

Ordinance No.: 12-09-1
Introduced: December 17, 2009
Adopted:
Effective Date:

THE VILLAGE OF MARTIN'S ADDITIONS

SUBJECT: AN ORDINANCE TO ADOPT PERMIT REQUIREMENTS FOR DUMPSTERS AND PORTABLE STORAGE UNITS AND TO PROHIBIT THE PLACEMENT OF DUMPSTERS AND PORTABLE STORAGE UNITS IN THE PUBLIC RIGHT-OF-WAY.

WHEREAS, Article 23A, Section 2(a) of the Maryland Code grants to the legislative body of every incorporated municipality in Maryland, including the Village of Martin's Additions, general power to pass such ordinances not contrary to the Constitution of Maryland or public general law as they may deem necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality;

WHEREAS, Maryland law authorizes municipal corporations within the State to maintain public rights-of-way within the respective corporate boundaries of municipal corporations;

WHEREAS, Section 501 of the Charter of the Village of Martin's Additions authorizes the Village Council to pass such ordinances as it may deem necessary for the preservation of the property, rights, and privileges of the Village and its residents;

WHEREAS, the Village Council finds that a dumpster or portable storage unit remaining on private property for an extended period of time may detract from the reasonable use and enjoyment of neighboring properties and present health, safety, and welfare concerns;

WHEREAS, the Village Council finds that the placement and retrieval of a dumpster or portable storage unit from private property may result in damage to the public right-of-way, and a requirement for a deposit for repairs to the public right-of-way would help insure the prompt repair of any such damage;

WHEREAS, the Village Council finds that a dumpster or portable storage unit placed or maintained within a public right-of-way may interfere with pedestrian or vehicular traffic, including but not limited to safety and rescue vehicles, as recently experienced by the Village, and thereby present health, safety, and welfare concerns;

WHEREAS, the Village Council finds that adopting the following Ordinance is necessary to protect the public health, safety, and welfare; assure the good government of the Village; protect and preserve the Village's property, rights and privileges; and protect the health, comfort and convenience of the citizens of the Village;

WHEREAS, the Village Council introduced the following Ordinance in public session assembled on the 17th day of December, 2009; and

WHEREAS, the Village Council, after proper notice to the public, considered the following Ordinance at a public hearing held on the ___ day of January, 2010;

NOW, THEREFORE, the Village Council of the Village of Martin's Additions does hereby adopt the following Ordinance:

AN ORDINANCE TO ADOPT PERMIT REQUIREMENTS FOR DUMPSTERS AND PORTABLE STORAGE UNITS AND TO PROHIBIT THE PLACEMENT OF DUMPSTERS AND PORTABLE STORAGE UNITS IN THE PUBLIC RIGHT-OF-WAY.

BE IT ORDAINED AND ORDERED, this ___ day of _____, 2010, by the Village Council, acting under and by virtue of the authority given it by Article 23A of the Maryland Code and the Charter of the Village of Martin's Additions, that Chapter 7 of the Code of Ordinances is hereby amended as follows:

**CHAPTER 7
PROPERTY REGULATIONS**

* * *

ARTICLE 1. GENERAL

Section 7-101. Definitions

For the purposes of this Chapter,

* * *

(k) "Developmental nonconformity" means a building which was lawful when constructed, but which no longer conforms to the requirements of Article 4 of this Chapter because of subsequent amendments to this Code.

(l) Dumpster: A large container, including, but not limited to, a detached wheeled trailer, designed or used to store rubbish, construction and/or demolition debris, or other material to be discarded.

(m) "Established building height" means a height building line, which is the average height of all buildings that are:

- a. within 300 feet of each side property line of the proposed construction site;
- b. along the same side of the street;

- c. between intersecting streets or to the point where public thoroughfare is denied;
- d. existing at the time the building permit application is filed;
- e. not non-conforming, unlawfully constructed, or constructed pursuant to a lawfully granted variance; and
- f. not located on a pipe-stem or flag-shaped lot.

Corner lots are subject to the established building height of both of the streets.

(mn) “Established building line,” means the average front line of all buildings that are:

- a. within 300 feet of each side property line of the proposed construction site;
- b. on the same side of the street;
- c. between intersecting streets or to the point where public thoroughfare is denied;
- d. existing at the time the building permit application is filed;
- e. not nonconforming, unlawfully constructed, or constructed pursuant to a lawfully granted variance; and
- f. not located on a pipestem or flag-shaped lot.

Corner lots are subject to established building line standards on both of the adjoining streets.

(no) “Front-loading garage” means a garage with a door that faces a front lot line.

(op) “Finished grade” means the grade following completion of the building or renovation, as established at spot elevations taken at intervals no greater than five (5) feet along the front of the building.

(pq) “Front lot line” means the lot line running along the front of the lot separating it from the street.

(qr) “Front wall plane” means the horizontal surface along the face of an exterior wall facing a front yard.

(rs) “Front yard” means the yard extending across the full width of the lot between the front lot line and the front building line. In cases where no main building exists, the front building restriction line will be substituted for the front building line.

(st) “Garage” means an accessory building or portion of a main building designed, arranged, or used for the housing of private motor vehicles.

(tu) “Garage, front-loading” (see front-loading garage).

- (~~tv~~) “Garbage” means all organic waste, including the residue of animal, fruit or vegetable matter, resulting from the preparation, cooking, handling or storage of food; wastepaper, newspaper and cardboard; cans; jars and bottles; and all other waste materials normally generated and accumulated in a household.
- (~~vw~~) “Grade, finished” (see finished grade).
- (~~wx~~) “Grade, pre-development” (see pre-development grade).
- (~~xy~~) “Hazardous material” means any substance or material in a quantity or form that may pose an unreasonable risk to health, safety or property, including any material designated by the U.S. Department of Transportation as belonging to a hazard class.
- (~~yz~~) “Lawn and garden debris” means all yard trash, including dead trees, tree limbs, stumps, bushes and leaves; and all other debris of the type normally generated and accumulated in gardening, lawn care and tree care.
- (~~zaa~~) “Lot” means the land designated as a separate and distinct lot or parcel of land on a legally recorded subdivision plat or deed filed among the records of Montgomery County, Maryland.
- (~~aabb~~) “Low growing plantings” means grass, ground cover, flowers, and similar plantings maintained at a height of twelve (12) inches or less.
- (~~bccc~~) “Lot line, front” (see front lot line).
- (~~eedd~~) “Lot line, rear” (see rear lot line).
- (~~deee~~) “Lot lines” means the lines bounding a lot.
- (~~eeff~~) “Lot line, side” (see side lot line).
- (~~ffgg~~) “Main Building” means a building in which is conducted the principal use of the property on which it is situated. Any dwelling shall be deemed to be a main building on the lot on which it is located.
- (~~hh~~) **“Portable storage unit” means a large portable container designed or used for the outdoor storage of personal property, including, but not limited to, portable containers that are leased for temporary use.**
- (~~ggii~~) “Pre-development grade” means the grade that existed at the time of application for a building or demolition permit, as established at spot elevations taken at intervals no greater than five (5) feet along the front of the building, or if there is no building at the time of application, at locations along the front of the building to be constructed.
- (~~hhjj~~) “Rear lot line” means the lot line generally opposite or parallel to the front lot line. If the rear lot line is less than ten (10) feet long or the lot comes to a point at the rear, such rear lot line is

assumed to be a line not less than ten (10) feet long lying wholly within the lot, parallel to the front lot line, or in the case of a curved front lot line, parallel to the chord of the arc of such front lot line.

- (~~kk~~) “Rear yard” means the yard extending across the full width of the lot between the rear lot line and the rear building line. In cases where no main building exists, the rear building restriction line will be substituted for the rear building line. Any portion of a rear yard that overlaps with a side yard shall be considered part of the side yard. In the case of a corner lot, any portion of a rear yard that overlaps with a front yard shall be considered part of the front yard.
- (~~jj~~) “Refuse” means garbage, lawn and garden debris or rubbish.
- (~~kk~~mm) “Rubbish” means all refuse other than garbage and lawn and garden debris; this includes ashes, rubble, junk and other solid waste materials.
- (~~nn~~) “Side lot line” means any lot line other than a front lot line or a rear lot line.
- (~~oo~~) “Setback” means the minimum distance that a building must be set back from a lot line, according to the requirements at the relevant provisions of this chapter.
- (~~pp~~) “Side wall plane” means the horizontal surface along the face of an exterior wall facing a side yard.
- (~~qq~~) “Side yard” means the yard between the side lot line and the side building line. Any portion of a side yard that overlaps with a front yard shall be considered part of the front yard.
- (~~rr~~) “Toxic material” means any substance that can be poisonous if inhaled, swallowed, or absorbed into the body through cuts, breaks in the skin, ingestion, or bodily contact.
- (~~qs~~) “Wall plane, front” (see front wall plane).
- (~~tt~~) “Wall plane, side” (see side wall plane).
- (~~su~~) “Wall plane length” means the horizontal length along the face of an exterior wall of a building uninterrupted by a projection or inset of three (3) feet or more that extends a horizontal distance of five (5) feet or more.
- (~~vv~~) “Wall plane height” means the maximum vertical distance at any point on any exterior wall of a building between the highest point of a wall plane and the grade elevation. For the purpose of this definition, grade is either the finished development grade or the pre-development grade, whichever is lower. Dormers shall be considered part of the wall plane below unless they are recessed from the wall plane below by a minimum of three (3) feet.
- (~~ww~~) “Yard” means any open space on a lot with a building, or group of buildings, lying between the building (or the outer building or a group) and the nearest lot or street line and unoccupied and unobstructed from the ground upward, excluding projections allowed by this Chapter.
- (~~xx~~) “Yard, front” (see front yard).

(~~wwwyy~~)“Yard, rear” (see rear yard).

(~~xxzz~~) “Yard, side” (see side yard).

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(Ord. No. 4-09-2, adopted 5/27/09, effective 6/16/09;Ord. No. _____, adopted _____, effective _____)

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ARTICLE 2. PROPERTY MAINTENANCE

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Section 7-210. Dumpsters and portable storage units.

(a) No person shall place or maintain any portable storage unit or dumpster on public property or in the public right-of-way, provided, however, a portable storage unit may be placed on an unimproved portion of the public right-of-way upon the issuance of a permit by the Village Manager upon such terms or restrictions as the Village Manager deems necessary to protect the public health, safety or welfare, including, but not limited to, a limit on the number of consecutive days a portable storage unit may be placed or maintained in the public right-of-way.

(b) No person shall place or maintain a dumpster or portable storage unit on private property within the Village without obtaining a permit from the Village Manager. The Village Manager may condition such permit upon such terms or restrictions as the Village Manager deems necessary to protect the public health, safety or welfare, including, but not limited to, a limit on the number of consecutive days a dumpster or portable storage may be placed or maintained on private property.

(c) No person shall place or maintain a dumpster on private property within the Village for which a permit is required by this Article unless such person has deposited with the Council a deposit for repairs in the form of a bond, letter of credit or other security in such amount and/or form as the Council deems necessary or appropriate to insure the restoration or repair of any damage to the Village rights-of-way, sidewalks, curbs, or roadways and that the placement and use of the dumpster will be in accordance with the terms of the permit issued in connection therewith. The deposit may be applied to repair or correct any damage or injury to public property, including treatment or replacement of Village trees and plantings, as the Village Council in its discretion shall determine. Upon removal of the dumpster or portable storage unit for which the permit was issued, the balance of the deposit, less any amounts

retained by the Village pursuant to this subsection, shall be returned to the person who made the deposit.

(Ord. No. _____, adopted _____, effective _____)

AND BE IT FURTHER ORDAINED AND ORDERED, by the Village Council, acting under and by virtue of the authority granted to it by Article 23A of the Maryland Code, and the Charter of the Village of Martin's Additions, that:

(1) If any part or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the Ordinance as a whole or any remaining part thereof; and

(2) This Ordinance shall take effect on the ___ day of _____, 2010.

ATTEST:

VILLAGE OF MARTIN'S ADDITIONS

_____, Secretary
Village Council

Richard Krajeck, Chair
Village Council

Underline indicates new material
~~Strikethrough~~ indicates material deleted
* * * indicates material unchanged