

**Chapter 65**  
**HEALTH AND SANITATION**  
**ARTICLE I**

**Household Trash Collection**

§ 65-1. Residential Trash Collection.

**ARTICLE II**

**General Regulations**

§ 65-2. Deposit or burial of dead animals within City prohibited.

§ 65-3. Discharging waste or refuse material upon streets, public places or private property prohibited.

§ 65-4. Accumulation of waste or refuse material prohibited.

§ 65-5. Use and maintenance of refuse containers.

§ 65-6. Deposit of refuse from businesses or private dwellings in public trash containers prohibited.

§ 65-7. Spitting in public places prohibited.

**ARTICLE IV (A)**

**Refuse Collection and Enclosure - Multi-Family Units**

§ 65-12. Recycling.

§ 65-16. Use of special refuse containers.

**ARTICLE IV (B)**

**Enclosure of Special Refuse Container(s)**

§ 65-22.1 Commercial and Industrial Properties

**ARTICLE V**

**Sanitary Conditions for Dwellings**

§ 65-23. Occupancy and/or maintenance of premises dangerous to human health prohibited.

§ 65-23.1. Outdoor unenclosed storage prohibited.

§ 65-23.2. Tents on private/City property.

§ 65-24. Procedure for abatement of violation; penalty.

**ARTICLE VI**

**Brush, Grass and Weeds**

§ 65-25. Accumulation of debris; obnoxious growth of grass or weeds.

§ 65-26. Procedure for abatement of violation.

**ARTICLE VII**  
**Solid Pet Waste**

- § 65-27. Requirements for disposal.  
§ 65-28. Animals exempt from requirements for disposal.

†Related legislation is found in Chapter 52, Dogs and Other Animals.

**ARTICLE VIII**  
**Penalty**

- § 65-29. Violations and penalties.

[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville 12-1-69. Sections 65-1, 65-11, 65-12A(3) and (4), 65-13, 65-16, 65-19, 65-21, 65-22, 65-24 and 65-26 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

- Department of Public Works - See Ch. 4, Art. II.
- Municipal infractions - See Ch. 20.
- Housing standards - See Ch. 68.
- Peace and good order - See Ch. 87.
- Licensing of rental units - See Ch. 96.
- Temporary sales - See Ch 99.

**ARTICLE I**  
**Residential Trash Collection**

**§ 65-1. Residential Trash Collection. [Adopted 12-14-09 by HO-2009-10]**

A. Definitions.

In this chapter the following definitions shall apply:

Bulk Trash: Furniture, bedding, televisions, computers, rags and carpeting, doors, windows, tires of passenger vehicles and metal BBQs so long as such trash was generated on or at the residential premises. Trash that is too large to fit into the trash container and weighs no more than 60 lbs will be subject to limitations in size and pickup as advertised by the Public Works Department on the City website.

Collectible Trash: Household trash, white goods, bulk trash, yard waste and recyclables.

Construction Debris: Building materials including but not limited to lumber, concrete, sheetrock, shingles, bricks and siding.

Hazardous Waste: Any item the handling of which could cause harm to the collector, including but not limited to pressured containers, explosives, paint, poisons, caustics, gasoline and oil, excrement (excluding diapers and tightly wrapped pet waste), automotive parts, acid car batteries, fluorescent light bulbs, oil-based paints, automotive fluids and fuels, gas grill propane tanks, photographic chemicals, cleaning agents, helium balloon tanks, poisons, household batteries, solvents, varnishes

## HYATTSVILLE CHARTER AND CODE

and stains, driveway sealers, insecticides, herbicides and fertilizers, swimming pool chemicals, fire extinguishers, mercury and other hazardous materials.

Household Trash: Food waste, trash and refuse normally generated in a household which can be contained in a trash container. Household trash shall not include white goods and appliances, bulk trash, recyclables, yard waste, building materials, furniture or hazardous waste or construction debris, or any trash or debris not generated on or at the residential premises.

Recyclables: All materials which can be separated, collected, processed and returned to the economic stream in the form of raw materials or products, including newspapers, glass, plastic containers, cardboard and cans. Because materials for recycling can change over time, residents are encouraged to consult the City website for acceptable materials.

Toters: City supplied mobile trash collection carts and the lids fitting them.

White Goods: Motorized appliances ordinarily used in a home or business, subject to size and weight limits as published by the City. Water heaters and metal BBQs are considered white goods.

Yard Waste: Leaves, grass clippings, plant cuttings, brush, yard debris, as well as branches and shrubs, if less than 3" in diameter and no longer than 4', bundled and tied and not weighing more than 40 lbs. Any yard waste must be from the yard of the applicable residential premises.

### B. General Regulations.

(1) The City shall collect or cause to be collected trash only from properties with single family homes (including duplexes and triplexes). The City shall collect household trash, white goods, bulk trash, recyclables and yard waste, according to a schedule published by the City. The pick-up of white goods, bulk trash and large amounts of yard waste should be scheduled with the Public Works Department unless the City website dictates otherwise.

(2) All household trash must be placed in a toter which must at all times have an intact, tight fitting lid on it. In order to ensure the cleanliness of toters, food waste shall be securely contained prior to being placed in the toter. The City will supply toters pursuant to City policy.

(3) All collectible trash shall be kept behind the front building line of each lot and shall be placed at the street side or curb no earlier than 4:00 p.m. on the day before it is scheduled to be collected. All household trash must be in a toter. All containers (toters and recycling bins) or uncollected trash and waste must be removed from the street side or curb by midnight of the day it was scheduled for collection.

(4) Only paper bags and reusable containers (*e.g.*, garbage cans) shall be used to contain yard waste. Yard waste for collection shall not be contained in plastic bags. Paper bags may not be used as the outside container for any other collectible trash unless the City specifically allows for it.

(5) Recyclables shall be separated from other collectible trash pursuant to City and County Policy and Regulations. Newspapers and bundles of cardboard shall be tied or contained so as not to be blown by the wind. Residents are encouraged to consult the City website and City Regulations for further regulations regarding recyclables.

(6) The Office of Code Enforcement shall, upon notice by residents or the Department of Public Works, enforce the provisions of this chapter and issue violations and notices therefore.

### C. Prohibitions

## HYATTSVILLE CHARTER AND CODE

(1) It shall be unlawful for any person or entity, whether resident or owner to place or allow to be placed or remain at a street side or curb for collection anything:

- (a) That is not collectible trash;
- (b) Outside the hours listed above in Subsection B;
- (c) Which is household trash and is not in the toter; or
- (d) In a manner not in keeping with the general regulations as outlined above in Subsection B.

(2) No person shall interfere with the City/County collection and disposal of collectible trash.

(3) Recyclables shall not be placed with any other collectible trash.

### D. Enforcement

(1) The City Administrator, after consultation with the Directors of Public Works and Code Enforcement, shall promulgate regulations regarding trash and trash collection and the enforcement thereof. It shall be the policy of the City ordinarily to encourage voluntary compliance of residents with this Article of the Code and particularly as to recyclables.

(2) Recyclables:

(a) The City shall not ordinarily inspect household trash to determine if recyclables are mixed with other trash. However, if through observation or routine handling of the trash or if the City employee has reason to believe that recyclables have not been separated from the household trash, the City may inspect the household trash.

(b) Upon finding that recyclables in more than negligible quantities have not been separated pursuant to this Chapter, the City may decline to collect the trash that day until recyclables are removed by the resident but in any event shall issue a warning letter/notice to the resident. Upon noncompliance with the initial notice letter from the City, the City may then use the appropriate enforcement mechanisms as outlined herein.

(c) In the event there is continued noncompliance at a residence as to the separation of recyclables, in addition to any other penalty or enforcement, the City, after notice and opportunity for hearing by the resident, may collect the trash and separate the recyclables and charge an administrative fee for such service which will become a lien on the property if not paid when due.

(d) Unless otherwise provided, when there is trash and debris not in keeping with this Chapter, the City at first occurrence may and ordinarily shall send a written notice to the owner and/or the resident pursuant to the procedures outlined I 65-26(A) of this Chapter, except that the initial notice may state that the conditions must be remedied within ten (10) days. Any appeal of City action shall be governed by the procedures of 65-21(C).

(4) Unless otherwise provided, a violation of this Article shall also be governed by the provisions of 65-27.

(5) If any City agent or employee has reason to believe hazardous waste or materials are mixed with trash or debris to be collected, and that such hazardous waste or materials could present a danger to any person or cause damage to property, the City shall cause the trash to be inspected. Upon finding such hazardous waste or materials, the City may take any appropriate action to protect the public and its employees, including but not limited to declining to collect the trash, issuing a warning or

## HYATTSVILLE CHARTER AND CODE

immediately and without notice issuing a municipal infraction citation to the resident/owner as well as any other reasonable abatement procedure as provided within this Chapter. Mixing hazardous waste or material with other trash or debris set for collection or failing to remove such hazardous material from the street as ordered by the City shall be a municipal infraction with a penalty of five hundred dollars (\$500.00) per incident. Each day that a violation exists shall be a separate offense.

### ARTICLE II

#### General Regulations

##### **§ 65-2. Deposit or burial of dead animals within City prohibited.**

No person shall deposit or bury the body of any dead animal in the City.

##### **§ 65-3. Discharging waste or refuse material upon streets, public places or private property prohibited. [Amended 12-14-09 by HO-2009-10]**

A. It shall be unlawful for any person to throw, discharge, place, deposit, scatter or drop or allow or cause to be thrown, discharged, placed, deposited, scattered or dropped or allow or cause to flow any sawdust, shavings, paper, metal cans, glass, pans, pails, house refuse, offal, garbage, dead animal, decaying vegetable matter, organic wastes or substances of any kind, slops, greasy or soapy water, stagnant water, nauseous liquids or other offensive matter, liquid or solid, liable to become a public nuisance, or a detriment to the public health into or upon any ditch or public place, street or private property, vacant lot or open space in the City.

B. It shall be unlawful for any person to throw, discharge, place, deposit, scatter or drop or allow or cause to be thrown, placed, discharged, scattered or dropped any sawdust, shavings, house refuse, offal, garbage, dead animals, decaying vegetable matter, organic wastes or substances of any kind, slops, greasy or soapy water, stagnant water, nauseous liquids or other offensive matter, liquids or solid, liable to become a public nuisance, or a detriment to the public health into or upon a street.

##### **§ 65-4. Accumulation of waste or refuse material prohibited. [Amended 12-14-09 by HO-2009-10]**

Subject to § 65-5, it shall be unlawful for any person to collect, keep or accumulate or allow or cause to be collected or accumulated any of the waste or refuse material referred to in § 65-3 on any private property that may be a public nuisance, a detriment to the public health, or a detriment to property values.

##### **§ 65-5. Use and maintenance of refuse containers. [Amended 12-14-09 by HO-2009-10]**

The owner or tenant or occupant, any or all, of any business establishment, residence, dwelling house, apartment or any place of abode whatsoever may keep, collect or suffer to be on his premises any trash or garbage in a suitable container provided therefor. Each such container shall be provided with a closefitting lid and shall be free from any leaks when used for the storage or keeping of food waste. However, no trash shall be placed for collection by the City or County except pursuant to §65-1.

##### **§ 65-6. Deposit of refuse from businesses or private dwellings in public trash containers prohibited.**

## HYATTSVILLE CHARTER AND CODE

It shall be unlawful for any owner, manager, clerk, employee or agent of any store, warehouse, office, hall, place of business or dwelling in the City to take therefrom any animal or vegetable matter, ashes, shells or refuse of any kind and deposit the same in any public trash receptacle of the City.

### **§ 65-7. Spitting in public places prohibited.**

It shall be unlawful for any person to expectorate or spit on the floors, walls, sides or doors of any public building, place of amusement, hall, moving-picture house or theater or on any sidewalk or other public place where the public is invited to enter.

## **ARTICLE III**

### **INTENTIONALLY BLANK**

[Amended in its entirety 12-14-09 by HO-2009-10]

## **ARTICLE IV (A)**

### **Refuse Collection and Enclosure - Multi-Family Units**

[Repealed and Reenacted - Sections 65-12 through 65-22.1 on 1-3-2000 by HB 99-05 and on 4-16-07 by HO-2007-06; Sections 65-8 through 65-11 Deleted 12-14-09 by HO-2009-10; Amended 12-14-09 by HO-2009-10]

### **§ 65-12. Recycling.**

A. Every multi-family rental facility with three (3) or more rental units must provide convenient recycling opportunities for its tenants in the form of separate, designated drop boxes or containers for recycling.

B. Continued non-compliance with this section by a multi-family facility shall be treated as a violation of this Chapter as well as Chapter 96 (Licensing of Rental Housing).

[§ 65-13. Placement of refuse and § 65-14. Frequency of collection limited deleted 4-16-07 by HO-2007-06]

[§ 65-15. Fees. Deleted 12-14-09 by HO-2009-10]

**§ 65-16. Use of special refuse containers.** [Amended 12-19-83 by HB 15-83; 5-5-86 by HB 5-86; 6-1-98 by HR 98-03, 1-3-2000 by HB 99-05, Amended 4-16-07 by HO-2007-06; Amended 12-14-09 by HO-2009-10, Amended 12-5-16 by HO-2016-02]

A. In order to effectuate the collection, conveyance and disposal of refuse, each property owner, agent or manager of multi-family units shall furnish such special refuse containers and provide for the collection thereof.

B. (1) All special refuse containers (except those temporarily placed on property due to construction, renovation or rehabilitation) shall be enclosed. The special refuse containers with enclosures, must be placed to the rear of the property and located so that they are at least fifty (50') from any residential property line. The enclosure shall be: a brick masonry wall or a stockade-type fence constructed out of painted or treated wood, or a chain link fence constructed with inter-woven vinyl slats which make the enclosure sight-tight, as well as landscaping designed to effectively screen the special refuse container(s) from street-level view year round, or other such materials as may be approved by the City. Gates are required and shall remain closed at all times whenever the special refuse containers are not being loaded or unloaded.

## HYATTSVILLE CHARTER AND CODE

(2) In the event it is not possible to conform to the above fifty foot (50') requirement the container shall be located as far as possible from the property line and from any neighboring residential structure in a location acceptable to the City.

(3) Any decision of the City as to the non-conforming location shall be based upon consideration of the following factors:

- (a) The hardship to the property owner/tenant.
- (b) The interest of the public, particularly nearby residents.
- (c) The degree of variance from the City standard.
- (d) The accessibility of the location for all intended users as well as for removal of refuse.
- (e) Any applicable law or regulation of any governmental entity.

(4) The non-conforming location of any refuse container shall be delineated on a site map. The City may order a change in the non-conforming location based upon compelling reasons that the location is not in the public interest.

(5) On July 1, 2007 all existing refuse containers must conform to this ordinance as to distance from residential property lines unless the owner/tenant has a pending appeal as outlined below, a final decision of the City allowing the location, or is covered in subsection (E) immediately below.

(6) Refuse containers which on the effective date of this ordinance are located 50' or more from any residential structure on a neighboring lot (but less than 50' from a residential property line) shall be exempt from the distance requirement in b (2) until such time as the refuse container or surrounding structure is rebuilt or substantially reconstructed.

C. No special refuse container may be emptied into a collection vehicle by being rolled over a public sidewalk that is not part of an established driveway leading to the property being served by the special refuse container.

D. Violation of this section shall be punishable as a municipal infraction as provided in Chapter 20 of this Code. The fine for any single violation shall be two hundred fifty dollars (\$250.00), and the fine for each repeat offense shall be five hundred dollars (\$500.00).

E. Appeals.

(1) Any person aggrieved by any action of the City under this Article except for the issuance of a municipal infraction citation, may appeal such action by filing a written notice thereof with the Head of Code Enforcement within ten (10) days of the action complained of. The Head of Code Enforcement or the Head of Code Enforcement's designee shall promptly schedule a conference with the appellant and any other person the Head of Code Enforcement may choose. After such conference the Head of Code Enforcement shall promptly issue a written opinion to the appellant. The decision shall be based upon the factors in subsection B (3) above.

(2) In the event the appellant is dissatisfied with the opinion of the Head of Code Enforcement the appellant may further appeal the finding of the Head of Code Enforcement to the City Administrator by filing a written appeal. Any such appeal must be filed with the City Administrator within ten (10) calendar days of the written opinion of the Head of Code Enforcement.

## HYATTSVILLE CHARTER AND CODE

(3) Any appeal, whether to the Head of Code Enforcement or to the City Administrator, shall not operate to stay any of the provisions or requirements of this chapter unless the Head of Code Enforcement or City Administrator shall otherwise order.

(4) The City Administrator or the City Administrator's designee shall conduct a hearing as soon as possible. The hearing shall be open to the public and records and minutes shall be maintained and the person aggrieved and the code enforcement department shall be given an opportunity to present evidence.

(5) The City Administrator or Hearing Officer shall within ten (10) days either reverse modify or affirm the action complained of and cause a written copy of the decision to be sent to the person aggrieved. Any decision shall be based upon the factors outlined in subsection b (3) above. This decision shall be final.

**[Sections 65-17 through 65-22 Deleted 12-14-09 by HO-2009-10]**

### ARTICLE IV (B)

[Added 1-3-2000 by HB 99-05; Amended 4-16-07 by HO-2007-05]

#### **Enclosure of Special Refuse Container(s) Commercial and Industrial Properties**

**§ 65-22.1. Commercial and Industrial Properties. [Amended 2-17-04 by HO-2004-01; 2007-05; Amended 4-16-07 by HO-2007-05, Amended 12-5-16 by HO-2016-02]**

A. Applicability. All refuse container(s) located on property used for commercial, industrial, institutional, or non-profit purposes, or on property used for any purpose other than single family residential (except those refuse containers temporarily placed on property due to construction, renovation, or rehabilitation) shall conform to this Article.

B. Refuse containers shall be:

(1) Enclosed with a brick masonry wall, or a stockade-type fence constructed of painted or treated wood, or a chain link fence constructed with interwoven vinyl slats which make the enclosure sight-tight, as well as landscaping designed to effectively screen the special refuse container(s) from the street level view year round, or other such material as may be approved by the City;

(2) Gated with the gates remaining closed at all times when the special refuse container(s) are not being loaded or unloaded;

(3) Located to the rear or side of the property; and

(4) Located so that they are at least fifty feet (50') from any residential property line.

(a) In the event it is not possible to conform to the above fifty foot (50') requirement the container shall be located as far as possible from the property line and from any residential structure in a location acceptable to the City.

(b) Any decision of the City as to the non-conforming location shall be based upon consideration of the following factors:

(1) The hardship to the property owner/tenant.

## HYATTSVILLE CHARTER AND CODE

- (2) The interest of the public, particularly nearby residents.
  - (3) The degree of variance from the City standard.
  - (4) The accessibility of the location for all intended users as well as for removal of refuse.
  - (5) Any applicable law or regulation of any governmental entity.
- (c) The non-conforming location of any refuse container shall be delineated on a site map. The City may order a change in the non-conforming location based upon compelling reasons that the location is not in the public interest.
- (d) On July 1, 2007 all existing refuse containers must conform to this ordinance as to distance from residential property lines unless the owner/tenant has a pending appeal as outlined below, a final decision of the City allowing the location, or is covered in subsection (E) immediately below.
- (e) Refuse containers which on the effective date of this ordinance are located 50' or more from any residential structure on a neighboring lot (but less than 50' from a residential property line) shall be exempt from the distance requirement in b (4)(b) until such time as the refuse container or surrounding structure is rebuilt or substantially reconstructed.

### C. Appeals.

- (1) Any person aggrieved by any action of the City under this Article except for the issuance of a municipal infraction citation, may appeal such action by filing a written notice thereof with the Head of Code Enforcement within ten (10) days of the action complained of. The Head of Code Enforcement or the Head of Code Enforcement's designee shall promptly schedule a conference with the appellant and any other person the Head of Code Enforcement may choose. After such conference the Head of Code Enforcement shall promptly issue a written opinion to the appellant. The decision shall be based upon the factors outlined in subsection B (4) (b) above.
- (2) In the event the appellant is dissatisfied with the opinion of the Head of Code Enforcement the appellant may further appeal the finding of the Head of Code Enforcement to the City Administrator by filing a written appeal. Any such appeal must be filed with the City Administrator within ten (10) calendar days of the written opinion of the Head of Code Enforcement.
- (3) Any appeal, whether to the Head of Code Enforcement or to the City Administrator, shall not operate to stay any of the provisions or requirements of this chapter unless the Head of Code Enforcement or City Administrator shall otherwise order.
- (4) The City Administrator or the City Administrator's designee (the Hearing Officer) shall conduct a hearing as soon as possible. The hearing shall be open to the public, records and minutes shall be maintained and the person aggrieved Code Enforcement shall be given an opportunity to present evidence.
- (5) The City Administrator or Hearing Officer shall within ten (10) days either reverse modify or affirm the action complained of and cause a written copy of the decision to be sent to the person aggrieved. Any decision shall be based upon the factors outlined in subsection b (4) (b) above. This decision shall be final.

## HYATTSVILLE CHARTER AND CODE

D. Violation of this Article IV (B) shall be punishable as a municipal infraction as provided in Chapter 20 of this Code. The fine for any single violation shall be two hundred fifty dollars (\$250.00), and the fine for each repeat offense shall be five hundred dollars (\$500.00). Every five (5) days that a violation exists is a separate violation.

### ARTICLE V

#### Sanitary Conditions for Dwellings

**§ 65-23. Occupancy and/or maintenance of premises dangerous to human health prohibited.**

It shall be unlawful for any person to so use, occupy or maintain any property or premises in the City in such a manner as to constitute a condition that is dangerous to human health.

**§ 65-23.1. Outdoor unenclosed storage prohibited. [Added 12-16-85 by HB No. 6-85]**

It shall be unlawful for any property owner or tenant to utilize, or allow to be utilized, unenclosed porches, decks, patios, carports, gazebos, garages, sheds or other exterior appurtenances of any dwelling structure for the storage of items, including but not limited to the following: fiber or paper products; building supplies and materials; flammable material, such as paints and solvents; motor vehicle parts and accessories; appliances; and household furnishings, when such storage would be dangerous to human health, safety or well being. Any space used for the storage of such items which is not fully enclosed and sealed from the elements and does not have properly fitted, closeable doors, if doors are installed, shall be deemed to be unenclosed for the purposes of this section.

**§ 65-23.2. Tents on private/City property. [Added 4-6-92 by HB No. 2-92]**

A. As used in this section, the term “tent” shall mean any temporary structure or portable shelter made of canvas, cloth, metal, wood or any other material, covering an area in excess of 120 square feet used for a gathering together of five or more persons, the storage of combustible or hazardous materials, or overnight camping.

B. It shall be unlawful for any property owner or tenant to erect a tent on private or City property for the purpose of a dwelling.

C. In the interest of public health, safety, morals and welfare, it shall be unlawful for any property owner or tenant to allow a tent to remain erect on private or City property for a period longer than one week without prior written approval of the City.

D. Any tent that interferes with the public use of streets and thruways constitutes a nuisance and is subject to removal or abatement thereof.

E. If any provision of this section or the applicability thereof to any person or tenant or circumstances is held invalid, the remainder of this section and the applicability thereof to other persons or tenants shall not be affected thereby.

**§ 65-24. Procedure for abatement of violation; penalty. [Amended 12-19-83 by HB No. 15-83]**

A. Upon complaint that a condition exists in violation of §§65-23 or 65-23.1 pursuant to such investigation as he may deem proper, that such condition is dangerous to human health, safety or well-being, the Code Enforcement Officer shall send a notice, in writing, to the owner of the property or premises in question and, if said property is occupied by a tenant, another notice to the tenant notifying such owner or tenant of the complaint. [Amended 12-16-85 by HB No. 7-85]

## HYATTSVILLE CHARTER AND CODE

B. If the owner or the tenant in question shall not remove or abate the condition complained of within five (5) days after the notice has been sent by the Code Enforcement Officer, by certified mail or registered mail, the owner of the property or premises in question and, if there be a tenant in possession, the tenant shall be punished as provided in §65-27.

### ARTICLE VI

#### Brush, Grass and Weeds

##### **§ 65-25. Accumulation of debris; obnoxious growth of grass or weeds.**

A. No owner or occupant of property in the City shall cause or permit trash, refuse or debris to accumulate or remain upon his/her property so as to constitute a menace to health or a menace to public safety or a fire hazard or a public nuisance or a nuisance to adjoining property owners or an obstruction to the free passage of persons using the sidewalks or streets contiguous to the property.

B. No owner or occupant of property in the City shall cause or permit weeds, grass, thickets or other growth to grow upon his/her property so as to constitute a menace to health or a menace to public safety or a fire hazard or a public nuisance or a nuisance to adjoining property owners or an obstruction to the free passage of persons using the sidewalks or streets contiguous to the property. grass over ten inches (10") tall shall constitute a public nuisance absent a finding as outlined in subsections (D) and (E) below.

C. In determining whether an area is in violation of subsection b, the City shall consider the following factors:

- (1) Evidence of neglect or abandonment
- (2) Presence of trash, debris, litter or garbage
- (3) The impact on neighboring properties as to encroachment of vegetation on neighboring properties and rights of way, and
- (4) The impact on health or public safety.

D. For occupied residential properties only, an area which is being actively protected, maintained, or cultivated for a use other than a lawn, such as a wildflower garden, wildlife habitat, meadow, or vegetable or herb garden, shall not be considered a violation of paragraph b, without a threat to health or public safety, a fire hazard, a substantial and unreasonable interference with the use and enjoyment of neighboring property, or an obstruction of public rights of way. A property owner may initiate City consideration of a property as meeting subsections 65-25 (D) and 65-25 (E) by providing a letter to the City that the owner intends to maintain a non-lawn use meeting the requirements of this ordinance.

E. A finding that an area is being actively protected, maintained, or cultivated for a non-lawn use shall be based on consideration of the circumstances in the area, including but not limited to, favorable consideration of the following factors:

- (1) Presence of native plant species
- (2) Presence of wildflowers, vegetables, or herbs
- (3) Presence of the four requirements for wildlife: food (which may come from plantings or feeders), water, places to take cover, and places to raise their young

## HYATTSVILLE CHARTER AND CODE

(4) Presence of wildlife, such as birds, squirrels, spiders and insects

(5) Evidence provided by the landowner to establish active involvement in protecting, maintaining, or cultivating the area, which may include certification by a recognized state or national wildlife or natural habitat organization.

F. Native plants shall be those listed by the United States Fish and Wildlife Service for the piedmont or coastal plain areas of Maryland, as well as those listed by the Maryland Department of Agriculture.

**§ 65-26. Procedure for abatement of violation. [Amended 7-20-70; 6-28-76, 11-4-91 by HB No. 6-91, Amended 3-3-08 by HO-2008-04, Amended 4-7-08 by HO-2008-05, Amended 12-14-09 by HO-2009-10, Amended 12-5-16 by HO-2016-02]**

A. Upon complaint that a condition exists prohibited by Section 65-25 and upon inspection by the Code Enforcement Officer and a determination that a condition does exist that violates Section 65-25, the Code Enforcement Officer shall notify the owner and the occupants of the property, by causing a copy of such notice to be prominently affixed to the property or by personally serving upon the owner and occupants of the property a copy of said notice, and by mailing via regular mail a copy of the notice to the residence and to the owner. The notice shall be dated and state with specificity the nature of the condition, that the condition must be remedied within fourteen (14) days (more days may be specified in the notice) of the posting date of the notice, that upon failure to remove/abate such within the time specified, the City will remove/abate it, and the cost thereof will be charged to him, her, them as the case may be, unless cause to the contrary be shown by filing Objections in writing with the Office Of Code Enforcement on or before the expiration date on the Notice.

B. If timely objections have been filed in accordance with the preceding paragraph, the appeal of the specified action shall be held pursuant to subsections 96-6 (A) and (B) of this Code except that no appeal fee shall be required; the Mayor and City Administrator shall select at least two persons with expertise in botany and horticulture to advise on the record the Board hearing the appeal; upon written request the Mayor and City Administrator may grant a 15-day extension to allow the Appellant additional time to prepare; and the earliest date the City may begin to remove or abate the condition, absent emergency circumstances, shall be three (3) days after the appeal process has been concluded. The appellant may call such witnesses as he or she chooses for the hearing of the appeal.

C. Upon failure of the recipient either to comply with such notice or to file timely objections, the City of Hyattsville shall authorize or employ persons to perform said work, who shall have the right of entering the premises for that purpose, and the cost thereof shall be assessed against the property owner by the City of Hyattsville.

D. If the City of Hyattsville shall have the work performed or shall employ persons to perform said work and if the cost thereof as so assessed shall not be paid within thirty (30) days after a request for payment has been given to the owner or occupant of the property; such cost, as contained in a statement provided to the Treasurer by the Head of Code Enforcement, showing the cost and expense incurred for the work, the date the work was done and the location of the property on which said work was done, shall be charged to the owner of such property by issuance of a supplemental tax bill. Such tax bill shall constitute a lien on such property and shall be collected in such manner as the City may establish.

**ARTICLE VII**  
**Solid Pet Waste**

[Added 10-16-17 by HO-2007-14]

**§ 65-27. Requirements for disposal.**

- A. All pet owners are required to dispose of a pet's solid waste deposited on any property, public or private, not owned or possessed by that person. Disposal of said waste shall occur immediately and without delay.
- B. All domesticated animals kept for amusement or companionship shall be considered pets within the meaning of this Article.
- C. For the purposes of this Article, a pet owner shall be any person who possesses, maintains, houses, or harbors any pet or otherwise has custody of any pet, regardless of whether the person is the actual owner of such pet.
- D. Disposal of a pet's solid waste shall consist of placing the solid waste in a designated waste receptacle or other suitable container, or discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or introducing the solid waste, free of any container, bag, or handling device, into a system designed to convey domestic sewage for proper treatment and disposal.

**§ 65-28. Animals exempt from requirements for disposal.**

- A. A professionally trained disability assistance animal shall be exempt from the provisions of this Article while such animal is being used for that purpose.
- B. An animal owned by a law enforcement or other governmental agency shall be exempt from the provisions of this Article while such animal is being used for that purpose.

†Related legislation is found in Chapter 52, Dogs and Other Animals.

**ARTICLE VIII**  
**Penalty**

[Added 11-3-80 by HB No. 19-80, Amended 12-3-07 by HO-2007-14,  
Amended 10-16-17 by HO 2017-05]

**§ 65-29. Violations and penalties. [Amended 8-2-82 by HB No. 10-82, Amended 6-1-98 by HR 98-03, Amended 7-16-01 by HO-01-03, Amended 12-3-07 by HO-2007-14, Amended 12-14-09 by HO-2009-10, Amended 10-16-17 by HO 2017-05]**

In addition to any remedy provided by this Chapter, 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).

HYATTSVILLE CHARTER AND CODE