

ORDINANCE NO. 2024-05

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF FROSTBURG, MARYLAND ENTITLED “AN ORDINANCE TO REPEAL AND REENACT WITH AMENDMENTS ARTICLE 8.2 OF THE CITY CODE, TITLED ‘PROPERTY MAINTENANCE STANDARDS’ FOR THE PURPOSES OF GENERALLY REWRITING ITS TERMS AND ADOPTING PROVISIONS PERTAINING TO UNLICENSED, DISABLED, JUNK AND WRECKED VEHICLES ON PRIVATE PROPERTY.”

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF FROSTBURG, MARYLAND that Section 8-2 of the Frostburg City Code be and is hereby repealed and reenacted with amendments. The reenacted verbiage is set forth in the Exhibit A attached hereto.

SECTION 2: BE IT FURTHER ORDAINED, that this Ordinance shall take effect on the date it is passed.

Introduced: _____
Public Hearing: _____
Adopted: _____
Effective: _____

Todd Logsdon, Mayor of The City of
Frostburg

ATTEST

Elizabeth Stahlman, City Administrator of The
City of Frostburg

EXHIBIT A

Sec. 8-2. Property maintenance standards.

- (a) *Minimum livability code adopted.* The City adopts the Maryland Minimum Livability Code, COMAR 05.02.03, et seq., as now or hereafter amended, as its standards for the maintenance of all residential, commercial, and institutional properties within the City, subject to the deletions, insertions and additions set forth hereinafter. The Maryland Minimum Livability Code incorporates the 2012 edition of the International Property Maintenance Code (IPMC), subject to the modifications set forth therein. The deletions, insertions and additions set forth hereinafter pertain specifically to the 2012 edition of the IPMC. In the event subsequent editions of the IPMC are adopted as the Maryland Minimum Livability Code, those deletions, insertions and additions shall continue to apply.
- (b) *Deletions from IPMC.* The following sections of the IPMC are deleted:
- (1) Section 111 (Means of Appeal); and
 - (2) Section 302 (Exterior Property Areas) with the exception of Section 302.4 (Weeds), 302.5 (Rodent harborage), 302.6 (Exhaust vents), 302.7 (Accessory structures), 302.8 (Motor vehicles) and 302.9 (Defacement of property)
- (c) *Revisions to IPMC.* The following sections of the IPMC are revised by inserting the language set forth below at the insertion points set forth in the applicable sections:
- (1) Section 101.1. Insert: City.
 - (2) Section 103.5. Insert: Refer to the fee schedule established by the City.
 - (3) Section 112.4. Insert: \$250.00 at the first insertion point and \$500.00 at the second insertion point.
 - (4) Section 302.4. Insert: "12 inches" at the insertion point.
 - (5) Section 304.14. Insert: May 15 to September 15.
 - (6) Section 602.3. Insert: October 1 to May 1.
 - (7) Section 602.4. Insert: October 1 to May 1.
- (d) *Definitions.* For the purposes of this section 8-2, the following definitions shall apply:

Car cover means a cover that is specifically manufactured and commercially retailed for the purpose of covering a vehicle. This cover can be a cover designed for the specific vehicle or type of vehicle, or may be designed for a generic vehicle. The cover must be completely opaque, conceal the vehicle entirely, and be securely fastened at all times. Generic tarps are not a permitted car cover.

Disabled vehicle means a motor vehicle that is incapable of moving under its own power.

Junk vehicle means a motor vehicle that does not have lawfully affixed thereto both an unexpired registration plate or plates and a current motor vehicle safety inspection certificate and the condition of which is wrecked, disabled, dismantled, partially dismantled, inoperative, abandoned, or discarded.

Motor vehicle or vehicle shall have the same meaning as that set forth in section 11-135 of the Transportation Article of the Maryland Annotated Code, as amended from time to time, which currently defines *motor vehicle* as follows:

- (a) (1) Motor vehicle means, except as provided in subsection (b) of this section, a vehicle that:

- (i) Is self-propelled or propelled by electric power obtained from overhead electrical wires; and
- (ii) Is not operated on rails.
- (2) Motor vehicle includes a low speed vehicle.
- (b) Motor vehicle does not include:
 - (1) A moped, as defined in 11-134.1 of this subtitle;
 - (2) A motor scooter, as defined in 11-134.5 of this subtitle;
 - (3) An electric bicycle, as defined in 11-117.1 of this subtitle;
 - (4) An electric low speed scooter, as defined in 11-117.2 of this subtitle; or
 - (5) A personal delivery device, as defined in 21-104.5 of this article.

Person means a person, firm, partnership, association, corporation, company, or organization of any kind.

Private property means any real property within the City which is privately-owned and which is not public property as defined in this section.

Public property means any street or highway that shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel and shall also mean any other publicly owned property or facility.

Registered owner, actual owner or owner means "owner" as that term is defined in Section 11-143 of the Transportation Article of the Annotated Code of Maryland, as amended from time to time, which currently defines *owner* as follows:

- (1) . . . a person who has the property in or title to the vehicle;
- (2) Includes a person who, subject to a security interest in another person, is entitled to the use and possession of the vehicle;
- (3) Does not include a lessee under a lease not intended as security; and
- (4) Includes a lessee under a lease intended as a security.

Unlicensed vehicle means a vehicle (i) that is not registered in the State of Maryland or any other state, (ii) that does not have a current registration sticker or other proof of registration on the exterior of the vehicle, and/or (iii) that does not display legally required license plates.

Wrecked vehicle means a vehicle that is damaged to the extent that the cost of repairing it would be more than its market value in its damaged condition.

- (e) *Additional standards and provisions.* The following standards and provisions shall apply in addition to those set forth in the IPMC. They shall be interpreted consistently with the IPMC.
 - (1) *Trees, shrubs.* It shall be unlawful to allow the limbs or branches of any tree, shrub or other vegetation to grow or hang onto any public right-of-way so as to restrict the flow or obstruct the visibility of traffic.
 - (a) *Dangerous trees.* All premises within the City shall be maintained free of any dead, diseased, infested, or dying trees that constitutes a danger to street trees, streets, alleys, or sidewalks.
 - (b) *Obscured public facilities.* All premises within the city shall be maintained free of any object blocking, vine or climbing plants growing into, onto, or over any street, tree growing within a public right-of-way or any public hydrant, utility meter, pole, street light, utility device, street sign, or public facility or device; or the existence of any uncontrolled, uncultivated, or untended shrub, vine, or plant growing on, around, or nearby any hydrant, standpipe, sprinkler system connection, or any other appliance or facility provided for fire protection purposes in such a way as to obscure the view thereof or impair the access thereto.
 - (2) *Used appliances.* No operative or inoperative appliances or appliance parts shall be left on open or unscreened porches, landings or in yard areas.

- (3) *Open Storage of materials and furnishings.*
- (a) *Furniture.* Only furniture specifically designed and manufactured for outdoor use may be situated and maintained upon open or unscreened porches, landings and yards. No upholstered furniture, designed and manufactured for indoor use, including mattresses, shall be placed, situated or allowed to remain upon open or unscreened porches, landings or in the surrounding yards.
 - (b) *Other materials and furnishings.* No person shall openly store or keep any equipment, materials, or furnishings; or any item that creates an unsightly condition or one that promotes urban blight or public nuisance. This may include, but is not limited to: auto parts, tires, shopping carts, or building and construction materials. Exception: Building materials neatly stacked and stored for no less than sixty (60) days for a construction project permitted within the City. The material must be weather protected, shall not be placed within property setbacks, or placed in such a manner that would create a danger to property, health, and/or safety.
 - (c) *Outdoor wood storage.* Outdoor wood and firewood shall be neatly stacked not to exceed six (6) feet in height, shall be adequately supported so as not to pose a hazard to person or property, and shall not be placed in any setback or other restricted area on the property in which it is being stored.
- (4) *Motor vehicles.*
- (a) *Unlicensed motor vehicles.* Except as provided for in or authorized by other regulations, no disabled vehicle or unlicensed vehicle may be parked, kept, or stored on any premises
 - (b) *Repair/disassembly of motor vehicles.* Motor vehicles in a major state of disassembly, disrepair, or which are being stripped, dismantled, repaired or overhauled, including body work, may not be parked, kept, or stored at any premises unless they are parked, kept or stored inside a structure or similarly enclosed area designed and approved for such purposes or unless it is stored outside of a building or structure if such storage is permitted by applicable law and the owner has procured any required licenses, permits or other authorizations.
 - (c) *Disabled, junk & wrecked vehicles.* Except as provided for in or authorized by other regulations, disabled vehicles, junk vehicles, and wrecked vehicles may not be parked, kept, or stored at any premises unless they are parked, kept or stored inside a structure or similarly enclosed area designed and approved for such purposes.
 - (d) *Painting.* Painting of motor vehicles is prohibited unless conducted inside an approved spray booth.
 - (e) *Car cover requirement.* Except as provided for in or authorized by other regulations, motor vehicles kept, stored or parked outside may be covered by a car cover. Any other covers are prohibited.
 - (f) *Responsibility for compliance.* The registered owner, actual owner, or lessee of a motor vehicle, the owner of the private property where the motor vehicle is stored, or the lessee or other person in possession of any private property upon which any such motor vehicle is located shall be responsible for complying with the terms of this subsection (4).
- (5) *Municipal infraction.* Any person who violates the provisions of this section shall be guilty of a municipal infraction and shall be subject to the penalties provided in this Code.