

**THE CITY OF FREDERICK
MAYOR AND BOARD OF ALDERMEN**

RESOLUTION NO: 15-32

A RESOLUTION concerning

Amendments to the 2015 International Property Maintenance Code

WHEREAS, pursuant to Sec. 12.5-1 of the Frederick City Code, The City of Frederick (the "City") has adopted the 2015 International Property Maintenance Code (the "IPMC"); and

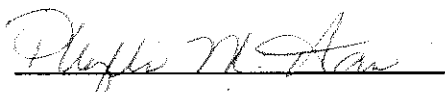
WHEREAS, Sec. 12.5-1 allows the City to make local amendments to the IPMC.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK, MARYLAND, that the IPMC is hereby amended as described on Exhibit A, attached hereto and incorporated herein by this reference.

BE IT FURTHER RESOLVED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF FREDERICK that this Resolution shall take effect on January 1, 2016.

ADOPTED AND APPROVED THIS 17th DAY OF DECEMBER, 2015

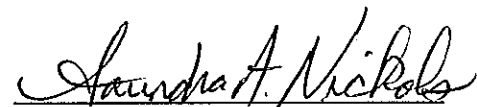
WITNESS





Randy McClement, Mayor

Approved for legal sufficiency:



City Attorney

EXHIBIT A
LOCAL AMENDMENTS TO
INTERNATIONAL PROPERTY MAINTENANCE CODE (2012)

1. SECTION 101.1 Title. Delete this subsection and substitute:

101.1 Title. The regulations set forth in this Sec. 12.5-1 shall be known as the Property Maintenance Code of The City of Frederick, hereinafter referred to as the Property Maintenance Code" or "this code."

2. SECTION 102.3 Application of other codes. In the last sentence, delete "International Zoning Code" and substitute: Land Management Code (Appendix A of the Frederick City Code).

3. SECTION 102.6 Historic Buildings. Delete this subsection in its entirety.

4. SECTION 103 DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION. Delete the name of this section and substitute: DIVISION OF CODE ENFORCEMENT.

5. SECTION 103.1 Delete this subsection and substitute the following:

103.1 General. The Division of Code Enforcement is hereby charged with the administration and enforcement of the Property Maintenance Code. The "code official," as that term is used in this code, is the Manager of Code Enforcement or the Manager's authorized designee.

6. SECTION 103.2 Appointment. Delete this subsection in its entirety.

7. SECTION 103.3 Deputies. Delete this subsection in its entirety.

8. SECTION 103.5 Fees. Delete this subsection in its entirety.

9. SECTION 104.3 Right of entry. Delete this subsection and substitute the following:

104.3 Right of entry. The Code Official may enter a structure or premises in accordance with § 2-27.5(c) of the Frederick City Code.

10. SECTION 104.4 Identification. Insert after "code official": and employees of the Department of Public Works.

11. SECTION 106.1 Unlawful acts. Delete this subsection and substitute the following:

106.1 Unlawful acts. An owner, occupant or tenant may not erect, construct, alter, extend, repair, remove, demolish, maintain, fail to maintain, provide, fail to provide, occupy, permit another person to occupy any dwelling unit or structure regulated by this code, or cause the same to be done in violation of any provision of this code; or fail to obey a lawful order of the code official or a code inspector.

12. SECTION 106.3 Prosecution of violation. Delete this subsection in its entirety.

13. SECTION 106.4 Violation penalties. Delete this subsection in its entirety.

14. SECTION 106.5 Abatement of violation. Delete this subsection in its entirety.

15. SECTION 107.1 Notice to person responsible. Delete this subsection, rename, and substitute the following:

107.1 Violations. Except as otherwise provided in this code, if the code official or any inspector of the Department of Public Works has grounds to believe that this code has been violated, the code official or inspector may serve upon the person responsible a citation for a municipal infraction, in accordance with Section 107.5 of this code. Prior to issuing such a citation, the code official or inspector may issue a written notice of violation, in accordance with Sections 107.2 and 107.3 of this code. The code official may adopt a Standard Operating Procedure relating to notices of violation, including criteria for determining whether or not to issue a notice of violation prior to issuing a citation in a specific case. This section does not apply to violations stated to be misdemeanors.

16. SECTION 107.2 Form. Delete this subsection and substitute the following:

107.2. Form. Any notice issued under this code will be in accordance with the applicable provisions of § 2-27.5 of the Frederick City Code.

17. SECTION 107.3 Method of service. Delete this subsection and substitute the following:

107.3. Method of service. Any notice issued under this code will be served in accordance with the applicable provisions of § 2-27.5 of the Frederick City Code.

18. SECTION 107.5 Penalties. Delete this subsection, rename, and substitute the following:

107.5 Enforcement and penalties. Except as otherwise provided in this code, violation of any provision of this code is hereby deemed a municipal infraction punishable by a fine not to exceed \$1,000. The code official may adopt a Standard Operating Procedure stipulating fines for specific violations or establishing criteria for determining a fine in a specific case. Each day a violation continues is a separate offense. In addition to the foregoing, the City may seek any other remedy available to it at law or in equity to abate, restrain or correct the violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or the order or direction made pursuant thereto. Any costs incurred in connection with any action taken by the City to abate or correct the violation on the premises in violation of this code shall be charged to the owner of the property. Such costs may include, at the discretion of the code official, an administrative fee not to exceed the then-current average budgeted hourly cost, including salary and benefits, of a code inspector. Until the expenses are paid by the owner, they will constitute a lien upon the property to be collected in the same manner as other City taxes.

19. SECTION 108.4.1 Placard removal. Delete the last sentence and substitute the following:

Any person who defaces or removes a condemnation placard without the approval of the code official is guilty of a misdemeanor. An individual convicted of a misdemeanor under this section is subject to a fine not to exceed \$1,000, 90 days imprisonment, or both in the discretion of the court. Each day a violation continues is a separate offense.

20. SECTION 108.5 Prohibited occupancy. Delete last sentence and substitute the following:

Any person who occupies a placarded premises or operates placarded equipment is guilty of a misdemeanor. Any owner or person responsible for the premises who lets anyone occupy a placarded premises is guilty of a misdemeanor. An individual convicted of a misdemeanor under this section is subject to a fine not to exceed \$1,000, 90 days imprisonment, or both in the discretion of the court. Each day a violation continues is a separate offense.

21. SECTION 109.5 Costs of emergency repairs. Delete this subsection and replace with the following:

109.5 Costs of emergency repairs. Any costs incurred by the City in connection with the emergency repairs performed pursuant to this section shall be charged to the owner of the property where the unsafe structure is located. Such costs may include, at the discretion of the Code Official, an administrative fee not to exceed the then-current average budgeted hourly cost, including salary and benefits, of a code inspector. Until the expenses are paid by the owner, they will constitute a lien upon the property to be collected in the same manner as other city taxes.

22. SECTION 111 MEANS OF APPEAL. Delete this section in its entirety and substitute:

SECTION 111 APPEALS

A person directly aggrieved by a notice of violation issued under this code may appeal in accordance with § 2-27.5(d) of the Frederick City Code.

23. SECTION 112.4 Failure to comply. Delete this subsection in its entirety.

24. SECTION 302.2 Grading and drainage. To the end of the sentence, add: or on adjacent properties.

25. SECTION 302.4 Weeds. Delete this subsection and substitute the following:

All premises and exterior property, including space between a curb and a sidewalk or a space between a sidewalk and a lot line, must be maintained free from weeds in excess of 10 inches. Weeds are defined as all grasses, annual plants and vegetation, other than trees or shrubs, but not including cultivated flowers and gardens. All noxious weeds, regardless of height, are prohibited. The maintenance of weeds in violation of this section is hereby declared to be a public nuisance subject to abatement as set forth herein. When the code official determines an exterior property or premises has weeds in violation of this section, the code official shall provide notice of such violation to the owner or other person responsible. If the owner or other person responsible fails to comply with a notice of violation issued for violation of this section, the code official may remove the weeds or obtain a contractor to do so. The costs of the removal

will be charged to the owner of the property. Until the expenses are paid by the owner, they will constitute a lien upon the property to be collected in the same manner as other City taxes. In addition to or instead of issuing a notice of violation and abating the nuisance in accordance with the foregoing, the code official may issue a citation in accordance with Sections 107.1 and 107.5 of this code.

26. ADD NEW SECTION 302.4.1 as follows:

302.4.1 Trees and shrubs. All trees and shrubs must be maintained such that the tree or shrub, or any portion thereof, does not extend over or otherwise encroach onto a neighboring property in such a manner as to create an immediate risk of damage to such neighboring property. All trees and shrubs must be maintained free of disease and decay. Any tree, tree limb, or shrub that dies or becomes diseased must be removed without delay. Any tree stump that becomes diseased or infested with insects, rodents, or other vermin must be removed without delay.

27. SECTION 304.7 Roofs and drainage. Delete last sentence and substitute: Roof water shall not be discharged so as to create either a public nuisance or a nuisance to owners or occupants of adjacent or nearby properties.

28. SECTION 304.14 Insect screens. In the first sentence, delete "[DATE] to [DATE]" and substitute: April 1 to December 1.

29. SECTION 308.1. Accumulation of rubbish or garbage. After the first sentence, add the following:

The maintenance of rubbish or garbage in violation of this section is hereby declared to be a public nuisance subject to abatement as set forth herein. When the code official determines an exterior property or premises has rubbish or garbage in violation of this section, the code official shall provide notice of such violation to the owner or other person responsible. If the owner or other person responsible fails to comply with a notice of violation issued for violation of this section, the code official may remove the rubbish or garbage or obtain a contractor to do so. The costs of the removal will be charged to the owner of the property. Until the expenses are paid by the owner, they will constitute a lien upon the property to be collected in the same manner as other City taxes. In addition to or instead of issuing a notice of violation and abating the nuisance in accordance with the foregoing, the code official may issue a citation in accordance with Sections 107.1 and 107.5 of this code.

30. SECTION 404.4.1 Room area. Delete this subsection, rename and substitute the following:

404.4.1 Area for sleeping purposes. Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet (6.5 m²) of floor area, and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet (4.6 m²) of floor area for each occupant thereof.

31. SECTION 404.5 Overcrowding. Delete this subsection and substitute the following:

404.5 Overcrowding. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5

TABLE 404.5
MINIMUM AREA REQUIREMENTS

	Minimum Area in Square Feet		
	1-2 Occupants	3-5 Occupants	6 or More Occupants
<u>living room</u>	<u>120</u>	<u>120</u>	<u>150</u>
<u>dining room</u>	-----	<u>80</u>	<u>100</u>
<u>kitchen</u>	<u>50</u>	<u>50</u>	<u>60</u>
<u>bedrooms</u>	Shall comply with Section 404.4.1		

32. SECTION 602.1 Facilities required. Delete this subsection and substitute:

602.1 Facilities required. Permanent and fixed heating facilities shall be provided in structures as required by this section. Portable heating fixtures are not considered permanent and fixed.

33. SECTION 602.3 Heat supply. In the first sentence, delete "[DATE] to [DATE]" and substitute: October 1 to May 1.

34. SECTION 602.4 Occupiable work spaces. In the first sentence, delete "[DATE] to [DATE]" and substitute: October 1 to May 1.

35. SECTION 605.2 Receptacles. In the next-to-last sentence, delete the word "new."

36. Chapter 8 REFERENCED STANDARDS. Add: The Code of the City of Frederick, 1966 (as amended).