



**Council of the Town of Leonardtown
Ordinance No. 195
Subject: Property Maintenance**

Date Introduced on First Reading: May 11, 2020; Re-Introduced July 13, 2020

Council Public Hearing: 8/10, 2020

Date Passed on Second Reading: 8/10, 2020

Date Effective: 8/31, 2020

AN ORDINANCE concerning

**CHAPTER 92 – LIVABILITY STANDARDS AND PROPERTY MAINTENANCE OF
THE CODE OF THE TOWN OF LEONARDTOWN.**

FOR the purpose of amending Chapter 92 of the Town Code for the purposes of providing that that the Maryland Minimum Livability Code, as set forth in COMAR 09.12.54.01, et seq., as amended from time to time, and the current version of the International Property Maintenance Code, as amended and updated from time to time by the International Code Council, are hereby adopted as the Property Maintenance Code of the Town of Leonardtown; providing for fees for inspections, certified mailing costs and in-house processing fees; providing that any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be deemed in violation of Chapter 92 and subject to the penalties set forth therein; and providing that premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches; providing that the title of this Ordinance shall be deemed a fair summary; and generally relating to property maintenance in the Town of Leonardtown.

RECITALS

WHEREAS, pursuant to Md. Code Ann., Local Gov't § 5-202 and § 501(1) of the Charter of the Town of Leonardtown (the "Charter"), the Council of the Town of Leonardtown (the "Council") is authorized and empowered to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter as they may deem necessary for the good government of the Town of Leonardtown (the "Town"); for the protection and preservation of the Town's property, rights and privileges; for the preservation of peace and good order; to secure persons and property from danger and destruction; and for the protection

and promotion of the health, safety, comfort, convenience, welfare and happiness of the residents of the City and visitors thereto and sojourners therein; and

WHEREAS, pursuant to Md. Code Ann., Public Safety § 12-203(b), the Council is authorized and empowered to adopt minimum property standards for property in the Town, which are codified in Chapter 92 – Livability Standards and Property Maintenance of the Code of the Town of Leonardtown (the “Town Code”); and

WHEREAS, pursuant to Md. Code Ann., Local Gov’t § 5-205(d)(1), the Council is authorized and empowered to establish and collect reasonable fees and charges associated with the exercise of a governmental or proprietary function exercised by the Town; and

WHEREAS, the Council is desirous of amending Chapter 92 of the Town Code for the purposes of providing that that the Maryland Minimum Livability Code, as set forth in COMAR 09.12.54.01, et seq., as amended from time to time, and the current version of the International Property Maintenance Code, as amended and updated from time to time by the International Code Council, are hereby adopted as the Property Maintenance Code of the Town of Leonardtown; providing for fees for inspections, certified mailing costs and in-house processing fees; providing that any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be deemed in violation of Chapter 92 and subject to the penalties set forth therein; and providing that premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches; and

WHEREAS, the Council finds that the amendments set forth herein would be in the best interest of the health, safety and welfare of the citizens of the Town.

SECTION I. BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF LEONARDTOWN that Chapter 92 – Livability Standards and Property Maintenance of the Code of the Town of Leonardtown be and it is hereby amended as follows:

§ 92-1. Adoption of Maryland Minimum Livability Code.

The Maryland Minimum Livability Code (“MMLC”), as set forth in COMAR ~~05.02.03.01~~ **09.12.54.01**, et seq., **as amended from time to time**, and the current version of the International Property Maintenance Code (“IPMC”), as amended and updated from time to time by the International Code Council, is **are** hereby adopted as the Property Maintenance Code of the Town of Leonardtown for the purpose of regulating and governing all property, buildings and structures within the corporate limits of the Town, with the additions, insertions, deletions and changes thereto set forth in § 92-3 of this chapter. In the event of a conflict between the MMLC and the IPMC, as either may be amended from time to time, the MMLC shall be deemed to control.

§ 92-3. Modifications and Amendments to the IPMC.

The following modifications and amendments have been made to amend the IPMC to conform to conditions specific to the Town, as well as to complement existing statutory and administrative processes to best serve the citizens of the Town:

F. Section 103.5 Fees.

- (1) Delete in its entirety and replace with the following: “The Council may, by resolution, establish fees for activities and services performed by the code official in carrying out their responsibilities under this code, including, but not limited to, fees for inspections, certified mailing costs and in-house processing fees.”

Q. Section 112.4 Failure to comply.

- (1) Delete in its entirety and replace with the following: “Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be deemed in violation of this code and subject to the penalties set forth in Section 106.3 herein.”

R. Section 302.4 Weeds.

- (1) Amend the first sentence to read as follows: “Premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches.”

SECTION II. AND BE IT FURTHER ORDAINED that the recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

SECTION III. AND BE IT FURTHER ORDAINED that, in this Ordinance, unless a section of the Town Code is expressly repealed in its entirety and reenacted, new or added language is underlined and in boldface type, and deleted text is crossed out with a single strikethrough. With respect to the substantive provisions of this Ordinance set forth in Section 1, language added after the date of introduction is in bold, italicized font and language deleted after the date of introduction is crossed out with a double strikethrough.

SECTION IV. AND BE IT FURTHER ORDAINED that, if any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the Council that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase or portion hereof.

SECTION V. AND BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION VI. AND BE IT FURTHER ORDAINED that the title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

SECTION VII. AND BE IT FURTHER ORDAINED that this Ordinance shall become effective twenty (20) days following approval by the Mayor or passage by the affirmative vote of four-fifths of the Councilpersons after veto by the Mayor.

Attest:

Councilpersons of Leonardtown:

Laschelle E. McKay

Laschelle E. McKay
Town Administrator

J. Maguire Mattingly, IV

J. Maguire Mattingly, IV
Vice President

virtual

Tyler Alt
Councilperson

Seal:

Nick Colvin

Nick Colvin
Councilperson

Christy Hollander

Christy Hollander
Councilperson

Mary Maday Slade


Mary Maday Slade
Councilperson

This Ordinance was presented to the Mayor for his approval or disapproval pursuant to Section 210 of the Charter of the Town of Leonardtown this 10th day of August, 2020.

Laschelle E. McKay

Laschelle E. McKay, Town Administrator

In accordance with Section 210 of the Charter of the Town of Leonardtown, I hereby (Approve) or (Disapprove) Approve this Ordinance this 10th day of August, 2020.


Daniel W. Burris, Mayor