



**Mayor and Council of the Town of Leonardtown  
Ordinance No. 183  
Subject: Chapter 92 – Livability Standards  
Chapter 112 – Property Maintenance  
of the Code of the Town of Leonardtown**

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**Date Introduced on First Reading: March 12, 2018  
Date Passed on Second Reading: April 11, 2018  
Date Effective: May 2, 2018**

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**AN ORDINANCE** concerning

**CHAPTER 92 – LIVABILITY STANDARDS AND CHAPTER 112 – PROPERTY  
MAINTENANCE OF THE CODE OF THE TOWN OF LEONARDTOWN**

**FOR** the purpose of repealing Chapter 92 – Livability Standards and Chapter 112 – Property Maintenance of the Code of the Town of Leonardtown in their entirety; enacting a new Chapter 92 of the Code of the Town of Leonardtown entitled “Livability Standards and Property Maintenance”; and adopting the Maryland Minimum Livability Code as the Property Maintenance Code of the Town of Leonardtown, subject to local amendments; providing that the title of this Ordinance shall be deemed a fair summary; and generally relating to property maintenance in the Town of Leonardtown.

RECITALS

**WHEREAS**, pursuant to § 5-202 of the Local Government Article of the Annotated Code of Maryland, the Mayor and Council of the Town of Leonardtown (the “Mayor and Council”), as the legislative body of the Town of Leonardtown (the “Town”) are authorized and empowered to pass ordinances to preserve peace and good order, secure persons and property from damage and destruction, and protect the health, comfort, and convenience of the residents of the Town; and

**WHEREAS**, pursuant to § 501(1) of the Charter of the Town of Leonardtown (the “Charter”), the Mayor and Council are authorized and empowered to pass ordinances as they may deem necessary for good government of the Town; for the protection and preservation of the Town's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction;

and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of and visitors to the Town; and

**WHEREAS**, pursuant to § 12-203(b) of the Public Safety Article of the Annotated Code of Maryland, the Mayor and Council are authorized and empowered to adopt minimum property standards for property in the Town; and

**WHEREAS**, pursuant to § 12-203(c) of the Public Safety Article of the Annotated Code of Maryland and COMAR 05.02.03.03, the Maryland Department of Housing and Community Development adopted the 2012 version of the International Property Maintenance Code (the “IPMC”), published by the International Code Council (“ICC”), with certain modifications, as the Minimum Livability Code (the “MLC”) for the State of Maryland; and

**WHEREAS**, the Mayor and Council find that adopting the current versions of the MLC and the IPMC, subject to local amendments, would be in best interest of the health, safety, and welfare of the citizens of the Town.

**WHEREAS**, the Mayor and Council, for the good and welfare of the community, deem it necessary and appropriate to repeal Chapter 92 – Livability Standards and Chapter 112 – Property Maintenance of the Code of the Town of Leonardtown in their entirety; enact a new Chapter 92 of the Code of the Town of Leonardtown entitled “Livability Standards and Property Maintenance”; and adopt the Maryland Minimum Livability Code as the Property Maintenance Code of the Town of Leonardtown, subject to local amendments.

**SECTION I. BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF LEONARDTOWN** that Chapter 92 – Livability Standards and Chapter 112 – Property Maintenance of the Code of the Town of Leonardtown be and they are hereby repealed and replaced with a new Chapter 92 entitled “Livability Standards and Property Maintenance” as follows:

**§ 92-1. Adoption of Maryland Minimum Livability Code.**

**The Maryland Minimum Livability Code (“MMLC”), as set forth in COMAR 05.02.03.01, et seq., and the current version of the International Property Maintenance Code (“IPMC”), as amended and updated from time to time by the International Code Council, is hereby adopted as the Property Maintenance Code of the Town of Leonardtown for the purpose of regulating and governing all property, buildings, and structures within the corporate limits of the Town, with the additions, insertions, deletions, and changes thereto set forth in § 92-3 of this chapter. In the event of a conflict between the MMLC and the IPMC, as either may be amended from time to time, the MMLC shall be deemed to control.**

**§ 92-2. Existing Liabilities.**

**This chapter shall not discharge, impair, or release any contract, obligation, duty, liability, or penalty whatsoever existing on the date of its enactment. All suits and actions, both civil and criminal, pending or which may hereafter be instituted for causes of action now existing or offenses already committed against any law or ordinance affected by the enactment of this chapter shall be instituted, proceeded with, and prosecuted to final determination and judgment as if this chapter had not become effective.**

**§ 92-3. Modifications and Amendments to the IPMC.**

**The following modifications and amendments have been made to amend the IPMC to conform to conditions specific to the Town, as well as to complement existing statutory and administrative processes to best serve the citizens of the Town:**

**A. General.**

- (1) Whenever a local subdivision or [name of jurisdiction] is referred to in the Property Maintenance Code, it shall be deemed to mean the “Town of Leonardtown.”**

**B. Section 101.1 Title.**

- (1) Amend to read: “These regulations shall be known, and may be cited as, the Property Maintenance Code of the Town of Leonardtown.”**

**C. Section 102.3 Application of other codes.**

- (1) Amend to read: “Repairs, additions, or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, International Existing Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code, and NFPA 70, each to the extent adopted and modified by the Maryland Department of Housing and Community Development and the Town of Leonardtown.”**

**D. Section 103.1 General.**

- (1) Delete in its entirety and replace with the following: “The official or duly authorized agent or designee of the Town appointed by the Council to administer and enforce the Property Maintenance Code shall be known as the code official.”**

**E. Section 103.2 Appointment.**

**(1) Delete in its entirety and replace with the following: “The code official shall be appointed by, and serve at the pleasure of, the Council. The Town may employ inspectors for the purpose of enforcing the Town’s Property Maintenance Code or may designate such other person, firm, corporation, municipality, or County as the Council deems fit to perform such inspections. The Council may contract with an independent agency or organization for Property Maintenance Code inspection and enforcement services.”**

**F. Section 103.5 Fees.**

**(1) Delete in its entirety and replace with the following: “The Council may, by resolution, establish fees for activities and services performed by the code official in carrying out their responsibilities under this code.”**

**G. Section 106.3 Prosecution of violation.**

**(1) Delete in its entirety and replace with the following: “Section 106.3 Prosecution and abatement of violations.**

**106.3.1 Violation. Any person who violates this code shall be guilty of a municipal infraction and subject to a fine of \$500 and prosecution as set forth in Md. Code Ann., Local Gov’t § 6-101, et seq., as amended from time to time. Each day that a violation continues may be considered a separate offense and, as such, subject to a separate fine. A violation of this code shall be deemed a strict liability offense.**

**106.3.2 Abatement. The Council may take any action legally necessary to abate a violation of this code, including applying to a court of competent jurisdiction for injunctive or other appropriate relief. In addition to any other enforcement procedures available under this code or other law, the Council may abate a violation of this code by any appropriate means and assess the property owner for all costs of the abatement and all inspections and legal proceedings relative to the abatement, including attorney’s fees. An assessment under this Section shall be a lien against the real property that benefited from the abatement and may be collected in the same manner as delinquent real property taxes.”**

**H. Section 106.4 Violation penalties.**

**(1) Delete in its entirety.**

**I. Section 106.5 Abatement of violation.**

**(1) Delete in its entirety.**

**J. Section 107.2 Form.**

**(1) Delete “5. Inform the property owner of the right to appeal.”**

**K. Section 111 Means of Appeal.**

**(1) Delete in its entirety, along with Sections 111.1 through 111.8.**

**L. Section 202 General Definitions.**

**(1) Delete the definitions of “Code Official,” “Person,” and “Tenant,” and replace with the following definitions:**

**CODE OFFICIAL – The official or any duly authorized agent or designee of the Town appointed by the Council and authorized to administer and enforce the Property Maintenance Code.**

**PERSON – An individual, partnership, limited partnership, trust, estate, association, corporation, or any other group acting as a unit.**

**TENANT – An occupant other than a property owner.**

**M. Section 303 Swimming Pools, Spas and Hot Tubs.**

**(1) Amend to include Section 303.3, as follows: “Section 303.3 Setbacks.**

**A private, noncommercial swimming pool must maintain the required setback of five feet from the rear and side property lines. The pool may not be located within the front yard setback. Recorded easements may further restrict the location of a residential swimming pool. An indoor pool attached to a principal structure must comply with the principal structure setbacks. This setback requirement shall supersede any provisions to the contrary in the Building Code for the Town of Leonardtown set forth in Chapter 48, Article II of the Town Code.”**

**N. Section 304.14 Insect screens.**

**(1) Amend to read as follows: “During the period from April 1 to December 1, every door...”.**

**O. Section 602.3 Heat supply.**

**(1) Amend to read as follows: “...shall supply heat during the period from October 1 to May 15 to maintain a temperature...”.**

**P. Section 602.4 Occupiable work spaces.**

**(1) Amend to read as follows: "...shall be supplied with heat during the period from October 1 to May 15 to maintain a temperature...".**

**SECTION II. AND BE IT FURTHER ORDAINED** that the recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

**SECTION III. AND BE IT FURTHER ORDAINED** that, in this Ordinance, unless a section of the Code is expressly repealed in its entirety and reenacted, new or added language is underlined and in boldface type, and deleted text is crossed out and enclosed in brackets.

**SECTION IV. AND BE IT FURTHER ORDAINED** that, if any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the Mayor and Council that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

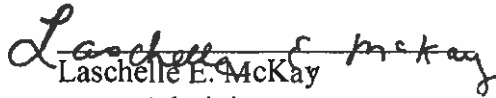
**SECTION V. AND BE IT FURTHER ORDAINED** that all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION VI. AND BE IT FURTHER ORDAINED** that the title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

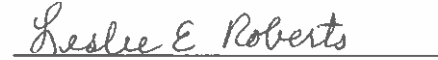
**SECTION VII. AND BE IT FURTHER ORDAINED** that this Ordinance shall become effective twenty (20) days following approval by the Mayor or passage by the affirmative vote of four-fifths of the whole Council after veto by the Mayor.


**ORDINANCE # 183**

Attest:


  
Laschelle E. McKay  
Town Administrator


COUNCIL OF THE  
TOWN OF LEONARDTOWN:


  
Leslie E. Roberts  
Vice President

  
Thomas M. Combs  
Council Member


Seal:

  
Hayden T. Hammett  
Council Member

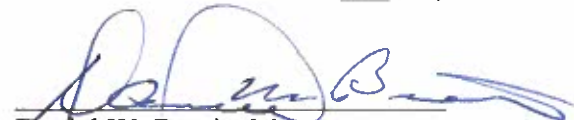
  
J. Maguire Mattingly, IV  
Council Member

  
Roger L. Mattingly  
Council Member

This Ordinance was presented to the Mayor for his approval or disapproval pursuant to Section 210 of the Charter of the Town of Leonardtown on this 11<sup>th</sup> day of April, 2018.

  
Laschelle E. McKay,  
Town Administrator

In accordance with Section 210 of the Charter of the Town of Leonardtown, I hereby (Approve) or (Disapprove) Approve of this Ordinance on this 11<sup>th</sup> day of April, 2018.

  
Daniel W. Burris, Mayor