

Introduced and Read for the First Time: __ 15 April, 2014
Introduced and Read for the Second Time: 6 May, 2014
Ordinance Passed X , Passed As Amended ____, or Rejected __: 6, May, 2014

**TOWN OF BRENTWOOD
ORDINANCE 2014 -03**

**AN ORDINANCE TO ESTABLISH STANDARDS FOR RESIDENTIAL PROPERTY
MAINTENANCE WITHIN THE TOWN OF BRENTWOOD**

A Charter Ordinance of the Mayor and Council of the Town of Brentwood, Maryland adopted pursuant to the authority of Article XI-E of the Constitution of Maryland and Article 23A of the Annotated Code of Maryland (2005 Replacement Volume).

WHEREAS, Section 401.0 (“**General powers**”) of the Brentwood Charter states that “The Council shall have the general power to pass all such ordinances ... as it may deem necessary for the good government of the Town”; and

WHEREAS, the Mayor and Council of the Town of Brentwood desire to improve the quality of life, public safety and eliminate blight within the Town; and

WHEREAS, the Mayor and Council desire to add Chapter 55 (“**STANDARDS FOR RESIDENTIAL PROPERTY MAINTENANCE**”) to the Brentwood Charter, which will delineate regulations effecting residential property within the Town of Brentwood; and

WHEREAS, the Mayor and Council is proposing the standards and penalties as part of this ordinance;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Town of Brentwood amends the Brentwood Charter to add Chapter 55 (“**STANDARDS FOR RESIDENTIAL PROPERTY MAINTENANCE**”) which shall read as follows:

CHAPTER 55

STANDARDS FOR RESIDENTIAL PROPERTY MAINTENANCE

- § 55-101. Title
- § 55-102. Purpose and Policy
- § 55-103. Adoption of Standards By Reference
- § 55-104. Definitions
- § 55-105. Amendments to International Property Maintenance Code, 2006 Edition
- § 55-106. Inspections
- § 55-107. Notification of Violations
- § 55-108. Violations and Penalties

§ 55-109. Higher Standards to Prevail

§ 55-110. Adoption of Rules and Regulations

§ 55-101. Title

This Chapter shall be known as the Residential Property Maintenance Code for the Town of Brentwood.

§ 55-102. Purpose and Policy.

The health, welfare, and safety of the residents of Brentwood needs to be protected from the ill effects of poor property maintenance and all the ramifications arising therefrom. Further, the value of property within the corporate limits of the Town of Brentwood needs to be protected from said ill effects and ramifications.

Thus, the Town of Brentwood herein establishes the minimum requirements for the maintenance of owner-occupied residential property and does not replace or modify requirements otherwise established for the construction, repair, alteration, or use of buildings, equipment, or facilities, except as expressly provided in this Chapter.

§ 55-103. Adoption of Standards By Reference.

- A. The International Property Maintenance Code, 2006 Edition, as published by the International Code Council, Inc., and as amended from time to time, is hereby adopted as the Residential Property Maintenance Code of the Town of Brentwood as though set out in full herein, with the exceptions and modifications set forth in this Chapter.
- B. Subtitle 13, Housing and property standards, of the Prince George's County Code, as it may from time to time be amended, is hereby adopted by the Town of Brentwood, and all of the powers, rights and requirements of compliance therein not in conflict with the Town of Brentwood Charter, this Code, or Town regulations, may be exercised by the Town. However, all references in Chapter 13 of the County Code (or the International Property Maintenance Code which the County Code currently incorporates) to the appointment, discipline, employment and termination of any property or code enforcement personnel or to a board of appeals shall not be effective in the Town of Brentwood.

§ 55-104. Definitions.

- A. See Chapter 2 of the International Property Maintenance Code 2006 Edition, or most recent edition.
- B. **Code Enforcement Officer.** The designated Town official or employee responsible for the enforcement and administration of the Residential Property Maintenance Code. The Town

Administrator also may designate assistants, other employees, and agents as necessary to enforce and administer the Residential Property Maintenance Code.

- C. **Emergency.** The existence of circumstances constituting an immediate danger to the public health or safety and requiring prompt enforcement or remedial action under this code.
- D. **Residential property.** Includes a dwelling, dwelling units, rooming units, rental facility, hotel, and motel or tourist facility not otherwise governed by Chapter 50.

§ 55-105. Amendments to International Property Maintenance Code, 2006 Edition.

A. Residential property:

- (1) The area between the property line and the curb shall be maintained free from weeds or plant growth of a height in excess of 10 inches, not including cultivated flowers and gardens. If flowers or a garden are cultivated in this so-called tree-box area on the side of a street where parking is allowed, the person responsible shall ensure that a walkable path running parallel and adjacent to the curb is provided for persons exiting cars parked at the curb, and that the path is at least twelve (12) inches wide including the width of the curb. The other provisions of §44-1 with respect to weeds and plant growth on private property apply.
- (2) Section 302 Exterior Property Areas, 302.8 Motor vehicles of the International Property Maintenance Code 2006 Edition is deleted and replaced with §301-1 Abandoned or non-road-worthy motor vehicles, of the Town's Code of Ordinances.
- (3) Section 304 Exterior Structures, 304.14. Insect Screens, is amended to insert the dates "from April 1 to December 1st".
- (4) Section 602 Heating facilities, 602.3 Heat supply is amended to insert the dates "from October 1 to April 30."
- (5) In the event of a broken window, the boarding up of a window on a street-side facade for more than thirty (30) days is prohibited.
- (6) A hedge in the front yard or street side yard may not exceed a height of five (5) feet. Definitions and directions for measuring fences in §50-7 apply here with respect to hedges.

B. Temporary Storage Units.

- (1) **Definition.** A “temporary storage unit” is any portable on-demand storage (PODS) 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 which is located for such purposes outside an enclosed building.
- (2) **Time limits.** A temporary storage unit may be located as a temporary structure on property within the Town for a period not exceeding thirty (30) days in duration from time of delivery to time of removal. The Code Enforcement Officer or designee may grant a one-time extension in cases of hardship. No more than two (2) temporary storage units may be located on a specific piece of property within the Town at one time and each structure shall be individually limited to the duration time period established herein. Any temporary storage unit that exceeds the permitted time limit is considered an accessory structure (e.g., a shed) and must comply with all Town and County regulations that pertain to such an accessory structure including but not limited to building permits, height restriction, lot coverage, siting, and setbacks.
- (3) **Location on Property.** A temporary storage unit shall be located no closer than ten (10) feet to the property line, unless the temporary storage unit is placed on an existing impervious driveway.
- (4) **Size.** A temporary storage unit may not exceed eight feet six inches in height, 10 feet in width or 20 feet in length. It shall be the obligation of the owner or user of such temporary storage unit to secure it in a manner that does not endanger the safety or persons or property in the vicinity of the temporary storage unit.
- (5) **Exception for temporary storage units on construction sites.** A temporary storage unit may be allowed upon a site where there is active construction, provided that a Town building permit has been obtained and that such temporary storage unit is to be used only in connection with such construction and shall not remain upon the property for longer than two weeks past the completion of the project, or expiration of the Town building permit, whichever occurs first. Such temporary storage unit may not exceed 8 feet 6 inches in height, 10 feet in width and 20 feet in length. In no event will any temporary storage unit used in connection with construction remain on the property for more than one year from the date of the first Town building permit issuance. A temporary storage unit on an active construction site shall be placed in the least conspicuous location available to minimize disturbance to any adjoining residential properties; the final location of the temporary storage unit shall be determined by the Town Administrator or designee in his/her sole discretion.

§ 55-106. Inspections.

A. Inspections of residential property. The Code Enforcement Officer or his/her designee is hereby authorized and directed to make or cause to be made inspections as often as necessary to determine the exterior condition of the dwellings, dwelling units, rooming units, and all other residential buildings and premises located within the Town of Brentwood, Maryland, in order to safeguard the health, welfare, and safety of the occupants of dwellings and of the general public. If entry is refused or not obtained, the Code Enforcement Officer is authorized to pursue recourse as provided by law, including but not limited to administrative search warrants.

B. Administrative search warrants. The Code Enforcement Officer may apply to a Judge of the District Court or Circuit Court for an administrative search warrant to enter any premises to conduct any inspection required or authorized by law to determine compliance with the provisions of this code.

(1) The application for an administrative search warrant shall be in writing and sworn to by the applicant and shall particularly describe the place, structure, premises, etc., to be inspected and the nature, scope and purpose of the inspection to be performed by the applicant.

(2) Before filing an application for an administrative search warrant with a court, the Code Enforcement Officer shall obtain approval by the Town Attorney and the Mayor and Council as to its legality in both form and substance under the standards and criteria of this section, and a statement to this effect shall be included as part of the application.

(3) A Judge of a court referred to in this section may issue the warrant on finding that:

(i) The applicant has sought access to the property for the purpose of making an inspection; and

[1] After requesting, at a reasonable time, the owner, tenant or other individual in charge of the property to allow access, has been denied access to the property; or

[2] After making a reasonable effort, the applicant has been unable to locate any of these individuals.

(ii) The requirements of Subsection B(1) and (2) of this section are met.

(iii) The Code Enforcement Officer is authorized by law to make an inspection of the property for which the warrant is sought; and

(iv) Probable cause for the issuance of the warrant has been demonstrated by the applicant by specific evidence of an existing violation of any provision of this code or any rule or regulation adopted under this code or by showing:

- [1] That a reasonable administrative inspection program exists regarding the condition of the property; and
- [2] That the proposed inspection comes within that program.

(4) An administrative search warrant issued under this section shall specify the place, structure, premises, vehicle or records to be inspected. The inspection conducted may not exceed the limits specified in the warrant.

(5) An administrative search warrant issued under this section authorizes the applicant and other officials or employees of the Town to enter specified property to perform the inspection, sampling and other functions authorized by law to determine compliance with the provisions of this code.

(6) An administrative search warrant issued under this section shall be executed and returned to the Judge by whom it was issued within:

(i) The time specified in the warrant, not to exceed 30 days; or

(ii) If no time period is specified in the warrant, 15 days from the date of its issuance.

§ 55-107. Notification of Violations.

A. Contents of notice. Whenever the Code Enforcement Officer determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter or of any rule or regulation adopted pursuant thereto, he/she shall give notice of such alleged violation to the owner or person or persons responsible therefor, as hereinafter provided. Such notice of violation shall:

- (1) Be in writing.
- (2) Include a description of the property or premises sufficient for identification.
- (3) Include a statement of the reasons why it is being issued.

- (4) Include a correction order allowing a reasonable time for the performance of any repairs, improvements or other acts required to bring the property or premises into compliance with this Residential Property Maintenance Code or other applicable law.
- (5) Be served upon the owner or his/her agent or the occupant, as the case may require, provided that such notice shall be deemed to be properly served upon such owner or agent or occupant
 - (i) if a copy is delivered to him/her personally or by leaving a copy thereof at his/her residence or business with a person of suitable age or discretion; or
 - (ii) if a copy is sent by certified mail to his/her last known address; or
 - (iii) if a copy is posted in a conspicuous place in or about the property or premises affected by the notice and mailed by regular mail to the owner's or agent's or occupant's last known address,

B. Emergency. Whenever the Code Enforcement Officer finds that an emergency exists which requires immediate action to protect the public health, welfare, or safety or to correct a dangerous condition, he/she may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such corrective action be taken as he/she deems necessary to meet the emergency. Notwithstanding the other provisions of this Chapter, such order shall be effective immediately. If such corrective action is not taken by the owner or person or persons responsible, then the Code Enforcement Officer may cause the required emergency corrective action to be performed or may take any other action permitted by this Chapter or other applicable law. The Town shall send the owner a bill for the costs of such emergency corrective action. If the bill is not paid within 30 calendar days, the cost shall be a lien against the real property which may be collected and enforced in the same manner as are taxes and other liens on real property or by a suit against the owner.

§ 55-108. Violations and Penalties.

A. Notice of violation.

- (1) Any person who violates any provision of this Chapter or any provision of any rule or regulation adopted by the Mayor and Council, or its designee, pursuant to the authority granted by this Chapter shall be issued a notice of violation pursuant to Section 55-107. In the event that he/she fails to fully correct the violation(s) within the time set forth in the notice, a citation for a municipal infraction shall be issued to him/her in accordance with the provisions of Article 23A, Section 3(b) of the *Annotated Code of Maryland*, and Section 1204 of the *Town of Brentwood Charter, Misdemeanors*.

- (2) If a person has been previously cited or properly served notice of an alleged violation for the same municipal infraction under the same code section within a six (6) month period, the requirement of a correction order and reasonable time for compliance as described in Section 55-107 may be waived and a citation for a municipal infraction may be immediately issued as provided for under this Chapter, Article 23A of the *Annotated Code of Maryland*, and Section 1204 of the *Town of Brentwood Charter*, Misdemeanors..

B. Fines

- (1) The amount of the fine for a municipal citation issued for a violation of this Chapter shall be as follows:
 - (i) Initial offense one-hundred dollars (\$100.00).
 - (ii) After the levying of the initial offense, each additional thirty (30) days that said offense exists will result in an additional penalty of two-hundred dollars (\$200.00).
 - (iii) Repeat offense in same one-year period two-hundred dollars (\$200.00)
- (2) If the violation poses or has posed a clear and imminent danger to health, safety, or welfare or a substantial hardship to the occupant of the property, the violation shall carry a five-hundred dollar (\$500.00) fine.

C. Civil Enforcement.

- (1) Without limitation or election of any other available remedy, including the issuance of a municipal infraction citation(s) under this section, the Town may apply to a court of competent jurisdiction for an order of abatement or an injunction enjoining any person from violating this chapter.
- (2) The Town also may bring suit to collect all costs, assessments or liens imposed or incurred by the Town in taking any emergency or other action authorized by this Chapter.
- (3) The Town may take such other legal action as is necessary to carry out the terms and provisions of this Chapter.

- D. Liens.** A lien may be created on real property for all overdue fines and monies expended by the Town for the abatement of violations of this Chapter where the responsible party refuses or fails to comply with the lawful order of the Town after due notice thereof. The amount of such lien shall be collected and enforced by the Prince George's County Director of Finance in the same manner as other Town taxes on real property.

§ 55-109. Higher Standards to Prevail.

In case of conflict between the provisions of this Chapter and any other provisions of the Brentwood Code, or enactment by Prince George's County, whether in relation to building, fire, safety, or health matters or otherwise, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail, and the provision which establishes the lower standard, if contained in the Brentwood Code, is hereby repealed to the extent of the conflict.

§ 55-110. Adoption of Rules and Regulations

The Mayor and Town Council, or its designee, is hereby authorized to make and to adopt such written rules and regulations as may be necessary for the proper enforcement of the provisions of this Chapter, provided that such rules and regulations shall have the same force and effect as the provisions of this Chapter and the same penalty for violation of the provisions of this Chapter.

BE IT FURTHER RESOLVED that the aforementioned increase shall become effective 30 days following its enactment.

READ AND ADOPTED THIS 6 day of May, 2014.

ATTEST/WITNESS:

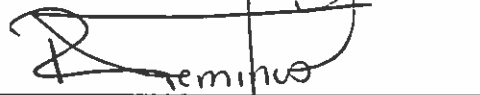
Mayor and Town Council of Brentwood, Maryland



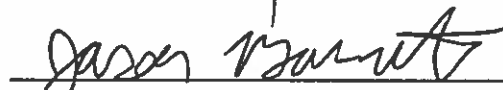
Jeanette Prevots, Town Clerk



E James Cooksey, Mayor



Rocio Treminio-Lopez, Vice Mayor



Jason Barnett, Council Member



Jennifer Kravassi, Council Member



Jennifer Murphy, Council Member

