

**Chapter 66**  
**WALLS, FENCES AND HEDGES**

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**[HISTORY: Adopted 2-21-72, effective 3-13-72. Amended 12-7-98, effective 12-27-98. Amended 12-7-98. Effective 12-27-98. Amendment history noted where applicable.]**

**§ 66-1. Height of walls and fences. [Amended 12-1-14, effective 12-21-14.]**

(a) It shall be unlawful for any person to erect any wall or fence, or combination of wall and fence, in excess of four (4) feet in height, measured from the surface of the finished grade, around or on any property within the town without first obtaining a permit from the Mayor and Council.

(b) A permit may be granted for any deviation from such height as a special exception by the Mayor and Council if the fence is located to the rear of the building line, or if it is an ornamental iron fence or such that would enhance the beauty of the property. The Mayor and Council may require as a condition of granting a special exception that any such proposed fence having a more finished face on one side be so erected that the more finished face is outward when viewed from the surrounding properties. **[Amended 3-6-95, effective 3-26-95.]**

**§ 66-1.1 Prohibited Fences. [Adopted 12-7-98, effective 12-27-98. Amended 3-4-14, effective 3-24-14]**

(a) Purpose. It is the intent and purpose of this section to protect the health, safety, morals and general welfare of the Town of Riverdale Park and its residents by generally restricting the placement of certain types of fences on residential and commercial lots. Such restrictions shall, among other things: prevent the obstruction or reduction by made-made

structures of visibility at corners and intersections for drivers and pedestrians; add to the attractiveness of the community; create a better home environment; preserve an area generally regarded by the public as pleasing to the eye; and preserve, improve and protect the general character of the lands within the Town and improvements thereon.

(b) Rule of Construction. In applying the fence restrictions contained in this section, the term “front yard” shall mean the property between the front building line and the public street on which the property is located. The term “corner lot” shall mean any property that abuts two adjacent public rights of way.

(c) Front Yard Fences. Except as otherwise provided, all metal fences are prohibited between the front building line of property and other adjacent property, dwelling, publicly dedicated street, private street or parking area.

(d) Side and Rear Yard Fences. Nothing in this section shall affect the design, permitting or erection of side and rear yard fences within the Town of Riverdale Park. The building code of the Town of Riverdale Park and Prince George’s County, Maryland, as well as Section 66-1 of the Ordinance codes of the Town of Riverdale Park shall govern such fences. Notwithstanding any other provisions of this subsection, side and rear yard fences may not be constructed of chain link on and after the effective date of this prohibition.

(e) Permitted Front Yard Fences. Fences that otherwise meet all design and construction specifications of the building codes of the Town of Riverdale Park and Prince George’s County, Maryland, as well as the Ordinance Code of the Town of Riverdale Park shall be permitted as front yard fences so long as they are not constructed of chain-link.

(f) Corner Lots- Special Rule of Construction. For any property deemed to be a corner lot under this section, in addition to other proscriptions of the section, no chain-link fence may be erected along the side yard that abuts a public right of way.

(g) Chain-Link Fence Defined. For purposes of this section, “chain-link fence” shall be defined as a fence made from wire helically wound and interwoven in such manner as to provide a continuous mesh without knots or ties, except in the form of knuckling or of twisting the ends of the wires to form the selvages of the fabric, as well as all posts, clamps, and other accessories necessary for the stable construction of the chain-link fabric into a fence.

(h) Grandfather Clause. All front yard fences legally existing as of the date of introduction of the ordinance resolution creating section 66-1.1, and all side and rear yard fences erected after the amendment of section 66-1.1 prohibiting the construction of chain link fences in side and rear yards, which do not comply with any subsection (i.e., front, side and rear yard chain-link fences), shall be deemed non-conforming uses. All front yard fences erected subsequent to the introduction of the resolution creating section 66 1.1 (November 2, 1998), or side or rear yard fences erected after the effective date of the prohibition in section 66-1.1(d)

against the construction of chain link fences in side or rear yards, that are intended to replace those fences deemed non-conforming uses shall conform to the requirements of this section. A fence deemed to be a non-conforming use under this subsection which has been removed or destroyed through no fault of, and due to circumstances beyond the control of the owner, may be replaced or repaired in a manner substantially identical in all material respects to the fence so removed or destroyed. Consideration shall be given to the similarity of such factors as materials, height, length and fence location between the original fence and the replacement fence. Nothing contained in this subsection shall be construed to prohibit the maintenance and repair of a non-conforming fence so long as the fence is not changed in character and all repairs are made with materials substantially the same as the materials requiring maintenance or repair.

#### **§ 66-2. Height of hedges and shrubbery.**

(a) It shall be unlawful for the owner or occupant of any premises within the town to permit any hedge or shrubbery within three (3) feet of any public sidewalk or public path to grow to a height of more than three (3) feet, measured from the surface of the sidewalk grade or path.

(b) On any corner lot in any residential zone, there shall be no fence, hedge, wall, terrace, structure, shrubbery, planting or other obstruction to vision having a height greater than three (3) feet above the curb level for a distance of twenty-five (25) feet from the intersection of the front and side street lines.

#### **§ 66-3. Procedure for removal.**

Whenever any hedge or shrubbery is found to be higher than is permitted by the preceding section, the town shall mail or cause to be delivered to the owner or occupant of such premises a written notice of the violation, requiring the owner or occupant of the premises to comply with the preceding section within ten (10) days from the date of service of the notice, and if the same be not corrected to conform to this chapter within the time specified in the notice, the person responsible for the condition of the property shall be cited for a violation of this chapter; provided, however, that if any person interested in the property feels aggrieved by the application of this provision to his particular case, he may appeal, at any time before expiration of the notice, to the Mayor and Council where he shall be given a hearing. If the Mayor and Council find that an exceptional condition exists which would make the application of this provision as to height unreasonable in the particular case, and that permitting the greater height would result in no traffic or other hazard to the public, then the Mayor and Council may determine what is a reasonable height for the particular location under the circumstances, and such person shall, from and after the expiration of three (3) days from the time of such determination, not permit such hedge, fence or shrubbery to be or grow to a height greater than that determined.

#### **§ 66-4. Planting of hedges.**

All hedges or shrubbery shall be planted sufficiently back of the property line so that when grown to three (3) feet and trimmed they shall not extend over the sidewalk

**§ 66-5. Retaining walls.**

All retaining walls constructed along a sidewalk shall require a building or construction permit.

**§ 66-6. Violations and penalties.** [Amended 3-6-95, effective 6-26-95.] Violations of the provisions of this chapter are declared to be municipal infractions, the penalty for which shall be one hundred dollars (\$100) for each offense. Each day that a violation continues after initial notice shall constitute a separate offense.