

CITY COUNCIL

READ FILE COVER SHEET

Subject: **Ordinance 1125 concerning Repealing & Replacing
Chapter 31-2 International Property Maintenance Code
(Public Hearing)**

Date: **10/3/2023**

Notice: Any comments made after 5:00 p.m. on the Thursday before the Council Meeting will not be seen in the agenda packet.

- Purpose:
- FYI
 - Read and Comment as Needed**
 - Action Required by October 16, 2023**
 - In Confidential File Drawer

Approve:

Johnny Boker Yes No No Comment

Comment: _____

Casi Boyer Yes No No Comment

Comment: _____

Vicki Jones Yes No No Comment

Comment: _____

Jim Ringsaker Yes No No Comment

Comment: _____

Jason Robertson Yes No No Comment

Comment: _____

Tammy Lynn Schneegas Yes No No Comment

Comment: _____

Note: 10/3/23 - Supplemental material attached - revisions from 2018 to 2021.

CITY COUNCIL
OF
HAVRE DE GRACE, MARYLAND

ORDINANCE NO. 1125

Introduced by _____ Council Member Schneegas _____

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND, ADOPTED PURSUANT TO THE AUTHORITY OF ARTICLE XI-E OF THE MARYLAND CONSTITUTION, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AND SECTIONS 33 AND 34 OF THE HAVRE DE GRACE CITY CHARTER TO REPEAL AND REPLACE CHAPTER 31-2: AMENDMENTS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE

On: 10/2/2023

at: 7:00 p.m.

Ordinance introduced, read first time, ordered posted and public hearing scheduled.

PUBLIC HEARING

A Public Hearing is scheduled for October 16, 2023 at 7:00 p.m.

EXPLANATION
Underlining indicates matter added to existing law.
[Bold Brackets] indicate matter deleted from existing law.
Amendments proposed prior to final adoption will be noted on a separate page with line references or by handwritten changes on the draft legislation.

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32 BE IT ORDAINED, that Chapter 31-2 is hereby repealed and replaced in its entirety as follows:
33

34 §31-2. Amendments.
35

36 The International Property Maintenance Code 2021 shall be adopted with the following
37 amendments:
38

39 A. The name of the jurisdiction in the second line of Section 101.1, Title, on page 1 of the
40 International Property Maintenance Code 2021 shall be “City of Havre de Grace, as adopted by
41 the Mayor and City Council of Havre de Grace”.
42

43 B. Section 102.3, Application of other codes, shall read: “Repairs, additions or alterations to a
44 structure, or changes of occupancy, shall be done in accordance with the procedures and provisions
45 of the International Building Code 2018, the International Residential Code 2018, the City of
46 Havre de Grace Zoning Ordinance, and applicable codes of Harford County, Maryland, and the
47 State of Maryland.”
48

49 C. Section 103.1, General, shall read: “The Director of the Department of Planning, or the
50 Director's designee, to be known as the *Code Official* is hereby designated as the administrative
51 official in charge of the implementation and enforcement of the International Property
52 Maintenance Code 2021.”
53

54 D. Section 103.2, Appointment, shall be deleted.
55

56 E. Section 103.3, Deputies, shall be deleted.
57

58 F. Section 104.1, Fees, shall read: “The fees for activities and services performed by the
59 Department in carrying out its responsibilities under the International Property Maintenance Code
60 2021 shall be based upon the valuation of staff time required to complete plan and permit
61 examinations, site inspections and enforcement activity and shall be established by the Mayor and
62 City Council from time to time.”
63

64 G. Section 105.6, Department records, shall read: “An official record shall be kept of all business
65 and activities of the Department specified in the provisions of the International Property
66 Maintenance Code 2021, and all such records shall be open to public inspection at all appropriate
67 times and according to reasonable rules to maintain the integrity, confidentiality, and security of
68 such records.”
69

70 H. New Section 105.8, Restriction of employees, shall be added as follows: “An official or
71 employee connected with the Department of Planning shall not be engaged in or directly or
72 indirectly connected with the furnishing of labor, materials or appliances for the construction,
73 alteration or maintenance of a building, or the preparation of construction documents thereof,
74 unless that person is the owner of the building; nor shall such officer or employee engage in any
75 work that conflicts with official duties or with the interests of the Department.”
76

77 I. Section 107.1, General, shall read: “All appeals of orders, decisions or determinations made by
78 the *Code Official* shall be heard by the Board of Appeals, per Chapter 25 of the City Code.”
79

80 J. Section 108, Board of Appeals, is to be removed.
81

82 K. Section 109.3, Prosecution of violation, shall read:
83

84 1) Any person who shall be adjudged to have (1) violated any of the provisions of this
85 ordinance; or (2) failed to comply herewith or permitted or maintained such a violation; or
86 (3) violated or failed to comply with any order made hereunder; or (4) built in violation of
87 any details, statements, specifications or plans submitted or approved hereunder; or (5)
88 failed to operate in accordance with the provisions of any certificate, permit, or approval
89 issued hereunder shall, severally for each violation and noncompliance respectively, be
90 guilty of a municipal infraction, for which a fine not to exceed \$1,000 may be imposed for
91 each such infraction, payable to the City of Havre de Grace, with costs imposed in the
92 discretion of the court. Each day that an infraction continues after notice has been served
93 shall be deemed a separate infraction. The imposition of a fine for any violation shall not
94 excuse the violation, nor shall the violation be permitted to continue. Prosecution or lack
95 thereof of either the owner, occupant, or the person in charge shall not be deemed to relieve
96 any of the others.
97

98 2) Any person who shall be convicted of willfully (1) violating any of the provisions of this
99 ordinance; or (2) failing to comply herewith or permitting or maintaining such a violation;
100 or (3) violating or failing to comply with any order made hereunder; or (4) building in
101 violation of any details, statements, specifications or plans submitted or approved
102 hereunder; or (5) failing to operate in accordance with the provisions of any certificate,
103 permit, or approval issued hereunder shall, severally for each violation and noncompliance
104 respectively, be guilty of a misdemeanor, punishable by a fine of not more than \$1,000 and
105 imprisonment not exceeding 90 days for each violation, with costs imposed in the
106 discretion of the court. Each day that a violation continues after notice has been served
107 shall be deemed a separate offense. The imposition of punishment for any violation shall
108 not excuse the violation, nor shall the violation be permitted to continue. Prosecution or
109 lack thereof of either the owner, occupant, or the person in charge shall not be deemed to
110 relieve any of the others.
111

112 3) Any order or notice issued or served as provided in this ordinance shall be complied with
113 by the owner, operator, occupant or other person responsible for the condition or violation
114 to which the order or notice pertains. Every order or notice shall set forth a time limit for
115 compliance dependent upon the hazard and danger created by the violation. In cases of
116 extreme danger to persons or property, immediate compliance shall be required. If the
117 notice of violation is not complied with, the Code Official shall institute the appropriate
118 proceeding at law or in equity to restrain, correct or abate such violation, or to require the
119 removal or termination of the unlawful occupancy of the structure in violation of the
120 provisions of this code or of the order or direction made pursuant thereto.
121

122 4) In addition to the other provisions set out in this ordinance, the City of Havre de Grace may
123 institute injunctive, declaratory or any other appropriate action or proceedings at law or
124 equity for the enforcement of this ordinance or to correct violations of the International
125 Property Maintenance Code 2021, and any court of competent jurisdiction has the right to
126 issue restraining orders, temporary or permanent injunctions or mandamus or other
127 appropriate forms of remedy or relief.

128
129 5) All provisions of Section 6-102 of the Local Government Article of the Annotated Code
130 of Maryland relating to municipal infractions are incorporated in this chapter. In the event
131 of any inconsistency between this Section 106.3 and Section 6-102 of the Local
132 Government Article, the provisions in Section 6-102, shall prevail.

133
134 L. Section 109.4, Violation penalties, shall be deleted.

135
136 M. Section 109.5, Abatement of violation: Add a second sentence which shall read as follows:
137 “Any costs associated with any action taken by the authority having jurisdiction on such premises
138 shall be charged against the real estate upon which the structure is located and may be recovered
139 as a lien upon such real estate. Costs shall also include City inspection fees and reasonable
140 attorneys’ fees.”

141
142 N. Section 111.4.2: At the end of the section, the following exception shall be added: “Exception:
143 Notice of violations requiring immediate attention will be conspicuously posted on the premises
144 and allow up to five days to abate the violations. Such notice shall be used for overgrown grass
145 and/or weeds, untagged or unregistered vehicles, trash and rubbish removal, snow removal, or
146 other violations which require immediate attention.”

147
148 O. Section 113 General shall read: “The Code Official shall order the owner, or owner’s authorized
149 agent, of any premises upon which is located any structure, which in the Code Official’s judgment
150 is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe,
151 insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable
152 to repair the structure, to demolish and remove such structure. If such structure is capable of being
153 made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair,
154 or to demolish and remove at the owner’s option. Boarding the building for future repair shall not
155 extend beyond 180 days, unless approved by the Code Official.”

156
157 P. New Section 113.1.1, Abatement of unsafe conditions, shall be added as follows: “Abatement
158 failure by the owner of any premises upon which is located a structure posing an imminent danger
159 to human life or the public welfare due to an unsafe condition, the Director or the Director’s
160 designee shall cause the necessary work to be done to eliminate the condition, including, but not
161 limited to, the demolition of the structure or structures. The Director or the Director’s designee
162 shall cause to be published, for two weekly issues, in a county newspaper of record, notice setting
163 forth the address of the building; a description of the real estate sufficient for its identification; a
164 statement that the property is unsafe and constitutes an immediate and continuing hazard to the
165 community; and a statement that the City intends to demolish same if the owner fails to do so. A
166 person objecting to the proposed actions of the City may file an objection in an appropriate form
167 in a court of competent jurisdiction. If the building is not demolished within 30 days of mailing

168 notice to the owners of record, or within 30 days of the last day of publication of the notice in a
169 county newspaper of record, whichever is later, the Director or the Director’s designee shall have
170 the power to demolish the structure or structures.”

171
172 Q. New Section 113.1.2, Creation of a tax lien, shall be added as follows: “There is created a tax
173 lien on real property for monies expended, including reasonable attorney’s fees, by the City for
174 the making safe of buildings or structures and/or abatement of other unsafe nuisances or conditions
175 constituting a danger to the public health and safety. The amount of such lien shall be collected by
176 the Director of Finance in the same manner as other City real estate taxes.”

177
178 R. Section 110.1, Authority, shall read: “Whenever the Code Official finds any work regulated by
179 this code, or other building codes adopted by the local jurisdiction, being performed in a manner
180 contrary to the provisions of these codes, or in a dangerous or unsafe manner, the Code Official is
181 authorized to issue a stop-work order.”

182
183 S. Section 110.4, Failure to comply: At the end of the section remove, “established by the authority
184 having jurisdiction” and add: “as determined by the Code Official not to exceed \$1,000.”

185
186 T. Section 201.4: At the end of the section, the following language shall be added: “or as is
187 interpreted by the Director of Planning or Code Official.”

188
189 U. Section 202, General Definitions, shall have added to it these additional definitions as follows:

- 190
- 191 1) JUNK YARD. Any land or building licensed and used for abandonment, storage, keeping,
192 collecting or baling of paper, rags, scrap metals, other scrap, discarded materials or junk
193 for the purpose of abandonment, demolition, dismantling, storage, recycling or salvaging.
194 Proper business licensing required.
 - 195
 - 196 2) OPEN STORAGE AREAS. Property areas used for storage of materials that are related to
197 the occupation of the property owner and/or lessee.
 - 198
 - 199 3) SALVAGE YARDS. Property area upon which any person or business stores three or more
200 wrecked vehicles outdoors for the purpose of dismantling or otherwise wrecking the
201 vehicles to remove parts for sale or for use in an automotive repair or rebuilding business.
202 Any auto salvage business must be properly licensed.
 - 203
 - 204 4) SURFACE COAT. All exterior siding and millwork shall be scraped to a sound base and
205 sanded smooth. Scraped and sanded areas shall have joints and cracks filled and shall be
206 primed with exterior primer paint. Following this preparation, all exterior siding and
207 millwork shall be painted with two coats of exterior quality paint.
 - 208
 - 209 5) BICYCLES, BOAT TRAILERS, MOPEDS AND OTHER MOTOR VEHICLES. The
210 same as the definitions provided under Title 11 of the Transportation Article of the
211 Annotated Code of Maryland, as amended, respectively.
 - 212

213 6) BOATS. Every description of watercraft, including jet skis, wave-runners, or an ice boat
214 that is used or capable of being used as a means of transportation on water or ice but does
215 not include a seaplane, canoe, kayak, sculling boat, paddle board or similar recreational
216 equipment.

217
218 7) INOPERABLE. Unable to function in a manner or condition consistent with or similar to
219 the design operation for which it was intended, regardless of modification.
220

221 8) NOXIOUS MATTERS. Debris, garbage, junk, noxious odors, rubbish and trash;
222 abandoned or inoperable bicycles, boats, boat trailers, mopeds or motor vehicles;
223 abandoned appliances, furniture or parts thereof; and/or any other matter or condition as
224 determined to be detrimental to the adjoining properties or the public health, safety, and
225 welfare.
226

227 V. New Section 301.3.1, Vacant structure maintenance, shall be added as follows: “All land or
228 improved premises within the City shall be maintained as though said property were being used or
229 occupied. Once vacated or abandoned, the exterior of any structure and surrounding premises must
230 be maintained to the minimum standards required by this code. Except for any structure damaged
231 by fire, flood or natural disaster, the City shall be notified prior to any boarding of windows and
232 doors to secure the structure. Any boarding shall be done in a professional manner, and the
233 materials used shall conform to the overall exterior appearance of the structure. Said structure,
234 except for historic structures as defined by the City, shall be made habitable within three months,
235 or the structure shall be considered in an unsafe condition and subject to the provisions of this
236 chapter. The Code Official shall have the authority to allow a structure damaged by fire, flood or
237 any natural disaster to remain boarded and secure for a period of one year, at which such time the
238 structure shall be made habitable or said structure shall be considered in an unsafe condition and
239 subject to the provisions of this chapter.”
240

241 W. New Section 302.2.1, Drainage, general, shall be added as follows: “Stormwater, sump pumps,
242 sanitary systems, and other water-supplied appliances shall not discharge in a manner that is
243 detrimental to neighboring properties or creates a public nuisance.”
244

245 X. Section 302.3, Sidewalks and driveways: Add the following section at the end of the paragraph:
246 “It shall be unlawful for any person, incorporated body, public institution or other corporation
247 using or occupying in any manner, or for any purpose whatsoever, any house, store, shop, stable,
248 or tenement of any kind, persons having charge of churches and public buildings of every
249 description and of owners of unoccupied houses and unimproved lots, situated on any street in this
250 City, to fail to remove and clear away, or cause to be removed and cleared away, the snow/ice
251 from the foot pavements fronting the respective houses, stores, shops, stables, churches, buildings
252 or lots so used, occupied or owned by them or under their charge within 24 hours after the end of
253 any weather event resulting in snow or ice.” (See City Code § 190-38.)
254

255 Y. Section 302.4, Weeds: Add the language “10” after the words “in excess of” in the second line.
256 Add the following after the third sentence: “Trees and shrubs located on private property shall not
257 create a nuisance, shall not create a safety hazard to, and shall not impose on public safety or
258 interfere with any structure on the subject premises or adjoining properties or public utilities. When

259 any lot, lots, parcels or tracts of land abut on any public street, avenue, alley, lane, sidewalk or
260 other public right-of-way, the owner, occupant, lessor, lessee, tenant and/or any person, firm or
261 corporation in control of such lot, lots, parcels or tracts of land shall be required to maintain so
262 much of the public right-of-way as lies between the curblin/surfaced edge of the right-of-way and
263 property lines of such lots, parcels or tracts of land as are occupied by or used by such owner,
264 occupant, lessor, lessee, tenant and/or any person, firm or corporation in control thereof. This shall
265 include maintenance to the center line of the unimproved alley by all owners of any abutting lots,
266 parcels or tracts of land.”

267
268 Z. Section 302.7, Accessory structures, shall read: “All accessory structures, including but not
269 limited to detached garages, storage buildings, fences and walls, shall be maintained structurally
270 sound and in good repair. Fences and walls shall be erected such that a finished side of the structure
271 faces outward from the property on which it is constructed.”

272
273 AA. Section 302.8, Motor vehicles, is amended by adding the following to the end of the section:
274 “One unregistered but otherwise operative vehicle and/or trailer, not within a building, is permitted
275 to be stored on the premises for a period not to exceed six months. The vehicle must belong to the
276 current occupant or owner of the property. The owner or occupant must obtain a permit from the
277 Department of Planning for the storage of the unregistered vehicle. After six months, the vehicle
278 must be registered or removed from the premises.”

279
280 BB. New Section 302.10, Storage of junk, boats, appliances and furniture, shall be added as
281 follows: “It shall be unlawful for any owner, occupant, lessor, lessee, tenant and/or person, firm or
282 corporation in control of any lot, lots, parcels or tracts of land within the City to permit any junk,
283 trash, refuse, debris, piled brush and branches, unused construction materials, garbage, or rubbish;
284 abandoned or inoperable bicycles, boats, boat trailers, mopeds, motor vehicle parts, i.e., batteries,
285 tires, fenders, rims, etc., or abandoned appliances, equipment, or furniture to remain on any such
286 lot, lots, parcels or tracts of land where the Department of Planning determines that such materials
287 or items are dangerous, detrimental or cause a nuisance to the adjoining properties or the public
288 health and safety and welfare of the City or are the nesting place for vermin. In the case of a boat,
289 it must have a current registration; be situated upon a boat trailer that also has a current registration
290 and is in operational condition. No boat(s) shall be stored on private property that has a hull
291 registration size of 30 feet or greater without first obtaining a permit from the City. All permits for
292 storage of boats 30 feet or greater shall be made, in writing, to the City's Director of Planning with
293 a copy sent to the Director of Administration and Council President. All permits shall be valid for
294 seasonal storage purposes and are renewable upon approval of subsequent letters of request. All
295 requests must contain proof of current registration and are subject to inspection of the boat and
296 property to ensure the boat has not become a nuisance or danger. Any denied or expired requests
297 for permitted seasonal storage require removal of the boat from the property within 60 days. A
298 boat may be placed on blocks or cribbing for not more than one year. A property owner shall not
299 have more than two registered and tagged boats and/or boat trailers parked or stored on a property,
300 unless the property owner is operating as a licensed boat storage or boat operations business in
301 accordance with all applicable zoning and other applicable laws or the property owner holds a
302 valid Maryland State Commercial Fishing or Crabbing License. Boats that are stored inside an
303 approved enclosed structure are exempt from this section of the code.”

304

305 CC. New Section 302.1, Temporary Storage Containers, shall be added as follows: “All temporary
306 storage containers must be permitted per City Code. Semi-truck trailers used to store goods and
307 other similar containers may be deemed temporary storage per review by the Code Official.”
308

309 DD. New Section 302.12, Control of animal waste, shall be added as follows: “No owner of a
310 dog, or other pet, shall allow it to soil, defile, defecate upon or commit any other nuisance upon
311 any public property or private property. The pet owner must take immediate steps to eliminate any
312 such nuisance, including feces caused by the animal, in an appropriate and sanitary manner. The
313 owner or occupant shall not allow accumulation of animal feces on any property in their control.”
314

315 EE. Section 304.1, General, shall read: “The exterior of a structure shall be maintained in good
316 repair, structurally sound and sanitary so as not to create a public nuisance or be detrimental to
317 adjoining properties, or pose a threat to the public health, safety or welfare.”
318

319 FF. Section 304.3, Premises identification, shall have the following added to the end of the section:
320 “in the case of structures with accessory apartments, all apartments with side or rear entrances, or
321 multiple front entrances, must be clearly identified with their apartment number or letter, in
322 addition to the premises address.”
323

324 GG. Section 304.14: The dates in the first line shall be “April 1” and “November 1,” respectively.
325

326 HH. New Section 304.20, Storage areas, shall be added as follows: “All open salvage yards and
327 open storage areas shall be continuously completely obscured from surrounding property by a
328 screened fence approved by the Director of Planning, not less than eight feet and not more than 10
329 feet in height and/or approved landscaping.”
330

331 II. New Section 305.7, Mold, shall be added as follows: “Where mold is found due to water
332 damage, improper ventilation, mechanical equipment or other causes, the Code Official may
333 require an inspection be performed by a Licensed Inspector at the cost of the property owner to
334 determine the cause of the mold and for abatement of the causes.”
335

336 JJ. Section 307.1, General, shall read: “Handrails and guards shall comply with applicable
337 subsections of the 2018 International Residential Code, Sections R311 and R312.”
338

339 KK. New Section 308.3.3, Screening, shall be added as follows: “All permanent dumpsters must
340 be fully screened from public view per the standards developed by the Department of Planning.”
341

342 LL. Section 505.3 Supply: Add the following to the end of the paragraph: “Disconnected water
343 supply, due to nonpayment of the utility service to a dwelling, shall be posted with a public notice
344 as unfit after five days without service and subject to the provisions of Section 111 of the
345 International Property Maintenance Code. Owners of residential rental units shall not request water
346 supply disconnection as a substitute to legal eviction proceedings.”
347

348 MM. Section 507. Storm drainage: Add the language “sump pumps” after the words “Drainage
349 of” in the first line.
350

351 NN. Section 602.3: The dates in the fifth line shall be “September 15” and “May 31,” respectively.

352
353 OO. New Section 602.3.1, Heat substitute, shall be added as follows: “Approved portable heat
354 supply, designed for interior use, shall be limited to a maximum of 10 days during any period of
355 repair or replacement of the primary mechanical heat source. The Code Official may grant an
356 extension for genuine extenuating circumstances.”

357
358 PP. Section 602.4: The dates in the third line shall be “September 15” and “May 31,” respectively.

359
360 QQ. Chapter 8: Replace the following stated codes and substitute as follows:

- 361 (1) National Electrical Code — Harford County Electrical Code.
- 362 (2) International Fire Code — NFPA 101 and NFPA 1.
- 363 (3) International Plumbing Code — Harford County Plumbing Code.
- 364 (4) International Zoning Code — City of Havre de Grace Zoning Ordinance.
- 365 (5) International Fuel Gas Code — Harford County Plumbing Code

366
367
368 RR. Section 603.1 Mechanical Equipment and Appliances, at the end of the section add, “includes
369 air conditioners/cooling equipment from the months of June through September.”

370
371 SS. Remove Appendix B “Board of Appeals”.

372
373 **NOW, THEREFORE**, it is determined, decided, and ordained by the City Council that the
374 foregoing is hereby approved.

375
376 ADOPTED by the City Council of Havre de Grace, Maryland this __ day of _____, 2023.

377
378 SIGNED by the Mayor and attested by the Director of Administration this ____ day of _____,
379 2023.

380		
381		
382	ATTEST:	MAYOR AND CITY COUNCIL
383		OF HAVRE DE GRACE
384		

385		
386	_____ Stephen J. Gamatoria	_____ William T. Martin
387	Director of Administration	Mayor
388		

389

390 Introduced/First Reading: 10/2/2023

391 Public Hearing:

392 Second Reading/Adopted:

393

394 Effective Date:

1 SUPPLEMENTAL MATERIAL

2
3 Amendments to International Property Maintenance Code

4
5 Underlining indicates matter added to existing law.

6 **[Bold Brackets]** indicate matter deleted from existing law.

7
8
9 §31-2. Amendments.

10
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12 amendments:

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20 Havre de Grace Zoning Ordinance, and applicable codes of Harford County, Maryland, and the
21 State of Maryland."

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24 Director's designee, to be known as the *Code Official* is hereby designated as the administrative
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33 Department in carrying out its responsibilities under the International Property Maintenance Code
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35 examinations, site inspections and enforcement activity and shall be established by the Mayor and
36 City Council from time to time."

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39 business and activities of the Department specified in the provisions of the International Property
40 Maintenance Code 2021 **[2018]**, and all such records shall be open to public inspection at all
41 appropriate times and according to reasonable rules to maintain the integrity, confidentiality, and
42 security of such records."

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44 H. New Section 105.8 **[104.7]**, Restriction of employees, shall be added as follows: "An official
45 or employee connected with the Department of Planning shall not be engaged in or directly or

46 indirectly connected with the furnishing of labor, materials or appliances for the construction,
47 alteration or maintenance of a building, or the preparation of construction documents thereof,
48 unless that person is the owner of the building; nor shall such officer or employee engage in any
49 work that conflicts with official duties or with the interests of the Department."
50

51 I. Section 109.3 [106.3], Prosecution of violation, shall read:

52 a) Any person who shall be adjudged to have (1) violated any of the provisions of this
53 ordinance; or (2) failed to comply herewith or permitted or maintained such a violation; or
54 (3) violated or failed to comply with any order made hereunder; or (4) built in violation of
55 any details, statements, specifications or plans submitted or approved hereunder; or (5)
56 failed to operate in accordance with the provisions of any certificate, permit, or approval
57 issued hereunder shall, severally for each violation and noncompliance respectively, be
58 guilty of a municipal infraction, for which a fine not to exceed \$1,000 may be imposed for
59 each such infraction, payable to the City of Havre de Grace, with costs imposed in the
60 discretion of the court. Each day that an infraction continues after notice has been served
61 shall be deemed a separate infraction. The imposition of a fine for any violation shall not
62 excuse the violation, nor shall the violation be permitted to continue. Prosecution or lack
63 thereof of either the owner, occupant, or the person in charge shall not be deemed to relieve
64 any of the others.
65

66 b) Any person who shall be convicted of willfully (1) violating any of the provisions of this
67 ordinance; or (2) failing to comply herewith or permitting or maintaining such a violation;
68 or (3) violating or failing to comply with any order made hereunder; or (4) building in
69 violation of any details, statements, specifications or plans submitted or approved
70 hereunder; or (5) failing to operate in accordance with the provisions of any certificate,
71 permit, or approval issued hereunder shall, severally for each violation and noncompliance
72 respectively, be guilty of a misdemeanor, punishable by a fine of not more than \$1,000 and
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75 shall be deemed a separate offense. The imposition of punishment for any violation shall
76 not excuse the violation, nor shall the violation be permitted to continue. Prosecution or
77 lack thereof of either the owner, occupant, or the person in charge shall not be deemed to
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81 by the owner, operator, occupant or other person responsible for the condition or violation
82 to which the order or notice pertains. Every order or notice shall set forth a time limit for
83 compliance dependent upon the hazard and danger created by the violation. In cases of
84 extreme danger to persons or property, immediate compliance shall be required. If the
85 notice of violation is not complied with, the Code Official shall institute the appropriate
86 proceeding at law or in equity to restrain, correct or abate such violation, or to require the
87 removal or termination of the unlawful occupancy of the structure in violation of the
88 provisions of this code or of the order or direction made pursuant thereto.
89

90 d) In addition to the other provisions set out in this ordinance, the City of Havre de Grace may
91 institute injunctive, declaratory or any other appropriate action or proceedings at law or

92 equity for the enforcement of this ordinance or to correct violations of the International
93 Property Maintenance Code 2015, and any court of competent jurisdiction has the right to
94 issue restraining orders, temporary or permanent injunctions or mandamus or other
95 appropriate forms of remedy or relief.

- 96
97 e) All provisions of Article 23A, Section 3, of the Annotated Code of Maryland relating to
98 municipal infractions are incorporated in this chapter. In the event of any inconsistency
99 between this Section 106.3 and Article 23A, Section 3, the provisions in Article 23A,
100 Section 3, shall prevail.

101
102 J. Section 109.4 [106.4], Violation penalties, shall be deleted.

103
104 K. Section 109.5 [106.5], Abatement of violation: Add a second sentence which shall read as
105 follows: "Any costs associated with any action taken by the authority having jurisdiction on such
106 premises shall be charged against the real estate upon which the structure is located and may be
107 recovered as a lien upon such real estate. Costs shall also include City inspection fees."

108
109 L. Section 111.4.2 [107.2]: At the end of the section, the following exception shall be added:
110 "Exception: Notice of violations requiring immediate attention will be conspicuously posted on
111 the premises and allow up to five days to abate the violations. Such notice shall be used for
112 overgrown grass and/or weeds, untagged or unregistered vehicles, trash and rubbish removal, snow
113 removal, or other violations which require immediate attention.

114
115 **[M. Section 107.3: At the end of the section the following language shall be added: "In the**
116 **case of violations requiring immediate attention, see the Exception under Section 107.2."]**

117
118 **[N. Section 107.5, Penalties: Refer to Sections 106.3 and 106.5 in this code.]**

119
120 N. Section 107.1, General, shall read: All appeals of orders, decisions or determinations made by
121 the Code Official shall be heard by the Board of Appeals, per Chapter 25 of the City Code.

122
123 O. Section 108, Board of Appeals, is to be removed.

124
125 P. [O.] Section 113 [110.1] General shall read: "The Code Official shall order the owner, or
126 owner's authorized agent, of any premises upon which is located any structure, which in the Code
127 Official's judgment is so deteriorated or dilapidated or has become so out of repair as to be
128 dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that
129 it is unreasonable to repair the structure, to demolish and remove such structure. If such structure
130 is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and
131 hold for future repair, or to demolish and remove at the owner's option. Boarding the building for
132 future repair shall not extend beyond 180 days, unless approved by the Code Official.

133
134 Q. [P.] New Section 113.1.1 [110.1.1] Abatement of unsafe conditions. "Abatement failure by the
135 owner of any premises upon which is located a structure posing an imminent danger to human life
136 or the public welfare due to an unsafe condition, the Director or the Director's designee shall cause
137 the necessary work to be done to eliminate the condition, including, but not limited to, the

138 demolition of the structure or structures. The Director or the Director's designee shall cause to be
139 published, for two weekly issues, in a county newspaper of record, notice setting forth the address
140 of the building; a description of the real estate sufficient for its identification; a statement that the
141 property is unsafe and constitutes an immediate and continuing hazard to the community; and a
142 statement that the City intends to demolish same if the owner fails to do so. A person objecting to
143 the proposed actions of the City may file an objection in an appropriate form in a court of
144 competent jurisdiction. If the building is not demolished within 30 days of mailing notice to the
145 owners of record, or within 30 days of the last day of publication of the notice in a county
146 newspaper of record, whichever is later, the Director or the Director' s designee shall have the
147 power to demolish the structure or structures.
148

149 **R. [Q.]** Add a new Section 113.1.2 [110.1.2], Creation of a tax lien. There is created a tax lien on
150 real property for monies expended by the City for the making safe of buildings or structures and/or
151 abatement of other unsafe nuisances or conditions constituting a danger to the public health and
152 safety. The amount of such lien shall be collected by the Director of Finance in the same manner
153 as other City real estate taxes.
154

155 **[R. Sections 111.2 through 111.8 are deleted (see City of Havre de Grace Board of Appeals**
156 **Ordinance).]**
157

158 S. Section 110.1 [112.1], Authority, shall read: "Whenever the Code Official finds any work
159 regulated by this code, or other building codes adopted by the local jurisdiction, being performed
160 in a manner contrary to the provisions of these codes, or in a dangerous or unsafe manner, the
161 Code Official is authorized to issue a stop-work order.
162

163 T. Section 110.4 [112.4], Failure to comply: **[In the last line, insert "\$100" and "\$1,000" as the**
164 **range of fine amounts.]** At the end of the section remove, "established by the authority having
165 jurisdiction" and add: "as determined by the Code Official not to exceed \$1,000.
166

167 ***Subsections U. through II. remain the same.
168

169 **JJ.** Add a new section 308.3.3 Screening. All permanent dumpsters must be fully screened from
170 view per the standards developed by the Department of Planning.
171

172 **KK. [JJ.]** Section 505.3 Supply: Add the following to the end of the paragraph: "Disconnected
173 water supply, due to nonpayment of the utility service to a dwelling, shall be posted with a public
174 notice as unfit after five days without service and subject to the provisions of Section **[108] 111** of
175 the International Property Maintenance Code. Owners of residential rental units shall not request
176 water supply disconnection as a substitute to legal eviction proceedings.
177

178 **LL. [KK.]** Section 507. Storm drainage: Add the language "sump pumps" after the words
179 "Drainage of" in the first line.
180

181 **MM. [LL.]** Section 602.3: The dates in the fifth line shall be "September 15" and "May 31,"
182 respectively.
183

184 NN. [MM.] New Section 602.3.1 Heat substitute: "Approved portable heat supply, designed for
185 interior use, shall be limited to a maximum of 10 days during any period of repair or replacement
186 of the primary mechanical heat source. The Code Official may grant an extension for genuine
187 extenuating circumstances."

188
189 OO. [NN.] Section 602.4: The dates in the third line shall be "September 15" and "May 31,"
190 respectively.

191
192 PP. [OO.] Chapter 8: Replace the following stated codes and substitute as follows:

- 193 (1) National Electrical Code — Harford County Electrical Code.
194 (2) International Fire Code — NFPA 101 and NFPA 1.
195 (3) International Plumbing Code — Harford County Plumbing Code.
196 (4) International Zoning Code — City of Havre de Grace Zoning Ordinance.
197 (5) International Fuel Gas Code — Harford County Plumbing Code

198
199 QQ. Section 603.1 Mechanical Equipment and Appliances, at the end of the section add, "includes
200 air conditions/cooling equipment from the months of June through September."

201
202 RR. New Section 305.7 "Mold". Where mold is found due to water damage, improper ventilation,
203 mechanical equipment or other causes, the Code Official may require an inspection be performed
204 by a Licensed Inspector at the cost of the property owner to determine the cause of the mold and
205 for abatement of the causes.

206
207 SS. New Section 302.10 "Temporary Storage Containers". All temporary storage containers must
208 be permitted per City Code. Semitruck trailers used to store goods and other similar containers
209 are considered may be deemed temporary storage per review by the Code Official.

210
211 TT. Remove Appendix B "Board of Appeals".
212