

1 COUNCIL OF THE TOWN OF RIVERDALE PARK

2
3 ORDINANCE 2012-OR-08
4

5
6 Introduced By: CM Thompson
7

8 Date Introduced: May 7, 2012
9

10 Date Adopted: June 4, 2012
11

12 Date Effective: 20 days after approval by District Council
13

14 _____
15
16 An Emergency Ordinance concerning

17
18 Dumpsters and Storage Receptacles on Residential Property
19

20 FOR the purpose of prohibiting the placing of certain dumpsters and temporary
21 storage receptacles on residential property except pursuant to a permit
22 issued by the Town; providing for the issuance of and fees for such
23 permits; providing penalties for violations; providing that this Ordinance is
24 subject to approval by the Prince George's District Council; and generally
25 relating to the regulation of the placement of certain dumpsters and
26 temporary storage receptacles on residential property in the Town of
27 Riverdale Park.
28

29 * * * * *

30
31 BY adding
32 Chapter 50 – Peace and Good Order
33 Section 50-16
34 Code of the Town of Riverdale Park
35 (January 2008 Revision)
36
37

38 BY repealing and reenacting, with amendments
39 Chapter 50 - Peace and Good Order
40 Section 50-18.c)
41 Code of the Town of Riverdale Park
42 (January 2008 Revision)
43

44 EXPLANATORY STATEMENT: This is an Emergency Ordinance to address a
45 timing issue that arises as a result of the interplay between Section 210 of the Town
46 Charter and Article 28, Section 8-112.1, of the Maryland Code.
47

48 Section 8-112.1 authorizes municipalities in Prince George's County to adopt
49 limited zoning regulations. This Ordinance is a "zoning ordinance" within the meaning
50 of Section 8-112.1 since it addresses the regulation of residential storage. Section 8-
51 112.1 requires the Prince George's County Council to approve any such ordinance
52 before it becomes effective. The Town must deliver a certified copy of this adopted
53 zoning ordinance to the District Council (County Council) "within five days after
54 enactment of the ordinance and at least 30 days prior to the effective date of the
55 ordinance." A zoning ordinance that is not approved by the District Council "before the
56 effective date of the ordinance shall be considered disapproved and may not take
57 effect."
58

59 Section 210(b) of the Town Charter provides that, except in the case of an
60 emergency ordinance, a Town ordinance "shall become effective at the expiration of
61 twenty (20) calendar days following passage by the council. Any emergency ordinance
62 shall become effective on the date specified in the ordinance...."
63

64 Using the regular effective date of 20 calendar days after passage, the Town
65 could never satisfy the Section 8-112.1 requirement that an ordinance be delivered to
66 the County Council at least 30 days before its effective date. By adopting an ordinance
67 as an emergency ordinance the Town Council can specify any effective date. In this
68 Emergency Ordinance the effective date is 20 days after its approval by the District
69 Council. Since this Emergency Ordinance by its terms would take effect only after the
70 District Council approves it, the Section 8-112.1 requirement would be satisfied. Now,
71 therefore,
72

73 SECTION 1: BE IT ENACTED BY THE COUNCIL OF THE TOWN OF
74 RIVERDALE PARK, That new Section 50-16 is hereby added to the Code of the
75 Town of Riverdale Park (January 2008 Revision), Chapter 50 – Peace and Good Order, to
76 follow immediately after Section 50-15 and to read as follows:
77

78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121

Chapter 50 – Peace and Good Order

§ 50-16. DUMPSTERS AND STORAGE RECEPTACLES ON RESIDENTIAL PROPERTY.

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 ~~60~~ 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 DIRECTOR OF PUBLIC WORKS 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. THE FEE FOR A PERMIT ISSUED UNDER THIS SECTION IS \$100.00.

SECTION 2: AND BE IT FURTHER ENACTED that Section 50-18.c) of the Code of the Town of Riverdale Park (January 2008 Revision), Chapter 50 – Peace and Good Order, is hereby repealed and reenacted, with amendments, to read as follows:

Chapter 50 – Peace and Good Order

§ 50-18. Penalties.

c) Violations of the provisions of §§50-4 through 50-10, and 50-12, and 50-15 AND 50-16 are municipal infractions, the penalty for which shall be one hundred dollars ~~(400)~~ (\$100) for each offense, except for violations of §50-12, the penalty for which shall be fifty dollars ~~(50)~~ (\$50) for each offense.

SECTION 3. AND BE IT FURTHER ENACTED, that a certified copy of this Emergency Ordinance shall be sent to the Prince George's District Council within five (5) days after enactment.

SECTION 4: AND BE IT FURTHER ENACTED that, having been passed

122 by at least four members of the Town Council, this Emergency Ordinance shall
 123 become effective twenty (20) days after its approval by the Prince George's
 124 District Council, and if the Prince George's District Council does not approve this
 125 Ordinance by ~~June 30~~ December 31, 2012, this Ordinance shall be null and void
 126 without further action of the Town Council.

127

128 ATTEST:

129

130

131

132

133

134

135

136

137

138


139

140

141

COUNCIL OF THE TOWN OF
RIVERDALE PARK


 Sara Imhulse, Town Administrator

 Deputy Mayor, for
 Vernon Archer, Mayor

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

Underlining indicates amendments to bill.

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

I hereby certify that the foregoing is a true and accurate copy of ordinance 2012-OR-08 adopted by the RP Town Council on June 4, 2012.


 Sara Imhulse, Town Administrator
 July 11, 2012

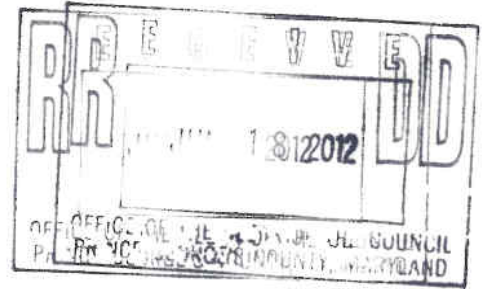


Town of Riverdale Park

5008 Queensbury Road
Riverdale Park, Maryland 20737

July 11, 2012

Ms. Redis Floyd
Clerk to the County Council of Prince George's County
County Administration Building, 2nd Floor
Upper Marlboro, MD 20772



Re: Ordinance 2012-OR-08 concerning dumpsters and storage receptacles on residential property

Dear Madame Clerk:

Attached is a certified copy of Ordinance 2012-OR-08, which amends the Code of the Town of Riverdale Park to allow the Town to regulate the placement and location of certain dumpsters and temporary storage receptacles on residential property.

You are requested to place this Ordinance before the Prince George's District Council for approval. Please notify the Town of the hearing date for this legislation.

Thank you for your cooperation in this matter. Please contact my office with any questions.

Sincerely,

A handwritten signature in blue ink that reads 'Sara Imhulse'.

Sara Imhulse
Town Administrator

cc: County Councilmember Eric Olson
Robert J. Williams, Jr., Council Administrator