

ORDINANCE NO. 21-02

Introduced By: Thomas B. Willis, Jr.; President

AN ORDINANCE OF THE TOWN OF QUEENSTOWN ADOPTING THE 2021 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, AS AMENDED BY THIS ORDINANCE, AS THE PROPERTY MAINTENANCE CODE OF THE TOWN OF QUEENSTOWN, AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH

WHEREAS, Md. Code Ann. Local Government Article § 5-211 confers upon municipalities the power to make reasonable regulations concerning buildings, including the adoption of a building code; and

WHEREAS, by Ordinance 16-09 the Town previously adopted portions of the 2015 Edition of the International Property Maintenance Code, which is codified in Chapter 9 of the Queenstown Town Code; and

WHEREAS, the Commissioners of Queenstown deem it desirable and in the public interest to adopt the 2021 Edition of the International Property Maintenance Code, a copy of which is attached hereto, and as amended by this Ordinance, as the Town of Queenstown Property Maintenance Code, which sets forth the minimum regulations governing the conditions and maintenance of all property, buildings and structures, provides the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use, and sets forth the procedure for the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COMMISSIONERS OF QUEENSTOWN AS FOLLOWS:

SECTION 1. The Commissioners of Queenstown hereby adopt the 2021 Edition of the International Property Maintenance Code, a copy of which is attached hereto and incorporated by reference herein, as amended by this Ordinance.

SECTION 2. Chapter 9, Article I, of the Queenstown Town Code is hereby repealed in its entirety and adopted as follows:

CHAPTER 9. PROPERTY MAINTENANCE

Section 9.1 Adoption of standards by reference.

The 2021 Edition of the International Property Maintenance Code, as published by the International Code Council, Inc. is adopted as the Queenstown Property Maintenance Code, and is incorporated into this Code by reference as if fully set forth herein, subject to the amendments set forth in Section 9.2.

Section 9.2 Amendments.

The following sections of the 2021 International Property Maintenance Code are hereby modified as follows:

**SECTION 101
GENERAL**

Section 101.1. Title. These regulations shall be known as the “Town of Queenstown Property Maintenance Code”, hereinafter referred to as “this code.”

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Section 101.2. Scope. The provisions of this Code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties. Notwithstanding anything to the contrary herein, the provisions of the Property Maintenance Code that govern the interior condition of a residential structure shall not apply to an owner-occupied housing unit. Only the provisions of this Code governing the exterior condition of a structure shall apply to an owner-occupied housing unit.

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Section 102.3. Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance the applicable building codes of the Town of Queenstown, including the International Building Code, the International Building Code for One- and Two-Family Dwellings, the International Energy Code, and the International Existing Building Code, as those codes have been adopted and/or amended by the Town of Queenstown and incorporated into the Queenstown Town Code. Nothing in this Code shall be construed to cancel, modify or set aside any provision of the Queenstown Building Code.

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**SECTION 103
CODE COMPLIANCE AGENCY**

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Section 103.2. Appointment. The code official shall be the Town Clerk, or any person or entity designated or appointed by the Commissioners of Queenstown to serve as code official.

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**SECTION 104
FEES**

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Section 104.1. Fees. The fees for activities and services performed under this Ordinance shall be set forth in a fee schedule adopted by the Commissioners of Queenstown.

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**SECTION 105
DUTIES AND POWERS OF THE CODE OFFICIAL**

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Section 105.3. Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by the code, provided that if such structure or premises is occupied, the code official shall present credentials to the occupant and request entry. If such structure or premise is unoccupied, the code official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry, including obtaining an administrative search warrant.

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**SECTION 107
MEANS OF APPEAL**

Section 107. Means of Appeal. Delete Section 107 in its entirety and replace with the following.

Section 107.1. Application for appeal. Any person affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Queenstown Board of Appeals, provided that a written application for appeal is filed within twenty (20) days after the day the decision, notice, or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been

incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

Section 107.2. Board of Appeals. For the purposes of this code, the board of appeals shall be the Board of Appeals established by the Town of Queenstown Zoning Ordinance. All provisions governing the Board of Appeals with respect to members, provisions for alternates, quorum, procedure, chairman, term of office, etc. shall be applicable to appeals from this code. Review of the decision of the Board of Appeals shall also be in accordance with the Queenstown Zoning Ordinance and the Maryland Rules of Procedure applicable to review of administrative agency decisions.

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**SECTION 109
VIOLATIONS**

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Section 109.3. Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 111.4 shall be deemed to have committed a civil municipal infraction as determined by the Town, and the violation shall be deemed a strict liability offense. 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. Any action taken by the authority having jurisdiction over such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

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**SECTION 110
STOP WORK ORDER**

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Section 110.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be deemed to have committed a municipal infraction. The penalty for the first violation shall be One Hundred Dollars (\$100.00), and Two Hundred Dollars (\$200.00) for the second violation. Each day that a violation continues shall be considered a separate offense.

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**SECTION 302
EXTERIOR PROPERTY AREAS**

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Section 302.4. Weeds. All premises and exterior property shall be maintained from weeds or plant growth in excess of (8) eight inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of notice of violation, they shall be subject to prosecution in accordance with Section 109.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

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**SECTION 304
EXTERIOR STRUCTURE**

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Section 304.3 Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property in compliance with 911.

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Section 304.14 Insect screens. During the period from May 1 to October 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25mm), and every screen door used for insect control shall have a self-closing device in good working condition.

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Section 9.3 Repealer.

All prior property maintenance ordinances or parts of property maintenance ordinances in conflict herewith are hereby repealed, except that in any case in which the Queenstown Zoning Ordinance and this Ordinance conflict, the Queenstown Zoning Ordinance shall control.

Section 9.4 Copies on file.

The Town Clerk shall maintain two copies of the Property Maintenance Code on file in the Town Office.

Section 9.5 Severability.

If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Commissioners of Queenstown hereby declare that they would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

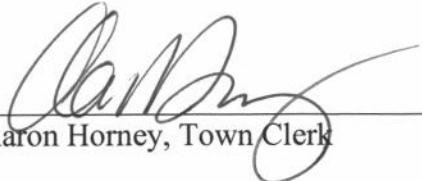
Section 9.6 Exemptions.

The provisions of the property maintenance code relating to the interior condition of a residential structure shall not apply to an owner-occupied housing unit.


SECTION 3. This ordinance and any rules, regulations, provisions, requirements, orders and matters established and adopted pursuant hereto hereby shall take effect and be in full force and effect twenty (20) days from and after the date of its final passage and adoption.

ENACTED this 23rd day of June, 2021.

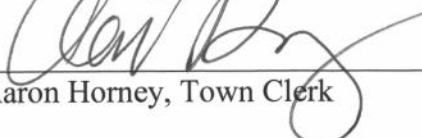
WITNESS:



Aaron Horney, Town Clerk



Aaron Horney, Town Clerk



Aaron Horney, Town Clerk

**THE TOWN COMMISSIONERS OF
QUEENSTOWN**



Thomas B. Willis, Jr., Commissioner

Absent

Alton Hardee, Commissioner



Bryon Callahan, Commissioner