

Marc Tartaro
Mayor



Jim Chandler
Acting City Administrator

March 4, 2014

Mr. Redis C. Floyd
Clerk of the Council
County Administration Building, 2nd Floor
14741 Governor Oden Bowie Drive
Upper Marlboro, MD 20772

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Dear Mr. Floyd:

On February 18, 2014, the City Council of Hyattsville passed Hyattsville Ordinance 2014-01, an Ordinance by which the City Council clarified the definition of a front yard in the City Fence Ordinance and changed the maximum front yard fence height from 3.5 feet to 4 feet. Per Section 8-112-1 of Article 28 of the Maryland Annotated Code, this Ordinance shall not be effective until approved by the Prince George's County Council. I have attached a signed copy of the Ordinance to this letter.

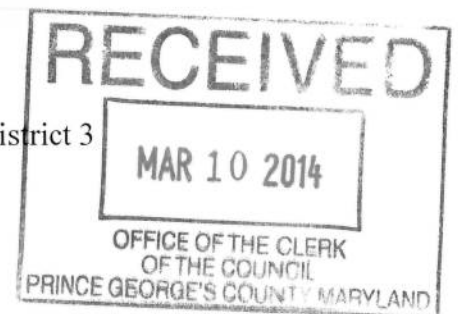
Please let me know when the Ordinance may be added to the County Council agenda for discussion.

If you have any questions, please contact my office at (301) 985-5009.

Sincerely,

Laura Reams
City Clerk

cc: Honorable William A. Campos, County Council, District 3
Rajesh Kumar, Attorney for the County Council
Mayor and City Council of Hyattsville, Maryland
Jim Chandler, Acting City Administrator
Richard Colaresi, City Attorney



**CITY OF HYATTSVILLE
ORDINANCE 2014-01**

**An Ordinance whereby the City Council clarifies the definition of front yard
in the City Fence Ordinance and changes the maximum front yard fence
height from 3.5 feet to 4 feet.**

WHEREAS, Article 23A, Section 2 grants to the municipal corporations of the State of Maryland, including the City of Hyattsville, the power to protect the health, comfort and convenience of the residents of Hyattsville; and

WHEREAS, the public safety and the need for citizens to be heard is of paramount importance; and

WHEREAS, by this Ordinance, the City Council aims to clarify the definition of front yard to allow Code Enforcement to enforce the provisions of the Code as to fences.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and City Council of the City of Hyattsville in regular session assembled that Section 68-7, of the Hyattsville City Code entitled "Fences and Walls" be amended as follows:

ARTICLE II

Fences and Walls

§ 68-7. Fences and walls.

§ 68-7. Fences & Walls. [Added 11-3-03 by Ord. 2003-07, amended 5-3-05 by HR 05-06]

A. Definitions. In this chapter the following words shall have the following meaning:

(1) "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 (3) feet in height, and provided that such structure or hedge on any lot does not, in total, consist of more than four (4) eight (8) foot long sections, with no more than two (2) such sections being connected or located within twelve (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.

(2) "Front yard." All that area between a paved street and **A LINE RUNNING (PARALLEL TO THE STREET) THE FULL LENGTH OF THE LOT ALONG**

EITHER THE FRONT OF THE BUILDING OR the building restriction line **(WHICHEVER AREA IS GREATER)**. ~~or (In the event the building is in front of the building restriction line) a,~~ **THE** line **SHALL BE** drawn parallel to the street across **AT** the front of the house or the main building on the lot in question, and running the full width of that lot and any adjacent lot, if this adjacent lot is unimproved. **ANY UNIMPROVED ADJACENT LOT OWNED BY THE SAME OWNER AS THE IMPROVED LOT SHALL USE THE SAME LINES AS THE IMPROVED LOT TO DEFINE THE FRONT YARD.** A lot can have only one front yard.

B. Purpose. It is the intent and purpose of this section to protect the public health, safety and general welfare of the City of Hyattsville and its residents by generally regulating the placement of fences on property. Such regulation shall, among other things: permit the rapid, free and unobstructed access to buildings by emergency vehicles, personnel and equipment; allow for the unobstructed establishment, maintenance and creation of public rights-of-way along the streets and sidewalks in the City; prevent the obstruction or reduction, by man-made structures, of visibility at corners, driveways and intersections for drivers and pedestrians; add to the attractiveness and comfort of the residential district; create a better home environment in the City; preserve an area which is generally regarded by the public as pleasing to the eye; and preserve, improve and protect the general character of lands within the City and the improvements thereon.

C. General regulations.

The following regulations apply on allots in the City:

(1) Front yards.

- (a) Except as hereinafter provided, fences over ~~three and one half (3 1/2)~~ **FOUR (4)** feet in height are prohibited in the front yard.
- (b) Retaining walls constructed in the front yard extending along the street for more than four (4) feet shall not be more than one (1) foot above the higher side grade of any lot.
- (c) A front yard fence (except a hedge or fence made primarily from growing plant) shall be thirty-five percent (35%) open (visible through) when viewed perpendicular to the fence except when the fence is within fifteen feet (15') of a paved street or alley or driveway in which case it must be fifty percent (50%) visible through when viewed perpendicular to the fence.
- (d) Any hedge or shrubbery must be trimmed so that it does not impede the progress or the visibility of motor vehicles and passersby.

* * *

AND BE IT FURTHER ORDAINED that if any provision of this Ordinance or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other applications of the Ordinance which can be given effect without the invalid provision or applications, and to this end, all the provisions of this Ordinance are hereby declared to be severable.

AND BE IT FURTHER ORDAINED, that within five (5) days after enactment of this ordinance and at least thirty (30) days prior to the effective date of this ordinance, a certified copy of this ordinance shall be delivered to the Prince George's District Council.

AND BE IT FURTHER ORDAINED, that such ordinance is not effective until approved by Prince George's County or the District Council.

AND BE IT FURTHER ORDAINED, that this ordinance shall be effective sixty (60) days from the date of its adoption provided however this ordinance is published in a newspaper having general circulation in the City of Hyattsville at least twice prior to its effective date.

INTRODUCED by the City Council of the City of Hyattsville, Maryland, at a regular public meeting on February 3, 2013.

ADOPTED by the City Council of the City of Hyattsville, Maryland, at a regular public meeting on February 18, 2014.

Adopted: February 18, 2014

Attest: 


Mayor

Additions shown in **BOLD** AND UPPERCASE

[] indicate deletions

CAPS/**BOLD** indicate additions

Asterisks * * * Indicate matter retained in existing law but omitted herein