



Introduced & 1st Reading: April 6, 2021

Adopted May 4, 2021

CITY OF MOUNT RAINIER, MARYLAND
Ordinance No. 05-2021

Introduced by Councilmember Bryan Knedler

**Amending the Code of the City of Mount Rainier, Chapter 7,
Licenses and Permits and Chapter 13, Traffic to consolidate
requirements for construction dumpsters and temporary storage
units, and to amend the fee schedule.**

Whereas,, pursuant to Md. Code Ann., Local Gov't. Article, § 5-202, the City of Mount Rainier, Maryland (“the City”) has the authority to adopt such ordinances as it deems necessary to assure the good government of the City; protect and preserve the City’s rights, property, and privileges; and preserve peace and good order; and

Whereas,, pursuant to Local Gov’t Article, § 5-209(c) the City has the specific authority to prevent and remove nuisances; and

Whereas, pursuant to this authority, the City enacted Chapter 7, “Licenses and permits”, and Chapter 13, “Taxicabs, trailers, recreational vehicles, boats, and temporary dumpster and storage container parking restrictions”, both of which have provisions relating to permits for construction dumpsters and similar storage and collection facilities; and

Whereas, the Mount Rainier City Code includes regulation of construction dumpsters and temporary storage units in more than one section;

Whereas, the Mayor and City Council desire to consolidate and clarify the City Code,

Section 1. NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER, MARYLAND, that Chapter 7, “Licenses and Permits”, of the City Code, Section 7-103, “Definitions”, be and hereby is amended to read as follows:
7-103. Definitions

A. Business. Any person or organization with a permanent location in Mount Rainier in a nonresidential property, which operates or conducts a trade, business, commercial activity,

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occupation, or profession in Mount Rainier either for profit, or conducts activities in Mount Rainier supportive of a trade, business, or profession.

~~B.~~ B. Charitable. ~~means and includes the words~~ FOR A patriotic, philanthropic, social service, health, welfare, benevolent, educational, civic, cultural or fraternal purpose.

~~B-I-C.~~ B-I-C. Commercial refuse collector. Any person who regularly removes, collects, purchases, or accepts, or offers to remove, collect, purchase, or accept any refuse, solid waste, trash, or recyclables of any kind or description, for a fee, from any business, non-residential premises, or rental facility.

~~C-D.~~ C-D. Contributions. Means and includes the words alms, money, subscription, property or any donations under the guise of a loan or money or property.

~~D-E.~~ D-E. Dwelling. A building or structure which is occupied in whole or in part as a residence for one (1) or more persons, but shall not be construed to mean any transient facilities such as boardinghouses, tourist homes, inns, motels, hotels, school dormitories, hospitals or medical facilities.

~~E-F.~~ E-F. Dwelling unit. Any room or group of rooms located within a dwelling, forming a single habitable unit and including cooking facilities.

~~F-G.~~ F-G. Excessive noise. Noise in excess of standards set in City Code of Ordinance Section 10-121 provisions dealing with noise.

H. GARBAGE. ALL ORGANIC WASTE MATERIALS RESULTING FROM THE PREPARATION, COOKING, HANDLING OR STORAGE OF FOOD.

~~G-I.~~ G-I. Home occupation. Any occupation which (i) is customarily conducted entirely within a dwelling unit solely by the inhabitants, except as provided in Section 7-104.G., for gain or support; (ii) is incidental and secondary to the main use of the dwelling unit; (iii) does not change the essential character or appearance of the dwelling or the primary use, or have any exterior evidence (other than a sign permitted by the Prince George's County zoning ordinances) to indicate that the dwelling is being used for any purpose other than that of a dwelling; and (iv) includes no storage (on the premises) of merchandise to be sold, except where specifically permitted by Prince George's County ordinances.

~~H-J.~~ H-J. Hotel, motel or tourist facility. Any building or structure containing dwelling or rooming units to be used for sleeping and/or living facilities for transient persons and rented, leased or otherwise let for purposes other than that of permanent residence.

~~I-K.~~ I-K. Non-residential premises. Any building or structure or portion of a building or structure used for any type of business activity including any charitable or religious institutions such as churches and the like, professional services, industrial activity, commerce or trade, sales, manufacturing or repairing of any item or thing or the storage of any part or thing used in any of the activities described above. Does not include governmental buildings (e.g., City, County, School, M-NCPPC, State, Federal, Post Office).

~~J-L.~~ J-L. Occupant. Any person other than the owner, who is in possession of a building or structure or space within a building or structure. An "occupant" shall include a tenant.

~~K-M.~~ K-M. Outdoor event. An event to which the public is invited, such as a block party, parade, religious service, festival, community market, etc. Does not include private gatherings to which the public is not invited, such as a family picnic, a birthday party at a park, etc.

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LN. Owner. Any person who, alone, jointly or severally with others:

* * *

M-O Peddler, peddling. See "solicitor," "solicitation."

N-P Person. A corporation, limited liability company, partnership, association organization, or any other entity as well as individuals. It also shall include an administrator, trustee, receiver, personal representative, guardian or conservator appointed according to law.

Q-Q Premises. A lot or parcel of land, including any buildings or structures thereon and parts of or space in such buildings or structures.

P-R Public Nuisance. Includes physical condition or occupancy of any premises or its appurtenances regarded as public nuisance at common law; considered an attractive nuisance to children (including but not limited to abandoned wells, shafts, basements, excavations, unsafe fences or structures); with unsanitary sewage or plumbing facilities; designated unsafe for human habitation; manifestly capable of being a fire hazard; manifestly unsafe or unsecured so as to endanger life, limb or property; from which plumbing, heating, or required facilities have been removed; with disconnected or destroyed utilities; that is in a state of dilapidation, deterioration, decay; that has faulty construction; that is overcrowded; that is open, vacant, abandoned; that is unsanitary; that is damaged by fire so as not to provide shelter; that is in danger of collapse or failure.

P-S Refuse. All waste materials and debris, combustible or noncombustible, including garbage, yard wastes, trash, rubbish, ashes, offal, industrial refuse, and commercial refuse. For purposes of this definition, refuse includes those materials which are defined or designated as recyclable materials.

Q-T Rent for occupancy or rent. To permit possession or occupancy of a dwelling, dwelling unit, rooming unit, building, or structure pursuant to a written or unwritten lease, agreement, or license, and where the occupant has an obligation to pay rent or other consideration to the owner for such occupancy.

R-U Rental facility. Any dwelling, apartment house, rooming house, dwelling unit, rental unit, house, structure, building, premises, or room which is intended or arranged for use or occupancy as a residence by one (1) or more persons and for which the owner or operator charges or receives rent or other consideration.

S-V Residential premises. Includes a dwelling, dwelling units, rooming units, rental facility, hotel, motel, or tourist facility which are rent for occupancy.

T-W Rooming unit. Any rooms or groups of rooms located within a dwelling, forming a single habitable unit used or intended to be used for sleeping and/or living but not for cooking purposes.

U-X Sidewalk cafe. An outdoor seating area that is located on or partially on the public right-of-way and is restricted to patrons of the business to which the cafe is attached.

Y-Y Solicitor. Any person who goes upon the premises of any private residence, not having been invited by the occupant thereof, for the purpose of selling goods, merchandise, wares or other personal property, or taking or attempting to take orders for the sale of goods, merchandise, wares, or other personal property of any nature for future delivery, or for services to be performed in the

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future (also known as peddler). Does not include any person who, without invitation, goes upon private property, to request contribution of funds or anything of value, or sell goods or services for political, charitable, religious, or other non-commercial purposes.

~~W-Z~~ Solicitation. All activities ordinarily performed by a solicitor or peddler as indicated above.

~~X-AA~~ Temporary exterior sign. A temporary exterior sign is:

* * *

~~Y-BB~~ Vendor. Any person, traveling by foot, wagon, vehicle or any other type of conveyance from street to street carrying, conveying, or transporting goods, wares or merchandise and offering or exposing them for sale, or making sales and delivering articles to purchasers; or who, without traveling from place to place, exhibits, displays, sells or offers for sale such products from a wagon, handcart, pushcart, motor vehicle, conveyance or from his person while on the public ways of the City of Mount Rainier, or while on private property not intended for such vending. Also includes any street vendor, hawker, huckster, itinerant merchant, or transient vendor. Does not include door-to-door solicitors and peddlers or persons or entities associated with one-day and special on-going outdoor events.

~~Y-CC~~ TEMPORARY STORAGE UNIT. A DUMPSTER, ROLL OFF, CARGO CONTAINER, PORTABLE ON-DEMAND STORAGE (POD) STRUCTURE, STEEL SHIPPING CONTAINER, SHED-LIKE CONTAINER, OR OTHER PORTABLE STRUCTURE THAT IS DESIGNED OR USED FOR THE STORAGE OF PERSONAL PROPERTY OF ANY KIND AND THAT IS LOCATED FOR SUCH PURPOSES OUTSIDE AN ENCLOSED BUILDING, OR FOR COLLECTING DEBRIS, CONSTRUCTION MATERIALS, OR TRASH.

~~Y-DD~~ Vendor. Any person, traveling by foot, wagon, vehicle or any other type of conveyance from street to street carrying, conveying, or transporting goods, wares or merchandise and offering or exposing them for sale, or making sales and delivering articles to purchasers; or who, without traveling from place to place, exhibits, displays, sells or offers for sale such products from a wagon, handcart, pushcart, motor vehicle, conveyance or from his person while on the public ways of the City of Mount Rainier, or while on private property not intended for such vending. Also includes any street vendor, hawker, huckster, itinerant merchant, or transient vendor. Does not include door-to-door solicitors and peddlers or persons or entities associated with one-day and special on-going outdoor event.

Section 2. BE IT FURTHER ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER, MARYLAND, that Chapter 7, "Licenses and Permits", of the City Code, Section 7-106, "Permits", be and hereby is amended to read as follows:
7-106. Permits

A. Permit Required for Vendors.

* * *

J. Permit required for construction dumpsters OR TEMPORARY STORAGE UNITS.

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1. No person shall place or cause to be placed a construction dumpster OR TEMPORARY STORAGE UNIT ~~for the storing, collection, and hauling of construction, renovation, demolition, and excavation debris and refuse~~ on private property, ~~or a construction dumpster or temporary storage unit~~ on a City street, OR CITY RIGHT OF WAY without having first obtained a ~~construction dumpster~~ permit from the City.

2. Application for a ~~construction dumpster~~ permit FOR A CONSTRUCTION DUMPSTER OR TEMPORARY STORAGE UNIT shall be made in writing to the City Manager or his or her designee upon such form as may be provided and shall include the following information, along with the permit fee specified in THE MOUNT RAINIER FEE SCHEDULE section 7-108 D. 9 of this code.

a. Name, address, email, and phone number of the applicant.

b. Address and proposed specific location on the property or street where the CONSTRUCTION dumpster or temporary storage unit will be placed.

c. Reason that a construction dumpster or temporary storage unit is required (such as construction of a new residence, renovation, demolition, etc.)

d. Length of time the dumpster or temporary storage unit is needed.

3. No construction dumpster OR TEMPORARY STORAGE UNIT permit for an activity that requires a City building demolition, or other permit or license shall be issued until all other required city permits or licenses are approved and all permit conditions are met.

4. A CONSTRUCTION DUMPSTER OR TEMPORARY STORAGE UNIT MAY NOT BE USED TO HOLD GARBAGE.

5. A CONSTRUCTION DUMPSTER OR TEMPORARY STORAGE UNIT MAY NOT EXCEED EIGHT (8) FEET SIX (6) INCHES IN HEIGHT, TEN (10) FEET IN WIDTH OR TWENTY (20) FEET IN LENGTH. THE OWNER OR USER OF SUCH CONSTRUCTION DUMPSTER OR TEMPORARY STORAGE UNIT SHALL SECURE THE UNIT IN A MANNER THAT DOES NOT ENDANGER THE SAFETY OF PERSONS OR PROPERTY IN THE VICINITY OF THE CONSTRUCTION DUMPSTER OR TEMPORARY STORAGE UNIT OR BECOME A PUBLIC NUISANCE.

6. ON PRIVATE PROPERTY, A CONSTRUCTION DUMPSTER OR TEMPORARY STORAGE UNIT permit shall be valid for a period of up to three months. No more than two construction dumpsters OR TEMPORARY STORAGE UNITS shall be permitted on a single PRIVATE property ~~or construction site~~ at the same time without the express authorization of the City Manager or his or her designee.

7. CONSTRUCTION DUMPSTERS OR TEMPORARY STORAGE UNITS MAY BE ALLOWED FOR A LONGER PERIOD OF TIME ON CONSTRUCTION SITES WHEN THERE IS ACTIVE CONSTRUCTION, PROVIDED THAT A CITY BUILDING PERMIT HAS BEEN OBTAINED AND THAT SUCH CONSTRUCTION DUMPSTER OR TEMPORARY STORAGE UNIT IS TO BE USED ONLY IN CONNECTION WITH SUCH CONSTRUCTION AND SHALL NOT REMAIN UPON THE PROPERTY FOR LONGER THAN TWO (2) WEEKS PAST THE COMPLETION OF THE PROJECT, OR EXPIRATION OF THE CITY BUILDING PERMIT, WHICHEVER OCCURS FIRST. SUCH CONSTRUCTION DUMPSTER OR TEMPORARY STORAGE UNIT MAY NOT EXCEED EIGHT (8) FEET SIX (6) INCHES IN HEIGHT, TEN (10) FEET IN WIDTH AND TWENTY (20) FEET IN LENGTH. IN NO EVENT WILL ANY CONSTRUCTION DUMPSTER OR TEMPORARY STORAGE UNIT USED IN CONNECTION WITH CONSTRUCTION REMAIN ON THE PROPERTY FOR MORE THAN ONE (1) YEAR FROM THE DATE OF THE FIRST CITY BUILDING PERMIT ISSUANCE. A CONSTRUCTION DUMPSTER OR TEMPORARY STORAGE UNIT ON AN ACTIVE CONSTRUCTION SITE SHALL BE PLACED IN THE LEAST

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CONSPICUOUS LOCATION AVAILABLE TO MINIMIZE DISTURBANCE TO ANY ADJOINING RESIDENTIAL PROPERTIES; THE FINAL LOCATION OF THE CONSTRUCTION DUMPSTER OR TEMPORARY STORAGE UNIT SHALL BE DETERMINED BY THE CITY MANAGER IN HIS OR HER SOLE DISCRETION.

8 WITHIN ANY TWELVE (12) MONTH PERIOD, PERMITS FOR CONSTRUCTION DUMPSTERS OR TEMPORARY STORAGE UNITS LOCATED ON CITY STREETS OR CITY RIGHTS-OF-WAY SHALL BE VALID FOR SIXTY (60) DAYS. PERMITS MAY BE RENEWED FOR AN ADDITIONAL THIRTY (30) DAYS SUBJECT TO THE APPLICANT’S PAYMENT OF FEES AS SET FORTH IN THE MOUNT RAINIER FEE SCHEDULE. EACH ADDRESS IS LIMITED TO ONE CONSTRUCTION DUMPSTER OR TEMPORARY STORAGE UNIT LOCATED ON A CITY STREET OR CITY RIGHT-OF-WAY. THE LOCATION OF CONSTRUCTION DUMPSTER OR TEMPORARY STORAGE UNITS SHALL BE MADE UNDER THE DIRECTION OF THE CHIEF OF POLICE SO AS TO PROTECT PUBLIC SAFETY.

9. THE CITY MANAGER MAY ISSUE A PERMIT FOR A SECOND CONSTRUCTION DUMPSTER OR TEMPORARY STORAGE UNIT PERMIT FOR A LOCATION ON A CITY STREET OR CITY RIGHT-OF-WAY IF IT IS IMPRACTICAL TO PLACE A CONSTRUCTION DUMPSTER OR TEMPORARY STORAGE UNIT ON PRIVATE PROPERTY BECAUSE OF THE TOPOGRAPHY, LOT COVERAGE, SETBACKS, TREES, OR OTHER OBSTRUCTION.

10. ANY CONSTRUCTION DUMPSTER OR TEMPORARY STORAGE UNIT THAT EXCEEDS THE PERMITTED TIME LIMIT IS CONSIDERED AN ACCESSORY STRUCTURE (E.G., A SHED) AND MUST COMPLY WITH ALL CITY AND COUNTY REGULATIONS THAT PERTAIN TO SUCH AN ACCESSORY STRUCTURE INCLUDING BUT NOT LIMITED TO BUILDING PERMITS, HEIGHT RESTRICTION, LOT COVERAGE, SITING, AND SETBACKS.

Section 3. BE IT FURTHER ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER, MARYLAND, that Chapter 13, “Traffic”, of the City Code, Section 13-104, “Taxicabs, trailers, recreational vehicles, boats, and temporary dumpster and storage container parking restrictions”, be and hereby is amended to read as follows:

Section 13-104. Taxicabs, trailers, recreational vehicles, boats, and temporary dumpster and storage container parking restrictions.

A. In this section, the terminology used to describe vehicles shall have the meaning prescribed in Titles 11 and 13 of the Transportation Article of the Annotated Code of Maryland where applicable. Otherwise, such terminology shall have its common meaning.

* * *

G. Dumpsters AND TEMPORARY STORAGE UNITS, AS THAT TERM IS DEFINED IN SECTION 7-103 OF THIS CODE, may be parked on City streets with a ~~construction dumpster~~ permit issued by the City Manager or designee in accordance with section 7-106.J. of this code. ~~The permit shall not exceed three (3) months for any address within a period of twelve (12) months. The placement of~~

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~~dumpsters or temporary storage units shall be made under the direction of the police chief or designee so as to protect public safety.~~

* * *

Section 4. BE IT FURTHER ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER, MARYLAND, that Appendix A of the City Code, "Fee Schedule", be and hereby is amended to read as follows:

APPENDIX A - FEE SCHEDULE

City of Mount Rainier Fee Schedule FY 19

Mount Rainier Code	Description	Fee
Chapter 2 - Assessments And Taxation and Fees		
	* * *	
Chapter 7 - Licenses and Permits		
	* * *	
7-106 – Permits	L-Sidewalk café permit	\$25.00/year
	* * *	
	C.7. Construction dumpster <u>AND TEMPORARY STORAGE UNIT</u> permit <u>PERMITS.</u>	\$25.00 ;lt; 2 weeks \$100.00 ;gt; 2 weeks ;lt; 1 month \$250.00 ;gt; 1 month and ;lt; 3 months \$500; gt; 3 months and ;lt; 6 months
	* * *	

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Section 5. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER, MARYLAND, that This ordinance shall be effective July 1, 2021, provided that a fair summary has been read at the meeting at which it is introduced and at the meeting at which it has been acted upon, that a copy shall be posted at City Hall immediately after introduction until it is acted upon and for at least two weeks after it becomes effective, and that a fair summary is published at least once in a newspaper having general circulation in the City, inclusive of the City's newsletter mailed or otherwise delivered to every City household.

Attest:


 John Hoatson, City Clerk



 Malinda Miles, Mayor



 Luke Chesek, Councilmember Ward 1



 Celina Benitez, Councilmember Ward 1



 Bryan Knedler, Councilmember Ward 2



 Scott Cecil, Councilmember Ward 2

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