

**PERTAINING TO THE AMENDMENT OF CHAPTER 92, PROPERTY  
MAINTENANCE OF THE CODE OF CALVERT COUNTY**

**WHEREAS**, by Resolution 19-74, the County Commissioners of Calvert County did adopt regulations pertaining to excessive growth, noxious weeds, rodents, vectors and other obnoxious conditions that create, at a minimum, a public nuisance and can become a treat to public health, safety and welfare;

**WHEREAS**, Resolution 19-74 was adopted and codified at Chapter 92, Property Maintenance, of the Code of Public Local Laws of Calvert County, Maryland, being Chapter 92 of Article 5 of the Code of Public Laws of Maryland (hereinafter, the "Code");

**WHEREAS**, the Office of Zoning Enforcement has recommended that the Board of County Commissioners of Calvert County, Maryland adopt certain amendments to Chapter 92 of the Code, more specifically set forth below;

**WHEREAS**, after due notice was published, the Board of County Commissioners conducted a public hearing on March 25, 2014, at which time the proposed amendments were discussed, the Zoning Enforcement recommendations were considered, and public comment was solicited; and

**WHEREAS**, after considering the evidence presented at the public hearing regarding the proposed text amendments and in furtherance of the public health, safety and welfare, the Board of County Commissioners of Calvert County, Maryland determined it is in the best interest of the citizens of the County to enact the text amendments to Chapter 92 of the Code as set forth in Exhibit A, attached hereto and made a part hereof.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Calvert County, Maryland, that Chapter 92, Property Maintenance, of the Code **BE**, and hereby **IS**, amended by adopting the amendments as shown in attached Exhibit A hereto and made a part hereof (Exhibit B depicts the amendments as they will actually appear in the Code).

**BE IT FURTHER ORDAINED** by the Board of County Commissioners of Calvert County, Maryland that, in the event any portion of this Ordinance or the Calvert County Code, are found to be unconstitutional, illegal, null or void, it is the intent of the Board of County Commissioners to sever only the invalid portion or provision, and that the remainder of the Ordinance shall be enforceable and valid.

**BE IT FURTHER ORDAINED** by the Board of County Commissioners of Calvert County, Maryland that the foregoing recitals are adopted as if fully rewritten herein.

**BE IT FURTHER ORDAINED** by the Board of County Commissioners of Calvert County, Maryland that this Ordinance shall be effective upon recordation and without publication of a fair summary.

**DONE**, this 25<sup>th</sup> day of March, 2014 by the Board of County Commissioners  
of Calvert County, Maryland.

Aye: 4  
Nay: 1 - Shaw  
Absent/Abstain: Ø

ATTEST:

BOARD OF COUNTY  
COMMISSIONERS OF CALVERT  
COUNTY, MARYLAND

Maureen L. Frederick  
Maureen L. Frederick, Clerk

Pat Nutter  
Pat Nutter, President

Approved for legal  
sufficiency on March 26, 2014

Steven R. Weems  
Steven R. Weems, Vice-President

by:

Gerald W. Clark  
Gerald W. Clark

John B. Norris, III  
John B. Norris, III, County Attorney

Susan Shaw  
Susan Shaw

Evan K. Slaughenhoupt Jr.  
Evan K. Slaughenhoupt Jr.

Received for Record Apr 4 2014  
at 10:45 o'clock A.M. Same day  
recorded in Liber KPS No. 44  
Folio 159 COUNTY COMMISSIONERS  
ORDINANCES AND RESOLUTION.

John P. Smith

## Chapter 92

## PROPERTY MAINTENANCE

## ARTICLE I

## Debris, Trash and Weeds

§ 92-1. Accumulations prohibited.

§ 92-2. Responsibility of owner to remove.

§ 92-3. Notice to abate nuisance.

§ 92-4. Method of service of notice.

§ 92-5. Citation; fine.

§ 92-6. Enforcement

§ 92-7. Severability.

§ 92-8S. Amendments ~~Abatement by county; assessment of costs.~~

[HISTORY: Adopted by the Board of County Commissioners of Calvert County as indicated in article histories. Amendments noted where applicable.]

## GENERAL REFERENCES

Minimum Livability Code — See Ch. 75.

Solid waste — See Ch. 119.

## ARTICLE I

## Debris, Trash and Weeds

[Adopted 4-9-1974 by Res. No. 19-74]

## § 92-1. Accumulations prohibited.

It shall be unlawful for the owner of any lot, tract or parcel located in a zoned Residential District, Rural Community District, Rural Commercial, Farm and Forest District, and any Town Center, to permit ~~within 100 feet of any house, mobile home or other residence whether occupied or unoccupied~~ any accumulation of debris, decayed vegetable matter, filth, dangerous trees, rubbish or trash, abandoned vehicles, refrigerators or other household articles, ~~or any excessive growth of weeds or underbrush, or growth of noxious plants.~~ In addition to the above, it shall be unlawful for the owner of any developed lot, tract or parcel located in any of the zoning districts referenced in this section to permit any Excessive Growth of grass, weeds or underbrush, or any growth of noxious plants within 100 feet of any house, mobile home or other residence whether occupied or unoccupied. For the purpose of this Chapter, "Excessive Growth" is, for the purposes of this chapter, defined as growth of more than 12 inches in height. and "Developed Lot" is defined as any manmade change to an improved or unimproved lot, tract or parcel, including without limitation, buildings or other structures, grading, paving, excavation and storage of materials.

## § 92-2. Responsibility of owner to remove.

It shall be the duty of the owner of any lot, tract or parcel of land described in § 92-1 above to remove or cause to be removed from such lot, tract or parcel of land all E excessive G growth of f grass, weeds, noxious plants, underbrush or dangerous trees, and to remove or cause to be removed all debris, decayed vegetable matter, filth, rubbish, trash, abandoned

vehicles, refrigerators and other household articles.

**§ 92-3. Notice to abate nuisance.**

If, after an inspection, the County determines that the owner of any lot, tract or parcel of land described in § 92-1 above is in violation of this Chapter, the County may issue a Notice of Violation which shall:

- a. Be in writing;
- b. State the nature of the violation;
- c. State the conditions or actions necessary to correct or abate the violation; and
- d. State the timeframe with which to abate the violation, such timeframe shall not exceed thirty (30) days.

1. ~~Should the owner of any lot, tract or parcel of land described in § 92-1 above fail, refuse or neglect to remove or cause to be removed therefrom any of the described unlawful accumulations or excessive growths, such owner, if the real estate is unoccupied, or such owner and occupant of occupied real estate shall be served with a notice on writing directing the abatement of the nuisance within 30 days.~~

**§ 92-4. Method of service of notice.**

Service of the notice upon the owner as provided in § 92-3 shall be either by personal service or by mailing the notice to the ~~addressee's~~ owner's last known address by certified mail, restricted delivery, as it appears on the records of the ~~county~~ State Department of Assessments and Taxation. If the certified mail is returned by the postal service marked "unclaimed", then by first-class mail, postage prepaid, to the last known address ~~In event the lot, tract or parcel or land is unoccupied and the address of the owner is unknown, service of the notice shall be made by certified mail to last known address,~~ and by posting the same on such lot, tract or parcel of land, and by a like posting at the courthouse ~~door~~ entrance.

**§ 92-5. Citation; Fine. ~~Abatement by county; assessment of costs.~~**

A. If, within the 30 days specified in § 92-3, the owner should fail, refuse or neglect to abate the nuisance as described in §92-3, the County may prepare a citation to be delivered to the owner of the lot, tract or parcel in the manner described in § 92-4. A copy of the citation shall be retained by the County and shall bear a certification attesting to the truth of the matters set forth. A fine, not to exceed \$500.00, may be imposed. The citation shall contain:

- a. The name and address of the party charged;
- b. The nature of the violation;
- c. The place where and the date that the violation occurred;
- d. Date of required compliance with Chapter 92;

- e. The amount of the fine assessed;
- f. The manner, location, and date in which the fine may be paid; and,
- g. The party's right to elect to stand trial for the violation and the procedures for the same.

B. A party who receives a citation may elect to stand trial for the offense by filing such notice as set forth in the citation. The notice to stand trial shall be given at least five (5) days before the due date of payment as set forth in the citation. On receipt of the notice to stand trial, the County shall forward to the District Court a copy of the citation and the notice of intention to stand trial. The District Court shall schedule the case for trial and notify the defendant of the trial date.

**C. Referral to District Court.**

1. If a party who received a citation for a violation fails to pay the fine by the due date of payment set forth on the citation or fails to correct the violations by the date set forth in the citation and fails to file a notice of intention to stand trial, a formal notice of the violation shall be sent to the party's last known address. If the citation is not satisfied within 15 days from the date of the receipt of notice, the party is liable for an additional fine not to exceed twice the original fine. If, after 35 days from the date the citation was first issued, the citation is not satisfied, the County may request adjudication of the case through the District Court. The District Court shall schedule the case for trial and summon the defendant(s) to appear.

2. Adjudication of a violation under this Subsection is not a criminal conviction, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

3. A party found by the District Court to have committed a violation under this Chapter shall be liable for the costs of the proceedings in the District Court. Each day that the violation continues shall constitute a separate violation and be subject to a separate fine and citation, in accordance with the procedures described herein.

D. Repeat violations. Any party who corrects a violation after receiving a citation under this Chapter and at a later date is found to again be in violation of this Chapter, on the same property, shall receive an additional citation for each recurring violation. The citation shall be issued in accordance with § 92-5.A above. No prior notification, as described in § 92-3 above, shall be required.

E. Legal or Equitable Remedies/Injunctive Relief. In addition to any other enforcement actions, the County shall at any time have the right to seek injunctive relief, or any other appropriate legal or equitable remedy, to prevent, enjoin, abate, or remove a violation of this Chapter.

F. Abatement by county; assessment of costs. If the owner (s) should fail, refuse or neglect to abate the nuisance as described in § 92-3, the County may also undertake to abate the same through use of its own personnel, facilities or equipment, or the County may contract with independent contractors to do

the work and cause the nuisance to be abated; in either event the costs incurred by the County to accomplish the abatement of the nuisance shall be assessed against and be a lien upon the lot, tract or parcel of land where the nuisance existed.

**§ 92-6. Enforcement.**

It shall be the duty of the Zoning Officer, or the Zoning Officer's designee, to enforce this Chapter.

**§ 92-7. Severability.**

If any portion of this Chapter is held invalid or unconstitutional by a court of competent jurisdiction, such portion shall not affect the validity of the remaining portions of this Chapter. It is the intent of the County Commissioners that this Chapter shall stand, even if a section, subsection, sentence, clause, phrase, or portion may be found invalid.

**§ 92-8. Amendments.**

This Chapter may from time to time be amended, supplemented, changed, modified or repealed by the County Commissioners. No such change or amendment shall become effective until after a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. The County Commissioners shall, at least fifteen (15) days prior to any public hearing, publish a notice in one or more local newspapers of the proposed change and amendments and the time and place of each hearing.

## Chapter 92

## PROPERTY MAINTENANCE

## ARTICLE I

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**[HISTORY: Adopted by the Board of County Commissioners of Calvert County as indicated in article histories. Amendments noted where applicable.]**

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**§ 92-2. Responsibility of owner to remove.**

It shall be the duty of the owner of any lot, tract or parcel of land described in § 92-1 above to remove or cause to be removed from such lot, tract or parcel of land all Excessive Growth of grass, weeds, noxious plants, underbrush or dangerous trees, and to remove or cause to be removed all debris, decayed vegetable matter, filth, rubbish, trash, abandoned vehicles, refrigerators and other household articles.

**§ 92-3. Notice to abate nuisance.**

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- a. Be in writing;
- b. State the nature of the violation;
- c. State the conditions or actions necessary to correct or abate the violation; and,
- d. State the timeframe with which to abate the violation, such timeframe shall not exceed thirty (30) days.

**§ 92-4. Method of service of notice.**

Service of the notice upon the owner as provided in § 92-3 shall be either by personal service or by mailing the notice to the owner's last known address by certified mail, restricted delivery, as it appears on the records of the State Department of Assessments and Taxation. If the certified mail is returned by the postal service marked "unclaimed", then by first-class mail, postage prepaid, to the last known address and by posting the same on such lot, tract or parcel of land, and by a like posting at the courthouse entrance.

**§ 92-5. Citation; Fine.**

A. If the owner should fail, refuse or neglect to abate the nuisance as described in §92-3, the County may prepare a citation to be delivered to the owner of the lot, tract or parcel in the manner described in § 92-4. A copy of the citation shall be retained by the County and shall bear a certification attesting to the truth of the matters set forth. A fine, not to exceed \$500.00, may be imposed. The citation shall contain:

- a. The name and address of the party charged;
- b. The nature of the violation;
- c. The place where and the date that the violation occurred;
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- e. The amount of the fine assessed;
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B. A party who receives a citation may elect to stand trial for the offense by filing such notice as set forth in the citation. The notice to stand trial shall be given at least five (5) days before the due date of payment as set forth in the citation. On receipt of the notice to stand trial, the County shall forward to the District Court a copy of the citation and the notice of intention to stand trial. The District Court shall schedule the case for trial and notify the

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