

TOWN OF PRINCESS ANNE, MARYLAND
LEGISLATIVE SESSION
ORDINANCE NO. 2013 - _____

AN ORDINANCE to amend Chapter 49 entitled "BRUSH, GRASS AND WEEDS" of the Code of the Town of Princess Anne, and Chapter 133 entitled "STORMWATER MANAGEMENT" of the Code of the Town of Princess Anne, to add language regarding grass-cutting and maintenance of common areas within a subdivision, including stormwater management areas, and providing for the grass-cutting and maintenance by the Town and collection of related costs by the Town.

WHEREAS, the Town Manager and Public Works Director have recommended to the Town Commissioners that the Town Code be amended to provide for grass-cutting and maintenance of common areas, including stormwater management areas, and for performance of the work by Town personnel after non-compliance with notice to the appropriate lot owners; and

WHEREAS, Chapter 49 Brush, Grass and Weeds, Section 49-1 provides for the cutting and removal of brush, grass and weeds, and needs amendment to require that lot owners shall be responsible for common areas within the subdivision; and

WHEREAS, Chapter 133 Stormwater Management of the Town Code, Section 133-24 requires amendment to permit Town personnel to perform maintenance responsibilities if the lot owners do not maintain the stormwater management facilities after due notice; and for the collection of the cost thereof.

SECTION I. NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE TOWN COMMISSIONERS OF THE TOWN OF PRINCESS ANNE, MARYLAND, IN LEGISLATIVE SESSION,

(A) That Chapter 49 entitled "BRUSH, GRASS AND WEEDS" of the Code of the Town of Princess Anne, shall be amended to read as follows:

CHAPTER 49
ZONING
BRUSH, GRASS AND WEEDS

Section 49-1.

§ 49-1 Cutting and removal required.

[Amended 6-6-1994 by Ord. No. 94-03; 9-10-2001 by Ord. No. 2001-6]

- A. Each and every owner or occupant of any lot or part of a lot in the Town of Princess Anne shall cut and remove from said lot or part of a lot or shall cause to be cut and removed from said lot, or part of a lot the brush (except ornamentals), weeds, grass and undergrowth thereon in excess of eight inches, and the same shall be disposed of properly so as not to be unsightly. "Weeds" shall be defined as all grasses, annual plants and vegetation other than trees and shrubs; provided, however, that this term shall not include cultivated flowers and gardens. It shall be the duty of any person owning any plat of ground in the Town to prevent the growth of weeds thereon which constitutes a health hazard, fire hazard, safety or traffic hazard or public nuisance.

[Amended 8-9-2004 by Ord. No. 2004-9]

- B. Property owners of any lot or land located in the Town shall maintain their respective curbs, gutters and sidewalks bordering their parcels of land in such condition as to be clear of all growth of grass, weeds, brush or plant growth within the curb, gutter and sidewalk.

- C. Each and every owner of a lot in a subdivision with common areas in the Town of Princess Anne shall be obligated to cut and remove from said common areas the brush (except ornamentals), weeds, grass and undergrowth thereon in excess of eight inches (8"), and the same shall be disposed of properly so as not to be unsightly. "Weeds" shall be defined as all grasses, annual plants and vegetation other than trees and shrubs; provided, however, that this term shall not include cultivated flowers and gardens. It shall be the duty of each and every lot owner in a subdivision with common areas in the Town to prevent the growth of weeds thereon which constitutes a health hazard, fire hazard, safety or traffic hazard or public nuisance.

§ 49-2 Removal by Town; costs; notice.

[Amended 6-7-1999 by Ord. No. 99-03; 9-10-2001 by Ord. No. 2001-6]

- A. If any owner ~~and~~ or occupant of any lot, ~~or~~ part of a lot, or lot owner in a subdivision with common areas, as aforesaid, shall refuse or fail to cut and remove or cause to be cut and removed from such lot, ~~or~~ part of a lot, or common area, the brush, weeds, grass and undergrowth as required by § 49-1 of this chapter within five days after being notified so to do by the Code Enforcement Officer or the Town Manager in compliance with notice requirements of § 115-11, the Code Enforcement Officer or Town Manager shall cause said brush, weeds, grass and undergrowth to be cut and removed from such lot as aforesaid, and the cost of so doing shall be collected from such owner or owners by assessment as hereinafter provided, or the Code Enforcement Officer or Town Manager may issue a citation for

violation of this code as in compliance with § 1-4 of the Town of Princess Anne Code and in an amount as provided in § 49-3 of this chapter. Notice to any owner may be given by first class mail, postage prepaid, addressed to the address of such owner or owners as the same appears on the tax books of the Town or hand delivered to the person to be notified and, in addition to one of the two above-listed options, by posting a copy of the notice in a conspicuous place on the property where said violation exists.

- B. In the event that an owner has been given a notice to cut, destroy and remove excess growth of brush, weeds, grass and undergrowth on his or her property and then receives a subsequent notice in regard to the same property in any calendar year, then the period of time provided to cut, destroy and remove such excess growth of grass, weeds, brush or plant growth shall be two days.

§ 49-3 Violations and penalties.

A violation of this chapter shall be declared to be a municipal infraction and shall be subject to a penalty as provided in Chapter 1, General Provisions, § 1-8 of this Code.

§ 49-4 Collection of costs in lieu of prosecution.

When and if the Town Manager shall have caused any such bushes, weeds, grass and/or undergrowth to be removed from any such lot, ~~or part of lot,~~ or common area, as provided in § 49-2 of this chapter aforesaid, in lieu of any prosecution under § 49-3 of this chapter, the Town Manager may notify such owner or owners by mail by sending a bill showing indebtedness by said owner or owners to the President and Commissioners of the cost of such removal. A further notice will be attached to such bill that if the same is not paid within 10 days, the same will be assessed against the property, or lot owners in a subdivision with common areas, and if said bill is not paid within the time aforesaid, then the amount thereof or so much thereof as shall remain unpaid shall be assessed against the property involved, or lot owners in a subdivision with common areas, and collected in the same manner that Town taxes are now collected by law.

(B) That Chapter 133 entitled "STORMWATER MANAGEMENT" of the Code of the Town of Princess Anne, shall be amended to read as follows:

CHAPTER 133 STORMWATER MANAGEMENT

§ 133-24 Maintenance responsibility.

- A. The owner of a property that contains private stormwater management facilities installed pursuant to this chapter, or any other person or agent in control of such property, shall

maintain in good condition and promptly repair and restore all ESD practices, grade surfaces, walls, drains, dams and structures, vegetation, erosion and sediment control measures, and other protective devices in perpetuity. Such repairs or restoration and maintenance shall be in accordance with previously approved or newly submitted plans.

B. A maintenance schedule shall be developed for the life of any structural stormwater management facility or system of ESD practices and shall state the maintenance to be completed, the time period for completion, and the responsible party that will perform the maintenance. This maintenance schedule shall be printed on the approved stormwater management plan.

C. If the owner(s) within a property that contains private stormwater management facilities installed pursuant to this Chapter, or any other person or agent in control of such property, shall refuse or fail to maintain it in good condition and promptly repair and restore all ESD practices, grade services, walls, drains, dams and structures, vegetation, erosion and sediment control measures and other protective devices within five (5) days after being notified by the Code Enforcement Officer or Town Manager, in compliance with the notice requirements of Section 115-11, then the Code Enforcement Officer or Town Manager shall cause said maintenance and repair to be performed, and the cost of so doing shall be collected from such owner(s) by sending a bill showing indebtedness by said owner(s) to the Town. A further notice will be attached to such bill that if the same is not paid within ten (10) days, the same will be assessed against the owner(s), and if the bill is not paid within the time aforesaid, then the amount thereof, or so much thereof as shall remain unpaid shall be assessed against the owner(s) and collected in the same manner as Town taxes are now collected by law.

SECTION II. SEVERABILITY. Should any provision, section, paragraph or subparagraph of this Article, including any code or text adopted hereby, be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable by a court having competent jurisdiction, the same shall not affect the validity, legality, or enforceability of any other provision, sections, paragraph or subparagraph hereof, including any code or text adopted hereby. Each such provision, section, paragraph or subparagraph is expressly declared to be and is deemed severable.

SECTION III. ADDITION TO CODE. It is the intention of the Commissioners, and it is hereby ordained, that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, and the Sections of this ordinance may be renumbered to accomplish such intention.

SECTION IV. EFFECTIVE DATE. This Ordinance shall take effect at the expiration of twenty (20) calendar days from its final passage.

THIS ORDINANCE was introduced and read at a meeting of the Town Commissioners of the Town of Princess Anne, Maryland, held on the ____ day of _____, 2013, and, passed for Second Reading. Thereafter, the Ordinance was finally passed by the Town Commissioners on the ____ day of _____, 2013. In accordance with Section 410 of the Charter of Princess Anne, Maryland, a statement of the substance of the Ordinance has been published at least twice in a newspaper or newspapers having general circulation in the Town of Princess Anne and posted as required by law.

TOWN OF PRINCESS ANNE, MARYLAND

By: _____

Garland R. Hayward, President

By: _____

Winslow H. Parker, Vice President

By: _____

Joseph Gardner, Commissioner

By: _____

Michael N. Hall, Commissioner

By: _____

Dennis Williams, Commissioner

Brenda S. Benton, Town Manager