

**BOARD OF COUNTY COMMISSIONERS
FOR SOMERSET COUNTY, MARYLAND
ORDINANCE NO. 1050**

AN ORDINANCE TO REPEAL ORDINANCE NO. 913, AS AMENDED BY ORDINANCE NO. 1019, ENTITLED THE "NUISANCE ORDINANCE," AND TO AMEND AND RE-ENACT THE NUISANCE ORDINANCE TO INCLUDE VARIOUS HEALTH AND SAFETY NUISANCES REQUIRING THE OWNERS OF REAL PROPERTY TO MEET CERTAIN STANDARDS AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT THEREOF.

WHEREAS pursuant to the Public Local Laws of Somerset County, Section 2-410, the County Commissioners of Somerset County, are empowered to enact an ordinance for the purpose of establishing standards for the maintenance of real property hereinafter known as Nuisances.

WHEREAS the County Commissioners of Somerset County deem it necessary for the purpose of promoting the health, safety and general welfare of Somerset County.

WHEREAS this Ordinance shall is and be known as the Nuisance Ordinance.

NOW, THEREFORE, the County Commissioners of Somerset County do hereby amend the Nuisance Ordinance (#913, as amended by Ordinance #1019) for Somerset County by striking the entire content thereof and substituting and adopting the following:

SECTION I: Definitions

As used in this Ordinance, the following terms shall have the meanings indicated:

- A. COUNTY - County Commissioners of Somerset County, Maryland, or their designated agent.
- B. DEPARTMENT - The Department of Technical and Community Services, Somerset County, Maryland.

- C. DESIGNATED AGENT - The person or persons designated by the Department or County Commissioners of Somerset County to enforce this chapter.
- D. JUNK – Any old, scrap, dismantled, inoperable, abandoned or dilapidated boats, parts of motor vehicles, machinery, household furniture and appliances, construction equipment and materials, trailers, (including but not limited to semitrailers) camping trailers, tanks, drums, tires, pipes, cloth, wire, paper, metal, rags, glass, trash, rubbish, garbage or any other kind of salvage or waste material.
- E. JUNK VEHICLE - Any untagged or unregistered, old, scrap, dismantled, inoperable, abandoned or dilapidated motor vehicle, vehicle, moped or the parts thereof; including an unregistered trailer, semi-trailer, travel trailer, camping trailer, boat trailer, or other than that allowed in Section 5.2.0 (9) of the Zoning Ordinance.
- F. JUNKYARD - An area outside of an enclosed commercial or industrial building that is used for the abandonment, sale, storage, collecting, or baling of paper, rags, scrap metals, unusable machinery, other scrap or discarded materials, or for the abandonment, demolition, dismantling, storage, salvaging or sale for parts of three or more vehicles not in running condition, or parts thereof.
- G. MOBILE HOME - A residential dwelling designed to be a permanent residence that was fabricated in an off-site manufacturing facility prior to Federal Home Construction and Safety Standards (HUD Code) and towed to a site in one or two substantial pieces and which is not designed to be supported by a conventional perimeter foundation. This definition shall apply regardless of whether a dwelling is still mobile.

- H. MOTOR VEHICLE - Any vehicle that is self-propelled or propelled by electric power obtained from overhead electrical wires; and is not operated on rails.
- I. OWNER - Any person, firm, corporation, or group holding title to property.
- J. RESIDENT - The person, firm, corporation, occupant, renter or group on the land.
- K. RUBBLE - Structural/hazardous construction waste materials and materials generated by building demolition, including rocks, concrete, asphalt, brick, lumber, pilings, plaster, plaster board, roofing and metal and organic waste material, including root matter, brush, tree limbs, stumps, wood chips, shavings and soil, except; a) rocks, concrete and brick used for shore erosion control or b) recycled building material to be used on site within a one-year period.
- L. SEMI-TRAILER - A vehicle that has no motive power; and is designed to carry property and to be towed by a motor vehicle; and is constructed so that some of its weight and load rests on or is carried by another vehicle.
- M. STRUCTURE - Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, "structure" includes buildings, manufactured homes, walls, tanks, signs and semi-trailers, parts of semi-trailers and walk-in type truck bodies.
- N. TRAILER - A vehicle that has no motive power; and is designed to carry people or property and to be towed by a motor vehicle; and is constructed so that no part of its weight rests on the towing vehicle.
- O. TRASH - See the definition of "junk."
- P. TRAVEL TRAILER - A vehicle that is mounted on wheels; and is of such a size and weight as not to require any special highway movement permit when towed by

a motor vehicle; and is designed and constructed primarily to provide temporary living quarters for recreational, camping or travel use; and is no longer than 40 feet.

- Q. **UNTAGGED VEHICLE** - Any motor vehicle or vehicle that is subject to the registration requirements of the Transportation Article of the Annotated Code of Maryland that does not display current registration plates and a validation tab issued for the current year by the Motor Vehicle Administration, except an untagged vehicle does not include an untagged vehicle which is used on a farm or in a business that is operational and not subject to the vehicle registration laws of Maryland.

SECTION II: The following conditions shall constitute a nuisance:

- A. The uncontrolled growth of weeds, grass or other similar vegetation more than twelve (12) inches in height in any lot or parcel of land not being used for a bona fide agricultural purpose.
- B. The growth of any vegetation or placement of any structure along or near a road maintained by the Somerset County Roads Department that obstructs the vision or inhibits the safe travel of the public.
- C. Any dilapidated, burned-out, fallen-down, ramshackle, or decaying structure or remnant thereof which is unattended and/or uninhabitable or unusable for its intended purpose and is beyond reasonable hope of re-habitation or restoration.
- D. Abandoned, dilapidated, untagged or unregistered motor vehicle(s), junk vehicle(s), abandoned appliances, furniture, tires, boats, trailer(s) camping trailer(s), travel trailer(s), trash, junk or similar items.

1. Every resident and occupant within the unincorporated areas of Somerset County, Maryland, shall be responsible for keeping and maintaining his/her property free of abandoned, dilapidated, untagged or unregistered vehicle(s), junk vehicle(s) abandoned appliances, furniture, tire(s), boat(s), trailer(s), camping trailer(s), travel trailer(s), trash, junk or similar items.
2. This subparagraph shall not apply to the following:
 - a. Any motor vehicle, junk vehicle, appliance, furniture, tire, boat, trailer, camping trailer, travel trailer, trash, junk or parts thereof which are located in a properly zoned area in conjunction with a bona fide legally approved and maintained dealership, junkyard/salvage yard or repair facility. Nothing herein shall prohibit the Board of Zoning Appeals in setting limits on the quantity of such motor vehicles, junk vehicles, appliances, furniture, tires, boats, trailers, camping trailers, travel trailers, trash, junk or similar items.
 - b. Any motor vehicle(s), appliance(s), furniture, tire(s), boat(s), trailer(s), camping trailer(s), travel trailer (s), trash, junk or similar item(s) which is/are maintained in a completely enclosed structure.
 - c. A reasonable quantity of stored motor vehicles as accessory to lawfully operated automobile service and sales facilities.
 - d. Storage of one untagged vehicle. Nothing in this Section "D" shall be construed so as to permit the abandonment of a motor vehicle, boat, trailer, camper trailer, travel trailer or parts thereof in woods or field areas so as to pose a safety, health or environmental hazard.

- E. Maintenance of such poor housekeeping within a building (commercial or residential) that the health and safety of the owner, occupant, employee or neighbor is or can be endangered.
- F. The deposit or accumulation of any foul, decaying or putrescent substance or garbage or trash or other offensive matters in or upon any lot, alley, street, or highway unless approved by a designated county official.
- G. The overflow of any foul liquids or sewage or the escape of any sewer or sewage gas from a privy, cesspool, septic tank, sub-surface tile field or any other type of sewage system which is not connected to a municipal sewage system.
- H. The disposal of any dead or dying animal upon any street, lot, alley, or highway or in any public or private place without it first being buried to a depth of at least 18 inches.
- I. Allowing any toilet or urinal in any public building to be maintained in an unsanitary condition.
- J. The accumulation of manure, human feces, garbage or any form of filth that has not been so treated to act as a repellent to flies (the presence of fly eggs, maggots or flies will be sufficient evidence that such accumulation has not been properly treated), unless used for a bona fide agriculture purpose and considered by the County Health Officer and appropriate agricultural authorities to be an agricultural best management practice.
- K. A polluted well or the pollution of any well used for drinking purposes.
- L. Any premises that are not provided with a suitable toilet or sanitary privy for all persons working or living therein.

- M. No garbage, offal or other decaying or putrescible matter, either by itself or in connection with ashes or other harmless matter shall be used for the purpose of filling in any lot or other space.
- N. Permitting the presence of rats or rodents of any kind and allowing property to become rat or rodent harborage.
- O. Maintenance of any such conditions which does or could endanger the health of humans through the spreading of such nuisance by streams, surface drainage, air currents, winged life, domestic animals, humans or other means.
- P. Any open cesspool and any type of sewage system not properly maintained which could constitute a danger to health and/or safety.
- Q. Abandoned refrigerators, freezers or other appliances that have external latching devices which could constitute a danger to health and/or safety.

SECTION III: Procedure for Determining of Nuisance.

- A. The County Commissioners may designate officials to act as enforcement officers to investigate and determine the existence of nuisances.
- B. Nuisances are deemed to occur when visible from a County road, State road or from a private road generally used for public access to adjacent properties, or from adjacent properties.
- C. Upon the determination by the enforcement officer that a property is not in compliance with this Ordinance, the officer shall give written notice to the property owner that the property owner has 15 days to bring the property into compliance with the Ordinance.

- D. Notice to the property owner of non-compliance shall be in writing and shall be served by either regular mail or personal service.
- E. If the structure is at least 100 years old, a copy of the above referred to notice shall also be forwarded to The Somerset County Historical Trust or its designee.
- F. The County Commissioners, or their designee, may require that nuisance complaints be in writing, signed by the complainant, and contain such information as may be necessary to locate and investigate the condition.
- G. Property owners or persons receiving notice of noncompliance with the ordinance may request a hearing with the County Commissioners. The hearing shall be scheduled within a reasonable time. The County Commissioners shall have the authority to rescind the notice of violation or abate the terms and conditions of the violation or forward the violation to the enforcement officer for enforcement as set forth in Section IV herein. Property owners shall only be granted a hearing upon request; otherwise, the violation shall be subject to enforcement as set forth herein. Property owners shall have fifteen (15) days from the date of the notice of the violation to request the hearing and if not requested within the fifteen days, such request for hearing shall be waived. All requests for hearing shall be made in writing and delivered to the Office of the Board of County Commissioners for Somerset County at P.O. Box 37, 11916 Somerset Avenue, Princess Anne, Maryland 21853.

SECTION IV: Enforcement.

- A. If the property owner fails to bring the property into compliance within the 15 day period as set forth in Section III, the County Commissioners or their designee may,

after the 15 day period, enter upon the land and undertake the work of bringing the property into compliance and assess the property owner for the cost of the work through invoice, lien on property or charge on property taxes.

- B. The County Commissioners may enforce this Ordinance through Section 2-411 of the Code of Local Laws of Somerset County, 2003 Edition.

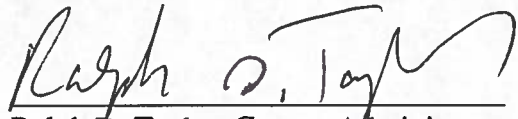
SECTION V: Severability.

If any provision of the Ordinance is held invalid by a court of competent jurisdiction the remainder of this Ordinance, other than those to which it is held invalid, shall not be affected.


SECTION VI: Effective date.


This Ordinance shall become effective on the 4th day of December, 2012.

ATTESTED BY:


Ralph D. Taylor, County Administrator

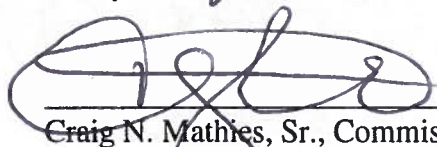
BOARD OF COUNTY COMMISSIONERS
FOR SOMERSET COUNTY, MARYLAND


Rex Simpkins, President


Charles F. Fisher, Vice President


Jerry S. Boston, Commissioner


Randy Laird, Commissioner


Craig N. Mathies, Sr., Commissioner

FILED

2012 DEC -6 P 3: 47

RECORDED 6
LIBER NO. 436
FOLIO
THEODORE PHOENIX, CLK. CT. CT.

BY RET DEPUTY

Box 6 page 444