

**TOWN OF NORTH BRENTWOOD**

**ORDINANCE NO. 2022 - 05**

Introduced by: Council member Dame

Seconded by: Council member Baynes

Date of Introduction: Sept 6, 2022

**AN ORDINANCE enacting a new Chapter 176 to be entitled "Portable Storage Containers and Dumpsters" of *The Code of Ordinances of the Town of North Brentwood, Maryland* creating certain regulations, prohibitions, penalties, and fines enforced as a municipal infraction regarding the Regulation of Portable Storage Containers and Dumpsters on Residential Property or Municipal Streets**

**WHEREAS**, the Town of North Brentwood is a municipal corporation of the State of Maryland organized and operating under a charter adopted in accordance with Article XI-E of the Constitution of Maryland and the Local Government ("LG") of the Annotated Code of Maryland as amended; and

**WHEREAS**, Section 603(35) (Regulations) of the Town Charter empowers the Council to pass ordinances for the purpose of adopting and enforcing within the corporate limits of the Town police, health, sanitary, building, traffic, parking, and other similar regulations not in conflict with the laws of the State of Maryland or this Charter; and

**WHEREAS**, Section 225-11. E of the Town Code defines the outdoor storage of lawn equipment, construction and rental equipment, trailer-mounted pressure washers, woodchippers, and other trailer-mounted equipment, to be or constitute a public nuisance unless the property is allowed by the County Zoning Code to be used for commercial purposes; and

**WHEREAS**, Section 225-11. E of the Town Code states that it shall be unlawful for any person, defined as any private person, public or private utility company, partnership, corporation, contractor, employer, agent, servant or employee, to do any excavating, installations or other work as set forth in this article without first obtaining authorization and a permit from the Mayor, the cost of which may be established or amended by the Council by written resolution adopted from time to time and that any applicant obtaining a Town building permit as part of a development project involving abutting real property, in addition to the permits required herein, shall receive a credit or reduced fee for any additional permits issued under said article, (emphasis added); and

**WHEREAS**, Section 1002 (Control of Public Ways) of the Town Charter authorizes the Town to have control of all public ways in the Town except those under the jurisdiction of the Maryland State Highway Administration. Subject to the laws of the State of Maryland and this Charter, the Town may do whatever it deems necessary to establish, operate, maintain, close, or otherwise regulate the use of

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public ways in the Town; and

**WHEREAS**, pursuant to Md. Ann. Code, Land Use Article, § 25-303(b)(1) [formerly Article 28, Section 8-112], notwithstanding any other law, and for the purpose of preserving, improving, or protecting the general character and design of lands and improvements in a municipal corporation, the legislative body of the municipal corporation, by local law, may impose stricter or additional conditions, restrictions, or limitations than are otherwise required by State, regional, or county zoning laws or agencies exercising zoning and planning jurisdiction over the municipal corporation regarding (i) fences; (ii) residential parking; and (iii) residential storage; and

**WHEREAS**, Section 603(13) (Fees and Charges) of the Town Charter empowers the Council to pass ordinances for the purpose of establishing and collecting fees and charges for all franchises, licenses, and permits issued by the Town and for all governmental or proprietary functions of the Town; and

**WHEREAS**, Section 1304(b) (Municipal infractions) of the Town Charter declares that a violation of a Town ordinance shall be a municipal infraction, unless that violation is declared to be a felony or misdemeanor by State law or other ordinance, and that fines for municipal infractions shall not exceed the maximum prescribed by State law, which pursuant to Section 6-102 of the LG Article is an amount not to exceed \$1,000; and

**WHEREAS**, the Mayor and Council have determined that the enactment of Chapter 176 "Portable Storage Containers and Dumpsters" is necessary to regulate the placement of construction dumpsters or other receptacles for the storage or transport of construction or other debris, or for the storage of household or other items, including but not limited to portable on demand storage receptacles, also known as PODS, on residential property or municipal streets and to provide for a permit fee and fine for non-compliance.

**Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED** by the Town Council of the Town of North Brentwood, Maryland, that Chapter 176 "Portable Storage Containers and Dumpsters" be, and is hereby, enacted to read as follows:

...

## CHAPTER 176 - PORTABLE STORAGE CONTAINERS AND DUMPSTERS

### SECTION 176-1. SCOPE.

A. THIS CHAPTER APPLIES TO ANY BOX CONTAINER GREATER IN SIZE THAN THREE CUBIC YARDS (E.G., APPROXIMATING THE VOLUME OF LESS THAN TWO WASHING MACHINES) CONSTRUCTED OF WOOD, STEEL OR OTHER SIMILAR MATERIAL INTENDED FOR THE USE OF STORAGE OR KEEPING HOUSEHOLD GOODS OR OTHER PERSONAL PROPERTY OR CONSTRUCTION MATERIAL, WHICH ARE DEFINED IN THIS CHAPTER AS PORTABLE STORAGE CONTAINERS, INCLUDING BUT NOT LIMITED TO PODS (A.K.A., PORTABLE ON DEMAND STORAGE) AND DUMPSTERS, THAT IS INTENDED TO BE FILLED, REFILLED, OR EMPTIED WHILE LOCATED OUTDOORS ON A

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RESIDENTIAL PROPERTY OR MUNICIPAL STREET WHICH MAY BE LATER REMOVED FROM THE PROPERTY OR STREET FOR DISPOSAL, USE OFF-SITE OR ON COMPLETION OF REMODELING OR BUILDING.

B. THIS CHAPTER FURTHER APPLIES TO ANY POLYSTRUCTURE OR POLYSHELTER, OF ANY SIZE INCLUDING ANY STRUCTURE WITH A FRAME OF STEEL OR OTHER MATERIAL WHICH IS COVERED BY PLASTIC, POLYURETHANE, VINYL, CANVAS OR OTHER SIMILAR FLEXIBLE SHEETING MATERIAL.

C. ALL SUCH CONTAINERS INCLUDING BUT NOT LIMITED TO DUMPSTERS DESCRIBED IN THIS SECTION SHALL BE REFERRED TO IN THIS CHAPTER AS PORTABLE STORAGE CONTAINERS.

D. NOTWITHSTANDING ANYTHING IN CHAPTER 282 (STREETS AND SIDEWALKS) OF THIS CODE TO THE CONTRARY, THIS CHAPTER SHALL GOVERN AND CONTROL THE REGULATION AND PERMITTING OF PORTABLE STORAGE CONTAINERS PLACED UPON RESIDENTIAL PROPERTY OR RESIDENTIAL STREETS.

**SECTION 176-2. LIMITATIONS ON PORTABLE STORAGE CONTAINERS ON RESIDENTIAL PROPERTY OR STREETS.**

A. IN RESIDENTIAL ZONES ONE (1) PORTABLE STORAGE CONTAINER MAY BE PERMITTED ON A LOT OR PARCEL FOR A PERIOD OF NO LONGER THAN A TOTAL OF THIRTY (30) DAYS IN ANY CONSECUTIVE TWELVE-MONTH PERIOD. THE PORTABLE STORAGE CONTAINER MUST BE PLACED A MINIMUM OF SIX (6) FEET FROM THE PROPERTY LINE OR IF PLACEMENT IS ON A MUNICIPAL STREET, IT SHALL BE LOCATED A MINIMUM OF ONE (1) FOOT FROM THE BACK OF THE STREET CURB, EDGE OF THE STREET GUTTER OR FROM THE EDGE OF THE PAVEMENT IF THERE IS NO CURB TO ALLOW FOR PROPER DRAINAGE, AND NOT OBSTRUCTING ANY SIDEWALK.

B. ANY PORTABLE STORAGE CONTAINER SHALL NOT EXCEED EIGHT (8) FEET IN HEIGHT, EIGHT (8) FEET IN WIDTH AND SIXTEEN (16) FEET IN LENGTH AND SHALL BE SUBJECT TO SUCH FURTHER CONDITIONS AS THE TOWN MAY REASONABLY REQUIRE.

C. BEFORE PLACING A PORTABLE STORAGE DEVICE ON ANY PROPERTY OR PUBLIC WAY, A PERMIT SHALL BE OBTAINED FROM THE TOWN. SUCH PERMIT SHALL BE EFFECTIVE FOR UP TO THIRTY (30) DAYS. THE PERMIT SHALL BE CONSPICUOUSLY DISPLAYED ON THE EXTERIOR OF THE PORTABLE STORAGE CONTAINER AT ALL TIMES.

**SECTION 176-3. MAINTENANCE.**

ALL PORTABLE STORAGE CONTAINERS SHALL BE MAINTAINED IN A CONDITION FREE FROM RUST, PEELING PAINT AND OTHER VISIBLE FORMS OF DETERIORATION.

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**SECTION 176-4. EXTENSION.**

THE CODE ENFORCEMENT DEPARTMENT MAY EXTEND THE PERMIT FOR THIRTY (30) DAYS FOR GOOD CAUSE. GOOD CAUSE SHALL INCLUDE A REASONABLE OR PRACTICAL PROBLEM THAT THE BUILDING OR REMODELING HAS NOT BEEN COMPLETED WITHIN THE ORIGINAL THIRTY-DAY PERIOD. ANY SUBSEQUENT REQUEST FOR EXTENSION SHALL BE REFERRED TO THE TOWN COUNCIL OR ITS DESIGNEE WHO MAY APPROVE ADDITIONAL EXTENSIONS FOR GOOD CAUSE BUT ONLY IF THE DELAY IS BEYOND THE CONTROL OF THE APPLICANT.

**SECTION 176-5. FEES.**

THE PERMIT FEE SHALL BE TWENTY-FIVE DOLLARS (\$25.00). THE TOWN COUNCIL OR ITS DESIGNEE SHALL REVIEW AND AMEND SUCH FEE FROM TIME-TO-TIME AS DEEMED NECESSARY BY ORDINANCE OR RESOLUTION.

**SECTION 176-6. EXEMPTION.**

THIS CHAPTER DOES NOT APPLY TO THE MUNICIPAL GOVERNMENT OF THE TOWN OF NORTH BRENTWOOD.

**SECTION 176-7. VIOLATIONS.**

A VIOLATION OF THIS CHAPTER SHALL BE A MUNICIPAL INFRACTION. THE FINE FOR THE FIRST VIOLATION SHALL BE ONE HUNDRED DOLLARS (\$100). THE FINE FOR EACH SUBSEQUENT VIOLATION SHALL DOUBLE, TO THE MAXIMUM ALLOWED BY SECTION 6-102 OF THE LG ARTICLE OF THE ANNOTATED CODE OF MARYLAND. EACH DAY A VIOLATION EXISTS SHALL BE CONSIDERED A SEPARATE INFRACTION.

...

**Section 2. BE IT FURTHER ORDAINED AND ENACTED,** that it is the intention of the Mayor and Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Code of Ordinances and the sections of this Ordinance may be renumbered to accomplish such intention.

**Section 3. BE IT FURTHER ORDAINED AND ENACTED,** that if any section or part of a section of this ordinance shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Ordinance nor the context in which such section or part of section so held invalid shall appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

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Section 4. AND BE IT FURTHER ORDAINED AND ENACTED, that this Ordinance shall take effect eleven (11) calendar days following adoption by the Council and approved by the Mayor or passage by the Council over the Mayor's veto, having been passed by the required yea and nay vote of the Council of the Town of North Brentwood having at least (2) Councilmembers present.

THIS ORDINANCE IS ADOPTED BY THE COUNCIL OF THE TOWN OF NORTH BRENTWOOD THIS 17<sup>th</sup> DAY OF Sept, 2022

Aye: 3


Nay: 0

Absent: 0

Abstain: 0

Approved: 3

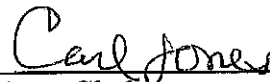
TOWN OF NORTH BRENTWOOD

By:   
Petrella Robinson, Mayor

Date: 9/19 2022

**CERTIFICATE**

I HEREBY CERTIFY on this 19 day of Sept, 2022, that the above proposed ordinance was posted on an official bulletin board maintained by the Council in a public place until it was approved or disapproved pursuant to the Town Charter and that an executed copy of this ordinance has been delivered to General Code, LLC for codification.

  
Town Clerk

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