

Introduced & 1st Reading: April 6, 2021

Adopted May 4, 2021

**CITY OF MOUNT RAINIER, MARYLAND
ORDINANCE NO. 06-2021**

Introduced by: Councilmember Bryan Knedler

An ordinance to amend Section 3A-102 to provide policy guidance concerning code compliance priorities and operations. And to amend Section 3A-108 to adjust the fines for noncompliance.

Whereas, pursuant to Md. Code Ann., Local Gov't. Article, § 5-202, the City of Mount Rainier, Maryland ("the City") has the authority to adopt such ordinances as it deems necessary to assure the good government of the City; protect and preserve the City's rights, property, and privileges; and preserve peace and good order; and

Whereas, pursuant to Local Gov't Article, § 5-209(c) the City has the specific authority to prevent and remove nuisances; and

Whereas, the City of Mount Rainier is responsible for ensuring the health and safety of its residents and visitors; and

Whereas, the City of Mount Rainier employs code compliance staff; an

Whereas, the Mayor and City Council recognize that the code compliance staff is small in relation to the workload of compliance issues; and

Whereas, the Mayor and City Council expect code compliance staff to diligently work with residents and business owners to bring their properties into compliance with the City Code; and

Whereas, the Mayor and City Council of Mount Rainier, Maryland desire to amend Section 3A-102 of the City Code so that city staff may prioritize the workload that if left unresolved would threaten the health and safety of our residents and visitors.

Section 1. NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER, MARYLAND, that the term "Code Enforcement" shall be replaced with "Code Compliance" wherever it appears in Chapter 3A.

Section 2. BE IT FURTHER ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER, MARYLAND, that Section 3A-102, "Purposes and policy", be and hereby is amended to read as follows:

3A-102. Purpose and policy.

A. 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.

B. 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.

C. In addition, the City of Mount Rainier herein establishes the minimum requirements for the maintenance of owner occupied residential property AND VACANT PROPERTY.

D. THE MAYOR AND CITY COUNCIL SET OUT THE FOLLOWING POLICY GUIDELINES FOR CODE COMPLIANCE SO THAT CITY STAFF MAY PRIORITIZE THE WORKLOAD AND CONCENTRATE EFFORTS ON ENFORCEMENT ISSUES ACCORDINGLY:

1. TOP PRIORITY CONCERNS FOR CODE COMPLIANCE STAFF SHALL BE HEALTH AND SAFETY THREATS, WHICH ARE DEFINED AS THOSE THAT ARE A POTENTIAL THREAT TO LIFE, SOURCE OF DISEASE, SOURCE OF CRIMINAL ACTIVITY, OR STRUCTURAL PROBLEM THAT IF LEFT UNRESOLVED WOULD THREATEN THE HEALTH AND SAFETY OF RESIDENTS, VISITORS, OR THE BROADER COMMUNITY. IF THESE CONDITIONS ARE AN IMMEDIATE THREAT, THE REQUIREMENT FOR ISSUANCE OF A NOTICE OF VIOLATION MAY BE SUSPENDED, A VIOLATION CITATION ISSUED, OR MITIGATION INITIATED.

2. VACANT PROPERTIES SHALL BE A HIGH PRIORITY.

3. UNLICENSED AND NONCOMPLIANT RENTAL PROPERTIES SHOULD BE PURSUED AS A TOP PRIORITY TO BRING THEM INTO CODE COMPLIANCE.

4. THE PUBLIC RIGHT-OF-WAY SHALL BE A PRIORITY AND BE FREE OF OBSTRUCTIONS OR CONDITIONS THAT ENDANGER PUBLIC HEALTH AND SAFETY OR FREE PASSAGE ON PUBLIC SIDEWALKS, INCLUDING FOR EXAMPLE OBSTRUCTING VEGETATION AND HAZARDOUS ICE.

5. CODE COMPLIANCE, POLICE, AND PUBLIC WORKS DEPARTMENTS SHALL COOPERATE AS A TEAM TO BRING PROPERTIES INTO COMPLIANCE WITH THE CITY CODE.

6. CODE COMPLIANCE STAFF SHOULD BE CERTIFIED AND PARTICIPATE IN TRAINING AS NECESSARY TO EFFICIENTLY AND COMPETENTLY BRING PROPERTIES INTO COMPLIANCE WITH THE CITY CODE.

7. CODE COMPLIANCE STAFF SHALL STRIVE TO ASSIST RESIDENTS AND PROPERTY OWNERS TO ELIMINATE CODE VIOLATIONS.

Section 3. BE IT FURTHER ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER, MARYLAND, that Section 3A-103, "Adoption of International Property Maintenance Code", be and hereby is amended to read as follows:

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

The International Property Maintenance Code, ~~2006~~ 2018 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.

Section 4. BE IT FURTHER ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER, MARYLAND, that Section 3A-104, "Definitions", be and hereby is amended to read as follows:

Section 3A-104. Definitions

A. See IN THIS CHAPTER, WORDS ARE DEFINED IN Chapter 2 of the International Property

Maintenance Code ~~2006~~ 2018 Edition, AND SHALL HAVE THE MEANINGS THERE ASCRIBED TO THEM, EXCEPT WHERE AN ALTERNATIVE DEFINITION IS PROVIDED HEREIN.

* * *

Section 5. BE IT FURTHER ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER, MARYLAND, that Section 3A-105, "Amendments to International Property Maintenance Code, 2006 Edition.", be and hereby is amended to read as follows:

Section 3A-105. Amendments to International Property Maintenance Code, ~~2006~~2018 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 ten (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 Code of Ordinances.~~ SECTION 302, "EXTERIOR PROPERTY AREAS", 302.4, "WEEDS", OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2018 EDITION IS SUPERSEDED BY MOUNT RAINIER CITY CODE SECTION 6-112, LANDSCAPING.
2. SECTION 302.8, "MOTOR VEHICLES" OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2018 EDITION IS SUPERSEDED BY MOUNT RAINIER CITY CODE SECTION 6-116, "ABANDONED OR NON-ROAD-WORTHY MOTOR VEHICLES."

23 Section 304 Exterior Structure, 304.14. Insect Screens, is amended to insert the dates "from April 1 to December 1st"...

34. Section 602 Heating facilities, 602.3 Heat supply is amended to insert the dates "from October 1 to April 30th"...

45. The area between the ~~property line~~ EDGE OF A SIDEWALK and the curb shall be maintained free from weeds or plant growth of a height in excess of ten (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 twelve (12) inches wide including the width of the curb. The other provisions of ~~PM-303.4~~ PM-302.4 with respect to weeds and plant growth on private property apply TO THE AREA BETWEEN THE SIDEWALK AND CURB.

56. In the event of a broken window, the boarding up of a window on a street-side facade for more than thirty (30) days is prohibited.

~~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 ten (10) inches, not including cultivated flowers and gardens. The other provisions of ~~PM-303.4~~ PM-302.4 with respect to weeds and plant growth on private property apply.

* * *

~~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 (2) temporary storage units may be located on a specific piece of property within the City at one (1) 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 ten (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 (8) feet six (6) inches in height, ten (10) feet in width or twenty (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 of 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 (2) weeks past the completion of the project, or expiration of the City building permit, whichever occurs first. Such temporary storage unit may not exceed eight (8) feet six (6) inches in height, ten (10) feet in width and twenty (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 (1) 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.~~

3A-108. Violations and penalties.

A. Notice of violation.

* * *

3. THE CITY MANAGER OR HIS OR HER DESIGNEE MAY PROVIDE EXTENSIONS TO ALLOW FOR COMPLIANCE IN CASES WHERE THE RESIDENT, BUSINESS, OR PROPERTY OWNER IS ATTEMPTING IN GOOD FAITH TO CORRECT A CODE VIOLATION.

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: One hundred dollars (\$100)~~

~~Each additional thirty (30) days offense exists: Two hundred dollars (\$200)~~

~~Repeat offense in same one year period: Two hundred dollars (\$200)~~

THE FINE FOR EACH INITIAL OFFENSE FOR OWNER-OCCUPIED RESIDENTIAL PROPERTIES SHALL BE FIFTY DOLLARS (\$50) AND FOR EACH ADDITIONAL THIRTY (30) DAYS THAT THE OFFENSE EXISTS ONE HUNDRED DOLLARS (\$100)

THE FINE FOR EACH INITIAL OFFENSE FOR RENTAL PROPERTIES AND NONRESIDENTIAL PROPERTIES SHALL BE (\$100) AND FOR EACH ADDITIONAL THIRTY (30) DAYS THAT THE OFFENSE CONTINUES TO EXIST TWO HUNDRED DOLLARS (\$200).

* * *

Section 5. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER, MARYLAND, that this ordinance shall be effective July 1, 2021, provided that a fair summary has been read at the meeting at which it is introduced and at the meeting at which it has been acted upon, that a copy shall be posted at City Hall immediately after introduction until it is acted upon and for at least two weeks after it becomes effective, and that a fair summary is published at least once in a newspaper having general circulation in the City, inclusive of the City's newsletter mailed or otherwise delivered to every City household.

THIS ORDINANCE IS ADOPTED BY THE MAYOR & CITY COUNCIL OF THE CITY OF MOUNT RAINIER THIS 4th DAY OF MAY, 2021

Attest:



Latasha Gatling, Interim City Manager



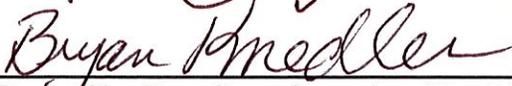
Malinda Miles, Mayor



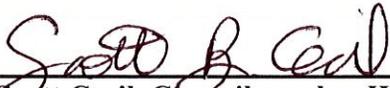
Luke Chesek, Councilmember Ward 1



Celina Benitez, Councilmember Ward 1



Bryan Knedler, Councilmember Ward 2



Scott Cecil, Councilmember Ward 2