

CITY COUNCIL  
OF  
HAVRE DE GRACE, MARYLAND

ORDINANCE NO. 1125

Introduced by: \_\_\_\_\_ Council Member Schneegas \_\_\_\_\_

**AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND, ADOPTED PURSUANT TO THE AUTHORITY OF ARTICLE XI-E OF THE MARYLAND CONSTITUTION, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AND SECTIONS 33 AND 34 OF THE HAVRE DE GRACE CITY CHARTER TO REPEAL AND REPLACE CHAPTER 31-2: AMENDMENTS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE**

On: 10/2/2023

at: 7:00 p.m.

Ordinance introduced, read first time, ordered posted and public hearing scheduled.

**PUBLIC HEARING**

Having been posted and notice of time and place of hearing and title of Ordinance having been published according to the Charter, a public hearing was held on 10/16/2023 at 7:01 p.m., and concluded on 10/16/2023 at 7:03 p.m.

EXPLANATION  
Underlining indicates matter added to existing law.  
**[Bold Brackets]** indicate matter deleted from existing law.  
Amendments proposed prior to final adoption will be noted on a separate page with line references or by handwritten changes on the draft legislation.

BE IT ORDAINED, that Chapter 31-2 is hereby repealed and replaced in its entirety as follows:

§31-2. Amendments.

The International Property Maintenance Code 2021 shall be adopted with the following amendments:

A. The name of the jurisdiction in the second line of Section 101.1, Title, on page 1 of the International Property Maintenance Code 2021 shall be “City of Havre de Grace, as adopted by the Mayor and City Council of Havre de Grace”.

B. Section 102.3, Application of other codes, shall read: “Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code 2018, the International Residential Code 2018, the City of Havre de Grace Zoning Ordinance, and applicable codes of Harford County, Maryland, and the State of Maryland.”

C. Section 103.1, General, shall read: “The Director of the Department of Planning, or the Director's designee, to be known as the *Code Official* is hereby designated as the administrative official in charge of the implementation and enforcement of the International Property Maintenance Code 2021.”

D. Section 103.2, Appointment, shall be deleted.

E. Section 103.3, Deputies, shall be deleted.

F. Section 104.1, Fees, shall read: “The fees for activities and services performed by the Department in carrying out its responsibilities under the International Property Maintenance Code 2021 shall be based upon the valuation of staff time required to complete plan and permit examinations, site inspections and enforcement activity and shall be established by the Mayor and City Council from time to time.”

G. Section 105.6, Department records, shall read: “An official record shall be kept of all business and activities of the Department specified in the provisions of the International Property Maintenance Code 2021, and all such records shall be open to public inspection at all appropriate times and according to reasonable rules to maintain the integrity, confidentiality, and security of such records.”

H. New Section 105.8, Restriction of employees, shall be added as follows: “An official or employee connected with the Department of Planning shall not be engaged in or directly or indirectly connected with the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of construction documents thereof, unless that person is the owner of the building; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the Department.”

I. Section 107.1, General, shall read: “All appeals of orders, decisions or determinations made by the *Code Official* shall be heard by the Board of Appeals, per Chapter 25 of the City Code.”

J. Section 108, Board of Appeals, is to be removed.

K. Section 109.3, Prosecution of violation, shall read:

- 1) Any person who shall be adjudged to have (1) violated any of the provisions of this ordinance; or (2) failed to comply herewith or permitted or maintained such a violation; or (3) violated or failed to comply with any order made hereunder; or (4) built in violation of any details, statements, specifications or plans submitted or approved hereunder; or (5) failed to operate in accordance with the provisions of any certificate, permit, or approval issued hereunder shall, severally for each violation and noncompliance respectively, be guilty of a municipal infraction, for which a fine not to exceed \$1,000 may be imposed for each such infraction, payable to the City of Havre de Grace, with costs imposed in the discretion of the court. Each day that an infraction continues after notice has been served shall be deemed a separate infraction. The imposition of a fine for any violation shall not excuse the violation, nor shall the violation be permitted to continue. Prosecution or lack thereof of either the owner, occupant, or the person in charge shall not be deemed to relieve any of the others.
- 2) Any person who shall be convicted of willfully (1) violating any of the provisions of this ordinance; or (2) failing to comply herewith or permitting or maintaining such a violation; or (3) violating or failing to comply with any order made hereunder; or (4) building in violation of any details, statements, specifications or plans submitted or approved hereunder; or (5) failing to operate in accordance with the provisions of any certificate, permit, or approval issued hereunder shall, severally for each violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not more than \$1,000 and imprisonment not exceeding 90 days for each violation, with costs imposed in the discretion of the court. Each day that a violation continues after notice has been served shall be deemed a separate offense. The imposition of punishment for any violation shall not excuse the violation, nor shall the violation be permitted to continue. Prosecution or lack thereof of either the owner, occupant, or the person in charge shall not be deemed to relieve any of the others.
- 3) Any order or notice issued or served as provided in this ordinance shall be complied with by the owner, operator, occupant or other person responsible for the condition or violation to which the order or notice pertains. Every order or notice shall set forth a time limit for compliance dependent upon the hazard and danger created by the violation. In cases of extreme danger to persons or property, immediate compliance shall be required. If the notice of violation is not complied with, the Code Official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

- 4) In addition to the other provisions set out in this ordinance, the City of Havre de Grace may institute injunctive, declaratory or any other appropriate action or proceedings at law or equity for the enforcement of this ordinance or to correct violations of the International Property Maintenance Code 2021, and any court of competent jurisdiction has the right to issue restraining orders, temporary or permanent injunctions or mandamus or other appropriate forms of remedy or relief.
- 5) All provisions of Section 6-102 of the Local Government Article of the Annotated Code of Maryland relating to municipal infractions are incorporated in this chapter. In the event of any inconsistency between this Section 106.3 and Section 6-102 of the Local Government Article, the provisions in Section 6-102, shall prevail.

L. Section 109.4, Violation penalties, shall be deleted.

M. Section 109.5, Abatement of violation: Add a second sentence which shall read as follows: “Any costs associated with any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and may be recovered as a lien upon such real estate. Costs shall also include City inspection fees and reasonable attorneys’ fees.”

N. Section 111.4.2: At the end of the section, the following exception shall be added: “Exception: Notice of violations requiring immediate attention will be conspicuously posted on the premises and allow up to five days to abate the violations. Such notice shall be used for overgrown grass and/or weeds, untagged or unregistered vehicles, trash and rubbish removal, snow removal, or other violations which require immediate attention.”

O. Section 113 General shall read: “The Code Official shall order the owner, or owner’s authorized agent, of any premises upon which is located any structure, which in the Code Official’s judgment is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure. If such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair, or to demolish and remove at the owner’s option. Boarding the building for future repair shall not extend beyond 180 days, unless approved by the Code Official.”

P. New Section 113.1.1, Abatement of unsafe conditions, shall be added as follows: “Abatement failure by the owner of any premises upon which is located a structure posing an imminent danger to human life or the public welfare due to an unsafe condition, the Director or the Director’s designee shall cause the necessary work to be done to eliminate the condition, including, but not limited to, the demolition of the structure or structures. The Director or the Director’s designee shall cause to be published, for two weekly issues, in a county newspaper of record, notice setting forth the address of the building; a description of the real estate sufficient for its identification; a statement that the property is unsafe and constitutes an immediate and continuing hazard to the community; and a statement that the City intends to demolish same if the owner fails to do so. A person objecting to the proposed actions of the City may file an objection in an appropriate form in a court of competent jurisdiction. If the building is not demolished within 30 days of mailing

notice to the owners of record, or within 30 days of the last day of publication of the notice in a county newspaper of record, whichever is later, the Director or the Director's designee shall have the power to demolish the structure or structures."

Q. New Section 113.1.2, Creation of a tax lien, shall be added as follows: "There is created a tax lien on real property for monies expended, including reasonable attorney's fees, by the City for the making safe of buildings or structures and/or abatement of other unsafe nuisances or conditions constituting a danger to the public health and safety. The amount of such lien shall be collected by the Director of Finance in the same manner as other City real estate taxes."

R. Section 110.1, Authority, shall read: "Whenever the Code Official finds any work regulated by this code, or other building codes adopted by the local jurisdiction, being performed in a manner contrary to the provisions of these codes, or in a dangerous or unsafe manner, the Code Official is authorized to issue a stop-work order."

S. Section 110.4, Failure to comply: At the end of the section remove, "established by the authority having jurisdiction" and add: "as determined by the Code Official not to exceed \$1,000."

T. Section 201.4: At the end of the section, the following language shall be added: "or as is interpreted by the Director of Planning or Code Official."

U. Section 202, General Definitions, shall have added to it these additional definitions as follows:

- 1) JUNK YARD. Any land or building licensed and used for abandonment, storage, keeping, collecting or baling of paper, rags, scrap metals, other scrap, discarded materials or junk for the purpose of abandonment, demolition, dismantling, storage, recycling or salvaging. Proper business licensing required.
- 2) OPEN STORAGE AREAS. Property areas used for storage of materials that are related to the occupation of the property owner and/or lessee.
- 3) SALVAGE YARDS. Property area upon which any person or business stores three or more wrecked vehicles outdoors for the purpose of dismantling or otherwise wrecking the vehicles to remove parts for sale or for use in an automotive repair or rebuilding business. Any auto salvage business must be properly licensed.
- 4) SURFACE COAT. All exterior siding and millwork shall be scraped to a sound base and sanded smooth. Scraped and sanded areas shall have joints and cracks filled and shall be primed with exterior primer paint. Following this preparation, all exterior siding and millwork shall be painted with two coats of exterior quality paint.
- 5) BICYCLES, BOAT TRAILERS, MOPEDS AND OTHER MOTOR VEHICLES. The same as the definitions provided under Title 11 of the Transportation Article of the Annotated Code of Maryland, as amended, respectively.

- 6) **BOATS.** Every description of watercraft, including jet skis, wave-runners, or an ice boat that is used or capable of being used as a means of transportation on water or ice but does not include a seaplane, canoe, kayak, sculling boat, paddle board or similar recreational equipment.
- 7) **INOPERABLE.** Unable to function in a manner or condition consistent with or similar to the design operation for which it was intended, regardless of modification.
- 8) **NOXIOUS MATTERS.** Debris, garbage, junk, noxious odors, rubbish and trash; abandoned or inoperable bicycles, boats, boat trailers, mopeds or motor vehicles; abandoned appliances, furniture or parts thereof; and/or any other matter or condition as determined to be detrimental to the adjoining properties or the public health, safety, and welfare.

V. New Section 301.3.1, Vacant structure maintenance, shall be added as follows: “All land or improved premises within the City shall be maintained as though said property were being used or occupied. Once vacated or abandoned, the exterior of any structure and surrounding premises must be maintained to the minimum standards required by this code. Except for any structure damaged by fire, flood or natural disaster, the City shall be notified prior to any boarding of windows and doors to secure the structure. Any boarding shall be done in a professional manner, and the materials used shall conform to the overall exterior appearance of the structure. Said structure, except for historic structures as defined by the City, shall be made habitable within three months, or the structure shall be considered in an unsafe condition and subject to the provisions of this chapter. The Code Official shall have the authority to allow a structure damaged by fire, flood or any natural disaster to remain boarded and secure for a period of one year, at which such time the structure shall be made habitable or said structure shall be considered in an unsafe condition and subject to the provisions of this chapter.”

W. New Section 302.2.1, Drainage, general, shall be added as follows: “Stormwater, sump pumps, sanitary systems, and other water-supplied appliances shall not discharge in a manner that is detrimental to neighboring properties or creates a public nuisance.”

X. Section 302.3, Sidewalks and driveways: Add the following section at the end of the paragraph: “It shall be unlawful for any person, incorporated body, public institution or other corporation using or occupying in any manner, or for any purpose whatsoever, any house, store, shop, stable, or tenement of any kind, persons having charge of churches and public buildings of every description and of owners of unoccupied houses and unimproved lots, situated on any street in this City, to fail to remove and clear away, or cause to be removed and cleared away, the snow/ice from the foot pavements fronting the respective houses, stores, shops, stables, churches, buildings or lots so used, occupied or owned by them or under their charge within 24 hours after the end of any weather event resulting in snow or ice.” (See City Code § 190-38.)

Y. Section 302.4, Weeds: Add the language “10” after the words “in excess of” in the second line. Add the following after the third sentence: “Trees and shrubs located on private property shall not create a nuisance, shall not create a safety hazard to, and shall not impose on public safety or interfere with any structure on the subject premises or adjoining properties or public utilities. When

any lot, lots, parcels or tracts of land abut on any public street, avenue, alley, lane, sidewalk or other public right-of-way, the owner, occupant, lessor, lessee, tenant and/or any person, firm or corporation in control of such lot, lots, parcels or tracts of land shall be required to maintain so much of the public right-of-way as lies between the curbline/surfaced edge of the right-of-way and property lines of such lots, parcels or tracts of land as are occupied by or used by such owner, occupant, lessor, lessee, tenant and/or any person, firm or corporation in control thereof. This shall include maintenance to the center line of the unimproved alley by all owners of any abutting lots, parcels or tracts of land.”

Z. Section 302.7, Accessory structures, shall read: “All accessory structures, including but not limited to detached garages, storage buildings, fences and walls, shall be maintained structurally sound and in good repair. Fences and walls shall be erected such that a finished side of the structure faces outward from the property on which it is constructed.”

AA. Section 302.8, Motor vehicles, is amended by adding the following to the end of the section: “One unregistered but otherwise operative vehicle and/or trailer, not within a building, is permitted to be stored on the premises for a period not to exceed six months. The vehicle must belong to the current occupant or owner of the property. The owner or occupant must obtain a permit from the Department of Planning for the storage of the unregistered vehicle. After six months, the vehicle must be registered or removed from the premises.”

BB. New Section 302.10, Storage of junk, boats, appliances and furniture, shall be added as follows: “It shall be unlawful for any owner, occupant, lessor, lessee, tenant and/or person, firm or corporation in control of any lot, lots, parcels or tracts of land within the City to permit any junk, trash, refuse, debris, piled brush and branches, unused construction materials, garbage, or rubbish; abandoned or inoperable bicycles, boats, boat trailers, mopeds, motor vehicle parts, i.e., batteries, tires, fenders, rims, etc., or abandoned appliances, equipment, or furniture to remain on any such lot, lots, parcels or tracts of land where the Department of Planning determines that such materials or items are dangerous, detrimental or cause a nuisance to the adjoining properties or the public health and safety and welfare of the City or are the nesting place for vermin. In the case of a boat, it must have a current registration; be situated upon a boat trailer that also has a current registration and is in operational condition. No boat(s) shall be stored on private property that has a hull registration size of 30 feet or greater without first obtaining a permit from the City. All permits for storage of boats 30 feet or greater shall be made, in writing, to the City's Director of Planning with a copy sent to the Director of Administration and Council President. All permits shall be valid for seasonal storage purposes and are renewable upon approval of subsequent letters of request. All requests must contain proof of current registration and are subject to inspection of the boat and property to ensure the boat has not become a nuisance or danger. Any denied or expired requests for permitted seasonal storage require removal of the boat from the property within 60 days. A boat may be placed on blocks or cribbing for not more than one year. A property owner shall not have more than two registered and tagged boats and/or boat trailers parked or stored on a property, unless the property owner is operating as a licensed boat storage or boat operations business in accordance with all applicable zoning and other applicable laws or the property owner holds a valid Maryland State Commercial Fishing or Crabbing License. Boats that are stored inside an approved enclosed structure are exempt from this section of the code.”

CC. New Section 302.1, Temporary Storage Containers, shall be added as follows: “All temporary storage containers must be permitted per City Code. Semi-truck trailers used to store goods and other similar containers may be deemed temporary storage per review by the Code Official.”

DD. New Section 302.12, Control of animal waste, shall be added as follows: “No owner of a dog, or other pet, shall allow it to soil, defile, defecate upon or commit any other nuisance upon any public property or private property. The pet owner must take immediate steps to eliminate any such nuisance, including feces caused by the animal, in an appropriate and sanitary manner. The owner or occupant shall not allow accumulation of animal feces on any property in their control.”

EE. Section 304.1, General, shall read: “The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to create a public nuisance or be detrimental to adjoining properties, or pose a threat to the public health, safety or welfare.”

FF. Section 304.3, Premises identification, shall have the following added to the end of the section: “in the case of structures with accessory apartments, all apartments with side or rear entrances, or multiple front entrances, must be clearly identified with their apartment number or letter, in addition to the premises address.”

GG. Section 304.14: The dates in the first line shall be “April 1” and “November 1,” respectively.

HH. New Section 304.20, Storage areas, shall be added as follows: “All open salvage yards and open storage areas shall be continuously completely obscured from surrounding property by a screened fence approved by the Director of Planning, not less than eight feet and not more than 10 feet in height and/or approved landscaping.”

II. New Section 305.7, Mold, shall be added as follows: “Where mold is found due to water damage, improper ventilation, mechanical equipment or other causes, the Code Official may require an inspection be performed by a Licensed Inspector at the cost of the property owner to determine the cause of the mold and for abatement of the causes.”

JJ. Section 307.1, General, shall read: “Handrails and guards shall comply with applicable subsections of the 2018 International Residential Code, Sections R311 and R312.”

KK. New Section 308.3.3, Screening, shall be added as follows: “All permanent dumpsters must be fully screened from public view per the standards developed by the Department of Planning.”

LL. Section 505.3 Supply: Add the following to the end of the paragraph: “Disconnected water supply, due to nonpayment of the utility service to a dwelling, shall be posted with a public notice as unfit after five days without service and subject to the provisions of Section 111 of the International Property Maintenance Code. Owners of residential rental units shall not request water supply disconnection as a substitute to legal eviction proceedings.”

MM. Section 507. Storm drainage: Add the language “sump pumps” after the words “Drainage of” in the first line.



NN. Section 602.3: The dates in the fifth line shall be “September 15” and “May 31,” respectively.

OO. New Section 602.3.1, Heat substitute, shall be added as follows: “Approved portable heat supply, designed for interior use, shall be limited to a maximum of 10 days during any period of repair or replacement of the primary mechanical heat source. The Code Official may grant an extension for genuine extenuating circumstances.”

PP. Section 602.4: The dates in the third line shall be “September 15” and “May 31,” respectively.

QQ. Chapter 8: Replace the following stated codes and substitute as follows:

- (1) National Electrical Code — Harford County Electrical Code.
- (2) International Fire Code — NFPA 101 and NFPA 1.
- (3) International Plumbing Code — Harford County Plumbing Code.
- (4) International Zoning Code — City of Havre de Grace Zoning Ordinance.
- (5) International Fuel Gas Code — Harford County Plumbing Code

RR. Section 603.1 Mechanical Equipment and Appliances, at the end of the section add, “includes air conditioners/cooling equipment from the months of June through September.”

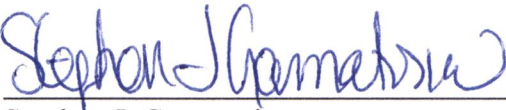
SS. Remove Appendix B “Board of Appeals”.

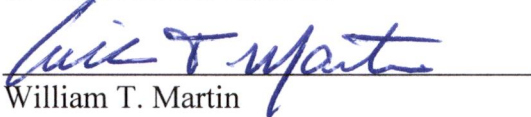
**NOW, THEREFORE**, it is determined, decided, and ordained by the City Council that the foregoing is hereby approved.

ADOPTED by the City Council of Havre de Grace, Maryland this 6<sup>th</sup> day of November, 2023.

SIGNED by the Mayor and attested by the Director of Administration this 7<sup>th</sup> day of November, 2023.

ATTEST:

  
 \_\_\_\_\_  
 Stephen J. Gamatoria  
 Director of Administration

MAYOR AND CITY COUNCIL  
 OF HAVRE DE GRACE  
  
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 William T. Martin  
 Mayor

Introduced/First Reading: 10/2/2023  
 Public Hearing: 10/16/2023  
 Second Reading/Adopted: 11/6/2023  
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