

CHAPTER 3A

STANDARDS FOR PROPERTY MAINTENANCE

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Section 3A-101. Title

This chapter shall be known as the Property Maintenance Code for the City of Mount Rainier.

Section 3A-102. Purpose and Policy

The health, welfare, and safety of the citizens and residents of Mount Rainier need to be protected from the ill effects of poor property maintenance and all the ramifications arising therefrom. Further, the value of property within the corporate limits of the City of Mount Rainier needs to be protected from said ill effects and ramifications.

Thus the City of Mount Rainier herein establishes the minimum requirements for initial and continued occupancy of nonresidential and rental residential buildings and does not replace or modify requirements otherwise established for the construction, repair, alteration, or use of buildings, equipment, or facilities, except as expressly provided in this Chapter.

In addition, the City of Mount Rainier herein establishes the minimum requirements for the maintenance of owner-occupied residential property.

SECTION 1.

Section 3A-103. Adoption of International Property Maintenance Code

The International Property Maintenance Code, 2006 Edition, as published by the International Code Council, Inc. is hereby adopted as the Property Maintenance Code of the City of Mount Rainier as though set out in full herein, with the exceptions and modifications set forth in this chapter.

Ord. 14-2006, 09/05./06)

Section 3A-104. Definitions

- A. See Chapter 2 of the International Property Maintenance Code 2006 Edition.
- B. **Code Enforcement Officer.** The designated City official or employee responsible for the enforcement and administration of the Property Maintenance Code. The City Manager also may designate assistants, other employees, and agents as necessary to enforce and administer the Property Maintenance Code.
- C. **Emergency.** The existence of circumstances constituting an immediate danger to the public health or safety and requiring prompt enforcement or remedial action under this code.
- D. **Nonresidential property.** Any building or structure or portion of a building or structure used for any type of business activity including any public building or structure and charitable or religious institutions including churches and the like, professional services, industrial activity, commerce or trade, sales, manufacturing or repairing of any item or thing or the storage of any part or thing used in any of the activities described above. Includes governmental buildings (e.g., City, County, School, M-NCPPC, State, federal, Post Office).
- E. **Rental facility.** Any dwelling, apartment house, rooming house dwelling unit, rental unit, house, structure, building, premises, or room which is intended or arranged for use or occupancy as a residence by one (1) or more persons and for which the owner or operator charges or receives rent or other consideration.
- F. **Residential property.** Includes a dwelling, dwelling units, rooming units, rental facility, hotel, motel or tourist facility.

(Ord. 14-2006, 09/05/06)

Section 3A-105. Amendments to International Property Maintenance Code, 2006 Edition

- A. **Residential property.** The area between the property line and the curb shall be maintained free from weeds or plant growth of a height in excess of 10 inches, not including cultivated flowers and gardens. The other provisions of PM-303.4 with respect to weeds and plant growth on private property apply.

(Ord. 14/06, 09/05/06)

1. Section 302 Exterior Property Areas, 302.8 Motor vehicles of the International Property Maintenance Code 2006 Edition is deleted and replaced with Section 6-116. Abandoned or non-road-worthy motor vehicles, of the City's Code of Ordinances.

2. Section 304 Exterior Structure, 304.14. Insect Screens, is amended to insert the dates “from April 1 to December 1st”...
 3. Section 602 Hearing facilities, 602.3 Heat supply is amended to insert the dates “from October 1 to April 30th” ... (Ord 14-2006, 09/05/06)
 4. The area between the property line and the curb shall be maintained free from weeds or plant growth of a height in excess of 10 inches, not including cultivated flowers and gardens. If flowers or a garden are cultivated in this so-called treebox area on the side of a street where parking is allowed, the person responsible shall ensure that a walkable path running parallel and adjacent to the curb is provided for persons exiting cars parked at the curb, and that the path is at least 12 inches wide including the width of the curb. The other provisions of PM-303.4 with respect to weeds and plant growth on private property apply.
(Ord. 8-98, 4/21/98)
 5. In the event of a broken window, the boarding up of a window on a street-side facade for more than 30 days is prohibited.
(Ord. 20-97, 4/7/98)
 6. A hedge in the front yard or street side yard may not exceed a height of four (4) feet. Definitions and directions for measuring fences in Section 12-102 apply here with respect to hedges.
(Ord. 12-98, 4/16/98)
- B. Nonresidential property.** The area between the property line and the curb shall be maintained free from litter and weeds or plant growth in excess of a height of 10 inches, not including cultivated flowers and gardens. The other provisions of PM-303.4 with respect to weeds and plant growth on private property apply.
(Ord. 21-97, 1/6/98)
1. Section 302, Exterior Property Areas, is amended to include the following:
 - a. Merchants shall be responsible for the maintenance of parking areas. No storage or trash containers shall be allowed in these areas except when housed in permanent screening structures. All outdoor refuse storage areas shall be screened from the view of adjacent properties and public rights-of-way. Screening shall consist of a masonry wall or durable fence or combination thereof, not less than four (4) feet nor more than five (5) feet, six (6) inches in height. In lieu of such a wall or fence, a compact evergreen hedge of not less than four (4) feet in height at time of original planting may be used.
 2. Section 304. Exterior Structure, is amended to include the following:

- a. All unused exterior equipment, including but not limited to, signs and billboards, shall be removed. All unused elements on the exterior walls of the structures such as empty electrical boxes, conduits, pipes, unused sign brackets, etc., shall be removed within 30 days of disuse.
- b. Cleaning of brick walls by means of sand or grit blasting shall not be permitted, since this destroys the protective coating of the brick and allows it to deteriorate.
- c. The location of wall-mounted air conditioning units shall be in a place not to interfere with or be hazardous to pedestrian circulation and with proper drainage.
- d. Boarding up or filling in windows on the front facade is not permitted.
- e. Windows facing alleys, yards, or side streets shall be kept properly repaired or, with the Fire Department's approval, may be closed with appropriate materials.
- f. Awnings shall not project from the building front so as to interfere with street trees, lamp posts, etc.
- g. Lighting must be provided for public safety reasons, but the following lighting methods are not permitted to illuminate the front of any building or any side fronting on a major street (which include Rhode Island Avenue, 34th Street, Chillum Road, Varnum Road, Arundel Road, Bunker Hill Road, Perry Street, Queens Chapel Road):
 - i. Exposed fluorescent lighting.
 - ii. Exposed quartz or mercury vapor lamps.
 - iii. Exposed incandescent lamps other than low wattage, purely decorative lighting.
 - iv. Flood lights which result in glare to pedestrians, vehicles, or occupants of buildings.
- h. Lights must not blink, black out, flash, or have any mechanical motion. Except that
 - (i) From the Friday after Thanksgiving through the first week of January, businesses may use strings of lights that blink or have apparent motion as part of temporary seasonal displays; and
 - (ii) In the Mixed-Use Town Center Zone, otherwise prohibited lighting is permitted if approved by the Town Center Design Review Committee.
(Ord. 10-2005, 01/03/2006)

- i. Electrical elements such as wires, conduits, junction boxes, transformers, ballasts, switches, and panel boxes shall be in metal conduit or otherwise concealed from view or integrated into the building design.
Ord. 10-2006, 09/05/06)

C. Temporary Storage Units.

1. **Definition.** A “temporary storage unit” is any portable on-demand storage (PODS) structure, steel shipping container, shed-like container or other portable structure that is designed or used for the storage of personal property of any kind and which is located for such purposes outside an enclosed building.
2. **Time limits.**
 - a. A temporary storage unit may be located as a temporary structure on property within the City for a period not exceeding thirty (30) days in duration from time of delivery to time of removal. The City Manager or designee may grant a one-time extension in cases of hardship. No more than two temporary storage units may be located on a specific piece of property within the City at one time and each structure shall be individually limited to the duration time period established herein.
 - b. Any temporary storage unit that exceeds the permitted time limit is considered an accessory structure (e.g., a shed) and must comply with all City and County regulations that pertain to such an accessory structure including but not limited to building permits, height restriction, lot coverage, siting, and setbacks.
3. **Location on Property.** A temporary storage unit shall be located no closer than 10 feet to the property line, unless the temporary storage unit is placed on an existing impervious driveway.
4. **Size.** A temporary storage unit may not exceed eight feet six inches in height, 10 feet in width or 20 feet in length. It shall be the obligation of the owner or user of such temporary storage unit to secure it in a manner that does not endanger the safety or persons or property in the vicinity of the temporary storage unit.
5. **Exception for temporary storage units on construction sites.** A temporary storage unit may be allowed upon a site where there is active construction, provided that a City building permit has been obtained and that such temporary storage unit is to be used only in connection with such construction and shall not remain upon the property for longer than two weeks past the completion of the project, or expiration of the City building permit, whichever occurs first. Such temporary storage unit may not exceed 8 feet 6 inches in height, 10 feet in width and 20 feet in length. In no event will any temporary storage unit used in connection with construction remain on the property for more than one year from the date of the first City building permit issuance. A temporary storage unit on an active construction site shall be placed in the least conspicuous

location available to minimize disturbance to any adjoining residential properties; the final location of the temporary storage unit shall be determined by the City manager or designee in his or her sole discretion. (Ord 17-2006; 12/05/2006)

Section 3A-106. Inspections

A. Inspections of residential property

1. The Code Enforcement Officer or his/her designee is hereby authorized and directed to make or cause to be made inspections as often as necessary to determine the exterior condition of the dwellings, dwelling units, rooming units, and all other residential buildings and premises located within the City of Mount Rainier, Maryland, in order to safeguard the health, welfare, and safety of the occupants of dwellings and of the general public.
2. The Code Enforcement Officer or his/her designee is also hereby authorized and directed to make or cause to be made inspections as often as necessary to determine the interior and exterior condition of all rental facilities located within the City of Mount Rainier, Maryland, to safeguard the health and safety of the occupants and the general public and for the licensing of such rental facilities or in response to complaints or requests or other reliable information of violation of the Property Maintenance Code or other applicable laws. For the purpose of making such inspections, the Code Enforcement Officer shall contact the occupant or owner to make an appointment for the inspection at least 5 business days prior to the date and time that the Code Enforcement Officer proposes to inspect the premises. The inspections may be set for any time between the hours of 8:00am and 8:00pm, Monday through Friday. The Code Enforcement Officer is also hereby authorized, upon presentation of proper credentials, to enter, examine, and survey each rental facility at the appointed time.

- B. Inspections of non-residential property.** The Code Enforcement Officer or his/her designee is hereby authorized and directed to make or cause to be made inspections as often as necessary to determine the interior and exterior condition of all nonresidential buildings and premises located within the City of Mount Rainier, Maryland, to safeguard the health and safety of the occupants and the general public and for the licensing of such premises or in response to complaints or requests or other reliable information of violation of the Property Maintenance Code or other applicable laws. For the purpose of making such inspections, the Code Enforcement Officer shall contact the occupant or owner to make an appointment for the inspection at least 5 business days prior to the date and time that the Code Enforcement Officer proposes to inspect their premises. The inspection may be set for any time between the hours of 8:00am and 8:00pm, Monday through Friday. The Code Enforcement Officer is also hereby authorized, upon presentation of proper credentials, to enter, examine, and survey each nonresidential building and premises at the appointed time.

C. Access for inspections of rental facilities and non-residential property.

1. The owner or occupant of every dwelling, dwelling unit, rooming unit or other rental facility, or the person in charge thereof, shall give the Code Enforcement Officer free access to such dwelling, dwelling unit, rooming unit or other rental facility and its premises at the appointed time for the purpose of making such interior and exterior inspections, examinations, and surveys as are necessary to comply with the provisions of the Property Maintenance Code or other applicable laws.
2. The owner or occupant of every nonresidential building, or the person in charge thereof, shall give the Code Enforcement Officer free access to such building and its premises at the appointed time for the purpose of making such interior and exterior inspections, examinations, and surveys as are necessary to comply with the provisions of the Property Maintenance Code or other applicable laws.
3. Permission need not be obtained for entry to spaces, yards, and areas to which the public is ordinarily invited.

D. Access for repairs. Every occupant of a nonresidential building or dwelling or dwelling unit in a rental facility shall give the owner thereof or his/her agent or employee access to any part of such building or its premises at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this chapter, or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this chapter.

E. Application of warrant.

1. If, upon presentation by the Code Enforcement Officer or his/her agent of proper credentials at the appointed time, entry or access to interior, non-public areas is restricted so as to limit or impair an inspection or other authorized function, said officer will give to the person denying entry and access official notice of a subsequent inspection not longer than ten (10) working days hence and at a designated hour. If at the second appointed time the Code Enforcement Officer or his/her agent is again denied entry and access, said Code Enforcement Officer shall apply to the appropriate legal body for a warrant permitting legal entrance into said premises and the performance of such inspection or other authorized function.
2. If the Code Enforcement Officer makes two reasonable attempts, either in person or by mail, to contact the owner or occupant of a building to make an appointment for an inspection and both attempts are met with either a refusal to allow entry and access or a lack of response, said Code Enforcement Officer shall apply to the appropriate legal body for a warrant permitting legal entrance into said premises and the performance or other authorized function.

Section 3A-107. Notification of Violations.

- A. **Contents of notice.** Whenever the Code Enforcement Officer determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter or of any rule or regulation adopted pursuant thereto, he/she shall give notice of such alleged violation to the owner or person or persons responsible therefor, as hereinafter provided. Such notice of violation shall:
1. Be in writing.
 2. Include a description of the property or premises sufficient for identification.
 3. Include a statement of the reasons why it is being issued.
 4. Include a correction order allowing a reasonable time for the performance of any repairs, improvements or other acts required to bring the property or premises into compliance with this Property Maintenance Code or other applicable law.
 5. Be served upon the owner or his/her agent or the occupant, as the case may require, provided that such notice shall be deemed to be properly served upon such owner or agent or occupant (i) if a copy is delivered to him/her personally or by leaving a copy thereof at his/her residence or business with a person of suitable age or discretion or (ii) if a copy is sent by certified mail to his/her last known address or (iii) if a copy is posted in a conspicuous place in or about the property or premises affected by the notice and mailed by regular mail to the owner's or agent's or occupant's last known address.
- B. **Emergency.** Whenever the Code Enforcement Officer finds that an emergency exists which requires immediate action to protect the public health, welfare, or safety or to correct a dangerous condition, he/she may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such corrective action be taken as he/she deems necessary to meet the emergency. Notwithstanding the other provisions of this chapter, such order shall be effective immediately. If such corrective action is not taken by the owner or person or persons responsible, then the Code Enforcement Officer may cause the required emergency corrective action to be performed or may take any other action permitted by this chapter or other applicable law. The City shall send the owner a bill for the costs of such emergency corrective action. If the bill is not paid within 30 calendar days, the cost shall be a lien against the real property which may be collected and enforced in the same manner as are taxes and other liens on real property or by a suit against the owner.

Section 3A-108. Violations and Penalties.

- A. **Notice of violation.**

1. Any person who violates any provision of this chapter or any provision of any rule or regulation adopted by the Mayor and City Council, or its designee, pursuant to the authority granted by this chapter shall be issued a notice of violation pursuant to Section 3A-107. In the event that he/she fails to fully correct the violation(s) within the time set forth in the notice, a citation for a municipal infraction shall be issued to him/her in accordance with the provisions of Article 23A, Section 3(b) of the Annotated Code of Maryland, and Chapter 16, Violations of Ordinance -- Misdemeanors and Municipal Infractions (Procedure).
2. If a person has been previously cited or properly served notice of an alleged violation for the same municipal infraction under the same code section within a 6 month period, the requirement of a correction order and reasonable time for compliance as described in section 3A-107 may be waived and a citation for a municipal infraction may be immediately issued as provided for under this Chapter, Article 23A of the Annotated Code of Maryland, and Chapter 16, Violations of Ordinance - Misdemeanors and Municipal Infractions (Procedures).
(Ord. 16-98, 6/16/98)

B. Fines

1. The amount of the fine for a municipal citation issued for a violation of this Chapter shall be as follows:

Initial offense \$100
Each additional 30 days offense exists \$200
Repeat offense in same one-year period \$200
2. If the violation poses or has posed a clean and imminent danger to health, safety, or welfare or a substantial hardship to the occupant of the property, the violation shall carry a \$500 fine.

C. Civil Enforcement.

1. Without limitation or election of any other available remedy, including the issuance of a municipal infraction citation(s) under this section, the City may apply to a court of competent jurisdiction for an order of abatement or an injunction enjoining any person from violating this chapter.
2. The City also may bring suit to collect all costs, assessments or liens imposed or incurred by the City in taking any emergency or other action authorized by this Chapter.
3. The City may take such other legal action as is necessary to carry out the terms and provisions of this Chapter.

- D. **Liens.** A lien may be created on real property for monies expended by the City for the abatement of violations of this Chapter where the responsible party refuses or fails to comply with the lawful order of the City after due notice thereof. The amount of such lien shall be collected and enforced by the Prince George's County Director of Finance in the same manner as other City taxes on real property.

Section 3A-109. Higher Standards to Prevail

In case of conflict between the provisions of this Chapter and any other provisions of the Mount Rainier Code, or enactment by Prince George's County, whether in relation to building, fire, safety, or health matters or otherwise, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail, and the provision which establishes the lower standard, if contained in the Mount Rainier Code, is hereby repealed to the extent of the conflict.

Section 3A-110. Adoption of Rules and Regulations

The Mayor and City Council, or its designee, is hereby authorized to make and to adopt such written rules and regulations as may be necessary for the proper enforcement of the provisions of this chapter, provided that such rules and regulations shall have the same force and effect as the provisions of this Chapter and the same penalty for violation of the provisions of this Chapter.

Section 3A-111. Severability. Reference Chapter 18, Section 101.