

Chapter 157

NUISANCES AND PUBLIC HAZARDS

| | | | |
|----------|---|----------|-----------------------------------|
| § 157-1. | Definitions. | § 157-5. | Enforcement Officer. |
| § 157-2. | Nuisances and public hazards. | § 157-6. | Enforcement by Mayor and Council. |
| § 157-3. | Responsibility of owner and occupant of property. | § 157-7. | Penalty upon failure to abate. |
| § 157-4. | Duty to enforce. | § 157-8. | Recitals. |

[HISTORY: Adopted by the Mayor and Council of the Town of Rock Hall 5-12-2005 by Ord. No. 2005-03 . Amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention — See Ch. 110.

Noise — See Ch. 155.

Property maintenance — See Ch. 133.

Peace and good order — See Ch. 159.

Municipal infractions — See Ch. 153.

§ 157-1. Definitions.

For purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings indicated:

AFFECTED PERSON — A contiguous property owner or resident.

ENFORCEMENT OFFICER — An employee or contracted agent of the Town designated by the Mayor and Council to exercise the authority and perform the functions and duties set out in this chapter.

GARBAGE — All organic waste consisting of the residue of animal, fruit, or vegetable matter and resulting from the preparation, cooking, handling, or storage of food. "Garbage" does not include human or animal feces.

JUNK — Old or scrap:

- A. Copper and brass;
- B. Rope;
- C. Rags;
- D. Batteries;
- E. Paper;
- F. Trash;
- G. Rubber debris, including tires;
- H. Waste;

I. Iron, steel, and any other old or scrap material, including wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts; or

J. Household appliances.

PERSON — An individual, group of individuals, organization, firm, corporation, association, partnership, government unit, or any other entity of any kind.

REFUSE — Ashes, garbage, rubbish, junk, industrial waste, motor drain oil, dead animals, and all other solid waste materials including salvageable waste.

RUBBISH — All refuse other than garbage, whether combustible or noncombustible, including but not limited to:

- (1) Rubbish from building construction or reconstruction;
- (2) Dead trees, uprooted tree stumps, and other organic matter;
- (3) Slash;
- (4) Rubble;
- (5) Street refuse;
- (6) Two or more untagged or unregistered vehicles;
- (7) Inoperative lawn and garden machinery;
- (8) Household appliances;
- (9) Machinery;
- (10) Bottles and cans;
- (11) Plastic;
- (12) Wastepaper;
- (13) Cardboard;
- (14) Sawdust piles and slash remaining from abandoned sawmill operations; and
- (15) All other waste materials and unsightly debris from any industry.

UNFIT STRUCTURE — Any dwelling, building, or part of a dwelling or building that is a hazard to the safety, health, or welfare of the public because it is in disrepair, is unsanitary, or is vermin- or rodent-infested.

VEHICLE — A device, such as a piece of mechanized equipment, for transporting goods, passengers, or equipment, including but not limited to cars, trucks, motorcycles, and boats.

§ 157-2. Nuisances and public hazards.

- A. In general. Each act or condition that is prohibited by this section constitutes a nuisance or a public hazard under this chapter.
- B. Deposit or accumulation in or upon any land, sidewalk, street, highway, or alleys. Unless done in a manner approved by the enforcement officer or a properly designated agent of the enforcement

officer, a person may not deposit or accumulate in or upon any land, sidewalk, street, highway, or alley:

- (1) Any foul, decaying, or putrescent substance;
 - (2) Any garbage, refuse, or rubbish; or
 - (3) Any other offensive matter.
- C. Discharge from moving vehicle holding tank. Except for normal agricultural practices, a person may not discharge any foul liquids or sewage from any type of mobile vehicle holding tank, except into an approved sewer or treatment works.
- D. Disposal. A person may not dispose of human excreta, crab waste, dead chickens, hogs, horses, cows, sheep, dogs, cats, or any other fowl or animal in or upon any land, sidewalk, street, highway, or alley, or in or upon any other public or private place, unless the matter is:
- (1) Buried to a suitable depth; or
 - (2) Otherwise disposed of in a manner approved by the Enforcement Officer.
- E. Conveying through alley, street, or highway. A person may not convey garbage, swill, refuse, dead animals, dead fowl, or other filthy matter through any alley, street, or highway, public or private, in a manner not approved by the Enforcement Officer. This subsection does not prohibit the activities of licensed septage haulers, or the transportation of sludge or sludge products otherwise licensed or allowed by law.
- F. Use as landfill. Except for licensed or governmentally operated sanitary landfills, a person may not use garbage, offal, or other decaying or putrescent matter, either by itself or in connection with ashes or other harmless matter, to fill in any land or other space.
- G. Unfit structure.
- (1) A person may not permit any unfit structure to exist.
 - (2) At the request of the Enforcement Officer, a licensed building inspector may inspect any property at any reasonable time to determine whether an unfit structure is located on the property.
 - (3) The Enforcement Officer may find that a structure is an unfit structure only after reviewing a written report prepared by a licensed building inspector who has inspected the structure.
 - (4) If the Enforcement Officer finds that a structure is an unfit structure, the Enforcement Officer shall cause a notice to be served upon the owner or one of the owners of the property on which the structure is located, as determined by the Town's records or the records of the State Department of Assessments and Taxation.
 - (5) The notice issued pursuant to this subsection shall:
 - (a) Describe the property and state how the structure located thereon is an unfit structure;
 - (b) Order that, within 30 days after service of such notice, the owner(s) of the property on which the unfit structure is located shall commence measures to make the structure safe and secure, or to remove the structure, and shall proceed expeditiously to complete such work; and

- (c) Be served either personally or by certified mail, and, if service is made by certified mail, a copy of the notice shall be posted conspicuously on the structure found to be an unfit structure and on any other structure on the property that appears to be a dwelling.
- H. Rodent control. A person may not fail to exercise proper rodent control measures to discourage or eliminate the presence of rats and other vermin.
- I. Presence for more than 30 days.
- (1) This subsection does not prohibit junkyards that are allowed and operated under the Town of Rock Hall Zoning Ordinance.¹
- (2) A person may not allow on any property for more than 30 days the presence of junk, garbage, refuse, or rubbish that is stored or maintained:
- (a) In an unsafe or unsanitary manner; or
- (b) Within 10 feet of a public or private road or dwelling.
- J. Hazardous substances. A person may not deposit or store materials containing a substance defined or identified as a hazardous substance under Title 7, Subtitle 2, of the Environment Article of the Annotated Code of Maryland, as amended, on any land in the Town of Rock Hall.
- K. Vehicles not legally tagged or registered.
- (1) This subsection does not apply to an off-road recreational vehicle that is:
- (a) Manufactured for off-road use and recreation; and
- (b) Operational, regardless of whether the vehicle is tagged or registered.
- (2) This subsection does not apply to any existing new or used car dealer or bona fide automotive repair shop within the Town of Rock Hall.
- (3) The owner or any other person charged with the possession or responsibility of any vehicle that is not tagged or registered with an appropriate state agency may not leave the vehicle unattended, abandoned, stored, or otherwise inoperative on any street, public way, or private property within the Town of Rock Hall for a period of more than 30 consecutive days.
- (4) "Vehicle" under Subsection K(3) includes trailers.
- L. Height of vegetation.
- (1) This subsection does not apply to:
- (a) Trees, cultivated crops, or cultivated ornamental shrubbery or plants;
- (b) Lots or parcels of land devoted to a bona fide agricultural use or designated by any governmental agency as a wildlife preserve, official wetlands, or forests; or
- (c) Areas required to be maintained in a natural vegetative state by any governmental agency.
- (2) A person may not allow any vegetation to grow higher than 12 inches on any lot or parcel of land that is immediately adjacent to improved property.

1. Editor's Note: See Ch. 225, Zoning.

M. Flow of liquid substances.

- (1) No owner or tenant of any building or lot may permit any wastewater, slop, or liquid substance of any kind, except rainwater and water from noncommercial car washing or water from a hose, to run or flow from any building or lot into the alleys, streets, gutters, or sidewalks of the Town of Rock Hall.
- (2) No person in any business or industrial district within the Town of Rock Hall may permit any wastewater, including rainwater, to run or flow from any building across any sidewalk of the Town of Rock Hall.

N. Burning on streets and sidewalks. No person may burn any paper, rubbish, or refuse in or upon any sidewalk, street, or alley within the Town of Rock Hall.

O. Abandoned refrigerators. No person may abandon, discard, store, or keep in any place accessible to children, or permit, as an owner, lessee, or manager, to remain on premises under his control, a refrigerator, freezer, or any other similar container of any kind that is no longer used for refrigeration purposes and that has an airtight door or lock that may not be released for opening from the inside of said refrigerator, freezer, or container, unless the attached doors, hinges, lids, or latches have been removed.

P. Grass, leaves, and yard waste.

- (1) A person may not deposit, place, discard, drop, or in any other manner scatter any grass clippings, leaves, branches, or other lawn, garden, or tree waste in or upon the streets, curbs, sidewalks, drainage ditches, or alleys of the Town of Rock Hall, except as permitted in Subsections P(2) and (3).
- (2) The Town provides for the collection of grass clippings, leaves, garden clippings and branches. A person may call the Town Manager to coordinate the placement and deposit of such yard waste at the appropriate street or alley line for collection.
- (3) Nothing in this section shall be construed as prohibiting the temporary scattering of grass clippings, leaves, or other lawn or garden wastes in or upon the streets, curbs, alleys, drainage ditches, or sidewalks of the Town of Rock Hall when it occurs incidental to and during mowing, raking, or clipping operations. Any such scattering of grass clippings, leaves, or other lawn or garden wastes shall be removed and corrected immediately at the conclusion of any mowing, raking, or clipping operations.

Q. Obstruction of vision of vehicle operators.

- (1) If the Enforcement Officer finds that there exist on any private property within the Town of Rock Hall any trees, bushes, vines, weeds, undergrowth, loose earth, or other objects or materials, except buildings and similar structures affixed to the ground, that obstruct the vision of operators of vehicles traveling upon any public street, road, or highway so as to constitute a traffic hazard, the Enforcement Officer shall immediately upon making such finding serve a written notice upon the owner, agent, lessee, or any other person having control or supervision of the property.
- (2) The notice shall:
 - (a) Describe the property on which the obstruction exists;

- (b) State the particulars in which the obstruction affects the vision of vehicle operators;
 - (c) Indicate the steps necessary to correct the condition(s) causing the obstruction;
 - (d) Order that corrective steps be taken within a stated period of time, which shall not be fewer than 10 days;
 - (e) Inform the recipient of the notice of the right to appeal the order as provided in this subsection; and
 - (f) Be served either personally or by registered mail. If the person to whom the notice is directed is not known to reside in and cannot be found in the Town of Rock Hall, service shall be made by publication of such notice once in a newspaper of general circulation in the Town and by posting, in a conspicuous manner, on the property on which the obstruction is located. Service by publication and posting shall be deemed to be made on the day of publication or posting, whichever first occurs.
- (3) Any person who considers himself aggrieved by any order issued pursuant to this subsection may, within 10 days of receipt of such order, petition the Mayor and Council, in writing, for a hearing on such order. Within 30 days from the receipt of such petition, the Mayor and Council shall hold such a hearing, after which it may affirm, modify, or rescind the order.
 - (4) The Mayor and Council shall not remove any obstruction or enforce any order issued pursuant to this subsection until after a hearing by the Mayor and Council has been held consistent with the provisions of this subsection, or until after the time to petition for such a hearing has expired without such petition having been filed.
 - (5) Upon failure of any person to comply with the provisions of any order issued pursuant to this subsection within the time specified therein, the Mayor and Council shall direct their designee to enter upon the property on which the obstruction is located and remove all or such part of the obstruction as may be necessary to eliminate the traffic hazard.
 - (6) If the Enforcement Officer reasonably believes that an obstruction presents a threat of imminent public danger, the Mayor and Council may, immediately upon making such determination, direct their designee to enter upon the property on which the obstruction is located and remove all or such part of the obstruction as may be necessary to eliminate the threat.
- R. Obstruction on sidewalks, alleys, and streets. No person may place or allow to remain in, upon, or over any sidewalk, alley, or street within the Town of Rock Hall any box, crate, barrel, carton, bricks, logs, lumber, lime, cement or other building material, or anything else that might obstruct the free passage along and upon the sidewalk, alley, or street or that may make the sidewalk, alley, or street unsightly or dangerous to the public health or safety, without first obtaining from the Mayor and Council a permit to place and maintain the obstruction.

§ 157-3. Responsibility of owner and occupant of property.

- A. Sanitary condition of premises. The owner and occupant of any premises in the Town of Rock Hall are responsible for the sanitary condition of the premises.
- B. Nuisances and public hazards prohibited. A person may not place, deposit, maintain, or voluntarily allow to be placed, deposited or maintained on the person's premises any matter, material, or substance that constitutes a nuisance or public hazard under this chapter.

§ 157-4. Duty to enforce.

The Enforcement Officer and the sworn law enforcement officers who have jurisdiction in the Town of Rock Hall are authorized to enforce this chapter.

§ 157-5. Enforcement Officer.

- A. Designation. The Mayor and Council shall designate a qualified individual(s) to be the Enforcement Officer under this chapter.
- B. Investigation. The Enforcement Officer may conduct an investigation when the Enforcement Officer:
 - (1) Receives a complaint, in writing, from any legally qualified medical practitioner, affected person, or homeowners' association; or
 - (2) Determines that there is a reasonable basis to believe that a violation of this chapter exists.
- C. Notice of abatement. If the Enforcement Officer determines that an act or condition constitutes a nuisance or public hazard under this chapter, the Enforcement Officer may serve a notice, in writing, on the person responsible for the condition requiring the person to abate the act or condition within a time specified in the notice.

§ 157-6. Enforcement by Mayor and Council.

- A. Action to abate nuisance or public hazard. The Mayor and Council may take any action legally necessary to abate a nuisance or public hazard, including applying to a court of competent jurisdiction for an injunction.
- B. Abatement and assessment.
 - (1) In addition to any other enforcement procedures under this chapter, the Mayor and Council may:
 - (a) Abate any nuisance or public hazard by any appropriate means; and
 - (b) Assess the property owner for the costs of the abatement and all inspections and legal proceedings relative to the abatement, including attorneys' fees.
 - (2) An assessment under this subsection:
 - (a) Is a lien against the real property that benefited from the abatement of the nuisance or public hazard; and
 - (b) May be collected in the same manner as real property taxes.

§ 157-7. Penalty upon failure to abate.

- A. Penalty. Pursuant to Article 23A, Section 3, of the Annotated Code of Maryland, a person who fails to abate a nuisance or public hazard is guilty of a municipal infraction and is subject to a fine at the discretion of the Enforcement Officer.
- B. Method of assessment. In determining the appropriate class of fine for a municipal infraction under this chapter, the Enforcement Officer shall consider:
 - (1) The nature of the conduct or conditions causing the nuisance or public hazard and the likelihood

of potential personal injury or property damage therefrom;

- (2) The culpability of the person or persons deemed responsible for the nuisance or public hazard;
- (3) Whether the person or persons deemed responsible for the nuisance or public hazard failed to abide by any notices or warnings issued by the Enforcement Officer with respect to the nuisance or public hazard; and
- (4) The length of time the nuisance or public hazard existed as of the time of the enforcement action.

C. Each day a separate offense. Each day that a violation of this chapter continues may be considered a separate offense.

§ 157-8. Recitals.

The recitals to this Ordinance No. 2005-03 are incorporated herein and deemed a substantive part of this chapter, as follows:

WHEREAS, under Article 23A, Section 2, of the Annotated Code of Maryland, the Mayor and Council of the Town of Rock Hall have the express ordinance-making power to prevent and remove public nuisances; and

WHEREAS, under Article 23A, Section 2, of the Annotated Code of Maryland, the Mayor and Council have the express ordinance-making power to regulate or prevent the throwing or depositing of any dirt, garbage, trash, or liquids in any public place; and

WHEREAS, under Article 23A, Section 2, of the Annotated Code of Maryland, the Mayor and Council have the power to pass such ordinances they deem necessary to secure persons from danger and destruction and to protect the health, comfort, and convenience of the citizens of the Town of Rock Hall; and

WHEREAS, the Mayor and Council of the Town of Rock Hall, for the good and welfare of the community, deem it necessary and appropriate to create new Chapter 157 of the Code of the Town of Rock Hall for the purpose of proscribing certain conduct and conditions that are detrimental to the citizens of the community.