

**RESOLUTION 05-01
TO AMEND CHAPTER 84
ENTITLED LOT AND PROPERTY MAINTENANCE**

BE IT RESOLVED AND ORDAINED by the Board of Commissioners of the Town of Thurmont that Chapter 84, entitled “Lot and Property Maintenance”, be amended to add the language that is underlined and in bold and to delete the language that is in brackets and in bold.

Chapter 84

LOT AND PROPERTY MAINTENANCE

ARTICLE I

Health Nuisances on Property

§ 84-1. Removal of rubbish and waste deposits; penalty.

It is hereby declared to be a nuisance and a danger to the public health for any dirt, filth, rubbish or contaminated water to be and remain on any premises in the Town of Thurmont. The violation of this section is declared to be a municipal infraction. In the event the occupant, or if any premises are not occupied, then the owner of said premises, shall fail to remove any such dirt, filth, rubbish or contaminated water within three days after the receipt of a notice to do so from the chief police officer of the Town of Thurmont, the penalty for such violation shall be the sum of \$50. Each and every day during which such offense shall continue may be deemed a separate offense.

§ 84-2. Brush, grass and weeds; enforcement.

A. No owner or occupant of any lot, area or premises in the Town of Thurmont shall permit any grass, weeds or brush detrimental to the public health to grow upon said lot, area or premises.

B. Grass, weeds or brush exceeding the height of 10 inches are hereby declared to be detrimental to public health and a public nuisance, if:

- (1) Upon any lot, area or premises upon which a dwelling or other building has been built;
- (2) Within a distance of 75 feet from the paved edge or curb of any road or street; or
- (3) Within a distance of 75 feet from the property line of any lot, area or premises on which a residence or other building has been built.

C. The Town Clerk or any police officer of the Town of Thurmont is hereby authorized and empowered to mail or personally deliver notice to the occupant or responsible party of any such lot, area or premises to cut and destroy or remove any such grass or weeds growing thereon. If mailed, said notice shall be by registered mail, addressed to said occupant, owner or responsible party at their last known address.

D. Failure of the occupant, owner or responsible party to cut down and destroy or remove said weeds and/or grass within six days after the delivery or mailing of the notice provided for in the preceding subsection hereof shall be declared a municipal infraction. The penalty for violation shall be the sum of \$50. Each and every day during which such offense shall continue shall be deemed a separate offense. In addition, an administrative fee of \$50 per violation notice shall be charged to the owner and shall become due and payable upon failure of the owner to clean up the property within 6 days of the delivery or mailing of the notice of violation.

§ 84-3. Noncompliance.

In addition to or instead of the penalties prescribed in the two preceding sections, in the event the owner, occupant or responsible party of any premises in the Town of Thurmont shall fail or refuse to comply with notice given in accordance with either of the two preceding sections, it shall be lawful for the Commissioners of Thurmont to remove the dirt, filth, rubbish, contaminated water, vegetable matter, grass or weeds from said premises and charge the cost of such removal to the occupant or owner, as the case may be, which amount may be collected by suit.

ARTICLE II
Garbage and Trash Receptacle Storage

§ 84-4. Multifamily dwelling to furnish receptacle storage facilities.

All multifamily dwellings with two or more units must construct an enclosed, ventilated structure with self-closing door for the purpose of storing garbage and trash receptacles.

§ 84-5. Owner responsible for garbage and trash pickup.

The owner of these units will be held responsible for the collection and pickup of trash and garbage.

§ 84-6. Owner responsible for enforcement provisions.

In the event a dwelling causes a nuisance, the town may clean the area and bill the property owner. The owner may also be subject to a fine.

§ 84-7. Violations and penalties and administrative fee.

The violation of this chapter is declared to be a municipal infraction. The penalty for violation shall be the sum of \$50. Each and every day during which such offense shall continue shall be deemed a separate offense. In addition, an administrative fee of \$50 per violation notice shall be charged to the owner and shall become due and payable upon failure of the owner to clean up the property.

ARTICLE III
Littering

§84-8. Littering

It shall be unlawful for any person or persons to dump, deposit, throw, or leave, or to cause or permit the dumping, depositing, placing, throwing, or leaving of litter on any public or private property in this Town or the waters of this Town unless such litter is placed into a litter receptacle or container installed on such property for that purpose. The word "litter" means all rubbish, waste matter, refuse, garbage, trash, debris, dead animals or other discarded materials of every kind and description. This includes litter resulting from the inadequate containment of trash stored on a property or placed at the curb for removal. The violation of this section is declared to be a municipal infraction. The penalty for such violation shall be a fine of fifty dollars (\$50).

ARTICLE IV
Outdoor Storage

§ 84-9. Purpose

The purpose of the outdoor storage regulations is to require that property be maintained in such a condition that it does not adversely impact the health, safety, and welfare of the public. These regulations are intended to prevent potential adverse impacts such as, but not limited to:

- 1) **Vermin or rodent infestations**
- 2) **Creation of an attractive nuisance potentially hazardous to children**

§ 84-10. Applicability

The requirements of this Article apply to all private property within the Town of Thurmont except as follows:

- 1) **The requirements of Section 84-11 are not applicable in the TB (Town Business), GB (General Business), and I-1 (Industrial Zoning) Districts for properties with vehicle service station, vehicle repair shop, and vehicle sales and service center uses.**
- 2) **The requirements of Section 84-12 are not applicable in the TB (Town Business), GB (General Business), and I-1 (Industrial Zoning) Districts for properties with watercraft sales and service.**
- 3) **The requirements of this Article are not applicable in the A-1 (Agricultural) Zoning District to any vehicle, equipment, and/or materials required for use in the agricultural operations conducted on the property provided such vehicles, equipment, and/or materials are stored in a safe and sanitary manner and are not being stored for non-operating purposes.**
- 4) **The requirements of this Article are not applicable to storage within a totally enclosed structure constructed in accordance with the requirements of the Town of Thurmont Zoning Ordinance.**
- 5) **The requirements of Section 84-13 are not applicable in the TB (Town Business), GB (General Business), OC (Office/Commercial) and I-1 (Industrial Zoning) Districts if such storage is of materials and/or equipment required for use in the business or commercial activity.**
- 6) **The requirements of Section 84-13 are not applicable to properties on which a structure is being constructed or renovated in accordance with the Town of Thurmont Zoning**

Ordinance or is being demolished, but must be removed by the expiration date of the permit. Equipment and/or materials utilized for or created during construction or demolition shall be stored in a safe and sanitary manner.

§ 84-11. Outdoor Vehicle Storage

It shall be a violation of this ordinance to park, store, leave or permit the parking, storing, or leaving of any licensed or unlicensed motor vehicle of any kind or parts thereof which is in a wrecked, junked, partially dismantled, inoperative or abandoned condition, whether attended or not, upon any private property for a period in excess of one (1) week, except that two (2) or fewer such vehicles or parts thereof may be stored behind a sight-obscuring fence or vegetative buffer that blocks view from a public street or adjacent property, or completely covered by waterproof, opaque covers which are in good condition and which are specifically designed for such purposes. These vehicles must be stored in a safe and sanitary manner, and not located in the front of a lot as defined in the Town of Thurmont Zoning Ordinance. All fences must meet the requirements of the Town of Thurmont Zoning Ordinance. A vehicle is considered inoperative or abandoned if, for any reason, it is incapable, without repair, of being moved or propelled by application of internal power, is in a degraded condition such that it could not be licensed for operation by the state, or has remained stationary in a single location for more than sixty (60) days. A vehicle is considered wrecked or junked if it is missing component parts such as engine, engine parts, fenders, panels, doors, bumpers, headlights, hood, trunk door, tires, wheels, grille, roof, seats, or dashboard or if component parts have been damaged to the extent that they no longer can fulfill their intended function.

§ 84-12. Outdoor Watercraft Storage

No more than two watercraft per dwelling unit may be stored in a residentially zoned area and may not be stored in the front of a lot as defined in the Town of Thurmont Zoning Ordinance unless stored on a currently licensed trailer on a paved or adequately covered driveway so as to prevent the production of dust or mud. More than one watercraft stored on a single trailer shall be considered as a single watercraft for purposes of this requirement.

§ 84-13. Outdoor Material Storage

No junk, vehicle parts, household furniture, appliances, scrap material, miscellaneous equipment, or parts thereof shall be stored for more than 7 days outside of a totally enclosed structure constructed in accordance with the requirements of the Town of Thurmont Zoning Ordinance. Junk is defined as cast-off material or equipment which is no longer functional or is of little or no value. Items customarily associated with the residential use of a dwelling such as hoses; lawn furniture; grills; sport, game and leisure equipment; children's play equipment; firewood; etc. may be stored outside. Storage of materials and/or equipment not associated with residential uses is prohibited in all Residential Zoning Districts. Temporary storage containers including those that are or resemble a modified tractor trailer, railroad car, or sea or shipping container, are prohibited except if used for residential moving purposes for a limited period (14 days maximum).

§ 84-14. Penalties and Noncompliance

The violation of this Article is declared a municipal infraction. Responsible parties for all conditions in violation of this ordinance existing at the time that the ordinance is enacted shall have a period of six (6) months to correct such condition before the penalties described below apply. In the event the occupant, or if any premises are unoccupied, then the owner of said property, shall fail to correct the condition(s) causing the violation within thirty (30) days after the receipt of a notice to do so from the chief police officer of the Town of Thurmont, the penalty for such violation shall be the sum of fifty dollars (\$50.). Each and every week during which such offense shall continue may be deemed a separate offense. In addition to or instead of the penalties prescribed above, in the event the owner, occupant, or responsible party shall fail or refuse to correct the condition(s) causing the violation, it

shall be lawful for the Commissioners of Thurmont to correct the condition(s) causing the violation and charge the cost of such correction to the occupant or owner, as the case may be, which amount may be collected by suit.

INTRODUCED: MARCH 1, 2005

PASSED: MARCH 22, 2005