

Chapter 84

PROPERTY MAINTENANCE

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Article I
Definitions

As used in this chapter, the following terms shall have the meaning indicated.

1. **BRUSH** –Includes, but is not limited to, bushes, hedges, shrubs, and other barrier type of plant including, but not limited to, sumac and any other non-cultivated vegetation.
2. **COMMISSIONERS** - Board of Commissioners of Thurmont, including the Mayor.
3. **DEAD TREE** – A tree that is still standing but no longer alive. The trunk may have peeling bark, cracks or splits and mushrooms growing near the tree’s root. The canopy of the tree will have hanging branches or missing leaves and multiple branches will have no living buds.
4. **FENCE** – A barrier enclosing or bordering a field, yard, etc., usually made of posts and wire or wood, used to prevent entrance, to confine, or to mark a boundary. All fences must meet the requirements of the Town of Thurmont Zoning Ordinance, and constructed of materials specifically designed and manufactured for fencing purposes, including but not limited to wooden slats and chain link fences, with wood slats, vinyl slats and panels.
5. **FILTH** - Offensive or disgusting dirt or refuse; foul matter.
6. **GRASS AND WEEDS** – All grasses and bushes including, but not limited to, poison oak, poison ivy or any other non-cultivated vegetation.
7. **HEDGE** - A row of bushes or small trees planted close together, as when forming a fence or boundary
8. **INVASIVE PLANT** - A species of plant that has become a weed pest, a plant which grows aggressively, spreads, and displaces other plants. Invasive plants shall include all plants classified as Tier I or Tier II invasive plants by the Maryland Department of Agriculture, including but not limited to *Phyllostachys aurea* (golden bamboo) and *Phyllostachys aureosucata* (yellow groove bamboo).
9. **JUNK** - Any old or discarded material, such as metal, paper, trash or rags. This includes any cast-off material or equipment, which is no longer functional or is of little or no value.

10. **LITTER** - Means all rubbish, waste matter, refuse, garbage, trash, debris, yard waste and trimmings, 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.
11. **NUISANCE** - A use of property or course of conduct that interferes with the rights of others by causing damage, annoyance, or inconvenience.
12. **PAVED** – Includes asphalt, concrete, gravel, stone, pavers, or other material so as to prevent the production of dust or mud.
13. **PUBLIC PROPERTY** – to include “Rights of Way” and “Easements” on privately owned property.
14. **RUBBISH** - Worthless, unwanted material that is rejected or thrown out; debris; litter; trash.
15. **SHRUBBERY** – Any bush, hedge, shrub or other barrier type plant that has been planted and cultivated
16. **TOWN** – Town of Thurmont.
17. **TREE** – A woody perennial plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground.
18. **WATERCRAFT** – Includes, but is not limited to, boats, ski-doo's, jet-skis and the like, or any other water vehicle used in or upon the water.
19. **WASTE** - Anything left over or superfluous, as excess material or by-products.

Article II
Rubbish, Waste and Littering

§ 84-20. Removal of rubbish and waste.

1. It is hereby declared to be a nuisance and a danger to the public health for any filth, rubbish or contaminated water to be and remain on any premises in the Town.
2. It shall be the responsibility of the occupant, owner and/or party responsible for the property to remove the filth, rubbish or contaminated water within seven (7) days of notice.
3. The violation of this section is declared to be a municipal infraction. The penalty for violation of this section shall be a fine of fifty (\$50.00) dollars. Each and every day during which such offense shall continue shall be deemed a separate offense.
4. In addition to the penalties prescribed above, in the event the occupant, owner and/or the party responsible for the property fails or refuses to comply with the notice given, it shall be lawful for the Commissioners to cause the correction of the violation and charge the cost for such work completed to correct the violation to the occupant, owner, or party responsible for the property.

§ 84-21. Littering.

1. It shall be unlawful for any person to dump, deposit, throw, 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.
2. The violation of this section is declared to be a municipal infraction. The penalty for violation of this section shall be a fine of fifty (\$50.00) dollars.

Article III
Brush, Grass and Weeds

§ 84-30. Brush, hedges and shrubs.

1. Hedges must be planted a distance at least equal to ½ the mature width of the planting material from all property lines which adjoin public rights of way including sidewalks. They shall not be planted at a location that would encroach upon rights of way, line of sight, or visibility of any driveway, street or other public way.
2. Hedges shall be maintained by the property owner so as to prevent overgrowth which physically encroaches upon adjoining public rights of way or visibility.
3. All brush, bushes, hedges, shrubs or other cultivated or non-cultivated vegetation shall be kept cut, trimmed and kept from becoming overgrown.
4. It shall be unlawful for any person owning or occupying any property within the Town to plant any bush, hedge, shrub or any other plant in such a manner as to obstruct or restrict access to any storm drain, public utility box including, but not limited to, electric boxes, electric meters, water meters and water meter access covers, telephone boxes or access points, and television cable access points.
5. A generalized overgrowth of brush, bushes, hedges, shrubs and trees extending into the vertical plane of any public way or abutting property is presumptively a nuisance and a dangerous condition. Plants necessary for soil stabilization purposes are excluded.
6. Failure of the occupant, owner and/or party responsible for the property to correct the violation within seven (7) days after notice shall be a violation of this section.
7. The violation of this section is declared to be a municipal infraction. The penalty for violation of this section shall be a fine of fifty (\$50.00) dollars. Each and every day during which such offense shall continue shall be deemed a separate offense.
8. In addition to the penalties prescribed above, in the event the occupant, owner and/or the party responsible for the property fails or refuses to comply with the notice given, it shall be lawful for the Commissioners to correct the violation and charge the cost for such work completed to the occupant, owner, or party responsible for the property.

§ 84-31. Grass and weeds.

1. No occupant, owner and/or party responsible for any property, lot or area within the Town shall permit any grass and/or weeds, or any other non-cultivated vegetation, to exceed the height of ten (10) inches. Not included are flowers (native or cultivated), garden vegetables, or any plant necessary for soil stabilization purposes.
2. It shall be a violation of this section for a resident to permit an invasive plant / grass to grow on an adjoining property within the corporate limits of the Town of Thurmont.
3. Failure of the occupant, owner and/or party responsible for any property, lot or area to correct the violation within seven (7) days after notice by the Town shall be a violation of this section.
4. It shall be a violation of this section to blow cut grass, weeds, tree limbs and/or leaves into the street sidewalk, or gutter of any Town street. Grass, weeds and/or leaves blown into the street shall be removed within four (4) hours by the responsible person or property owner.
5. The violation of this section is declared to be a municipal infraction. The penalty for violation of this section shall be a fine of fifty (\$50.00) dollars. Each and every day during which such offense shall continue shall be deemed a separate offense.
6. In addition to the penalties prescribed above, in the event the occupant, owner and/or the party responsible for the property fails or refuses to comply with the notice given, it shall be lawful for the Commissioners to correct the violation and charge the cost for such work completed to the occupant, owner or party responsible for the property.

§ 84-32. Agriculture property.

1. Section § 84-31 shall not apply to any lot, area or property zoned for agriculture purposes within the Town limits.

**Article IV
Trees and Shrubbery**

§ 84-40. Trimming and removal.

1. Trees and Shrubbery shall be kept trimmed by the owner of the property so that limbs shall not be closer than nine (9) feet above any sidewalk and fifteen (15) feet above any street. Any such tree or shrub in violation of this section must be removed or trimmed by the owner of the property as hereinafter directed.
2. In all cases where any tree or shrub is required to be removed or trimmed, the Town shall notify the owner of the property in writing to remove or trim such tree or shrub within seven (7) days after notice to the owner at his address as listed on the assessment records.
3. It shall be unlawful for any person owning real estate within the Town to permit any tree or shrub to hang over or branch in such a manner as to encroach upon, obscure, or interfere with the use of the sidewalks, streets, fire hydrants, parking meters, street lamps, traffic signals, and/or signs.
4. The Town shall have the right to cause the removal of any dead tree or diseased tree on private property that is encroaching onto Public Property as provided in paragraph three of this section or that interferes with/encroaches upon or obscures public utilities within the Town when such tree constitutes an imminent hazard to life and property; or if it harbors insects or disease which constitutes a potential threat to other trees within the Town. The Town will notify, in writing, the owners of the real property where such tree(s) are located. Removal shall be done by the owners at their own expense within sixty (60) days after the date of service of notice. In the event the owners fail to comply with the notice, the Town shall have the authority to remove such trees and charge the cost of removal to the owner. Said cost shall constitute an assessment on real property and shall be a lien on the real property upon which the tree is located. The assessed cost may be collected in the same manner as the collection of delinquent municipal taxes.
5. Violation of this section constitutes municipal infraction. The penalty for violation of this section shall be a fine of fifty (\$50.00) dollars. Except as otherwise provided in section four of this section, the failure of the owner to correct the violation within seven (7) days after notice shall be a violation of this section.
6. In addition to the penalties prescribed above, in the event the owner of the property fails or refuses to comply with the notice given, it shall be lawful for the Commissioners to correct the violation and charge the cost for such work completed to the owner.

7. This section is not subject to the provisions of the Municipal Code, Article Two, Section 2-22(4).

§ 84-41. Trimming and removal near electrical lines.

The Town shall investigate any condition whereby tree limbs might have an adverse impact on electric utility lines. It shall be the responsibility of the electric utility to trim such trees.

§ 84-42. Planting in curb strips and streets.

1. It shall be unlawful for any person to plant or set a tree, shrub or bush or any other vegetation in any public way or street, or in any curb strip from the inside of the curb to the outside of the sidewalk, except for grass without the prior written permission of the Chief Administrative Officer.
2. No Occupant, owner and / or party responsible for any property, lot or area within the Town shall permit any grass and/or weeds, or any other non-cultivated vegetation, to exceed the height of ten (10) inches.
3. The violation of this section is declared to be a municipal infraction. The penalty for violation of this section shall be a fine of fifty (\$50.00) dollars. Each and every day during which such offense shall continue shall be deemed a separate offense.
4. In addition to the penalties prescribed above, in the event the property owner or person planting the tree, shrub or bush fails or refuses to comply with the notice given, it shall be lawful for the Commissioners to correct of the violation and charge the cost fee for such work completed to the person or property owner.

Article V
Outdoor Storage

§ 84-50. Applicability.

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

- a. The requirements of Section 84-51 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.
- b. The requirements of Section 84-52 are not applicable in the TB (Town Business), GB (General Business), and I-1 (Industrial Zoning) Districts for properties with watercraft sales and service uses.
- c. The requirements of this Article are not applicable in the A-1 (Agricultural) Zoning District with respect 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.
- d. 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.
- e. The requirements of Section 84-53 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.
- f. The requirements of Section 84-53 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.

§ 84-51. Outdoor storage of vehicles.

1. It shall be a violation of this section 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 thirty (30) days.
 - a. Two (2) or fewer such vehicles or parts of vehicles may be stored or completely covered by waterproof, opaque covers which are in good condition and which are specifically designed for such purposes.
 - b. 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, and constructed of materials specifically designed and manufactured for fencing purposes, including but not limited to wooden slats and chain link fences, with wood slats, vinyl slats and panels.
 - c. 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 thirty (30) days.
 - d. A vehicle is considered wrecked or junked if it is missing any component parts such as, but not limited to, 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 can no longer fulfill their intended function.
2. The occupant, owner and/or the party responsible for the property shall correct the condition(s) causing the violation within seven (7) days after notice.
3. The violation of this section is declared a municipal infraction. The penalty for violation of this section shall be a fine of fifty (\$50.00) dollars.
 - a. Every seven (7) days from the date of the violation during which such offense continues shall be deemed a separate offense.
 - b. In addition to the penalties prescribed above, in the event the occupant, property owner or party responsible for the property fails or refuses to correct the condition(s) causing the violation, it shall be lawful for the Town to correct the condition(s) causing the violation and charge the cost of such correction to the occupant, property owner or party responsible for the property.

§ 84-52. Outdoor storage of watercraft.

1. It shall be a violation of this section for any occupant, owner and/or party responsible for the property to park more than two (2) watercraft per dwelling unit in a residentially zoned area.
2. The watercraft may not be stored in the front of a lot, as defined in the Town of Thurmont Zoning Ordinance, unless:
 - a. Stored on a currently licensed trailer; and
 - b. On a paved or adequately covered driveway so as to prevent the production of dust or mud.
 - c. More than one watercraft stored on a single trailer shall be considered as a single watercraft for purposes of this requirement.
3. The occupant, owner and/or the party responsible for the property shall correct the condition(s) causing the violation within seven (7) days after the receipt of notice.
4. The violation of this section is declared a municipal infraction. The penalty for violation of this section shall be a fine of fifty (\$50.00) dollars. Failure of the owner to correct the violation within seven (7) days after notice shall be a violation of this section.
5. In addition to the penalties prescribed above, in the event the occupant, property owner or party responsible for the property fails or refuses to correct the condition(s) causing the violation, it shall be lawful for the Town to correct the condition(s) causing the violation and charge the cost of such correction to the occupant, property owner or party responsible for the property.

§ 84-53. Outdoor storage of materials.

1. No person shall store junk, parts of vehicles, discarded household furniture and appliances, scrap material, building materials, miscellaneous equipment, or parts thereof, or waste, for more than fourteen (14) days outside of a totally enclosed structure constructed in accordance with the requirements of the Town of Thurmont Zoning Ordinance.
2. 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 and are limited to thirty (30) days.
3. Items customarily associated with residential use such as, but not limited to, hoses; lawn furniture; grills; sport, game and leisure equipment; children's play equipment; firewood; etc. may be stored outside.
4. The occupant, owner and/or the party responsible for the property shall correct the condition(s) causing the violation within seven (7) days after the receipt of notice.
5. The violation of this section is declared a municipal infraction. The penalty for violation of this section shall be a fine of fifty (\$50.00) dollars. Failure of the owner to correct the violation within seven (7) days after notice shall be a violation of this section.
6. In addition to the penalties prescribed above, in the event the occupant, property owner or party responsible for the property fails or refuses to correct the condition(s) causing the violation, it shall be lawful for the Town to correct the condition(s) causing the violation and charge the cost of such correction to the occupant, property owner or party responsible for the property.

Article VI
Sidewalk Maintenance, Snow and Ice Removal

§ 84-60. Property owner's responsibility.

1. All sidewalks, curbs and/or gutters shall be constructed and kept in a reasonable state of repair by the abutting property owner.
 - a. Single-family, town house, and row house dwelling property owners will be responsible for the sidewalks, curbs and/or gutters that front their properties.
 - b. All other property owners (commercial, industrial, apartment, etc.) will be responsible for the sidewalks, curbs and/or gutters that abut their properties.
2. Such construction must be performed in accordance with the Commissioners' specifications and under the inspection and supervision of an agent of the Commissioners, and such construction shall be entirely at the expense of the property owner. If the work is not satisfactorily completed within the designated time by the property owner, the Commissioners may complete it at the property owner's expense.
3. In the event that a sidewalk, curb and/or gutter within the corporate limits of the Town Shall be determined to be in such a condition as to be detrimental to the health, safety, welfare and property of others, such condition shall constitute a nuisance.
4. No person shall place or allow to remain in or upon or over any sidewalk or street within the Town any box, crate, barrel, carton, bricks, logs, lumber, lime, cement or other building material, or anything else, which might obstruct the free passage along and upon the sidewalk or street or which may make the street or sidewalk unsightly or dangerous to the public health or safety without first obtaining from the Town Planner a permit to place and maintain the obstruction, not to exceed 10 business days.
5. Violation of this section is declared a municipal infraction. The penalty for violation of this section shall be a fine of one hundred (\$100.00) for each offense. Failing to address sidewalk maintenance violations within seven (7) days of notice, or obstruction of sidewalk within (2) business days of notice, constitutes a violation of this section.

§84-61. Snow/Ice removal from sidewalks

Definitions

As used in this Article, the following terms shall have the meanings indicated.

1. **ABRASIVE COMPOUND** - Includes but is not limited to sand, gravel, grit and salt.
2. **PUBLIC STREET** – Any public street, avenue, roadway, boulevard, highway, alley, cul-de-sac or other public place located in the Town and established for the use of vehicles.
3. **SIDEWALK** - A paved walk for foot passengers adjacent to a street or road.
4. **SNOW/ICE MELT** – Various salts and other substances which are used on roads and walkways to induce freezing-point depression, which (except in extremely cold weather) causes ice and snow to melt, greatly improving traction.
5. **TRAVELED PORTION** – That part of the public street normally used by vehicles in transport.

§ 84-62. Removal of snow and/or ice from sidewalks.

1. **Hazardous Condition:** The Commissioners hereby declare that an accumulation of snow and/or ice on public sidewalks is a hazardous condition and creates an emergency situation. Within twenty- four (24) hours of the cessation of any fall of snow, sleet, or freezing rain, or within thirty-six (36) hours when the accumulation exceeds eight (8) inches, the owner, tenant, occupant, lessee, or person responsible for a lot or part of a lot abutting a paved sidewalk shall remove or cause to be removed any snow and/or ice from the abutting sidewalk for a width of three (3) feet, or the width of the sidewalk, whichever is less
2. In the event that the snow and/or ice on the sidewalk has become so hard that it cannot be removed without the likelihood of damage to the sidewalk, the person or persons charged with its removal shall, within 24 hours, cause enough snow/ice-melt and/or abrasive

compound to be placed on the sidewalk to make travel on the sidewalk reasonably safe and shall, as soon as weather permits, cause the sidewalk to be thoroughly cleaned.

3. A violation of this section is declared to be a municipal infraction. The penalty for violation of this section shall be a fine of \$50.00. Each day the sidewalks remains not cleaned as required shall constitute a separate offense. The Town will issue a Notice of Violation informing the owner, occupant or party responsible for the property to abate any violation of this section or the Town will do so pursuant to §84-63.

§ 84-63. Abatement.

1. In the event that the responsible person or persons fail to remove such snow or permit an accumulation of ice or permit the sidewalks to remain in a hazardous condition for more than forty-eight (48) hours after the cessation of any fall of snow, sleet, and/or freezing rain, the Town may, without further notice, at the cost and expense of the owner, cause the removal of the snow and/or ice or may make safe any hazardous condition resulting from an accumulation of snow or ice.

§ 84-64. Depositing snow and/or ice onto a public street.

1. It shall be unlawful to deposit snow and/or ice cleared from the sidewalks and/or driveways onto the traveled portion of any public street.
2. A violation of this section is declared to be a municipal infraction. The penalty for violation of this section shall be a fine of \$50.00.

**Article VII Parking
Lots and Areas**

§ 84-70. Prevention of dust and mud.

1. No occupant, owner and/or party responsible for any property within the corporate limits of the Town shall permit any vehicle to be operated or parked on any parking lot or area so as to create mud or dust unless the parking lot or area has been paved so as to prevent the production of dust or mud.
 - a. This section shall not apply to agriculture vehicles, including but not limited to, farm tractors, wagons, and other equipment used in farming activities, on property zoned and used for agriculture purposes.
 - b. The owner or occupant of any property shall correct the situation within seven (7) days of notice.
 - c. The violation of this section is declared a municipal infraction. The penalty for violation of this section shall be a fine of fifty (\$50.00) dollars.
 - d. Failure of the owner to correct the violation within seven (7) days after notice shall be a violation of this section.

§ 84-71. Removal of dirt and mud from street.

1. Any dust, dirt, or mud tracked or placed on any street, as the result of the unpaved or uncovered parking lot or area, shall be removed by the occupant, owner, party responsible for the property or event sponsor within four (4) hours following the end of the event.
 - a. If the occupant, owner, party responsible for the property, or permit holder or event sponsor fails to correct the situation within four (4) hours the Town shall cause the situation to be corrected.
 - b. The violation of this section is declared a municipal infraction. The penalty for violation of this section shall be a fine of fifty (\$50.00) dollars.
2. In addition to the penalties prescribed above, in the event the occupant, owner, party responsible for the property, permit holder or event sponsor fails or refuses to correct the condition(s) causing the violation, it shall be lawful for the Town to correct the condition(s) causing the violation and charge the cost of such correction to the occupant, owner, responsible person property, or permit holder.