

**TOWN OF NORTH BRENTWOOD
ORDINANCE NO. 2024-06**

Introduced by: Councilmember Aaron Baynes
Seconded by: Councilmember Jacqueline Morales
Date of Introduction: 10/7/2024

An ordinance amending the health and maintenance standards found in Section 208-11 of the Town Code to include along with weeds, briars and brush, a limit on the height of tall grass on private real property to one-foot tall, but to allow an exception to allow certain cultivated meadow gardens to be registered or permitted by the Town and to make other minor substantive, stylistic and grammatical changes to the Town Code

WHEREAS, the Town Charter, §602(14) (Filth) authorizes the Town to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter as it may deem necessary for the good government of the Town to compel the occupant of any premises or building in the Town, when it has become filthy or unwholesome, to abate or cleanse the condition; and, after reasonable notice to the owners or occupants, to authorize such work to be done by the proper officers and to assess the expense thereof against such property, making it collectible by taxes or against the occupant or occupants; and

WHEREAS, the Town Charter, §602(20) (Health) further authorizes the Town to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter as it may deem necessary for the good government of the Town to protect and preserve the health of the Town and its inhabitants; to appoint a public health officer, and to define and regulate his or her powers or duties; to inspect, regulate, and abate any buildings, structures or places which cause or may cause unsanitary conditions or conditions detrimental to health; but nothing herein shall be construed to affect in any manner any of the powers and duties of the Secretary of Health and Mental Hygiene, the County Board of Health, or any public, general or local law relating to the subject of health; and

WHEREAS, the Town Charter, §602(13) (Fees and Charges) further authorizes the Town to establish and collect 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, the Town Council in this amendatory ordinance intends to include tall grass along with other noxious growth exceeding 12 inches in length to, in and of itself, be considered a nuisance as well as any vegetative growth of any length that does not constitute a properly maintained and authorized meadow or non-lawn use; and

WHEREAS, the Town Charter, § 411 establishing procedure mandates that all ordinances passed by the Council shall be promptly delivered by the Clerk to the Mayor for the Mayor's approval or disapproval, and if the Mayor approves any ordinance, the Mayor shall sign it, but if the Mayor disapproves any ordinance, the Mayor shall not sign it, and the Mayor shall

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[Brackets]	:	Indicate matter deleted from existing law
Asterisks * * *	:	Indicate that text is retained from existing law but omitted herein.

§ 208-11. Weeds, TALL GRASS and trash

A. The owner or owners of any property within the Town shall remove all trash, waste material, garbage, offensive and dirty material, or GRASS, weeds, briars and brush more than one-foot tall on any private property adjoining any of the streets, alleys, or lanes and within 200 feet thereof, in the Town.

B. It shall be the duty of the Town Clerk to notify the owner or owners of any property where such public nuisance exists, to remove such public nuisance within 10 days, inclusive of Sundays and holidays, after the date of such notice. Such notice shall be given by placing the same in the United States mail, addressed to the last known address of such person or persons and with sufficient postage prepaid.

C. Upon failure of said owner to remove said public nuisance within the specified time, the nuisance will be removed by the Town and the cost thereof be charged to said owner unless cause to the contrary be shown by filing objections in writing with the Town Clerk on or before the expiration date of such notice.

D. If such written objections are filed it shall be the duty of said owner to appear before the meeting of the Mayor and Council at its next meeting, when a public hearing shall be accorded to said owner.

E. If [~~said~~] THE PUBLIC NUISANCE DESCRIBED IN EITHER PARAGRAPHS A OR F [~~is~~] of this Section ARE not removed within the time specified in such notice, and no written objections have been filed or overruled by the Mayor and Council, then the Town Clerk shall cause the public nuisance to be removed, and he is authorized to incur the necessary expense in so doing, and shall place a charge against the proper person or persons for such cost and proceed to collect the same by entering same on the tax records as a tax upon such real estate, or by suit if deemed necessary, or both.

F. IN ADDITION TO PARAGRAPH A, NO OWNER OR OCCUPANT OF PROPERTY IN THE TOWN SHALL CAUSE OR PERMIT WEEDS, GRASS, THICKETS OR OTHER GROWTH TO GROW UPON HIS/HER PROPERTY SO AS TO CONSTITUTE A MENACE TO HEALTH OR A MENACE TO PUBLIC SAFETY OR A FIRE HAZARD OR A PUBLIC NUISANCE OR A NUISANCE TO ADJOINING PROPERTY OWNERS OR AN OBSTRUCTION TO THE FREE PASSAGE OF PERSONS USING THE SIDEWALKS OR STREETS CONTIGUOUS TO THE PROPERTY. GRASS ONE-FOOT TALL OR MORE SHALL ON ITS FACE CONSTITUTE A PUBLIC NUISANCE ABSENT A FINDING SUCH AS OUTLINED IN SUBSECTIONS G AND H BELOW.

G. A FINDING MADE IN WRITING BY THE TOWN SUPPORTED BY DOCUMENTATION INCLUDING A LANDSCAPE PLAN PROVIDED BY THE OWNER OR OCCUPANT THAT AN AREA IS BEING ACTIVELY PROTECTED, MAINTAINED, OR CULTIVATED FOR A MEADOW OR NON-LAWN USE SHALL BE BASED ON

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J. ANY PERSON VIOLATING ANY OF THE PROVISIONS OF THIS SECTION SHALL BE GUILTY OF A MUNICIPAL INFRACTION AND SHALL BE SUBJECT TO A FINE NOT TO EXCEED \$200, AND THE OFFENSE IS OF A CONTINUING NATURE, EACH DAY'S VIOLATION SHALL BE DEEMED A SEPARATE INFRACTION.

§ 208-12. Violations and penalties.

Except as otherwise stated herein, any person violating any of the provisions of this chapter shall be guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine not to exceed \$100, or may be confined to the county jail for a period not to exceed 30 days, and where the offense is of a continuing nature, each day's violation shall be deemed a separate offense.

Chapter 225. Property Maintenance

Article II. Adoption of COMMERCIAL Property Maintenance Code

§ 225-7. [~~Housing Code~~] STANDARDS adoption BY REFERENCE.

SUBTITLE 13, DIVISION 7, PROPERTY STANDARDS AND MAINTENANCE, OF THE PRINCE GEORGE'S COUNTY CODE, AS IT MAY FROM TIME TO TIME BE AMENDED, IS HEREBY ADOPTED BY THE CITY, AND ALL OF THE POWERS, RIGHTS AND REQUIREMENTS OF COMPLIANCE THEREIN, (EXCEPT WITH RESPECT TO ENFORCEMENT AND PENALTY) TO THE EXTENT THAT THEY MAY BE EXERCISABLE BY A MUNICIPAL CORPORATION, MAY BE EXERCISED BY THE TOWN.

~~[A. The International Property Maintenance Code, 2000 Edition, as published by the International Code Council, Inc. (hereinafter "the Housing Code"), is adopted by this reference and made a part of this article as though set out in full herein with the additions, exceptions, and modifications set forth in § 225-8 of this article. At least three copies of the International Property Maintenance Code, 2000 Edition, shall be on file in the office of the Clerk of the Council for public inspection and use.~~

~~B. Enforcement of Housing Code; officials.~~

~~(1) The Director of the Department of Permitting, Inspections, and Enforcement is designated the county official responsible for the enforcement and administration of the Housing Code adopted by this article.~~

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~~The Director of the Department of Permitting, Inspections, and Enforcement or the Director's duly authorized representative.~~

CODE

~~The Housing Code.~~

MUNICIPALITY or CITY

~~The county, unless it is specifically intended to indicate an incorporated city or town within the county.~~

~~C. Administration: Section 101, General. Scope. The provisions of this code shall apply to all existing residential structures and premises and constitute the minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators, and occupants; the occupancy of existing structure and premises, and for administration, enforcement, and penalties. This code shall not apply to hotels and motels serving transient guests only, rest homes, convalescent homes, nursing homes, and such structures which have been converted to an approved nonresidential use.~~

~~D. Application of other codes. Repairs, additions, or alterations to a structure, or changes of occupancy shall be done in accordance with the procedures and provisions of the county code.]~~

Article III. Property-Related Public Nuisances

SECTION 2.

AND 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 found in Section 1 hereinabove shall become or continue to be made part of the Code of Ordinances and the sections of this Ordinance may be renumbered to accomplish such intention, and that Chapters 163, 208, and 225 of the Code of Ordinances is hereby permanently amended to read as stated in Section 1 hereinabove.

AND BE IT FURTHER ORDAINED AND ENACTED, this Ordinance having been read on at least two occasions at a public meeting shall take effect and become effective at the expiration of eleven (11) calendar days following adoption by the Council, and approval by the Mayor or passage by the Council over the Mayor's veto or the effective date of an enabling charter amendment resolution, unless a different effective date has been specified herein.

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