

CITY OF HAGERSTOWN, MARYLAND

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF HAGERSTOWN,
CHAPTER 185 THEREOF, ENTITLED *NUISANCE ABATEMENT*
TO REVISE THE TIME FRAME FOR COMPLIANCE**

RECITALS

WHEREAS, by virtue of State Law, and the City Charter, the City of Hagerstown regulates property conditions within the City; and

WHEREAS, pursuant to Chapter 185 of the City Code, the City of Hagerstown currently defines certain conditions upon property within the City as nuisances; and

WHEREAS, the said Chapter 185 of the City Code establishes certain abatement timeframes which property owners must meet in order to remain in compliance therewith; and

WHEREAS, the Mayor and Council deem it advisable to amend and refine the timeframes for compliance in light of current conditions existing in the City; and

WHEREAS, the Mayor and Council find it to be in the best interests of the citizens of the City of Hagerstown to do so;

NOW, THEREFORE, BE IT RESOLVED, ENACTED AND ORDAINED by the Mayor and Council of the City of Hagerstown, Maryland, as its duly constituted legislative body, as follows:

1. The Code of the City of Hagerstown is hereby amended by deleting and repealing Chapter 185, *Nuisance Abatement*.

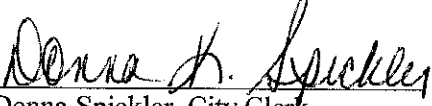
2. The Code of the City of Hagerstown is hereby amended by adding thereto a new Chapter 185, *Nuisance Abatement*, to read as follows:

(See Attached)

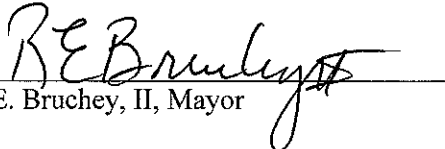
3. This amendment to the Code of the City of Hagerstown shall become effective immediately upon the effective date of this enacting Ordinance.

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this Enacting Ordinance shall become effective upon the expiration of thirty (30) calendar days following its approval.

WITNESS AND ATTEST
AS TO CORPORATE SEAL


Donna Spickler, City Clerk

MAYOR AND COUNCIL OF THE CITY
OF HAGERSTOWN, MARYLAND

By: 
Robert E. Bruchey, II, Mayor

Date of Introduction: February 23, 2010
Date of Passage: March 23, 2010
Effective Date: April 23, 2010

PREPARED BY:
Nairn & Boyer, City Attorney

Chapter 185

NUISANCE ABATEMENT

§ 185-1 Title.

This chapter shall be known and may be cited as the “City of Hagerstown Weeds, Trash and Debris Abatement Ordinance.”

§ 185-2 Declaration of policy.

It is hereby declared and ordained by the Mayor and Council of the City of Hagerstown to the public policy of the City to preserve, protect, and improve the aesthetic nature of the community and to prevent and prohibit conditions existing which shall be detrimental to the property of others or which cause or tend to cause substantial diminution in the value of properties in the City.

§ 185-3 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

NUISANCE – Any condition or use of premises or property which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of property in the neighborhood in which such premises are located. For purposes of this section such a condition includes, but is not limited to, uncontrolled weeds, grasses or other vegetation commonly referred to as “weeds” on the premises, the keeping, maintaining or depositing on, or scattering over the premises of any trash, debris, rubbish, garbage, weed cutting, or other similar material.

PERSON – Any individual, partnership, firm, corporation, association or other legal entity of whatsoever kind and nature. The person shall include the owner(s), tenant(s), lessee(s), occupant(s) and/or person(s) in charge of or using the property.

§ 185-4 Prohibitions.

- A. No person owning, occupying, using or having charge of any premises or property within the City of Hagerstown shall maintain or keep any nuisance thereon, as defined herein, nor shall any person allow any weeds to grow unchecked on any such premises, or allow weed cuttings, trash, debris, rubbish, garbage or other similar material to be maintained, kept, deposited or scattered over the premises or property.
- B. No person shall fail to remove from such premises or property any weeds, weed cuttings, trash, debris, rubbish, garbage or other similar material after having the premises posted to do so as provided in this chapter.

§ 185-5. Notice to abate; effects of noncompliance.

- A. In the event that any person allows a nuisance to exist on any premises or property that consists of uncontrolled weeds, grasses, vegetation or weed cuttings said person shall have the following established time periods from the posting of a notice from a City Code Official or other duly authorized agent to abate said nuisance:
- 1st Violation of any calendar year 7 days
 - 2nd Violation of any calendar year 5 days
 - 3rd or subsequent violation of any calendar year 1 day
- B. In the event that any person allows a nuisance to exist on any premises or property other than described in 185 -5A, said person shall have 5 days from the positing of a notice from a City Code Official or other duly authorized agent at abate said nuisance.
- C. In the event that said nuisance is not abated within the time required in the notice, said person shall be in violation of this Section.
- D. In the event that said nuisance is not abated within the time required in the notice, the City shall have the authority at any time thereafter, within the discretion of City Code Officials or other duly authorized representatives, to cause the violation to be abated. All costs for any such abatement plus reasonable administrative fees shall be the responsibility of the person notified under Subsection A. Said person shall be provided prompt billing notice of all reasonable charges plus reasonable administrative fees incurred in connection with the abatement. Payment for said fees shall be due in full from said person within thirty (30) days of the date the billing notice was mailed. Failure to remit payment in full may result in collection pursuant to Article III, Tax Liens, § 223-11 of the City Code, or by other civil proceeding.

§ 185-6 Summary abatement.

Upon the determination by the City Administrator, City Engineer or duly authorized representative thereof that a nuisance as defined by this chapter exists and that said nuisance poses an immediate threat to the health and safety of the public, the City Administrator, City Engineer or their duly authorized representative may order that the violation be summarily abated. Prior to any summary abatement, the premises shall be posted with a notice that a violation exists and a demand that said violation be abated within 24 hours. Failure of the owner, occupant or user of the premises or property to abate the violation within 24 hours shall result in the violation being abated by the City, and costs and fees being assessed against the owner, occupant or user of the premises or property in accordance with § 185-5C.

§ 185-7. Violations and penalties.

In addition to the penalties described herein, if any person allows a nuisance as defined in this chapter to exist, or shall fail to abate any said nuisance after proper notice, such person shall, upon conviction thereof, be guilty of municipal infraction and shall be fined in an amount not to exceed \$500 for each offense. A separate offense shall be deemed committed on each day during or on which said nuisance is permitted to exist.