

**CITY OF HYATTSVILLE
ORDINANCE 2009-05**

An Ordinance whereby the City Council requires the owner or occupant of any property to keep the adjoining sidewalk free of weeds, debris and obstructions and the areas immediately abutting such sidewalks mowed and free of obstructions.

WHEREAS, Maryland Annotated Code, Article 23A, Section 2 grants to municipal corporations of the State of Maryland, including the City of Hyattsville, the power to protect the health, comfort and convenience of their citizens and to enact laws regarding such; and

WHEREAS, the Mayor and City Council deem it in the best interest of its citizens to insure that sidewalks are kept free of debris and weeds and that access between streets and sidewalks be kept unencumbered.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Hyattsville in regular session assembled that Sections 105-1 and 105-4 of the Hyattsville Code are hereby repealed and reenacted with amendments as follows:

**CHAPTER 105
STREETS AND SIDEWALKS**

ARTICLE I

General Regulations

§ 105-1. [~~Obstructions hindering free passage prohibited.~~] SIDEWALK MAINTENANCE

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.

§ 105-4. Maintenance of [grass] PROPERTY [bordering] IN public RIGHTS-OF WAY, sidewalks or paths. [Added 11-1-71; amended 3-3-80 by HB No. 9-80.]

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** [~~located in the city fronting or abutting on~~] 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.** [~~to cut and keep trim grass from the edge of the property line to the paved road, whether the land is public or private~~].

B. GRASS (LESS THAN 8" TALL), CITY-APPROVED STREET 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 18" TALL (MEASURED FROM THE GROUND), MUST NOT HAVE ROOTS THAT DAMAGE THE PUBLIC INFRASTRUCTURE, MUST BE ACTIVELY MAINTAINED 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 STRUCTURE, 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.

AND BE IT FURTHER ORDAINED that if any provision of this Ordinance or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other applications of the Ordinance which can be given effect without the invalid provision or applications, and to this end, all the provisions of this Ordinance are hereby declared to be severable;

AND BE IT FURTHER ORDAINED that this Ordinance shall take effect twenty (20) days (March 9, 2009) from the date of its adoption;

AND BE IT FURTHER ORDAINED that a fair summary of this ordinance shall forthwith be published twice in a newspaper having general circulation in the City and otherwise be made available to the public.

INTRODUCED by the City Council of the City of Hyattsville, Maryland, at a regular public meeting on February 9, 2009.

ADOPTED by the City Council of the City of Hyattsville, Maryland, at a regular public meeting on February 17, 2009.

Adopted: February 17, 2009

Attest: Douglas A. Barber
Douglass A. Barber
City Clerk

William F. Gardiner
William F. Gardiner
Mayor

[] indicate deletions

CAPS/**BOLD** indicate additions

Asterisks * * * Indicate matter retained in existing law but omitted herein

Introduction: 2/9/09

Adoption: 2/17/09

Effective 3/9/09