at a legislative meeting of the Mayor and Town Council. By a majority vote, the Town Council may elect to permit a summary in lieu of the full text to be printed if the length of such proposal makes printing it impracticable.

§ 3-8. Advertising.

(a) Generally - The town newsletter may accept for publication any advertising from a business or person either located within town or having business generally with residents of the town. A rate of \$225 for a full-page ad, \$125 for a half-page ad, \$75 for a quarter-page ad, and \$40 for a business card ad is set by the town by adoption of the ordinance and may be periodically updated by four affirmative votes of the Town Council. For any business located within the town boundaries, a valid town business license must be in place at the time of publication, unless such business is exempted from obtaining such a license.

(b) New Business Exception - Any new business may receive one free quarter-page advertisement at no cost to the business within ninety (90) days of obtaining a town business license. The operator of a new business who applies for and receives a license will be provided a letter advising them of this policy of one free advertisement, and be provided information on the advertising policy for the town newsletter.

(c) Inserts - Any resident or organization may request that an insert be placed in the town newsletter provided that the nature of the materials concerns matters relating to the legislative,

regulatory or administrative functions of the town or is of such a matter that is of unique concern to the town or residents. Such inserts shall require payment at the business advertising rate, unless waived by a majority vote of the Town Council at a regularly scheduled legislative meeting, and only upon a finding that waiving the fee is in the best interest of the town and its residents.

§ 3-9. Oversight.

The Editor-in-Chief shall follow above procedures in making decisions concerning the production of issues of the town newsletter. Oversight of the Editor-in-Chief shall be done by the Town Administrator.

**Chapter 9
AMUSEMENT MACHINES**

§ 9-1. Coin and pinball machines.

§ 9-2. Electronic amusement machine fee.

§ 9-3. Enforcement.

§ 9-4. Penalty for late payment of fee; failure to file form.

[HISTORY: Adopted 5-1-49. Amended 11-7-94, effective 1-1-95. Amendment history noted where applicable.]

REFERENCES

Municipal infractions -- See Chapter 46.

§ 9-1. Coin and pinball machines.

It shall be unlawful to keep within the town any coin-operated or pinball machine in the operation of which there is the element of chance or with respect to which additional free plays are allowed upon contingencies or in connection with the operation of which there is any payoff through any device of anything of value or in money in excess of the amount of the coin deposited for a single operation of the machine. This section shall not apply to vending machines which, at every insertion of a coin, shall dispense merchandise or service equivalent in value to that purchasable on the open market at prevailing prices for the amount of the coin deposited, less a reasonable fee for the use of the coin machine.

§ 9-2. Electronic amusement machine fee. [Added 4-5-82]

Any amusement machine of the electronic-game type shall be assessed a fee of five percent (5%) of the gross revenues of the machine payable to the town on a quarterly basis: September 30, December 31, March 31, and June 30 of each year, with the filing of the form provided by the town, which form is available at the office of the Town Administrator.

§ 9-3. Penalty for late payment of fee, failure to file form. [Added 4-5-82.]

Payments received more than twenty (20) days after the specified dates shall be subject to a penalty of twenty-five dollars (\$25) for each electronic amusement machine. Failure to file the form specified in § 9-2 will be a municipal infraction, the penalty for which shall be one hundred dollars (\$100).

Chapter 10
ANIMALS AND FOWL

§ 10-1. Definitions

§ 10-2. Impoundment

§ 10-3. Alternate procedure to impoundment.

§ 10-4. Penalties for public nuisance animals.

§ 10-5. Female dog in heat.

§ 10-6. Confinement of animal with history of biting people

§ 10-7. Confinement of animal biting a person.

§ 10-8. Cows, swine, and horses.

§ 10-9. Defecation; removal of excrement.

§ 10-10. Violations and penalties.

[HISTORY: Adopted 7-12-71, effective 8-2-71. Amended in its entirety 11-5-79. Amended 11-7-94, effective 1-1-95. Amended 9-8-98, effective 9-28-98. Amendment history noted where applicable.]

REFERENCES

Municipal infractions -- See Chapter 46.

Stables, kennels -- See Chapter 50.

§ 10-1. Definitions.

As used in this ordinance, the following terms shall have the meanings indicated;

"Animal" -- Any fowl or four-legged animal accustomed to living in or about the habitation of man, including but not limited to cats, dogs, fowl, horses, cows, swine, rabbits, and domesticated wild animals.

"Animal under restraint" -- Any animal secured by a leash or lead or under the control of a responsible person and obedient to that person's command or confined within a vehicle or within the real property limits of its owner.

"At large" -- An animal not under restraint and off the premises of its owner.

"Owner" -- Any person or persons owning, keeping, or harboring or acting as custodian of an animal.

"Public nuisance animal" -- Any animal which is repeatedly found at large; makes excessive, continual, or untimely barking, howling, whining, crowing, or any other disturbing noise; molests passersby; chases vehicles; causes fouling of air by odors; causes unsanitary condition of enclosures or surroundings by virtue of the number of animals maintained and is offensive or dangerous to the public health; excretes on property other than that of the owner; or is the cause of excretory matter being dropped on the ground or floor, feed left lying about, and/or housing materials which afford food, harborage, or a breeding place for rats.

§ 10-2. Impoundment.

An animal found at large may be temporarily impounded by the town code enforcement officer and/or the police department until reasonable efforts can be made to locate the owner. If no owner is found, then the animal shall be turned over to the county animal control facility. The animal shall not be held longer than twenty-four (24) hours and must be given adequate care and shelter while so impounded.

§ 10-3. Alternate procedure to impoundment.

In addition to or in lieu of impounding a dog found at large, and/or if the owner can be located, the town code enforcement officer and/or the police department shall impose such penalties as are outlined in §10-4.

§ 10-4. Penalties for public nuisance animals. [Revised 3-6-95, Amended 9-8-98.]

(a) It shall be unlawful for any owner or custodian to fail to provide effective care and control of his animals to prevent them from becoming a public nuisance.

(b) Upon receiving a written or oral complaint and after an investigation, the town code enforcement officer and/or the police department shall declare an animal to be a public nuisance and shall serve the owner with a notice of violation of this ordinance, and unless the nuisance is removed or abated within ten (10) days, the owner shall be deemed guilty of a municipal infraction.

§ 10-5. Female dog in heat.

Every female dog while in heat shall be kept confined in a building or secure enclosure by the owner in such manner that she shall not be in contact (except for intentional breeding purposes) with another dog nor create a nuisance by attracting other animals.

§ 10-6. Confinement of animal with history of biting people.

Every fierce, dangerous, or vicious animal, including dogs that have a history of unlawful biting of a human being, shall be confined by the owner within a building or secure enclosure. Such animal may not be taken out of such building or secure enclosure unless securely muzzled.

§ 10-7. Confinement of animal biting a person.

The town code enforcement officer and/or the police department shall confine any animal biting any person for clinical observation for a period of ten (10) consecutive calendar days. At the discretion of the town code enforcement officer and/or the police department, the confinement may occur on the premises of the animal's owner, provided that the owner signs a written agreement to provide for properly supervised confinement. In the alternative, the animal may be confined at any animal shelter, veterinary hospital, or humane shelter at the owner's option and expense. No person shall knowingly allow such confined animal to escape, or sell, give away, or otherwise dispose of such animal before the expiration of the ten day confinement and observation period.

§ 10-8. Cows, swine, and horses. [Revised 3-6-95.]

(a) It shall be unlawful to keep within the town any swine, cow, or animal of the bovine kind.

(b) It shall be unlawful for any person to keep upon any premises, yard, or enclosure any horse, mule, pony, or any other animal of the equine kind within the town, except upon any lot or adjoining lots having a total combined area of not less than twenty-five thousand (25,000) square feet and not within a radius of one hundred (100) feet of any building used for human habitation.

§ 10-9. Defecation; Removal of excrement. Repealed and replaced 9-8-98 [Adopted 9-8-98]

(a) No person owning, keeping, or having custody of a dog or cat except a seeing eye dog, shall allow or permit excrement of such animal to remain on: (1) Public property or right-of-way; or (2) private property without the consent of the owner or occupant thereof.

(b) The person owning, keeping, or having custody of the animal shall immediately remove the excrement deposited by the animal.

§10-10. Violations and penalties. [Adopted 9-8-98.]

Violations of §§ 10-1 through 10-9 of this chapter of the Code are declared to be municipal infractions, the penalty for which shall be fifty dollars (\$50) for the first offense, one hundred dollars (\$100) for a second offense, and two hundred fifty dollars (\$250) for each subsequent offense.

**Chapter 13
BUDGET**

§ 13-1. Capital Expenditures Reserve Fund.

§ 13-1. Capital Expenditures Reserve Fund. [Added 4-4-11, effective 4-24-11]

(a) There is a continuing, non-lapsing capital expenditures reserve fund for the Town of Riverdale Park. The purpose of the fund is to accumulate money to provide a source of funding from which the Town may pay for capital expenditures without relying upon the issuance of debt.

(b) The Town Council annually as part of the Town's budget process may appropriate money from anticipated revenues in the Town's budget to the capital expenditures reserve fund. Any money appropriated and paid to the capital expenditures reserve fund shall be deemed to have been encumbered for the purpose of paying for future capital expenditures.

(c) Except as provided in subsections (d) and (e) of this section, any money appropriated and paid to the capital expenditures reserve fund shall remain in the fund until appropriated by the town council for the purpose of paying for specifically identified capital expenditures.

(d) At any time that the Town Council determines that the amount of money accumulated in the capital expenditures reserve fund exceeds the amount of money reasonably anticipated to be necessary to pay for future capital expenditures, the Town Council may appropriate such excess money from the capital expenditures reserve fund to the Town's general fund.

(e) The Town Council may appropriate money from the capital expenditures reserve fund as a loan to the Town's general fund to pay for current operating expenses to guarantee the temporary continuation of services directly affected by a loss of supporting budgeted revenues. The Town council shall provide for the repayment of any such loan to the capital expenditures reserve fund at the earliest practicable date, but not later than the Town's next fiscal year.

**Chapter 15
BUILDING CODE**

§ 15-1. Administration.

§ 15-2. Applicability of and compliance with County Building Code.

§ 15-3. Applicability of and compliance with Chapter.

§ 15-4. Permit applications.

§ 15-5. Action on permit applications.

§ 15-6. Permit fees.

§ 15-7. Permit to be kept posted on premises.

§ 15-8. Town inspections.

§ 15-9. Stop work orders.

§ 15-10. Penalties and enforcement.

[HISTORY: Adopted 5-5-55. Amended 2-6-95, effective 2-26-95. §15-7 Amended 8-7-00. Amendment history noted where applicable. §15-1 though §15-15 repealed and replaced with §15-1 though §15-15. Effective 5-17-15]

REFERENCES

Municipal infractions -- See Chapter 46.

Streets, sidewalks, curb cuts -- See Chapter 57.

Utilities -- See Chapter 62.

Walls and fences -- See Chapter 66.

§ 15-1. Administration.

This chapter shall be administered by the Town Administrator and enforced by the Town Administrator and other Town officials and employees as designated by the Town Administrator.

§ 15-2. Applicability of and compliance with County Building Code.

The Building Code for Prince George's County, Subtitle 4 of the Code of Prince George's County, Maryland, as amended from time to time, applies within the Town. A person may not erect, reconstruct, repair, or remove any building or structure within the Town except in

compliance with the Building Code for Prince George's County and in accordance with building permits issued by Prince George's County.

§ 15-3. Applicability of and compliance with Chapter.

In addition to complying with § 15-2, a person may not erect, reconstruct, repair, or remove any building or structure within the Town for which a Prince George's County building permit is required except in compliance with this Chapter and with a building permit from the Town issued under this Chapter.

§ 15-4. Permit applications.

- (a) After a building permit for proposed work has been issued by Prince George's County, an owner of property, or the owner's authorized agent, shall apply for a building permit for the work from the Town by submitting an application to the Town Administrator upon forms furnished by the Town. Each application shall be signed under oath that the contents of the application are true and correct to the best of the applicant's knowledge, information and belief. Each application shall be accompanied by a copy of the building permit issued by Prince George's County and a copy of the site plan and all other plans and specifications approved by Prince George's County as part of the County's building permit. Where the application is for a building permit for a fence, the application shall demonstrate that the proposed fence complies with the requirements of Chapter 66 of this Code. The Town Administrator may waive the submittal of all or portions of other plans and specifications on a case by case basis when the Town Administrator determines that these will not assist the Town in determining whether to issue a Town building permit. Each application also shall be accompanied by a non-refundable application fee of \$50.
- (b) After receiving an application and application fee, the Town shall review the application. The Town's review of the application shall focus on the completeness and accuracy of the application and accompanying materials, and whether Prince George's County made any errors in its approval of the County building permit.

§ 15-5. Action on permit applications.

- (a) The Town shall review each application for a Town building permit. After review of an application, the Town Administrator shall notify the applicant in writing that:
- (1) The application is approved and available for issuance upon payment of the applicable permit fee;
 - (2) The Town is holding final action on the application until the applicant submits additional required documentation to the town;

- (3) There are apparent errors regarding Prince George's County's issuance of the County building permit that the applicant must resolve with the county before the Town will complete processing of the Town building permit application;
 - (4) The application has been approved with conditions or restrictions; or
 - (5) The application has been denied and the reasons for the denial.
- (b) The Town Administrator shall issue a permit after the Town Administrator is satisfied that the application is complete, all required application materials have been submitted, any apparent errors in the issuance of the Prince George's County building permit have been resolved, where the application is for a building permit for a fence, the proposed fence complies with the requirements of Chapter 66 of this code, and the applicant pays the permit fee required by Section 15-6.
- (c) An applicant may appeal any determination of the Town Administrator under this section to the Mayor and Council by filing a written notice of appeal with the Town Clerk. The notice of appeal shall set forth the errors allegedly made by the Town Administrator and the relief requested by the applicant. The Mayor and Council shall conduct a public hearing and consider *de novo* any appeal from the Town Administrator's determination, and may affirm, reverse or modify the determination of the Town Administrator.

§ 15-6. Permit fees.

The fee for a building permit issued by the Town shall be seventy-five percent (75%) of the fee for the Prince George's County building permit for the work, except that the fee for a Town building permit shall not be less than twenty-five dollars (\$25) or more than seven thousand dollars (\$7,000).

§ 15-7. Permit to be kept posted on premises.

A Town building permit shall be kept posted on the premises on which the work authorized by permit is being performed until the work has been completed.

§ 15-8. Town inspections.

- (a) The Town periodically shall inspect all work sites for which the Town issued a building permit. The purpose of the Town's inspections are to determine whether work is being performed in accordance with the Town building permit, this chapter and any other provisions of this code, and whether there exist any readily apparent violations of the County building permit. If the inspector determines that a violation of the County building code may exist, the Town promptly shall notify appropriate Prince George's County authorities for such authorities to take such action as they deem appropriate.

- (b) The Town also shall inspect sites where work is being performed and for which a Town building permit has not been issued. The purpose of these inspections is to determine whether a Town building permit is required for that work.
- (c) Where an inspection cannot be conducted without entering onto a property or premises, the Town may enter onto the property or premises at reasonable times to conduct any inspection authorized by subsections (a) and (b) of this section. Where a property or premises is occupied the inspector shall present credentials to the occupant and request entry. If a property or premises is unoccupied the inspector shall first make a reasonable effort to locate the owner or other person having charge or control of the property or premises and request entry. If entry is refused the town shall obtain appropriate judicial relief to enter the premises and conduct the inspection unless immediate entry is required because of an imminent threat to the public health, safety or welfare.

§ 15-9. Stop work orders.

- (a) Whenever any work is being done in violation of this chapter, without a required Town building permit or in variance with the terms of any Town building permit issued for the work, an inspector may order all or a part of the work stopped until the violation or variance is eliminated and any work undertaken in violation of this chapter or Town building permit is corrected. A "stop work" order, if oral, shall be followed by a written stop work order within twenty-four (24) hours (excluding Saturdays, Sundays, and holidays).
- (b) A "stop work" order issued by Prince George's County shall be treated as a stop work order issued by the Town.
- (c) A Town stop work order shall contain, or be accompanied by a written notice indicating that there is a right to a hearing before the Mayor and Council. A request for a hearing shall be in writing and filed with the Town Clerk. The notice of appeal shall set forth the errors allegedly made by the Town and the relief requested. A request for a hearing shall include the owner's or permittee's telephone and e-mail contact information. The owner or permittee affected by a stop work order shall be entitled to a hearing as promptly as practicable, but not later than seventy-two (72) hours after the Town Clerk receives the request for a hearing. The Mayor and Council shall afford the owner or permittee a fair hearing with an opportunity to present evidence or testimony that is relevant to the stop work order and for the Mayor and Council to consider the appeal *de novo*. The owner or permittee shall be afforded reasonable notice of the time and place of the hearing.
- (d) Promptly following a hearing, the Mayor and Council shall take appropriate action based on the evidence presented at the hearing.

§ 15-10. Penalties and enforcement.

- (a) Except as provided in subsection (b) of this section, violations of this chapter and any Town building permit issued under this chapter are declared to be municipal infractions, the

fine for which shall be two hundred fifty dollars (\$250) for each offense. Each day that a violation continues is a separate and repeat offense.

- (b) Unlawful continuance of work in violation of a stop work order issued pursuant to § 15-9 is a misdemeanor and, upon conviction, the violator shall be subject to a fine of not more than one thousand dollars (\$1,000) or imprisonment for not more than six (6) months, or both.
- (c) In addition to the penalties specified in subsections (a) and (b) of this section, the Town may enforce the provisions of this chapter, and abate violations of this chapter and any permit or stop work order, by judicial proceedings for injunction or other appropriate civil relief.

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**Chapter 17
CAMPING**

§ 17-1. Camping

§ 17-2. Sanitary requirements

§ 17-3. Permit required

§ 17-4. Permit fees

§ 17-5. Penalties.

**[HISTORY: Adopted 1-20-54, effective 2-1-54. Amended 11-7-94, effective 1-1-95.
Amendment
History noted where applicable.]**

REFERENCES

Municipal infractions -- See Chapter 46.

§ 17-1. Camping.

It shall be unlawful to set up or establish for any period in excess of twenty-four (24) hours any camping site or temporary place of abode in any tent, wagon, trailer, automobile, or portable habitation without a permit from the Mayor and Council.

§ 17-2. Sanitary requirements.

No person shall allow any person or persons to use any place under his control as a camping site or temporary abode unless the lot or parcel of land, on which the same shall be established or used, is provided with suitable sewage and water facilities and can otherwise be maintained in a satisfactory condition and in conformity with all of the regulations and ordinances of the town.

§ 17-3. Permit required.

Any person desiring the use of any lot or parcel of land within the town for the purpose of setting or maintaining therein any camping site or temporary abode, as defined in § 17-1 of this chapter, for any period in excess of twenty-four (24) hours, shall apply to the Mayor and Council for a camping permit and the Mayor and Council in its discretion may authorize the issuance of such permit for tenure or occupancy not to exceed one (1) week.

§ 17-4. Permit fees.

Fees for the issuance of permits shall be as follows: for tenure of twenty-four (24) hours or less, no permit shall be required; for tenure not to exceed four (4) days, ten dollars (\$10); for tenure not to exceed one (1) week, twenty dollars (\$20).

§ 17-5. Penalties. [Added 3-6-95, effective 3-26-95.]

Violations of this chapter are municipal infractions, the penalty for which shall be fifty dollars (\$50) for each offense. Each day that a violation of any provision of this chapter continues shall constitute a separate offense.

Chapter 19
CARNIVALS AND SHOWS, ETC.

§ 19-1. Carnivals, shows, etc. Permit required; application; fee.

§ 19-2. Sound amplification; television

§ 19-3. Penalties.

**[HISTORY: Adopted 1-20-54, effective 2-1-54. Amended 11-7-94, effective 1-1-95.
Amendment
History noted where applicable.]**

REFERENCES

Municipal infractions -- See Chapter 46.

§ 19-1. Carnivals, shows, etc. Permit required; application; fee.

No commercial athletic sport, game, exhibition, show, entertainment, carnival, flying horses, or dance platform shall be held, maintained, or erected on any lot or street within the town without a permit issued by the Town Administrator upon authorization of the Mayor and Council. The permit shall be granted only when the request is accompanied by the written consent of two-thirds (2/3) of the residents within three hundred (300) feet of the lot, lots, or street on which the athletic sport, game, exhibition, show, entertainment, carnival, flying horses, or dance platform is to be held or erected. Before the permit is issued there shall be paid to the town a fee of one hundred dollars (\$100) for each permit granted for a period of less than one (1) week, and one hundred fifty dollars (\$150) if granted for a period of more than one (1) week. Provided, however, that if the permit is sought to raise funds for a public purpose or for educational, charitable, or religious uses, no fee shall be charged.

§ 19-2. Sound amplification; television.

It shall be unlawful for any person to conduct any program through any sound-amplifier device or television equipment intended to be heard or seen by the public on the street outside of the premises on which such device or equipment is located, or to erect or maintain any aerial, antenna, or similar equipment over any street or public place or public building except pursuant to the permit issued by the Mayor and Council.

§ 19-3. Penalties. [Added 3-6-95, effective 3-26-95.]

Violations of this chapter are municipal infractions, the penalty for which shall be one hundred dollars (\$100) for each offense. Each day that a violation of any provision of this chapter continues shall constitute a separate offense.

Chapter 22 CLUBS

§ 22-1. Permit required; application; fees.

§ 22-2. Approval of permit.

§ 22-3. Penalties.

**[HISTORY: Adopted 1-20-54, effective 2-1-54. Amended 11-7-94, effective 1-1-95.
Amendment
History noted where applicable.]**

REFERENCES

Municipal infractions -- See Chapter 46.

§ 22-1. Permit required; application; fees.

It shall be unlawful to maintain any clubhouse or quarters devoted to club purposes whether athletic, social, or recreational, in any place outside of a church, school, or municipal property without first obtaining a permit from the Mayor and Council. Application for a permit shall be made in writing, signed by the officers of the club. The application shall state the object of the club, the location of the premises, the period for which the permit is sought, the name and address of the owner of the property and of the officers of the club, and shall be accompanied by the written consent of the owners of two-third (2/3) of the property within a radius of three hundred (300) feet in all directions from the building or structure within which it is proposed such clubhouse or quarters devoted to club purposes shall be maintained, together with a fee of ten dollars (\$10) to cover the cost of issuing the permit.

§ 22-2. Approval of permit.

The application shall be referred to the town Fire Marshal, Chief of Police, and Building Inspector for the purpose of inspection by them and report to the Mayor and Council. The Mayor and Council, if satisfied that the premises conform to the laws and ordinances for the protection of public health and safety and that the activities proposed will not unduly disturb the peace of the neighborhood, may issue a permit as herein provided subject to such conditions as may be incorporated prescribing the hours of the activity therein, the number of persons that may be admitted to the premises at any one time in view of the type of construction and the number and adequacy of exits in the event of fire, with a provision that such permit may, after notice and hearing, be suspended or revoked for the making of a false statement of material fact in the application, for permitting any immoral or disorderly conduct, for allowing any activity or noise which unduly disturbs the public peace, or for violating any law or ordinance.

§ 22-3. Penalties. [Added 3-6-95, effective 3-26-95.]

Violations of this chapter are municipal infractions, the penalty for which shall be one hundred dollars (\$100) for each offense. Each day that a violation of any provision of this chapter continues shall constitute a separate offense.

Chapter 23
CHARGES AND FEES

§23-1. Imposition of Charges and Fee. [Added 6-6-11, effective 6-26-11][Amended 4-1-13; effective 4-21-13]

(a) The Town may impose and collect the charges and fees set forth in this section. The charges and fees set forth in this section are in addition to those charges and fees that the Town may impose and collect pursuant to other provisions of this code.

(b) The Town may collect the following fees and charges in the amounts specified:

- (1) Police Department collection letter releases - \$25.
- (2) Police Department fingerprinting - \$59.50, except \$39.50 when performed for a non-profit organization.
- (3) Police Department flagging receipt - \$25.
- (4) Police Department vehicle impound release - \$50.
- (5) Police Department accident/incident reports - \$25.
- (6) Public Works costs for abating code violations where abatement by the Town is authorized:
 - (A) Labor - \$200 per hour.
 - (B) Equipment rental – actual cost.
 - (C) Dumping fee – actual cost.
 - (D) Administrative cost - 15% of total of labor, equipment rental and dumping fee costs.
- (7) Public Works material sales:
 - (A) Trash bags - \$9.00 per roll.
- (8) Public Works utility permit reviews - \$75 per permit.
- (9) Annual alarm registration fee - \$40.
- (10) Photocopies - \$.25 per page.

(11) Copy of a CD or DVD - \$10.

**Chapter 25
DANCE HALLS**

§ 25-1. Permit required; application.

§ 25-2. Permit approval.

§ 25-3. License fee.

§ 25-4. Penalties.

**[HISTORY; Adopted 1-20-54, effective 2-1-54. Amended 11-7-94, effective 1-1-95.
Amendment
history noted where applicable.]**

REFERENCES

Municipal infractions -- See Chapter 46.

§ 25-1. Permit required; application. [Amended 6-21-10, effective 7-11-10]

(a) It shall be unlawful for any person to operate a dance hall without first having obtained from the Mayor and Council a permit and paying the permit fee provided in § 25-3. The requirements of this chapter are in addition to any requirements for the operator of a dance hall to obtain a license for such purpose from Prince George's County.

(b) As used in this chapter "dance hall" means any establishment operated for profit where dancing is permitted, even though dancing may not be the principal activity at the establishment. activities that indicate that an establishment is a dance hall may include, but not be limited to, the following:

(1) The presence of one or more individuals who provide live or recorded music, and a dance floor, stage or other area or space in the establishment is available for dancing.

(2) The presence of one or more individuals who provide live or recorded music and dancing is occurring.

(3) The establishment engages in activities to promote or advertise dancing at the establishment.

(c) A permit to operate a dance hall shall be issued only to an individual. If a business entity will operate the dance hall, the permit may be issued only to an officer of the business entity, or to an individual who has a financial interest in the business entity, who shall hold the permit for the sole use and benefit of the business entity. If an alcoholic beverage licensed is issued for the sale

of alcoholic beverages at the premises of the dance hall, the applicant shall be a licensee on the alcoholic beverage license.

(d) First time applicants for a permit to operate a dance hall may apply for a permit for a duration not longer than ninety-one (91) days. A permit holder whose permit is not suspended or revoked and who seeks to renew the permit for the first time may apply for a permit for a duration not longer than one hundred eighty-two (182) days. A permit holder whose permit is not suspended or revoked and who seeks to renew the permit for the second time and thereafter may apply for a permit for a duration of not more than one (1) year. If a permit is suspended or revoked, any future application shall be for an initial duration of not more than ninety-one (91) days. The provisions of this subsection (d) apply to the holder of the permit and to the business entity for whose use and benefit the permit was obtained.

(e) Any person seeking a permit, or the renewal of a permit, to operate a dance hall shall file with the Town Administrator a written application, under penalty of perjury, in a form prescribed by the Town Administrator. An application for the renewal of an existing permit shall be filed not later than the first Monday of the month before the permit is scheduled to expire (e.g., if the existing permit expires on June 15 the application for renewal must be filed by May 1), unless otherwise authorized by the Town Administrator. An application that is filed later than the first Monday of the month before the permit is scheduled to expire, or such later date as authorized by the Town Administrator, shall be treated as a new application. The application for an initial permit or the renewal of a permit shall include or be accompanied by the following, and such other information and documentation as the Town Administrator reasonably may require:

- (1) The address of the premises for which the permit is sought.
- (2) The zoning classification of the premises.
- (3) The name, telephone number and e-mail and postal mailing addresses of the owner of the premises.
- (4) The name, telephone number and e-mail and postal mailing addresses of the applicant.
- (5) The name, telephone number and e-mail and postal mailing addresses of the operator of the dance hall if the operator different from the applicant.
- (6) The name, telephone number and e-mail and postal mailing addresses of the business entity for whose use and benefit the permit is sought if the business entity is different from the applicant.
- (7) The names, telephone numbers and e-mail and postal mailing addresses of all on-site managers and other on-site individuals who will be responsible for the operation of the dance hall when it is open for business, and who will be authorized to accept notices and citations from the Town with respect to the operation of the dance hall.

(8) A certification by the applicant that the applicant is a resident of the State of Maryland and that neither the applicant nor any manager or other individual who will be responsible for the operation of the dance hall when it is open for business has been convicted of any crime involving moral turpitude.

(9) A copy of the current fire inspection and occupancy limitation certificates for the use of the premises as a dance hall.

(10) A copy of the current use and occupancy permit for the premises that shows that the operation of a dance hall is authorized at the premises.

(11) A copy of the current alcoholic beverage license for the premises if the service of alcoholic beverages is allowed at the premises.

(12) A security plan for maintaining the public peace in and about the premises during the operation of the dance hall. The security plan shall provide for the use of licensed, bonded and insured security contractors or officers.

(13) Evidence of a plan to monitor and prohibit the consumption of alcohol by underage individuals and by individuals who appear to be intoxicated or under the influence of alcohol.

(14) A copy of the current Prince George's County license for the operation of a dance hall.

(15) Evidence that the premises satisfies all applicable sanitary, building code, business licensing and safety regulations for the operation of a dance hall.

(16) The written consent of the owner of the premises to the operation of a dance hall on the premises.

(17) A statement by the applicant and the owner of the premises that the filing of the application and the acceptance of the permit issued by the Mayor and Council constitutes consent to and authority for Town code enforcement officers and police officers, and other regulatory officials, to enter the premises without prior notice during business hours for the purpose of investigating the information provided in the application and for inspecting the operation of the dance hall and investigating potential violations of this chapter and the permit.

(18) A statement of the duration of time for which the permit is sought.

(19) A non-refundable application fee for an initial application in the amount of two hundred fifty dollars (\$250), or a non-refundable fee for an application for the renewal of an existing permit in the amount of twenty percent (20%) of the fee for the existing permit as specified in section 25-3(A) (e.g., if the fee for the existing permit is \$600 the fee for the application for

renewal of the permit is \$120).

§ 25-2. Application Review and Consideration. [Amended 6-21-10, effective 7-11-10]

(a) When the Town Administrator receives a completed application for a permit under this chapter, the Town Administrator shall conduct a review and investigation of the application. The Town Administrator may request the assistance of other persons in conducting the investigation.

(b) After the Town Administrator completes the investigation, the Town Administrator shall submit a report of the investigation and the Town Administrator's recommendation to the Mayor and Council as to whether the permit should be granted and whether any terms, conditions and restrictions should be attached to the granting of the permit. The report shall set forth the reasons for the Town Administrator's recommendations. The report also shall include the recommendation of the Town's Chief of Police and other documentation as the Town Administrator deems appropriate to support the Town Administrator's recommendations.

(c) The Mayor and Council shall consider the application after receiving the Town Administrator's report and recommendation. The Mayor and Council shall give the applicant notice of the date, time and place of the Mayor and Council's consideration of the application, and shall give the applicant an opportunity to be heard before the Mayor and Council acts on the application.

(d) After the Mayor and Council considers the Town Administrator's report and recommendation, hears from the applicant, and hears from any other persons or considers any other matters that the Mayor and Council deems appropriate, the Mayor and Council may approve, approve with terms, conditions and restrictions, or deny the application. The Mayor and Council's decision shall be based upon the Mayor and Council's determination as to the suitability of the applicant to hold the permit and the impact of the operation of the proposed dance hall upon the surrounding community and the public health, safety and welfare. The Mayor and Council shall make written findings to support its decision regarding the application.

§ 25-3. Permit fee. [Amended 6-21-10, effective 7-11-10]

(a) If the application is approved by the Mayor and Council, the applicant shall pay to the Town a non-refundable permit fee as follows:

(1) For a permit with a duration of up to ninety-one (91) days the fee shall be three hundred dollars (\$300).

(2) For a permit with a duration of up to one hundred eighty-two (182) days the fee shall be six hundred dollars (\$600).

(3) For a permit with a duration of up to one (1) year the fee shall be one thousand two hundred fifty dollars (\$1,250).

(b) No fee shall be required for any dance hall operated in any state-owned or municipal building, public school premises, or church premises.

§ 25-4 Operational Regulations. [Added 6-21-10, effective 7-11-10]

(a) The provisions of this section govern the operation of a dance hall under a permit issued under this chapter and are conditions of the permit.

(b) The holder of the permit promptly shall notify the Town Administrator of any changes to any of the information submitted as part of the application for the permit.

(c) A manager or other individual responsible for the operation of the dance hall shall be on the premises at all times when the dance hall is open for business. This manager or other individual responsible for the operation of the dance hall and the holder of the permit shall be jointly responsible for the operation of the dance hall and for all violations of this chapter and the terms and conditions of the permit, and shall accept notices and citations issued under this chapter from Town code enforcement officers and police officers.

(d) The operation of the dance hall and premises shall comply with all applicable sanitary, building code, business licensing, zoning, alcoholic beverage and liquor licensing and life safety and occupancy regulations.

(e) The operation of the dance hall and premises shall comply with all plans submitted and approved as part of the application for the issuance of the permit.

(f) The operator of the dance hall shall maintain on file records as required by law for all employees who work at the dance hall. If not otherwise required by law, these records shall include telephone numbers, and e-mail and postal mailing addresses of all employees.

(g) The operator of the dance hall shall maintain on file records, including names, telephone numbers, and e-mail and postal mailing addresses of all independent contractors who work in the dance hall.

(h) The dance hall shall be operated within the times allowed by zoning and alcoholic beverage regulations, except to the extent that more limiting hours of operation are established by the mayor and council as a condition of the issuance of the permit.

(i) Where the sale or consumption of alcoholic beverages otherwise is permitted, alcoholic beverages may not be sold or served to any individual under 21 years of age or to any individual who reasonable observation demonstrates is intoxicated or under the influence of alcohol.

(j) No disorderly conduct or public nuisance shall be permitted to occur or continue in or within in close proximity to the premises of a dance hall.

(k) The dance hall and premises shall be operated in accordance with all applicable laws

including, but not limited to, those described in subsection (d) of this section.

(l) The individuals in charge of the operation of the dance hall shall not allow patrons or guests to engage in conduct on the premises that violates applicable laws including, but not limited to, laws relating to consumption of alcoholic beverages and public decency.

(m) The dance hall shall not require patrons to purchase a minimum number of beverages or impose upon patrons a minimum beverage charge.

(n) The operators of the dance hall shall not allow loitering to occur outside the premises of the dance hall.

(o) The dance hall shall be operated in a manner that does not result in the dance hall being a public nuisance or result in the repeated response by police officers for conduct in or about the premises where the dance hall is being operated.

§ 25-5 Suspension and Revocation of Permit. [Added 6-21-10, effective 7-11-10]

(a) The provisions of this section are in addition to the provisions of § 25-7.

(b) If a Town code enforcement officer or police officer observes that a dance hall for which a town permit has been issued is being operated in violation of this chapter or in violation of the permit, the officer immediately shall issue a written notice to the manager or other individual responsible for the operation of the dance hall to cease and desist, or to correct, the unauthorized activity immediately or such longer time specified in the notice. If the violation is not corrected immediately or within such longer time specified in the notice, the officer shall issue to the manager or other individual responsible for the operation of the dance hall a written notice that the Mayor and Council will hold a hearing to determine whether the dance hall permit will be suspended or revoked. Where Town code enforcement officers or officers of the Town police department reasonably believe that continued operation of the dance hall until the Mayor and Council can hold a hearing on suspension or revocation of the dance hall permit under this section will result in a immediate and substantial threat to the public health, safety or welfare, the officer may take the same action as is authorized under § 25-7(B) for a dance hall that is operating without a permit. Such action shall remain in effect until the Mayor and Council determines whether to allow the resumption of the dance hall or suspend or revoke the dance hall permit.

(c) If Prince George's County suspends or revokes a county dance hall license for operation of a dance hall in the Town, the Mayor and Council shall hold a hearing to determine whether the Town dance hall permit also shall be suspended or revoked.

(d) If the Mayor and Council holds a hearing to determine whether a dance hall permit should be suspended or revoked, the Town Administrator shall send notice of the date, time, place and purpose of the hearing, including the violations or grounds for which suspension or revocation of the permit will be considered. The notice shall be sent to the permit holder, to the business entity for whose use and benefit the permit was issued, and to the owner of the premises at which the dance

hall is located. The notice shall be sent by certified and first class mail to the addresses of such persons as listed on the permit application. Where action as is authorized under § 25-7(B) is taken under § 25-5(B), the Mayor and Council shall conduct the hearing within 15 days after the date of the written notice of hearing issued to the manager or other individual responsible for the operation of the dance hall under § 25-5(B).

(1) At a hearing the Mayor and Council shall consider testimony and evidence from the town, from the holder of the permit, and from other interested persons.

(2) Following the hearing, if the Mayor and Council finds that the violations as alleged have been sustained, or that the county permit has been revoked or suspended, the Mayor and Council may suspend or revoke the permit, or take such other action with respect to the permit, including imposing new or additional conditions, as the Mayor and Council reasonably shall determine appropriate to protect the public health, safety and welfare and to ensure future compliance with this chapter and the permit.

(3) The Mayor and Council shall issue a written decision of their findings and actions with such sufficiency as would be required for judicial review. The Town Administrator shall mail copies of the decision promptly to the same persons and in the same manner as the notice of the hearing was sent. The Town Administrator also shall mail copies of the decision to all other parties of record.

(e) If the Mayor and Council revokes a permit, the holder of the permit, the operator of the dance hall and the owner of the property where the dance hall was located may not apply for or receive another permit for one (1) year following the date of the revocation.

§ 25-6 Appeals. [Added 6-21-10, effective 7-11-10]

Any person aggrieved by any decision of the Mayor and Council under this chapter may seek judicial review in the Circuit Court for Prince George's County by filing a petition for judicial review within thirty (30) days after the date of the decision of the Mayor and Council. The decision of the Circuit Court may be further appealed to the Maryland Court of Special Appeals as provided by law.

§ 25-7. Penalties and Enforcement. [Added 3-6-95, effective 3-26-95.ammended 10-3-05][Amended 6-21-10, effective 7-11-10]

(a) Violations of this chapter and violations of a permit and any terms, conditions and restrictions attached to the issuance of a permit under this chapter are municipal infractions. Each day that a violation continues shall constitute a separate offense. Each violation is subject to a fine of one thousand dollars (\$1,000). Town code enforcement officers and officers of the Town police department are authorized to issue municipal infraction citations for violations of this chapter and violations.

(b) In addition to the issuance of municipal infraction citations, after notice to the manager or other individual on the premises in charge of the operation of the dance hall, Town code enforcement officers, with assistance of officers of the Town police department, may take such measures as reasonably necessary to effect the closing or otherwise prevent the unlawful continuance or operation of a dance hall that a code enforcement officer or police officer observes is being operated without the permit required by this chapter. Such measures include:

- (1) Locking or securing the premises or otherwise denying entry into the premises; or
- (2) Ordering the premises to be vacated and posting in and on the exterior of the premises notices that the dance hall is closed by order of the Town and that no person is to enter the premises without permission of the Town.

Such measures taken shall remain in force until such time as the owner or operator of the premises provides assurances reasonably satisfactory to the Town Administrator that the operation of the dance hall will not be resumed without a permit.

(c) In addition to the other remedies provided in this section, the Town may institute a judicial proceeding to enforce or restrain violations of the provisions of this chapter or of a permit issued under this chapter.

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**Chapter 29
ELECTIONS**

§ 29-1. Qualifications to vote.

§ 29-2. [Repealed 11-7-94.]

§ 29-3. Election officials.

§ 29-4. Removal of election officials.

§ 29-5. Officeholders or candidates not to be election officials.

§ 29-6. Compensation of election officials.

§ 29-7. [Repealed 11-7-94.]

§ 29-8. [Repealed 11-7-94.]

§ 29-9. [Repealed 11-7-94.]

§ 29-10. [Repealed 11-7-94.]

§ 29-11. Candidates to file petition; fee.

§ 29-12. Verification of candidate's qualifications.

§ 29-13. Placing names on the ballots; removal; when.

§ 29-14. Judges to prepare ballots; sample ballots to be posted.

§ 29-15. Use of paper ballots or voting machines.

§ 29-16. Limitations on presence in area of ballot box or voting machines.

§ 29-17. Who admitted to polling place; watchers.

§ 29-18. Judges of election to have police aid.

§ 29-19. Election offenses.

§ 29-20. Request for recount.

§ 29-21. Contested election.

§ 29-22. Board of Election Appeals.

§ 29-23. Absentee voting.

§ 29-24. Riverdale Park Election Manual.

[HISTORY: Adopted 3-9-64. Revised and amended 2-10-71. Amended in its entirety 3-15-93.

Amended 11-7-94, effective 1-1-95. Amendment history noted where applicable.]

REFERENCES

Elections generally -- See Article V of the Charter.

§ 29-1. Qualifications to vote.

Qualifications to vote in town elections are stated in § 501 of the town Charter.

§ 29-2. [Repealed 11-7-94.]

§ 29-3. Election officials. [Revised 3-6-95.]

(a) There shall be eight judges of election: a chief judge, a deputy chief judge, and six (6) other judges.

(b) The chief judge and the deputy chief judge shall be appointed from the town at large by the Mayor, and the other judges shall be appointed by the Council members from their respective wards. Four (4) alternates for the judges other than the chief judge and the deputy chief judge, or as many as is deemed necessary, shall also be appointed by the Council members. Appointments shall be confirmed by the Council at a February legislative meeting next preceding the town election in May. In the event no judge or alternate is available from a ward, a judge or alternate may be appointed from the town at large. A judge or alternate must be a qualified voter and be able to read and write the English language.

(c) A judge shall serve for a term of two (2) years unless sooner removed by reason of resignation, absence, or incompetence or until a successor is appointed by the Mayor and Council and duly qualified.

(d) The chief judge shall be responsible for the conduct of the registration and the election and all preparatory work that is required.

He shall assign to the other judges the duties that shall be required of them. In the event that an appointed judge does not report for duty on the day of election, the chief judge shall

immediately contact the alternate. If no alternate is available, the chief judge shall recruit such alternate or alternates who are qualified from whatever recourse is available.

(e) If the chief judge is absent or prevented from discharging his duties, the deputy chief judge shall serve as chief judge. If the absence occurs on Election Day, the deputy chief judge serving as the chief judge shall immediately appoint a judge to act as deputy chief judge and shall recruit an alternate to replace such judge.

(f) Following his appointment and before assuming the duties of the office, each judge shall appear before the Mayor and take and subscribe to the oath as described in Article I, § 9, of the Maryland Constitution.

(g) All rulings shall be by the chief judge, with the concurrence of the majority of the other judges.

(h) The chief judge or acting chief judge shall have the authority to administer oaths and to do all lawful acts required for the conduct of the election.

§ 29-4. Removal of election officials.

In the event that any judge of election fails to comply with this chapter or any of its provisions, or to properly perform the duties of the office, such official may be removed from the office by the Mayor with the consent of the majority of the Council, and a new judge shall be appointed by the Mayor and Council to fill such vacancy as provided in this chapter.

§ 29-5. Officeholders or candidates not to be election officials.

No officeholder, candidate for any town public office, or town employee may serve as a judge of election.

§ 29-6. Compensation of election officials.

The compensation of judges of election shall be established by the Mayor and Council at the February meeting at which the judges are appointed.

§ 29-7. [Repealed 11-7-94.]

§ 29-8. [Repealed 11-7-94.]

§ 29-9. [Repealed 11-7-94.]

§ 29-10. [Repealed 11-7-94.]

§ 29-11. Candidates to file petition; fee. [Revised 3-25-09.]

Any qualified person seeking to be a candidate for any town elective office shall, on or before the 25th day preceding the election, file with the chief judge of election a petition in accordance with § 506 of the town Charter. Any candidate filing a petition for any town elective office shall pay to the town a fee set by Mayor & Council at the February legislative meeting prior to the next election. Any qualified person elected to a town office by write-in vote shall pay the same fee as if he had filed a petition.

§ 29-12. Verification of candidate's qualifications.

Before placing the name of any candidate on the ballot, the judges of election shall verify the qualifications of the petitioners signing the petition and the qualifications of the candidate for whom the petition was filed to hold office if elected.

§ 29-13. Placing names on the ballots; removal; when. [Revised 3-6-95.]

(a) No candidate's name shall be placed on the ballot except by petition, as heretofore prescribed, nor shall any change be made to the ballots after they have been made public unless rendered necessary by the disqualification or death of a candidate named thereon.

(b) In the event of the disqualification or death of an only candidate on the ballot, or in the event no candidate files for an office, such office may be filled by a write-in vote for a person qualified to hold the office if elected, provided that there are at least as many valid votes for such write-in candidate as the number of qualified petition signatures necessary if the candidate had filed a petition for that office. If no such number of votes are cast, the office is declared vacant and the vacancy shall be filled in the manner prescribed for that office by the town Charter.

§ 29-14. Judges to prepare ballots; sample ballots to be posted.

The judges of election shall prepare and have printed distinctive, official ballots for each ward, as may apply, to be used in the town election, and the ballots for any question authorized to be submitted to the voters. The judges shall also cause sample ballots for any election of town officers or questions submitted for referendum to be made public by posting copies of the appropriate ballot in conspicuous places in each ward, as may apply, at least ten (10) days prior to holding of the election. The judges shall within such time give advertised notice of the election, showing the date; the location of the polling place and the hours of operation; the offices to be filled and the names of the candidates appearing on the ballot; and a summary of any question submitted for referendum, as may apply.

§ 29-15. Use of paper ballots or voting machines.

The Mayor and Council shall establish at a February meeting preceding the town election in May whether paper ballots or voting machines shall be used. The procedures for conducting the voting and handling of ballots shall be as set forth in the town election manual.

§ 29-16. Limitations on presence in area of ballot box or voting machines.

No persons other than voters engaged in preparing or depositing their ballots shall be permitted within the immediate area of a ballot box or voting machine, unless by authority of the judges of election for the purpose of keeping order and enforcing the law.

§ 29-17. Who admitted to polling place; watchers. [Revised 3-6-95.]

(a) The judges of election, in order to preserve order, avoid congestion, and facilitate the balloting, shall have authority to limit the number of persons seeking to vote who shall be admitted to the polling place at any one time. No persons other than the election officials, police, and watchers designated as herein provided shall remain in the polling place longer than is necessary to vote.

(b) Any candidate or the proponents or opponents of any measure submitted to vote may designate in writing to the judges of election a watcher who may sit at the election to observe the proceedings and to challenge the right of any person to vote who is deemed by the watcher to be ineligible for a ballot and/or authority to vote. The judges of election shall arrange for the seating of authorized watchers at such points that they may hear and observe the proceedings in connection with the issuance and counting of the ballots or the issuance of voting authority cards and the tabulation of machine votes at any election.

(c) No watcher shall handle any ballots or registration books or in any manner interfere with the election officials in the discharge of their duties and every watcher shall observe the rulings of the judges of election. No watcher shall electioneer in the polling place or question any citizen as to how he would vote if declared eligible. The judges of election shall exclude any watcher violating the election provisions, as well as all other persons not entitled to be present during the balloting or the counting and tabulation of the votes.

(d) Any candidate or the proponents or opponents of any measure being voted upon at any town election may revoke in writing to the judges of election the designation of their watcher, who shall thereupon retire, and another individual designated in writing in his place shall be admitted as his substitute.

§ 29-18. Judges of election to have police aid.

The judges of election may call to their aid any town police officer to enforce any ruling made by them in connection with the holding of any town election.

The Mayor and Council shall assign police personnel to the polling place to serve from the opening of the polls until the counting of the ballots is completed. Police on duty at the polling place shall take their directives from the judges of election during the period of this service.

§ 29-19. Election offenses. [Revised 3-6-95.]

(a) It shall be unlawful for any person at or in connection with any town election to engage in any of the following conduct:

(1) To stand, loiter, electioneer, solicit any vote or pass out sample ballots or literature within any polling place or while within a radius of fifty (50) feet of any entrance to a polling place.

(2) To hinder or obstruct any voter seeking to enter any polling place.

(3) To curse, abuse, threaten, assault, or seek to intimidate any voter or election official.

(4) To bribe, promise, or give any consideration or offer thereof to influence the casting or counting of any ballot.

(5) To stage any demonstration for or against any candidate or measure within a radius of fifty (50) feet of any entrance to a polling place.

(6) To have in his possession without authorization any official ballot.

(7) To use any town property or facility in connection with any election except as authorized by the Mayor and Council.

(b) Any judge or any other person who shall tamper with, or damage, or attempt to damage any voting machine to be used or being used in an election or who shall prevent or attempt to prevent the correct operation of such machine, or any unauthorized person who shall make or have in his possession a key to a voting machine to be used or being used in an election, shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to imprisonment for not exceeding ninety (90) days, or a fine of five hundred dollars (\$500), or both, in the discretion of the court.

§ 29-20. Request for recount. [Revised 3-6-95.]

(a) Upon request to the Mayor and Council in writing, within ten (10) days after certification of the vote, for a recount of the votes cast, pursuant to which notification to the chief judge shall also be made, the petitioner seeking the recount shall post a fifty dollar (\$50) fee to

defray the cost of the recount. In the event that the election results are reversed in favor of the petitioner, the fifty dollar deposit shall be returned.

(b) The recount shall be conducted in the presence of the general public and the candidates or their representatives.

§ 29-21. Contested election.

In the case of a contested election, the petitioner shall present his request to the Board of Election Appeals, in writing, signed by twenty (20) voters qualified to vote for the office for which the election is contested, accompanied by a statement of the points upon which the appeal is based. This petition shall be presented to the Board of Appeals within ten (10) days after the certification of the vote by the Mayor and Council. The Board of Election Appeals shall make its decision in the form of a recommendation and present it to the Mayor and Council at a public meeting within fifteen (15) days after receipt of the petition.

§ 29-22. Board of Election Appeals.

A Board of Election Appeals shall be appointed at the same time as appointment of the judges of election. The Board shall consist of seven (7) members, one (1) each appointed by the Mayor and each Council member. The duties of the Board shall be to receive petitions and render decisions as described in the preceding section.

§ 29-23. Absentee voting. [Revised 3-6-95.]

Any qualified voter registered to vote in a town election is entitled to vote by absentee ballot. The procedures and provisions of Article 33, §§ 27-1, 27-2, and 27-4 through 27-11, of the Annotated Code of Maryland, as amended, are hereby adopted and incorporated, subject to the following provisions:

(a) Those terms referring to "Baltimore City" or "County" or "State" or an agency, board, or department thereof shall be construed to refer to the Town of Riverdale Park or its counterpart agency, board, or department, as the case may be.

(b) All applications for absentee ballots (other than applications for emergency absentee ballots as described in Section 27-2(a-1) of Article 33) pursuant to Section 27-4 of Article 33 must be received no later than the close of business ten (10) days preceding an election.

(c) All absentee ballots, whether of emergency nature or not, must be received by 8:00 p.m., close of polls, on Election Day in order to be counted.

(d) No candidates, town officials, town employees, or members of any of their families, that is, spouses, mothers, fathers, sisters, brothers, sons, and daughters, may act as authorized agents for purposes of emergency absentee ballot applications pursuant to §§ 27-2 and 27-4 of Article 33, or for purposes of delivering ballots to and from any absentee voters, whether of emergency nature or not.

§ 29-24. Riverdale Park Election Manual.

In conducting a town election, the judges of election shall follow the provisions and procedures set forth in the Riverdale Park Election Manual in conjunction with Article 5 of the Charter and this chapter. The manual shall apply as part of this chapter and is adopted by

reference as though set forth in full herein. Revisions to the manual shall be made by Council action.

**Chapter 32
ETHICS**

§ 32-1 Short title.

§ 32-2 Applicability.

§ 32-3 Ethics Commission.

§ 32-4 Conflicts of Interest.

§ 32-5 Financial Disclosure – Elected Officials and Candidates to be Town Elected Officials.

§ 32-6 Financial Disclosure – Employees and Appointed Officials.

§ 32-7 Lobbying.

§ 32-8 Exemptions and Modifications.

§ 32-9 Enforcement.

[HISTORY: Adopted 4-4-82. Revised 2-6-95. Amendment history noted where applicable.][Repealed 10-3-11, new sections added 10-3-11, effective 10-23-11]

REFERENCES

Administration -- See Chapter 2.

Indemnification and defense -- See Chapter 40.

§ 32-1 Short title.

This chapter may be cited as the Town of Riverdale Park public ethics ordinance.

§ 32-2 Applicability.

The provisions of this chapter apply, as noted, to all elected officials, employees, and appointees to boards and commissions of the Town of Riverdale Park and to candidates for elective office in the Town.

§ 32-3 Ethics Commission. [Amended 2-6-12, effective 2-27-12]

(a) There is a Town of Riverdale Park Ethics Commission that consists of three regular members appointed by the Town Council. The Town Council may appoint an alternate member of the Commission to act at any time that a regular member is unable or unavailable to

act. All members of the Commission shall be residents of the Town when they are appointed and during their term of office. Commission members shall take an oath.

(b) Commission members serve terms of two years. The terms of the members of the Commission shall be staggered so that the term of two members expire in one year and the other member expires in the succeeding year. The Town Council shall appoint an individual to fill a vacancy on the Commission to serve for the remainder of the term for which the vacancy was filled. Commission members may be removed only for cause.

(c) The Commission shall operate under Robert's Rules of Order.

(d) The Commission shall:

(1) Devise, receive and maintain all forms required by this chapter;

(2) Develop procedures and policies for advisory opinion requests and provide published advisory opinions to persons subject to this chapter regarding the applicability of the provisions of this chapter to them;

(3) Develop procedures and policies for the processing of complaints to make appropriate determinations regarding complaints filed by any person alleging violations of this chapter; and

(4) Conduct a public information program regarding the purposes and application of this chapter.

(e) The Town Attorney or another attorney designated by the Town Council shall advise the Commission.

(f) The Commission shall certify to the State Ethics Commission on or before October 1 of each year that the Town is in compliance with the requirements of State Government Article, Title § 15, Subtitle 8, Annotated Code of Maryland for elected local officials.

(g) The Commission shall determine if changes to this chapter are required to be in compliance with the requirements of State Government Article, Title § 15, Subtitle 8, Annotated Code of Maryland, and shall forward any recommended changes and amendments to the Town Council for enactment.

(h) The Commission may adopt other policies and procedures to assist in the implementation of the Commission's programs established in this chapter.

§ 32-4 Conflicts of Interest. [Amended 2-6-12, effective 2-27-12]

(a) In this section, "qualified relative" means a spouse, parent, child, or sibling.

(b) All Town elected officials, officials appointed to town boards and commissions subject to this chapter, and employees are subject to this section.

(c) Participation prohibitions. Except as permitted by commission regulation or opinion, an official or employee may not participate in:

(1) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision of the matter, any matter in which, to the knowledge of the official or employee, the official or employee, or a qualified relative of the official or employee, has an interest.

(2) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision with respect to the matter, any matter, in which any of the following is a party:

(i) A business entity in which the official or employee has a direct financial interest of which the official or employee may reasonably be expected to know;

(ii) A business entity for which the official, employee, or a qualified relative of the official or employee is an officer, director, trustee, partner, member or employee;

(iii) A business entity with which the official or employee or, to the knowledge of the official or employee, a qualified relative is negotiating or has any arrangement concerning prospective employment.

(iv) If the contract reasonably could be expected to result in a conflict between the private interests of the official or employee and the official duties of the official or employee, a business entity that is a party to an existing contract with the official or employee, or which, to the knowledge of the official or employee, is a party to a contract with a qualified relative;

(v) An entity, doing business with the town, in which a direct financial interest is owned by another entity in which the official or employee has a direct financial interest, if the official or employee may be reasonably expected to know of both direct financial interests; or

(vi) A business entity that:

(A) The official or employee knows is a creditor or obligee of the official or employee or a qualified relative of the official or employee with respect to a thing of economic value; and

(B) As a creditor or obligee, is in a position to directly and substantially affect the interest of the official or employee or a qualified relative of the official or employee.

(3) A person who is disqualified from participating under paragraphs 1 or 2 of this subsection shall disclose the nature and circumstances of the conflict and may participate or act if:

(i) The disqualification leaves a body with less than a quorum capable of acting;

(ii) The disqualified official or employee is required by law to act; or

(iii) The disqualified official or employee is the only person authorized to act.

(d) Employment and financial interest restrictions.

(1) Except as permitted by regulation of the commission when the interest is disclosed or when the employment does not create a conflict of interest or appearance of conflict, an official or employee may not:

(i) Be employed by or have a financial interest in any entity:

(A) Subject to the authority of the official or employee or the Town office, department, agency, board or commission with which the official or employee is affiliated; or

(B) That is negotiating or has entered into a contract with, or that is administered by, the Town or an office, department, agency, board, or commission of the Town with which the official or employee is affiliated; or

(ii) Hold any other employment relationship that would impair the impartiality or independence of judgment of the official or employee.

(2) The prohibitions of paragraph 1 of this subsection do not apply to:

(i) An official or employee who is appointed to a regulatory or licensing authority pursuant to a statutory requirement that persons subject to the jurisdiction of the authority be represented in appointments to the authority;

(ii) Subject to other provisions of law, a member of a board or commission in regard to a financial interest or employment held at the time of appointment, provided the financial interest or employment is publicly disclosed to the appointing authority and the Commission;

(iii) An official or employee whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest, as permitted and in accordance with regulations adopted by the Commission; or

(iv) Employment or financial interests allowed by regulation of the Commission if the employment does not create a conflict of interest or the appearance of a conflict of interest or if the financial interest is disclosed.

(e) Post-employment limitations and restrictions.

(1) A former official or employee may not assist or represent any party other than the Town in a case, contract, or other specific matter involving the town if that matter is one in which the former official or employee significantly participated as an official or employee.

(2) Until the conclusion of the next regular term of office that begins after an elected official leaves office, a former member of the Town Council may not assist or represent another party for compensation in a matter that is the subject of legislative action.

(f) Contingent compensation. An official or employee may not assist or represent a party for contingent compensation in any matter before or involving the Town.

(g) Use of prestige of office.

(1) An official or employee may not intentionally use the prestige of office or public position for the private gain of that official or employee or the private gain of another.

(2) This subsection does not prohibit the performance of usual and customary constituent services by an elected local official without additional compensation.

(h) Solicitation and acceptance of gifts.

(1) An official or employee may not solicit any gift.

(2) An official or employee may not directly solicit or facilitate the solicitation of a gift, on behalf of another person, from an individual regulated lobbyist.

(3) An official or employee may not knowingly accept a gift, directly or indirectly, from a person that the official or employee knows or has the reason to know:

(i) Is doing business with or seeking to do business with the Town office, department, agency, board or commission with which the official or employee is affiliated;

(ii) Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the official duties of the official or employee;

(iii) Is engaged in an activity regulated or controlled by the office, department, agency, board or commission with which the official or employee is affiliated; or

(iv) Is a lobbyist with respect to matters within the jurisdiction of the official or employee.

(4) Paragraph (5) of this subsection does not apply to a gift:

(i) That would tend to impair the impartiality and the independence of judgment of the official or employee receiving the gift;

(ii) Of significant value that would give the appearance of impairing the impartiality and independence of judgment of the official or employee; or

(iii) Of significant value that the recipient official or employee believes or has reason to believe is designed to impair the impartiality and independence of judgment of the official or employee.

(5) Notwithstanding paragraph (3) and subject to paragraph (4) of this subsection, an official or employee may accept the following:

(i) Meals and beverages consumed in the presence of the donor or sponsoring entity;

(ii) Ceremonial gifts or awards that have insignificant monetary value;

(iii) Unsolicited gifts of nominal value that do not exceed \$ 20 in cost or trivial items of informational value;

(iv) Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official or the employee at a meeting which is given in return for the participation of the official or employee in a panel or speaking engagement at the meeting;

(v) Gifts of tickets or free admission extended to an elected local official to attend a charitable, cultural, or political events, if the purpose of this gift or admission is a courtesy or ceremony extended to the elected official's office;

(vi) A specific gift or class of gifts that the Commission exempts from the operation of this subsection upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the Town and that the gift is purely personal and private in nature;

(vii) Gifts from a person related to the official or employee by blood or marriage, or any other individual who is a member of the household of the official or employee; or

(viii) Honoraria for speaking to or participating in a meeting provided that the offering of the honorarium is in not related in any way to the official's or employee's official position.

(i) Disclosure of confidential information. Other than in the discharge of official duties, an official or employee may not disclose or use confidential information, that the official or employee acquired by reason of the official's or employee's public position and that is not available to the public, for the economic benefit of the official or employee or that of another person.

(j) Participation in procurement.

(1) An individual who drafts or assists in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement for the Town, may not assist or represent another person, directly or indirectly, who is submitting a bid or proposal for the procurement.

(2) An individual who drafts or assists in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement for the Town, may not submit a bid or proposal for the procurement.

(3) A person who employs a current or former Town official or employee who drafted or assisted in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement for the Town, may not submit a bid or proposal for that procurement or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for the procurement.

(4) The Commission may establish exemptions from the requirements of this subsection for providing descriptive literature, sole source procurements, and written comments solicited by the procuring agency.

§ 32-5 Financial Disclosure – Elected Officials and Candidates to be Town Elected Officials. [Amended 2-6-12, effective 2-27-12]

(a) This section applies to all elected officials and candidates to be Town elected officials.

(b) (1) Except as provided in subsection (c) of this section, an elected official or a candidate to be a Town elected official shall file the financial disclosure statement required under this section:

- (i) On a form provided by the Commission;
- (ii) Under oath or affirmation; and
- (iii) With the Commission.

(2) Deadlines for filing statements.

(i) An incumbent elected official shall file a financial disclosure statement annually no later than April 30th of each year for the preceding calendar year.

(ii) An individual who is appointed to fill a vacancy in an elective office for which a financial disclosure statement is required and who has not already filed a financial disclosure statement, shall file a statement for the preceding calendar year within 30 days after appointment.

(iii) (A) An individual who, other than by reasons of death, leaves an office for which a statement is required shall file a statement within 60 days after leaving the office.

(B) The statement shall cover:

1. The calendar year immediately preceding the year in which the individual left office, unless a statement covering that year has already been filed by the individual; and

2. The portion of the current calendar year during which the individual held the office.

(c) Candidates to be elected officials.

(1) Except an official who has filed a financial disclosure statement under another provision of this section for the reporting period, a candidate to be an elected official shall file a financial disclosure statement each year beginning with the year in which the certificate of candidacy is filed through the year of the election.

(2) A candidate to be an elected official shall file a statement required under this section:

(A) In the year the certificate of candidacy is filed, no later than the filing of the certificate of candidacy;

(B) In the year of the election, on or before the earlier of April 30 or the last day for the withdrawal of candidacy; and

(C) In all other years for which a statement is required, on or before April 30.

(3) A candidate to be an elected official:

(A) Shall file the statement required under § 32-5(c)(2)(A) of this chapter with the certificate of candidacy or with the Commission prior to filing the certificate of candidacy; and

(B) Shall file the statements required under § 32-5(c)(2)(B) and (C) with the Commission.

(4) If a candidate fails to file a statement required by this subsection, the Town shall provide written notice to the candidate directing the candidate to file the statement within 5 days from the date of the notice.

(5) If a candidate fails to file a statement required by this subsection after written notice is provided by the Town at least § 20 days before the last day for the withdrawal of candidacy, the candidate is deemed to have withdrawn the candidacy.

(6) The Town may not accept any certificate of candidacy unless a statement has been filed in proper form.

(7) Within 30 days of the receipt of a statement required under this subsection, the person receiving the statement shall forward the statement to the Commission or the office designated by the Commission.

(d) Public record.

(1) The Commission or office designated by the Commission shall maintain all financial disclosure statements filed under this section and under section § 32-6.

(2) Financial disclosure statements shall be made available during normal office hours for examination and copying by the public subject to reasonable fees established by the Town and administrative procedures established by the commission.

(3) If an individual examines or copies a financial disclosure statement, the commission or the office designated by the Commission shall record:

(I) The name and home address of the individual reviewing or copying the statement; and

(II) The name of the person whose financial disclosure statement was examined or copied.

(4) Upon request by the official or employee whose financial disclosure statement was examined or copied, the Commission or the office designated by the Commission shall provide the official or employee with a copy of the name and home address of the person who reviewed the official's or employee's financial disclosure statement.

(e) Retention requirements. The Commission or the office designated by the Commission shall retain financial disclosure statements for four years from the date of receipt.

(f) Contents of statement.

(1) Interests in real property.

(i) A statement filed under this section shall include a schedule of all interests in real property wherever located.

(ii) For each interest in real property, the schedule shall include:

(A) The nature of the property and the location by street address, mailing address, or legal description of the property;

(B) The nature and extent of the interest held, including any conditions and encumbrances on the interest;

(C) The date when, the manner in which, and the identity of the person from whom the interest was acquired;

(D) The nature and amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired;

(E) If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and the identity of the person to whom the interest was transferred; and

(F) The identity of any other person with an interest in the property.

(2) Interests in corporations, partnerships and limited liability companies.

(i) A statement filed under this section shall include a schedule of all interests in any corporation, partnership, limited liability partnership, limited liability corporation or limited liability company, regardless of whether the corporation, partnership, limited liability partnership, limited liability corporation or limited liability company does business with the Town.

(ii) For each interest reported under this paragraph, the schedule shall include:

(A) The name and address of the principal office of the corporation, partnership, limited liability partnership, limited liability corporation or limited liability company;

(B) The nature and amount of the interest held, including any conditions and encumbrances on the interest;

(C) With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest and, if known, the identity of the person to whom the interest was transferred; and

(D) With respect to any interest acquired during the reporting period:

1. The date when, the manner in which, and the identity of the person from whom the interest was acquired; and

2. The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.

(iii) An individual may satisfy the requirement to report the amount of the interest held under item (ii)(B) of this paragraph by reporting, instead of a dollar amount:

(A) For an equity interest in a corporation or limited liability corporation, the number of shares held and, unless the corporation's stock is publicly traded, the percentage of equity interest held;

(B) For an equity interest in a partnership or a limited liability partnership, the percentage of equity interest held; or

(C) For an equity interest in a limited liability company, the percentage of equity interest held.

(3) Interests in business entities doing business with Town.

(i) A statement filed under this section shall include a schedule of all interests in any business entity that does business with the Town, other than interests reported under paragraph (2) of this subsection.

(ii) For each interest reported under this paragraph (3), the schedule shall include:

(A) The name and address of the principal office of the business entity;

(B) The nature and amount of the interest held, including any conditions to and encumbrances in the interest;

(C) With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received in exchange for the interest and, if known, the identity of the person to whom the interest was transferred; and

(D) With respect to any interest acquired during the reporting period:

1. The date when, the manner in which, and the identity of the person from whom the interest was acquired; and

2. The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.

(4) Gifts.

(i) A statement filed under this section shall include a schedule of each gift in excess of \$20 in value or a series of gifts totaling \$100 or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with or is regulated by the Town.

(ii) For each gift reported, the schedule shall include:

(A) A description of the nature and value of the gift; and

(B) The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.

(5) Employment with or interests in entities doing business with Town.

(i) A statement filed under this section shall include a schedule of all offices, directorships, and salaried employment by the individual or member of the immediate family of the individual held at any time during the reporting period with entities doing business with the town.

(ii) For each position reported under this paragraph, the schedule shall include:

(A) The name and address of the principal office of the business entity;

(B) The title and nature of the office, directorship, or salaried employment held and the date it commenced; and

(C) The name of each town office, department, board, commission or agency with which the entity is involved.

(6) Indebtedness to entities doing business with the Town.

(i) A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with the town owed at any time during the reporting period:

(A) By the individual; or

(B) By a member of the immediate family of the individual if the individual was involved in the transaction giving rise to the liability.

(ii) For each liability reported under this paragraph, the schedule shall include:

(A) The identity of the person to whom the liability was owed and the date the liability was incurred;

(B) The amount of the liability owed as of the end of the reporting period;

(C) The terms of payment of the liability and the extent to which the principal amount of the liability was increased or reduced during the year; and

(D) The security given, if any, for the liability.

(7) Employment of immediate family members by Town. A statement filed under this section shall include a schedule of the immediate family members of the individual employed by the Town in any capacity at any time during the reporting period.

(8) Sources of earned income.

(I) A statement filed under this section shall include a schedule of the name and address of each place of employment and of each business entity of which the individual or a member of the individual's immediate family was a sole or partial owner and from which the individual or member of the individual's immediate family received earned income, at any time during the reporting period.

(II) A minor child's employment or business ownership need not be disclosed if the agency that employs the individual does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child.

(9) A statement filed under this section may also include a schedule of additional interests or information that the individual making the statement wishes to disclose.

(g) For the purposes of § 32-5(f)(1), (2) and (3) of this chapter, the following interests are considered to be the interests of the individual making the statement:

(1) An interest held by a member of the individual's immediate family, if the interest was, at any time during the reporting period, directly or indirectly controlled by the individual.

(2) An interest held by a business entity in which the individual held a 30% or greater interest at any time during the reporting period.

(3) An interest held by a trust or an estate in which, at any time during the reporting period:

(I) The individual held a reversionary interest or was a beneficiary, or

(II) If a revocable trust, the individual was a settlor.

(h) (1) The Commission shall review the financial disclosure statements submitted under this section for compliance with the provisions of this section and shall notify an individual submitting the statement of any omissions or deficiencies.

(2) The Commission may take appropriate enforcement action to ensure compliance with this section.

§ 32-6 Financial Disclosure – Employees and Appointed Officials.

(a) This section only applies to the following appointed officials and employees:

- (1) The Town Administrator.
 - (2) The Chief of Police.
 - (3) The Director of the Department of Public Works.
 - (4) Members of the Ethics Commission.
 - (5) Other appointed officials or employees as identified by the Ethics Commission.
- (b) A statement filed under this section shall be filed with the Commission under oath or affirmation.
- (c) On or before April 30 of each year during which an official or employee holds office or employment, an official or employee shall file a statement disclosing gifts received during the preceding calendar year from any person that contracts with or is regulated by Town, including the name of the donor of the gift and the approximate retail value at the time of receipt.
- (d) An official or employee shall disclose employment and interests that raise conflicts of interest or potential conflicts of interest in connection with a specific proposed action by the employee or official sufficiently in advance of the action to provide adequate disclosure to the public.
- (e) The Commission shall maintain all disclosure statements filed under this section as public records available for public inspection and copying as provided in § § 32-5(d) and (e) of this chapter.

§ 32-7 Lobbying.

- (a) A person shall file a lobbying registration statement with the Commission if the person:
- (1) Personally appears before a town official or employee with the intent to influence that person in performance of the official duties of the official or employee; and
 - (2) In connection with the intent to influence expends or reasonably expects to expend in a given calendar year in excess of \$25 on food, entertainment or other gifts for officials or employees of the town.
- (b) A person shall file registration statement required under this section on or before the latter of January 15 of the calendar year or within 5 days after first performing an act that requires registration in the calendar year.
- (c) (1) The registration statement shall identify:

- (i) The registrant;
 - (ii) Any other person on whose behalf the registrant acts; and
 - (iii) The subject matter on which the registrant proposes to make appearances specified in subsection (a) of this section.
- (2) The registration statement shall cover a defined registration period not to exceed one calendar year.
- (d) Within 30 days after the end of any calendar year during which a person was registered under this section, the person shall file a report with the commission disclosing:
- (1) The value, date, and nature of any food, entertainment or other gift provided to a town official or employee; and
 - (2) If a gift or series of gifts to a single official or employee exceeds \$25 in value, the identity of the official or employee.
- (e) The Commission shall maintain the registrations and reports filed under this section as public records available for public inspection and copying for four years after receipt by the Commission.

§ 32-8 Exemptions and Modifications.

The Commission may grant exemptions and modifications to the provisions of §§ 32-4 and §32-6 of this chapter to employees and to appointed members of town boards and commissions, when the Commission finds that an exemption or modification would not be contrary to the purposes of this chapter, and the application of this chapter would:

- (a) Constitute an unreasonable invasion of privacy; and
- (b) Significantly reduce the availability of qualified persons for public service.

§ 32-9 Enforcement.

- (a) The Commission may:
 - (1) Assess a late fee of \$2 per day up to a maximum of \$250 for a failure to timely file a financial disclosure statement required under §§ 32-5 or § 32-6 of this chapter;
 - (2) Assess a late fee of \$10 per day up to a maximum of \$250 for a failure to file a timely lobbyist registration or lobbyist report required under § 32-7 of this chapter; and

(3) Issue a cease and desist order against any person found to be in violation of this chapter.

(b) (1) Upon a finding of a violation of any provision of this chapter, the Commission may:

(I) Issue an order of compliance directing the respondent to cease and desist from the violation;

(II) Issue a reprimand; or

(III) Recommend to the appropriate authority other appropriate discipline of the respondent, including censure or removal if that discipline is authorized by law.

(2) If the Commission finds that a respondent has violated § 32-7 of this chapter, the Commission may:

(I) Require a respondent who is a registered lobbyist to file any additional reports or information that reasonably related to the information that is required under § 32-7 of this chapter;

(II) Impose a fine not exceeding \$1,000 for each violation; and

(III) Suspend the registration of an individual registered lobbyist if the Commission finds that the lobbyist has knowingly and willfully violated § 32-7 of this chapter or has been convicted of a criminal offense arising from lobbying activities.

(c) (1) Upon request by the Commission, the Town Attorney or other attorney designated by the Town Council, may file a petition for injunctive or other relief in the Circuit Court for Prince George's County, or in any other court having proper venue for the purpose of requiring compliance with the provisions of this chapter.

(2) (i) The court may:

(A) Issue an order to cease and desist from the violation;

(B) Except as provided in subparagraph (ii) of this paragraph, void an official action taken by an official or employee with a conflict of interest prohibited by this chapter when the action arises from or concerns the subject matter of the conflict and if the legal action is brought within 90 days of the occurrence of the official action, if the court deems voiding the action to be in the best interest of the public; or

(C) Impose a fine of up to \$1,000 for any violation of the provisions of this chapter, with each day upon which the violation occurs constituting a separate offense;

(ii) A court may not void any official action appropriating public funds, levying taxes, or providing for the issuance of bonds, notes, or other evidences of public obligations.

(d) In addition to any other enforcement provisions in this chapter, a person who the Commission or a court finds has violated this chapter:

(1) Is subject to termination or other disciplinary action; and

(2) May be suspended from receiving payment of salary or other compensation pending full compliance with the terms of an order of the Commission or a court.

(e) A Town official or employee found to have violated this chapter is subject to disciplinary or other appropriate personnel action, including removal from office, disciplinary action, suspension of salary, or other sanction.

(f) Violation of this chapter is a misdemeanor subject to a fine of up to \$1,000 or imprisonment of up to 90 days, or both.

(g) A finding of a violation of this chapter by the Commission is public information.

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Chapter 33
FIRE PREVENTION

- § 33-1. Fire Department established; Prince George's County Fire Prevention Code adopted.**
- § 33-2. Officers; how selected and confirmed.**
- § 33-3. Rules and regulations; concurrence by Council.**
- § 33-4. Duties of Chief.**
- § 33-5. Periodical reports by Chief.**
- § 33-6. Duties of Deputy Chief.**
- § 33-7. Department without authority to pledge town credit.**
- § 33-8. [Repealed 4-7-69.]**
- § 33-9. Right-of-way in streets; fire lines.**
- § 33-10. Impeding department.**
- § 33-11. Rights reserved by Mayor and Council.**
- § 33-12. Town Fire Marshal; duties and authority.**
- § 33-13. Procedure for abatement of fire hazard.**
- § 33-14. Fire escapes and fire extinguishers.**
- § 33-15. Vacant buildings to be locked or secured.**
- § 33-16. Inflammable ash containers unlawful.**
- § 33-17. When smoking or carrying ignited materials unlawful.**
- § 33-18. Disposal of residue from dry-cleaning establishments.**
- § 33-19. Place of public meeting or assembly.**
- § 33-20. House numbers.**
- § 33-21. Violations; penalties.**

[HISTORY: Adopted 1-20-54, effective 2-1-54. Amended and revised 2-6-95. Amendment history noted where applicable.]

REFERENCES

Municipal infractions -- See Chapter 46.

§ 33-1. Fire Department established; Prince George's County Fire Prevention Code adopted. [Amended 12-7-64. Amended 2-6-95.]

A Fire Department to be known as "The Riverdale Fire Department, Incorporated" is hereby authorized pursuant to Article 23A of the Annotated Code of the Public General Laws of Maryland, as amended and supplemented, and § 302 of the town charter. The Fire Safety Law of Prince George's County, Maryland, as amended, is hereby adopted as the Fire Prevention Code of the Town of Riverdale Park. The term "permit" or "license" referred to therein shall mean a permit or license required by the Fire Prevention Code of Prince George's County, as amended, except where a different interpretation is evident from the context.

§ 33-2. Officers; how selected and confirmed. [Amended 4-7-69; 8-31-70; 2-1-71. Amended 2-6-95.]

The officers of the Fire Department shall consist of a Chief, Deputy Chief, Town Fire Marshal, and such subordinate officers as the Fire Department may determine to elect or appoint. The appointment of the Chief, the Deputy Chief, and the Town Fire Marshal shall be confirmed by the Mayor and Council. The Chief, Deputy Chief, and Town Fire Marshal shall reside in the incorporated limits of the Town of Riverdale Park. It shall be required that either the Chief or Deputy Chief shall possess the same qualifications as the Mayor to hold office or that, in lieu thereof, the Chief and Deputy Chief shall each be required to be at least twenty-five (25) years of age, shall each have resided within the corporate limits of the Town of Riverdale Park for at least two (2) years, and shall each post a bond of ten thousand dollars (\$10,000) for the faithful performance of his duties. The residency requirements may be waived at any public meeting by the Mayor and Council.

§ 33-3. Rules and regulations; concurrence by Council. [Amended 4-7-69.]

The Fire Department shall have the right to make and adopt, from time to time, amend, alter and repeal the Departmental Constitution and Bylaws, rules and regulations for its government and discipline, for the election, punishment, suspension and expulsion of members and for defining their duties, and for the management, preservation, and protection of all public property entrusted to the care of the Department. Such Constitution and Bylaws, rules and regulations, however, shall not be inconsistent with any town ordinance, any Prince George's County law, or any law of the State of Maryland or of the United States.

§ 33-4. Duties of Chief.

The Chief shall be the commanding officer of the Fire Department and shall be responsible for the proper conduct and management thereof at all times. He shall, upon assuming the duties of his office, receipt to the Mayor and Council for all public property belonging to the town and used by the Fire Department, and thereafter he shall be responsible for the safe-keeping, preservation and protection thereof, and shall account therefore to the Mayor and Council upon the expiration of his term of office or at such time during his tenure of office as may be required. The Chief shall have within the town at all times the police authority of a bailiff of the town.

§ 33-5. Periodical reports by Chief. [Amended 4-7-69.]

The Chief shall once each month make a report to the Mayor and Council of the needs and operations of the Fire Department, and such report shall show the number of fires attended and the cause thereof, when known; the character of the property burned and the approximate amount of the loss; the names of the owners and occupants, the amount of the insurance carried thereon, if any, and the casualties, if any. The Chief shall also have charge of all tests of hose, tools or implements and apparatus proposed to be purchased for the use of the Fire Department.

§ 33-6. Duties of Deputy Chief.

The Deputy Chief shall be the second officer in charge of the Fire Department, and in the absence or disability of the Chief, he shall perform all duties and have all the powers of Chief. In the event of a vacancy in the office of Chief by reason of death, resignation or other cause, the Deputy Chief shall assume the duties of the office until the Fire Department has duly elected and the Mayor and Council have ratified the election of a successor to the vacated office. Should the Deputy Chief also be unable to fulfill the duties required, the chain of command of the Constitution and Bylaws of the department shall be implemented to provide that fire and emergency services be maintained at all times.

§ 33-7. Department without authority to pledge town credit.

Neither the Fire Department nor any of its officers or members nor any organization formed among themselves shall have any power to incur any expense or contract any debt or obligation or pledge the credit in any way of the town, unless specifically authorized to do so by the Mayor and Council.

§ 33-8. [Repealed 4-7-69.]**§ 33-9. Right-of-way in streets; fire lines.**

The Fire Department, while responding to an alarm of fire, shall have the right-of-way over all streets, avenues, alleys, and other public places. While engaged in extinguishing a fire,

the department shall have the right and power to divert traffic and to rope off and close to the public any street, avenue, alley, or other public or private place, dwelling or building.

§ 33-10. Impeding department.

It shall be unlawful as a misdemeanor for any person to impede or interfere with the Fire Department by doing any of the following;

- (a) To hinder, delay, impede or interfere with the Fire Department or any members thereof in the performance of his or their duties at any time.
- (b) To injure, deface, improperly use or destroy any property of any kind used by the Fire Department or to appropriate any such property for personal use or to use such property without lawful authority.
- (c) To knowingly or willfully give any false alarm of fire or other emergency.
- (d) To turn on the water at any fire hydrant or to interfere with, injure or destroy any fire hydrant or to remove the cap or caps there from without lawful authorization.
- (e) To block or obstruct any fire hydrant.
- (f) To operate any vehicle over any unprotected hose line.
- (g) To enter any building or other place or to cross into or enter any area from which the public is excluded by order of the Fire Department while the department is engaged in extinguishing a fire or investigating the incidence of fire.
- (h) To wear any of the insignia, uniform or equipment of the Fire Department without authorization of the Fire Chief.
- (I) To impersonate or falsely represent oneself as a member of the Fire Department.

§ 33-11. Rights reserved by Mayor and Council. [Amended 4-7-69.]

The right is reserved by the Mayor and Council to amend, alter or repeal this chapter at any time, after consultation with the Fire Department. Any changes proposed by the Mayor and Council shall not conflict with county, state, or federal laws or regulations.

§ 33-12. Town Fire Marshal; duties and authority. [Amended 4-7-69.]

The department shall provide in its Constitution and Bylaws for the election or appointment of the town Fire Marshal. The duty of the town Fire Marshal shall be to represent the Fire Department in the prevention of fires, and for this purpose he is authorized to examine all buildings hereafter erected or altered in the town, to require that they conform to the

ordinances of the town and the National Fire Protection Association, International, for the prevention of fire hazards.

The Fire Marshal is also authorized at all reasonable times to enter upon and into any and all premises, buildings or structures within the town for the purpose of examining and inspecting them to ascertain the conditions thereon or therein with regard to the presence or arrangement or deposits of any articles, materials, substances, goods, wares, merchandise or other thing or things that may, in his judgment, tend to create danger of fire or unnecessarily or unreasonably interfere with the work of the Fire Department in the event of fire upon the premises, buildings or structures, or the loss of life of the occupants or other persons on the premises, buildings or structures in the event of fire, as well as for the purpose of examining and inspecting with the regard to the condition, size, arrangement and efficiency of any and all fire-prevention appliances or of the need for such equipment. After inspections of private dwellings, the Fire Marshal shall report, in writing, the results of his inspections to the Mayor and Council and to the Chief of the Fire Department.

On emergency alarms, or during incidental inspections, if an infraction be observed and should the situation require that action be taken to correct a life, safety, or property hazard, a correction order may be written in accordance with the Prince George's County Code, Subtitle 11, Fire Safety Code, by any member of the Riverdale Fire Department observing the infraction. Compliance, fines, and appeals to the correction order shall conform with and be sustained by Prince George's County laws.

§ 33-13. Procedure for abatement of fire hazard.

If, as a result of any inspection authorized by this chapter, the Fire Marshal shall be of the opinion that on or in any premises, buildings or structures within the town any rubbish, debris, waste, inflammable or combustible material found thereon is not so kept or arranged as to afford a reasonable safeguard against the danger of fire; or that the articles, materials, goods, wares and merchandise found on or in the premises, buildings, or structures are so deposited or arranged that the occupants thereof or persons in or on the same would not, because of such disposition or arrangement, be afforded reasonable access to the exits from the premises, buildings or structures in case of fire; or that by reason of such disposition or arrangement the members of any Fire Department would be unnecessarily and unreasonably interfered with or obstructed in the discharge of their duties in and about the premises, buildings or structures in the event of fire on or in the same, then it shall be the duty of the Fire Marshal or other Fire Department official to issue a correction order. Notice shall be given in writing to the Mayor and Council of all correction orders written.

The Mayor and Council, if in their judgment the conditions warrant, shall immediately cause written notice to be given the owner or owners, occupier or occupiers of the premises, buildings or structures whereon or wherein the conditions have been found to exist, warning such interested person or persons of the existence of the conditions with a description thereof, and the Mayor and Council may also order, in writing, that such conditions be abated, corrected or removed within the time and in the manner prescribed in the notice.

If the owner or owners, occupier or occupiers, his, her or their agent or agents consider themselves aggrieved by the order, he, she, or they may, within three (3) days after the receipt of the notice, appeal to the Mayor and Council, in writing, for the revocation or modification of the order affecting the property; whereupon the Mayor and Council shall grant a hearing upon the appeal within twenty-one (21) days, following which they shall enter such order as the public safety may require. If any person shall refuse to comply with the terms of such order, the Fire Marshal is hereby directed and empowered to remove or correct the dangerous condition found to exist upon the property at the expense of the owner, owners, occupier or occupiers, and the cost of removing or correcting the condition may be recovered by the Mayor and Council from the owner, owners, occupier or occupiers by suit, if necessary, and such suit shall also include all expenses incurred in the recovery of funds, such as attorneys' fees, court costs, and the like.

In addition, any person responsible for the existence of such a fire hazard who refuses to abate it when ordered, as herein provided, or who shall interfere with or obstruct the Fire Marshal in the making of any inspection authorized by this chapter, shall be guilty of a misdemeanor and be subject to the penalties prescribed by this chapter.

§ 33-14. Fire escapes and fire extinguishers.

It shall be unlawful for any person to permit the use of any building or structure within the town for any purpose unless the building or structure is equipped with such fire escapes or other safety device, fire extinguishers and fire-fighting equipment as may be required with respect to buildings or structures of its kind by county, state, and federal fire regulations.

§ 33-15. Vacant buildings to be locked or secured.

It shall be unlawful for the owner or agent of any property to knowingly permit any vacant to unoccupied building to be unsecured, unlocked or unbarred against entry by vagrants or unauthorized persons. It shall be the duty of the police whenever they shall have cause to believe that any vacant or unoccupied building is inadequately secured against such entry to notify the owner or agent thereof of the condition by written or printed notice to their address, if known, or if unknown, by notice to the person in whose name the property is assessed for town taxes, advising that action be taken immediately to secure the property against unauthorized entry. Any person responsible for the property who shall fail to act within twenty-four (24) hours after the receipt of such notice to secure, lock or bar such vacant or unoccupied building shall, upon conviction, be subject to the penalties provided by this Code.

§ 33-16. Inflammable ash containers unlawful.

No person shall keep ashes in any wooden or inflammable container or on any wooden or inflammable material of which the building where they are kept is constructed; provided that, before subjecting such person to the penalties of this Code, a notice shall be given the offending party and a reasonable time be allowed to permit compliance with the requirements of this

section. Failure to comply with this section shall be a misdemeanor and shall correspond to the penalties for misdemeanors contained in this chapter.

§ 33-17. When carrying ignited smoking materials or open flame unlawful.

It shall be unlawful for any person to carry or have any lighted match, pipe, cigar, or cigarette or to carry or use any open flame in any warehouse or storeroom wherein may be stored any rags, hay, spirits of turpentine, petroleum, tar, pitch, rosin, gunpowder, gasoline or illuminating oils or other such combustible materials, or in any moving-picture or public assembly theater or auditorium.

§ 33-18. Disposal of residue from dry-cleaning establishments.

The owner or operator of every dry-cleaning establishment shall provide for the immediate disposal of the residue from dry cleaning by the removal of such residue in secure metal containers to some safe place of disposal outside of the town. Disposal shall conform to county, state, and federal regulations and laws.

§ 33-19. Place of public meeting or assembly. [Amended 6-17-65.]

It shall be unlawful to build or construct any auditorium, assembly room, church, school, theater, lodge hall or other building of any kind in which there is any assembly room capable of seating at any one (1) gathering more than seventy-five (75) people if the wall or any portion of the building within which it is situated shall in any residential zone be within twenty-five (25) feet of any property line of a residence designed or used as sleeping quarters for human beings. No auditorium, assembly room, church, school, theater, lodge hall or other building proposed to be used as a place of public meetings or assemblage, regardless of its seating capacity, shall hereafter be built or erected within the town unless, in addition to the parking areas required by county zoning or other regulations there is provided space for a fire lane of a width of twenty-five (25) feet so arranged as to permit adequate turning space and the ready ingress and egress of fire-fighting equipment and other emergency vehicles, and there be available a fire hydrant within six hundred (600) feet of any building used as a place of public meetings.

§ 33-20. House numbers. [Added 2-6-95.]

The owner or occupant of any building or structure within the town shall have and keep affixed thereto the appropriate house number of a size and type and so placed as to be clearly legible from the street. The size shall not be less than four (4) inches in height and of a bold character, and the color shall be of a contrasting shade so that the number is easily discernable. The numbers shall be placed on the front of the house or the side that faces the street to which the address is assigned. The numbers shall conform to the plan of house numbering prepared by the Maryland-National Park and Planning Commission pursuant to its authority and applicable laws.

§ 33-21. Violations; penalties. [Amended 9-13-65. Amended 2-6-95.]

(a) Violations of the provisions of §§ 33-10, 33-13, 33-16, and 33-17 are misdemeanors and, upon conviction thereof, violators shall be subject to a fine of not more than one thousand dollars (\$1,000) or imprisonment of not more than six (6) months, or both.

(b) Violations of the provisions of §§ 33-14, 33-15, and 33-20 are infractions, the fines for which shall be one hundred dollars (\$100) for any single, initial violation and two hundred dollars (\$200) for each repeat or continuing violation.

**Chapter 36
GARBAGE, REFUSE, AND TRASH**

- § 36-1. Definitions.**
- § 36-2. Unlawful disposal.**
- § 36-3. Offensive odors and health disposal.**
- § 36-4. Burning of garbage, refuse, or waste prohibited.**
- § 36-5. Burning of trash, etc.**
- § 36-6. Extraneous matter prohibited.**
- § 36-7. Garbage containers required; disposal regulated. [Amended 5-6-02, effective 6-5-02.]**
- § 36-8. Municipal collection of garbage, trash, and waste.**
- § 36-9. Independent or commercial collection of garbage, trash, and waste.**
- § 36-10. Overturning or disturbing garbage, ash, or trash containers unlawful.**
- § 36-11. Regulation of collecting vehicles.**
- § 36-12. Removal of refuse from industrial plant.**
- § 36-13. Depositing garbage, refuse, trash, or waste on vacant lots prohibited.**
- § 36-14. Removal of goods and materials from public right-of-way as a result of an Eviction.**
- § 36-15. Violations and penalties. [Repealed and replaced 4-23-97. Effective 6-12-97. Amended 10-2-08, effective 10-22-08]**

[HISTORY: Adopted 1-20-54, effective 2-1-54. Amended in its entirety 2-6-95, effective 2-26-95.]

REFERENCES

Municipal infractions -- See Chapter 46.

- § 36-1. Definitions. [Amended 5-6-02.]**

As used in this chapter, the following terms shall have the meanings indicated:

"Dwelling" -- A building or portion thereof arranged or designated to provide living facilities for one (1) or more families.

"Dwelling, multiple family" -- A building containing more than one dwelling unit, including apartment houses.

"Dwelling, single family" -- A building containing only one (1) dwelling unit.

"Free-standing Metal Receptacle" -- Is defined as the trash system that was put in use during the 1960s in Riverdale Park to store trash in large paper bags.

"Garbage" -- The regular waste resulting from normal day-to-day operation of a dwelling unit, including kitchen waste, animal and vegetable foodstuffs, and other small discarded items.

"Newspapers" -- Any material published on newsprint. This excludes magazines, journals, and other bulk published materials.

"Proper Vessel or Container" -- A container made of metal or plastic that has a tightly-fitted lid that shall be no larger than thirty-nine (39) gallon capacity (by volume).

Exception: Any resident still possessing (as of the date of adoption of this definition) a "free-standing metal receptacle" may continue to use it as a "proper vessel or container" as used in this Chapter, provided it is properly functioning, including a metal lid to seal contents from animals.

"Refuse" or "waste" -- Offal, garbage, house refuse, dead animals or decaying vegetable matter or organic waste or substance of any kind, or any slops, greasy or soapy water or any other matter, liquid or solid, or glass or metal or containers made thereof, or rubber, feathers, rags or petroleum-soaked waste, and all materials and items not included under the definition of trash.

"Trash" -- Discarded articles of furniture, clothing, appliances, boxes, barrels, straw, shavings, paper, wood, leaves, trimmings of trees, plants and shrubs, but not including items excluded from municipal trash collection pursuant to § 36-8.

§ 36-2. Unlawful disposal.

It shall be unlawful to cast, throw, discharge or cause to flow on or into any street, sidewalk or public place within the town any garbage, refuse, trash, or waste which is offensive or liable to become a source of nuisance after exposure to the atmosphere.

§ 36-3. Offensive odors and health disposal.

It shall be unlawful to place, collect or suffer to be on any property within the town any garbage, refuse, trash, or waste or any slops, greasy or soapy water, stagnant water, nauseous liquids or any other offensive matter, liquid, gaseous or solid, liable to become a source of nuisance after exposure to the atmosphere or which by a stench or smell becomes a nuisance to the neighborhood or becomes a breeding place for germs or is liable to become a detriment to the public health.

§ 36-4. Burning of garbage, refuse, or waste prohibited.

It shall be unlawful to burn garbage, refuse, or waste in the town at any time.

§ 36-5. Burning of trash, etc.

(a) It shall be unlawful for any person within the corporate limits of the town to kindle or set fire to or cause to be kindled or set on fire, in any manner, on any public or private property on open ground or in a pit, any of the following: boxes, barrels, straw, shavings, trash, wood, paper, leaves, or other combustible matter.

(b) Upon application to the Mayor and Council, a special exception may be permitted for the purpose of burning of trees felled in connection with the clearing of lots or in the razing and/or destruction of existing buildings.

§ 36-6. Extraneous matter prohibited.

No person shall place or cause to be placed in any garbage receptacle any substance containing liquids other than natural moisture.

§ 36-7. Garbage containers required; disposal regulated. [Amended 5-6-02, effective 6-5-02.]

(a) It shall be unlawful for any person to keep exposed or to deposit, throw or place or cause to be deposited, thrown or placed, any garbage or similar refuse in any avenue, street, alley or public place, or upon any private property, whether owned by such person or not, within the corporate limits of the town, unless the same shall be enclosed in proper vessels or containers as herein defined. All such vessels or containers shall be placed at the rear or rear side of the premises at all times until readied for collection as pursuant to §§ 36-8 and 36-9, except that such vessels or containers shall not be adjacent to a public street, if at the side shall not be immediately adjacent to residential housing, and if at the rear shall not create a nuisance and a public health hazard to the immediate residential neighborhood.

(b) Occupants of single-family or multiple-family dwellings, owners or managers of boardinghouses and hotels, food carry-outs or restaurants, commercial businesses, offices, hospitals, and any other place where garbage, refuse, trash, and waste is accumulated shall

provide for disposal of such garbage, refuse, trash, and waste, whether by municipal services or by independent or commercial collection. Such collection shall be made by some suitable disposal system, approved by the Mayor and Council.

§ 36-8. Municipal collection of garbage, trash, and waste.

(a) General.

(1) Loose trash of any kind that may scatter shall be confined in containers or bundled.

(2) Items of trash shall be placed at the curb adjacent to the premises for collection.

(3) Collection of trash shall be performed on a schedule as established by resolution of the Mayor and Council passed at a regular meeting. Such schedule shall be published in a newspaper or periodical of general circulation in the town.

(4) It shall be unlawful to place garbage or trash out for a collection earlier than sundown of the day prior to the regularly scheduled day for collection.

(b) Single-family dwellings.

(1) Municipal collection of garbage and trash or heavy trash as a service shall be made from single-family dwellings, subject to restrictions as established by the Mayor and Council.

(2) All excess garbage and/or trash which are the by-product of a commercial enterprise may be rejected by the Mayor and Council. If collected, it shall be subject to charges established by the Mayor and Council.

(3) Items specified in a resolution of the Mayor and Council, passed at a regular public meeting, shall be excluded from collection by the municipal trash service.

(c) Multiple-family dwellings.

(1) Municipal collection of garbage and trash from multiple-family dwellings or apartments up to and including five (5) dwelling units on premises may be provided by the town, subject to restrictions and fees established by resolution of the Mayor and Council passed at a regular meeting.

(2) Municipal collection of garbage and trash from multiple-family dwellings or apartments of over five (5) units on premises shall not be provided by the town. Collection of garbage and trash from such dwellings shall be provided for by the

owner or occupant thereof. Such collection shall conform to restrictions as established by resolution of the Mayor and Council passed at a regular meeting.

(3) Municipal collection of garbage and trash from rooming houses may be made as a public service, subject to restrictions and fees as established by the Mayor and Council by resolution passed at a regular meeting.

(d) Public institutions and commercial enterprises.

(1) Collection of garbage and trash from all public institutions, hospitals, stores, restaurants, offices or business establishments of any kind shall be provided by the owners or operators thereof. Such collection shall conform to restrictions as established by resolution of the Mayor and Council passed at a regular meeting.

(2) If it is found necessary by the Mayor and Council to collect garbage and trash from commercial enterprises, such collection shall be subject to restrictions and fees established by resolution of the Mayor and Council passed at a regular meeting.

(e) Newspapers.

(1) Newspapers shall not be placed out, in, or with either the regular garbage or trash for collection.

(2) Newspapers must be placed on the median strip in front of the premises no earlier than sundown of the day prior to the designated pickup.

(3) Newspapers must be bundled, either with string or placed in a regular large paper grocery bag.

§ 36-9. Independent or commercial collection of garbage, trash, and waste.

(a) All garbage, trash, and waste collected by an independent or commercial agency shall be contained in a container or receptacle made of durable materials, watertight, provided with a tight cover, and shall be so constructed that the contents can be easily removed. All such containers shall be placed at the rear or rear side of the premises at all times, until readied for collection as provided in this section, except that the receptacle shall not be adjacent to a public street, if at the side shall not be immediately adjacent to residential housing, and if at the rear shall not create a nuisance and a public health hazard to the immediate residential neighborhood.

(b) Collection of such garbage, trash and waste shall be between the hours of 7:00 a.m. and 5:00 p.m.

(c) Any waiver or variance from the aforesaid conditions, that is, location of receptacles and hours of collection, may only be granted by written permission from the Mayor and Council for good cause shown.

(d) All special refuse containers or "dumpsters" (except those temporarily placed on a property due to construction, renovation, or rehabilitation), whether or not serviced by independent or commercial agencies, shall be screened on up to three sides by an enclosure consisting of chain link fence with woven slats, stockade-type or board-on-board fence, or other similar type screening enclosure constructed from chain link, painted or treated wood, or other materials approved by the Council, and shall be of sufficient height and type so as to block or screen the special refuse container or dumpster from street-level view. Gates in the fence or enclosure shall be kept closed whenever the special refuse container or dumpster is not being loaded or unloaded. Waiver of any or all of the requirements of this subsection may be approved by the Council upon application for special refuse containers or dumpsters that are not visible from public therefore or which under the circumstances cannot be practically screened.

§36-10. Overturning or disturbing garbage, ash, or trash containers unlawful.

It shall be unlawful for any person to willfully or wantonly tamper with, damage, or remove any trash, glass, ash, or garbage container, either before or after being emptied, while such container is being used in connection with the collection of trash, ashes, or garbage, or to scatter any trash or ashes or to overturn any garbage, ash, or trash container while so placed for collection. Whoever shall accidentally overturn the contents of any trash, ash or garbage container in any public place shall immediately restore the contents thereof, and upon failure to do so shall be subject to the penalties provided by this chapter.

§ 36-11. Regulation of collecting vehicles.

(a) No collector, driver, or person having charge or control of any vehicle for carrying garbage, refuse, trash, or waste shall allow such vehicle needlessly to remain before or near any dwelling, building, or place of business within the town, or allow any such vehicle or anything appertaining thereto to be in a condition needlessly filthy or offensive, and no driver of any such vehicle shall occupy an unreasonable length of time in loading or unloading the same. When not in use for collecting garbage, refuse, trash, or waste, the lid or cover of such vehicle shall be securely closed.

(b) Every person transporting garbage over the streets of the town shall provide covered containers which shall be kept closed while the garbage is in transit.

§ 36-12. Removal of refuse from industrial plant.

The owners, lessees, tenants, occupants, and managers of every building or place in or upon which a stationary engine, furnace, boiler, or combustion machinery is used shall cause all ashes, cinders, rubbish, dirt, and refuse to be removed to some proper place so that the same shall not accumulate; nor shall any person cause, suffer, or allow cinders, dust, gas, steam, or offensive

or noxious odors to escape or to be discharged from any such building, place, or combustion machinery to the detriment or annoyance of any person or persons not being therein or thereupon engaged.

§ 36-13. Depositing garbage, refuse, trash, or waste on vacant lots prohibited.

It shall be unlawful for any person to throw, deposit, scatter, drop, or cause to be thrown, deposited, scattered, or dropped in or upon any vacant lot or open space within the town any garbage, refuse, trash, or waste or sawdust, shavings, vegetable matter, paper, metal cans or containers, glass of any description, or any dead animal, offal, putrescible matter of any sort, or any matter or thing injurious to the public health.

§ 36-14. Removal of goods and materials from public right-of-way as a result of an eviction.

It shall be unlawful for any property owner or his/her agent to permit goods and materials of an evicted tenant who has vacated said property to remain on the public right of way adjacent to such property for more than twenty-four (24) hours following such eviction or such vacating of the property. In the event such goods or materials remain beyond twenty-four hours, the Town of Riverdale Park may employ a person to remove such items and the cost of such services shall be assessed against the owner of said rental property and collected as an action for debt.

**§ 36-15. Violations and penalties. (Repealed and replaced 5/23/97. Effective 6/12/97)
[Amended 10-2-08, effective 10-22-08; Amended 6-7-10, Effective 6-27-10]**

(a) Generally

Violations of §§ 36-2 through 36-14 of this chapter are declared to be a municipal infractions, the penalty for which shall be fifty dollars (\$50) for each initial offense and one hundred dollars (\$100) for each repeat offense, which is defined as an identical or substantially similar separate violation committed within thirty (30) days after the initial offense, except in the case when the violation of § 36-2 is the disposal of a dead animal, the penalty for which shall be two hundred dollars (\$200) for the first offense, and four hundred dollars (\$400) for each repeat offense. Each day that a violation of any provision of §§ 36-2 through 36-14 of this chapter continues shall constitute a separate violation.

(b) Repeat Violations - Abatement at Owner's Expense

If a property owner has been cited at least two (2) times within a thirty (30) day period for the same or substantially the same conditions which violate any provisions of §§ 36-2 through 36-14, the Town may, through the Mayor or Town Administrator or through a duly appointed agent of the Town, notify the owner of the property in writing to remedy the condition within Two (2) days after receipt of such notice. Upon failure to comply with such notice, the Mayor or Town Administrator may employ persons to have the work done, who shall have the right of

entering the premises for that purpose. The cost thereof shall be assessed against the owner of the property.

(c) Emergency Condition

In the event a condition on any property in the Town of Riverdale Park creates such a hazard that poses an immediate and serious threat to the Town or its residents, the Town shall have the right to enter said premises pursuant to subsection (b) above without written notice to the property owner. Only the Mayor of Riverdale Park, Town Administrator or the Chief of Police may have the authority to order abatement without prior notice. Abatement of that serious condition shall be at the owner's expense.

Chapter 40
INDEMNIFICATION AND DEFENSE

§ 40-1. Definitions.

§ 40-2. Sovereign immunity and statute of limitations.

§ 40-3. Town to provide coverage; conditions; exception.

§ 40-4. Coverage available only after exhaustion of other insurance.

[HISTORY: Adopted 5-3-82. Amended 2-6-95.]

REFERENCES

Administrator -- See Chapter 2.

Ethics code -- See Chapter 32.

§ 40-1. Definitions.

As used in this chapter, the following words shall have the meanings indicated:

"Town employee" -- Includes all salaried employees of the town other than those persons falling within the definitions of "town official."

"Town official" -- Includes the Mayor and members of the Council, the Town Administrator, the Chief of Police, the Public Works Supervisor, the Town Attorney, and the Town Building Inspector.

§ 40-2. Sovereign immunity and statute of limitations.

Nothing contained herein shall constitute a waiver by the town, on its own behalf or by any town official or town employee, of the defense of sovereign immunity or governmental immunity, by whatever name known, or of the defense of statute of limitations or of any other defense in any suit or claim brought against any town official or town employee.

§ 40-3. Town to provide coverage; conditions; exception.

The town shall hold harmless and pay on behalf of any town official all sums which such official becomes obligated to pay by reason of the liability imposed upon such official by law if the official, at the time of the incident or occurrence giving rise to such liability, was acting within the scope of his or her duties or office for the town and the incident or occurrence arose out of such duties or office. It shall also be the duty of the town to provide the defense, by the Town Attorney or by other counsel in the discretion of the town, for any claim or action arising

from an assertion of liability against such official while acting within the scope of his or her duties or office for the town. The indemnification and/or defense herein provided for shall not be available to one who willfully and intentionally disregards the instructions or directions issued by the Mayor and Council.

§ 40-4. Coverage available only after exhaustion of other insurance.

The indemnification and defense provided for in § 40-3 above shall only attach and become available after all other insurance for such indemnification or defense has been exhausted.

**Chapter 42
LICENSES**

- § 42-1. Scope.
- § 42-2. License required.
- § 42-3. Duration of license.
- § 42-4. Application.
- § 42-5. Application review and consideration.
- § 42-6. License fees.
- § 42-7. Licenses.
- § 42-8. Operational regulations.
- § 42-9. Special regulations for mobile vendors.
- § 42-10. Suspension and revocation of license.
- § 42-11. Appeals.
- § 42-12. Penalties and enforcement
- § 42-13. Temporary License [Added 3-05-04]

[HISTORY: Adopted 2-12-62. Amended in its entirety 5-20-74, effective 7-1-74. Subsequent Amendment history noted where applicable. Sections 42-2, et seq., renumbered and §§ 42-1 and 42-2 amended 2-6-95, effective 2-26-95. Section 42-2 and 42-13 Amended 3-1-99. Section 42-6 Amended 6-18-01. Sections 42-1 through 42-13 repealed, replaced and renumbered 8-26-13, effective 9-15-13]

REFERENCES

Amusement machine fees -- See Chapter 9.
Camping fees -- See Chapter 17.
Carnival and show permits -- See Chapter 19.
Club permits -- See Chapter 22.
Dance hall permits -- See Chapter 25.
Municipal Infractions -- See Chapter 46.
Rental licensing -- See Chapter 55.

- § 42-1. Scope. [Amended 9-2-14, effective 9-22-14]

- (a) This chapter applies to the operation of a trade or business in the Town of Riverdale Park.
- (b) For purposes of this chapter a trade or business includes commercial trades or businesses, not-for profit enterprises, religious institutions and enterprises affiliated with religious institutions.
- (c) For purposes of this chapter the operation of one or more single-family dwellings or dwelling units for rent and for which licenses have been issued under Chapter 55 of this code is not the operation of a trade or business with respect to such rentals.

§ 42-2. License required.

- (a) A person may not operate a trade or business in the Town of Riverdale Park without obtaining a license from the Town under this chapter and paying the required license fee.
- (b) A license shall be applied for and issued to the owner or other person responsible for operating the trade or business in the Town. If the owner of, or other person responsible for operating, the trade or business is a business entity the license shall be issued to an officer of the business entity who shall hold the license for the sole use and benefit of the business entity. The licensee is personally liable for complying with this chapter and all terms and conditions of the license.
- (c) A license issued under this chapter is in addition to a license required under this code.
- (d) A person who is eligible for and obtains a temporary license under § 42-13 of this code is exempt from obtaining a license under this chapter.

§ 42-3. Duration of license.

A license issued under this chapter:

- (1) Is valid for the period July 1 through the following June 30. A license issued after July 1 in any year is valid until the ensuing June 30.
- (2) May be renewed for successive terms of one year each upon compliance with the requirements of this chapter.

§ 42-4. Application. [Amended 9-2-14, effective 9-22-14]

Any person seeking a license, or the renewal of a license, under this chapter shall file with the Town Administrator a written application, under penalty of perjury, in a form prescribed by the

Town Administrator. An application for the renewal of an existing license shall be filed not later than the May 1 before the license is scheduled to expire, unless otherwise authorized by the Town Administrator. An application that is filed later than the May 15 before the license is scheduled to expire, or such later date as authorized by the Town Administrator, shall be treated as a new application. The application for an initial license or the renewal of a license shall include or be accompanied by the following to the extent reasonably available, and such other information and documentation as the Town Administrator reasonably may require:

- (1) The address of the premises at which the trade or business will be operated.
- (2) The zoning classification of the premises at or from which the business will be operated.
- (3) The name, telephone number and e-mail and postal mailing addresses of the owner of the premises.
- (4) The name, telephone number and e-mail and postal mailing addresses of the applicant.
- (5) The name, telephone number and e-mail and postal mailing addresses of the owner of the business entity for whose use and benefit the license is sought.
- (6) The names, telephone numbers and e-mail and postal mailing addresses of all on-site managers and other on-site individuals who will be responsible for the operation of the trade or business when it is open for business, and who will be authorized to accept notices and citations from the Town with respect to the operation of the trade or business.
- (7) A copy of any current fire inspection or occupancy limitation certificates, or both, for the use of the premises for the trade or business if another regulatory authority requires a fire inspection or occupancy limitation certificate, or both.
- (8) A copy of the current use and occupancy permit for the premises that shows that the trade or business is authorized at the premises if another regulatory authority requires a use and occupancy certificate.
- (9) A copy of the current alcoholic beverage license for the premises if the service of alcoholic beverages is allowed at the premises.
- (10) Evidence that the premises satisfies all applicable sanitary, building code, business licensing and safety regulations for the operation of trade or business.

- (11) A statement by the applicant and the owner of the premises that the filing of the application and the acceptance of the license issued by the Town constitutes consent to and authority for Town code enforcement officers and police officers, and other regulatory officials, to enter the premises of the business with prior notice during regular business hours before approval of the license for the limited purpose of determining whether representations contained in the application are accurate, and, after a license has been issued, investigating, based upon probable cause, violations of this chapter and the license. Where entry to a premises is refused, Town code enforcement officers and police officers, and other regulatory officials, shall obtain a warrant to authorize entry unless other lawful grounds exist to enter the premises without a warrant.
- (12) A non-refundable application fee for an initial application or a renewal of an existing license in the amount of twenty-five dollars (\$25).

§ 42-5. Application review and consideration. [Amended 9-2-14, effective 9-22-14]

- (a) When the Town Administrator receives a completed application for a license under this chapter, the Town Administrator shall conduct a review and investigation of the application. The Town Administrator may request the assistance of other persons and Town departments in conducting the review and investigation.
- (b) After the Town Administrator completes the investigation, the Town Administrator shall determine whether the license should be granted and whether any terms, conditions and restrictions should be attached to the granting of the license, including providing the applicant with a reasonable time to come into compliance with the requirements of this chapter. Any terms, conditions and restrictions shall be based upon any impacts that the operation of the trade or business reasonably may be expected to have on the surrounding community and the public health, safety or welfare.
- (c) The Town Administrator shall grant the license, with or without terms, conditions and restrictions, except that the Town Administrator shall deny the application if:
- (1) The Town Administrator determines that the trade or business for which the license has been applied reasonably can be expected to have an adverse impact on the surrounding community and the public health, safety or welfare that cannot be mitigated by terms, conditions and restrictions on the license; or
 - (2) The trade or business for which the license has been applied has any unpaid town fees or taxes, or any other unsatisfied obligations to the Town,

unless the trade or business had made arrangements approved by the Town Administrator to pay the fees or taxes or to satisfy other obligations.

- (d) If the Town Administrator denies an application for a license under this chapter, the Town Administrator shall prepare a written report of the reasons for the denial and shall provide that report promptly to the applicant by hand delivery or by certified mail, return receipt requested, to the applicant's address as set forth on the application.

§ 42-6. License fees. [Amended 9-2-14, effective 9-22-14]

- (a) If an application for a new license or renewal of an existing license is approved, the applicant shall pay the Town a non-refundable license fee before the Town issues the license.
- (b) The amount of the annual license fee is \$150, except that for the following types of trades or business the amount of the annual license fee is the amount specified:
- (1) For the operation of an apartment house the amount of the annual license fee is \$100 multiplied by the number of apartment units, except that there is no license fee if a license is issued and licensing fee is paid under Chapter 56 of this code.
 - (2) For the operation of a rooming house or boarding house the amount of the annual license fee is \$20 multiplied by the number of rooming units, except that there is no license fee if a license is issued and licensing fees are paid under Chapter 55 of this code.
 - (3) For the operation of one or more coin operated vending machine the amount of the annual license fee is \$20 per machine in addition to the license fee for the trade or business in which the machine is located.
 - (4) For the operation of a mobile vending business the amount of the annual license fee is \$50 per mobile vending unit.
 - (5) For the operation of a business engaged in the sale of alcoholic beverages, the amount of the annual license fee is \$150 plus:
 - I. \$50 for a business holding a County alcoholic beverage license for off-sale beer and wine.
 - II. \$100 for a business holding a County alcoholic beverage license for off-sale beer, wine and liquor.

- III. \$50 for a business holding a County alcoholic beverage license for on-sale beer and wine.
 - IV. \$100 for a business holding a County alcoholic beverage license for on-sale beer, wine and liquor.
 - V. \$80 for a business holding a County alcoholic beverage license for on and off-sale beer and wine.
 - VI. \$100 for a business holding a County alcoholic beverage license for on and off-sale beer, wine and liquor.
- (6) There is no license fee for any trade or business operated by not-for profit enterprises, religious institutions and enterprises affiliated with religious institutions.
- (c) The fee for a license issued after July 1 shall not be prorated for the remainder of the year for which the license is issued.
- (d) A late fee in the amount of \$20 shall be imposed on any license renewal application filed between May 16 and June 30. Any licensed trade or business for which a license is not renewed by June 30 shall be deemed to be unlicensed and subject to penalties and enforcement for an unlicensed business until a license is issued.

§ 42-7. Licenses.

A license issued under this chapter:

- (1) Shall identify each trade or business for which the license is issued.
- (2) Shall identify the person to whom the license is issued.
- (3) Shall identify the location at which the trade or business will be conducted, except that a license issued to a mobile vendor shall identify the business as a mobile vendor.
- (4) Shall list all terms, conditions and restrictions imposed upon the grant of the license.
- (5) Is not assignable or transferrable to another person, trade or business or location.

§ 42-8. Operational regulations.

- (a) The provisions of this section govern the operation of trade or business licensed under this chapter and are conditions of the license.
- (b) The holder of the license promptly shall notify the Town Administrator of any changes to any of the information submitted as part of the application for the license.
- (c) A manager or other individual responsible for the operation of the trade or business shall be on the premises at all times when the trade or business is open for business. This manager or other individual responsible for the operation of the trade or business and the holder of the license shall be jointly responsible for the operation of the trade or business and for all violations of this chapter and the terms and conditions of the license, and shall accept notices and citations issued under this chapter.
- (d) The operation of the trade or business and premises shall comply with all applicable sanitary, building code, business licensing, zoning, alcoholic beverage and liquor licensing and life safety and occupancy regulations.
- (e) The operator of the trade or business shall maintain on file records as required by law for all employees who work at the premises. If not otherwise required by law, these records shall include telephone numbers, and e-mail and postal mailing addresses of all employees.
- (f) The trade or business shall be operated within the times allowed by zoning and alcoholic beverage regulations, except to the extent that more limiting hours of operation are established by the Mayor and Council as a condition of the issuance of the license.
- (g) Where the sale or consumption of alcoholic beverages otherwise is permitted, alcoholic beverages may not be sold or served to any individual under 21 years of age or to any individual who reasonable observation demonstrates is intoxicated or under the influence of alcohol.
- (h) No disorderly conduct or public nuisance shall be permitted to occur or continue in or within in close proximity to the premises of the licensed trade or business.
- (i) The trade or business shall be operated in accordance with all applicable laws including, but not limited to, those described in Subsection 4 of this section.
- (j) The individuals in charge of the operation of the trade or business shall not allow patrons or guests to engage in conduct on the premises that violates applicable laws

including, but not limited to, laws relating to consumption of alcoholic beverages and public decency.

- (k) The operators of the trade or business shall not allow loitering to occur outside the premises of the trade or business.
- (l) The trade or business shall be operated in a manner that does not result in the trade or business being a public nuisance or result in the repeated response by police officers for conduct in or about the premises where the trade or business is being operated.

§ 42-9. Special regulations for mobile vendors.

- (a) For purposes of this chapter a “mobile vendor” means a person who sells or offers to sell goods, wares or food from a vehicle, trailer, kiosk, pushcart, stand or other device designed to be portable, not permanently attached to the ground and operating in no fixed or permanent location.
- (b) A mobile vendor may not remain standing in a fixed or permanent location to service customers.
- (c) All mobile vendors’ vehicles must be clearly marked as to identify the name of business and phone number, and display all required permits and licenses.

§ 42-10. Suspension and revocation of license.

- (a) The provisions of this section are in addition to the provisions of § 42-12 (penalties and enforcement).
- (b) If a Town code enforcement officer or police officer observes that a trade or business for which a license has been issued under this chapter is being operated in violation of this chapter or in violation of the license, the officer immediately shall issue a written notice to the manager or other individual responsible for the operation of the trade or business to cease and desist, or to correct, the unauthorized activity immediately or such longer time specified in the notice. If the violation is not corrected immediately or within such longer time specified in the notice, the officer shall issue to the manager or other individual responsible for the operation of the trade or business a written notice that the Mayor and Council will hold a hearing to determine whether the license should be suspended or revoked. Where Town code enforcement officers or officers of the Town police department reasonably believe that continued operation of the trade or business until the Mayor and Council can hold a hearing on suspension or revocation of the license will result in an immediate and substantial threat to the public health, safety or welfare, the officer may take the same action as is authorized under § 42-12 (penalties and enforcement) for a trade or

- business that is operating without a license. Such action shall remain in effect until the Mayor and Council determines whether to allow the resumption of the trade or business or suspend or revoke the license.
- (c) If any other government regulatory agency suspends or revokes a license or permit issued by that agency for operation of the trade or business in the Town, the Mayor and Council shall hold a hearing to determine whether the Town license also should be suspended or revoked.
- (d) If the Mayor and Council hold a hearing to determine whether a license should be suspended or revoked, the Town Administrator shall send notice of the date, time, place and purpose of the hearing, including the violations or grounds for which suspension or revocation of the license will be considered. The notice shall be sent to the license holder, to the business entity for whose use and benefit the license was issued, and to the owner of the premises at which the trade or business is located. The notice shall be sent by certified and first class mail to the addresses of such persons as listed on the license application. Where action is taken under § 42-10.2, the Mayor and Council shall conduct the hearing within 15 days after the date of the written notice of hearing.
- (1) At a hearing the Mayor and Council shall consider testimony and evidence from the Town, from the holder of the license, and from other interested persons.
 - (2) Following the hearing, if the Mayor and Council finds that the violations as alleged have been sustained, or that the license or permit issued by another government regulatory agency has been revoked or suspended, the Mayor and Council may suspend or revoke the license, or take such other action with respect to the license, including imposing new or additional conditions, as the Mayor and Council reasonably shall determine appropriate to protect the public health, safety and welfare and to ensure future compliance with this chapter and the license.
 - (3) The Mayor and Council shall issue a written decision of their findings and actions with such sufficiency as would be required for judicial review. The Town Administrator shall mail copies of the decision promptly to the same persons and in the same manner as the notice of the hearing was sent. The Town Administrator also shall mail copies of the decision to all other parties of record.
- (e) If the Mayor and Council revoke a license, the holder of the license and the operator of the trade or business may not apply for or receive another license for one year following the date of the revocation except with the consent of the Mayor and

Council upon a showing of a material change in the the circumstances and conditions that led to the revocation of the license.

Sec. 42-11. Appeals.

- (a) Any person aggrieved by a decision of the Town Administrator to deny the granting of a license under this chapter, or to impose any terms, conditions and restrictions upon the granting of a license, may appeal the Town Administrator's decision to the Mayor and Council within ten (10) days following the Town Administrator's decision by delivering a written notice of appeal to the Town Administrator on such form as may be prescribed by the Town Administrator.
- (1) The Mayor and Council shall give the appellant notice of the date, time and place of a hearing before the Mayor and Council to hear and consideration of the appeal.
 - (2) At the hearing the Mayor and Council shall hear from the appellant and the Town Administrator and such other Town personnel and other individuals as the Mayor and Council deems appropriate. The Town Administrator shall present the record that formed the basis of the Administrator's decision. At the hearing the appellant shall have the burden of demonstrating to the Mayor and Council that the decision of the Town Administrator was arbitrary, capricious or contrary to law.
 - (3) After the Mayor and Council hears and considers the appeal, upon a finding that the decision of the Town Administrator was arbitrary, capricious or contrary to law the Mayor and Council shall affirm, modify or reverse the Town Administrator's decision and may take any action that the Town Administrator may have taken. The Mayor and Council shall make written findings to support and document its decision.
- (b) Any person aggrieved by any decision of the Mayor and Council under this section or § 42-10 may seek judicial review in the Circuit Court for Prince George's County by filing a petition for judicial review within thirty (30) days after the date of the decision of the Mayor and Council. The decision of the Circuit Court may be further appealed to the Maryland Court of Special Appeals as allowed by law.

Sec. 42-12. Penalties and enforcement.

- (a) A person may not violate this chapter or the terms, conditions or restrictions of a license issued under this chapter. Each day that a person continues to violate this chapter or the terms, conditions or restrictions of a license issued under this chapter is a separate offense.

- (b) A person who violates this chapter or the terms, conditions or restrictions of any license issued under this chapter is guilty of a municipal infraction and subject to a fine in the amount of \$150 for the violation, except that the amount of the fine for each day that a violation continues is \$300.
- (c) This chapter may be enforced by any Town code enforcement officer and sworn officers of the Town's police department. Any of these individuals may issue municipal infraction citations for violations.
- (d) In addition to the issuance of municipal infraction citations, after notice to the manager or other individual on the premises in charge of the operation of the trade or business, Town code enforcement officers and officers of the Town police department may take such measures as reasonably necessary to effect the closing or otherwise prevent the unlawful continuance or operation of a trade or business that a code enforcement officer or police officer observes is being operated without the license required by this chapter. Such measures include:
 - (1) Locking or securing the premises or otherwise denying entry into the premises; or
 - (2) Ordering the premises to be vacated and posting in and on the exterior of the premises notices that the trade or business is closed by order of the Town and that no person is to enter the premises without permission of the Town.

Such measures taken shall remain in force until such time as the owner or operator of the premises provides assurances reasonably satisfactory to the Town Administrator that the operation of the trade or business will not be resumed without a license.

- (e) In addition to the other remedies provided in this section, the Town may institute a judicial proceeding to enforce or restrain violations of the provisions of this chapter or of a license issued under this chapter.

§ 42-13. Temporary License [Adopted 3-5-04, effective 3-5-04.]

Any person, firm, partnership, association or cooperation issued a temporary business use of occupancy permit, or license from Prince George's County shall apply for a temporary license to do business in the Town of Riverdale Park.

- (a) Application.

All applications for a temporary license must include the following:

- (1) County issued permit copies.

- (2) Description of services to be offered.
- (3) Location of temporary business.
- (4) Written authorization by Owner/Manager of any commercial property to be used for operation of temporary business.
- (5) Check, cash, money order in the amount of seventy-five dollars (\$75).
- (6) Listing Saturday, Sunday and legal holidays as defined by the Federal Government only, including hours of operations.

(b) Restrictions.

- (1) No trailer or tent or motor vehicle or vehicle canopy will be allowed to be used for sales.
- (2) All displays or sales must be conducted on the commercially zoned property no more than fifteen (15) feet from the main entrance door to the commercially operated business.
- (3) All display/sales area shall be located at least twenty-five (25) feet from an existing street line and from any adjacent lot lines.
- (4) The temporary permit shall be issued for not more than three (3) consecutive months.
- (5) The temporary permit shall be used only on Saturday, Sunday and legal holidays.
- (6) Services offered must comply with site/location zoning for sale of goods.

(c) Enforcement.

The Code Enforcement Department and when required the Riverdale Park Police Department shall have the duty of enforcing the requirement of the subtitle to assure continuing compliance with this ordinance and to respond to all complaints, and to provide inspections of such licensed operations.

(d) The Enforcement against an unlicensed temporary business shall be provided by the Enforcement Officer with the assistance of the Police Department which is necessary to effect the closing of otherwise prevent the unlawful operation of any business or operation requiring a temporary license that within seven (7) days of an initial written notice fails to require the necessary license.

Such measurers include:

(e) To remove to a designated facilities the goods and equipment of the vendor, who shall have up to fifteen (15) business days to claim such goods upon payment of any assessed storage fees and fines which have been levied against the vendor. Failure to comply with this schedule such goods shall be deemed abandoned and shall become the property of the Town to be disposed of in accordance with applicable law. The Town shall have no responsibility to protect or preserve any perishable or nonperishable goods or equipment acquired under this section.

(f) Penalties.

The fine for this section of this chapter shall be equivalent of the cost of the temporary license as set forth in section 42-14 (a) (5) Required for a business that is operating without a license. Each day that a business continues operation without acquiring the license shall constitute a separate offense.

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Chapter 46
MUNICIPAL INFRACTIONS

§ 46-1. Definitions.

§ 46-2. Declaration of infraction; fine.

§ 46-3. Issuance of citation.

§ 46-4. Payment of fine.

§ 46-5. Duties and rights of offender.

§ 46-6. Election to stand trial.

§ 46-7. Failure to pay fine.

§ 46-8. Criminal conviction and civil disabilities not applicable.

§ 46-9. Court proceedings and rights of accused.

[HISTORY: Adopted 3-5-79. Amendment history noted where applicable.]

§ 46-1. Definitions.

As used herein, the following terms shall have the meanings indicated:

"Infraction" -- Any violation of this Code, which violation has been specifically declared to be an "infraction" or "municipal infraction." For purposes of this Code, an "infraction" is a civil offense.

"Misdemeanor" --

(a) A criminal offense, not amounting to be a felony, arising from a violation of a law of the state, which violation is defined as a "misdemeanor."

(b) Unless otherwise specified, a violation of any law of this town. All violations of this Code shall be treated as "misdemeanors" unless specifically declared to be infractions.

§ 46-2. Declaration of infraction; fine. [Amended 2-6-95, effective 2-26-95.]

The Council shall, by official act, declare the violation of which ordinance or ordinances shall be an infraction or infractions, and for each such violation a specific fine shall be set.

This fine shall never exceed two hundred dollars (\$200) for any single, initial violation or four hundred dollars (\$400) for each repeat or continuing violation. The fine shall be expressed as a discrete amount rather than being expressed in terms of a maximum or minimum amount. The authority to declare infractions and set fines shall not be delegated by the Council to any other administrative or legislative body.

§ 46-3. Issuance of citation. [Amended 2-6-95, effective 2-26-95.]

The town code enforcement officials or town police authorized by the Council to enforce this Code may deliver a citation to any person alleged to be committing an infraction. A copy of the citation shall be retained by the town and shall bear the certification of the enforcing official attesting to the truth of the matter set forth in the citation. The citation shall contain at a minimum the following information:

- (a) Date of issuance of the citation;
- (b) Name and address of the person charged;
- (c) The section number of the Code that has been violated;
- (d) The nature of the infraction;
- (e) The location and time that the infraction occurred or was observed;
- (f) The amount of the infraction fine assessed;
- (g) The manner, location, and time in which the fine may be paid to the town;
- (h) If applicable, notice that each day of continued violation thereafter shall be deemed a separate violation subject to additional citation;
- (I) The right of the accused to stand trial for the infraction.

§ 46-4. Payment of fine.

The fine for an infraction shall be as specified in the law violated. The fine is payable by the recipient of the citation to the town within twenty (20) calendar days of receipt of the citation.

§ 46-5. Duties and rights of offender.

The town shall not conduct any formal hearing for those persons in receipt of a citation of infraction. Any offender so cited may pay the fine as indicated in the citation or elect to stand trial for the offense. This provision shall not prevent an offender from requesting, either personally or through an attorney, additional information concerning the infraction.

§ 46-6. Election to stand trial.

A person receiving the citation for an infraction may elect to stand trial for the offense by notifying the town in writing of his intention of standing trial. The notice shall be given at least five (5) days prior to the date of payment as set forth in the citation. Upon receipt of the notice of the intention to stand trial, the town shall forward to the District Court having venue a copy of the citation and a copy of the notice from the person who received the citation indicating his intention to stand trial. All fines, penalties, or forfeitures collected by the District Court for violations of infractions shall be remitted to the general fund of the town.

§ 46-7. Failure to pay fine.

If a person receiving a citation for an infraction fails to pay the fine for the infraction by the date of payment set forth on the citation and fails to file a notice of his intention to stand trial for the offense, a formal notice of the infraction shall be sent to the offender's last known address. If the citation has not been satisfied within fifteen (15) days from the date of the notice, he shall be liable for an additional fine not to exceed twice the original fine. If, after thirty-five (35) days, the citation has not been satisfied, the town may request adjudication of the case through the District Court. The District Court shall promptly schedule the case for trial and summon the defendant to appear.

§ 46-8. Criminal conviction and civil disabilities not applicable.

Conviction of a municipal infraction, whether by the District Court or by payment of the fine to the town, is not a criminal conviction for any purpose, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

§46-9. Court proceeding and rights of accused.

In any proceeding for a municipal infraction, the accused shall have the same rights as for the trial of criminal cases. He shall have the right to cross-examine witnesses against him, to testify or introduce evidence in his own behalf, and to be represented by an attorney of his own selection and at his own expense.

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Chapter 47
BURGLAR AND HOLDUP ALARMS

§47-1. Definitions

§47-2. Installation Standards and Requirements

§47-3. Burglar and Holdup Alarm User Permits

§47-4. False Alarms

§47-5. Enforcement and Penalties

§47-6. Alarm Business Licenses

§47-7. Severability of Sections

§47-8. Effective Date

[History: Adopted December 1, 1997, effective December 31, 1997]

§47-1. Definitions [Amended 10-3-11, effective 10-23-11]

“Alarm Business” means any business which sells, installs, leases, maintains, repairs, replaces, alters, services, monitors, or responds to an alarm system.

“Alarm signal” means the activation of an alarm system.

“Alarm site” means a signal premises or location served by an alarm system. Each tenancy, if served by a separate alarm system, in a multi-tenant building shall be considered a separate alarm system.

“Alarm System” means a device or series of devices, including, but not limited to, systems interconnected with radio signals, which are designed to emit or transmit a remote or local audible, visual, or electronic signal indicating an alarm condition. Alarm System includes devices activated automatically, such as burglar alarms, and devices activated manually, such as holdup or duress alarms. Alarm Systems does not include Fire Alarm Systems and Alarm Systems which monitor temperature, humidity or any other condition not directly related to the detection of an unauthorized intrusion into a premises or an attempted robbery at a premises, an alarm installed on a vehicle, or an

alarm designed to alert only the inhabitants of a premises that does not have a sounding device which can be heard on the exterior of the premises.

“Alarm User” means the person who [has the primary control over the residence or commercial premises in which a burglar or holdup alarm is installed or the person who contracts for alarm service] uses an alarm system at the person's alarm site.

“Automatic Dialing System” means any device which is interconnected to a telephone line and is programmed to select a predetermined telephone number, then transmit a prerecorded voice or code message signaling the existence of entry or criminal activity at the protected site.

“Burglar and Holdup Alarm” means an assembly of equipment and devices (or a signal device such as a solid state unit which plugs directly into a 110 volt AC line) arranged to signal response of a hazard requiring urgent attention and to which police are normally expected to respond. Burglar and Holdup Alarms include "Automatic Holdup Alarm Systems," "Burglar Alarm Systems," "Holdup Alarm Systems." and "Manual Holdup Alarm Systems." Fire Alarm Systems and Alarm Systems which monitor temperature, humidity, or any other condition not directly related to the detection of an unauthorized intrusion into a premises or an attempted robbery at a premises are specifically excluded from the provisions of this Chapter.

“Central Monitoring Station” means a commercial company whose primary business is monitoring alarm signals and performing contracted services for alarm users.

“Certification of Certified” means the system has been inspected by a licenses burglar and holdup alarm contractor or technician licensed in the State of Maryland and/or Prince George's County, and that the system meets all the requirements of this Chapter and all other applicable national or local codes.

“Chief of Police or Chief” means the Chief of the Riverdale Park Police Department or his/her designee unless otherwise stated.

“Control Panel” means the central processing unit designed to manage and control an alarm system.

“Direct Connection(hard-wired)” means an alarm system, either silent or audible, that transmits an alarm signal via interconnecting wires to a remote location dedicated to that purpose.

“Duel Technology Sensor” means a signal device that is manufactured to require two simultaneous inputs by two different technologies to cause alarm activation.

“Duress Alarm” means the deliberate activation of a silent alarm by entering at a touchpad a code different from the normal arm/disarm code, or by a separate deliberate act at other device(s).

“False Alarm” means any request for immediate Police Department assistance which is not in response to actual or threatened criminal activity or activation of an alarm system which results in an emergency response by the police to an alarm site for which the responding police officer finds no evidence of a criminal offense or attempted criminal offense at the alarm site. **An emergency response to an alarm signal which is cancelled by the alarm user or alarm business prior to the time the responding police officer reaches the alarm site shall not be considered a false alarm.** False alarms include negligently or accidentally activated signals; signals which are the result of faulty, malfunctioning, or improperly installed or maintained equipment; or signals which are purposely activated to summon the police in no emergency situations. **False alarms shall not include signals for which the actual cause cannot be determined, such as those activated by unusually severe weather conditions or by causes which are beyond the control of the alarm or alarm business. If there is any doubt as the cause of the alarm signal, such doubt shall be resolved in favor of the alarm user.**

“Holdup Alarm” means a silent alarm generated by the deliberate activation of a holdup alarm.

“License or permit” means a license or permit issued to an alarm business or an alarm system user by the Riverdale Park Chief of Police or his/her designee.

“Local” means an alarm system that sounds audibly at the protected premises.

“Nonresidential or Commercial Alarm User” means any alarm user that is not a residential alarm user.

“Panic Alarm” means the deliberate activation of an audible alarm.

“Police Connection” means direct connection in which the remote location is a police facility.

“Residential Alarm User” means the occupant of any dwelling unit with an alarm system.

“Silent Alarm” means an alarm system that has no audible sound at the protected premises.

“Touchpad” means a device that allows control of an alarm system by the manual entering of a coded sequence of numbers or letters.

“Wireless System” means those types of systems which transmit electromagnetic waves or messages through the air from remote sensor devices to the control panel to indicate a condition exists for which an alarm signal should be sounded or from a control device to arm/disarm the system, activate the alarm signal or reset the system.

All terms not defined in this section shall have their common meaning.

§47-2. Installation Standards and Requirements

The Town of Riverdale Park herein adopts by incorporation the provisions of sections 9-131 and 9-132 of the Prince George's County Code relating to installation standards and requirements for burglar and holdup alarm systems.

§47-3. Burglar and Holdup Alarm User Permits [Amended 10-3-11, effective 10-23-11]

(a) Requirement of Permit

Every alarm user shall obtain an alarm user permit for each alarm system he operates on commercial or residential premises with the Town of Riverdale Park from the Chief of Police or his/her designee. No permit shall be issued for any system utilizing an Automatic Dialing Device which is programmed to transmit a prerecorded message or code signal directly to a telephone number assigned to the Town of Riverdale Park Police department.

(b) Disclaimer

Registration of an alarm system is not intended to, nor will it, create a contract, duty or obligation, either express or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By registering an alarm system, the alarm user acknowledges that police response may be based on factors such as the availability of police units; priority of calls; weather conditions; traffic conditions; emergency conditions; or staffing levels.

(c) Residential Alarm User Permit Application

Each application or application for renewal for the residential alarm permit must contain, but is not limited to, the following information:

- (1) Registration number(if a renewal)
- (2) Name, address, and telephone number of alarm user.
- (3) Dangerous or special conditions information at the alarm site.

- (4) Type of alarm system (Burglary, robbery, panic, duress, medical alert, etc.
- (5) Names, addresses, and telephone numbers of two (2) persons who are able to, and have agreed to: receive notification of an alarm activation at any time; respond to the site within one (1) hour; and grant access to the alarm site and deactivate the alarm system if such becomes necessary.
- (6) Name, address and telephone number of alarm business that installed and/or monitors the alarm system, if applicable.
- (7) A statement as to whether the alarm user has ever registered an alarm with the Town of Riverdale Park, and if so, under what alarm user name and address of alarm site.
- (8) An acknowledgment that they must keep a copy of the alarm permit application form and installation certificate or certification at the alarm site and must produce such registration information for inspection upon reasonable request by the Chief of Police or his/her designee.
- (9) Any other information deemed necessary by the Chief of Police.

(d) Commercial or Nonresidential Alarm User Permit Application

Each application or application for renewal for a commercial or nonresidential alarm user permit must contain, but is not limited to:

- (1) Registration number (if a renewal)
- (2) Nonresidential alarm user's name and trade name (if different).
- (3) Employer Identification Number (EIN).
- (4) Street address where alarm system is located, including room or suite number.
- (5) Telephone number(s) at the alarm site.
- (6) Type of business or activity conducted at the alarm site.
- (7) Parent company name, address, and telephone number.
- (8) Name and telephone number of person responsible at the parent company location for the alarm system at the alarm site.

(9) Names, addresses , and telephone numbers of three(3) persons (an alarm business will be acceptable as one(1) of these persons) who are able to and have agreed to: receive notification of an alarm activation at any time; respond to the alarm site within one-half (½) hour; and grant access to the alarm site and deactivate the alarm system if such becomes necessary.

(10) Name, address, and telephone number of alarm business that installed and/or monitors the alarm system, if applicable.

(11) Type of alarm system (robbery, burglary, duress, panic, etc.)

(12) Dangerous or special conditions information at the alarm site.

(13) A statement as to whether the alarm user had ever previously registered an alarm system or been issued a permit in Prince George's County, or any county in the Washington Metropolitan area that requires such a permit.

(14) An acknowledgment that they must keep a copy of the alarm permit application form and installation certificate at the alarm site and must produce such registration information for inspection upon reasonable request by the Chief of Police or his/her designee.

(15) Any other information deemed necessary by the Chief of Police.

(e) Requirements for All Applications and Permits

(1) Information in the application shall be maintained current at all times. Any changes in the application information must be forwarded to the Chief of Police within ten (10) days of changed information.

(2) Alarm user shall make provision for silencing the local audible alarm within one-half (½) hour from the time the signal is received by the police, either automatically or by one of the authorized persons.

(3) An alarm user permit is valid only for the premises registered and is not transferable to another alarm user or premises. A new permit must be obtained for each alarm site.

(4) Exemptions. Local, state, or federal government facilities are exempt from payment of permit fee and false alarm response fees, but are requested to

register alarm site specified if the Riverdale Park Police Department is normally expected to respond to an alarm at the site.

(f) Alarm User Fees

- (1) There shall be a forty dollar (\$40.00) non-refundable nonresidential or commercial alarm permit fee for the initial application. Said permit shall be valid for the balance of the calendar year in which the application is filed. Said permit shall expire on December 31 of the year in which application is made. Payment shall accompany the application.
- (2) There shall be a non-refundable annual nonresidential or commercial alarm renewal fee of forty dollars (\$40.00). The fee is due by January 15 of the following expiration of the permit. The fee may be paid by the alarm user or the alarm business. Payment shall accompany the renewal application.
- (3) There shall be a ten dollar (\$10.00) fee for duplicate registration stickers.
- (4) If an alarm user permit, residential or commercial, has been revoked or suspended, a non-refundable reinstatement fee of one hundred dollars (\$100.00) must accompany an application for reinstatement.
- (5) There shall be no permit or renewal fee for a residential alarm permit. However, any application for a residential alarm permit at a site where the resident is the same and at the same site where a permit has been previously revoked or suspended, must be accompanied by the one hundred dollar (\$100.00) reinstatement fee.

(g) Confidentiality of Application Information

All information contained in an alarm user permit application required by this Chapter and any other information received by the Chief of Police through correspondence or communications with an alarm user shall be securely maintained and restricted to inspection by employees of the Riverdale Park Police Department. If any of the aforementioned individuals is found to have knowingly or willfully revealed the information contained in an alarm user permit application or in correspondence or communications with an alarm user to any other person for any purpose not related to this Chapter, or official law enforcement matters, and without the express written consent of the alarm user supplying such information, that individual shall be guilty of a misdemeanor punishable by a fine of up to \$1,000 and/or incarceration for a period not to exceed six months.

(h) Registration Stickers

Upon the issuance of a permit, the alarm user shall be issued a registration sticker with a registration number which shall be posted at the main entry. The sticker must be prominently displayed in such a manner as to be readily seen by police without entry. The sticker must be displayed at least four (4) feet above ground or four (4) feet above the step or landing, whichever is higher.

(i) Registration Violation

It shall be unlawful for any alarm user to operate an alarm system without first obtaining a permit as required by this Chapter, or who, after having a permit revoked or suspended, or who is indebted to the Town of Riverdale Park for false alarm fees and/or fines incurred by the alarm user under the current or any prior permit. First-time violations of the registration requirement shall result in a warning by the Chief of Police or his/her designee, and the alarm system must either be removed or a permit applied for within fifteen (15) days. Failure to comply with such warning shall be deemed a violation of this section. Violations of this section shall be deemed municipal infractions. Violations of which shall carry penalties of \$50.00 for the first violation, and \$100.00 for each subsequent violation. Each twenty-four (24) hour period during which the violative condition exists shall be deemed a separate violation.

§47-4. False Alarms

(a) False alarms shall be deemed municipal infractions. For each false alarm from a user's alarm system, an alarm user shall pay a false alarm response fee, as set forth in the following table:

<u>False Alarm Signal Occurrence</u>	<u>False Alarm Response Fee</u>
1st or 2nd	No fee
3rd	Warning notice
4th, 5th or 6th	\$ 50.00
7th, 8th or 9th	\$100.00
10th, 11th or 12th	\$150.00
13th or greater	\$200.00

(b) False alarm response fees are payable with ten (10) days of the receipt of notification that fees are due. The failure to pay the false alarm response fee within 30 days shall be grounds for revocation or suspension of such permit. Failure of alarm user to file notice of intent to defend against such municipal infraction shall result in the Town of Riverdale Park taking such action to the District Court for Prince George's County, Maryland, and seeking such remedies as may be available to it, including quadrupling of fines due, as well as a right of entry to remove alarm system at the expense of the alarm owner,

(c) After an alarm user has six (6) or more false alarms within a twelve (12) month period, the alarm user must have the alarm system recertified by a licensed burglar or holdup alarm contractor. The recertification, along with a twenty-five dollars (\$25.00) recertification fee, shall be submitted to the Chief of Police within thirty (30) days after receipt of the notice that recertification is necessary. Failure to have an alarm system recertified as required by the subsection shall be deemed a municipal infraction punishable by a fine of fifty dollars (\$50.00), and shall be grounds to revoke or suspend alarm user's permit.

(d) After an alarm user's system has twelve (12) or more false alarms in a twelve month period, the alarm user must have the system upgraded to meet existing Prince George's County standards or upgraded to a more reliable system technology which shall include, but is not limited to, the installation of dual technology sensor devices. System upgrading must be accomplished within thirty (30) days after receipt of the notice that system upgrading is required. The system upgrade must be accomplished by a licensed burglar and holdup alarm contractor. The alarm user shall submit a certification of the system upgrade, along with a fifty dollar (\$50.00) certification fee, to the Chief of Police. Failure to have a system upgrade as required by this section shall be deemed a municipal infraction punishable by a fine of fifty dollars (\$50.00), and shall be grounds to revoke or suspend alarm user's permit. Following the certification of the system upgrade, the number of false alarms for the given twelve month period shall be reset to zero.

(e) False Alarm Response Waiver Fee

(1) A false alarm response fee may be waived if the alarm system was activated by an act of God, including violent conditions of nature; such as, blizzard, earthquake, high intensity winds, extreme thunderstorms, lightning, electrical surge, or other extraordinary circumstances not reasonably subject to the control of the alarm system or alarm users. The request for a waiver of the false alarm fee shall be made in writing and shall include a statement which details the reason, if known, for the false alarm.

(2) If it is determined by the Chief of Police that a false alarm signal was due to an event beyond the reasonable control of the alarm user, the alarm signal shall not be considered a false alarm and the fee shall be waived.

(3) If alarm signals were caused by a malfunctioning alarm system which cause two (2) or more false alarms in a twelve (12) hour period, and the alarm user and the alarm monitoring business exercised their best efforts to limit alarm signals caused by the malfunction, all false alarms within a single twelve (12) hour period will be counted a one (1) false alarm.

(f) False Alarm Appeal Process and Filing Fee

(1) An alarm user may appeal the determination by a police officer that an alarm signal was a false alarm to the Chief of Police within ten (10) days after a notice of a false alarm is received by the alarm user.

(2) The appeal must be in writing and contain sufficient information to determine whether the responding officer's determination that the alarm signal was a false alarm was correct. Any appeal must be accompanied by a twenty-five dollars (\$25.00) filing fee which shall be returned to the alarm user if the alarm signal is not determined to be a false alarm or if the false alarm fee is waived.

(3) The Chief of Police, or his designee, shall review the appeal and render a written decision based on the facts presented in the appeal. The Police Department's daily alarm records shall be prima facie evidence that a false alarm has occurred and shall constitute a presumption that may be rebutted by the alarm preponderance of evidence indicates that the alarm signal was a false alarm.

(4) Any appeal of the Chief of Police's decision to uphold the determination of a false alarm shall be made to the Public Safety Committee of the Riverdale Park Town Council. The appeal shall be based on the record developed by the Chief of Police, consisting of the Police Department's reports, the alarm user's written appeal and any documentation submitted therewith and the Chief of Police's determination.

(5) The amount of the false alarm response fee is not appealable.

(6) The alarm user must pay the false alarm response fee for a false alarm within thirty (30) days after receipt of the Chief of Police's decision upholding the determination that a false alarm has occurred unless the alarm user appeals the determination to the Public Safety Committee.

(7) The Chief of Police shall not hear any appeal regarding a dispute between an alarm user and alarm monitoring business concerning responsibility for a false alarm or a series of false alarms.

(g) Upon receipt of a notice of intent to revoke or suspend an alarm user's permit pursuant to this section, the alarm permit holder may within ten (10) days of such receipt submit a written request by first-class mail, return receipt requested, for a hearing before the Chief of Police setting forth the reasons that his permit should not be revoked or suspended. Written notice of the time and place of the hearing shall be served on the holder of the permit by the

Chief of police or his/her designee by certified mail at least ten (10) days prior to the date set for the hearing.

(h) At the hearing before the Chief of Police, the alarm user, or his authorized representative, shall have the right to confront and examine witnesses, and to present evidence on his own behalf. After the hearing, the Chief of police may either issue an order of revocation, withdraw the notice of revocation, or suspend the permit until reimbursement or such time that he/she is satisfied that the cause or causes of the false alarms have been eliminated.

(i) Any alarm user whose permit has been revoked or suspended pursuant to this section shall have the right, within ten (10) days after receiving the notice or revocation from the Chief of Police, to file a written appeal by first-class mail or hand delivery to the Public Safety Committee Chairman of the Riverdale Park Town Council; and no alarm user shall be required to discontinue use of the alarm system prior to the expiration of the ten (10) day period in which the appeal may be filed. The Public Safety Committee shall hold a hearing on the appeal within thirty (30) days after receipt, and shall cause the appellant to be given at least ten (10) days advance written notice of such a hearing. At the hearing, the appellant or his designated representative shall have the right to present written or oral argument, or both, in support of his appeal. The Public Safety Committee shall issue its written decision within ten (10) days of the hearing.

(j) If an alarm user files an appeal pursuant to subsection (I) of this section, he shall not be required to discontinue the alarm system until a final decision is made on his appeal.

§ 47-5. Enforcement and Penalties

(a) The first failure by any person to obtain an alarm user permit as required by this Chapter, or to obey any order of the Chief of Police of suspension or revocation of an alarm user permit after such person has exhausted his rights to hearings or appeals, constitutes a municipal infraction, the penalty for which shall be one hundred dollars (\$100.00). The second, and any subsequent offense shall be deemed a misdemeanor punishable by a fine of up to five hundred dollars (\$500.00) and/or sixty (60) days in jail. Each day that such a violation exists, following the appropriate period of compliance, shall constitute a separate offense.

(b) Compliance periods (first offense). In the event an alarm user receives a citation or warning for failure to obtain a permit for said system, the alarm user shall have ten (10) days to make application for such permit or to remove the alarm system and permit inspection by the Riverdale Park Police Department to verify that it has been removed. The alarm user shall send written notice to the Chief of Police within the ten (10) day period stating that the system has been removed, and providing at least three (3) dates and times with the following two (2) weeks that such an inspection can occur. If the alarm user fails to comply with the requirement of removal or filing application, each day following the expiration of the ten (10) day period shall constitute an offense.

(c) Compliance periods (second offense). In the event the alarm user has received a second or subsequent citation for failure to obtain a permit, or if such permit has been suspended or revoked, there shall be no period during which noncompliance is excusable. Each day shall constitute a separate offense.

§ 47-6. Alarm Business Licenses

The Town of Riverdale Park, through the enactment of Chapter 47 of the Ordinance Code of the Town of Riverdale Park, herein adopts the provisions of Division 6 of Subtitle 9, sections 9-139, 9-140, and 9-141 of the Prince George's County Code. All businesses that install, monitor, or are otherwise engaged in the business of providing alarms or alarm systems within the Town of Riverdale Park, shall comply with the requirements of the Prince George's County Code. Violations of which shall be prosecuted by the Prince George's County government or its individual subdivisions as specified in sections 9-139, 9-140, and 9-141 of the Prince George's County Code.

§ 47-7. Severability of Sections

The provisions of the False Alarm Reduction Act of 1997 (Chapter 47 of the Ordinance Code of the Town of Riverdale Park) are hereby declared to be severable: and, in the event that any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the remaining portions of this Act, since the remaining portions would have been enacted without incorporation into this Act of any such invalid or unconstitutional word, phrase, clause, sentence, subparagraph, paragraph, subsection, or section.

§ 47-8. Effective Date

The provisions of Chapter 47 shall take effect thirty (30) days from the date of enactment.

Chapter 50
PEACE AND GOOD ORDER

- § 50-1. Fraudulent representation or false statements.**
- § 50-2. Damaging or tampering with public property.**
- § 50-3. Injury to trees and shrubbery.**
- § 50-4. Commercial activity in residence unlawful.**
- § 50-5. Unsanitary premises.**
- § 50-6. Drainage ditches, obstructing or contaminating.**
- § 50-7. Stables, barns and poultry houses.**
- § 50-8. Kennels, regulation of.**
- § 50-9. Cesspools, regulation of.**
- § 50-10. Burying unlawful.**
- § 50-11. Unreasonable noise prohibited. [Repealed and replaced 4-7-97, effective 4-27-97]**
- § 50-12. Spitting in public.**
- § 50-13. Abatement of menace to public health or safety upon vacant premise or unimproved lot; when cost assessable as a tax.**
- § 50-14. Reserved**
- § 50-15. Outdoor unenclosed storage prohibited**
- § 50-16. Dumpsters and Storage Receptacles on Residential Property.**
- § 50-17 Reserved**
- § 50-18 Penalties**

[HISTORY: Adopted 1-20-54, effective 2-1-54. Amended in its entirety 3-6-95, effective 3-26-95, adding §§ 50-5 through 50-13 from former Chapter 54. Prior amendment history noted where applicable.]

REFERENCES

Municipal infractions -- See Chapter 46.
Streets and sidewalks -- See Chapter 57.

§ 50-1. Fraudulent representation or false statements.

It shall be unlawful for any person to make any fraudulent or false statements of material fact in any application for a permit or license, or in any certificate or statement required in connection with a town election, filed with the Mayor and Council.

§ 50-2. Damaging or tampering with public property.

It shall be unlawful for any unauthorized person to destroy, damage, cut, injure, mar, deface, move or otherwise injure or tamper with any of the property of the town or of the Riverdale Fire Department, or with any property used by the town, whether belonging to it or to another, or to tamper with, destroy, break, move, or deface any traffic sign, signaling device, radio, siren, electric or other light, street sign, memorial, marker, barricade, guard rail, bridge, retaining wall, culvert, catch basin, manhole cover, drain or other device of whatever kind or character, erected, installed, operated or maintained by the Mayor and Council or by anyone by their authorization and direction.

§ 50-3. Injury to trees and shrubbery. [Amended 1-8-68.]

(a) Prohibited acts.

(1) It shall be unlawful to break, cut, damage or remove any of the trees, shrubs or ornamental plants on or along any street, public park, playground or other town or public place or property without the consent of the Mayor and Council.

(2) No person shall do or cause to be done by others any of the following acts to any tree, shrub or plant on town or public property without the consent of the Mayor and Council. **[Added 1-8-68.]**

(A) Plant, care and maintain.

(B) Cut, prune, mutilate or in any manner injure.

(C) Cut, disturb or interfere in any way with any root.

(D) Spray with any chemical.

(b) Maintenance and care. **[Added 1-8-68.]**

(1) No person shall, without the consent of the Mayor and Council, place or maintain or cause to be placed or maintained upon the ground any stone, cement,

sidewalk or other substance that will impede the free access of air and water to the roots of, or will do injury to, any tree or shrub on town or public property.

(2) No person shall place salt, brine, oil, weed killer or other substances injurious to plant growth in any street in such a manner as to injure any tree or shrub growing thereon.

(3) No person shall build any fire or station any tar kettle, road roller or other engine in any street in such a manner that the vapors or fumes therefrom may injure any tree or shrub thereon.

(4) In the erection, altering or repairing of any building or structure, the owner or contractor thereof shall place such guards around all nearby trees and shrubs on town or public property as will effectively prevent injury to such trees or shrubs.

(c) Excavation. **[Added 1-8-68.]**

(1) No person shall do any excavating within two (2) feet of any tree or shrub on any street without notification to the Mayor and Council.

(2) Where, in authorized excavation, it becomes necessary to expose or cut roots more than one (1) inch in diameter of a tree on any street, it shall be the duty of the contractor to protect such roots under the direction of the Mayor and Council.

§ 50-4. Commercial activity in residence unlawful.

It shall be unlawful for any person to operate, within the town, any public garage, automobile repair shop, machine shop, factory, printing establishment or other commercial business in or connected with a residence which has not been zoned to commercial uses by the District Council of Prince George's County.

§ 50-5. Unsanitary premises. [Adopted 1-20-54 as former § 54-6.]

The town code enforcement officer is hereby authorized and empowered to investigate and to order and direct the removal or elimination of any foul, filthy or offensive material or refuse, or any unclean or unsanitary condition in any street, alley, park or driveway, lot, building or property within the town which is or which may constitute a nuisance or menace to life and health.

§ 50-6. Drainage, ditches, obstructing or contaminating. [Adopted 1-20-54 as former § 54-9.]

It shall be unlawful for any person to obstruct in any manner or by any means or to alter the natural course of any drainage ditch by which the streets of the town are drained, so that the flow of water in such ditch is impeded; or to cast, throw or deposit in any drainage ditch any trash, garbage, refuse, dead animal or putrescible matter or waste material of any kind by which the water therein may become contaminated to endanger the public health.

§ 50-7. Stables, barns and poultry houses. [Adopted 1-20-54 as former § 54-10.]

No person shall keep any poultry, cattle, live stock or other animal in such manner that the filth or stench therefrom may become offensive or that may endanger health.

§ 50-8. Kennels, regulation of. [Adopted 1-20-54 as former § 54-11.]

It shall be unlawful to keep any dog or dogs within the town in any pen or kennel located within thirty (30) feet of any building used for residential or public purposes other than the residence of the owner or keeper of such dog or dogs. It shall be unlawful to keep any dog or dogs in any pen or kennel within the town unless such pen or kennel is in a sanitary condition and free from disagreeable odors.

§ 50-9. Cesspools, regulation of. [Adopted 1-20-54 as former § 54-14.]

No privy, septic tank, vault, cesspool or reservoir shall be constructed, erected, used or maintained within the town unless such privy, vault, cesspool or reservoir is constructed, erected, used and maintained in conformity with the regulations of the State and County Boards of Health.

§ 50-10. Burying unlawful. [Adopted 1-20-54 as former § 54-14. Amended 9-13-65.]

It shall be unlawful to deposit or bury the contents of any privy, vault, cesspool or the body of any animal within the town.

§ 50-11. Environmental Noise Control . [Adopted 1-20-54 as former § 54-17. Titled "Unreasonable Noise Prohibited"] [Repealed and replaced, retitled 4-7-97, effective 4-27-97].

§ 50-11-1 Definitions.

“Commercial land use”- Property zoned or used for the sale of goods and services or for office uses.

“dBA”-Abbreviation for the sound level in decibels determined by the A-weighting network of a sound level meter or by calculations from octave band or 1/3 octave band data.

“Daytime”- Between 7:00 a.m. and 10:00 p.m. local time.

“Nighttime”- Between 10:00 p.m. and 7:00 a.m. local time.

“Decibel” - A unit of measure equal to ten times the logarithm to the base of ten of the ratio of a particular sound pressure squared. For purposes of this section, twenty (20) micropascals shall be the standard reference pressure.

“Industrial land use” - Property zoned or used for manufacturing or storing goods.

“Person” - Any individual, group, firm, association, agency, or other entity.

“Residential land use” - Property zoned for the use of habitation dwellings.

“Sound” - An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of the medium. The description of sound may include any characteristic of such sound, including duration, intensity, and frequency.

“Sound level” - The weighted sound pressure level obtained by the use of a sound level meter and frequency weighing network, such as A, B, or C as specified in American Standards Institute specifications for sound level meters (ANSI S1.4-1971, or the latest approved revision thereof). If the frequency weighing employed is not indicated, the A-weighting shall apply.

“Sound level meter” - An instrument designed to measure noise levels, meeting ANSI S1.4-1971 (or latest approved revision thereof) specifications.

“Trained operator” - A person who has been trained in the use of the specific sound level meter and can demonstrate proficiency in the operation of such, and has a general working knowledge of instrument employed.

“Unnecessary noise” - Excessive or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the Town limits.

§ 50-11.2 Standards.

(a) No person shall operate, play or permit the operation or playing of any radio, television, record player, tape recorder, musical instrument, amplifier or any similar device so as to cause sound measurable beyond the property line of the source at levels greater than the following:

Industrial	75 dBA, daytime or nighttime
Commercial	67 dBA, daytime 62 dBA, nighttime
Residential	60 dBA, daytime 50 dBA, nighttime

(b) Sound level measurements may be taken anywhere beyond the property line of the source, on public or private property, five feet above the ground. In the case of a multiple dwelling unit, the property line shall be defined as that area beyond the walls of an individual dwelling unit. Measurements from unzoned property shall conform with those standards for residential zoned property.

(c) Sound level measurements shall be taken by a trained operator using a sound level meter set on the "slow" setting. The sound level meter shall be maintained and calibrated and remain in good working order.

§ 50-11.3 Loud Noise Prohibited

(a) **Generally** - Loud and unnecessary noise which disturbs the public peace between the hours of 10:00 p.m. and 7:00 a.m., local time, except as otherwise provided in this section, shall be deemed a public nuisance and is prohibited. Sound levels measured from the property line of the source not in compliance with levels specified in section 50-11.2 of this chapter are presumed a public nuisance, and subject the violator to the penalties set forth in section 50-11.5.

(b) **Unnecessary Noise** - Any noise may be deemed to be unnecessary noise regardless of whether the sound level is in compliance with levels specified in section 50-11.2. The following, among others, are declared to be loud and unnecessary noises in violation of this section, but said enumeration shall not be deemed to be an exclusive list:

(1) Horns, signaling devices, etc. - The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public area with the Town, except as a danger warning;

(2) Loud speakers, amplifiers for advertising - The using, operating or permitting to be played, used or operated of any radio, receiving set, musical instrument, record players, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is broadcast upon the public streets for the purpose of commercial advertising or attracting the attention of the public on any building or structure;

- (3) Yelling, shouting, etc. - Yelling, shouting, or other similar activity that annoys or disturbs the quiet, comfort, or repose of persons in any office, dwelling, or anywhere else within the Town;
- (4) Animals - The keeping of any animal, which by causing frequent or long continued noise, shall disturb the comfort or repose of any person in the vicinity;
- (5) Exhausts - The discharge into the open air of the exhaust of any stem engine, internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which prevents unnecessary loud noise;
- (6) Defect in vehicle or load - The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in such manner as to create loud and unnecessary grating, grinding, rattling, or other noise;
- (7) Construction or repair of structures - The erection, excavation, demolition, alteration or repair of any building or structure can only be done during daytime hours, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Town Administrator or Mayor. Said permit may not be for more than three consecutive days, and may not be renewed unless the application meets the same urgent necessity and public interest threshold;
- (8) Hawkers, peddlers- The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of a neighborhood.

§ 50-11.4 Exemptions

(a) This section shall not apply to activities or events conducted, sponsored, or permitted by the Town of Riverdale Park.

(b) This section shall not apply to sound equipment used by any Public Service Company as defined in Article 78 of the Annotated Code of Maryland, or to federal, state or local governmental agencies.

§ 50-11.5 Penalties

(a) **Generally** - Violation of any subsection of section 50-11 of the Ordinance Code of the Town of Riverdale Park shall be deemed a municipal infraction. Violators shall be subject to a fine of ONE HUNDRED DOLLARS (\$100.00). Each hour any violation of any provision of this section shall continue after citation for said offense by any peace officer or other authorized official of the Town of Riverdale Park shall constitute a separate offense.

(b) **Repeat Violations** - The third conviction under this section shall be deemed a misdemeanor, with violators subject to a fine up to FOUR HUNDRED DOLLARS (\$400.00) and up to six months incarceration. For purposes of this section, convictions may be by way of admission of guilt or by or by formal adjudication. The third conviction will also subject violators to confiscation and forfeiture of the device used to create unnecessary noise, with the right of entry by the Town of Riverdale Park, or its appointed representative.

§ 50-12. Spitting in public. [Adopted 1-20-54 as former §54-18]

It shall be unlawful for any person to expectorate or spit on the floors, walls, side or doors of any public building, place of amusement or any sidewalk or other public place where the public is invited to enter.

§ 50-13. Abatement of menace to public health or safety upon vacant premise or unimproved lot; when cost assessable as a tax. [Adopted 1-20-54 as former § 54-19.]

If the Mayor and Council find that a menace to the public health or safety exists upon any vacant premise or unimproved lot and that the owner or person in charge thereof has failed, after written notice, to remove such menace, they may proceed as provided in the Code of General Public Laws of Maryland to cause the removal of such menace and to assess the cost of such removal as a tax against the property in the manner prescribed by such code.

§50-14. Reserved

§50-15.Outdoor unenclosed storage prohibited. [Amended 10.22.06]

It shall be unlawful for any property owner or tenant to utilize, or allow to be utilized, unenclosed porches, decks, patios, carports, gazebos, garages, sheds, or other exterior appurtenances of any structure for the storage of items, including but not limited to the following:

Fiber or paper products; building supplies and materials: flammable material, such as paints and solvents; motor vehicle parts and accessories; appliances; and household furnishings, when such storage would be dangerous to human health, safety or well being. An “unenclosed area” for the purposes of this section shall mean an area that is not sealed from the elements or an area that has any improperly fitted doors, lids, windows or access panels, or is an area that is visible to the public.

§50-16 Dumpsters and Storage Receptacles on Residential Property. [Added 6-4-12, effective 11-5-12]

No dumpster or other receptacle for the temporary storage or transport of construction or other debris, or for the temporary storage of household or other items, greater in size than three cubic yards, shall be placed on residential property without a permit issued by the Town. Permits shall expire not later than 90 days after issuance, and shall be subject to such further conditions as the Town Administrator may require. The cost of a permit is twenty-five dollars (\$25). A permit may be extended for up to an additional 90 days in any twelve-month period by the Town Administrator upon payment of a twenty-five dollar (\$25) extension fee, and thereafter by the Town Administrator for up to an additional 90 days in the same period upon good cause shown and payment of an additional twenty-five dollar (\$25) extension fee. Any further extension within the same period may be authorized only by the Town Council for a period of up to an additional 90 days upon a showing of exceptional circumstance and payment of an additional twenty-five dollar (\$25) extension fee.

§50-17 Reserved**§50-18 Penalties. [Amended 6-4-12, effective 11-5-12]**

- a) Violations of the provisions of §§ 50-1 through 50-3 are misdemeanors and, upon convictions thereof, violators shall be subject to a fine of not more than one thousand dollars (\$1,000) or of not more than six months (6), or both.
- b) Violations of the provisions of §50-11 can be misdemeanors or municipal infractions. Penalties for violations thereof are contained in §50-11.5.
- c) Violations of the provisions of §§50-4 through 50-10, and 50-12, 50-15 and 50-16 are municipal infractions, the penalty for which shall be one hundred dollars (\$100) for each offense, except for violations of §50-12, the penalty for which shall be fifty dollars (\$50) for each offense.

**Chapter 51
PERSONNEL**

§51-1. Program for Retiree Health Insurance Benefits.

ARTICLE 1, Post-retirement Health Insurance Benefits

§51-1. Program for Retiree Health Insurance Benefits. [Added 4-4-11, effective 4-24-11][Amended 6-4-12, effective 6-24-12]

(a) There is a program for providing health care benefits to eligible retirees from employment with the Town of Riverdale Park. This section sets forth the terms and conditions of this program.

(b) As used in this section, the term “eligible retiree” means an individual who meets all of the following criteria:

(1) The individual was employed by the Town of Riverdale Park and left the Town’s employment after the individual was employed by the Town for at least five (5) consecutive years;

(2) When the individual seeks benefits under this program, the individual:

(A) Is at least fifty-five (55) years of age if the individual was a member of the Town’s defined benefit pension plan or at least fifty-nine and one-half (59½) years of age if the individual was a member of the Town’s defined contribution retirement program; or

(B) Has twenty (20) years of credited service in the Town’s defined benefit pension plan; or

(C) Had retired from the Town’s employment because of a work-related medical disability;

(3) The individual was not discharged from the Town’s employment for disciplinary reasons; and

(4) The individual was not employed in full-time employment after leaving the individual’s employment with the Town of Riverdale Park.

(c) If the Town Council appropriates sufficient funds in the Town’s annual budget, and subject to the terms and conditions in this section, the town shall reimburse an eligible retiree

in any fiscal year for seventy-five percent (75%) of the amounts paid by the eligible retiree for health insurance premiums for coverage of the retiree and any other family members included on the retiree's health insurance plan coverage. The Town's annual reimbursement to the eligible retiree shall not exceed the amount that the Town contributes that fiscal year towards the cost of the minimum premium for individual health insurance coverage for an active Town employee.

(d) The benefit provided under this section terminates on the earlier to occur of the following:

(1) Twenty-five (25) years after the retiree first receives benefits under this section;

(2) The retiree first becomes eligible for coverage under the federal medicare program or similar government-provided health care program;

(3) The retiree becomes employed in full-time employment, in which case the retiree may not resume or requalify for the benefit under this section if the employee leaves such full-time employment; or

(4) The retiree dies.

(e) In order to be eligible for the payment of the benefit provided by this section, an eligible retiree shall do all of the following:

(1) Complete and submit an application in a form prescribed by the Town Administrator. The application shall be accompanied by such information and documentation as the Town Administrator may require to demonstrate that the applicant is an eligible retiree. The applicant shall certify on the application, under penalties of perjury, that the information and contents of the application are true and correct to the best of the applicant's knowledge, information and belief.

(2) After the Town Administrator has determined that the applicant is an eligible retiree, submit to the Town Administrator periodically, but at least every 180 days, an application for payment of benefits on such form as the Town Administrator may prescribe. Each application for payment shall be accompanied by a copy of the retiree's health insurance plan, all health insurance premium invoices received and paid by the retiree for the period covered by the application for payment, proof of payment of all such invoices, and a certification under the penalties of perjury that the applicant still is eligible for benefits under this section. The Town shall not pay any benefits under this section for any health insurance premium paid more than 180 days before an application has been submitted for its payment.

(f) A person who receives benefits improperly under this section is liable to repay to the Town promptly after demand the amounts of all benefits improperly received. If benefits are received improperly as a result of false or misleading information or documentation supplied

by that person as part of an application under subsection (e), the person receiving the benefits is liable to repay to the Town amounts improperly received plus interest on such amounts at the rate of ten percent (10%) per annum from the date of receipt.

(g) The Town Council by ordinance may suspend, alter or terminate the program, or the terms and conditions of the program, established by this section.

Chapter 53
POLICE DEPARTMENT

§ 53-1. Contents of chapter.

§ 53-2. Functions of Department; coordination of functions.

§ 53-3. Composition of Department.

§ 53-4. Appointment of police officers.

§ 53-5. Training of newly appointed police officers.

§ 53-6. Compensation.

§ 53-7. Acquisition and maintenance of vehicles and other equipment.

§ 53-8. Oath required; supervision.

§ 53-9. Responsibility for uniforms and equipment.

§ 53-10. Powers and duties.

§ 53-11. Conduct of officers and civilian employees.

§ 53-12. Civilian employees.

§ 53-13. Lost, abandoned or confiscated property.

§ 53-14. Administration and conduct.

§ 53-15. Disciplinary action.

[HISTORY: Adopted 8-4-75. Amended and revised 3-6-95, effective 3-26-95.]

§ 53-1. Contents of chapter.

This chapter consists of the rules and regulations adopted by the Mayor and Town Council of Riverdale Park for the conduct and administration of the Riverdale Park Police Department.

§ 53-2. Functions of Department; coordination of functions. [Revised 4-7-08; effective 4-28-08]

(a) Police Department functions:

- (1) The protection of life and property.
- (2) The preservation of peace and good order.
- (3) The prevention of crime.
- (4) The enforcement of the laws of the State of Maryland, Prince George's County, Maryland, and the ordinances of the Town of Riverdale Park, Maryland.
- (5) The arrest of violators of the law.
- (6) The investigation of criminal offenses and the identification, apprehension and prosecution of the perpetrators, in conjunction with the county police or Maryland State Police.
- (7) The control of lost, abandoned or confiscated property unless superseded by rules and regulations of the state or county.
- (8) The administration and supervision of Town of Riverdale Park Code Enforcement activities.

(b) Coordination of functions. In carrying out such functions, all members and employees of the Police Department shall coordinate their efforts in such a manner as will tend to establish, maintain and promote the highest standards of efficiency as defined in this chapter and the Riverdale Park Police Manual.

§ 53-3. Composition of Department. [Amended 4-7-08; effective 4-28-08]

(a) The police force shall consist of a Chief of Police and such members or officers as the appropriate town officials see fit to appoint from time to time.

(b) The Police Department shall consist of the police force and such civilian employees as are assigned to the Department.

§ 53-4. Appointment of police officers.

(a) To be eligible for appointment to the police force, an applicant shall meet the following requirements:

- (1) Be at least twenty-one (21) years of age.
- (2) Be of a weight in proportion to his or her height.
- (3) Be of good moral character.
- (4) Be of good physical and mental health.
- (5) Be a graduate of an accredited high school or its equivalent.
- (6) Pass a background investigation as prescribed by the Chief of Police and the State of Maryland.

(b) Appointments to the police force will be for a probationary period of one (1) year after full certification as a police officer. Continued employment after the expiration of this period will be contingent upon both satisfactory performance and the recommendation of the Chief of Police. If the officer's performance in this probationary period is unsatisfactory, he or she shall be notified in writing to that effect by the Chief of Police, and his or her continued service with the Police Department shall be terminated. The Chief of Police may extend the probationary period for no more than six (6) months. Any termination will be subject to appeal to the Mayor and Council according to the town's personnel policy.

§ 53-5. Training of newly appointed police officers.

(a) Each newly appointed member of the police force shall receive training at such time and place as may be designated by the Chief of Police. The ability to assimilate and apply the material taught at the police training facility will be a major factor in determining a prospective officer's retention as a member of this Department. If the prospective officer does not receive passing grades in all Maryland Police Training Commission requirements, he or she will be terminated.

(b) Before a member is enrolled in the Police Academy, he or she will be expected to enter into and sign an agreement with the Town of Riverdale Park wherein he agrees to serve two (2) years as a police officer subsequent to the successful completion of the Academy training course. If he or she terminates employment before the expiration of this period, he or she will agree to reimburse the salary paid to him or her as stated in the contract.

§ 53-6. Compensation.

The officers and probationary officers of the Police Department shall receive such salaries and allowances and benefits as may be authorized from time to time by the Mayor and Council.

§ 53-7. Acquisition and maintenance of vehicles and other equipment.

The Mayor and Council are authorized to pay for the acquisition and maintenance of vehicles and other equipment to be used by the members of the police force.

§ 53-8. Oath required; supervision.

Upon an officer's appointment to the Riverdale Park Police Department, he or she shall take an oath before the Mayor or any person duly authorized to administer the oath as prescribed by the Charter, and shall immediately report to the Chief of Police and thereafter shall at all times be under the Chief's supervision and control.

§ 53-9. Responsibility for uniforms and equipment.

(a) Members of the Police Department are required to be neat, clean and well-groomed at all times. Uniform and civilian clothes shall be clean and pressed at all times. Shoes, leather equipment and brass shall be regularly polished and sidearms shall be clean and serviceable at all times.

(b) No member of the Police Department shall allow another member of the Department or any other person to use his or her badge or any other of his or her means of personal identification.

(c) Each uniformed member of the Police Department shall be held responsible for the uniforms, motor vehicle or other equipment issued to him or her, and where it is established that such uniforms, motor vehicle, or other equipment are lost or damaged through negligence, the officer concerned shall be subject to appropriate administrative or disciplinary action as prescribed in the Riverdale Park Police Manual, this chapter, and in accordance with the Maryland Law Enforcement Officers Bill of Rights.

(d) All members of the force shall have their last two (2) weeks' salary retained in escrow by the Town of Riverdale Park. When a member terminates his or her employment, this escrow amount will be refunded upon his or her returning, in good condition, the uniforms and equipment issued to him or her. Certification of compliance shall be made in writing by the Chief of Police to the Town Administrator. Any missing or damaged uniforms or equipment shall be paid for out of this escrow amount.

§ 53-10. Powers and duties.

(a) The Chief of Police is the commanding officer and administrative head of the Police Department. He shall have the authority to delegate responsibility and assign functions to officers and personnel of the Department in such manner as in his judgment is necessary to establish and maintain efficiency and good administration.

(b) The Mayor and Council herein delegate to the Chief of Police the authority and responsibility to develop a manual of rules and procedures, referred to as the Riverdale Park Police Manual, and said rules and procedures shall be followed by all members of the Police Department.

(c) Sworn members of the Department shall exercise full police authority within the corporate limits of the Town of Riverdale Park. Members of the Department shall not, while on duty, leave the confines of the Town of Riverdale Park except when in the fresh pursuit of a flagrant traffic violator or of a person he has probable cause to believe has committed or is about to commit a felony, or if directed by competent authority. Competent authority shall be defined as the Mayor, Chief of Police or other police command officer, or as directed in the Riverdale Park Police Manual.

(d) When a member of the Department is under suspension, he or she shall not wear the uniform and shall not exercise any police powers.

§ 53-11. Conduct of officers and civilian employees.

(a) Conduct unbecoming an officer or civilian employee.

(1) Conduct unbecoming a member of the Police Department or any civilian employee in the Department is prohibited.

(2) All members of the Police Department shall be subject to the rules and regulations set forth in this section.

(b) Private compensation or reward; contests.

(1) No compensation, reward or other consideration from any private sources shall be solicited or accepted by any members of the Police Department without special, written permission from the Chief of Police. Upon receipt of any reward, compensation or consideration, after permission has been granted, a complete report shall be forwarded to the Chief of Police.

(2) Members of the Police Department shall not engage or solicit votes or contributions for any prize contest, or engage, either directly or indirectly, in the sale of tickets or soliciting of advertisements of business of any nature, without written approval of the Chief of Police.

(c) Disobedience to lawful order; ranking officer.

(1) No member of the Police Department shall willfully disobey any lawful command or order, either verbal or written, of any officer senior in rank, but shall execute such order or command promptly. If any such order conflicts with any previous order, from any other superior officer, or with any general

order or special order, or provisions of this section, the member receiving such order shall courteously so inform the superior officer of the conflict. If such officer does not change his order to avoid conflict, his order shall stand and the responsibility shall be his. The person obeying the order shall not be held responsible for disobedience of any orders therefore issued.

(2) Where two (2) or more officers, commissioned or noncommissioned, of the same rank are assigned to special detail, unless specific instructions have been issued to the contrary, the senior present shall be in command.

(d) Violation of laws; false statement.

(1) No member of the Police Department shall intentionally violate any law of the United States, the state, the county or the ordinances of any city or municipality within the state.

(2) No member of the Police Department, under any circumstances, shall make any false official statement or intentional misrepresentation of facts.

(e) Members of the Police Department shall be punctual in attendance to all calls, requirements of duty, court appointments and other circumstances where time is specified.

(f) Members of the Police Department shall not be concerned, directly or indirectly, in making any compromise or arrangements between suspected violators of the law and persons who are alleged to have suffered by their acts.

(g) All employees shall be required to attend work regularly, to be punctual in reporting for duty at the prescribed time, and to work the number of hours prescribed in their standard work weeks, where applicable, unless absent on authorized and approved leave. Supervisors shall be responsible for the proper attendance of employees under their jurisdiction.

§ 53-12. Civilian employees. [Revised 4-7-08; effective 4-28-08]

(a) Civilian employees of the Police Department shall include all employees who have not been sworn in as peace officers, such as clerks, radio dispatchers and any other employee who may be hired, including those described in subsection (b) of this section. The conduct of these employees shall be governed by the rules and regulations adopted for the administration and discipline of the Department as prescribed in the Riverdale Park Police Manual and the town's personnel procedures.

(b) All Town Code Enforcement officers, code enforcement supervisors, code officials, and other employees of the Town, regardless of title, whose primary duty and responsibility is performing Code Enforcement functions for the Town shall be civilian employees of the Riverdale Park Police Department.

§ 53-13. Lost, abandoned or confiscated property.

(a) Appointment and duties of property custodian. The Chief of Police is authorized to appoint or designate from his police force members to act as property custodians. The property custodians shall keep a complete record, under the supervision and direction of the Chief of Police, of all property and money coming into their possession.

(b) Property coming into possession of officers to be turned over to property custodian.

(1) Every member of the police force and all other law enforcement officers shall, at the end of their daily tour of duty, deliver to the property custodian, for immediate registering in the property record book, all property and money coming into their possession in any manner whatsoever by reason of their official duties, and the property custodian shall give a receipt for and retain all such property except as provided in paragraph (b)(2) of this subsection.

(2) In every instance in which a law enforcement officer or member of the State's Attorney's office informs the property custodian that such property is required to be retained by such officer for the purpose of investigation or for use as evidence in a trial, the property custodian, after duly registering such property, shall turn it over to the officer for such purpose. All property thus turned over to such officer, after having served its purpose for investigation, shall be redelivered to the property custodian who shall thereupon sign and give a receipt for such property.

(3) It shall be the duty of the property custodian to return any property upon satisfactory evidence of ownership and after obtaining proper receipts therefor.

(4) The property custodian shall maintain files for audit and keep records of property sold or destroyed.

(c) Property to be held by Police Department; time limit for establishing ownership. All personal property, equipment and incidental articles which may be turned over to, found, recovered or otherwise acquired or possessed by the Police Department, with the exception of motor vehicles, shall be held by the Department for a period of six (6) months, and if not identified, returned to or claimed by the owners of such property, then such property shall be deemed forfeited and all rights in and to such property shall be foreclosed and lost to the owners.

(d) Confiscation of unclaimed property held more than six (6) months. The Chief of Police shall cause to be inventoried all personal property in the possession of the Police Department, and all such property which has been held for more than six (6) months and not recovered, identified, claimed or returned to the rightful owners thereof shall be and the same is hereby confiscated and all rights thereto forfeited.

(e) Sale or destruction of confiscated property.

(1) The Mayor and Council shall cause to be sold all property, with the exception of drugs, firearms and other weapons, confiscated under this chapter and held for more than six (6) months, at public auction for cash, the proceeds to be paid to the town after deducting the costs of such sale.

(2) The Chief of Police shall cause to be destroyed any confiscated weapons or firearms which are not serviceable or which they feel are dangerously or irregularly constructed, and may sell any other weapons or firearms but only to gun dealers who are registered pursuant to Article 27, section 4-43, of the Annotated Code of Maryland.

(3) Firearms and other contraband weapons or property shall in no case be disposed of until checked and referenced by the Chief of Police, or his designee, with the National Crime Information Center and federal firearms authorities, and ascertained whether they may be needed as evidence in any pending court case.

(4) All contraband drugs and marijuana shall be disposed of through proper state and local practices and procedures as required.

§ 53-14. Administration and conduct.

(a) Matters relating to the administration, conduct and discipline of members of the Police Department not covered in this chapter shall be found in the Riverdale Park Police Manual or state law.

(b) The Riverdale Park Police Manual and any changes or additions thereto not in conflict with this chapter may be adopted at a regular public meeting by resolution of the Council.

(c) By virtue of the authority vested in the Chief of Police by the Mayor and Council, he shall have the power to issue additional rules, regulations and orders not in conflict with this chapter or the Police Manual, as circumstances or an emergency may require, and which shall have the same effect as though adopted by the Mayor and Council.

§ 53-15. Disciplinary action.

Any violation of rules and regulations covered in this chapter shall be punishable by proper disciplinary action to be taken by the Chief of Police and/or by the Mayor and Council as provided in the Riverdale Park Police Manual and the State of Maryland Law Enforcement Officers Bill of Rights.

Chapter 54
Defined Benefit Retirement Plan Board of Trustees and
Investment Policy and Investment Guideline

§ 54-1. Generally.

§ 54-2. Board of Trustees.

§ 54-3. Investment Fund Manager.

§ 54-4. Fund Investment Policy.

[History: This chapter was enacted on 12-6-00 to create a Board of Trustees and a Fund Investment Policy to manage the Defined Benefit Pension Plan created by the Town Council on 4-17-00.]

§ 54-1. Generally.

The Town of Riverdale Park shall have a Defined Benefit Pension Plan which shall be managed by a Board of Trustees in consultation with the Investment Fund Manager, and in accordance with the Fund Investment Policy adopted by the Town Council.

§ 54-2. Board of Trustees.

(a) Establishment - There is hereby established the Board of Trustees ("Board") of the Town of Riverdale Park Defined Benefit Retirement Plan ("Plan"), whose composition, authority and duties shall be set forth in this chapter and section.

(b) Purpose and Duties - The Board shall be responsible for administering all funds invested in the Plan, which shall include responsibility for the investment of funds in the Plan pursuant to the Fund Investment Policy below. The Board shall also have the authority to determine the eligibility of an employee applying benefits under the Plan. The Board shall also have the authority to make recommendations to the Town Council for amendments to the Fund Investment Policy. The board shall not have the authority to modify or amend in any way the code sections governing the administration of the Plan nor the Fund Investment Policy, nor shall the Board be permitted to make any investment decisions inconsistent with the Fund Investment Policy.

(c) Membership, Term and Removal - The Board shall consist of five voting members, as follows:

- The Town Administrator
- A member of the Town Council

- Two (2) town employees below the level of a department head and who are vested in the Plan.
- One person with financial, banking, investment, accounting, or administrative business experience. No employee of an institution which is trustee for any funds of the Plan shall be eligible for appointment.

(1) Members of the Board, including the Chairperson of the Board, who is also a Board member, shall be appointed by the Mayor, subject to the confirmation of the town council.

(2) Each member of the Board shall upon appointment, take an oath of office that he/she will diligently and honestly administer the affairs of the Board. The Town Administrator shall be a permanent member of the Board. The Town Councilmember designee shall be a permanent appointment of the Board. The Councilmember shall be appointed to serve for a term concurrent with the Councilmember's term of office. The remaining persons shall serve for two (2) year terms, and until their successors have been appointed, confirmed and qualified.

(3) Removal -- Each member of the Board shall serve their respective term until successors have been appointed, confirmed and qualified by the Town Council. Each member shall serve unless removed by a majority vote of the Town Council at a regularly scheduled legislative meeting. They may not be removed unless they miss two (2) consecutive semi-annual meetings, resign, or engage in conduct that may be determined detrimental to the purpose of the Board as shall be determined by the Town Council.

(d) Pension Attorney -- A pension attorney shall be selected by the Town Council and shall be the legal advisor to the Board. The attorney may be requested to attend meetings at the direction of the Chairperson.

(e) Meetings -- The Board shall meet at least twice per year during a time that is convenient to all Board members and the Investment Fund Manager ("Manager"). Each Board member shall be entitled to one vote. A majority of the Board shall constitute a quorum for the exercise of any power or the performance of any duties authorized by this section. The Board shall hold meetings with such frequency as it shall determine, but shall hold at least two (2) meetings per year. There shall be at least seven (7) calendar days advance notice to Board members and the Manager. The Board may request the presence of the Manager, but may take action in the absence of the Manager provided that any matter relating to changes in the investment portfolio have been previously discussed with the Manager and have been deemed by the Manager to be a sound investment decision.

(f) Meeting Records -- The Board shall keep a permanent record of its proceedings which shall be open to public inspection and shall make a report of its operations at least annually to the Town Council. Any changes in the investment portfolio adopted by the Board must be furnished to the Town Council within seven (7) calendar days of the change. This notice of change must be accompanied with a memorandum explaining the basis for the change. This provision shall not be construed to require a verbatim transcript to be made of the proceedings before the Board.

§ 54-3. Investment Fund Manager.

(a) Generally -- The Town shall hire an Investment Fund Manager ("Manager") who shall advise the Board on investment decisions for the Fund. The Manager, whether an individual or company engaged in providing investment advice, shall possess experience with fund investments generally and shall a minimum of five (5) years experience as an investment advisor.

(b) Selection -- The Town Council shall have the authority to hire and terminate the Investment Fund Manager by a simple majority vote of Councilmembers present. The hiring of the Manager shall be made after consultation with the Board of Trustees who shall also review the qualifications of any candidate seeking to be Manager. To the extent practicable, the Town Council shall direct the Town Administrator to request proposals from a minimum of three potential fund managers during the hiring process for a Manager.

(c) Reports -- The investment Fund Manager shall provide a report to the Mayor, Town Council and Board of Trustees at least once per annual quarter. The report shall include the quarterly and annual performance of assets by asset class as well as the current ratio of all investment by asset class as compared with the value of the entire investment portfolio.

§ 54-4. Fund Investment Policy.

(a) Generally -- This section shall define the investment policies, objectives and strategies for the Board of Trustees and Fund Investment Manager to follow in making investment decisions for funds in the Defined Benefit Retirement Plan of the Town of Riverdale Park.

(b) Asset Class Objectives -- Diversification of investment of funds be asset shall be required. The objective is to maximize returns within specified risk restraints and to ensure liquidity of the fund. The role of the various asset classifications are as follows:

ASSET CLASS	ROLE
Fixed Income	Additional source of liquidity to provide cash to meet anticipated liabilities. Knowledge of these payouts and the implementation strategy to effectively meet them is an integral part of the portfolio's management. The remainder of the portfolio should target the intermediate bond market while emphasizing principal preservation during down markets.
Equity	To provide growth of principal within a long-term time horizon.
International Equity	To provide diversification to the equity portion of the program.

Real Estate Investment Trusts To enhance the income requirements of the Fund.

(c) Asset Class Investment Targets and Ranges -- The following table shall be used by the Board of Trustees to determine investment of funds within specified ranges by asset class. The Board will periodically rebalance the asset allocation of the entire Fund using the ranges indicated below:

ASSET ALLOCATION

<u>Category</u>	<u>% Range of Allocation</u>	
	<u>Minimum</u>	<u>Maximum</u>
Cash Equivalents	0%	10%
Investment Grade Fixed Income	30%	45%
High Yield Fixed Income	0%	5%
Large Cap Equities	25%	50%
Mid Cap Equities	0%	10%
Small Cap Equities	0%	8%
International Equities	5%	20%
REITS	0%	5%

(d) Performance Expectation -- Investment objectives are intended to provide quantifiable benchmark to measure and evaluate portfolio return and risk. Most investment styles require a full market cycle to allow the Manager to demonstrate his/her abilities. A full market cycle is generally defined as a three to five year time period; therefore, performance expectations will be monitored over a three-year time period. Shorter measuring periods may be used to determine the trend of performance premiums or deficiencies.

Nothing in this section is intended to create a contract or legal obligation of any sort with the Fund Investment Manager for any specific time period, and the Town Council shall have full authority to terminate the Manager at any time with absolute discretion.

(e) Prohibited Investments -- The following investments shall be prohibited in that no assets from the Fund may be so invested:

- Private placements
- Unregistered or restricted stock
- Options and futures
- Margin trading
- Commodities
- Derivatives

(f) Fixed Income Portfolio -- At least 80% of the fixed income holdings must be of intermediate maturity, high quality, U.S. fixed income securities. The duration band should be 3-6 years. No holding shall constitute more than 8% of the market value of the entire fixed income portfolio. The Fixed Income Portfolio is expected to exceed the rate of return of the Barclays Intermediate Gov't / Credit Index and shall have a rate of return comparable to the top 50% of other funds professionally managed using similar maturity and credit risk restrictions.

(g) Small Capitalization Equity Portfolio -- At least 80% of the equity holdings should have a market capitalization of less than \$1 billion. No holding shall constitute more than 3% at cost or 5% at market of the portfolio. The rate of return of the small equity portfolio shall exceed the rate of return for the Russell 2000 Index and shall have a rate of return comparable to the top 50% of other funds professionally managed for small capitalization equity funds.

(H) Mid Capitalization Equity Portfolio -- At least 80% of the equity holdings in this portfolio should have a market capitalization of \$1 billion but less than \$10 billion. No holding shall constitute more than 4% at cost or 8% at market of the entire mid capitalization equity portfolio. the rate of return of the mid capitalization equity portfolio shall exceed the rate of return for the Russell Midcap Index and shall have a rate of return comparable to the top 50% of other funds professionally managed for mid capitalization equity funds.

(I) Large Capitalization Equity Portfolio -- At least 80% of the equity holdings in this portfolio should have a market capitalization of \$10 billion or greater. No holding shall constitute more than 5% at cost or 10% at market of the entire large capitalization equity portfolio. No more than 20% (at market) of the funds in the large capitalization equity portfolio are to be committed to the equities of companies operating in the same economic sector as defined by Standard & Poor's. The rate of return of the large capitalization equity portfolio shall exceed the rate of return for the S&P 500 Index and shall have a rate of return comparable to the top 50% of other funds professionally managed for large capitalization equity funds.

(J) International Equity Portfolio -- This portfolio shall include securities strictly on a non-U.S. basis. The rate of return of the international equity portfolio shall exceed the EAFE Index (for Europe, Australia and the Far East) and shall have a rate of return comparable to the top 50% of other funds professionally managed for international equity funds.

(K) Real Estate Investment Trusts -- This portfolio shall have a rate of return that exceeds the rate of return of the NAREIT Index.

(L) Target Total Fund Performance -- The total assets in the Defined Benefit Pension Plan shall have the following benchmark and expectations:

Benchmark	Expectation
60% S&P 500, 40% BC Intermediate G/C Consumer Price Index	Exceed Exceed by 4.0 percentage points
Actuarial Rate (7.0%)	Exceed by 1.0 percentage point

Chapter 55
RENTAL LICENSING AND INSPECTION

§ 55-1. Purpose.

§ 55-2. Matters covered.

§ 55-3. Definitions.

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

§ 55-5. Application; forms; fees.

§ 55-6. Temporary certificates; inspections; issuance or denial of license.

§ 55-7. Expiration of license; renewal; reapplication.

§ 55-8. Periodic inspections; time limit for correction of violations; revocation of license.

§ 55-9. Appeals; procedure.

§ 55-10. Display of license required.

§ 55-11. Local agent; service.

§ 55-12. Penalty.

[HISTORY: Adopted 6-6-94, effective 7-1-94.]

REFERENCES

Municipal infractions -- See Chapter 46.

§ 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.

§ 55-2. Matters covered.

(a) The provisions of this chapter shall apply to all single family rental units/dwellings used for human habitation with respect to structure, protection against fire hazard, equipment or maintenance, adequate provisions for light and air, proper heating, and sanitary conditions, and with respect to matters of over-crowding, illegal activities, or factors otherwise deemed to constitute a menace to the safety, health or welfare of the occupants or adjacent property owners, or such conditions, factors, or characteristics that adversely affect public safety, health and welfare and may lead to the continuation, extension, or aggravation of urban blight. Adequate protection of the public, therefore, requires establishment and enforcement of the licensing and inspection of single family rental units/dwellings.

(b) The Housing Code of Prince George's County, Maryland, as compiled and amended from time to time, ("Housing Code") is hereby incorporated by reference in this chapter to the extent it is not inconsistent herewith.

§ 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 1-2-3 range, or related by marriage (Including stepchildren, in-laws, etc.) in the 1-2-3 range constitute relatives the third degree of relationship.

**Table of Consanguinity
Showing Degrees of Relationship**

Owner/Lease	1. Parents	2. Grand Parents	3. Great Grand Parents	4. Great-Great Grand Parents
1. Children	2. Brothers/Sisters	3. Uncles/Aunts	4. Great Uncle/Aunts	5. Great-Grand Uncles/Aunts
2. Grand Children	3. Nephews/Nieces	4. First Cousins	5. First Cousins Once Removed	6. First Cousin Twice Removed
3. Great Grand Children	4. Grand Nephews/Nieces	5. First Cousin Once Removed	6. Second Cousins	7. Second Cousins Once Removed
	5. Great-Grand Nephews/Nieces	6. First Cousins Twice Removed	7. Second Cousins Once Removed	8. Third Cousins
		7. First Cousins Thrice Removed	8. Second Cousins Twice Removed	9. Third Cousins Once Removed
			9. Second Cousins Thrice Removed	10. Third Cousins Twice Removed
				11. Third Cousins 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 subject to the provisions of this chapter.

§ 55-5. Application; forms; fees. [Amended 06.09.03]

(a) Within thirty (30) days after the effective date of this chapter, owners of all existing rental units/dwellings shall make written application to the town for a rental unit/dwelling license upon such form or forms as the town shall, from time to time, designate. All new rentals shall be initiated by application thirty (30) days prior to occupancy. Such application(s) shall be submitted together with the license and inspection fee(s). The initial amount of such fee shall be two hundred dollars (\$200). The amount of such fee may be revised from time to time by the Council in the same manner as an ordinance and shall be posted on the face of the application form.

(b) A late fee of ten dollars (\$10) per day shall be assessed to the applicant for every day that the application is delinquent.

§ 55-6. Temporary certificates; inspections; issuance or denial of license.

(a) Upon receipt of a completed application for a license with tender of the appropriate license and inspection fee for an existing rental unit/dwelling, the town shall issue a temporary certificate indicating that a license has been duly applied for that will be issued or denied

following inspection of the rental unit/dwelling and authorizing continued occupancy of the rental unit/dwelling without penalty pending the issuance or denial of a license.

(b) Upon receipt of a completed application for a license with tender of the appropriate license and inspection fee for a new rental unit/dwelling, the town shall inspect the property within thirty (30) days and issue or deny the license.

(c) An inspection of the rental unit or dwelling shall be conducted by the town's code enforcement officer or by the person(s) or firm so designated by the Mayor and Council, who shall certify that the rental unit or dwelling is in compliance with all applicable provisions of the Prince George's County Housing Code -- specifically, Subtitles 4, Building; 11, Fire Safety; 12, Health; 13, Housing; and 27, Zoning, of Title 17 -- and all applicable provisions of town ordinances. The inspection may, but shall not be required to, include a check of all systems and subsystems in the home for safety and operation. Upon such certification, a rental unit/dwelling license shall be issued. The certification and license shall not be considered under any circumstance a warranty by the town as to the safety or operation of any systems and subsystems. The town may, but shall not be required to, have experts such as engineers or the like check any and all systems or subsystems. The town's inspection may be limited to obvious visible problems and shall not be deemed to include any latent or hidden defects or problems.

(d) Should the inspection reveal violations of any of the provisions set forth in subsection (c), above, then the town shall notify the applicant in writing, specifying each violation and the relevant code section violated. The applicant shall then have not more than fifteen (15) days to initiate correction of the specified violations and not more than sixty (60) days within which to complete correction of the violations, unless otherwise specified. Within such period, the Council shall have the authority to extend the time for correcting such violations at the written request of the applicant upon a showing that a good faith effort has been initiated to correct such violations but that they cannot be corrected within the established period. Permission for such inspections, without the necessity for obtaining any further permission or judicial warrant, is a condition of any license or temporary certificate. Failure, upon reasonable notice, to allow entry for such inspection or to require any tenant or occupant to allow entry for such inspection shall constitute sufficient reason for the denial or revocation of the rental license or temporary certificate and is a violation of this ordinance.

(e) Failure of an applicant to correct all violations within the 60 day period or the time allowed shall result in the application for the license being denied. No further temporary or permanent certificates or licenses shall be issued until all violations have been corrected.

§ 55-7. Expiration of license; renewal; reapplication.

(a) Each license issued pursuant to this chapter shall expire one year from the date of issuance.

(b) Application for the renewal of an existing license shall be made at least thirty (30) days prior to the expiration date and shall be submitted together with the appropriate license and inspection fee. The late fee for applications shall also be applicable to renewals.

(c) Every applicant whose application for a license has been denied or whose license has been revoked may not reapply for the rental unit/dwelling license within ninety (90) days from such denial or revocation.

(d) When reapplying after a denial, a new application shall be submitted together with all applicable fees.

§ 55-8. Periodic inspections; time limit for correction of violations; revocation of license. [Amended 06.09.03]

- (a) Any appointment for inspections which is not kept by the applicant for any reason which is not given to the Town 24 hours prior to the time set for inspection shall be subject to a penalty fee of fifty dollars (\$50). Each additional appointment not kept shall be at a penalty fee of one hundred dollars (\$100)
- (b) The town's code enforcement officer or other designated person(s) or firm shall have the authority to conduct periodic inspections of any licensed property to determine whether it continues to be in compliance with the requirements for a rental unit or dwelling. The licensee as a condition of the license shall allow said inspections to take place at any and all reasonable times and upon reasonable notice, which for purposes of this chapter shall be seventy-two (72) hours as requested by the town. These inspections shall occur prior to the issuance of a license; prior to the renewal of a license; and when violations are reasonably suspected to exist. The procedures set forth in § 55-6(d) shall be followed for compliance.
- (c) The town's code enforcement officer or other designated person(s) or firm shall have the authority to conduct periodic inspections of any licensed property to determine whether it continues to be in compliance with the requirements for a rental unit or dwelling. The licensee as a condition of the license shall allow said inspections to take place at any and all reasonable times and upon reasonable notice, which for purposes of this chapter shall be seventy-two (72) hours as requested by the town. These inspections shall occur prior to the issuance of a license; prior to the renewal of a license; and when violations are reasonably suspected to exist. The procedures set forth in § 55-6(d) shall be followed for compliance.

§ 55-9. Appeals; procedure.

(a) Designation of Housing Review Board. A Housing Review Board is hereby established and designated to hear appeals from the application of this chapter. The Board shall consist of a chairman and two (2) members to be appointed by the Mayor and confirmed by the

Council for two year terms that shall begin on January 1. The terms of the initial members of the board shall begin after confirmation by the Council and shall expire the following January.

(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.

§ 55-10. Display of license required.

The license issued under this chapter shall be prominently and publicly displayed on the premises of the structure or produced on demand of the tenant or prospective tenant and shall be available at reasonable times for inspection by the town's code enforcement officer or such person(s) or firm designated.

§ 55-11. Local agent; service.

(a) Requirement of local agent. The legal owner of record of any rental unit/dwelling required by this chapter to obtain a license shall appoint a local agent for each licensed premises. The local agent shall be over the age of eighteen (18) and reside in the State of Maryland.

(b) Filing of the local agent's name and address. The name and address of the local agent shall be filed in writing during normal business hours with the town administrator upon the issuance of any license herein. The legal owner of record shall notify the town administrator in writing of any changes with respect to the local agent within thirty (30) days of such changes.

(c) Service of complaint for municipal infraction. Notice of a complaint or municipal infraction with respect to premises required to be licensed may be brought by service upon the owner of record of the property or upon the local agent. Service on the owner of the property shall be deemed appropriate if mailed by certified mail, return receipt requested, to the owner at his or her last known address as provided on the license application. In the event that the certified mail is returned unclaimed for any reason, service may be affected by posting the notice on the front door of the premises. Service may also be affected by certified mail, return receipt

requested, to the local agent as designated by the owner. Personal service on either the local agent or the owner shall also be deemed appropriate service.

§ 55-12. Penalty.

(a) It shall be unlawful for any person or persons, firm, or corporation to violate any of these provisions, which are hereby declared by the Council to be municipal infractions, and will be subject to pay a fine of one hundred dollars (\$100) for each offense. Each day that a violation continues after assessment of the initial fine shall constitute a separate or repeat offense. Payment of the fines without correction of violation(s) does not constitute abatement of the violation(s).

(b) For purposes of enforcing this chapter, the town is authorized to exercise all powers available to it under state and county law and the Housing Code to prohibit or prevent occupancy of an unlicensed premises subject to licensing under this chapter for which a temporary certificate has not been issued or has expired, or for which a license has expired or been revoked, including, but not limited to, eviction of the occupants and barring entry by occupants to the unlicensed premise

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Chapter 56
MULTIFAMILY RENTAL LICENSING AND INSPECTION

§ 56-1. Purpose

§ 56-2. Matters covered

§ 56-3. Definitions

§ 56-4. License required prior to occupancy: exceptions

§ 56-5. Application: fees: information

§ 56-6. Temporary certificates: inspection: issuance or denial of license

§ 56-7. Expiration of license: renewal; reapplication

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§ 56-9. Appeals procedure

§ 56-10. Display of license required

§ 56-11. Local agent

§ 56-12. Obligations of owners regarding inspections

§ 56-13. Violations, penalties and enforcement

[HISTORY: Adopted 9-3-02, effective 9-3-02.]

REFERENCES

Municipal Infractions- See Chapter 46

§ 56-1. Purpose

The purpose of this chapter is to protect the health, safety and welfare of 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 fires: for space, use, and location: for safe and sanitary maintenance: and for cooking equipment in all multifamily rental dwellings and units:

- (b) Establishing the responsibilities of owners and occupants of multifamily rental units/dwellings; and
- (c) Providing for administration, enforcement, and penalties.

§ 56-2. Matters Covered.

(a) The provisions of this chapter shall apply to all multifamily rental dwellings and units used for human habitation with respect to structure, protection against fire hazard, equipment or maintenance, adequate provisions for light and air, proper heating, and sanitary conditions, and with respect to matters of sanitary conditions, and with respect to matters of overcrowding, illegal activities, or factors otherwise deemed to constitute a menace to the safety, health, or welfare of the occupants or adjacent property owners, or such conditions, factors, or characteristics that adversely affect public safety, health, and welfare, and may lead to the continuation, extension, or aggravation of urban blight. Adequate protection of the public therefore, requires establishment and enforcement of the licensing and inspection of multifamily rental dwellings and units.

(b) The housing code of Prince George's County, Maryland, as compiled and amended from time to time ("housing code"), is hereby adopted as the housing code for the Town of Riverdale Park and incorporated by reference in this chapter to the extent it is not inconsistent herewith.

§ 56-3. 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" or "Inspector" is the Town's Code Enforcement officer, and other person or persons designated by the Mayor and Council to perform all, or any part of, multifamily dwelling rental inspections in the Town of Riverdale Park.

"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" is any room or group of rooms in a rental dwelling that forms a single habitable unit that is used or intended to be used by one or more occupants for living and sleeping in exchange for the payment of rent or other consideration. For purposes of this chapter, in the case of a rooming house in which rooms are let for rent, but where occupants may share common eating or communal facilities, each room let for rent shall be considered a separate rental unit.

"Rental Dwelling" is a structure that contains more than one rental unit.

"Local Agent" is a Maryland Resident appointed by the owner to supervise and/or care for a rental dwelling and to respond to any violations concerning the rental dwelling and any rental units in the rental dwelling.

§ 56-4. License Required Prior to Occupancy; Exceptions.

(a) The owner of any 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 rental dwelling or any rental unit in the rental dwelling to be occupied without first having obtained a rental license issued under this chapter.

(b) Any rental dwelling containing two (2) or fewer rental units and which is occupied by an owner as that owner's principal place of residence shall be exempt from this chapter.

§ 56-5. Application; Fees; Information. [Revised 5-5-08; effective 5-25-08]

(a) Within sixty (60) days after the enactment of this chapter, the owner of each rental dwelling in the Town shall make written application to the Town for a rental license upon such form or forms as the Town shall designate from time to time. For rental dwellings that come into existence after the enactment of this chapter, the owner of such rental dwellings shall apply for and obtain a rental license before making any rental units in the rental dwelling available for rent. The application shall identify with specificity the rental dwelling and each rental unit within the rental dwelling that is to be included under license. Each application for a rental license shall be submitted, together with the annual rental license fee, a fifty dollar (\$50) application fee, and a statement by the owner of the rental dwelling that, as a condition of issuance of any license or temporary certificate, the owner, on behalf of the owner and behalf of any present or future tenants, grants permission to the Town and the Town's officials, employees and agents to inspect the rental dwelling and each rental unit in the rental dwelling without the necessity of obtaining any further permission or judicial warrant. The owner shall have a continuing obligation to update the information submitted as part of the rental license application and to supply additional information as the Town reasonably may require.

(b) The annual rental license fee for each rental dwelling is an amount equal to one hundred dollars (\$100) multiplied by the number of rental units in the rental dwelling.

(c) The owner of a rental dwelling is liable for the payment of a late fee for every day that an application for a rental license is delinquent. The amount of the late fee is five dollars (\$5) per day multiplied by the number of rental units located in the rental dwelling for which the rental license application is delinquent.

§ 56-6. Temporary Certificates; Inspection; Issuance or Denial of License.

(a) When the Town receives a completed application for a rental license, together with the statement of the owner granting consent to inspection of the rental dwelling and rental units as required by section 56-5(a) of this chapter and the appropriate rental license and application fees, the Town shall issue a temporary certificate indicating that a license has been duly applied for and will be issued or denied after the rental unit has been inspected.

(b) A temporary certificate shall authorize continued occupancy, without penalty, of a rental unit pending the issuance or denial of a license.

(c) Prior to the issuance of a rental license, an inspection of the rental unit shall be conducted by the Code Enforcement Officer. The Code Enforcement Officer shall provide the owner of the rental dwelling with at least three (3) weeks written notice prior to the date of inspection. The purpose of the inspection shall be to determine whether the rental dwelling and each rental unit in the rental dwelling are in compliance with all applicable provisions of the Prince George's County Housing Code (Subtitles 4, building; 11, fire safety; 12, health; 13, housing; and 27, zoning) and the Town of Riverdale Park Code (Chapters 15, building code; and 50, peace and good order). When the inspector certifies that the rental dwelling and each rental unit complies with all of these provisions of law, a rental license shall be issued. The inspection may, but shall not be required to, include a check of all systems and subsystems in the rental dwelling and each rental unit for safety and operation. The certification and issuance of a rental license are not a warranty by the Town as to the safety or operation of any systems and subsystems. The Town's inspection may be limited to obvious visible problems and shall not be deemed to include any latent or hidden defects or problems.

(d) If any inspection reveals violations of any of the codes or ordinances referred to in subsection (c) above, then the code enforcement officer or other person designated shall notify the applicant, in writing, within fifteen (15) days following the inspection, specifying each violation and the corrective action required to remedy the violation. The applicant shall then have a reasonable time, but not more than sixty (60) days, to correct such violations. Within such period the Mayor and Town Council shall then have the authority to extend the time for correcting such violations at the request of the applicant upon showing by the applicant that a good-faith effort has been initiated to correct such violations but that remedial actions cannot be completed within the established period.

(e) Failure of an applicant to correct all the violations within the sixty-day period or time allowed by the Mayor and Council, if it has been extended, shall result in the rental license application being denied. No further temporary or permanent certificates or licenses shall be issued until all violations have been corrected.

(f) The owner's permission for such inspections, without the necessity of obtaining any further permission or judicial warrant, is a condition of any license or temporary certificate. Failure, after reasonable notice, to allow entry for such inspection or to require any tenant or occupant to allow entry for such inspection shall constitute sufficient reason for the denial or revocation of the rental license or temporary certificate and is a violation of this chapter.

§ 56-7. Expiration of License; Renewal; Reapplication.

(a) Each rental license issued pursuant to this chapter shall expire on July 31 of each year. The owner of a rental dwelling may not allow a rental dwelling and all rental units within the rental dwelling to continue to be occupied unless the owner has filed an application for renewal of the rental license.

(b) The application form for renewal of a rental license shall be prescribed by the Town Administrator and shall be substantially similar to the form for an initial rental license.

(c) On or before July 1 of each year, the owner of a rental dwelling shall submit an application to the Town for the renewal of an existing rental license. The completed application form shall be accompanied by the statement of the owner granting consent to inspection of the rental dwelling and rental units as prescribed by 56-5(a) of this chapter and by the annual rental license fee in the amount determined in accordance with §56-5(b) of this chapter. The late fee specified in 56-5(c) of this chapter also shall apply to the application for renewal of a rental license.

(d) After an application for renewal of a rental license, together with the statement of the owner granting consent to inspection of the rental dwelling and rental units prescribed by §56-5 (a) of this chapter and by the annual rental license fee in the amount determined in accordance with §56-5(b) of this chapter, have been filed with the Town, the Town shall process the rental license renewal application and issue the renewal license. The current rental license shall remain in effect until the Town issues a new license.

(e) Every applicant whose application for a license has been denied or whose license has 'been revoked may not reapply for a rental license within sixty (60) days from such denial or revocation.

(f) When an owner applies for a rental license after an application for a rental license has been denied, the application shall be treated as a new application and subject to the provisions of §56-5 of this chapter.

§56-8. Additional Inspections; Time Limit for Correction of Violations; Revocation of License.

(a) After a rental dwelling and the rental units within the rental dwelling have been inspected as required by §56-5 of this chapter and the Town has issued an initial rental license, the code enforcement officer shall inspect such rental dwelling and the rental units within the rental dwelling at not more than two (2) year intervals as long as the rental dwelling remains licensed. The Code Enforcement Officer shall provide the owner of the rental dwelling with at least three (3) weeks written notice prior to the date of inspection. The purpose of this inspection shall be to determine whether the rental dwelling and each rental unit in the rental dwelling continue to be in compliance with all applicable provisions of the Prince George's County Housing Code (Subtitles

4, Building; 11, Fire Safety; 12, Health; 13, Housing; and 27, Zoning) and the Town of Riverdale Park Code (Chapters 15, Building Code; and 50, Peace and Good Order). The inspection may, but shall not be required to, include a check of all systems and subsystems in the rental dwelling and each rental unit for safety and operation. The Town's inspection may be limited to obvious visible problems and shall not be deemed to include any latent or hidden defects or problems.

(b) In addition to the inspection required by subsection (a) of this section, when the Town has a reasonable belief that a violation exists in a rental dwelling or in a rental unit, the Code Enforcement Officer may conduct an inspection of the rental dwelling or rental unit to determine if the dwelling or unit continues to be in compliance with the requirements for the rental license. Such inspections shall take place at any and all reasonable times and upon not less than seventy-two (72) hours notice to the owner of the rental dwelling, except where the Town has reasonable information that a condition exists in a rental unit that may pose an imminent threat to health or safety of persons or property, in which case an inspection may be made with such minimal notice to the owner as may be reasonable under the circumstances.

(c) The owner, as a condition of the rental license, shall allow such inspections as requested by the Town Pursuant to Subsections (a) and (b) of this section.

(d) If the inspector finds violations, the inspector shall notify the license holder, in writing, within fifteen (15) days following the inspection. The notice shall specify each violation and the corrective action required to remedy the violation. The license holder shall then have a reasonable time, but not more than sixty (60) days, to correct such violations, unless otherwise, extended by the Mayor and Council for good cause shown. If the violations are not corrected within the time specified, the Town shall revoke the rental license.

§ 56-9. Appeals Procedure.

(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 facts and decisions. Said decisions may either: reverse, modify or affirm the action taken by the town's code enforcement officer or by the persons(s) or firm designated. The decision of the Housing Board shall be final.

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

§ 56-10. Display of License Required.

Licenses issued under this chapter shall be maintained on the premises of the rental dwelling in which leased rental units located and shall be produced for inspection at reasonable times on demand of a tenant, a prospective tenant, and the Code Enforcement Officer.

§ 56-11. Local Agent.

(a) The owner of any rental unit required by this chapter to censed premises. The local agent shall be at least eighteen (18) years of age and reside in Maryland.

(b) The name and address of the local agent shall be filed in writing with an Application for a rental unit license or renewal of a rental unit license. The name, address and telephone number of the local agent may be changed by the owner of the rental unit by notifying the Town Administrator, in writing within seven (7) days after such change.

(c) To the extent allowed by law, a citation for a municipal infraction for a violation of this chapter with respect to a licensed rental unit may be served on the local agent.

§ 56-12. Obligations of Owners Regarding Inspections.

(a) The Town shall send all notices required by this chapter to the owner of the rental dwelling and to the local agent designated by the owner. All notices shall be hand delivered or sent by United States mail, postage prepaid, return receipt requested, and shall be addressed to the most recent addresses for the owner and local agent on file with the Town.

(b) Although the local agent may act for the owner, the owner of the rental dwelling is responsible for complying with the requirements of this chapter and with any notices issued pursuant to this chapter, and is liable for any violations of this chapter. The local agent is jointly responsible with the owner for complying with the provisions of subsection (c) and (d) of this section, and is liable for any violations of those provisions.

(c) Upon receipt of a notice setting forth the date and time of an inspection of a rental dwelling and or more rental units within the rental dwelling, the owner promptly shall notify all tenants and other occupants of all rental units to be inspected of the date and time of the inspection. The owner also shall notify all such tenants and occupants the Code Enforcement Officer will enter the units for purpose of such inspection and that the owners and occupants must secure all pets and remove any other potential dangers to the Inspector. The owner shall be responsible for ensuring that the Code Enforcement Officer is able to obtain timely and safe access to each unit for purposes of inspection.

(d) The owner or local agent shall accompany the Code Enforcement Officer on each inspection and shall ensure that the Code Enforcement Officer is provided with timely and safe access to each unit for purposes of inspection. The Code Enforcement Officer may, but is not required to, conduct an inspection if the owner or local agent is not present.

§ 56-13. Violations, Penalties and Enforcement.

(a) Any person who violates any provision of the chapter is guilty of a municipal infraction as provided in Chapter 46 of this code. A municipal infraction citation for a violation of this chapter may be issued and served by the Code Enforcement Officer or a sworn Officer of the Riverdale Park Police Department. The fine of any single violation shall be one-hundred dollars (\$ 100), except that the fine for any single initial violation of §56-12 shall be two hundred fifty dollars (\$ 250), and fine for each repeat of the offense shall be two hundred and fifty dollars (\$250). Each day that a violation continues after assessment of any initial fine shall constitute a separate or repeat offense. Payment of the fines without correction of the violation(s) does not constitute abatement of the violation(s).

(b) Any person who knowingly and willfully violates any provisions of this chapter is guilty of a misdemeanor and, upon conviction, is subject to a fine of not more than \$ 1,000 and imprisonment for not more than six (6) months, or both fine and imprisonment.

(c) For purposes of enforcing this chapter, the Town may exercise any and all powers available to it to prohibit or prevent occupancy of an unlicensed premises subject to licensing under this chapter for which a temporary certificate has not been issued or has expired, or for which a license has expired or been revoked. The Town's remedies include, but are not limited to, eviction of the occupants and barring entry by occupants to the unlicensed premises.

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**Chapter 57
STREETS AND SIDEWALKS**

**ARTICLE I
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§ 57-27. Permit required.

§ 57-28. Authority to hire town engineer to supervise or inspect street improvements.

§ 57-29. Engineering fee.

§ 57-30. Penalty for violation.

[HISTORY: Article I adopted 1-20-54, effective 2-1-54; Article II adopted 7-11-49. Amended 3-6-95, effective 3-26-95. Amendment history noted where applicable.]

REFERENCES

Building code, permits -- See Chapter 15.

Fire code, house numbers -- See Chapter 15.

Garbage and refuse -- See Chapter 36.

Municipal infractions -- See Chapter 46.

Utilities -- See Chapter 62.

Walls and fences -- See Chapter 66.

ARTICLE I
General Provisions

§ 57-1. Erection of buildings or obstructions in streets.

It shall be unlawful for any person to erect or maintain any building or obstruction in or upon any street or sidewalk beyond the property line except upon the authorization of the Mayor and Council.

§ 57-2. Depositing or burning refuse on streets.

It shall be unlawful for any person to throw, cast, lay, sweep, deposit, scatter or drop, leave or cause to be thrown, cast, laid, swept, deposited, scattered or dropped or left, any dirt, mud, ashes, filth, sawdust, shavings, hay, nails, glass, straw, offal, leaves, litter, paper, vegetable matter, decayed fruits, fruit skins or putrescible matter of any sort, animal matter, scraps, rubbish, garbage, trees, cinders or other refuse material or any dead animal, or to burn or set fire to any such material or to cause the same to be burned or set fire to, upon any street, alley, sidewalk, gutter, roadway or other public place within the town.

§ 57-3. Obstructing drains.

It shall be unlawful for any person to throw, cast, lay, sweep, deposit, scatter, drop, leave, spill or place any dirt, mud, ashes, filth, sawdust, shavings, hay, straw, offal, leaves, litter, paper, vegetable matter, decayed fruits, fruit skins, tin cans, trash, cinder, rubbish or any material of any kind in or upon any gutter, drain, culvert, stream or passageway provided for the flow of water from, over or under or adjacent to any street, road or alley within the town so as to obstruct any such gutter, culvert, stream, drain or passageway, or so as to prevent or decrease the easy flow of water and other liquid matter along, over, and through such gutter, culvert, stream, drain or passageway.

§ 57-4. Dropping of litter or other material.

It shall be unlawful to cause or permit any earth, clay, dirt, sand, gravel, broken stone, mortar, hay, straw, manure, shavings, sawdust, coal, ashes, paper, rubbish or any loose material of any kind to be scattered, dropped, leaked, spilled or let fall from any cart, wagon, dray, truck or other vehicle in which the same may be carried, upon any of the streets of the town; and this prohibition shall apply to the owner, driver, operator, contractor, manager, agent, foreman, superintendent or person or persons in charge of any such cart, wagon, dray, truck or other vehicle from which any of the materials hereinbefore mentioned shall be scattered, dropped, leaked, spilled or let fall upon any street or roadway.

§ 57-5. Excavated materials.

It shall be unlawful to deposit or permit to be deposited upon any sidewalk, crosswalk, gutter or improved roadway or street within the town any earth, clay, sand, gravel or other excavated material by spilling, dropping or placing the sand thereon or by tracking the same thereon by the wheels of vehicles or feet of animals, either in process of conveying such excavated material from the place where the excavation is being made or in returning from the place where the excavated material shall have been deposited, and this prohibition shall apply to the owner of the land where the excavation is being made, the owner of the land where the excavated material shall have been deposited, every driver, operator, teamster, owner of horses and vehicles, foreman, superintendent, and contractor engaged in making any excavation.

§ 57-6. Daily removal.

Every person having charge of any building or hauling operations, either as owner or contractor, shall remove or cause to be removed, at the expiration of each working day, from the sidewalks, gutters and roadways, all earth, sand, gravel, dirt, mortar, stones, broken brick, shavings, rubbish and all other litter that may have been deposited or accumulated thereon as a result of such building or hauling operations.

§ 57-7. Grease and oil on streets.

It shall be unlawful for any person to pour, spill or permit to drop upon any sidewalk of the town any kerosene, gasoline, benzene or any similar oil or oily substance or liquid, or for any person to drain, flush, deposit or cause to be drained, flushed or deposited any crankcase drainings, oil, gasoline, grease or other automobile refuse or waste into any gutter, sewer, catch basin, ditch or stream, or onto or across any street, alley, sidewalk, drive or parkway.

§ 57-8. Obstructions of public places. [Amended 10-6-08]

- (a) As used in this section, “public place” means any place or space, including, but not limited to, a sidewalk, street, road, or other way, to which the general public has access and a right to use for any lawful purpose. “Public place” is not limited to place devoted to the use by the general public.
- (b) A person may not obstruct any public place so as to hinder or impede the free and uninterrupted passage of vehicular or pedestrian traffic on, in, along or across the public place.
- (c) A person may not commit any act that prevents the free and uninterrupted ingress, egress, and regress in, on, to and from any public place and any lawful activity being conducted in or on the public place.

- (d) A person may not obstruct any sidewalk of the town with merchandise, and each day such obstruction shall be permitted to exist shall constitute a separate offense.
- (e) Whenever any person commits an act that is prohibited by subsections (b) or (c) of this section, a police officer or law enforcement officer shall order that person to cease from committing that act and, where appropriate, to move or remove any prohibited physical obstruction that was placed or created by such person before issuing any citation for municipal infraction.

§ 57-9. Overhanging trees, shrubbery or hedges; trimming at owner's expense; extraordinary conditions. [Amended 2-21-72. Amended 3-6-95.]

(a) No person shall allow any wall, hedge or shrub located on his property, or property of which he has possession, to project therefrom so as to obstruct or cover any part of the sidewalk, or permit any tree or shrub to overhang the sidewalk or street in any manner so as to impede the full and free use thereof by the public.

(b) Trimming at owner's expense. Upon a complaint to the town or upon observation by the town code enforcement officer or the town police that a condition exists prohibited by the preceding subsection, the town shall notify the owner or custodian of the property to remedy the condition within fifteen (15) days after the receipt of such notice. Upon failure to comply, the owner or custodian will be subject to the penalties set forth in § 57-25. In addition, the town may employ a person or persons to do the work, the cost of which shall be assessed against the owner or custodian of the property, such costs to become a lien against the property and collectible as other municipal taxes are collected.

(c) Extraordinary conditions. If the Mayor and Council determine that an extraordinary condition exists and that trees, shrubs, hedges and/or walls are obstructing access to any public way or obstructing the view at street intersections so as to cause a danger to traffic, the owner or custodian of the property will be so informed, and the work of removing said condition must be carried out immediately. If said condition is not rectified in the required time period, the Mayor and Council shall have the right of employing a person or persons to do the work, the cost of which shall be assessed against the owner or custodian of the property. In the event that the owner or custodian cannot be successfully notified of such condition, the Mayor and Council reserve the right to correct such condition, the cost of which shall be assessed against the owner or custodian.

§ 57-10. Grass bordering sidewalks and paths. [Added 10-5-81. Amended 11-7-83. Amended 3-6-95, effective 3-26-95.][Amended 6-7-10, effective 6-27-10]

(a) Every person in charge or control of any building or parcel of land located in the town, fronting or abutting on a public sidewalk, whether as owner, tenant, occupant or otherwise, shall cut and keep trim grass from the edge of the property line to the paved road, whether the land is public or private, and shall not allow any trash, waste material, garbage, offensive dirty

material, weeds, briars, brush and grass to grow more than ten (10) inches tall. Height shall be measured from the ground to the top of vegetation, excluding seed heads; seed heads may be used for determination of height if there are fifty (50) or more seed heads exceeding the height limitation. It shall be unlawful to fail, neglect or refuse to comply with this section.

(b) Violations of subsection (a) of this section are municipal infractions. Violations shall be enforced in the same manner and in accordance with the same procedures, and subject to the same remedies and penalties, as specified in sections 68-2 and 68-3 of this code.

§ 57-11. Swinging gates.

It shall be unlawful for any person, whether the owner or tenant of property, to permit any gate on his property to swing outward on any public road, sidewalk or public passageway within the town.

§ 57-12. Advertising signs and banners.

It shall be unlawful for any sign or board to project over any sidewalk, and no flag, banner or other display shall be stretched across any of the streets of the town without permission of the Mayor and Council.

§ 57-13. Parades.

Any person or organization desiring the use of the streets of the town for any parade, pageant or demonstration shall apply to the Mayor and Council for a permit for such purpose. The Mayor and Council shall have authority to issue such permit, subject to such conditions as may be reasonably necessary to ensure public safety, the prevention of fire hazards and the orderly flow of traffic within the town.

§ 57-14. Use of streets by contractors.

It shall be unlawful for any contractor or any employee of any contractor or any other person to use the streets or sidewalks of the town to store or place materials thereon without the permission of the Mayor and Council to use the street or sidewalk in such manner.

§ 57-15. Sidewalk covers.

Whenever a building immediately abutting on a street shall be constructed, razed or repaired, substantial sidewalk covers shall be erected and maintained during such construction. The covered sidewalk shall be kept unobstructed and clear of rubbish, dirt and snow. Excavation on either side of such sidewalk shall be protected by a tight board fence which shall be maintained as long as any danger exists.

§ 57-16. Protective barricades and lights required, when.

It shall be unlawful to maintain any excavation or obstruction in or along any of the public streets or sidewalks or other public places in the town without properly protecting the same by lights thereon from one (1) hour after sunset until sunrise.

§ 57-17. Extinguishing lights.

It shall be unlawful for any unauthorized person to extinguish or obstruct the light in any public lamp or street light or any red lantern or other light required as a warning of any barricade, excavation or construction work.

§ 57-18. Removal of barricades, unlawful.

Whenever any street is closed or a barricade is placed thereon by order of the Mayor and Council, or by any person or governmental agency with the sanction and approval of the Mayor and Council, it shall be unlawful for any person to remove or attempt to remove such barricade without the written authority of the Mayor and Council.

§ 57-19. Cutting streets and sidewalks.

It shall be unlawful for any person to dig up, cut, break, destroy or in any way injure any sidewalk, curb, gutter or footway or roadway or bridges in any of the streets or other public places of the town, or to make an excavation in any of the streets or other public places of the town or to remove from any of the streets, alleys or other public places of the town, any earth or material without having a lawful permit so to do from the Mayor or the Town Administrator, or on order of the Mayor and Council.

§ 57-20. Cutting curbs. [Amended 2-6-88.]

(a) No person shall cut any curb for private or public driveways without a permit authorized by the Mayor and Council and issued by the town. With each application for such permit, the applicant shall deposit with the town the sum of seventy five dollars (\$75), and upon completion of the work to the satisfaction of the Town Administrator, and upon payment of all costs incurred by the town in connection with said work, the town shall refund to the applicant fifty dollars (\$50) of the above deposit, retaining twenty-five dollars (\$25) as the cost for such permit and inspection. When application for a permit is made for such a project, the work shall be done by the town, unless otherwise ordered, and the cost thereof shall be borne by the property owner or applicant, as the case may be.

(b) Wherever permission is given to cut the curb for a private or public driveway, a suitable apron or approach shall be constructed to the sidewalk, if the curb is not a part of the sidewalk, the cost of which shall be borne by the property owner or applicant for the permit, as the case may be.

(c) Wherever the property owner or applicant does the work personally in connection with any permit issued as aforesaid, such work shall be done only if the permit has been issued in accordance with this section, and under proper supervision of the town.

§ 57-21. Entrances to private property.

No obstruction shall be placed in or across any gutter abutting on any street or alley within the town. Whenever a private driveway or walk is constructed across any such gutter, it shall be built over a drain of not less than eight (8) inches in diameter, inside measurement, and protected at each end by a suitable cement work. Any such drain must be kept free at all times of dirt and rubbish. Before commencing work on such culvert or drain, application must be made to the Town Administrator and a permit shall be issued by the town, provided the work is found to be necessary. No charge shall be made for such permit. Where a permit is issued, the work shall be under the supervision of the town. When the property owner or resident thereof so desires, the necessary work may be performed by the town employees, and upon completion of the work the property owner or resident shall pay to the town the actual cost of the labor or, labor and material, where material was also furnished, as estimated by the town. Wherever a culvert or drain now laid along the gutter of a public street, highway or alley for entrance into private property is of lesser dimensions than set forth in this section, the Mayor and Council may demand of the property owner or resident benefited by such entrance, the enlargement thereof to the dimensions mentioned herein, under the conditions set forth.

§ 57-22. Obstruction of streets by common carriers.

No railroad locomotive, engine or railroad car or train of cars shall encumber or obstruct any sidewalk, crosswalk or street of the town for a period longer than ten (10) minutes. It shall be unlawful for any steam or electric railroad company, whose tracks run across or front on any of the streets of the town, to obstruct any of the said streets with lumber, ties, gates or other material, or to obstruct any of the said streets by the standing of freight trains over the public crossing for a period longer than ten (10) minutes. Each violation of this section shall constitute a separate offense.

§ 57-23. Unauthorized use of street for repairs.

It shall be unlawful for any person to use any street or sidewalk or other public property for carrying on the business of automobile or machinery repairing, but nothing herein shall prevent the making of emergency repairs to stalled or wrecked cars at the place where the stalling or wrecking occurred, provided it shall not unduly interfere with the movement of traffic.

§ 57-24. Snow and ice removal required. [Added 3-6-95, effective 3-26-95.]

Every person, whether as owner, tenant, occupant or otherwise, in charge or control of any building or parcel of land located in the town that fronts or abuts on any public sidewalk shall be required to remove or clear snow or ice that accumulates on any such sidewalk surface within twenty-four (24) hours of the accumulation. It shall be unlawful to fail, neglect or refuse to comply with this section.

§ 57-24.1. Dumpsters and Storage Receptacles on Public Property. [Added 6-4-12, effective 6-24-12]

- a. No dumpster or other receptacle for the storage or transport of construction or other debris, or for the storage of household or other items, shall be installed or placed on any streets, alleys, rights-of-way or other public property, including sidewalks or driveway aprons, without a permit issued by the Town. Permits may be issued for, and expire at the end of, a period of 30 days, at a cost of \$25. A permit may be extended for an additional 60 days at an additional cost of \$50, and thereafter may be extended for good cause shown for an additional 90 days at a further cost of \$75. Permits shall be subject to such further conditions as the Public Works Department may require. Upon a showing of exceptional circumstances, the Town Council, by the affirmative vote of a majority of the entire Council, may authorize a further extension of a permit upon such terms and conditions, and subject to the payment of such additional fee, as may be prescribed by the Council.
- b. The Town shall have the right, upon five days' notice to the owner, to remove any such improper installation or placement. Any dumpster or other receptacle so removed may be disposed of by the Town after 30 days' notice to any known property owner. The property owner shall be charged for such removal and disposal work and services, and the Town of Riverdale Park may collect payment therefor in the same manner as Town taxes. The cost associated with removal and disposal services includes, but is not limited to, all wage and benefit costs for the Town's administrative, public works and police department personnel who rendered such services, charged at such personnels' regular hourly wage and benefit rates.

§ 57-25. Penalties. [Amended 9-13-65. Amended 3-6-95, effective 3-26-95.] [Amended 6-4-12, effective 6-24-12]

Violations of the provisions §§ 57-1 through 57-9 and §§ 57-11 through 57-24.1 are declared to be municipal infractions, the penalty for which shall be one hundred dollars (\$100) for each violation.

ARTICLE II

Street Improvements - Minimum Standards.

[Adopted 7-11-49. Amended in its entirety 3-6-95, effective 3-26-95.]

§ 57-26. Street improvements; minimum standards. [Amended 5-5-14, Effective 6-22-14]

Minimum standards are established for all street improvements, defined as the construction, repair, maintenance, improvement, and opening or closing of cuts in all town streets, which includes streets, curbs, gutters, and sidewalks for all public streets and areas under the jurisdiction of the town. The minimum standards hereby adopted are those required for road and street improvements in Prince George's County, Maryland, as provided in Title 17, the Prince George's County Code, a copy of which specifications are filed with the town.

The minimum standards may be waived for any street or section of street, should a supermajority of five affirmative votes of the Council support the finding that the waiver is necessary or desirable to address extraordinary environmental concerns, to avoid or minimize undue impact on historic preservation, or to address design and traffic safety considerations in the development of new sites in the Mixed-Use Town Center (M-UTC) District.

§ 57-27. Permit required. [Amended 6-7-82.]

It shall be unlawful for any person, defined as any private person, partnership, corporation, contractor, employer, agent, servant or employee, to do any excavating or other work as set forth in § 57-26 of this Article without first obtaining authorization and a permit from the town, the cost for which shall be established by the Mayor and Council from time to time.

§ 57-28. Authority to hire town engineer to supervise or inspect street improvements.

The town is authorized to employ the services of an engineer for purposes of supervising or inspecting all street improvements described in § 57-26 of this Article, and may require as a condition of granting a permit under § 57-27 that all street improvements be subject to the supervision or inspection of the town's engineer.

§ 57-29. Engineering fee.

In making application for authorization and permit as provided in § 57-27, the applicant shall designate whether or not the work will be performed under the supervision of his own engineer. If the applicant has the service of his own engineer, he shall, in addition, pay to the town the sum of three percent (3%) of the total cost of such improvements to cover the expense of inspection of the improvements by the town. If the applicant does not have the services of an engineer, he shall pay to the town the sum of six percent (6%) of the total cost of such improvements to cover the expense of preparing plans and specifications and for supervision and

inspection of the improvements by the town. These requirements may be waived by the Mayor and Council by resolution.

§ 57-30. Penalty for violation.

Any person making street improvements described in § 57-26 without first obtaining the authorization and permit as provided in § 57-27, in violation of the provisions of this article, which is declared to be a misdemeanor, shall, upon conviction thereof, be subject to a fine of not more than one thousand dollars (\$1,000) or imprisonment of not more than six (6) months, or both.

Chapter 58
STREET AND SIDEWALK IMPROVEMENTS:
SPECIAL BENEFITS

§ 58-1. 4801 Rittenhouse Street.

§ 58-2. 5000 Oglethorpe Street.

[HISTORY: Adopted 1-6-75. Amendment history noted where applicable.]

REFERENCES

Streets and sidewalks generally -- See Chapter 57.

§ 58-1. 4801 Rittenhouse Street.

The property at 4801 Rittenhouse Street, Riverdale Park Subdivision, shall be assessed twenty-five percent (25%) of the engineering costs for construction and overhead costs plus such interest and other properly chargeable expenses for the construction of one hundred (100) feet more or less of concrete curbs and gutters along the 48th Street side of the aforesaid property, such payments, plus whatever interest at the current legal rate is necessary, to be in ten (10) equal payments over a period of ten (10) years.

§ 58-2. 5000 Oglethorpe Street. [Added 7-10-78, effective 7-30-78.]

The properties at 6000 Taylor Road being Lots 14, 20, 21 and 22, Block 49, Riverdale Park abutting footage about one hundred eighty-five (185) feet; 5010 Oglethorpe Street being Lot 14A, Block 49, Riverdale Park abutting footage about sixty-four (64) feet; 5012 Oglethorpe Street being south one-half (½) of Lot 15 and part of abandoned street, Block 49, Riverdale Park abutting footage about eighty-five (85) feet; 5020 Oglethorpe Street being Lot 34, Block 49, Riverdale Park, abutting footage about fourteen (14) feet; and 5022 Oglethorpe Street being Lot 18, Block 49, Riverdale Park, abutting footage eighty-two (82) feet shall be assessed twenty-five percent (25%) of the cost of construction and overhead costs plus such interest and other chargeable expenses of the construction of concrete curbs and gutters north side of the 5000 block of Oglethorpe Street. Computation of the proportionate share of the cost for each property shall be based upon the ratio of the abutting footage of the property to total abutting footage of the improvement. Payment of this assessment, plus whatever interest, at the current legal rate is necessary, to be in ten (10) equal payments over a period of ten (10) years, or the total assessment may be paid in full at the time the assessment is levied.

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Chapter 60
TAX ON TANGIBLE PERSONAL PROPERTY

§ 60-1. Tax levied.

§ 60-2. Overdue or delinquent taxes.

[HISTORY: Adopted 4-15-74, effective 4-15-74. Amended 3-6-95.] [Amended 06.09.03]

§ 60-1. Tax levied.

The Mayor and Council shall levy a tax on both domestic and foreign ordinary businesses owning tangible personal property within the Town of Riverdale Park as certified by the State Department of Assessments and Taxation, such tax to be at a rate determined annually by the Mayor and Council, not to exceed 20% of the previous years tax rate.

§ 60-2. Overdue or delinquent taxes. [Amended 3-6-95.]

Overdue or delinquent taxes shall be collected as provided for in §§ 613 and 614 of Article VI the Charter of the Town of Riverdale Park.

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Chapter 61
TELEVISION, CABLE

- § 61-1. Franchise required; penalty.**
- § 61-2. Definitions.**
- § 61-3. Limitations of franchise.**
- § 61-4. Liability and indemnification.**
- § 61-5. Technical requirements and channel capacity.**
- § 61-6. Safety requirements.**
- § 61-7. Service standards; business office; complaints; inspections.**
- § 61-8. Conditions for use of public ways.**
- § 61-9. Indemnity bond.**
- § 61-10. Franchise fee.**
- § 61-11. Acts beneficial to subscribers.**
- § 61-12. Public service requirements.**
- § 61-13. Duration of franchise.**
- § 61-14. Tampering and unauthorized connections.**
- § 61-15. Individual antennas and reception protected.**
- § 61-16. Delegation of powers.**
- § 61-17. Promulgation of rules and regulations.**
- § 61-18. Forfeiture of franchise.**
- § 61-19. Filing fees.**

[HISTORY: Adopted 1-7-80. Subsection designations revised 3-6-95. Amendment history noted where applicable.]

§ 61-1. Franchise required; penalty.

(a) It shall be unlawful for any person to own, operate or solicit subscribers for any cable television system without first having obtained a franchise from the franchise authority.

(b) Violation of this section shall be a misdemeanor and punishable by a fine not to exceed five hundred dollars (\$500) or imprisonment not to exceed ninety (90) days, or both.

§ 61-2. Definitions.

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings herein unless the context clearly indicates that another meaning is intended. When not consistent with the context, words used in the present tense include the future. Words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

"Agency" -- The Town Council or the person, department or agency designated by the Council, by resolution, to act for it in administrative matters relating to cable television.

"Auxiliary services" -- Any communication service in addition to regular subscriber services, including but not limited to pay television, burglar alarm service, data transmission, facsimile service, home shopping service, etc.

"Cable television system" or "CATV system" -- Any facility that, in whole or part, receives directly or indirectly over the air and amplifies or otherwise modifies the signals transmitting programs broadcast by one (1) or more television or radio stations and distributes such signals by wire or cable to subscribing members of the public who pay for such service.

"Channel" -- A band of frequencies six (6) megahertz wide in the electromagnetic spectrum capable of carrying either one (1) audio-visual signal or a few non-video signals or a large number of non-video signals.

"Federal Communications Commission" or "FCC" -- The present federal agency of that name as constituted by the Communications Act of 1934 or any successor agency created by the United States Congress.

"Franchise" -- An authorization granted by the town which permits construction, operation and maintenance of a cable television system within the franchise area under terms not inconsistent with this chapter.

"Franchise area" -- That portion of the franchise entity for which a franchise is granted under the authority of this chapter. The "franchise area" may or may not be coterminous with the franchise entity.

"Franchise authority" -- The governing body of the franchise entity.

"Franchise entity" -- The Town of Riverdale Park, Maryland, as presently constituted and including any area henceforth added thereto during the terms of any franchise granted hereunder.

"Grantee" -- Any entity, its successors, heirs or assigns who shall be awarded a franchise in accordance with the provisions of this chapter.

"Gross revenues" -- Revenues derived directly or indirectly by a grantee from both regular subscriber service and auxiliary services.

"Gross subscriber revenues" -- Those revenues derived directly or indirectly by a grantee from the supplying of regular subscriber service, that is, the installation fees, disconnect and reconnect fees and fees for regular cable benefits, including the transmission of broadcast signals and access and origination channels if utilized. It does not include revenues derived from auxiliary services or from any taxes, whether or not passed on to users, per-program or per-channel charges, leased channel revenues, advertising revenues or any other income derived from the system.

"Major stockholder" -- A beneficial owner, directly or indirectly, of ten percent (10%) or more of the issued and outstanding voting stock of any corporation.

"Persons" -- Any people, firms, corporations, associations or other legally recognized entities.

"Public way" -- The surface of and the space above and below any public street, avenue, highway, boulevard, concourse, driveway, bridge, tunnel, park, parkway, waterway, dock, bulkhead, wharf, pier, alley, right-of-way, public utility easement and any other public ground or water subject to the jurisdiction and control of the franchise entity.

"Regular subscriber service" -- That service regularly provided to all subscribers. It includes all broadcast signal carriage and Federal Communications Commission-required access channel carriage, including origination programming. It does not include specialized programming for which a pre-channel charge is made.

"Subscriber" -- Any person receiving regular subscriber service.

§ 61-3. Limitations of franchise.

(a) The franchise granted under this chapter shall be nonexclusive, and nothing herein shall be construed to prevent the franchise authority from granting identical or similar franchises to more than one (1) person within all or any portion of the franchise entity.

(b) Any grantee shall, at all times during the life of this franchise, be subject to the lawful exercise of the franchise entity's police power and such reasonable regulations as the franchise authority may subsequently promulgate thereunder. Nothing contained in this ordinance shall be deemed to prohibit in any way the right of the Council to levy nondiscriminatory occupational license taxes on any activity conducted by the grantee.

(c) All privileges prescribed by this chapter shall be subordinate to any prior lawful occupancy of the public streets, and the franchise authority reserves the right to reasonably designate where a grantee's facilities are to be placed within the public ways.

(d) The franchise shall be a privilege which is personal to the original grantee. It shall not be sold, transferred, leased, assigned or disposed of, in whole or in part, either by sale, merger, consolidation or otherwise, without prior consent of the franchise authority expressed by resolution, and then only under such conditions as may therein be prescribed. Any such proposed transfer or assignment shall be made only by an instrument in writing, which shall include an acceptance of all terms and conditions of the franchise by the transferee, a duly executed copy of which shall be filed with the agency within thirty (30) days after any such transfer or assignment.

(e) The granting of any franchise shall be based upon the franchise authority's judgement as to whether it will serve the public's interest, the applicant's construction, technical and financial plans and arrangements and the benefits to the welfare and safety of the town and its citizens. Such judgement shall be discretionary, and no provision of this chapter shall require the granting of a franchise.

(f) Nothing herein shall be deemed to in any way impair or affect the right of the town to acquire the property of the grantee, either by purchase or through the exercise of the right of eminent domain, at a price reflective of its fair market value as an ongoing concern, and nothing herein shall be construed to constitute a waiver or bar to the exercise of any governmental right or power of the town.

§ 61-4. Liability and indemnification.

(a) The grantee shall pay, and by its acceptance of a franchise specially agrees to pay, any and all damages or penalties which the town may be legally required to pay as a result of the grantee's installation, operation or maintenance of a franchise cable television system under this chapter, whether or not the acts or omissions complained of are authorized, allowed or prohibited by the town.

(b) The grantee shall also pay all expenses incurred by the town in defending itself with regard to any and all damages and penalties mentioned in subsection (a) above. These expenses shall include all out-of-pocket expenses, including reasonable attorney's fees and the reasonable value of services rendered by any employee of the town.

(c) The grantee shall maintain, throughout the term of the franchise, liability insurance insuring the town and the grantee with regard to all damages mentioned in subsection (a) above, set forth in the franchise.

§ 61-5. Technical requirements and channel capacity.

Any CATV system to be constructed by a grantee shall be installed, maintained and operated at all times in full compliance with the technical and channel capacity standards of the Federal Communications Commission. The results of annual performance tests conducted in accordance with section 76.601 (c), Federal Communications Commission Rules (or such other section of the rules as shall incorporate its substance), shall be retained for at least five (5) years and be available for inspection by the town.

§ 61-6. Safety requirements.

The grantee shall at all times:

(a) Install and maintain its wires, cables, fixtures and other equipment in accordance with the requirements of the town and county building, electrical, fire, health and plumbing codes and in such manner that they will not interfere with any installations of the town.

(b) Keep and maintain in a safe, suitable and substantial condition and in good order and repair, all structures, lines, equipment and public ways or places of the town, wherever situated or located.

§ 61-7. Service standards; business office; complaints; inspections.

Throughout the life of its franchise, a grantee shall:

(a) Maintain all parts of its system in good condition and in accordance with standards generally observed by the cable television industry. Sufficient employees shall be retained to provide safe, adequate and prompt service for all of its facilities.

(b) Maintain a conveniently located business office and service center to which subscribers may telephone without incurring added message units or toll charges. This office shall be open during all usual business hours and be so operated that complaints and requests for repairs or adjustments may be received by telephone at any time when any television signals are being broadcast.

(c) Dispatch personnel to investigate all service complaints and equipment malfunctions within twenty-four (24) hours and strive to resolve such complaints as promptly as possible. Planned interruption of service shall be only for good cause. Insofar as possible, planned service interruptions shall be preceded by notice, be of brief duration and occur during minimum viewing hours.

(d) Maintain a complete list of all complaints received, and the measures taken to resolve them, in a form to be approved by agency. This list shall be available to the agency upon request.

(e) Permit the agency to inspect and test the system's technical equipment and facilities upon reasonable [twelve (12) to twenty-four (24) hours'] notice.

§ 61-8. Conditions for use of public ways.

(a) Any pavements, sidewalks, curbing or other paved area taken up or any excavations made by a grantee shall be done under the supervision and direction of the agency under permits issued for work by the proper officials of the town and shall be done in such manner as to give the least inconvenience to the inhabitants of the town. The grantee shall, at its own cost and expense and in a manner approved by the agency, replace and restore any such pavements, sidewalks, curbing or other paved areas in as good a condition as before the work involving such disturbance was done and shall also make and keep full and complete plats, maps and records showing the exact locations of its facilities located within the public streets, ways and easements of the franchise entity. These maps shall be available for inspection at any time during business hours by the agency.

(b) The grantee shall, at its expense, protect, support, temporarily disconnect, relocate or remove any of its property when required by the town by reason of traffic conditions, public safety, road construction, change of street grade or installation of sewers, drains, water pipes, power lines, signal lines, tracks or any other type of municipal improvement.

(c) The grantee shall, on the request of any person holding a building moving permit issued by the town, temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal or raising or lowering of wires shall be paid by the person requesting same, and the grantee shall have the authority to require such payment in advance. The grantee shall be given no less than forty-eight (48) hours' advance notice to arrange for such temporary wire changes.

(d) The grantee shall have authority to trim the trees upon and overhanging the public street so as to prevent the branches of such trees from coming in contact with the wires and cables of the grantee, except that, at the option of the town, such trimming may be done by it or under its supervision and direction at the expense of the grantee.

(e) In all sections of the franchise area where the cable, wires or other similar facilities of public utilities are placed underground, the grantee shall place its cables, wires or other like facilities underground to the maximum extent that existing technology reasonably permits.

§ 61-9. Indemnity bond.

Concurrently with the acceptance of its franchise, a grantee shall file with the town a bond with an acceptance surety in an amount designated by the town to indemnify the town against any losses it may suffer in the event that the grantee fails to comply with one (1) or more of the provisions of its franchise. Said bond shall be obtained at the sole expense of the grantee and remain in effect for the full term of the franchise or any renewal thereof, plus an additional six (6) months thereafter.

§ 61-10. Franchise fee.

The town shall be entitled to collect a franchise fee in such amount as may be from time to time established by the Council for each franchise granted.

§ 61-11. Acts beneficial to subscribers.

The town shall be empowered to include as part of any franchise such terms and conditions as it deems beneficial to the subscribers in the franchise area, including the regulation of rates charged to such subscribers.

§ 61-12. Public service requirements.

A grantee shall:

(a) Provide at least one (1) service outlet to all municipal facilities, libraries and schools within its franchise area at no cost to the town, library or schools involved.

(b) Make its facilities immediately available to the town upon request during the course of any emergency or disaster.

§ 61-13. Duration of franchise. [Amended 8-1-94.]

The council shall establish the duration of each franchise granted under this ordinance and the terms and conditions for any renewal thereof. Upon the written request of a franchisee and the furnishing of information in support of such request as being in the best interest of subscribers, the Council shall have the power to extend an existing franchise for a period of time less than that of the franchise as originally granted.

§ 61-14. Tampering and unauthorized connections.

It shall be unlawful for any person to make or use any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of a franchised cable television system within the town for the purpose of enabling himself or others to receive any television signal, radio signal, picture, program or sound without authorization of the grantee or owner of said system.

§ 61-15. Individual antennas and reception protected.

This ordinance shall not prohibit the erection or continued use of individual television antennas nor require any person to receive cable television service or connect with a cable television system.

§ 61-16. Delegation of powers.

The Council shall have the right to delegate any right, benefit, duty, obligation or power under this chapter to the agency or any employee, officer or department of the town.

§ 61-17. Promulgation of rules and regulations.

The Council shall have the authority to promulgate such rules and regulations as are necessary to implement, administer and enforce this chapter and any franchise granted hereunder.

§ 61-18. Forfeiture of franchise.

In addition to the rights and powers pertaining to the town contained in any franchise, the town shall have the right to terminate and cancel a franchise if the grantee refuses to obey any duly promulgated rule, order or promulgation of the Council or agency made pursuant to a franchise, becomes insolvent, unable or unwilling to pay its debts or is adjudged a bankrupt or attempts to evade any of the provisions of a franchise or practices any fraud or deceit upon the town; provided, however, that before any franchise may be terminated or canceled under this section, the grantee shall be entitled to a hearing before the Council.

§61-19. Filing Fees. [Amended 11-6-06]

A. To be acceptable for filling, any application of the type listed below submitted after the effective date of this chapter shall be accompanied by a non-refundable filing fee of five thousand dollars (5,000), payable to the Town of Riverdale Park to cover costs incidental to the awarded or enforcement of the franchise, as appropriate:

- 1) Application for an initial franchise or for issuance of an RFP.
- 2) Application for renewal of a franchise.
- 3) Application for modification or franchise agreement.
- 4) Application for approval of a transfer.

B. To the extent consistent with applicable law:

- 1) The city may required the franchisee or: where applicable, a transferor or transferee to reimburse the town for its reasonable out-of-pocket expenses in considering the application, including consultants' fees.
- 2) No payments made hereunder shall be considered a franchise fee, but fall within one or more of the exceptions in 47 U.S.C. §542(g) (2).

**Chapter 62
UTILITIES**

§ 62-1. Permission required.

§ 62-2. Restoration of streets.

§ 62-3. When a nuisance; authority to abate.

§ 62-4. Gas, sewer, water installation.

§ 62-5. Penalties

[HISTORY: Adopted 1-20-54; effective 2-1-54. Amended 3-6-95. Amendment history noted where applicable.]

§ 62-1. Permission required.

No poles, posts, cables, wire and overhead apparatus, conduits, ducts, mains, pipes, manholes or other apparatus or means for the transmission of electricity, gas, telegraph, oil, gasoline, and other fuel and lighting lines of any kind shall be laid, erected or constructed without a permit from the Mayor and Council, and upon such terms and conditions as the Mayor and Council shall from time to time establish, including notice to all affected parties.

§ 62-2. Restoration of streets. [Amended 9-13-65.]

It shall be a condition of the issuance of any permit that the person, firm, association or corporation applying for such permit shall and must agree to indemnify the town from any and all damages that may arise in the prosecution of the work for which such permit shall be given, and the streets and roadways shall and must be restored to the same or better condition existing before the beginning of such work, at the cost and expense of the holder of any such permit.

§ 62-3. When a nuisance; authority to abate.

Any posts, pole or poles, cable or cables, wire or wires of overhead apparatus, conduit or conduits, duct or ducts, main or mains, pipe or pipes, manhole or manholes, or other apparatus whether along, in or upon, over or under any street or sidewalk, roadway or other public space hereafter erected, laid or constructed or maintained without such permit and without full compliance with the terms and conditions upon which such permit shall be issued, shall constitute a nuisance and may be abated by the town at the cost of the person or persons, firm,

association or corporation erecting, laying, constructing or maintaining the same, and in addition thereto may be punished or fined as provided in this Code.

§ 62-4. Gas, sewer, water installation. [Amended 3-6-95.]

It shall be unlawful to install or maintain any water, sewage or gas service, or any pipe, fitting, accessory, equipment or attachment using the service, except in conformity with the applicable state and county laws, regulations, and standards relating thereto.

§ 62-5. Penalties. [Amended 3-6-95, effective 3-26-95.]

Violations of the provisions of this chapter are misdemeanors and, upon conviction thereof, violators shall be subject to a fine of not more than one thousand dollars (\$1,000) or by imprisonment in such place of confinement as may be provided by law, not exceeding six (6) months, or by both fine and imprisonment in the discretion of the court hearing the case. Imprisonment in default of fine and costs shall be regulated by Section 4 of Article 38 of the Code of Public General Laws of Maryland, 1957 Edition, and any amendments thereof.

Chapter 64
VEHICLES AND TRAFFIC

- § 64-1. Definitions.**
- § 64-2. Enforcement.**
- § 64-3. Official signs.**
- § 64-4. Vehicles to be licensed; fire lanes and ceremonial routes.**
- § 64-5. Trucks over five tons' gross weight.**
- § 64-6. Stopping prohibited in specified places.**
- § 64-7. Blocking or obstruction of fire department vehicle bays.**
- § 64-8. Right-side parallel parking.**
- § 64-9. Double Parking.**
- § 64-10. Limitations on parking or standing in specified places.**
- § 64-10.1 Parking on Unpaved and Unprepared Surfaces. [Added 7-1-00]**
- § 64-11. Overtime parking.**
- § 64-12. Limitations on parking or standing of certain vehicles on streets or highways.**
- § 64-13. Parking permit areas.**
- § 64-14. Parking meters.**
- § 64-15. Removal and impounding of unattended vehicles.**
- § 64-16. Junked motor vehicles.**
- § 64-17. Violations and penalties. [Revision 10-7-96][subsection (b) stricken and replaced 11-4-96]**
- § 64-18. Payment of fines; penalty for late payment. [(c) added 6-11-01.]**
- § 64-19. Snow Emergencies [Added 11-4-96]**

§ 64-20. School Zone Speed Monitoring Systems Authorized. [Added 10-25-09]

[HISTORY: Adopted 2-12-62. Amended and revised in its entirety 3-6-95, effective 3-26-95.

Amendment history noted where applicable. Amended by adding section 64-10.1 7-1-00. Amended by adding section 64-18 (c) 6-11-01.]]

§ 64-1. Definitions.

For purposes of this chapter, the terms used herein are defined as follows:

"Vehicle" -- Any device in, upon or by which any person or property may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

"Motor vehicle" -- Any vehicle that is self-propelled.

"Parking lot" -- Any parking space or facility that is attached to a retail commercial center, multiple family dwelling facility, apartment house or apartment complex unit that contains greater than three (3) parking spaces.

Definitions of other the terms used in this chapter shall be found in the Maryland Vehicle Laws, as amended and supplemented from time to time, and shall be made a part of this chapter as though written herein.

§ 64-2. Enforcement.

The Town of Riverdale Park's Code Enforcement Officer and/or Police Department shall be responsible for enforcement of the provisions of Chapter 64.

§ 64-3. Official signs.

The signs referred to in this chapter, when authorized by the Mayor and Common Council of Riverdale Park, shall be deemed sufficient when in connection with the inscription thereon there shall appear the words, "Mayor and Council," "Police Department" or other language indicating that it is officially authorized.

§ 64-4. Vehicles to be licensed; fire lanes and ceremonial routes.

- (a) No vehicle shall remain on or be operated upon any street, alley or public way in the Town of Riverdale Park, unless such vehicle bears the appropriate license for the current year if such license be required by the state, county or municipal law.

(b) No vehicle shall be operated within any fire line established by the Fire Department, or in or upon any street, alley or public way or portion thereof from which traffic is excluded by the Mayor and Council for public ceremonies or because of a public emergency. The Police Department is authorized and directed to enforce such temporary traffic regulations.

§ 64-5. Trucks over five tons' gross weight. [Added 4-3-72.]

No vehicle in excess of five (5) tons' gross weight shall be operated on or in any town street where said town street has been posted by a sign: "No Trucks [or Vehicles] Over 5 Tons' Gross Weight."

§ 64-6. Stopping prohibited in specified places.

No vehicle shall be stopped in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the instructions of a police officer, an official traffic sign or a traffic light:

- (a) Within a street intersection.
- (b) On a crosswalk.
- (c) On a sidewalk space.
- (d) Alongside or opposite any street excavation or obstruction, when such stopping would impede traffic.
- (e) On any bridge or approach thereto.
- (f) On any streetcar or railroad track.

§ 64-7. Blocking or obstruction of fire department vehicle bays. [Added 2-3-92.]

No vehicle is permitted to block or obstruct the entrances and exits to and from the fire department vehicle bays at any time. To "block" or "obstruct" for purposes of this ordinance shall mean stopping, standing, pausing, or delaying a vehicle anywhere within the area marked by signs and/or yellow stripes on the street in front of the fire department's vehicle bays' doors so that the offending vehicle cannot be removed immediately from the area to permit immediate exit or entrance of any fire department vehicles. Violation of this section is a municipal infraction and the penalty for each violation shall be fifty dollars (\$50).

§ 64-8. Right-side parallel parking.

All motor or horse-drawn vehicles on any two-way street within the town shall, when not in motion, be parked or left standing on the right-hand side of the street parallel to and not more than twelve (12) inches from the right-hand curb or curbline of the street, except during an emergency or while actually loading or unloading passengers or merchandise.

§ 64-9. Double Parking.

Double parking on any street is prohibited, except that a vehicle may stop as near as practicable to parked vehicles only long enough to expeditiously load or unload passengers if no curb space is available within a reasonable distance, provided that such vehicle while so stopped will not unreasonably impede traffic or endanger public safety.

§ 64-10. Limitations on parking or standing in specified places. [Amended 4-3-72. Subsections (c) through (l) added 2-4-80. §64-10 amended 10-1-01. Other amendments noted where applicable.]

It shall be unlawful to park or leave standing any vehicle in any of the following circumstances:

- (a) Within three (3) feet of the front or rear of another vehicle parked on any street.
- (b) Within three (3) feet of the exit of, or the entrance to, any alley or driveway without the consent of the owner.
- (c) Where a sign prohibits parking.
- (d) In a loading or unloading zone.
- (e) Within twenty-five (25) feet of a stop sign.
- (f) Within twenty-five (25) feet of any intersecting street.
- (g) Within ten (10) feet of a fire plug.
- (h) On any street or public space for making repairs, except in minor cases.
- (i) Within twenty (20) feet of either side of a bus stop.
- (j) With respect to any commercial vehicles, on any street or public space unless loading or unloading.
- (k) Parking or leaving unattended any gasoline truck or other combustibles conveyance.

(l) Next to a yellow curb.

(m) In a designated handicap parking space without displaying the official Maryland vehicle handicap tag or handicap placard. **[Added 3-1-82.]**

(n) In a driveway or on driveway aprons so that the vehicle blocks or overhangs a sidewalk thus obstructing free pedestrian passage. **[Added 6-7-82.]**

(o) Upon, over or beyond the curb, within the public right-of-way. **[Added 8-2-82.]**

(p) Within twenty-five (25) feet of parking lot entrances and exits. **[Added 10-1-01.]**

§ 64-10.1. Parking on Unpaved and Unprepared Surfaces. [Added 7-1-00][Amended 10-2-08, effective 10-22-08]

(a) Definitions: The following words shall have the following definitions for purposes of this section.

"Prepared Surface" shall mean any surface covered by asphalt, concrete, brick, block, gravel, crushed stone or other similar permeable or semi-permeable aggregated material on the area which the tires of a vehicle rest or traverse.

"Unprepared Surface" shall mean any surface that is not a prepared surface.

"Vehicles" shall mean any vehicle that requires registration by the Maryland Motor Vehicle Authority to operate on the state roads of Maryland, including, but not limited to trucks, automobiles, boats, trailers, motor homes, and camping vehicles.

"Front building line" shall mean the point of the residential structure on a residential property that is closest to the public road on which the property has its street address. It shall be calculated by drawing a straight line at ninety (90) degree angle from the portion of the public road on which the property has its street address to the part of the residential structure that is the closest to the public road.

(b) General Rule: It shall be unlawful to park any vehicle on residential property on an unprepared surface.

(c) Exceptions: Nothing in this section shall be deemed enforceable (i) during the period of a snow emergency and (ii) during the period of the activity of moving, construction, or yard maintenance.

(d) Enforcement: Any code enforcement official or police officer shall have the authority under this section of the Code. Said individuals shall have the authority to enter upon private property in the Town of Riverdale Park in order to place a "48 Hour Warning Notice" on

a vehicle parked in violation of this section. This forty-eight (48) hour period of compliance shall be as a one-time event per subject vehicle. If the subject vehicle is not removed from the unprepared or unpaved surface or brought into compliance within forty-eight (48) hours from the placement of the "48 Hour Warning Notice," the code enforcement official or police officer shall be empowered to impound the vehicle. The vehicle owner shall be liable for all towing, storage, preservation, and/or charges relating to the disposition of the vehicle.

The Code Enforcement Supervisor, or his/her designee shall have the authority to extend the forty-eight (48) hour period for a period not to exceed thirty (30) days, upon receipt of a written statement from the vehicle owner or residential property owner setting forth the reasons for requesting such an extension.

The Mayor and Council shall have the authority to extend the forty-eight (48) hour period fro any definite period of time in excess of the original thirty (30) day extension, upon receipt of a written statement from the vehicle owner or residential property owner setting forth the reasons for requesting such an extension.

(e) Penalty: Violation of this section shall be deemed a municipal infraction punishable by a fine of \$50 and may also subject property [owner/lawful resident] to impoundment of the vehicle in violation, or both. Each seven (7) day period in which the vehicle is in violation shall constitute a separate infraction.

(f) Effective date: July 1, 2000.

§ 64-11. Overtime parking.

(a) At any point on a street where an official sign designates a time limit for parking, no vehicle shall be left standing or remain parked in excess of the period of time so designated.

(b) No person shall park or leave standing any vehicle on any street for more than forty-eight (48) consecutive hours, Sundays and holidays excepted; provided, however, that this subsection shall not apply to an owner/occupant who otherwise legally parks his vehicle on streets abutting his property. **[Amended effective 10-22-89.]**

(c) In a parking meter zone during hours of its operation, no vehicle shall be left standing or remain parked in excess of the period of time designated. **[Added 8-2-82.]**

§ 64-12. Limitations on parking or standing of certain vehicles on streets or highways. **[Added 4-3-72. Amended 10-2-78.] [Amended 7-24-06]**

It shall be unlawful to park or leave standing on the streets, highways, and public spaces of the town any truck, truck-tractor, trailer or semi tractor-trailer, including but not limited to travel trailers, camping trailers, tractor trailers, or any combination of motor vehicles with one (1) or more vehicles propelled or pushed as a unit, mobile homes, special mobile equipment

including but not limited to tractors, construction or maintenance machinery, ditch-digging apparatus and concrete mixers, buses and school buses, and boat trailers except that exception may be made for trucks parked or left standing temporarily in the transaction of some business enterprise by permission of the Mayor and Council for good cause shown. This section shall not apply to any vehicle that is of a type to any vehicle that is of a type capable of being registered under Maryland law as a Class A (passenger) vehicle or as a Class E (truck) and the manufacturer's rated capacity is $\frac{3}{4}$ ton or less and the maximum gross vehicle weight is 7,000 pounds or less

§ 64-13. Parking permit areas. [Added 1-7-80. Amended 10-2-89.][Amended 4-2-12, effective 4-22-12]

(a) Designation. The Mayor and Council may, by resolution, designate sections of the town to be permit parking areas. Any such resolution shall be initiated only upon consultation with the affected residents and is subject to public hearing. On-street parking in such areas shall be restricted to those vehicles displaying a proper parking permit, in general from 7:00 a.m. to 6:00 p.m. (excluding Saturdays, Sundays and legal holidays) unless specified otherwise by the signs posted in a designated area.

(b) Permits.

(1) Permanent resident permits. These permits can be obtained at the Town Office for a fee of twenty-five dollars (\$25) per permit upon presentation of vehicle registration and proof of residency in the parking permit area. Permanent resident permits are valid for two years and are nontransferable. A permanent resident permit may be renewed for successive two-year periods. The Town Council, by resolution, may limit the number of permanent resident permits issued for each residence in a permit area. Permit stickers must be attached to the back of the inside rearview mirror.

(2) Guest permits. Residents can obtain up to two (2) permits for use by their guests. Guest permits are designated to a certain residence and must be turned in to the Town Office if the resident moves. There is no fee for guest permits.

(3) Temporary permits. Permits for other than residents and their guests will be granted only on a case-by-case basis by the Town Administrator, subject to review by the Mayor and Council. Such permits will be considered on a temporary basis only, and a time period will be defined. There is no fee for temporary permits.

(4) The Town Administrator shall administer the parking permit program and may promulgate reasonable procedures and forms for this purpose.

(c) Penalty. Any permit not used appropriately is null and void, and a vehicle displaying such permit will be subject to a parking violation ticket.

§ 64-14. Parking meters. [Added 4-4-83.]

(a) Designation. The Mayor and Council may, by resolution, designate certain sections of the town to have parking meters installed.

(b) Rates. The Mayor and Council shall establish, by resolution at any regular Council meeting, the rates for such metered parking areas as well as hours of operation.

(c) Penalties. Vehicles parking in areas with meters indicating violation or expired time shall be subject to a penalty of ten dollars (\$10) to be paid on or before fifteen (15) days after issuance of the parking violation ticket. Tickets paid after fifteen (15) but less than thirty (30) days shall be doubled in cost to twenty dollars (\$20) Tickets paid after thirty (30) days shall be thirty dollars (\$30).

§ 64-15. Removal and impounding of unattended vehicles. [Amended 4-3-72.]

If any vehicle is left unattended upon any public road, highway, alley or parking lot in violation of any law, ordinance or order regarding the parking of vehicles, or if any vehicle is left unattended upon any road, highway, alley or parking lot for an unreasonable length of time so as to impede the movement of traffic or constitute a threat to public safety, the Police Department shall have authority to impound and remove such vehicle and charge the owner thereof the costs of towing, storage and any other charges incurred in connection therewith. No vehicle so impounded for a parking violation shall be released until all applicable costs, charges, and fines have been paid.

§ 64-16. Junked motor vehicles. [Added 3-6-95, effective 3-26-95.]

(a) Definitions. "Junked motor vehicle" means any motor vehicle that is in wrecked, dismantled or partially dismantled condition, or from which the wheels, engine, transmission, or any substantial parts thereof have been removed, or which for any reason is incapable of operation on its own power, or is unlicensed or bearing expired license tags.

(b) It shall be unlawful for any person to junk any motor vehicle at any place within the town, nor shall any owner or lessee permit any junked motor vehicle to remain on property within the town except in an enclosed garage.

(c) Exempt properties. Properties exempt from this section are licensed motor vehicle dealers, motor vehicle mechanical or body repair facilities, and towing storage compounds. Such vehicles must be stored on the licensed property.

(d) Notice of intent to impound. The Code Enforcement Officer or his designee may impound a junked motor vehicle after first attaching a notice on the presumed junked vehicle that shall state, in part, "This vehicle is presumed junked. If not removed within seventy-two (72) hours of the date of this notice, this vehicle shall be impounded and sent to a scrap processor."

(e) Authority to grant extension. The Code Enforcement Officer or his designee shall have the authority to grant an extension of the seventy-two (72) hour limit for a period not to

exceed an additional seven (7) calendar days. Upon receipt of a written statement prior to completion of the extension already granted, setting forth the reasons necessitating additional time beyond the fourteen (14) day period, the Council shall have the right to extend the seven day period for any definite time.

(f) Notice to property owner of completed impoundment

(1) Within twenty-four (24) hours after impoundment of any vehicle pursuant to this section, the town Code Enforcement Officer shall send by registered or certified mail a notice to the last known registered owner of the vehicle and/or the property owner of record from which the vehicle was removed.

(2) The notice shall contain the following:

(A) A statement as to the reason why the vehicle has been impounded;

(B) The year, make and model and vehicle identification number (VIN) of the vehicle as available;

(C) The location of the impounding facility where the vehicle is being held; and

(D) A statement that the owner has the right to reclaim the vehicle upon payment of all towing, storage, and other charges, penalties, and fines relating to the disposition of the vehicle. No vehicle so impounded shall be released until all applicable costs, charges, and fines have been paid.

(g) Removal of junked motor vehicles. Whenever any person fails to comply with the requirements of this section within thirty (30) days of the notice of impoundment, the cost of removal and storage of the junked motor vehicle, as well as any reasonable administrative and legal costs, shall be chargeable. Any costs and expenses incurred shall constitute a lien on the property from which the junked motor vehicle was removed if not paid within thirty (30) days of notice of impoundment.

(h) It shall be unlawful for any person or persons, firm or corporation to violate any of the provisions of this section, which violations are declared to be municipal infractions and for which the penalty for each violation shall be one hundred dollars (\$100). Each day a violation continues after initial notice shall constitute a separate or repeat offense.

(i) Nothing in this section shall be construed as limiting the authority of the town to further regulate parking, vehicles or traffic.

§ 64-17. Violations and penalties. [Added 3-1-82. Amended 7-1-85. Amended 3-6-95, effective 3-26-95.] [Revision adopted 10-7-96][subsection (b) stricken and replaced 11/4/96] [Amended 4-2-12, effective 4-22-12]

(a) Violations of §§ 64-4 through 64-10(k) (except § 64-7) and §§ 64-10(n) through 64-13 are declared to be municipal infractions, for which the penalty for each violation shall be fifty dollars (\$50).

(b) Violations of §§ 64-10(l-m) and 64-19 are declared to be municipal infractions, for which the penalty for each violation shall be two hundred dollars (\$250).

§ 64-18. Payment of fines; penalty for late payment. [Added 9-7-82.]

If a person elects to stand trial for a violation under Chapter 64, the request for a trial date must be made in writing to the Police Department no later than ten (10) days from issuance of the citation. If no such request is received within the stated ten (10) days, the following shall apply:

(a) Any person issued a citation for violation of any section of this chapter shall pay the fine imposed as a penalty for violation of that section at the Police Department within fifteen (15) days from the date of notice of violation.

(b) Any person who fails to pay a required fine within fifteen (15) days of the date of notice of violation shall pay at the Police Department:

(1) Twice the amount of the fine if paid after fifteen (15) days but not more than thirty (30) days after the notice of violation; or

(2) Three (3) times the amount of the fine if paid more than thirty (30) days after the date of notice of violation.

(c) If a vehicle is observed in Town and the vehicle has two or more parking violations that are outstanding for more than thirty (30) days, the vehicle may be impounded at the discretion of the officer. The vehicle will not be released until all fines and fees have been paid. **[Added 6-11-01.]**

§ 64-19 Snow Emergencies [added 11-4-96]

(a) The Town Council is authorized to adopt special parking restrictions which shall be in effect during any time that a snow emergency condition exists. For purposes of this section, a "snow emergency condition" shall be considered in effect within the Town of Riverdale Park whenever a snow emergency is declared in effect in Prince George's County by the Prince George's County Executive, the Maryland State Highway Administration or the Maryland State Police.

(b) During any period in which a snow emergency condition exists and a snow emergency is in effect, it shall be unlawful to park any vehicle on any part of any street designated as a snow emergency street, provided that signs have been erected on that street giving notice that such street is a designated snow emergency street.

(c) During any period in which a snow emergency condition is in effect, it shall be unlawful to park any vehicle on the odd-numbered side of any public street in the Town of Riverdale Park regardless of whether such street has been designated a snow emergency street. Streets with parking restricted on one side are exempt from this section.

(d) Any vehicle parked in violation of the snow emergency provisions of the section may be removed and impounded by or under the direction of any duly-authorized police officer. The owner of said vehicle, in addition to any towing or impound fee, shall be liable for a fine of \$250.

§ 64-20 School Zone Speed Monitoring Systems Authorized.[Added 10-5-09, effective 10-25-09; amended 4-5-10, effective 4-25-10]

(A) Terms used in this section that are defined in Transportation Article, § 21-809, of the Maryland Annotated Code, as amended from time to time, shall have the same meanings in this section.

(B) The Town may use a speed monitoring system to monitor and enforce speed limit restrictions, including the issuance of citations, within the school zones designated in subsection (e) of this section. The locations in school zones within which speed monitoring systems are used from time to time shall be determined by the Town's Chief of Police.

(C) The Town shall use speed monitoring systems for the monitoring and enforcement of speed limit restrictions in accordance with the requirements set forth in Transportation Article, § 21-809, of the Maryland Annotated Code, as amended from time to time, and other applicable law.

(D) The Town may contract with a speed monitoring system operator to operate a speed monitoring system in the town in accordance with the requirements set forth in Transportation Article, § 21-809, of the Maryland Annotated Code, as amended from time to time, and other applicable law.

(E) The following school zones are established within the Town of Riverdale Park pursuant to Transportation Article, § 21-803.1, of the Maryland Annotated Code:

(1) Riverdale Elementary School zone. the limits of this school zone, and the maximum speed limits within this zone, are as follows:

a. State Highway 410 (East West Highway) eastbound from Beale Circle east to State Highway 201 (Kenilworth Avenue), maximum speed set at 35 miles per hour.

b. State Highway 410 (East West Highway) westbound from State Highway 201 (Kenilworth Avenue) to 46th Avenue, maximum speed set at 35 miles per hour.

c. Taylor Road from Longfellow Street to Tuckerman Street, maximum speed set at 25 miles per hour.

d. Riverdale Road from 54th Avenue to Lafayette Avenue, maximum speed set at 20 miles per hour.

e. Queensbury Road from the Town's Public Works facility to Lafayette Avenue, maximum speed set at 25 miles per hour.

(2) Parkdale High School zone. The limits of this school zone, and the maximum speed limits within this zone, are as follows:

a. Good Luck Road eastbound and westbound from approximately 500 feet east of State Highway 201 (Kenilworth Avenue) to approximately 100 feet west of Crest Park Drive, maximum speed set at 35 miles per hour.

(3) De Matha Catholic High School zone. The limits of this school zone and the maximum speed limits within this zone, are as follows:

A. Federal Highway 1 (Baltimore Avenue) northbound from approximately 100 feet south of Madison Street to Sheridan Street, maximum speed set at 30 miles per hour.

B. Federal Highway 1 (Baltimore Avenue) southbound from state highway 410 (East West Highway) to approximately 100 feet north of Oliver Street, maximum speed set at 30 miles per hour.

(4) Saint Bernard's Elementary School zone. The limits of this school zone and the maximum speed limits within this zone, are as follows:

A. Riverdale Road from State Highway 201 (Kenilworth Avenue) to State Highway 410 (East West Highway), maximum speed set at 25 miles per hour.

B. State Highway 410 (East West Highway) eastbound and westbound from the Anacostia River northeast branch bridge to Riverdale Road, maximum speed set at 35 miles per hour.

C. State Highway 201 (Kenilworth Avenue) northbound and southbound from Carters Lane to River Road, maximum speed set at 35 miles per hour.

(5) William Wirt Middle School zone. The limits of this school zone and the maximum speed limits within this zone, are as follows:

State Highway 201 (Kenilworth Avenue) northbound and southbound from River Road to Good Luck Road, maximum speed set at 35 miles per hour.

Chapter 66
WALLS, FENCES AND HEDGES

§ 66-1. Height of walls and fences.

§ 66-1.1 Prohibited Fences.

§ 66-2. Height of hedges and shrubbery.

§ 66-3. Procedure for removal.

§ 66-4. Planting of hedges.

§ 66-5. Retaining walls.

§ 66-6. Violations and penalties.

[HISTORY: Adopted 2-21-72, effective 3-13-72. Amended 12-7-98, effective 12-27-98. Amended 12-7-98. Effective 12-27-98. Amendment history noted where applicable.]

§ 66-1. Height of walls and fences. [Amended 12-1-14, effective 12-21-14.]

(a) It shall be unlawful for any person to erect any wall or fence, or combination of wall and fence, in excess of four (4) feet in height, measured from the surface of the finished grade, around or on any property within the town without first obtaining a permit from the Mayor and Council.

(b) A permit may be granted for any deviation from such height as a special exception by the Mayor and Council if the fence is located to the rear of the building line, or if it is an ornamental iron fence or such that would enhance the beauty of the property. The Mayor and Council may require as a condition of granting a special exception that any such proposed fence having a more finished face on one side be so erected that the more finished face is outward when viewed from the surrounding properties. **[Amended 3-6-95, effective 3-26-95.]**

§ 66-1.1 Prohibited Fences. [Adopted 12-7-98, effective 12-27-98. Amended 3-4-14, effective 3-24-14]

(a) Purpose. It is the intent and purpose of this section to protect the health, safety, morals and general welfare of the Town of Riverdale Park and its residents by generally restricting the placement of certain types of fences on residential and commercial lots. Such restrictions shall, among other things: prevent the obstruction or reduction by made-made

structures of visibility at corners and intersections for drivers and pedestrians; add to the attractiveness of the community; create a better home environment; preserve an area generally regarded by the public as pleasing to the eye; and preserve, improve and protect the general character of the lands within the Town and improvements thereon.

(b) Rule of Construction. In applying the fence restrictions contained in this section, the term “front yard” shall mean the property between the front building line and the public street on which the property is located. The term “corner lot” shall mean any property that abuts two adjacent public rights of way.

(c) Front Yard Fences. Except as otherwise provided, all metal fences are prohibited between the front building line of property and other adjacent property, dwelling, publicly dedicated street, private street or parking area.

(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.

(e) Permitted Front Yard Fences. Fences that otherwise meet all design and construction specifications of the building codes of the Town of Riverdale Park and Prince George’s County, Maryland, as well as the Ordinance Code of the Town of Riverdale Park shall be permitted as front yard fences so long as they are not constructed of chain-link.

(f) Corner Lots- Special Rule of Construction. For any property deemed to be a corner lot under this section, in addition to other proscriptions of the section, no chain-link fence may be erected along the side yard that abuts a public right of way.

(g) Chain-Link Fence Defined. For purposes of this section, “chain-link fence” shall be defined as a fence made from wire helically wound and interwoven in such manner as to provide a continuous mesh without knots or ties, except in the form of knuckling or of twisting the ends of the wires to form the selvages of the fabric, as well as all posts, clamps, and other accessories necessary for the stable construction of the chain-link fabric into a fence.

(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.

§ 66-2. Height of hedges and shrubbery.

(a) It shall be unlawful for the owner or occupant of any premises within the town to permit any hedge or shrubbery within three (3) feet of any public sidewalk or public path to grow to a height of more than three (3) feet, measured from the surface of the sidewalk grade or path.

(b) On any corner lot in any residential zone, there shall be no fence, hedge, wall, terrace, structure, shrubbery, planting or other obstruction to vision having a height greater than three (3) feet above the curb level for a distance of twenty-five (25) feet from the intersection of the front and side street lines.

§ 66-3. Procedure for removal.

Whenever any hedge or shrubbery is found to be higher than is permitted by the preceding section, the town shall mail or cause to be delivered to the owner or occupant of such premises a written notice of the violation, requiring the owner or occupant of the premises to comply with the preceding section within ten (10) days from the date of service of the notice, and if the same be not corrected to conform to this chapter within the time specified in the notice, the person responsible for the condition of the property shall be cited for a violation of this chapter; provided, however, that if any person interested in the property feels aggrieved by the application of this provision to his particular case, he may appeal, at any time before expiration of the notice, to the Mayor and Council where he shall be given a hearing. If the Mayor and Council find that an exceptional condition exists which would make the application of this provision as to height unreasonable in the particular case, and that permitting the greater height would result in no traffic or other hazard to the public, then the Mayor and Council may determine what is a reasonable height for the particular location under the circumstances, and such person shall, from and after the expiration of three (3) days from the time of such determination, not permit such hedge, fence or shrubbery to be or grow to a height greater than that determined.

§ 66-4. Planting of hedges.

All hedges or shrubbery shall be planted sufficiently back of the property line so that when grown to three (3) feet and trimmed they shall not extend over the sidewalk

§ 66-5. Retaining walls.

All retaining walls constructed along a sidewalk shall require a building or construction permit.

§ 66-6. Violations and penalties. [Amended 3-6-95, effective 6-26-95.]Violations of the provisions of this chapter are declared to be municipal infractions, the penalty for which shall be one hundred dollars (\$100) for each offense. Each day that a violation continues after initial notice shall constitute a separate offense.

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.

§ 67-7. Stop Orders.

§ 67-8. Reserved.

§ 67-9. Reserved.

§ 67-10. Violations and penalties.

§ 67-1. Adoption of standards by reference. [Revised 4-7-08; effective 4-28-08]

(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 any code enforcement officer **or building inspector** of the Town.

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

§ 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 occupants 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. 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, **unsanitary** 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. **The Board shall maintain minutes and records of 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 on/ or about the structure affected by such notice.

(d) 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.

§ 67-7. Stop Orders. [Revised 4-7-08; effective 4-28-08]

(a) 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 any Code Officer, or Building Inspector or Police 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 chapter 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).

(b) 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.

(c) 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 Housing Review Board per § 67-5.

§ 67-8. Reserved.

§ 67-9. Reserved.

§ 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 (\$100.00), with the fine for each repeat of that offense shall be two hundred dollars (\$200.00)

(b) The fine for any single initial violation of **Section 67-7** 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.

Chapter 68
WEEDS

§ 68-1. Control of weeds.

§ 68-2. Cutting of weeds at owner's cost.

§ 68-3. Penalties.

[HISTORY: Adopted 1-20-54, effective 2-1-54. Amended 3-6-95, effective 3-26-95. Amendment History noted where applicable.]

§ 68-1. Control of weeds. [Amended 11-7-83.][Amended 6-7-10, effective 6-27-10]

No owner or occupant of property within the town shall permit weeds, grass or thickets to grow upon his property more than **ten** seven (7) inches tall so as to constitute a menace to health or an obstruction to the free passage of persons using the sidewalk contiguous thereto. Height shall be measured from the ground to the top of vegetation, excluding seed heads; seed heads may be used for determination of height if there are fifty (50) or more seed heads exceeding the height limitation.

§ 68-2. Cutting weeds at owner's expense. [Amended 10-2-89.][Amended 9-18-03][Amended 10-6-08][Amended 6-7-10, effective 6-27-10]

Upon complaint or observation that a condition exists prohibited by § 68-1, the Town of Riverdale Park, through its Code Enforcement or Police Department shall notify the owner of the property in writing to remedy the condition within seven (7) days after receipt of such notice and that, if the owner fails to do so, the Town may employ persons to have the work done at the cost and expense of the owner, which cost and expense may be a lien against the property. Upon failure to comply with such notice, the Town may employ persons to have the work done, who shall have the right to enter the premises for that purpose.

The cost thereof shall be billed by the Town against the owner of the property. Failure to remit payment within (30) thirty-days shall be a recorded as a lien against the property.

§ 68-3. Penalties. [Amended 9-13-65. Amended 3-6-95, effective 3-26-95.][Amended 6-7-10, effective 6-27-10]

Violations of the provisions of this chapter are declared to be municipal infractions. In addition to the remedy in §68-2, any police officer or code enforcement officer of the Town may issue the owner a municipal infraction citation for a municipal infraction for each violation. The penalty for a municipal infraction shall be one hundred dollars (\$100) for each offense. For a first

offense, a citation for a municipal infraction may not be issued unless the owner has failed to remedy the condition within seven (7) days after receipt of notice as provided in § 68-2. For any subsequent offense in a calendar year, police officer or code enforcement officer of the Town may issue a citation for a municipal infraction without prior notice to the owner and without issuing a notice to remedy the condition under § 68-2.

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Chapter 69
URBAN RENEWAL/ REDEVELOPMENT

§ 69-1. Definitions.

The following terms wherever used or referred to in this article shall have the following meanings, unless a different meaning is clearly indicated by the context:

“Federal Government” shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

“Slum area” shall mean any area where dwellings predominate, which, by reason of depreciation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitary facilities, or any combination of these factors, are detrimental to the public safety, health, or welfare.

“Blighted area” shall mean area which a majority of buildings have declined in productivity by reason of obsolescence, depreciation, or other causes to an extent they no longer justify fundamental repairs and adequate maintenance.

“Urban renewal project” shall mean undertakings and activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan. Such undertakings and activities may include:

- (1) Acquisition of a slum area or blighted area or portion thereof;
- (2) Demolition and removal of buildings and improvements;
- (3) Installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the urban renewal area the urban renewal objectives of this article in accordance with the urban renewal plan;
- (4) Disposition of any property acquired in the urban renewal area including sale, initial leasing or retention by the municipality itself, at its fair value for uses in accordance with the urban renewal plan;
- (5) Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the Urban renewal plan;

(6) Acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, eliminate obsolete to remove other uses determinable to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; and

(7) The preservation, improvement, or embellishment of historic structures or monuments.

“Urban renewal area” shall mean all property within the corporate limits of the Town of Riverdale Park, Maryland, which the Town hereby so designates because of combinations of slum and blighted areas within the municipality that the Town designates as appropriate for an urban renewal projects.

“Urban renewal plan” shall mean a plan, as it exists from time to time for an urban renewal project, which plan shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum density, and building requirements.

“Bonds” shall mean any bonds (including refunding bonds), notes, interim certificates, and certificates of indebtedness, debentures or other obligations.

“Person” shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and shall include any trustee, receiver assignee, or other person acting in similar representative capacity.

“Municipality” or “Town” shall mean the Town of Riverdale Park, a municipal corporation of the State of Maryland.

§ 69-2. Powers.

The municipality is hereby authorized and empowered to carry out urban renewal projects which shall be limited to slum clearance in slum or blighted areas and redevelopment or the rehabilitation of slum or blighted areas and redevelopment or the rehabilitation of slum or blighted areas; to acquire in connection with such projects, within the corporate limits of the municipality, land and property of every kind and any right, interest, franchise, easement or privilege therein, including land or property of every kind and any right, interest therein already devoted to public use, by purchase, lease, gift, condemnation or any other legal means; to sell, lease, convey, transfer or otherwise dispose of any said land or property, regardless of whether or not it has been developed, redeveloped, altered, or improved, and irrespective of the manner or

means in or by which it may have been acquired, to any private, public or quasi-public corporation, partnership, association, person, or other legal entity.

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Chapter 70
URBAN RENEWAL PROJECTS

§70-1. Urban Renewal Project One.

[History: Adopted 12-7-98; effective 12-17-98]

§70-1. Urban Renewal Project One.

(a) The property known as Lots 21 and 22, Block 34, Riverdale Park Subdivision (hereinafter "the property") is hereby declared an urban blight pursuant to Chapter 69 of the Ordinance Code of the Town of Riverdale Park.

(b) The property (1) has deteriorated to the extent as to constitute a serious and growing menace public health, safety, and welfare of the residents of Riverdale Park, (2) is likely to continue to deteriorate unless an urban renewal project is initiated, (3) if allowed to continue deteriorating will contribute to the blighting or deterioration of the area immediately surrounding it, an area more commonly referred to as the "town center," and (4) has had an owner who has failed to correct the deterioration of the property, and the present owner is unlikely or unable to correct conditions at the property.

(c) The present owner of the property is the United States Bankruptcy Court. The property was previously owned by Old-line Management, Inc. prior to the initiation of the bankruptcy proceedings.

(d) The Town hereby declares that the area containing Lots 21 and 22, Block 34, Riverdale Park Subdivision is subject to an urban renewal project that is initiated by the Town following a full hearing on this matter as prescribed by Section 69-5 (d) of the Ordinance Code of Riverdale Park, and after adoption of this ordinance by the Town Council.

(e) Urban renewal project. Pursuant to all authority vested in the Town through Chapter 69 of the Ordinance Code of Riverdale Park; the Town hereby declares the initiation of an urban renewal project for Lots 21 and 22, Block 34, Riverdale Park Subdivision. The Town may use any and all powers vested in it pursuant to Chapter 69, including purchase of the property at fair market value, redevelopment and transfer of rights in the property

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Chapter 71
TAX ON OPERATING PROPERTIES

§71-1. Tax Levied.

§71-2. Overdue and delinquent taxes

[History: Adopted 6-9-03; effective 6-9-03]

§71-1. Tax Levied.

The Mayor and Council shall levy a tax on all corporations owning operating property within the Town of Riverdale Park as certified by the State Department of Assessments and Taxations. Such tax levy to be at a rate determined annually by the Town.

§71-2. Overdue and delinquent taxes

Overdue or delinquent taxes shall be collected as provided for in §613 and §614 of Article VI the Charter of the Town of Riverdale Park.

Chapter 72
RIVERDALE PARK MIXED USE TOWN CENTER LOCAL DESIGN REVIEW
COMMITTEE

§ 72-1. Committee membership.

§ 72-2. Selection.

§ 72-3. Term of membership.

§ 72-4. Vacancy.

§ 72-5. Design review process.

[History: Adopted 2-2-04, effective 2-2-04]

§ 72-1. Committee Membership.

A Seven Member Committee shall be composed of six core members, consisting of:

(1) Two Municipal Government Representatives

(2) Two Residents

(3) Two Business and/or Property Owner in the Town Center one of the six core members shall be required to have design expertise in a related field such as architecture, landscape architecture, or urban design.

(4) A seventh member having certain technical of design expertise, in a related field such planning, local history, architecture, landscape architecture, real estate, education, law, finance or the building trades.

§ 72-2. Selection.

(1) The Town of Riverdale Park Shall advertise in the Town Crier to solicit interested “applicants for service on the committee.

(2) The Mayor shall submit recommended members of the committee to the Council for approval.

(3) Upon approval by the Council the recommended list of committee members shall be forwarded to the Planning Board for final approval, as well a recommended Chairperson of the committee,

§ 72-3. Term of Membership.

(1) One of each type of Core Members shall serve a one year term.

(2) One of each type of core members along with the seventh member of the committee shall serve two year terms.

§ 72-4. Vacancy.

(1) In the event a vacancy occurs on the committee a recommend replacement shall be forwarded to the Planning Board as soon as possible by the Town of Riverdale.

§ 72-5. Design Review Process.

(1) Building permit application process and special permit application process shall be as described in the application zoning ordinance.