

Article II. Litter and Weed Control

[Adopted 10-26-2005 by Ord. No. 326]

§ 243-7. Purpose.

It is the purpose of this article to prohibit the accumulation of litter and uncontained trash, and the high growth of weeds, on all properties in the Town of St. Michaels.

§ 243-8. Definitions.

In this article the following words have the meanings stated below:

CODES ENFORCEMENT OFFICER

A person appointed by The Commissioners of St. Michaels to perform the duties of codes enforcement.

GARBAGE

Any animal and vegetable wastes, e.g., those resulting from the handling, [preparation](#), [cooking](#), and consumption of food.

LITTER

Trash, garbage, and all other waste material that is not stored in a closed container and that creates or tends to create a danger to the [public health](#), safety, or welfare insofar as it:

- A. May reasonably cause the property on which it occurs to become infested by vermin, rodents, or [wild animals](#); or
- B. May reasonably cause or promote disease; or
- C. May reasonably constitute a present or potential fire hazard; or
- D. May reasonably depreciate the economic welfare or status of adjacent properties.

OWNER

The person, persons, or entity of any kind holding title to any property, including land, improvements thereon, and appurtenances thereto, in the Town of St. Michaels.

TRASH

All solid wastes, whether combustible or noncombustible, including but not limited to:

- A. Among combustible wastes: cardboard, wood, cloth, bedding material, yard and lawn clippings not contained in an established compost pile, and dead trees and limbs.
- B. Among noncombustible wastes: metals, glass, crockery, tin cans, junk, abandoned or inoperable household appliances, plumbing fixtures, untagged motor vehicles, motor vehicle parts, and building and construction wastes.

WEEDS

Grass, weeds, brush, and other growths, excluding trees, ornamental shrubbery, plants, flowers, herbs, garden vegetables properly tended, or marsh grasses on waterfronts.

§ 243-9. Prohibited acts; exceptions.

A. Litter. No owner of property within the Town shall cause, permit, or maintain the existence of litter on such property. This provision shall not apply to litter stored in containers for regular collection, nor to recycling stations on public property. For litter stored in containers, the Codes

Enforcement Officer may establish reasonable standards to protect the public health, safety, and welfare.

B. Weed control. No owner of property within the Town shall cause, permit, or maintain the existence of weeds higher than 12 inches on such property. This provision shall not apply to agricultural lands, natural wooded areas, tidal and nontidal wetlands as defined by Maryland law, unimproved areas of more than three acres, public parks and recreational properties being specifically maintained as natural areas, private open space areas covenanted with the Town as recreational areas to be maintained in their natural state, areas where vegetation is deemed necessary for soil stabilization and erosion control, or areas subject to buffer management or forest management plans.

§ 243-10. Enforcement.

A. Determination of violation. This article shall be enforced by the Codes Enforcement Officer, who shall base the determination of a violation on his or her own visual inspection of the property on which a violation is suspected.

B. Notice of violation.

(1) If a violation of this article is determined to exist on a property, the Codes Enforcement Officer shall provide written notice to the owner of that property. The written notice shall:

- (a) List the violations on the property;
- (b) State the date of the visual inspection;
- (c) Provide a copy of this article; and
- (d) Call attention to the failure to correct (§ 243-10C) and repeat violations (§ 243-10D) sections of this article.

(2) The written notice shall be mailed to the owner, at the address listed in the current real estate tax records of the Town relating to the property that is the subject of the notice, through the U.S. Postal Service by certified mail (return receipt requested), with a copy mailed first-class.

C. Failure to correct. If within seven days after the mailing of notice the violation has not been corrected, the Town shall effect correction of the violation, either by contracting with a third party or by employing Town personnel. The owner shall be billed for the cost of the work plus a service charge of \$100. If the full amount billed to the owner and due the Town is not paid within 30 days:

[Amended 7-28-2010 by Ord. No. 419]

(1) The Codes Enforcement Officer shall cause to be recorded in the Town office a sworn statement showing the cost and expense incurred by the Town for the work, the date the work was done, and the location of the property on which the work was done. The sworn statement shall be included among the tax records; and

(2) The cost and expense plus the service charge of \$100 shall be entered on the property's next regular real property tax bill sent by the Town, and shall be due at the time of payment of that tax bill, and shall be collected in the same manner as Town real property taxes assessed on and billed to the owner of such property.

D. Repeat violations. A person who has caused, permitted, or maintained a repeat violation of this article, as defined in Subsection D(1) below, shall have committed a municipal infraction and, in addition to the remediation by the Town provided in Subsection C of this section, shall be subject to the penalties and procedures of this Subsection D of this section.

(1) A person shall have committed a repeat violation under this Subsection D upon the occurrence of all of the following conditions:

(a) A previous violation of this article (the "previous violation");

(b) A subsequent violation of this article (the "subsequent violation") under the same subsection of § 243-9 of this article as the previous violation, and caused, permitted, or maintained by the same person who committed and was notified of the previous violation;

(c) Visual inspection of the subsequent violation having been made by the Codes Enforcement Officer at least 14 days and not more than 120 days after the date of notice of the previous violation under Subsection B of this section.

(2) A repeat violation of this article shall constitute a municipal infraction, which shall carry civil penalties. The procedures for issuing and processing a citation for a repeat violation of this article shall be governed by Town ordinances *Editor's Note: See Ch. 33, Municipal Infractions.* and Maryland law relative to municipal infractions. In the case of a repeat violation, the owner shall be subject to a municipal infraction each day until the violation is corrected. Notice shall be served in accord with § 243-9B of this article, but municipal infractions shall be issued beginning the day the notice is mailed. Each municipal infraction shall be issued for the amount of \$300.