



City of Havre de Grace

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CITY OF HAVRE DE GRACE

DEPARTMENT OF PLANNING – BEN MARTORANA, P.E., P.P. DIRECTOR

CITIZEN & BUSINESS GUIDE TO THE PROPERTY MAINTENANCE CODE

City Code Chapter 31 – Ordinance 975 – Article 1

To our citizens and businesses of Havre de Grace ...

Like many communities around the US, Havre de Grace has adopted a Property Maintenance Code to provide minimum standards for various elements around your home and property. These standards range from keeping your lawn to a reasonable height, minimizing the growth of weeds, keeping paint in good order, providing guidelines for storage of automobiles and recreational vehicles on your property and many other items. These issues may directly or indirectly impact the safe occupancy of your structure. They all go towards maintaining the quality of life in our community, protecting neighborhood values, maintaining our homes and businesses in good condition, and protecting the health, safety and welfare of our residents and guests.

Havre de Grace first adopted the International Property Maintenance Code (**IPMC**) in **1991** to provide for uniform, fair and reasonable standards to guide our community and to provide the best resource for our Code Enforcement staff. This is the most widely used and accepted property maintenance code in the US, and, if you are new to Havre de Grace, you may already be familiar with the details from your previous residence.

Property Maintenance Codes and their enforcement are understandably much different than Building Codes or Fire Codes, for instance, where life safety is of paramount concern and enforcement must be strict without exception. In Property Maintenance Code Enforcement, where the Code addresses everything from grass height to safety, sanitary conditions and occupancy concerns, we strive to achieve that delicate balance between enforcement and compliance to make sure that our residential and business communities are putting their best foot forward. We respect due process while also understanding the many

competing demands for time and money in owning and maintaining property. However, it is important to understand that, just as with our building codes, there is no compromise when it comes to life safety.

In preparing this guide we want to give you a perspective of some of the most common concerns seen by our staff, how we address the everyday process of enforcement, and what you can reasonably expect when you raise a concern or complaint to our office. We understand that this process can seem difficult to navigate, can appear arbitrary at times, and can be frustratingly labored when you are living near a property that has a condition that impacts your quality of life and you want to see a quick and permanent resolution. Keep in mind that everyone is entitled to a legal due process and the appeal process can be complicated and lengthy. We are here to help, and available to answer any questions you may have. That is the most important point to remember. We will guide you through every step in the process and help you achieve the level of compliance most appropriate for our community. For details you can read through our Property Maintenance Code Amendments located on the City's web site at <http://ecode360.com/8367236>, and link to the entire IPMC through our web site at www.havredegracemd.com found under Government, Legislative Resources. You can contact our Code Official at 410-939-1800 to help with any questions you may have.

WHAT ARE COMMON CODE VIOLATIONS?

A picture can still be worth a thousand words! Here are some photos with descriptions and code references that will quickly help you in assessing the condition of your property and provide the necessary maintenance to keep your property, and our community, in great condition! Keep in mind that these are "enhanced" versions of many violations to emphasize the description. The extent of the problem may be less than shown, yet still warrant attention. Please know that none of the following photos are within the City of Havre de Grace and are used as visual examples for illustrative purposes only.

Please turn the page and let's see!

Common Property Maintenance Violations



Overgrown Grass/Weeds (Ordinance 975: IPMC 302.4) - It is unlawful for any property owner or occupant to allow grass or weeds to grow over 10 inches in height. This code also prohibits any accumulation of trash, garbage or litter on the premises.



Open Storage of Junk (Ordinance 975: IPMC 302.10) - It is unlawful for any property owner or occupant to store dilapidated furniture, appliances, machinery, building materials or any other item which has deteriorated beyond serviceable use, wrecked, junked, abandoned or inoperative on private property.



Waste Management (Solid Waste Ordinance 162) - Provisions of the code are enforced that govern the preparation, storage and disposal of waste. These provisions also address waste receptacle placement and storage, and private waste collection. ***All household waste must be placed in trash containers with tightly secured lids.***



Inoperable Vehicle (Ordinance 975: IPMC 302.8) - No more than one untagged, unregistered but otherwise operational vehicle is permitted to be stored on the property not within a building. Any vehicle undergoing reconstruction or being dismantled shall be stored within a building. Tagged vehicles must be operational.



Numbers that are visible from the street are essential for police, fire and ambulance response!

Please note that if your home has access to a rear alley, you will need to have a house number in that location as well. Also, if it is a rental property, all doors must have a house number.

Premise Identification: (IPMC 304.3, as amended by local Ordinance) - Buildings shall have approved address numbers, plainly legible and visible from the street. Numbers must be at least 4" high and contrast with the house color.



Peeling or Peeled Paint (Ordinance 975: IPMC 304.2) Peeling or peeled paint is a code violation that impacts not only appearance but public safety as well. Older homes may have paint that is lead based. Peeled paint that gets ground up can become air borne, and is dangerous for children and others, as are actual pieces of peeled paint.



Accessory Structures, including fences, must be maintained structurally sound and in good repair (IPMC 108; 108.11; 304.1.1; 304.2; 302.7)



Swimming Pools, Spas and Hot Tubs (Ordinance 975: IPMC 303) - Swimming pools, spas, hot tubs and related equipment shall be maintained in a clean and sanitary condition, and in good repair. Enclosures are required for private swimming pools, hot tubs and spas, containing water more than 24 inches in depth and shall be completely surrounded by a fence or barrier at least 48 inches in height above the finished ground level measured on the side of the barrier away from the pool or a lockable cover. Gates and doors in such barriers shall be self-closing and self-latching. It shall be unlawful for any person to own or control any outdoor swimming pool which has a side wall less than 48" above the ground without having a fence surrounding such swimming pool or is equipped with a powered pool safety cover, irrespective of the date on which such swimming pool was constructed.

FREQUENTLY ASKED QUESTIONS

Q. What is the Property Maintenance Code for Our City?

A. The City of Havre de Grace has adopted the International Property Maintenance Code (IPMC), 2015, with some amendments **which can be found in City Code Chapter 31, Ordinance 975, Article 1.**

Q. Where can I find this Code?

A. Local amendments to the code are found at our on-line E-Code at <http://ecode360.com/8367236> . You can also now go to our website at www.havredegracemd.com under Government, Legislative Resources to link to the full version of the International Property Maintenance Code

Q. Who enforces the Code?

A. The enforcement of the Code falls with the Havre de Grace Department of Planning. The Deputy Director of Planning is the City Code Official and oversees the enforcement of the Code by City Code Enforcement Inspectors.

Q. How does the City find properties that may be in violation of the Code?

A. Many concerns are brought to our attention directly by residents and members of the business community. Our inspectors travel through the community and may observe conditions that might warrant further investigation. We may become aware of possible violations from our Police Department, especially during off hours, when they help us with an "observe and report" protocol. Concerns may also be brought to our attention from officials at other levels of government.

Q. What happens if I am found to have a Code Violation?

A. Our objective, and commonly held judicial guidance, is that the goal of Property Maintenance Code enforcement is to work with our residents and businesses to bring the properties into compliance, not to be punitive. If the nature of the violation is one that exists primarily in an area seen only by abutting neighbors and doesn't involve life safety, we may first try to work with our residents and provide the necessary guidance to help the neighbors

develop a working relationship in solving the problem. We find that such solutions are the longest lasting and leave each neighbor with a better appreciation of the concerns involved.

In the case of violations that have a more public impact or become a community concern, we will begin immediately working with the property owner towards a solution, which may involve a letter of notification, a notice of violation, or a posting on the property when the owner is not immediately available. Once again, abatement within a reasonable time frame is the objective. If that doesn't happen, additional steps are taken which can include fines to obtain compliance. In cases of unresponsive owners, the City may hire a contractor to abate the violation and a lien shall be placed against the property for the cost of the contractor's work, plus an Administrative fee.

In the case of a life safety issue, or a compelling concern that significantly impacts the health, safety and welfare of the occupants or neighbors, we move into a rapid response mode that limits the time frame for compliance, and may involve more severe fines and/or penalties or hiring a contractor as noted above.

Q. I've complained about a condition of a neighbor's property and it seems to take a long time to get results. Why is this? Can't the City just go onto the property and correct the condition at the owner's expense?

A. All code enforcement falls under the "police powers" of a City which are granted by higher levels of government, primarily the State of Maryland. As such, and in accordance with the State and Federal Constitutions, all residents are entitled to due process. They may disagree with a Code enforcement action, they may dispute the findings of the inspector, they may want to litigate those issues and file for an Appeal, or, in exceptional cases, they may want to test the constitutionality of the Code provision itself. In general, such appeals stay the process, unless there is a real and present documented life safety concern. Everyone wants quick action, but everyone, when confronted with a violation on their own property, also wants and is entitled to their rights of due process, which can result in a process that takes longer than we would hope for.

Q. My neighbor's property is the only one that doesn't keep up with neighborhood standards. Why isn't he in violation?

A. If your neighbor leaves their old sofa on the porch, and you don't like it, or doesn't have their boat neatly arranged for winter storage, that doesn't necessarily mean it is a code violation. Ideally, it is always best to find a Code provision that speaks directly to the situation. Next best is a more general provision that, while requiring interpretation and personal judgment, doesn't require "stretching" that interpretation too far.

There are many cases, however, that don't provide us with that luxury, and also may have a more limited impact, such as a concern between neighbors that isn't generally visible to the public. In those cases we find that working with neighbors to help them find a suitable solution results in a far more lasting resolution, especially for recurring concerns where neighbors simply don't get along. To the greatest extent possible, without injecting ourselves into potential litigation, we'll try to help advance that effort.

Q. My neighbor has been cited before for a problem and that problem has now returned. Why aren't you watching his property more frequently to catch these things as they occur?

A. That could be considered selective enforcement. Our inspectors review the properties in the community in such a way that keeps the number of trips by any particular location to a reasonably uniform frequency. However all complaints brought to our attention are inspected promptly. If we find that any particular complainant has used the process in a punitive manner with their neighbors and repeatedly file unwarranted complaints, we will work with that individual to help them learn and respect the enforcement process.

Q. We are happy to see that the full code is available on line, but it is very long and often doesn't address exactly the concern we have. How do I know if a particular condition is a violation without reading the full Code?

A. Just give us a call at 410-939-1800, and ask for the Code Enforcement Officer. We are here to help, and we will be glad to thoroughly review the concerns with you and help determine if they may constitute a Code Violation. In fact, we prefer that you call early in the process so that we can address your concerns accurately and promptly.

Q. I am a tenant and having difficulty getting my landlord to make necessary repairs. I have contacted them several times, but they do not respond. Can you help?

A. Your first step is to complete a Tenant Complaint Form available at City Hall or on our City website at: <http://www.havredegracemd.com/forms/>. Once we have your complaint form on file we will contact your landlord to schedule an inspection and address the concerns with all parties present. Remember, holding back on rent payments can give a landlord grounds for eviction. Under Maryland law, if a landlord fails to repair serious or

dangerous defects in a rental unit, you have the right to pay your rent into an escrow account established at the local District Court. More details regarding escrow accounts, and other information regarding residential rentals, can be found in a booklet published by the Maryland Attorney General's Office, "Landlords and Tenants – Tips on Avoiding Disputes". You can pick up a copy of this booklet at City Hall, or view it on line at: <http://www.marylandattorneygeneral.gov/Pages/CPD/landlords.aspx>

YOUR FEEDBACK

We hope that you have found this guide useful. We encourage your input to make it even better. If you have a printed copy, we ask that you check the date on the version posted on the City of Havre de Grace Website (www.havredegracemd.com) to make sure you have the latest copy or to simply add the changes to the printed copy you have. Thank you for your assistance!

Thank you again for taking the time to read this and for taking an active interest in preserving and enhancing the appearance and condition of buildings throughout our community, and for providing a safe environment for everyone! This truly is a shared responsibility and, when approached cooperatively, the results are an enhanced quality of life for all of our residents and business community.