

**Chapter 68**  
**WEEDS, RUBBISH AND GARBAGE MAINTENANCE**

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**[HISTORY: Adopted 1-20-54, effective 2-1-54. Amended 3-6-95, effective 3-26-95. Amendment History noted where applicable.] [Repealed and replaced 5-7-18; effective 5-27-18]**

**§ 68-1 Declaration of policy.**

It is the public policy of the Town to preserve, protect, and improve the aesthetic character of Riverdale Park's communities by preventing and prohibiting certain natural and man-made conditions which may be detrimental to the aesthetic appearance of the Town and the health, safety and welfare of the Town's residents.

**§ 68-2 Definitions.**

As used in this Chapter, the following terms shall have the meanings indicated:

**Code official** – An individual(s) designated by the Town Manager to administer this Chapter.

**Exterior property or premises** – The open area on a lot or parcel of land upon which a structure is located.

**Garbage** – All waste resulting from the handling, preparation, cooking and consumption of food, except that compost piles and bins are not considered garbage.

**Noxious Weeds** – Any type(s) of plants and weeds to be injurious to crops, ecosystems, humans, or livestock, as classified and defined by the State of Maryland.

**Person** - Any individual, partnership, corporation, association or other legal entity. A person includes an owner, tenant, lessee, occupants and person in charge of or using residential real property.

**Rubbish** – Combustible and non-combustible waste materials, except garbage. Rubbish includes residue from the burning of combustible materials, paper, rags, cartons, cardboard, boxes, rubber, leather, tree branches, yard trimmings, cans and other metals, glass, crockery, and similar matter.

**Weeds** – All grasses, plants and vegetation, other than shrubs, trees, cultivated flowers and gardens.

### **§ 68-3 Maintenance requirements.**

A. A person who owns, occupies, uses or has charge of real property or premises in the Town shall:

1. Maintain and keep the exterior property or premises in a clean, safe and sanitary condition.
2. Keep all sidewalks, walkways, exterior stairs, parking spaces and similar areas in a proper state of repair and maintained free from hazardous conditions.
3. Keep and maintain the exterior property or premises free from:
  - a. Weeds in excess of ten inches in height;
  - b. Noxious weeds;
  - c. Rodent harborages; and
  - d. Rubbish and garbage except in approved containers.

B. A person who causes or allows a condition to exist in violation of subsection A. of this section shall abate the condition after notice as specified in § 68-4.

### **§ 68-4 Notice to abate; effects of noncompliance.**

A. If a code official observes a condition that exists on exterior property or premises in violation of § 68-3, a code official shall issue a notice that:

1. Is dated and signed by the code official;
2. Identifies the violation;

3. Directs the person to abate the violation and specifies the corrective action required for abatement;

4. Specifies the time within which the violation must be abated;

5. Advises the person that the violation is a municipal infraction, the amount of the fine for the violation, and that each day that the violation continues is a separate offense;

6. Advises the person that if the person does not abate the violation within the time specified in subsection C. of this Section the Town may abate the violation at the expense of the owner of the property or premises, and that the costs of abatement will be a lien on the property; and

7. Advises the person that the person may have a hearing to appeal the notice of abatement, in accordance with Chapter 56 of this Code; and

8. Specifies the procedure for requesting the appeal hearing.

B. The issued notice shall be served as follows:

1. The notice shall be hand-delivered to a person who own, occupies, uses or has charge of the exterior property or premises, and

2. If the person is not the owner of the property, a copy of the notice shall also be sent via first-class US mail to the property owner of record; or

3. If no person is present to receive hand-delivered notice, the code official shall post the required notice securely and visibly on the property or premises, and

4. The notice shall also be sent via first-class US mail to the property owner of record.

C. A notice issued pursuant to subsection A. and B. of this section shall give a person ten (10) calendar days to abate a violation before the Town may enter the property to abate the violation.

D. A person aggrieved by a final decision or order of the Town in the administration or enforcement of this Chapter may appeal the decision to the Board of Code Appeals in accordance with Chapter 56 of this Code.

E. If the violation is not abated within the time required in the notice, or within such additional time as may be allowed by the Board of Code Appeals, the Town may abate the violation. All costs for any such abatement plus reasonable administrative fees shall be the personal obligation of the owner of the property and any other person notified under subsection A. Payment for the Town's costs of abatement shall be due in full 30 days after the date the billing notice is mailed. Failure to remit payment in full may result in collection of funds in a civil proceeding. Additionally, the Town's costs of abatement along with any

administrative fees shall be a lien on the real estate upon which the violation occurs, and may be collected and have the lien enforced in the same manner, and have the same rights, priority rights, interest and penalties, as Town real property taxes.

#### **§ 68-5 Summary abatement.**

Upon a determination by a code official or the Town Manager's designee that a violation of § 68-3 exists and that the violation poses an immediate threat to the public health, safety or welfare, a code official or designee may order that the violation be summarily abated. Prior to any summary abatement, the premises shall be posted visibly and securely with a notice that a violation exists and a demand that said violation be abated within 24 hours. A code official or the Town Manager's designee also shall make reasonable efforts to hand deliver a copy of the notice to a person who owns, occupies, uses or has charge of the exterior property or premises where the violation exists. Except as otherwise specified in this Section, the notice shall be in the form prescribed in § 68-4, and also shall describe the circumstances why the violation poses an immediate threat to the public health, safety or welfare. Failure of a person who owns, occupies, uses or has charge of the exterior property or premises to abate the violation within 24 hours after the notice shall result in the violation being abated by the Town, and the Town's abatement costs and fees being assessed and collected in accordance with § 68-4. E.

#### **§ 68-6 Violation and penalties.**

In addition to the penalties described in § 68-4, a person who violates § 68-3 is guilty of a municipal infraction and shall be fined \$200 for each offense. Each day that a violation of § 68-3 exists is a separate offense.

