

For:

Introduction 7/08/25

Adoption _____

THE TOWN OF MANCHESTER, MARYLAND

ORDINANCE NO. 268

**AN ORDINANCE TO AMEND PART II
OF THE CODE OF THE TOWN OF MANCHESTER
ENTITLED “GENERAL LEGISLATION”, BY AMENDING PROVISIONS OF
CHAPTER 65 ENTITLED “ANIMALS”; TO AMEND BY REPEALING CHAPTER 81
ENTITLED “DISORDERLY HOUSE NUISANCES” IN ITS ENTIRETY; REPEALING
CHAPTER 118 ENTITLED “NOISE” IN ITS ENTIRETY; REPEALING AND
REENACTING WITH AMENDMENTS CHAPTER 122 ENTITLED “NUISANCES”,
REPEALING CHAPTER 147 ENTITLED “PROPERTY MAINTENANCE” IN ITS
ENTIRETY; BY REPEALING AND REENACTING WITH AMENDMENTS CERTAIN
PROVISIONS OF CHAPTER 161 ENTITLED “RENTAL HOUSING”; AND BY
AMENDING CERTAIN PROVISIONS OF CHAPTER 226 ENTITLED “VEHICLES,
RECREATIONAL”, FOR THE PURPOSES OF CONSOLIDATING DISORDERLY
HOUSE, NUISANCE, AND PROPERTY MAINTENANCE CHAPTER PROVISIONS,
TO IMPOSE CERTAIN RESTRICTIONS ON THE KEEPING AND BREEDING OF
ANIMALS, TO MAKE CERTAIN PROVISIONS RELATED TO RENTAL HOUSING
CONSISTENT, TO MAKE SIMILAR PROVISIONS RELATED TO NUISANCES,
PROPERTY MAINTENANCE AND RENTAL HOUSING MAINTENANCE UNIFORM
AND/OR APPLICABLE TO ALL PROPERTIES IN THE TOWN, TO PROHIBIT MOST
USES OF RECREATIONAL VEHICLES, TO INCREASE AND MAKE CONSISTENT
THE FINES RELATING TO CODE VIOLATIONS, TO ALLOW THE TOWN TO
RECOUP EXPENSES, INCLUDING REASONABLE ATTORNEYS’ FEES, STAFF
TIME AND COSTS INCURRED IN THE ENFORCEMENT OF THE CODE AND
PURSUING ABATEMENT OF VIOLATIONS, AND TO PROVIDE GREATER
FLEXIBILITY TO THE TOWN IN ADDRESSING INDIVIDUAL VIOLATIONS**

WHEREAS, the Town Council has determined it to be in the best interests of the Town and its citizens to make changes to the Town Code in order to better and more flexibly and consistently enforce the Code with respect to animals, nuisances and property maintenance, to make provisions related to animals, nuisances, property maintenance and rental housing more consistent, to make consistent the remedies available to the Town for all nuisances, property maintenance and rental housing violations, to impose restrictions on the keeping and/or breeding of certain animals, to broaden the application of certain provisions, such as disorderly house nuisances to all properties within the Town and application of the Abatement Committee provisions to all types of nuisances, to prohibit most uses of recreational vehicles, to increase and make consistent the fines for various types of similar code violations, to allow the Town to charge and recoup its costs of enforcement including attorneys’ fees, costs of staff time, and costs of litigation in the enforcement of the code, and otherwise for the purposes set forth above.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF MANCHESTER:

Section 1. That Chapter 65 entitled “Animals” be and is hereby repealed and reenacted with amendments as follows:

§ 65-1.1. Restrictions on keeping and/or breeding of animals.

The following restrictions on the animals shall apply within the limits of the Town of Manchester:

- A. The keeping of greater than three dogs, cats or similar companion animals on a residential property is prohibited. Fish kept in aquaria or small mammals such as hamsters or gerbils kept in cages shall not count against this total.
- B. The breeding of
 - (1) Farm animals such as fowl or poultry, hog or swine, horse, mule, cow, calf, horned cattle, sheep, and rabbits is prohibited, ~~except that horse breeding shall be permitted only on properties where agricultural activities permitted and where the principal use is a single family detached residential dwelling.~~
 - (2) Exotic animals is prohibited.
 - (3) Dogs, cats or companion animals in a residential zone is permitted, but must be in compliance with local, county, state and federal law.
- C. The keeping of exotic animals is prohibited except for the following:
 - (1) Fish kept in aquaria or small mammals such as hamsters or gerbils kept in cages shall not count against this total.
 - (2) A lawful and accredited wildlife sanctuary or nature preserve which complies with this chapter and all other local, state and federal laws.
 - (3) A lawful and accredited scientific, medical or educational research facility which complies with this chapter and all other local, state and federal laws.
- D. Fowl or poultry, hog or swine, horse, mule, cow, calf, horned cattle, sheep, rabbits or similar farm types of farm animals ~~shall be kept~~ are prohibited:
 - (1) ~~Only on properties where agricultural activity is allowed;~~
 - (2) ~~Only on properties where the principal use is a detached single family dwelling on a lot of one acre or more in size;~~

- (3) In barns, pens, stables, fenced in areas or enclosures of suitable area;
- (4) In either side or rear yards;
- (5) For fowl or poultry, rabbits, hogs or swine in enclosures located at a distance of no greater than 200 feet from the main residential dwelling unit.
- (6) No enclosure shall be located closer than 100 feet to any occupied structure on an adjacent lot.
- (7) Enclosures shall comply with the setback requirements for accessory buildings and structures set forth in the Town's accessory use regulations, where such structures shall be considered sheds.
- (8) Enclosures must be kept in a clean, dry and sanitary condition at all times, and shall be cleaned on a regular basis to prevent the accumulation of animal waste.

E. Additional restrictions on the keeping of chickens are as follows:

- (1) The keeping of roosters is prohibited.
- (2) No person shall slaughter any chickens on the premises.
- (3) The chickens shall be provided with both an enclosed hen house and a fenced outdoor enclosure.
- (4) The chickens must be kept in the hen house or fenced outdoor enclosure at all times and shall not be allowed to run free.
- (5) The hen house shall be a covered, well-ventilated structure providing a minimum of two square feet per chicken.
- (6) The outdoor enclosure shall be adequately fenced to contain the chickens and to protect the chickens from predators.

F. Exceptions. The requirements of this Section shall not apply to:

- (1) Licensed humane societies.
- (2) Animal control officers.
- (3) Licensed veterinary hospitals or clinics.
- (4) Licensed uses involving animal breeding, shelter, care, services or sales in business zoning districts where such use is permitted by this chapter.

(5) Persons participating in a trap/neuter/release program for feral cats, who engage in an ongoing management of a feral cat colony. (Persons participating in a trap/neuter/release program must keep documentation on each cat in the program and provide it to the Zoning Administrator, if requested.)

* * *

§ 65-4. Violations and penalties.

Violation of this chapter is declared to be an infraction. The penalty for violation shall be up to \$500 for each initial offense and \$1000 for each repeat offense. Each day that a violation persists shall be a separate violation.

Section 2. That Chapter 81 entitled “Disorderly House Nuisances” be and is hereby repealed in its entirety.

Section 3. That Chapter 118 entitled “Noise” be and is hereby repealed in its entirety.

Section 4. That Chapter 122 entitled “Nuisances” be and is hereby repealed and reenacted with amendments as follows:

CHAPTER 122 NUISANCES AND PROPERTY MAINTENANCE

§ 122-1. Scope and Intent; enforcement.

- A. Unless otherwise set forth below, or otherwise indicated by context, this Chapter shall apply to all activities and properties within the Town, whether zoned industrial commercial, residential or conservation.
- B. Various nuisances, Code violations and municipal infractions are defined and prohibited in other chapters of this Code, and it is the intent of the Town Council in enacting this chapter to make it supplemental to those other chapters where nuisances are defined, by defining in this chapter certain Code violations and municipal infractions as nuisances, and by granting the Town supplemental powers pursuant to the provisions of this chapter relating to the abatement of nuisances and procedures for the abatement of nuisances in those instances where other methods and procedures for abatement are provided. This chapter shall be administered and enforced by the Mayor or other staff or official designated by the Mayor and Town Council.
- C. Whenever any person or persons shall be in actual possession of or have charge, care or control of any property within the Town of Manchester, as owner, landlord, executor, administrator, trustee, guardian, agent, occupant or tenant, such person shall be bound to comply with the provisions of this chapter to the same extent as the owner, and notice to any such person of any order or decision of the Mayor and Council of Manchester shall be deemed and taken to be a good and sufficient notice as if such person or persons were actually the owner or owners of such property.

§ 122-2. Prohibition.

It shall be unlawful for any person to cause, harbor, commit or maintain or to suffer to be caused, harbored, committed or maintained any nuisance, as defined by the statutes or common law of this state or as defined in this chapter, by this Code or other ordinance of the Town of Manchester, at any place within the Town.

§ 122-2.1. Buildings, dwellings, yards and lots to be kept clean and in good repair.

- A. Every building, dwelling, yard, lot or parcel in the Town, whether zoned industrial, commercial, residential or conservation, shall be kept so clean and free from any accumulation of dirt, filth, rubbish, garbage, junk, discarded automobile or equipment parts, or similar matter as not to be a danger to the health, unsightly or an undue annoyance to any occupant thereof, any neighboring property owner or occupant, or the public, and shall be kept free from vermin and rodent infestation. It shall be the duty of each occupant and owner of the building, dwelling unit, lot or parcel to keep in a clean condition that portion of the property which they occupy or over which they have control.
- B. Every building or dwelling, and every part thereof, shall be maintained in such good repair by the owner, occupant or agent thereof so as to be fit for human habitation, so as not to be a danger to human health or a threat to cause significant property damage, and so as not to be unsightly or an undue annoyance to neighboring property owners or occupants, or to the public.
- (1) All buildings, grounds, facilities and appurtenances must remain in the condition, position and location as they were intended by their manufacturer or installer, and all gutters, downspouts, shutters, siding, roofing, decking, fascia and other visible exterior finishings, materials or members shall be kept in good repair.. For example, gutters must remain in accordance with manufacturer specifications and be attached to the roof (not hanging down), shutters must hang properly (not by one nail and hanging crooked), anything painted must be not be chipping, porch rails must be in their proper/intended position, fences should be upright, intact, and not rusting, etc.
- C. Rental housing.
- (1) The landlord, at all times, shall reasonably provide for the maintenance of rental housing which obligations shall include, but not be limited to, the following:
- (a) Complying with all applicable provisions of all Town regulations and ordinances governing the maintenance, construction use or appearance of real property, including compliance with the Carroll County Minimum Livability Code;
- (b) Keeping all areas of the building, grounds, facilities and appurtenances in a clean, sanitary and safe condition or assuring that the tenant does so if provision is made for tenant responsibility thereof by the lease, law, ordinance, or regulation;

- (c) Making all repairs and arrangements necessary to put and keep the dwelling unit and the appurtenances thereto in as good condition as required by law;
- (d) Providing and maintaining appropriate receptacles and conveniences for the removal of ashes, rubbish and garbage, and arranging for the frequent removal of such waste, except in the case of single-family dwelling units;
- (e) All buildings, grounds, facilities and appurtenances must remain in the condition, position and location as they were intended by their manufacturer or installer, and all gutters, downspouts, shutters, siding, roofing, decking, fascia and other visible exterior finishings, materials or members shall be kept in good repair.. For example, gutters must be attached to the roof (not hanging down), shutters must hang properly (not by one nail and hanging crooked), anything painted must be not be chipping, porch rails must be in their proper/intended position, fences should be upright, intact, and not rusting, etc.
- (f) Should any rental house become a disorderly property, it will be subject to the following including fines set forth in 122-9:

§ 122-2.2. Disorderly properties.

- A. Purpose. It is the purpose of this Section to promote the responsible ownership, occupancy and/or management of property within the Town consistent with the public health, safety, general welfare and economic vitality of the community, which are directly impacted by the lawfulness of the activities and uses of such property consistent with the use and enjoyment of neighboring property owners or occupants.
- B. A "Disorderly Property" is a building, dwelling, yard, lot or parcel, whether zoned industrial, commercial, residential or conservation, where any of the following has occurred within a twelve-month period counting from violation to violation:
 - (1) Two or more criminal arrests, criminal citations, criminal indictments, criminal warrants, criminal summonses, civil citations, civil summonses or calls for service arising out of separate and distinct facts and circumstances (as defined by the statutes of the State of Maryland and/or the ordinances of the Town of Manchester or of Carroll County, Maryland) which occur at a dwelling or on property in proximity to the dwelling; or
 - (2) Two or more violations of the provisions of the Alcoholic Beverages article of the Annotated Code of Maryland, arising out of separate and distinct facts and circumstances; or
 - (3) Two or more violations of Chapter 65 of Town of Manchester Code (Animals), arising out of separate and distinct facts and circumstances; or

- (4) Two or more violations of this Chapter arising out of separate and distinct facts and circumstances; or
- (5) Two or more violations of the Carroll County, Maryland Livability Code, arising out of separate and distinct facts and circumstances; or
- (6) Two or more violations of Chapter 250 of the Town Code (Zoning), arising out of separate and distinct facts and circumstances; or
- (7) A combination of two incidents from any of the above categories arising out of separate and distinct facts and circumstances.
- (8) A single incident of the intentional harboring of a fugitive by the owner(s) or occupant(s) of the premises.

C. No owner or occupant of any building, dwelling, dwelling unit, yard, lot or parcel, whether zoned industrial, commercial, residential or conservation, shall allow or permit such building, dwelling, dwelling unit, yard lot or parcel to be or become a Disorderly Property.

- (1) An owner and/or occupant shall be deemed to have allowed or permitted a building, dwelling, dwelling unit, yard, lot or parcel to become a Disorderly Property if:
 - (a) The owner or occupant has personally committed the acts set forth in Subsection B. above; or
 - (b) Such acts were committed by invitees of the occupant or owner; or
 - (c) Such acts were committed by persons attending events or functions sponsored, permitted or allowed by the occupant or owner; or
 - (d) Such acts were committed by a combination of those circumstances set forth in Subsection B (1), (2) or (3) above; or
 - (e) The owner or occupant has been provided with the written notice of a Disorderly Property nuisance pursuant to § 122-6 below, the facts alleged therein are true, and the owner or occupant fails or refuses to enter into a nuisance abatement agreement, or, after entering into such agreement, fails to comply with its terms.

§ 122-3. Nuisances enumerated.

Each of the following conditions, actions or activities, unless otherwise permitted by law, is declared to constitute a public nuisance and is subject to ~~criminal enforcement and penalties and other remedies~~ as provided in this chapter or available to the Town under other applicable law:

- A. The existence of any unsightly, offensive or dangerous accumulation of weeds, trash, dirt, filth, rubbish, garbage, junk, discarded automobile or equipment parts or similar matter,

waste shrubs, lawns or yard trimmings, the carcass of any animal or other offensive matter to include untrimmed weeds or grass as defined by Chapter 147 of the Town Code or any condition of real property which violates Section 122-2.1A or B above, or which creates or has a tendency to create an undue annoyance to neighboring property owners or occupants, or to the public.

(1) The presence of weeds, grass or plants in the Town of Manchester, other than trees, flowers, ornamental shrubs and bushes and fruit and vegetable plants, in excess of 12 inches in height is hereby declared to be a nuisance and detrimental to the health, safety, comfort and general welfare of the citizens of the Town.

B. The existence of any dead, diseased, infested or dying tree or vegetation, including such tree or vegetation that may constitute a danger or which threaten damage to street trees, streets, utilities or portions thereof.

C. The existence of any tree, shrub or foliage, unless by consent of the Town, which is apt to destroy, damage, impair, interfere or restrict:

(1) Streets, sidewalks, sewers, utilities or other public improvements.

(2) Visibility on, or free use of, or access to such improvements.

D. The existence of any tree, shrub or foliage growing on, over, around or in front of any hydrant, curb box, water 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.

E. The existence of any accumulation of materials or objects in a location when the same endangers property, safety, ~~or~~ constitutes a fire hazard or is unsightly or creates an undue annoyance to neighboring property owners or occupants, or to the public.

F. The existence of a sidewalk or a portion of a sidewalk adjacent to any premises which is out of repair, and in a condition to endanger persons or property, or in a condition to interfere with the public convenience in the use of such sidewalk.

G. The dumping or otherwise unlawful depositing of refuse, trash, debris or any other material without a permit.

H. The existence of any obstruction to a street, alley, crossing or sidewalk, and any excavation in or under any street, alley, crossing or sidewalk, which is by ordinance prohibited, or which is made without lawful permission, or which, having been made by lawful permission, is kept and maintained after the purpose thereof has been accomplished.

I. The erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any private lot, parcel, building, structure or premises, or in or upon any street, alley, sidewalk, park, parkway or other public or private place in the Town, any one or more of the

following disorderly, disturbing, unsanitary, fly-producing, vermin-harboring, disease-causing places, conditions or things:

- (1) Any putrid, unhealthy or unwholesome bones, meat, hides, skins, the whole or any part of any dead animal, fish or fowl, or waste parts of fish, vegetable or animal, or animal matter in any quantity, but nothing in this subsection shall prevent temporary retention of waste in approved covered receptacles.
 - (2) Any privies, vaults, cesspools, sumps, pits or like places which are not securely protected from flies and rats, or which are foul or malodorous.
 - (3) Any filthy, littered or trash-covered buildings, dwellings, cellars, house yards, barnyards, stable yards, factory yards, industrial or commercial yards, vacant areas in the rear of stores, vacant lots, houses, buildings or premises.
 - (4) Any poison oak or poison ivy, Russian thistle or other noxious weeds, whether growing or otherwise, but nothing in this subsection shall prevent the temporary retention of such weeds in approved covered receptacles.
 - (5) Any inherently offensive or dangerous accumulation of bottles, cans, glass, ashes, paper or paper products, small pieces of scrap iron, wire, metal articles, household appliances, bric-a-brac or cement, broken concrete, broken glass, broken plaster and all such trash or abandoned material unless it is kept in approved covered bins or appropriate containers.
 - (6) Any trash, litter, rags, accumulations of empty barrels, boxes, crates, packing cases, mattresses, bedding, excelsior, packing hay, straw or other packing materials, lumber not neatly piled, or anything whatsoever in which flies or vermin may breed or multiply or which may be a fire hazard.
- J. The depositing or causing to be deposited in any street, alley, sidewalk, park, parkway or other public place which is open to travel of any hay, grass clippings, straw, paper, wood, boards, boxes, leaves, manure or other rubbish or material.
- K. The storage or keeping on any premises in public view for more than 30 days of any used or unused building materials, provided that nothing in this subsection shall:
- (1) Prohibit such storage without a permit when done in conjunction with a construction project for which a building permit has been issued and which is being processed diligently to completion.
 - (2) Prohibit such storage without a permit upon the premises of a bona fide lumberyard, dealer in building materials, or other commercial enterprise when the same is permitted under Chapter 250, Zoning, of the Code of the Town of Manchester and other applicable laws.

- (3) Make lawful any such storage or keeping when it is prohibited by other ordinances or laws.
- L. The existence of any fence or other structure or thing or private property abutting or fronting upon any public street, sidewalk or place which is in a sagging, leaning, fallen, decayed, rusted or otherwise dilapidated or unsafe condition.
- M. The existence, storage or maintenance on any premises, or any portion thereof, of any storage area, junkyard or dumping ground for the unregistered, untagged, wreckinged, worn out, inoperative, abandoned or disassembled of automobiles, trucks, vehicles, trailers, house trailers, boats, tractors, or other ~~vehicle or~~ machinery of any kind, or of any major parts thereof, ~~for the storing or leaving of worn out, wrecked, inoperative or abandoned automobiles, motoreycles, trucks, trailers, house trailers, boats, tractors or other vehicle or machinery of any kind or of any major parts thereof.~~
- N. The existence on any premises of any abandoned or unused well, cistern or storage tank without first demolishing or removing from the Town such storage tank or securely closing and barring any entrance or trapdoor thereto or without filling any well or cistern or capping the same in accordance with state law.
- O. The existence on any premises, in a place accessible to children, of any unattended and/or discarded icebox, refrigerator, or other large appliance.
- P. The existence of any drainage, outfall or sump pump outflow onto or over or onto any sidewalk or public way except for existing downspouts.
- Q. All ponds (including stagnant fishing ponds), ~~or~~ pools (including swimming pools) of stagnant water and all foul or dirty water or liquid when discharged through any drain, pipe or spout or thrown into or upon any public street, public place or lot to the injury or annoyance of the public.
- R. Sounds and noises during certain hours.
- (1) Production of any of the following sounds or noises between the hours of 10:00 p.m. to 7:00 a.m. on Mondays through Fridays, excluding legal holidays, and between the hours of 10:00 p.m. and 9:00 a.m. on Saturdays and Sundays and legal holidays, except in the cases of bona fide emergency or under municipal permit in case of demonstrated necessity:
- (a) Sounds caused by the construction or repair of any building or structure.
- (b) Sounds caused by construction, maintenance, repair, clearing or landscaping.
- (c) Sounds created by the installation or repair of utility services.
- (d) Sounds created by construction equipment.

- (2) It is the intent that the sounds described in this subsection refer to sounds heard beyond the property line of the source.
- S. Production at any time of any of the following sounds or noises which, by reason of their intensity, frequency, duration, volume, pitch or any other reason, disturb the peace, quiet, repose or comfort of any person or persons:
- (1) The sounding of any horn, siren or other signaling device except as a warning of danger or as specifically permitted or required by law.
 - (2) Sounds in connection with the starting, operation, repair or rebuilding, or testing of any motor vehicle or internal combustion engine within a residential district.
 - (3) The use of a sound amplifier or other device capable of producing or reproducing amplified sound upon public streets for the purpose of commercial advertising for sales or for attracting the attention of the public to any vehicle, structure, or property or the contents therein, except as permitted by law, and except that vendors whose sole method of selling is from a moving vehicle shall be exempt from this subsection.
 - (4) The use of a musical instrument, whistle, radio, sound amplifier or other device capable of producing or reproducing sound.
 - (5) Sounds produced by any vehicle which is so loaded, or has any defect or is not equipped with a proper muffler so as to cause loud and unnecessary grating, grinding, rattling or other noise.
 - (6) Any other unreasonably loud, disturbing, continuous, irritating, or unnecessary noise, whether emanating from a human, animal or mechanical source.
- T. ~~Any other condition, action or activity that presents a risk to public health, safety or welfare as determined by the Town Administrator, Chief of Police or other authority as recognized by the Mayor or Town Council.~~ Any violation of the provisions of Annotated Code of Maryland, Environment Article, § 3-401, and the regulations promulgated to implement those provisions which are codified in Title 26 of the Code of Maryland Regulations, except as otherwise provided herein.
- U. A violation of Chapter 161 of the Town Code (Rental Housing) and/or Section 122-2.1C above.
- V. Any violation of Chapter 65 of the Code, and/or otherwise whenever the keeping of any dogs, cats, companion animal, fowl or poultry, hog or swine, horse, mule, cow, calf, horned cattle, sheep, rabbits or similar animal shall be a nuisance to the owners or occupants of neighboring property or other menace to health.
- W. Violation of Section 122-2.2 above/below on Disorderly Properties.

- X. The burning of any trash or rubbish out of doors within the limits of the Town.
- Y. The burning of, or accumulation with intent to burn, any vegetable matter or animal matter of outdoors upon property owned or occupied by said person within the Town. Open burning is strictly prohibited except in a fire pit equipped with an ash screen.
- Z. The application of any pesticide, herbicide or fungicide within the limits of the Town of an area greater than 10,000 square feet without receiving authorization from the Town at least thirty (30) days in advance of application, and without posting notice of application in areas to be sprayed continuously for at least the ten (10) days before application at least 100 yards apart.
- AA. The operation of a “Recreational Motor Vehicles” in violation of Chapter 226 of the Town Code, and/or otherwise whenever the operation of such vehicles shall be a nuisance to others or shall violate other provisions of this Chapter regarding noise.
- BB. Any other condition, action or activity that presents a risk to public health, safety or welfare, or undue annoyance to neighboring property owners or occupants, or to the public, as reasonably determined by the Town Administrator, Chief of Police or other authority as recognized by the Mayor or Town Council.

§ 122-4. Inspections.

~~It shall be the duty of the Mayor or other staff or official designated to cause inspections to be made from time to time of all portions of the Town of Manchester to~~ The Mayor or other staff or official of the Town is hereby empowered to conduct inspections of property within the Town to determine whether any condition exists or activity is being practiced which constitutes a nuisance; and he or she shall cause an investigation to be made upon complaint made by any responsible person.

§ 122-5. Right of entry.

The Mayor or other staff or official designated shall have the right to enter upon private premises for the purposes of determining the existence and/or abatement of a condition specified in § 122-3, ~~for the purposes of conducting an inspection pursuant to § 122-4,~~ upon compliance with all applicable provisions of law, including the issuance of a municipal infraction. Unless it appears that advance warning would defeat the purpose of such entry, occupants of premises to be entered shall be given reasonable notice in advance, and, in any case, it shall be unlawful for any owner or occupant to prevent such entry which is sought to be made in compliance with law.

§ 122-6. Service of notice and order to abate; remedy for failure to comply.

- A. In addition to other remedies available in this chapter, other provisions of the Town Code or other applicable law, ~~the Mayor and Council, or their designees, is~~ are hereby authorized and empowered to notify and order the owner or owners, occupier or occupiers of any

premises which they deem to be in a state of nuisance, or in such a condition that the creation of a public nuisance is imminent or in such condition that the water supply of the Town of Manchester may become polluted and the health of the citizens thereby endangered, ~~directing such persons to abate~~ have such nuisance, or to cause such nuisance or condition to be abated or removed within 72 hours, unless given additional time by the Town, from the date that said notice is personally served or mailed by certified mail, addressed to said owner, owners, occupier or occupiers or tacked upon the main building on the premises. The owner's address as shown on the tax rolls shall be deemed to be correct. Any postal receipt for the mailing of such notice shall create a prima facie presumption that the notice was received in due course.

(1) The notice and order shall at a minimum contain:

(a) A description of the nature of the nuisance, attaching photographs of same, if able to be provided, with dates that the photographs were taken;

(b) A description of the address, location or other identifying information of the property on which the nuisance exists or is about to exist;

(c) If applicable, the date(s) and time(s) of such nuisance;

(d) A brief description of the abatement that the owner(s) or occupant(s) of the property on which the nuisance exists or is about to exist is ordered to undertake; and

(e) The date or time frame within which the owner(s) or occupant(s) shall complete the abatement.

B. In the event that the notice and order issued pursuant to Subsection A above is not complied with within the time stated in the order, in addition to other remedies available in this chapter, other provisions of the Town Code or other applicable law, the Mayor and Council shall have the power and authority to cause said nuisance to be abated, or otherwise removed, and to charge the costs to the Town of such abatement, including attorneys' fees, costs of Town Staff time and costs of litigation if applicable, against said owner or occupant. The cost shall be determined yearly by the Mayor and Council. These charges shall be overdue 30 days after receipt by the property owner.

C. The amount of any unpaid and overdue cost of abatement to the Town shall become a lien upon the premises upon which the nuisance was abated, which lien may be collected in the same manner as the collection of delinquent taxes. The Town may cause to be recorded in the Town office and among the land records for Carroll County a sworn statement showing the cost and expense incurred for such work, the date the work was done and the location of the property on which the work was done. Recording of such sworn statement shall constitute a lien on the property involved and shall remain in full force and effect for the amount due, plus interest and cost of court, if any for collection, until final payment is made. Said cost and expenses shall be collected in the manner fixed by law for the collection of taxes and shall be subject to a delinquent penalty of 2/3 of 1% per month in the event that the same is not paid in full on or before the date that the tax bill, upon which such charge appears, becomes

delinquent. Sworn statements filed in accordance with the provisions of this section shall be prima facie evidence that all legal formalities have been complied with and that the work was done properly and satisfactorily at a reasonable cost and shall be full notice to every person concerned that the amount constitutes a charge against the property designated or described in said statement and that the same is due and collectable as provided by law. In addition, the Town Attorney is authorized to institute a civil suit against the owner and/or occupant for recovery of such costs.

§ 122-7. ~~Abatement by Town; costs~~ Abatement Committee; conference.

~~If such owner or owners, occupier or occupiers fail to abate such nuisance or condition or remove the cause thereof within the time set out in § 122-6, the Mayor and Town Council of Manchester may then cause such nuisance or condition to be abated and the cause of such nuisance removed by whatever means it deems feasible; and the actual cost thereof shall be billed to the owner or owners of said premises, who thereupon become obligated to reimburse the Town of Manchester, and suit may be brought to recover such sums.~~

- A. There is hereby established a Nuisance Abatement Committee of the Town of Manchester, which shall be comprised of three persons designated by the Town Administrator or his/her designee made up of two elected Town officials and one private citizen chosen from a list of private citizens approved by the Town Council. No member of the Abatement Committee, however, shall also simultaneously serve on the Board of Rental Housing of Appeals.
- B. In the sole discretion of the Town, before the exercise of any other remedy available under this chapter, any other provision of the Town Code, or any other provision of applicable law, the Town may refer the owner(s) and/or occupant(s) of property where a nuisance exists or is imminently about to exist to a conference before the Town's Abatement Committee.
- C. If the Town elects to pursue a conference before the Abatement Committee, the Town shall provide a notice containing, if applicable, the information set forth in Section 122-6A, and serve said notice in compliance therewith. In addition, the notice shall state the date, time and place where the owner(s) and/or occupant(s) are to appear and meet with the Abatement Committee, and shall state that failure to appear, or to make satisfactory arrangements for an alternative date and time, may result in the Town imposing the penalties or pursuing other remedies available in this Chapter, other applicable provisions of the Town Code or other applicable law.
- D. At the nuisance abatement conference, the Abatement Committee and the owner(s) and/or occupant(s) shall discuss the facts constituting the nuisance and shall attempt to agree on specific actions that the owner and/or occupant can take to abate said nuisance.
- E. At the conclusion of the nuisance abatement conference, or as reasonably practicable thereafter, the Abatement Committee shall submit to the owner(s) and/or occupant(s) a proposed written nuisance abatement agreement.

- (1) The nuisance abatement agreement shall include a list of specific actions and schedule of deadlines for said actions to abate the nuisance, including the completion or repair of improvements upon premises on which the nuisance exists or is about to exist, and may also include provisions for a periodic reassessment of the agreement's effectiveness, and the procedure for a modification of the agreement.
 - (2) A nuisance abatement agreement or any written modification to said agreement may impose conditions or requirements on the owner and/or occupant for a period of up to 24 months from the date the original agreement is entered into by the owner and/or occupant and the Town.
 - (3) A nuisance abatement agreement for a Disorderly Property, or any modification thereof, may impose one or more of the following conditions or requirements:
 - (a) Institution of eviction proceedings against identified individuals from the dwelling in question;
 - (b) Written notification from the owner(s) and/or occupant(s) to an identified individual or individuals that they are prohibited from entering onto the premises of the dwelling;
 - (c) Utilization by the owner(s) of written lease provisions, which include empowering the owner(s) to institute eviction proceedings for criminal activity;
 - (d) The submission of tenancy lists on a periodic basis to the Town;
 - (e) The completion of improvements upon the premises of the dwelling which have the impact of mitigating crime, including, but not limited to, the erection of fences, installation of security devices upon the entrances or increased lighting; and/or
 - (f) Any other reasonable condition or requirement designed to abate the Disorderly Property nuisance.
- F. Once a proposed written nuisance abatement agreement or written modification to a nuisance abatement agreement has been submitted to the owner and/or occupant, said owner and/or occupant shall have 48 hours to review it and enter into said agreement by signing it and returning it to the Town Administrator or his/her designee.
- G. The Town may proceed to other remedies available under this chapter, the Town Code or other applicable law at its election at any time in its discretion, including but not limited to if the owner(s) and/or occupant(s) fail to appear for a nuisance abatement conference, or make satisfactory arrangements for an alternative date and time, the owner(s) or occupant(s) fail or refuse to timely sign the Abatement Agreement, or failure or refusal to comply with any condition or requirement set forth in the nuisance agreement, including any deadlines for taking particular actions.

§ 122-8. Additional remedies; lien Rental Housing; remedies.

If the owner or owners fail to make payment as provided for in § 122-7 above, then, in addition to all other remedies, the Town may cause to be recorded in the Town office and among the land records for Carroll County a sworn statement showing the cost and expense incurred for such work, the date the work was done and the location of the property on which the work was done. Recording of such sworn statement shall constitute a lien on the property involved and shall remain in full force and effect for the amount due, plus interest and cost of court, if any for collection, until final payment is made. Said cost and expenses shall be collected in the manner fixed by law for the collection of taxes and shall be subject to a delinquent penalty of 2/3 of 1% per month in the event that the same is not paid in full on or before the date that the tax bill, upon which such charge appears, becomes delinquent. Sworn statements filed in accordance with the provisions of this section shall be prima facie evidence that all legal formalities have been complied with and that the work was done properly and satisfactorily at a reasonable cost and shall be full notice to every person concerned that the amount constitutes a charge against the property designated or described in said statement and that the same is due and collectable as provided by law. In addition to the remedies set forth in this Chapter for nuisances involving rental houses, violations of this chapter and/or Chapter 161 are subject to the rights and remedies of the Town under Chapter 161, including but not limited to the administrative appeal procedure set forth therein before the Board of Rental Housing Appeals.

§ 122-8.1 Authority to adopt rules and regulations.

The Mayor and Council is hereby authorized and empowered to make and adopt such rules and regulations as may deemed proper and necessary for the enforcement of this chapter for the better protection of the health of the Town, under authority granted by this chapter.

§ 122-9. Violations, ~~and~~ penalties and other remedies.

- A. Any violation of this chapter is declared to be a municipal infraction. Each day that a violation exists shall be a separate offense. The penalty for violation ~~shall~~ may be up to \$4500 for each initial offense and up to \$31,000 for each day thereafter that an repeat offense persists. No penalty shall be imposed for that period of time when an alleged violation is the subject of an investigation or before the Abatement Committee, or when the violation is the subject of an order which is complied with, or when in the sole judgment of the Town a good faith effort is made or being made to correct the violation or comply with an order. In addition, the Town may, to the extent permitted by law, seek and obtain any appropriate court orders providing for additional fines and remedies in the event of further violations, including the penalty of contempt of court.
- B. Nothing in this chapter shall be construed to prohibit any other remedy available to the Town under other provisions of the Town Code and/or other applicable law, including but not limited to a civil suit seeking injunctive relief, which may in the case of Disorderly

Properties include one or more of the conditions that may be imposed in an Abatement Agreement pursuant to Section 122-E.(3).

- C. The Town may in addition to the penalties and other remedies set forth herein recover from any person who has violated this Chapter the Town's reasonable costs, including time of Town Staff and attorneys' fees and costs of litigation.

Section 5. That Chapter 147 entitled "Property Management" be and is hereby repealed in its entirety.

Section 6. That Chapter 161 entitled "Rental Housing" be and is hereby repealed and reenacted as follows:

Article I Licensing and Regulation

* * *

§ 161-13. Obligation to maintain rental housing and provide services.

The landlord, at all times, shall reasonably provide for the maintenance of rental housing which obligations shall include, but not be limited to, those obligations set forth in Chapter 122 of the Town Code (Nuisance and Property Maintenance), including but not limited to Section 122-2.1C. The remedies set forth in this Chapter are in addition to, and shall not be read to supercede, the remedies set forth in Chapter 122, the following:

- ~~A. (Complying with all applicable provisions of all Town regulations and ordinances governing the maintenance, construction use or appearance of real property, including compliance with the Carroll County Minimum Livability Code;~~
- ~~B. Keeping all areas of the building, grounds, facilities and appurtenances in a clean, sanitary and safe condition or assuring that the tenant does so if provision is made for tenant responsibility thereof by the lease, law, ordinance, or regulation;~~
- ~~C. Making all repairs and arrangements necessary to put and keep the dwelling unit and the appurtenances thereto in as good condition as required by law;~~
- ~~D. Providing and maintaining appropriate receptacles and conveniences for the removal of ashes, rubbish and garbage, and arranging for the frequent removal of such waste, except in the case of single family dwelling units;~~
- ~~E. All buildings, grounds, facilities and appurtenances must remain in the condition, position and location as they were intended by their manufacturer or installer. For example, gutters must be attached to the roof (not hanging down), shutters must hang properly (not by one nail and hanging crooked), anything painted must be not be chipping, porch rails must be in their proper/intended position, fences should be upright, intact, and not rusting, etc.~~

§ 161-14. Violations and penalties; enforcement.

- A. Failure to comply with the provisions of this chapter shall be a violation, and each day shall constitute a separate occurrence. A violation of any provision of this chapter shall constitute a municipal infraction subject to a fine of up to \$1,500 for an initial violation, and \$1,000 for each day thereafter that the violation continues. No penalty shall be imposed for that period of time when an alleged violation is the subject of an investigation or before the Board of Rental Housing Appeals, or when the violation is the subject of an order which is complied with or when a good faith effort is made to correct the violation or comply with an order.
- B. A rental housing license may be revoked or suspended and a renewal may be denied at any time by the Town if the landlord, after ~~10 working days'~~ the time specified in the written notice, fails to eliminate or to initiate good faith efforts to eliminate violations of this chapter or of other applicable laws, rules or regulations. Revocation, denial or suspension of a license shall be in addition to, and not in substitution for, such other penalties as may be provided for violations by any ordinance.
- D. In the event that a license is revoked or suspended or any application for license renewal is denied, the landlord shall give any tenants occupying the premises in question 60 days' written notice to vacate the premises, such period to begin on the first day of the month following service of such notice. In addition, a copy of the notice must be delivered to the Town.
- E. The Town may in addition to the penalties and other remedies set forth herein recover from any person who has violated this Chapter the Town's reasonable costs of enforcement, including time of Town Staff and reasonable attorneys' fees and costs of litigation.

* * *

Article II Administrative Appeals

§ 161-16. Overview.

- A. Any person aggrieved by an action of the Town under the provisions of this chapter may, within ~~130 working~~ days of receipt of written notice of such action, appeal such action to the Board of Rental Housing Appeals by filing a notice of appeal with the Town Clerk. Except in the case of the revocation of a license, an appeal shall not operate to stay the action of the Town unless the action is stayed by order of the Board for good cause shown.
- B. Within 30 working days of the filing of the notice of appeal, the Board shall conduct a hearing at which time an opportunity to be heard shall be given to the person aggrieved. The hearing shall be open to the public and records and minutes shall be maintained by the Board.
- C. Unless otherwise provided by Board rules or regulations, the Board or Board panel shall by order, within 15 working days after such hearing, either reverse, modify or affirm the action appealed and shall issue its findings, opinions, and orders in writing and provide a copy

thereof to the parties involved. Any appellant dissatisfied with the decision of the Board may appeal the decision to the Circuit Court for Carroll County, however, this appeal shall not stay any findings, opinions or orders of the Board.

* * *

§ 161-24. Fees.

A filing fee of \$500 shall accompany each application for an appeal to the Board as may be determined by the Mayor and Council of the Town of Manchester.

Section 7. That Chapter 226 entitled “Vehicles, Recreational” be and is hereby repealed and reenacted with amendments as follows:

§ 226-1. Definitions.

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

RECREATIONAL MOTOR VEHICLE

Includes but is not expressly limited to minibikes, trail bikes, motor scooters, golf carts, go-carts, motorbikes, all-terrain vehicles (ATVs), dune buggies and swamp buggies and any other similar motor vehicle of the type that is normally used on land for recreation, entertainment or pleasure, or vehicles that are not authorized by the State of Maryland to travel on public streets and highways. The use of lawnmowers, powered garden vehicles and other similar utilitarian domestic vehicles is specifically excepted herefrom. The term “Recreational Motor Vehicle” shall not include mobility devices for disabled persons including electric-motor-driven wheelchairs and scooters, or all-terrain vehicles used by government agencies in the performance of official duties.

§ 226-2. Operation restrictions.

It shall be unlawful for any person to operate or permit and suffer to be operated a recreational motor vehicle, as defined in § 226-1, within the Town of Manchester under any of the following circumstances:

- A. ~~On private property of another without the express prior written consent of the owner and the occupant of said property. Such consent may be revoked at any time by the grantor thereof. Where such express prior written consent has been obtained, the operator or person at the site responsible for such operation shall keep said consent on his person and available for immediate display at all times during the period of such operation.~~ Excepted from the operation of this subsection are any private clubs or other organizations that permit the operation of recreational motor vehicles on their property in connection with the principal use of said property by the members of any such club or organization.

(1) Notwithstanding Subsection A. above:

(a) Motorized golf carts may be operated any licensed public or private golf course. Operation of golf carts on public ways is prohibited except as necessary in the normal operation of a licensed golf course.

B. On any public grounds or property, including Town-owned land, which shall include but not be limited to parks, ball parks, recreation areas, ~~Town-owned~~ public streets, easements and sidewalks, or areas dedicated to or commonly used for vehicular or pedestrian traffic, Town storage facilities, garage areas and Board of Education lands, unless specifically designated, set aside and reserved therefor by resolution of the Town Council.

(1) Notwithstanding Subsection B. above:

(a) Mopeds and motor scooters, as defined in the State of Maryland Transportation Article, shall be allowed on public streets when operated by a person with a valid driver's license.

C. In such manner as to create loud or unnecessary noise so as to unreasonably disturb or interfere with persons in the peaceful and quiet enjoyment of their property. To this end, no person shall operate a recreational motor vehicle before the hour of 9:00 a.m. and after the hour of 7:00 p.m. prevailing time, or sunset, whichever shall first occur.

D. In a careless, reckless or negligent manner so as to endanger the safety or property of any person.

§ 226-2. Operation restrictions.

Any person who violates any provision of this chapter shall, upon conviction, be guilty of a municipal infraction and shall be subject to a fine of up to \$500 for the first offense and \$1000 for each repeat offense. Each day that a violation persists shall be a separate violation.

Section 8: The provisions of this Ordinance are severable such that any provision found to be invalid or unenforceable by a Court of law shall be severed from the remainder of this provisions of this ordinance which shall remain in full force and effect.

BE IT ENACTED AND ORDAINED BY THE AUTHORITY AFORESAID, that

this Ordinance shall take effect on the _____ day of _____, 2022.

Introduced the 14th day of June, 2022.

Enacted this _____ day of _____, 2022 by a vote of _____ in favor and _____ opposed.

ATTEST:

Kelly J. Baldwin, Secretary

Vincent Pacelli, Vice-President

Approved this _____ day of _____, 2022.

ATTEST:

Kelly J. Baldwin, Secretary

Ryan Warner, Mayor

REVIEWED AND APPROVED AS TO LEGAL FORM AND SUFFICIENCY.

This _____ day of _____, 2022.

Thomas V. McCarron, Town Attorney