

Chapter 50
PEACE AND GOOD ORDER

§ 50-1. Fraudulent representation or false statements.

§ 50-2. Damaging or tampering with public property.

§ 50-3. Injury to trees and shrubbery.

§ 50-4. Commercial activity in residence unlawful.

§ 50-5. Unsanitary premises.

§ 50-6. Drainage ditches, obstructing or contaminating.

§ 50-7. Stables, barns and poultry houses.

§ 50-8. Kennels, regulation of.

§ 50-9. Cesspools, regulation of.

§ 50-10. Burying unlawful.

§ 50-11. Unreasonable noise prohibited. [Repealed and replaced 4-7-97, effective 4-27-97]

§ 50-12. Spitting in public.

§ 50-13. Abatement of menace to public health or safety upon vacant premise or unimproved lot; when cost assessable as a tax.

§ 50-14. Reserved

§ 50-15. Outdoor unenclosed storage prohibited

§ 50-16. Dumpsters and Storage Receptacles on Residential Property.

§ 50-17 Reserved

§ 50-18 Penalties

[HISTORY: Adopted 1-20-54, effective 2-1-54. Amended in its entirety 3-6-95, effective 3-26-95, adding §§ 50-5 through 50-13 from former Chapter 54. Prior amendment history noted where applicable.]

REFERENCES

Municipal infractions -- See Chapter 46.
Streets and sidewalks -- See Chapter 57.

§ 50-1. Fraudulent representation or false statements.

It shall be unlawful for any person to make any fraudulent or false statements of material fact in any application for a permit or license, or in any certificate or statement required in connection with a town election, filed with the Mayor and Council.

§ 50-2. Damaging or tampering with public property.

It shall be unlawful for any unauthorized person to destroy, damage, cut, injure, mar, deface, move or otherwise injure or tamper with any of the property of the town or of the Riverdale Fire Department, or with any property used by the town, whether belonging to it or to another, or to tamper with, destroy, break, move, or deface any traffic sign, signaling device, radio, siren, electric or other light, street sign, memorial, marker, barricade, guard rail, bridge, retaining wall, culvert, catch basin, manhole cover, drain or other device of whatever kind or character, erected, installed, operated or maintained by the Mayor and Council or by anyone by their authorization and direction.

§ 50-3. Injury to trees and shrubbery. [Amended 1-8-68.]

(a) Prohibited acts.

(1) It shall be unlawful to break, cut, damage or remove any of the trees, shrubs or ornamental plants on or along any street, public park, playground or other town or public place or property without the consent of the Mayor and Council.

(2) No person shall do or cause to be done by others any of the following acts to any tree, shrub or plant on town or public property without the consent of the Mayor and Council. **[Added 1-8-68.]**

(A) Plant, care and maintain.

(B) Cut, prune, mutilate or in any manner injure.

(C) Cut, disturb or interfere in any way with any root.

(D) Spray with any chemical.

(b) Maintenance and care. **[Added 1-8-68.]**

(1) No person shall, without the consent of the Mayor and Council, place or maintain or cause to be placed or maintained upon the ground any stone, cement,

sidewalk or other substance that will impede the free access of air and water to the roots of, or will do injury to, any tree or shrub on town or public property.

(2) No person shall place salt, brine, oil, weed killer or other substances injurious to plant growth in any street in such a manner as to injure any tree or shrub growing thereon.

(3) No person shall build any fire or station any tar kettle, road roller or other engine in any street in such a manner that the vapors or fumes therefrom may injure any tree or shrub thereon.

(4) In the erection, altering or repairing of any building or structure, the owner or contractor thereof shall place such guards around all nearby trees and shrubs on town or public property as will effectively prevent injury to such trees or shrubs.

(c) Excavation. [**Added 1-8-68.**]

(1) No person shall do any excavating within two (2) feet of any tree or shrub on any street without notification to the Mayor and Council.

(2) Where, in authorized excavation, it becomes necessary to expose or cut roots more than one (1) inch in diameter of a tree on any street, it shall be the duty of the contractor to protect such roots under the direction of the Mayor and Council.

§ 50-4. Commercial activity in residence unlawful.

It shall be unlawful for any person to operate, within the town, any public garage, automobile repair shop, machine shop, factory, printing establishment or other commercial business in or connected with a residence which has not been zoned to commercial uses by the District Council of Prince George's County.

§ 50-5. Unsanitary premises. [Adopted 1-20-54 as former § 54-6.]

The town code enforcement officer is hereby authorized and empowered to investigate and to order and direct the removal or elimination of any foul, filthy or offensive material or refuse, or any unclean or unsanitary condition in any street, alley, park or driveway, lot, building or property within the town which is or which may constitute a nuisance or menace to life and health.

§ 50-6. Drainage, ditches, obstructing or contaminating. [Adopted 1-20-54 as former § 54-9.]

It shall be unlawful for any person to obstruct in any manner or by any means or to alter the natural course of any drainage ditch by which the streets of the town are drained, so that the flow of water in such ditch is impeded; or to cast, throw or deposit in any drainage ditch any trash, garbage, refuse, dead animal or putrescible matter or waste material of any kind by which the water therein may become contaminated to endanger the public health.

§ 50-7. Stables, barns and poultry houses. [Adopted 1-20-54 as former § 54-10.]

No person shall keep any poultry, cattle, live stock or other animal in such manner that the filth or stench therefrom may become offensive or that may endanger health.

§ 50-8. Kennels, regulation of. [Adopted 1-20-54 as former § 54-11.]

It shall be unlawful to keep any dog or dogs within the town in any pen or kennel located within thirty (30) feet of any building used for residential or public purposes other than the residence of the owner or keeper of such dog or dogs. It shall be unlawful to keep any dog or dogs in any pen or kennel within the town unless such pen or kennel is in a sanitary condition and free from disagreeable odors.

§ 50-9. Cesspools, regulation of. [Adopted 1-20-54 as former § 54-14.]

No privy, septic tank, vault, cesspool or reservoir shall be constructed, erected, used or maintained within the town unless such privy, vault, cesspool or reservoir is constructed, erected, used and maintained in conformity with the regulations of the State and County Boards of Health.

§ 50-10. Burying unlawful. [Adopted 1-20-54 as former § 54-14. Amended 9-13-65.]

It shall be unlawful to deposit or bury the contents of any privy, vault, cesspool or the body of any animal within the town.

§ 50-11. Environmental Noise Control . [Adopted 1-20-54 as former § 54-17. Titled "Unreasonable Noise Prohibited"] [Repealed and replaced, retitled 4-7-97, effective 4-27-97].

§ 50-11-1 Definitions.

“Commercial land use”- Property zoned or used for the sale of goods and services or for office uses.

“dBA”-Abbreviation for the sound level in decibels determined by the A-weighting network of a sound level meter or by calculations from octave band or 1/3 octave band data.

“Daytime”- Between 7:00 a.m. and 10:00 p.m. local time.

“Nighttime”- Between 10:00 p.m. and 7:00 a.m. local time.

“Decibel” - A unit of measure equal to ten times the logarithm to the base of ten of the ratio of a particular sound pressure squared. For purposes of this section, twenty (20) micropascals shall be the standard reference pressure.

“Industrial land use” - Property zoned or used for manufacturing or storing goods.

“Person” - Any individual, group, firm, association, agency, or other entity.

“Residential land use” - Property zoned for the use of habitation dwellings.

“Sound” - An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of the medium. The description of sound may include any characteristic of such sound, including duration, intensity, and frequency.

“Sound level” - The weighted sound pressure level obtained by the use of a sound level meter and frequency weighing network, such as A, B, or C as specified in American Standards Institute specifications for sound level meters (ANSI S1.4-1971, or the latest approved revision thereof). If the frequency weighing employed is not indicated, the A-weighting shall apply.

“Sound level meter” - An instrument designed to measure noise levels, meeting ANSI S1.4-1971 (or latest approved revision thereof) specifications.

“Trained operator” - A person who has been trained in the use of the specific sound level meter and can demonstrate proficiency in the operation of such, and has a general working knowledge of instrument employed.

“Unnecessary noise” - Excessive or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the Town limits.

§ 50-11.2 Standards.

(a) No person shall operate, play or permit the operation or playing of any radio, television, record player, tape recorder, musical instrument, amplifier or any similar device so as to cause sound measurable beyond the property line of the source at levels greater than the following:

Industrial	75 dBA, daytime or nighttime
Commercial	67 dBA, daytime 62 dBA, nighttime
Residential	60 dBA, daytime 50 dBA, nighttime

(b) Sound level measurements may be taken anywhere beyond the property line of the source, on public or private property, five feet above the ground. In the case of a multiple dwelling unit, the property line shall be defined as that area beyond the walls of an individual dwelling unit. Measurements from unzoned property shall conform with those standards for residential zoned property.

(c) Sound level measurements shall be taken by a trained operator using a sound level meter set on the "slow" setting. The sound level meter shall be maintained and calibrated and remain in good working order.

§ 50-11.3 Loud Noise Prohibited

(a) **Generally** - Loud and unnecessary noise which disturbs the public peace between the hours of 10:00 p.m. and 7:00 a.m., local time, except as otherwise provided in this section, shall be deemed a public nuisance and is prohibited. Sound levels measured from the property line of the source not in compliance with levels specified in section 50-11.2 of this chapter are presumed a public nuisance, and subject the violator to the penalties set forth in section 50-11.5.

(b) **Unnecessary Noise** - Any noise may be deemed to be unnecessary noise regardless of whether the sound level is in compliance with levels specified in section 50-11.2. The following, among others, are declared to be loud and unnecessary noises in violation of this section, but said enumeration shall not be deemed to be an exclusive list:

(1) Horns, signaling devices, etc. - The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public area with the Town, except as a danger warning;

(2) Loud speakers, amplifiers for advertising - The using, operating or permitting to be played, used or operated of any radio, receiving set, musical instrument, record players, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is broadcast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure;

- (3) Yelling, shouting, etc. - Yelling, shouting, or other similar activity that annoys or disturbs the quiet, comfort, or repose of persons in any office, dwelling, or anywhere else within the Town;
- (4) Animals - The keeping of any animal, which by causing frequent or long continued noise, shall disturb the comfort or repose of any person in the vicinity;
- (5) Exhausts - The discharge into the open air of the exhaust of any stem engine, internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which prevents unnecessary loud noise;
- (6) Defect in vehicle or load - The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in such manner as to create loud and unnecessary grating, grinding, rattling, or other noise;
- (7) Construction or repair of structures - The erection, excavation, demolition, alteration or repair of any building or structure can only be done during daytime hours, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Town Administrator or Mayor. Said permit may not be for more than three consecutive days, and may not be renewed unless the application meets the same urgent necessity and public interest threshold;
- (8) Hawkers, peddlers- The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of a neighborhood.

§ 50-11.4 Exemptions

(a) This section shall not apply to activities or events conducted, sponsored, or permitted by the Town of Riverdale Park.

(b) This section shall not apply to sound equipment used by any Public Service Company as defined in Article 78 of the Annotated Code of Maryland, or to federal, state or local governmental agencies.

§ 50-11.5 Penalties

(a) **Generally** - Violation of any subsection of section 50-11 of the Ordinance Code of the Town of Riverdale Park shall be deemed a municipal infraction. Violators shall be subject to a fine of ONE HUNDRED DOLLARS (\$100.00). Each hour any violation of any provision of this section shall continue after citation for said offense by any peace officer or other authorized official of the Town of Riverdale Park shall constitute a separate offense.

(b) **Repeat Violations** - The third conviction under this section shall be deemed a misdemeanor, with violators subject to a fine up to FOUR HUNDRED DOLLARS (\$400.00) and up to six months incarceration. For purposes of this section, convictions may be by way of admission of guilt or by or by formal adjudication. The third conviction will also subject violators to confiscation and forfeiture of the device used to create unnecessary noise, with the right of entry by the Town of Riverdale Park, or its appointed representative.

§ 50-12. Spitting in public. [Adopted 1-20-54 as former §54-18]

It shall be unlawful for any person to expectorate or spit on the floors, walls, side or doors of any public building, place of amusement or any sidewalk or other public place where the public is invited to enter.

§ 50-13. Abatement of menace to public health or safety upon vacant premise or unimproved lot; when cost assessable as a tax. [Adopted 1-20-54 as former § 54-19.]

If the Mayor and Council find that a menace to the public health or safety exists upon any vacant premise or unimproved lot and that the owner or person in charge thereof has failed, after written notice, to remove such menace, they may proceed as provided in the Code of General Public Laws of Maryland to cause the removal of such menace and to assess the cost of such removal as a tax against the property in the manner prescribed by such code.

§50-14. Reserved

§50-15.Outdoor unenclosed storage prohibited. [Amended 10.22.06]

It shall be unlawful for any property owner or tenant to utilize, or allow to be utilized, unenclosed porches, decks, patios, carports, gazebos, garages, sheds, or other exterior appurtenances of any structure for the storage of items, including but not limited to the following:

Fiber or paper products; building supplies and materials: flammable material, such as paints and solvents; motor vehicle parts and accessories; appliances; and household furnishings, when such storage would be dangerous to human health, safety or well being. An “unenclosed area” for the purposes of this section shall mean an area that is not sealed from the elements or an area that has any improperly fitted doors, lids, windows or access panels, or is an area that is visible to the public.

§50-16 Dumpsters and Storage Receptacles on Residential Property. [Added 6-4-12, effective 11-5-12]

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 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 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.

§50-17 Reserved

§50-18 Penalties. [Amended 6-4-12, effective 11-5-12]

- a) Violations of the provisions of §§ 50-1 through 50-3 are misdemeanors and, upon convictions thereof, violators shall be subject to a fine of not more than one thousand dollars (\$1,000) or of not more than six months (6), or both.
- b) Violations of the provisions of §50-11 can be misdemeanors or municipal infractions. Penalties for violations thereof are contained in §50-11.5.
- c) Violations of the provisions of §§50-4 through 50-10, and 50-12, 50-15 and 50-16 are municipal infractions, the penalty for which shall be one hundred dollars (\$100) for each offense, except for violations of §50-12, the penalty for which shall be fifty dollars (\$50) for each offense.