

Chapter 105
STREETS AND SIDEWALKS

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[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville 12-1-69. Sections 105-9, 105-11, 105-14, 105-17, 105-19, 105-20, 105-29, 105-30, 105-31A, 105-37, 105-38, 105-40, 105-41, 105-43 and Arts. II, IV and VI amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

- Public ways and sidewalks generally - See Charter, Arts. VII and VIII.
- Department of Public Works - See Ch. 4, Art. II.
- Municipal infraction - See Ch. 20.
- Peace and good order - See Ch. 87.
- Vehicles and traffic - See Ch. 114.

ARTICLE I

General Regulations

§ 105-1. Sidewalk Maintenance [Amended 2-17-09 by HO-2009-05; Amended 2-17-09 by HO-2009-05]

(A) Except as otherwise provided in this chapter, it shall be unlawful for any person willfully to hinder or obstruct the free passage of any person, vehicle or conveyance of any description along or upon any of the streets, sidewalks, alleys or public passageways in the City by placing any obstruction thereon which provides a hindrance to the free passage of any such person, vehicle or conveyance along or upon the same.

(B) Each person owning or occupying a lot or part of a lot fronting or abutting on a public right-of-way with a paved sidewalk, shall keep the sidewalk unobstructed to allow free and safe passage, by removing snow, ice, weeds, brush, grass, vegetation, trash, debris and obstructions from the sidewalk.

§ 105-2. Removal of snow and sleet. [Amended 11-19-12 by HO-204-11-12]

It shall be the duty of every person in charge or control of any building or parcel of land located in the City fronting or abutting on a paved public sidewalk, whether as owner, tenant, occupant or otherwise, within twenty-four (24) hours after the ceasing to fall of any snow or sleet, to remove and clear away or cause to be removed and cleared away such snow or sleet from so much of such public sidewalk as is in front of or abuts on said building or lot of land. It shall be unlawful to fail, neglect or refuse to comply with this section. The Head of Code Compliance after consultation with the City Administrator and Public Works Director shall have the discretion to extend the time period for clearing public sidewalks based reasonably on the conditions and amount of snow accumulated. It shall be the policy of the City to encourage voluntary compliance to this subsection when feasible.

§ 105-3. Restrictions for hedges bordering public sidewalks or paths. [Amended 3-3-80 by HB No. 9-80]

No hedge bordering upon any public sidewalk or path in the City shall be more than four (4) feet in height. No hedge bordering upon any such sidewalk or path shall encroach upon or project over the same.

§ 105-4. Maintenance of property in public rights-of-way, sidewalks or paths [Added 11-1-71; Amended 3-3-80 by HB No. 9-80; Amended 2-17-09 by HO-2009-05]

(A) It shall be the duty of every person in charge or control of any building or parcel of land, any part of which fronts, abuts or is located in, on, or under a public sidewalk or a public right-of-way, (abutting area) whether as owner, tenant, occupant or otherwise, to keep that part of the abutting area which is in the public right-of-way, including the area between the paved sidewalk and any street or alley, free of trash, debris, plant growth (except as provided herein) and obstructions to free passage of pedestrians over the area.

(B) Grass (Less than 8” tall), City-approved trees and any vegetation conforming to the requirements immediately below, shall be allowed in the abutting area.

(C) Any vegetation (other than grass) in the abutting area must be less than 19” tall (measured from the ground), must not have roots that damage the public infrastructure, must be actively maintained

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and cultivated, must cover no more than 25 percent of the abutting area, and must conform to this Article I as well as to Section 65-25 of this Code.

(D) In the areas between the sidewalk and any street or alley no infrastructure, fence or impervious surface is allowed except a permitted driveway or a connection less than 42" wide between the sidewalk and the curb.

(E) It shall be unlawful to fail, neglect or refuse to comply with this section.

(F) Nothing in this Article I shall limit the authority of the City over the City public rights-of-way. The City may construct, place, replace, remove or plant items or structures in such public rights-of-way in the interest of the free and safe passage of pedestrians and the general public good.

§ 105-5. Removal of debris associated with building operations required.

Every person having charge of any building operations, either as owner or contractor, shall remove or cause to be removed, at the expiration of each working day, from the sidewalks, gutters and roadways adjacent to such building operations all earth, sand, gravel, dirt, mortar, stones, broken bricks, shavings, rubbish and all other litter that may have been deposited or accumulated thereon as a result of such building operations.

§ 105-6. Gates swinging outward onto public passageways prohibited.

It shall be unlawful for any person being the owner or tenant of property to permit any gate on such property to swing outward on any public road, sidewalk or public passageway in the City.

§ 105-7. Projecting signs. [Amended 3-3-80 by HB No. 9-80]

No sign or board shall project over any sidewalk without permission from the City Council.

§ 105-8. Flags and banners across City streets. [Amended 3-3-80 by HB No. 9-80]

No flag, banner or any other manner of display shall be stretched across any of the streets of the City without permission from the City Council.

§ 105-9. Permit required for placement of ashes, gravel and similar substances upon driveways, streets and similar areas.

It shall be unlawful for any person to place or cause to be placed any earth, ashes, gravel or other substance upon the improved driveways, pavements, streets or alleys in the City, unless he shall first have obtained a permit therefor from the Director of the Department of Public Works.

§ 105-10. Erection and/or maintenance of buildings or similar obstructions upon City streets prohibited. [Amended 3-3-80 by HB No. 9-80]

It shall be unlawful for any person to erect or maintain any building or obstruction in or upon any street or alley in the City.

§ 105-11. Permit required for storage of building materials upon streets and sidewalks by contractors.

It shall be unlawful for any contractor or any employees of any contractor or any other person to use the streets or sidewalks in the City to store or place materials thereon without a permit from the Director of the Department of Public Works for the right to use the street or sidewalk in such manner.

§ 105-12. Warning devices required when storage of materials obstructs passageways.

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Any person using a street or sidewalk in the City to store or place materials, pursuant to a permit as required in §105-11, shall exhibit or display one (1) or more red lanterns, as necessary, at night placed thereon in such manner as to warn the public of the obstruction of the street or sidewalk and so as to show distinctly the unobstructed passageway remaining in the street or sidewalk.

§ 105-13. Permit required for use of sidewalks and parkings for business purposes.

It shall be unlawful for any person to use the parking between curb and sidewalk or the sidewalks of the City for business purposes or to place material for business purposes thereon, unless he shall first have secured a permit therefor from the Mayor. The Mayor is hereby authorized to grant permits for the temporary use of sidewalks and parkings on the streets and avenues of the City for business purposes. All applications for such permits shall state the character of material to be placed thereon.

§ 105-14. Painting or advertising on sidewalks prohibited.

It shall be unlawful for any person to place or paint upon any sidewalk in any manner whatever any letters or advertising device.

§ 105-15. Extinguishing or obstructing street lights.

It shall be unlawful for any person to extinguish or obstruct the light in any streetlight without permission from the City Council.

§ 105-16. Unauthorized damage to City streets and passage ways prohibited

It shall be unlawful for any unauthorized person to break, destroy or in any way injure any sidewalk, curb, gutter or footway or roadway in any of the streets or other public places of the City.

§ 105-17. Specific regulations concerning Baltimore Avenue.

The public easement in the bed of Baltimore Avenue, to the full extent of the title thereto which is vested in the City Council, is hereby granted to the State of Maryland in order that Baltimore Avenue may be included by the State Highway Administration in the public highway for construction; and the City Council does hereby relinquish to the state jurisdiction and control over Baltimore Avenue as a public highway to the extent provided in the Acts of the General Assembly of Maryland so that such jurisdiction and control may be exercised hereafter by the State Highway Administration or by any other official or officials, agent or agents of the state who may be assigned thereto; provided, however, that nothing herein shall be construed to deprive the City Council of police power over Baltimore Avenue or to prevent such work upon, over or under the same or control over the same as may be necessary in the course of public improvements or in the maintenance of public utilities now or hereafter owned or operated by the City Council, but any such openings of said road shall be closed and repaired within a reasonable time under the supervision of, in the manner prescribed by and to the satisfaction of the state Highway Administration and at the expense of the City Council. Nothing herein contained shall be taken or construed to deprive the City Council of its power and authority to construct sidewalks on Baltimore Avenue and to assess the cost thereof upon abutting property as now or hereafter provided by law.

§ 105-18. Riding bicycles upon sidewalks prohibited; exception.

It shall be unlawful for any person to ride a bicycle upon any sidewalk in the City; provided, however, that this shall not be construed to apply to small children's toy velocipedes or other light toy vehicles.

§ 105-19. Permit required for driving vehicles over sidewalks. [Amended 12-19-83 by HB No. 15-83]

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It shall be unlawful for any person to drive or to cause or permit to be driven any vehicle across any sidewalk in the City unless a written permit therefor shall first have been obtained from the City Clerk acting upon authorization of the Director of the Department of Public Works, and subject to such terms and conditions as may be imposed for securing the City against any damage done to such sidewalk or for the replacement of such sidewalk.

§ 105-20. Operation of vehicles with cleats or cleated tires upon City streets. [Amended 12-19-83 by HB No. 15-83]

No vehicle with cleats or cleated wheels shall be driven or operated over any of the streets of the City without express permission of the Director of the Department of Public Works.

§ 105-21. Attachment of bicycles, motorcycles, roller skates and similar toy vehicles to other moving vehicles upon City streets prohibited.

No person traveling on any bicycle, motorcycle, scooter, sled, toy wagon, roller skates or any toy vehicle shall cling to or attach himself or his bicycle, motorcycle, scooter, sled, toy wagon, roller skates or any toy vehicle to any other moving vehicle upon any of the streets or upon any roadway within the City.

§ 105-21.1. Abandonment of improved roads. [Added 2-3-86 by HB No. 1-86]

A. Authorization. The City Council may, upon recommendation of the City Administrator, authorize the closing of any improved road under the jurisdiction of the City.

B. Procedures.

(1) Where the closing of a road is in connection with the construction of a new road and users of the road or portion of road to be closed will not be denied access to any property or area which was previously accessible, the City Council may authorize the closing upon the certification of such facts by the City Administrator.

(2) Where the closing of a road will deny access to public users to areas or properties accessible from the road to be closed or will take from an abutting property owner the only direct access to a public road, the City Council shall first hold a public hearing. The purpose of the hearing shall be to take testimony to determine that reasonable or alternative means of access exists to property formerly accessible by the road to be closed and that the road is no longer needed as a public way. Each property owner as shown on the assessment books of the City abutting a portion of the road to be closed shall be notified in writing of the closing and of the date, time and place a hearing will be held. In addition, a notice shall be posted in such manner and size to give reasonable notice to the users of the road of the intended closing and date, time and place of hearing.

C. Effect of Closing. A closing of a road shall constitute the termination of the general public's right to use the right-of-way but shall have no effect on private rights of ownership or easements in the roadway.

D. Barricades. Upon a closing of the road, the Department of Public Works may barricade the road in such a manner as not to deny individual property rights.

§ 105-21.2. Abandonment of unimproved roads. [Added 2-3-86 by HB No. 2-86]

A. Authorization. The City Council may, upon recommendation of the City Administrator, authorize the abandonment of any unimproved road that is not a part of any recorded plat of subdivision.

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B. Procedures.

(1) A petition for the vacation of the unimproved roadway shall be filed with the City Administrator. A copy of the plat of abandonment shall be attached to the petition as well as written evidence that all owners of abutting properties have been notified.

(2) Generally, the City Council shall not vacate any subdivision which has dedicated rights-of-way to public use or dedicated rights-of-way or easements for any public utility, storm drainage course, floodplain or public access roadway until:

(a) The petitioner seeks the consents of the Washington Suburban Sanitary Commission and the City Department of Public Works.

(b) The petitioner notifies each public utility, in writing, which is franchised to provide services within the area of the vacation, of the petition and provide thirty (30) calendar days to comment.

(c) If any of the agencies or utilities have rights in any area proposed to be vacated have attached conditions to its consent, said conditions shall be incorporated into the vacation petition.

(d) In any case where any agency or utility having rights in any area proposed to be vacated objects to the vacation petition, the City Council shall find that a specific public benefit will not be annulled if the petition is granted.

(e) In the case of a right-of-way which is in use by the general public at the time of the petition or within the preceding year, the procedures required by Chapter 105, §105.21.1 of this Code shall have been carried out.

(3) The petition may be approved by the City Council, after posting notice on the property at least thirty (30) days prior to approval.

C. Effect. The approval of the petition by the City Council shall divest all public rights in the subject right-of-way.

D. Unimproved platted roadways. In order to abandon an unimproved roadway that has been platted by a recorded subdivision, the City Council shall follow such procedures as set forth in the Subdivision Subtitle of the Prince George's County Code.

§ 105-22. Driving upon closed streets prohibited.

It shall be unlawful for any person to drive any vehicle on any public street where a barrier, sign or authorized person indicates that the street in question is closed.

§ 105-23. Hitchhiking prohibited.

It shall be unlawful for any person to stand in the public highway or in any street or alley in the City for the purpose of soliciting a ride or passage from the driver of any private vehicle.

§ 105-24. Improper operation of motor vehicles.

It shall be unlawful for any person to operate a motor vehicle over any street in the City in an intentionally improper manner so as to cause skidding, spinning of wheels or excessive noise upon the highway.

ARTICLE II

General Regulations for Excavations

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[Amended 12-19-83 by HB No. 15-83]

§ 105-25. Permit required for excavations in Baltimore -Washington Boulevard.

It is unlawful for any person willfully to break or disturb in any manner the macadam on the Baltimore-Washington Boulevard in the City without first having secured a permit therefor from the proper authority of the State Highway Administration.

§ 105-26. Permit required for laying drainage pipes.

It shall be unlawful for any person to lay any pipe or similar device intended for drainage purposes in any gutter in the City without a permit so to do from the Director of the Department of Public Works.

§ 105-27. Permit required for construction of artificial drains, trenches and indentations across side walks.

It shall be unlawful for any person to construct any artificial drain, trench or indentation in or across any sidewalk in the City without a permit so to do from the Director of the Department of Public Works.

§ 105-28. Permit required prior to paving or permanently covering parkings.

It shall be unlawful for any person to pave or cover with a permanent cover any parkings between the sidewalk and curb any part thereof, unless he shall first have secured a permit therefor from the Director of the Department of Public Works.

ARTICLE III

Excavations in Driveways and Parkings

§ 105-29. Permit Required.

It shall be unlawful for any person to make or cause to be made any excavation in any driveway or parking on any street without a permit issued and authorized by the Director of the Department of Public Works.

§ 105-30. Violations of Permit Provisions.

No person shall violate any of the provisions of a permit issued by the Director of the Department of Public Works for an excavation as provided for in § 105-29.

§ 105-31. Restoration required following excavation.

A. Any excavation in any driveway or parking on any street made pursuant to a permit as required in § 105-29 shall be subject to such terms and conditions as may be imposed by the Director of the Department of Public Works for refiling and reconstructing the street so that such street is in the condition in which it was prior to such excavation.

B. No person shall fail to refill and reconstruct the street so that such street is in the condition in which it was prior to such excavation.

§ 105-32. Warning barriers and lights required. [Amended 3-3-80 by HB No. 9-80]

No person shall fail to provide suitable warning barriers and lights to designate an excavation made pursuant to a permit as provided for in § 105-29.

ARTICLE IV

Construction or Repair Within City Streets

[Amended at time of adoption of Code]

§ 105-33. Permit required; exception.

It shall be unlawful for any person to open, grade, construct, improve, alter or repair any roadbed, curb, gutter, sidewalk, culvert, drain or other structure lying within the dedicated lines of any public street or alley in the City without having first obtained a permit to do so from the Director of the Department of Public Works, unless the work is being performed by or for the City.

§ 105-34. Application for permit; contents.

Any person desiring a permit as required in §105-33 shall file an application therefor with the Department of Public Works, setting forth such information as may be required, and such application shall be accompanied by specifications and three (3) sets of detailed plans.

§ 105-35. Prerequisites for issuance of permit.

No permit shall be issued pursuant to an application filed as provided in §105-34 until the Director of the Department of Public Works shall be satisfied that work done under the permit will be properly done, will be of a satisfactory character and of reasonably high quality and durability and will conform to minimum specifications for like work performed by the City.

§ 105-36. Supervision and inspection by City Engineer; costs.

Each permit issued pursuant to an application filed as provided in §105-34 shall be upon the condition that the City Engineer shall supervise and inspect the construction or other work to be performed to the extent deemed necessary by the Director of the Department of Public Works. For such supervision and inspection, the Director of the Department of Public Works shall charge the permittee a sum, to be negotiated, of the total cost of the work in question as estimated by the City Engineer, provided that, if such work is planned and actively supervised by a registered engineer, requiring only inspection by the City Engineer, the charge will be a sum, to be negotiated, of such estimated total costs. In no case, however, shall the charge for supervision and inspection be less than five dollars (\$5.00).

ARTICLE V

Driveway Construction

§ 105-37. Permit required. [Amended 12-21-15 by HB-2015-04]

No person shall cut or cause to be cut any curb for a private or public driveway connecting with any of the public streets of the City or construction or cause to be constructed any private or public driveway connecting with any of the public streets of the City, or both cut such curb and construct such driveway, without a duly authorized permit issued by the Director of the Department of Public Works. (NOTE: See also sections 68-8 and 9).

§ 105-38. Application for permit.

Any person desiring a permit as required in §105-34 shall file an application with the Clerk therefor as provided in this section. Such application shall be made upon a duly prescribed form shall be filed in duplicate, the original to go to the Director of the Department of Public Works for approval before

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issuance of the permit in question and the copy to be retained by the Clerk for his files. This application is necessary even though the work under the permit is to be done by the City.

§ 105-39. Fee. [Amended 1-1-82 by HB No. 24-81]

At the time of filing an application as provided in §105-38, the applicant shall pay a permit fee as outlined in 68-9 of this Code as well as a reasonable refundable deposit to ensure the work and restoration of public space are acceptable.

§ 105-40. Form of permit; issuance.

Each permit issued pursuant to an application filed as provided in §105-38 shall be upon a duly prescribed-form and shall be issued in triplicate, the original to go to the applicant and the copies to be retained by or turned over to the Department of Public Works and the Clerk, with the fee and deposit referred to in § 105-39 as a voucher for payment received.

§ 105-41. Construction specifications.

Driveway construction done under a permit issued pursuant to an application filed as provided in §105-38 shall be in accordance with required specifications.

§ 105-42. Construction of apron or approach; costs.

Wherever a permit is given pursuant to an application filed as provided in §105-38 to cut the curb for a private or public driveway, a suitable apron or approach shall be constructed to the sidewalk if the curb is not a part of the sidewalk and continued thereto. The cost of such construction shall be borne by the property owner or applicant, as the case may be.

§ 105-43. Proper supervision required when construction completed by property owner.

Wherever a property owner or applicant does the work personally in connection with any permit issued pursuant to an application filed as provided in §105-38, such work shall be done under proper supervision of the Department of Public Works.

ARTICLE VI

General Construction Specifications and Requirements

[Amended at time of adoption of Code]

§ 105-44. Compliance with county requirements.

The construction of sidewalks, roads and street improvements, including the opening and grading of streets in the City, shall be done in accordance with the requirements for roads and street improvements under Subtitle 23, Roads and Sidewalks, of the Prince George's County Code, 1979 Edition, as it may from time to time be amended, unless otherwise provided by the provisions of this chapter or other ordinances of the City.

ARTICLE VII

Penalty Provisions

[Added 3-3-80 by HB No. 9-80]

§ 105-45. Violations and penalties. [Amended 8-2-82 by HB No. 17-82, Amended 6-1-98 by HB 98-03, Amended 7-16-01 by HB No. 01-03, Amended 12-3-07 by HO-2007-14]

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Violations of this chapter shall be punishable as a municipal infraction as provided in Chapter 20 of this Code. The fine for any single initial violation shall be one hundred dollars (\$100.00) and the fine for each repeat of that offense shall be two hundred dollars (\$200.00).