

AN ORDINANCE TO AMEND
TITLE 8
OF THE CODE OF EMMITSBURG
ENTITLED
HEALTH AND SAFETY

BE IT RESOLVED, ENACTED AND ORDAINED by the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland, pursuant to the authority granted to them by the laws of Maryland and the Charter of the Town of Emmitsburg, that Title 8; Section 8.12.030 Filth, rubbish, etc. on premises.

The amended section of this regulation reads as follows with new wording indicated in **BOLD, CAPITAL** letters and deleted words in ~~strike-out~~.

TITLE 8 – HEALTH AND SAFETY

8.12.030 Filth, rubbish, etc., on premises.

- A. No person owning or occupying any lot, house, building, enclosure, or property shall allow or permit to exist in or upon such premises any accumulations of trash, garbage, filth, rubbish, appliances, machine or mechanical parts, tires, animal or vegetable matter, solid or liquid, or of any stagnant or contaminated water or of any other substance which is or may be liable to become putrid, offensive, poisonous, annoying or unhealthy.
MAINTAINING OR CAUSING TO MAINTAIN UPON ANY YARD, UNENCLOSED PORCH, DECK, OR OTHER EXTERIOR PART OF ANY STRUCTURE, FURNITURE, OTHER THAN FURNITURE DESIGNED FOR EXTERIOR USE, WHICH IS COMMONLY INTENDED FOR USE INSIDE A DWELLING, INCLUDING BUT NOT LIMITED TO UPHOLSTERED SOFAS, CHAIRS, BEDS, DIVANS AND THE LIKE, SHALL CONSTITUTE A NUISANCE.

- B. Whenever any condition prohibited by this section shall be found to exist within the town, the town manager or his designee shall give notice to the owner or occupant of the premises or the person responsible for such condition to abate such condition within such reasonable time as may be specified in such notice. Notice shall be made by mailing such notice to the property address and to the address of the owner as listed on the property tax records. Notice may also be made by posting said notice on the front door or other prominent location on the property.

- C. If the owner and/or occupant of the property fails or refuses to abate the condition within the time stated in the notice, then the owner and/or occupant of the property shall be deemed in violation of **THIS** section and a citation for the infraction may be issued to the owner and/or occupant of the property. Each day that the condition continues shall be a separate infraction for which a separate citation may be issued.
- D. A violation of this section shall be a municipal infraction punishable by a fine of seventy-five dollars (\$75.00) and shall be enforceable pursuant to the applicable provisions of Title 1 of the Code. In addition thereto, the town may pursue any other remedy available to it, at law or in equity, including injunctive relief, to enforce this section or to correct violations of this section.

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this Ordinance shall take effect on the date on which the Mayor approves the Ordinance after passing by the Board of Commissioners or on the date on which the Board of Commissioners pass the Ordinance over the veto of the Mayor.

PASSED this 2nd day of December, 2014 by a vote of 5 for, 0 against, 0 absent, and 0 abstain.

ATTEST:
Vickie Felix, Recording Secretary

EMMITSBURG BOARD OF COMMISSIONERS
Timothy O'Donnell, President

MAYOR

XX APPROVED

this 2nd day of December, 2014.

Donald N. Briggs, Mayor

I hereby certify that the foregoing Ordinance has been posted as required by Chapter 2.04 of the Emmitsburg Municipal Code.

Date: 01/05/15

Cathy Willets, Town Clerk