

CHAPTER 6

HEALTH AND NUISANCES (MUNICIPAL INFRACTIONS)¹

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Section 6-101. Health officer.

There shall be annually appointed by the mayor, with the advice and consent of the city council of Mount Rainier, a health officer.

Section 6-102. Duties of health officer.

The health officer shall perform such duties as are required by the laws of Maryland, the laws of Prince George's County, or the ordinances of the city. He will be required to qualify by oath, to perform faithfully the duties of his office. He must submit a written report monthly to the mayor and council of all his investigations and the disposition thereof.

¹ **Cross references** - Code enforcement officer, §1-107B; fire code, Ch. 5; loitering, Ch. 8; refuse collection (municipal infractions), Ch. 11; streets (municipal infractions), Ch. 12; animal control (municipal infractions), Ch. 14.

Section 6-103. General duties of health officer.

The duties of the health officer in general shall be to cause to be enforced and observed all ordinances for the preservation of the health of the city; to examine from time to time the sanitary condition of all streets, roads and alleys in the city, and lots and property abutting thereon, and cause to be abated or removed all nuisances or agencies tending to create a nuisance thereon, which, in his opinion would endanger health; to investigate all complaints as to the existence of alleged nuisance on any premises, cellar or enclosure, and if found, to cause the abatement thereof; and generally to notice all things that relate to the preservation of the health of the city. He shall particularly observe and investigate all places where groceries or food are sold and if conditions are found which are deemed a menace to health he shall cause the nuisance to be abated.

Section 6-104. Unlawful disposal of refuse and trash.

No person shall cast, place, lay or cause to flow any rubbish, or refuse substance of any kind whatsoever; or any offensive substance or obstruction on any street, avenue, alley, open space, pavement, or into any gutter, ditch or open space so that the same is or may become a nuisance.

Cross reference-Unlawful to deposit trash in streets or any public place, §12-107.

Section 6-105. Nuisances.

Whatever is dangerous to life or health, whatever renders air, food, water or drink unwholesome or unfit for the use of man; whatever odors or exhalations are offensive to the inhabitants or dangerous to the public health; whatever accumulations of animal or vegetable matter, solid or liquid, which are dangerous or harmful to the neighborhood, or are likely to become so, are hereby declared to be nuisances within the scope and meaning of this chapter.

Section 6-106. Investigation by health officer.

Whenever any physician or other person affected thereby shall make a complaint in writing to the health officer that any watercourse, well, spring, open ditch, gutter, cess-pool, drain or other place or any accumulation or deposit of any substance is in a condition dangerous to public health, the said health officer shall immediately institute an investigation, and if determined that the place or thing complained of is in such condition as to injuriously affect the life or health of any person, the said health officer shall serve a notice in writing on the person, firm or corporation by whose act, default or sufferance the place or thing complained of is in such a condition, requiring him or them to abate the same within a time to be specified in the notice, and if compliance is not made, such person shall be subject to the penalties herein provided.

Section 6-107. Open burning prohibited.

It shall be unlawful for any person or firm, to set on fire or cause to be burned within the limits of the City of Mount Rainier, any garbage, filth, rubber, paper products, trash, leaves, or other substance, except within stove or furnaces located within buildings, or within incinerators approved by the fire marshal and building inspector in compliance with the air pollution control regulations in effect.

Cross reference - Open burning. §10-115.

Section 6-108. Repealed (Ord. 1-2005, 1/18/2005)

Section 6-109. Repealed (Ord. 1-2005, 1/18/2005)

Section 6-110. Repealed (Ord 1-2005, 1/18/2005)

Section 6-111. Trash or waste material an dumpster use..

- A. No person shall throw, place, or allow the accumulation of, trash, refuse, or waste material, on any real estate owned, leased, occupied or possessed by him, her or them, or throw or place any such material on the land of another or on public property, within the City of Mount Rainier.
- B. No person shall place or cause to be placed or use a dumpster on private property or on a public right of way for the disposal of regular household trash, refuse, or garbage.
 - 1. Dumpsters shall be restricted to the storing, collection, and hauling of construction, renovation, demolition, and excavation debris and refuse and shall require a construction dumpster permit in accordance with section 7-106 J. of this code.
 - 2. This subsection does not apply to dumpsters or other refuse storage containers maintained for use by commercial or multi-family residential facilities in the City, provided that the dumpster or other outdoor refuse storage area is properly screened from the view of adjacent properties and public rights of ways in accordance with section 3A105 B.1. of this code.
(Ord 15-2006; 12/05/06)

Section 6-112. Bushes, weeds over one foot high prohibited in certain places.

Any weeds, briars or brush more than one (1) foot tall, which has been or which may hereafter be allowed to accumulate or grow on any private property adjoining any of the streets, alleys or lanes and within two hundred (200) feet thereof, in the City of Mount Rainier, is hereby declared to be a public nuisance, and it shall be the duty of the city clerk and/or city manager or code enforcement officer to notify the owner or owners, tenant or tenants, or person or persons in possession of any real estate where such public nuisance exists, to remove such public nuisance within ten (10) days, inclusive of Sundays and holidays, after the date of such notice, and that upon failure to remove such public nuisance within the time specified the nuisance will be removed by the city and the cost thereof be charged to him, her or them, as the case may be, unless cause to the contrary be shown by filing objections in writing with the city clerk and/or city manager or code enforcement officer on or before the expiration date of such notice. If such written objections are filed, it shall be the duty of such person to appear before the meeting of the mayor and city council at its next meeting, when a public hearing shall be accorded to such person. Such notice shall be given by placing the same in the United States mail, addressed to the last known address of such person or persons and with sufficient postage prepaid. If such public nuisance is not removed within the time specified in such notice, and no written objections have been filed, or filed and overruled by the mayor and city council, then the city clerk and/or city manager or code enforcement officer shall cause the public nuisance to be removed, and he is authorized to incur the necessary expense in doing, and shall place charge against the proper person or persons for such cost and proceed to collect the same by entering same on the tax records as a tax upon such real estate, or by suit if deemed necessary, or both.

Section 6-113. Adoption by reference of air pollution control code.

For the purpose of establishing rules and regulations dealing with open burning, noxious materials and any activities or materials which will pollute the air, the City of Mount Rainier adopts as its air pollution control code the provisions of the Prince Georges County Air Pollution Control Regulations which regulations are contained in Division 1, Subtitle 19, entitled "Air Pollution," in the Prince Georges County Code of Ordinances, the 1975 edition as amended, and as further amended by this chapter.

Section 6-114. Upholstered Furniture Restricted.

As a fire prevention and rodent-deterrent measure, upholstered furniture manufactured exclusively for indoor use shall not be placed outside of a building, including but not limited to porches, decks, and carports.

This section does not apply to removable cushions used on porch furniture made of metal, wood, plastic, or wicker.

(Ord. 4-2009, 04/07/2009)

6-115. Reserved.

Section 6-114 restricted the keeping of bees and 6-115 restricted the keeping of fowls, pigeons, rabbits or any exotic animals within the city. Said sections bore no history note. For similar provisions, see now Ch. 14.

Section 6-116. Abandoned or non-road-worthy motor vehicles.

1. It shall be unlawful for any person to abandon any vehicle at any place within the City, nor shall any owner, lessee or custodian in charge of any lot, field, road, street, lane or his/her property, permit any abandoned or non-roadworthy motor vehicle to remain on such property except in an enclosed garage for a period longer than ten (10) days.
(Ord 5-2003, 4/29/03)

2. For the purpose of this section, an abandoned or non-roadworthy motor vehicle is any vehicle which is in such condition as to be unable to pass inspection by the Motor Vehicle Administration, wrecked, dismantled, partially dismantled, substantially damaged, disabled or inoperable, abandoned or in disrepair; one in a condition that constitutes a breeding ground for rats, mosquitos, or other vermin or pests; or one that is unregistered or unlicensed, displays no license or an expired license, is improperly registered, or bears the license plates of another vehicle.

3. Under the authority of this section, any sworn police officer or code enforcement officer of the City of Mount Rainier may impound the abandoned or non-road-worthy vehicle, after attaching a notice on the presumed abandoned or non-roadworthy vehicle, which shall state, in part, "the attached motor vehicle is presumed abandoned or non-road-worthy; if not removed or brought into compliance with section 6-116 of the General Ordinances of the City of Mount Rainier within ten (10) days from the date upon this notice, this motor vehicle shall be impounded and sent to a scrap processor." Likewise, the motor vehicle owner will be liable for all towing, storage, preservation and all other charges relating to the disposition of the motor vehicle.
(Ord. 5-2003, 4/29/03)

Section 6-116A. Refrigerators, stoves, air conditioners, hot water heaters, etc.

It shall be unlawful to store any refrigerators, stoves, air conditioners, hot water heaters, glass, furniture, building material, rubbish or refuse or similar items or materials on any residential or commercial property in the City of Mount Rainier for period longer than thirty (30) days.

Section 6-117. Private swimming pools.

No person shall erect or keep a swimming pool for public or private use unless such pool shall be completely enclosed by a fence at least six (6) feet in height, and further provided, that the pool shall not encroach upon any of the yard requirements for the zone in which such pool is located; except that said pool may be constructed not less than eight (8) feet from the rear property line; and further that compliance with this section shall not excuse any person from full compliance with applicable county and state ordinances and laws. This section shall not apply to any swimming pool having a depth of twenty-four (24) inches or less.

Section 6-118. Penalty.

Any person, persons, firm, corporation or stock company violating any of the foregoing sections shall be issued a citation of municipal infraction with a fine of two hundred fifty (\$250) for the first violation, four hundred (\$400) for the second violation, and four hundred (\$400) For any additional violations in the same 90 day period. Every ten (10) days that a violation exists shall be deemed a separate offense.

(Ord. 5-2003, 4/29/03)

Cross reference-Municipal infractions (procedure), §16-101 et seq.