

Article III General Powers

§ 301: General Powers

The council shall have the general power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or this charter as it may deem necessary for the good government of the town; for the protection and preservation of the town's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of and visitors in the town. All legislative powers that may be exercised by the town under the laws and the Constitution of the State of Maryland are vested in the council.

§ 302: Specific Powers

The council shall have, in addition, the power to pass ordinances not contrary to the Constitution and laws of the State of Maryland for the specific purposes provided in but not limited to the following subsections of this section:

Administration. To provide for the general administration of the town.

Admissions and Amusement Tax. To levy, assess, and collect admissions and amusement taxes.

Advertising. To provide for advertising for the purposes of presenting and publishing statements as to the business of the town.

Agreements and Contracts with Other Agencies. To enter into agreements and contracts with other agencies where such agreements are necessary to secure benefits not obtainable by the town alone.

Air Pollution. To limit, control, or prevent air pollution.

Aisles and Doors. To regulate and prevent the obstruction of aisles in public halls, churches, and places of amusement and to regulate the construction and operation of the doors and means of egress therefrom.

Amusements. To provide in the interests of the public welfare for licensing, regulating, or restraining theatrical or other public amusements.

Annexation. To annex property and territory in accordance with Article 23A of the Annotated Code of Maryland.

Appropriations. To appropriate municipal monies for any purpose within the powers of the council.

Auctioneers. To regulate the sale of all kinds of property at auction within the town and to license auctioneers.

Billboards and Signs. To license, tax and regulate, restrain, or prohibit the erection or maintenance of billboards within the town and the placing of signs and posters of every kind and description on any building, fence, post, billboard, pole, or other place within the town.

Bonds. To borrow money for any proper public purpose and to evidence such borrowing, if the town chooses, by the issue and sale of its general obligation bonds or any other bonds or agreements securing such debt, subject only to the limitations of federal law, the Constitution and laws of the State of Maryland, and this charter.

Buildings. To make reasonable regulations in regard to buildings and signs to be erected, constructed, or reconstructed in the town, to require building permits for them, and to appoint a building inspector; to require reasonable charges for permits and inspections; and to authorize and require the inspection of all buildings and structures, to authorize the condemnation thereof in whole or in part when dangerous or insecure, and to require that such buildings and structures be made safe or be taken down.

Cemeteries. To regulate or prohibit the interment of bodies within the town and to regulate cemeteries.

Codification of Ordinances. To provide for the codification of all ordinances.

Community Services. To provide, maintain, and operate community and social services for the preservation and promotion of the health, recreation, welfare, and enlightenment of the residents of the town.

Cooperative Activities. To make agreements with other municipalities, counties, districts, bureaus, commissions, and governmental authorities for the joint performance of or for cooperation in the performance of any governmental functions.

Curfew. To prohibit the youth of the town from being in the streets, lanes, alleys, or public places at unreasonable hours of the night.

Dangerous Conditions. To compel persons about to undertake dangerous improvements to execute bonds with sufficient sureties conditioned that the owner or contractor will pay all damages resulting from such work that may be sustained by any persons or property.

Departments and Offices. To create, change, and abolish offices, departments, or agencies, including appeal boards and advisory groups, other than the offices, departments, and agencies established by this charter; to assign additional functions to offices, departments, or agencies established by this charter, but not including the power to discontinue or assign to any other office, department, or agency any function or duty assigned by this charter to a particular office, department, or agency.

Dogs and Other Animals. To regulate the keeping of dogs and other animals and fowl and to provide for penalties and fines when found in violation of the ordinance in such cases provided.

Elevators. To require the inspection and licensing of elevators and to prohibit their use when unsafe or dangerous or without license.

Environmental Protection. To provide for the protection, promotion, and preservation of the natural environment, including, but not limited to, trees, plants, animals, rivers and streams, watersheds, and air.

Erosion and Sediment Control. To regulate grading and construction to control erosion and sediment.

Explosives and Combustibles. To regulate or prevent the storage of gunpowder, oil, or any other explosive or combustible material; to regulate or prevent the use of firearms, fireworks, bonfires, explosives, or any other similar things that may endanger persons or property.

Filth. To compel the occupant of any premises, building, or outhouse situated in the town, when the same has become filthy or unwholesome, to abate or cleanse the condition; and after reasonable notice to the owner or occupant, to authorize such work to be done by the proper officers and to assess the expense thereof against such property, making it collectible by taxes or against the occupant or occupants.

Finances. To levy, assess, and collect ad valorem property taxes; to expend town funds for any public purpose; to have general management and control of the finances of the town and to designate by ordinance or resolution the banks or trust companies of this state in which shall be deposited all funds belonging to the town.

Fires. To suppress fires and prevent the dangers thereof and to establish and maintain a fire department; to contribute funds to volunteer fire companies serving the town; to inspect buildings for the purpose of reducing fire hazards and to forbid and prohibit the use of fire-hazardous buildings and structures permanently or until the conditions of town fire hazard regulations are met; and to take all other measures necessary to control and prevent fires in the town.

Food. To inspect and require the condemnation of, if unwholesome, and to regulate the sale of any food products.

Franchises. To grant franchises as provided under existing public general or public local laws; to grant one or more exclusive or nonexclusive franchises for a community antenna system or other cable television system that utilizes any public right-of-way, highway, street, road, lane, alley, or bridge; to impose franchise fees; and to establish rates, rules, and regulations for franchises granted under this section.

Garbage. To regulate or prevent by penalties and fines the throwing or depositing of any dirt, garbage, trash, refuse, waste, offal, or liquids on any private or public property; to provide for the proper disposal of such material; and to levy such fees as may be necessary for the municipal collection of such material.

Grants-in-Aid. To accept gifts or grants of federal, state, or county funds, or funds from any other available sources, and to expend the funds for any lawful purpose agreeable to the conditions under which the gifts or grants were made.

Hawkers. To license, tax, regulate, suppress, and prohibit hawkers and itinerant dealers, peddlers, and all other persons selling any articles on the streets of the town, including solicitors for charitable causes, and to revoke such licenses for cause.

Health. To protect and preserve the health of the town and its inhabitants; to prevent the introduction of contagious diseases into the town; to establish quarantine regulations in the interests of the public health; to inspect, regulate, and abate any buildings, structures, or places that cause or may cause unsanitary conditions or conditions detrimental to health; but nothing herein shall be construed to affect in any manner any of the powers and duties of the Department of Health and Hygiene of the State of Maryland, the county health department, or any public general or local law relating to the subject of health.

Historic Preservation. To provide for the preservation, maintenance, restoration, rehabilitation, and promotion of historic districts, sites, and structures.

House Numbers. To regulate the numbering of houses and lots and to compel owners to renumber the same, or in default thereof to authorize and require the work to be done by the town at the owner's expense and such expense to constitute a lien upon the property collectible as taxes.

Housing. To establish a housing or habitability code and provide for the enforcement thereof.

Jail. To establish and regulate a station house or lock-up for temporary confinement of violators of the laws and ordinances of the town or to use the county jail for such purpose.

Licenses. Subject to any restrictions imposed by the State of Maryland, to license and regulate all persons beginning or conducting transient or permanent business in the town for the sale of any goods, wares, merchandise, or services; to license and regulate any business, camping, occupation, trade, calling, or place of amusement or business; to establish and collect fees and charges for all licenses and permits issued under the authority of this charter.

Liens. To provide that any valid charges, taxes, or assessments made against any real property within the town shall be liens upon the property and collected as municipal taxes are collected.

Lights. To provide for the lighting of the town, unless provided for by other agencies.

Livestock. To regulate and prohibit the running at large of cattle, horses, swine, fowl, sheep, goats, dogs, or any animals and to authorize fines and penalties and impounding of such animals when found in violation of the ordinances in such cases provided.

Markets. To obtain by lease or rent, own, construct, purchase, operate, and maintain public markets within the town.

Minor Privileges. To regulate or prevent the use of public ways, sidewalks, and public places for signs, awnings, posts, steps, railings, entrances, racks, posting handbills and advertisements, and display of goods, wares, and merchandise.

Noise. To regulate or prohibit unreasonable ringing of bells, crying of goods, sounding of whistles or horns or other noise or sound-making devices, machinery or mechanical contrivance, or any unnecessary and unreasonable noise in any vicinity where such noise affects the public health, welfare, and happiness of the citizens.

Nuisances. To prevent or abate by appropriate ordinance all nuisances that are so defined at common law, by this charter, or by the laws of the State of Maryland, whether they be herein specifically named or not.

Obstructions. To remove all nuisances and obstructions from the streets, lanes, and alleys and from any lots adjoining thereto and any other places within the limits of the town.

Parking Facilities. To license and regulate and to establish, obtain by purchase, by lease or by rent, own, construct, operate, and maintain parking lots and other facilities for off-street parking.

Parking Meters. To install parking meters on the streets and public places of the town in such places as by ordinance are determined and by ordinance to prescribe rates and provision for the use thereof.

Parks and Recreation. To establish and maintain public parks, gardens, playgrounds, and other recreational facilities and programs to promote the health, welfare, and enjoyment of the inhabitants of the town.

Pensions. To provide for a retirement or pension system or a group insurance plan for the town's officers and employees or for including its officers and employees in any retirement or pension system operated by or in conjunction with the state, on such terms and conditions as state law may prescribe.

Police Force. To establish, operate, and maintain a police force; to enter into contract with state, county, or any other agencies available and qualified to render such police service to the town; and to provide for additional police and equipment in cases of emergency.

Police Powers. To prohibit and suppress within the town all vice, gambling, and games of chance not operated under the provisions of the laws and Constitution of the State of Maryland; prostitution and solicitation therefor and the keeping of bawdy houses and houses of ill repute; tramps and vagrants; all disorders; disturbances, annoyances, disorderly conduct, obscenity, public profanity, drunkenness, drug addiction, and impersonation of a police officer.

Property. To acquire by conveyance, purchase, gift, or condemnation real or leasehold property for any public purposes; to erect buildings and structures thereon for the benefit of the town; and to sell at public or private sale after twenty (20) days' public notice and to convey to the purchaser or purchasers thereof any real or leasehold property

belonging to the town when the council determines that the same is no longer needed for the public use.

To take by gift, grant, bequest, or devise and to hold real and personal property absolutely or in trust for parks or gardens, or for the erection of statues, monuments, buildings, or structures, or for any public use, upon such terms and conditions as may be prescribed by the grantor or donor and accepted by the town; to provide for the proper administration of the same; and to convey the same when the council determines that it is no longer needed for public purposes, subject to the terms and conditions of the original grant.

Regulations. To adopt by ordinance and enforce within the corporate limits police, health, sanitary, fire, building, traffic, parking, and other similar regulations not in conflict with the laws of the State of Maryland or this charter.

Salaries. To fix the salary or compensation of all elected and appointed municipal officials and employees of the town.

Sidewalks. To regulate the use of sidewalks; to require the owner or occupant of premises to keep the sidewalks in front thereof free from snow or other obstructions, including but not limited to overhanging hedges, weeds, and brush.

Special Assessments. To provide for the levying and collection of taxes in the form of special assessments on property for special benefits conferred upon the property by the construction of municipal improvements or parts thereof and to provide for procedures in connection therewith in accordance with the provisions of state law.

Special Taxing Districts. To create special taxing districts to the extent permitted by state law.

Street and Sidewalk Improvement. To regulate and improve curbs, streets, gutters, sidewalks, driveways, and assess the property owners for any necessary costs of construction and/or require bond for property owners or the construction agents to meet specified standards.

Streets. To regulate, control, open, close, and maintain all dedicated public streets and bridges.

Sweepings. To regulate or prevent the throwing or depositing of sweepings, dust, ashes, offal, garbage, paper, handbills, dirty liquids, oils, grease, and volatile liquids or other automobile refuse, or any unwholesome materials whatsoever into any public way or on any public or private property in the town, including gutters, sewers, catch basins, ditches,

and streams.

Tax Exemptions. To allow certain tax exemptions from the town property tax to certain senior and disabled citizens.

Trees. To provide for the protection of trees, as well as their setting out, trimming, spraying, and removal on or along any street, sidewalk, alley, or lane.

Urban Renewal/Redevelopment. To condemn any single family or multiple family dwelling unit, or other structure or property provided that such property: (a) has deteriorated to such extent as to constitute a serious and growing menace to the public health, safety and welfare of the residents of Riverdale Park; (b) is likely to continue to deteriorate unless corrected; (c) if allowed to continue deteriorating will contribute to the blighting or deterioration of the area immediately surrounding the dwelling unit or structure; and (d) has an owner who has failed to correct the deterioration of said property, dwelling or structure. In order for the Town to utilize this condemnation procedure, the Town Council must adopt an individual ordinance pursuant to Chapter 69 of the Ordinance Code of the Town of Riverdale Park for each acquisition of land or property made under this subsection.

Voting Machines. To purchase, lease, borrow, install, and maintain voting machines for use in town elections.

Walls, Fences, Hedges, Vines, and Shrubbery. To regulate the height of walls, fences, and hedges on or along any street, sidewalk, alley, or lane and to provide for their trimming, removal, or setback.

Ward Redistricting. By ordinance to establish, change, or relocate the boundaries of existing wards and to establish, change, and relocate boundaries of new or additional wards created either by annexation of territory to the town or by the division of a ward or wards.

Water, Sewer, and Drainage Systems. To construct and maintain water, sewerage, and storm drainage systems not provided by the Washington Suburban Sanitary Commission or other state or county agencies.

Weeds and Other Refuse. To provide for removal of weeds, overgrown foliage, and refuse from improved or unimproved lots and assess the costs against the owner of the property.

Enumeration not Exclusive. The enumeration of powers in this section is not to be construed as limiting the powers of the town to the several subjects mentioned.
[Amended 11-6-95, effective 12-21-95]

§ 303: Exercise of Powers

For the purposes of carrying out the power granted in this charter, the council may pass all necessary ordinances. All the powers of the town shall be exercised in the manner prescribed by this charter, or if the manner is not prescribed, then in such manner as may be prescribed by ordinance. The failure to mention a particular power or to enumerate similar powers in this charter shall not be construed to exclude such powers or to restrict the authority that the town would have if the particular power were mentioned or similar powers enumerated. The charter shall be liberally construed to the end that, within the limits imposed by the charter and the laws and Constitution of the State of Maryland, as may be amended from time to time, the town shall have all powers necessary for the conduct of its affairs.

§ 304: Enforcement of Ordinances

(a) To ensure the observance of the ordinances of the town, the council has the power to provide that violation thereof shall be a misdemeanor and has the power to affix thereto penalties of a fine not exceeding one thousand dollars (\$1,000) or imprisonment for not more than ninety (90) days, or both such fine and imprisonment. Any person subject to any fine, forfeiture, or penalty has the right of appeal within ten (10) days to the Circuit Court of Prince George's County. The council may provide that, if the violation is of a continuing nature and is persisted in, a conviction for one violation shall not be a bar to conviction for a continuation of the offense subsequent to the first or any succeeding conviction. [Amended ??????-03.]

(b) Violations and Penalties.

(1) The council may provide that violations of any municipal ordinance shall be a municipal infraction unless that violation is declared to be a felony or misdemeanor by the laws of the state or other ordinance. For purposes of this article, a municipal infraction is a civil offense.

(2) A fine not to exceed two hundred dollars (\$200) may be imposed for each conviction of a municipal infraction. The fine is payable by the offender to the municipality within twenty (20) calendar days of receipt of a citation. Repeat offenders may be assessed a fine not to exceed four hundred dollars (\$400) for each repeat offense

and each day a violation continues may, unless otherwise provided, constitute a separate offense.

(3) Any person receiving a citation for an infraction may elect to stand trial for the offense by notifying the town in writing of this intention at least five (5) days prior to the date set for payment of the fine. Failure to pay the fine or to give notice of intent to stand trial may result in additional fines or adjudication by the court.

(4) Adjudication of a municipal infraction is not a criminal conviction for any purpose nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.