

07-O-12

ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK,
MARYLAND, AMENDING CHAPTER 110 "FEES AND PENALTIES", BY
REPEALING AND REENACTING §110-1 "FEES AND INTERESTS"; §110-2
"PENALTIES", AND §110-3 "UNPAID FEES AND PENALTIES TO CONSTITUTE A
LIEN" AND CHAPTER 141 "NUISANCES" BY REPEALING AND REENACTING
§141-3 "COMMERCIAL DUMPSTERS" TO PROHIBIT PLACEMENT OF
CONSTRUCTION DUMPSTERS AND OTHER RECEPTACLES ON PRIVATE
PROPERTY WITHOUT A PERMIT, TO INSTITUTE A FEE FOR A PERMIT AND A
FINE FOR NON-COMPLIANCE, AND TO PROVIDE FOR ENFORCEMENT OF
FEES AND FINES.

WHEREAS, pursuant to Md. Code Ann., Art. 23A, §2, the City of College Park, Maryland (hereinafter, the "City") has the power to pass such ordinances as it deems necessary to protect the health, safety and welfare of the citizens of the municipality and to prevent and remove nuisances; and

WHEREAS, Mayor and Council have regulated the use of public streets and sidewalks to ensure the health and safety of the residents of the City; and

WHEREAS, the Mayor and Council have, by reason of Article 28, Section 8-112.1, of the Annotated Code of Maryland, as amended, been given the authority to regulate residential parking and storage; and

WHEREAS, the Mayor and Council have determined that certain changes to Chapter 141 "Nuisances" are necessary to regulate the placement of construction dumpsters or other receptacles for the storage or transport of construction or other debris, or for the storage of household or other items, on residential property, and that changes in Chapter 110 "Fees and Penalties" are necessary to provide for a permit fee and fine, and a method for collection.

CAPS	: Indicate matter added to existing law.
[Brackets]	: Indicate matter deleted from law.
Asterisks * * *	: Indicate matter remaining unchanged in existing law but not set forth in Ordinance
[Brackets]	: Indicate matter deleted in amendment

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland that Chapter 110 “Fees and Penalties”, §110-1, “Fees and interests” be and is hereby repealed and reenacted with amendments as follows:

§110-1 Fees and interests.

The following enumerations are the current fees, rates, charges and interests applicable in the City of College Park:

Chapter/Section	Description	Fee/Interest
	* * * * *	
Ch. 141, Nuisances		
	* * * * *	
§141-3(B)	PERMIT FOR INSTALLATION OF DUMPSTER OR OTHER RECEPTACLE	\$25.00

Section 2. BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland that Chapter 110 “Fees and Penalties” §110-2, “Penalties” be and is hereby repealed and reenacted with amendments as follows:

§110-2 Penalties.

Unless otherwise noted herein, the violation of a City ordinance or resolution is a municipal infraction. The following fines and/or imprisonment for violations of various ordinances or resolutions are applicable in the City of College Park:

Chapter/Section	Violation	Penalty
	* * * * *	
Ch. 141-3 Nuisances		
§141-3(A) Commercial Dumpsters		
	Initial violation	\$50.00
	Second violation	\$100.00
	Each additional 30 days	\$100.00
§141-3(B) RESIDENTIAL DUMPSTERS OR OTHER RECEPTACLES		
	INITIAL VIOLATION	\$50.00
	EACH ADDITIONAL 5 DAYS VIOLATION CONTINUES	\$100.00
	* * * * *	

Section 3. BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland that Chapter 110 "Fees and Penalties"

§110-3, "Unpaid fees and penalties to constitute a lien" be and is hereby repealed and reenacted with amendments as follows:

§110-3 Unpaid fees and penalties to constitute a lien.

Fees and penalties established in §§110-1 and 2 of this chapter for violations of Chapters 87, 119, 125, 132, 157 and 172 AND §141-3(B) of the City Code which are not paid as required therein shall be included in the nonpayor's real property tax bill and shall be collected as city taxes are collected, and the charges shall be due and payable at the time of payment of the tax bill. In the case of a municipal infraction, the fine shall not be deemed due and owing the city until such time as a judgment or order therefore is issued by a court of competent jurisdiction. Such Charges shall constitute a lien on the nonpayor's real property.

Section 4. BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland that Chapter 141 "Nuisances" §141-3 "Commercial Dumpsters", be, and is hereby, repealed and reenacted with amendments to read as follows:

§141-3 [~~Commercial~~] Dumpsters and other storage receptacles.

A. Commercial or residentially zoned properties using a commercial dumpster service FOR REGULAR TRASH COLLECTION must file with the City a copy of their contract for the services. Each contractor must furnish a minimum of two pickups weekly. All dumpsters furnished by the contractor must be watertight, with a lid that must remain closed. Each dumpster must sit on a concrete or asphalt pad, to be at least the same size as the dumpster. The dumpster must be placed to the rear or side of the property, and in any case to the rear of the front building restriction line. In cases where the dumpster is visible to the general public, said dumpster must be enclosed by some means of screening, such as stockade-type fence, to completely obscure it from such view and must be located a minimum of 10 feet from any public sidewalk.

B. NO DUMPSTER OR OTHER RECEPTACLE FOR THE STORAGE OR TRANSPORT OF CONSTRUCTION OR OTHER DEBRIS, OR FOR THE 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 CITY. PERMITS SHALL EXPIRE NOT LATER THAN THIRTY (30) DAYS AFTER ISSUANCE, AND SHALL BE SUBJECT TO SUCH FURTHER CONDITIONS AS THE CITY MANAGER MAY REQUIRE. A PERMIT MAY BE EXTENDED FOR UP TO AN

ADDITIONAL SIXTY (60) DAYS IN ANY TWELVE MONTH PERIOD BY THE DIRECTOR OF PUBLIC SERVICES, AND THEREAFTER BY THE CITY MANAGER FOR UP TO AN ADDITIONAL NINETY (90) DAYS IN THE SAME PERIOD UPON GOOD CAUSE SHOWN. ANY FURTHER EXTENSION WITHIN THE SAME PERIOD MAY BE AUTHORIZED ONLY BY THE MAYOR AND CITY COUNCIL UPON A SHOWING OF EXCEPTIONAL CIRCUMSTANCE.

Section 5. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park, Maryland that Chapter 141 "Nuisances" §141-9 "Violations and penalties", be, and is hereby, repealed and reenacted to read as follows:

§141-9 Violations and penalties.

A. * * * * *

B. Such notice may contain:

- (1) An outline of remedial action which, if taken, will effect compliance with the provisions of this chapter and with the rules and regulations adopted pursuant thereto.
- (2) The requirement that the violation must be fully corrected within 30 days if involving a violation of § 141-3(A), WITHIN 5 DAYS IF INVOLVING A VIOLATION OF §141-3(B), within 10 days if involving a violation of § 141-8, and within 24 hours, if involving a violation of the remainder of the chapter provisions; a statement that a municipal infraction may be issued for each violation, and for each successive period of noncompliance; and a statement that the notice constitutes the only notice which the person will receive regarding a violation of the applicable section for the twelve-month period following the date that the notice is issued, and that a citation may issue immediately for any repeat violation during the period.

C. * * * * *

Section 6. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall publish this proposed ordinance or a fair summary thereof in a newspaper having a general circulation in the City of College Park together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing, hereby set for 7:15 P.M. on the 12th day of June, 2007, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. As soon as practicable after adoption, the City Clerk shall have a fair summary of the Ordinance and notice of its adoption published in a newspaper having a general circulation in the City of College Park and available at the City's offices. This Ordinance shall be submitted to the Prince George's County Council within five days after its adoption, and shall become effective twenty (20) days after review and approval by the Council, provided that a fair summary of this Ordinance is published at least once prior to the date of passage and once as soon as practical after the date of passage in a newspaper having general circulation in the City.

INTRODUCED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 22nd day of May, 2007.

ADOPTED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 12th day of June 2007.

EFFECTIVE the ____ day of _____, 2007.

ATTEST:

THE CITY OF COLLEGE PARK,
MARYLAND

By: Janeen S. Miller
Janeen S. Miller, City Clerk

By: Stephen A. Brayman
Stephen A. Brayman, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Suellen M. Ferguson
Suellen M. Ferguson, City Attorney