

**BOARD OF COMMISSIONERS
FOR THE
TOWN OF UPPER MARLBORO**

ORDINANCE: 2024-04
SESSION: Regular Town Meeting
INTRODUCED: _____, 2024
DATE ENACTED: _____, 2024
EFFECTIVE DATE: _____, 2024

AN ORDINANCE OF THE BOARD OF COMMISSIONERS FOR THE TOWN OF UPPER MARLBORO TO REPEAL ORDINANCES _____, _____, _____, TO INCLUDE ALL ORDINANCES PREVIOUSLY ENACTED RELATING TO PROPERTY MAINTENANCE STANDARDS IN THE TOWN OF UPPER MARLBORO, AND TO ENACT THIS ORDINANCE, ORDINANCE 2024-04 ADOPTING PROPERTY MAINTENANCE STANDARDS FOR THE TOWN OF UPPER MARLBORO

WHEREAS, MD Code Ann, Local Gov't, § 5-202 authorizes the legislative body of a municipality to adopt ordinances to protect and preserve the municipality's rights, property and privileges and to protect the health, comfort and convenience of the residents of the municipality; and

WHEREAS, MD Code Ann., Public Safety, § 12-203 "Minimum Livability Code," requires each political subdivision to adopt by regulation a local housing code that sets minimum maintenance standards for housing in the subdivision;and

WHEREAS, pursuant to this authority, the Board of Commissioners for the Town of Upper Marlboro enacted various property maintenance standards for the Town ; and

WHEREAS, the Board of Commissioners for the Town of Upper Marlboro has determined it to be in the best interest of the residents of the Town of Upper Marlboro to adopt the same property maintenance standards as Prince George's County to facilitate the County's assistance with Code enforcement issues.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS FOR THE TOWN OF UPPER MARLBORO, STATE OF MARYLAND, DOES ORDAIN AND ENACT a Building and Property Maintenance Code to read as follows:

BUILDING AND PROPERTY MAINTENANCE CODE

ARTICLE I. BUILDING CODE

CAPITALS : Indicate matter to be added to existing law

§ 1. ADMINISTRATION.

THIS ARTICLE SHALL BE ADMINISTERED AND ENFORCED BY A CODE OFFICIAL, AS DEFINED IN OTHER SECTIONS OF THIS CODE OR OTHER TOWN OFFICIALS AND EMPLOYEES AS DESIGNATED BY THE TOWN MANAGER.

§ 2. APPLICABILITY OF AND COMPLIANCE WITH COUNTY BUILDING CODE.

THE BUILDING CODE FOR PRINCE GEORGE'S COUNTY, SUBTITLE 4, DIVISION 1, OF THE CODE OF PRINCE GEORGE'S COUNTY, MARYLAND, AS AMENDED FROM TIME TO TIME, SHALL BE THE BUILDING FOR THE TOWN.

§ 3. TOWN BUILDING PERMIT REQUIRED.

THE TOWN REQUIRES A TOWN BUILDING PERMIT AT ALL TIMES THAT PRINCE GEORGE'S COUNTY REQUIRES A COUNTY BUILDING PERMIT. 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.

§ 4. APPLICABILITY OF AND COMPLIANCE WITH CHAPTER.

IN ADDITION TO COMPLYING WITH § 3, A PERSON MAY NOT ERECT, CONSTRUCT, 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 ARTICLE AND WITH A BUILDING PERMIT FROM THE TOWN ISSUED UNDER THIS ARTICLE.

§ 5. PERMIT APPLICATIONS.

(A) AFTER A BUILDING PERMIT FOR PROPOSED WORK HAS BEEN ISSUED BY PRINCE GEORGE'S COUNTY, AN OWNER OF A PROPERTY, OR THE OWNER'S AUTHORIZED AGENT, SHALL APPLY FOR A TOWN BUILDING PERMIT BY SUBMITTING AN APPLICATION UPON FORMS FURNISHED BY THE TOWN. EACH APPLICATION SHALL BE SIGNED UNDER PENALTY OF PERJURY 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 PRINCE GEORGE'S COUNTY PERMIT APPLICATION, BUILDING PERMIT ISSUED BY PRINCE GEORGE'S COUNTY, AN ELECTRONIC AND/OR PHYSICAL 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 THE TOWN OF UPPER MARLBORO. THE TOWN MAY WAIVE THE SUBMITTAL OF ALL OR PORTIONS OF OTHER PLANS AND SPECIFICATIONS ON A CASE-BY-CASE BASIS WHEN THE TOWN 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, PLANS AND ACCOMPANYING MATERIALS. THE TOWN'S REVIEW OF THE APPLICATION SHALL FOCUS ON THE COMPLETENESS AND ACCURACY OF THE APPLICATION AND ACCOMPANYING MATERIALS, WHETHER THE TOWN CONCURS WITH PRINCE GEORGE'S COUNTY'S APPROVAL OF THE COUNTY BUILDING PERMIT, AND WHETHER THERE ANY TOWN-SPECIFIC REQUIREMENTS THAT MUST BE ADDRESSED.

§ 6. ACTION ON PERMIT APPLICATIONS.

(A) THE TOWN SHALL REVIEW EACH APPLICATION FOR A TOWN BUILDING PERMIT. AFTER REVIEW OF AN APPLICATION, THE TOWN SHALL NOTIFY THE APPLICANT IN WRITING THAT:

- (1) THE APPLICATION IS APPROVED AND AVAILABLE FOR ISSUANCE UPON PAYMENT OF THE APPLICABLE PERMIT FEE; OR**
- (2) THE TOWN IS WITHHOLDING APPROVAL OF THE APPLICATION UNTIL THE APPLICANT SUBMITS ADDITIONAL REQUIRED DOCUMENTATION TO THE TOWN; OR**
- (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; OR**
- (4) THE APPLICATION HAS BEEN APPROVED WITH CONDITIONS OR RESTRICTIONS; OR**
- (5) THE APPLICATION HAS BEEN DENIED AND THE REASONS FOR THE DENIAL.**

§ 7. PERMIT ISSUANCE OR DENIAL.

THE TOWN SHALL ISSUE A PERMIT AFTER THE TOWN 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, PROVIDED THAT ALL DELINQUENT FEES AND FINES OWED TO THE TOWN RELATED TO THE PREMISES ARE PAID IN FULL.

§ 8. PERMIT FEES.

THERE SHALL BE A PERMIT APPLICATION FEE SUBMITTED WITH EACH BUILDING PERMIT APPLICATION. THE FEE SHALL BE ESTABLISHED BY THE BOARD OF COMMISSIONERS BY RESOLUTION

§ 9. PERMIT TO BE KEPT POSTED ON PREMISES.

A TOWN BUILDING PERMIT SHALL BE KEPT CONSPICUOUSLY DISPLAYED AT A LOCATION VISIBLE FROM THE STREET ON THE PREMISES ON WHICH THE WORK AUTHORIZED BY PERMIT IS BEING PERFORMED UNTIL THE WORK HAS BEEN COMPLETED.

§ 10. PERMIT EXPIRATION.

A TOWN BUILDING PERMIT SHALL BE VALID FOR SIX (6) MONTHS, STARTING

FROM THE DATE CONSTRUCTION BEGINS AND/OR PURSUANT TO THE CONDITIONS OUTLINED IN THE CORRESPONDING PRINCE GEORGE'S COUNTY BUILDING PERMIT.

§ 11. PERMITTED CONSTRUCTION HOURS.

AUTHORIZED CONSTRUCTION HOURS FOR WORK CONDUCTED UNDER A TOWN BUILDING PERMIT ARE FROM 8 A.M. TO 7 P.M., MONDAYS THROUGH FRIDAYS AND FROM 9 A.M. TO 5 P.M. SATURDAYS AND SUNDAYS, EXCLUDING LEGAL HOLIDAYS. EXCEPTIONS TO THIS REQUIREMENT MAY BE GRANTED BY THE TOWN IN WRITING UPON APPLICATION ON A FORM PROVIDED BY THE TOWN AND UPON A SHOWING OF GOOD CAUSE.

§ 12. TOWN INSPECTIONS.

(A) THE TOWN PERIODICALLY MAY INSPECT ALL WORK SITES FOR WHICH THE TOWN ISSUED A BUILDING PERMIT. THE PURPOSE OF THE TOWN'S INSPECTIONS IS TO DETERMINE WHETHER A VIOLATION OF THE COUNTY BUILDING CODE MAY EXIST, THE TOWN SHALL PROMPTLY NOTIFY APPROPRIATE PRINCE GEORGE'S COUNTY AUTHORITIES FOR SUCH AUTHORITIES TO TAKE SUCH ACTION AS MAY BE DEEMED 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 AND WHETHER THE CONDITIONS ARE IN VIOLATION OF ANY OTHER PROVISIONS OF THIS CODE.

§ 13. STOP WORK ORDERS.

(A) WHENEVER ANY WORK IS BEING DONE IN VIOLATION OF TOWN ORDINANCE OR CODE PROVISION, WITHOUT A REQUIRED TOWN BUILDING PERMIT OR IN VARIANCE WITH THE TERMS OF ANY TOWN BUILDING PERMIT ISSUED FOR THE WORK, A CODE OFFICIAL 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). A CODE OFFICIAL SHALL POST A COPY OF A WRITTEN "STOP WORK" ORDER ON THE PREMISES OR SITE TO WHICH THE ORDER APPLIES. THE POSTED ORDER SHALL NOT BE REMOVED UNTIL THE TOWN HAS LIFTED IT.

(B) A "STOP WORK" ORDER ISSUED BY PRINCE GEORGE'S COUNTY SHALL BE TREATED AS A STOP WORK ORDER ISSUED BY THE TOWN.

§ 14. PENALTIES AND ENFORCEMENT.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, VIOLATIONS OF THIS ARTICLE AND ANY TOWN BUILDING PERMIT ISSUED UNDER THIS ARTICLE 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 § 15-13 SHALL BE SUBJECT TO A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS (\$1,000).

(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.

§ 15 - § 19. RESERVED

ARTICLE II. PROPERTY MAINTENANCE STANDARDS

§ 20. ADOPTION OF PROPERTY MAINTENANCE STANDARDS BY REFERENCE

SUBTITLE 13, HOUSING AND PROPERTY STANDARDS, OF THE PRINCE GEORGE'S COUNTY CODE ("SUBTITLE 13"), DIVISION I "HOUSING CODE" AND DIVISION 7 "PROPERTY STANDARDS AND MAINTENANCE," AS THEY MAY FROM TIME TO TIME BE AMENDED, ARE HEREBY ADOPTED BY THE TOWN AS THE HOUSING AND PROPERTY STANDARDS CODE OF THE TOWN OF UPPER MARLBORO, MARYLAND, AS IF SET OUT IN FULL HEREIN. ALL OF THE POWERS, RIGHTS AND REQUIREMENTS OF COMPLIANCE IN SUBTITLE 13, DIVISIONS 1 AND 7 NOT IN CONFLICT WITH TOWN CHARTER, THIS CODE, OR TOWN REGULATIONS, MAY BE EXERCISED BY THE TOWN. 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. IN THE EVENT OF A CONFLICT BETWEEN SUBTITLE 13, DIVISION 1 AND/OR DIVISION 7 AND ANY PROVISION OF A TOWN ORDINANCE OR CODE, SUCH CONFLICT SHALL BE RESOLVED IN FAVOR OF THE PROVISION THAT ESTABLISHES THE HIGHER STANDARD FOR THE PROMOTION AND PROTECTION OF THE HEALTH AND SAFETY OF THE PEOPLE.

§ 21. APPOINTMENT OF THE TOWN CODE OFFICIAL

THE CODE OFFICIAL SHALL BE THE CHIEF OF POLICE, THE CHIEF'S DESIGNEE OR ANY CODE ENFORCEMENT OFFICER OF THE TOWN.

§ 22. 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 § 68-2(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 CITY TO FILE A TAX LIEN.**

C. METHOD OF SERVICE. SUCH NOTICE SHALL BE DEEMED TO BE PROPERLY SERVED IF A COPY THEREOF IS:

- (1) DELIVERED PERSONALLY TO THE TENANT IF ANY, AND TO THE OWNER OF RECORD; OR**
- (2) SENT BY CERTIFIED MAIL ADDRESSED TO THE LAST KNOWN ADDRESS OF THE OWNER AND THE TENANT, IF ANY, SO LONG AS A COPY THEREOF SHALL BE POSTED IN A CONSPICUOUS PLACE OR ABOUT THE STRUCTURE AFFECTED BY SUCH NOTICE.**

D. PENALTIES. PENALTIES FOR NONCOMPLIANCE WITH ORDERS AND NOTICES SHALL BE AS SET FORTH IN SECTION _____.

E. TRANSFER OF OWNERSHIP. IT SHALL BE UNLAWFUL FOR THE OWNER OF ANY DWELLING UNIT OR STRUCTURE WHO HAS RECEIVED A COMPLIANCE ORDER OR UPON WHOM A NOTICE OF VIOLATION HAS BEEN SERVED TO SELL, TRANSFER, MORTGAGE, LEASE OR OTHERWISE DISPOSE OF SUCH DWELLING UNIT OR STRUCTURE TO ANOTHER UNTIL THE PROVISIONS OF THE COMPLIANCE ORDER OR NOTICE OF VIOLATION HAVE BEEN COMPLIED WITH, OR UNTIL SUCH OWNER SHALL FIRST FURNISH THE GRANTEE, TRANSFEREE, MORTGAGEE OR LESSEE A TRUE COPY OF ANY COMPLIANCE ORDER OR NOTICE OF VIOLATION ISSUED BY THE CODE OFFICIAL AND SHALL FURNISH TO THE CODE OFFICIAL A SIGNED AND NOTARIZED STATEMENT FROM THE GRANTEE, TRANSFEREE, MORTGAGEE OR LESSEE, ACKNOWLEDGING THE RECEIPT OF SUCH COMPLIANCE ORDER OR NOTICE OF VIOLATION AND FULLY ACCEPTING THE RESPONSIBILITY WITHOUT CONDITION FOR MAKING THE CORRECTIONS OR REPAIRS REQUIRED BY SUCH COMPLIANCE ORDER OR NOTICE OF VIOLATION.

AND BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that should any part of this Ordinance be held invalid, all remaining parts shall remain in effect.

AND BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the

Town of Upper Marlboro, Maryland that pursuant to the Town Charter, this Ordinance shall be posted in the Town office and a fair summary of it shall be published once in a newspaper of general circulation in the Town and effective 20 days after passage by the Board.

AYES: ____

NAYES: ____

ABSENT: ____

INTRODUCED in a public session of the Board of Commissioners on this 23rd day of April, 2024.

ORDAINED, APPROVED, AND finally passed by the Board of Commissioners of the Town of Upper Marlboro, Maryland on this ____ day of ____, 2024, by:

Attest:

THE BOARD OF COMMISSIONERS OF THE TOWN
OF UPPER MARLBORO, MARYLAND

John Hoatson, Town Clerk

Sarah Franklin, President

Derrick Brooks, Commissioner

Charles Colbert, Commissioner

Karen Lott, Commissioner

Alma Prevatte, Commissioner

Reviewed and Approved for Legal Sufficiency

PRINCE GEORGE'S COUNTY

Part 5 Residential

Sec. 27-420. - Fences and walls.

(a) Unless otherwise provided, fences and walls (including retaining walls) more than six (6) feet high shall not be located in any required yard, and shall meet the setback requirements for main buildings. (See Figure 42.) On lots consisting of one (1) acre or less, fences in the front yard shall not be more than four (4) feet high unless a variance is approved by the Board of Appeals. In the case of a corner lot consisting of one (1) acre or less, fences in the front yard or side yard shall not be more than four (4) feet high unless a variance is approved by the Board of Appeals. Fences constructed pursuant to a validly issued building permit prior to October 1, 2008, shall not be deemed nonconforming; however, replacement of an existing fence must comply with the four (4) foot limitation.

(b) In the R-T Zone (or any other zone developed in accordance with the R-T Zone), walls or fences up to eight (8) feet high may be constructed anywhere in the rear yard without meeting setback requirements.

(c) For zero lot line development approved for a lot created under the optional residential design approach provisions of Subtitle 24, walls or fences up to eight (8) feet high may be located in any yard without meeting the setback requirements.

(d) Walls and fences more than four (4) feet high (above the finished grade, measured from the top of the fence to grade on

the side of the fence where the grade is the lowest) shall be considered structures requiring building permits.

(e) Stranded barbed and/or razor wire are prohibited on all fences and walls, except for land that is assessed for agricultural use, and land used for installation and operation of high-voltage equipment at substations for electrical generation, transmission, and distribution in connection with providing public utility service in the County by a regulated public utility.

(f)

Electrically charged/energized fences are prohibited, except for land that is assessed for agricultural use.

(g)

Except for fences less than four (4) feet in height, fences not requiring a permit, and fences on land assessed as agricultural uses, all structural support (vertical posts and horizontal rails) shall face the interior of the subject lot. (See Figure 42.1).

Part 6 Commercial Zones

Sec. 27-447. - Fences and walls.

(a) Unless otherwise provided, fences and walls (including retaining walls) more than six (6) feet high shall not be located in any required yard, and shall meet the setback requirements for main buildings. (See Figure 42.)

(b) Walls and fences more than four (4) feet high (above the finished grade, measured from the top of the fence to grade on the side of the fence where the grade is the lowest) shall be considered structures requiring building permits.

(c) Stranded barbed and/or razor wire are prohibited on all fences and walls, except for land that is assessed for agricultural use, and land used for installation and operation of high-voltage equipment at substations for electrical generation, transmission,

and distribution in connection with providing public utility service in the County by a regulated public utility.

(d) Except for fences less than four (4) feet in height, fences not requiring a permit, and fences on land assessed as agricultural uses, all structural support (vertical posts and horizontal rails) shall face the interior of the subject lot. (See Figure 42.1).

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.

§ 66-1. Height of walls and fences.

(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.

§ 66-1.1 Prohibited Fences.

(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. The building code of the Town and Prince George's County, Maryland, as well as Section 66-1 of the Ordinance codes of the Town 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 and Prince George's County, Maryland, as well as the Ordinance Code of the Town 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 nonconforming 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.

FENCE

Any structure, barrier, partition or hedge having the effect of or erected or placed for the purpose of enclosing a piece of land, dividing a piece of land into distinct portions, separating two contiguous estates, or stopping and/or creating an obstacle to pedestrian crossings; and consisting of a section or sections of any type of plants, fencing material, chain, railing, arbor, trellis, blocks, bricks, stones, wood, iron wire, plastics, concrete or any other building or construction material; provided, however, that a structure or hedge which is solely for decorative purposes shall not constitute a **fence**, as long as such structure or hedge does not exceed three feet in height, and provided that such structure or hedge on any lot does not, in total, consist of more than four eight foot long sections, with no more than two such sections being connected or located within 12 feet of each other. The length of the materials shall be measured at their longest point. Such decorative structures shall be landscaped along their total length with bushes, shrubs, plants or flowers.