

CHAPTER 14

COMMERCIAL PROPERTY STANDARDS AND MAINTENANCE

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Section 1401            Scope

The provisions of this Chapter provide the minimum standards and the responsibilities for maintenance of structures, equipment and exterior property for all property and structures used or zoned for commercial and industrial purposes in the Town of Landover Hills and for residentially zoned property where the use is other than residential.

Section 1402            Definitions

(A) “**Garbage**” shall mean the animal and vegetable waste resulting from the handling, preparation, cooking or consumption of food.

(B) “**Maintenance**” shall mean acts of repair or other acts to prevent a decline in the condition of grounds, structures and equipment such that the condition does not fall below the standards established by this Chapter.

(C) “**Owner**” shall mean any person who owns, leases, occupies or controls the property and any agent of such person.

(D) “**Property**” shall mean any land utilized or zoned for commercial or industrial purposes or residentially zoned land where the use is other than residential, and any improvement thereon.

(E) “**Public Nuisance**” shall mean and include the following:

(1) The physical condition or use of any premises regarded as a public nuisance at law; or

(2) Any physical condition or use of any premises or its appurtenances which may reasonably invite or encourage trespassing and result in injury to trespassers or others; or

(3) Any property which has unsanitary sewage or plumbing facilities; or 4. Any physical condition or use which would constitute an unsafe condition or structure under the Prince George's County Code; or

(4) Any property from which the plumbing, heating and/or facilities required by the Prince George's County Code or by other applicable laws or regulations have been removed or from which facilities have been disconnected, destroyed, removed or rendered ineffective; or

(5) Any property which is unclean, unsanitary or which is littered with rubbish or garbage or which has an uncontrolled growth of weeds.

(F) "**Rubbish**" shall mean all solid waste consisting of both combustible waste (including, but not limited to, paper, cardboard, wood, cloth, bedding material, lawn and yard clippings not located in an established compost pile and dead trees and limbs to include any hazardous or uprooted trees) and non-combustible waste (including, but not limited to, metals, glass, crockery, tin cans, junked appliances, abandoned vehicles and any building and construction waste) For the purposes of this ordinance, "abandoned vehicles" shall mean any motor vehicle or trailer that is inoperable and left unattended on private or public property for more than forty eight (48) hours or does not display current license plates for that vehicle, is wrecked or dismantled.

(G) "**Tree**" shall mean a large wooded plant having one or several self-supporting stems or trunks or numerous branches and which reaches a height of at least twenty (20) feet in maturity.

(H) "**Weeds**" shall mean grass, weeds, brush and growth, excluding trees, ornamental shrubbery, plants, flowers, garden vegetables properly tended, cultivated crops or woodland not otherwise in violation.

#### Section 1403 Responsible Persons

All owners of property (as defined in Section 1) are responsible for complying with the requirements of this Chapter.

#### Section 1404 Maintenance Requirements

All improved and unimproved property shall be maintained in a clean, safe, secure and sanitary condition and in conformance with this Chapter so as not to create a public nuisance or adversely affect the public health, safety, or welfare.

#### Section 1405 Disposal of Garbage and Rubbish

All garbage, vegetable waste or other putrescible materials or rubbish shall be placed in approved containers provided with close fitting covers for the storage of such waste until removed from the premises for disposal.

Section 1406            Weeds

All property shall be kept free from weeds in excess of twelve (12) inches in height, except where prohibited by other applicable laws.

Section 1407            Insect and Rat Control

All owners of the property shall be responsible for the extermination of insects, rats, vermin or other pests in all areas of the property.

Section 1408            Public Areas

All sidewalks, steps, driveways, parking spaces, loading docks, service areas and similar paved areas for public use shall be kept in a proper state of repair and maintained free of hazardous conditions.

Section 1409            Exterior Surfaces. Walls and Foundations of Structures

Every exterior surface, wall and foundation shall be free of holes, breaks, loose or rotting boards, timbers or other materials in any conditions which admit rain or dampness to the interior portions of the walls. All exterior surface materials, including wood, composition, cinder block or metal siding shall be maintained in a weatherproof condition, properly surface coated and free of graffiti.

Section 1410            Roofs and Drainage

Roofs and drainage systems shall be structurally sound and tight and without defects which might admit rain or cause dampness or deterioration in the interior portion of the building. Roof water shall not be discharged in a manner which creates a private or public nuisance or violates ordinances relating to storm water management.

Section 1411            Decorative Features

All cornices and entablature, belt courses, core belts, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

Section 1412            Signs, Marquees and Awnings

(A) Canopies, marquees, signs, metal awnings, stairways, fire escapes, stand pipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and properly anchored so as to be kept in a safe and of sound condition. They shall be protected against the elements, decay and rust by the periodic application of a weather resistant material, such as paint or other protective treatment.

(B) Any structure, post or foundation which was constructed, erected or maintained for the purpose of supporting or displaying, or which was used for support or display of any on-site sign, but which has not been used for such support or display for a period of ninety (90) consecutive days is prohibited and must be removed.

Section 1413                      Notice of Violation

(A) Whenever the Town Manager or his/her designee shall determine that a provision of this Chapter has been violated he/she shall serve notice of the violation upon the owner or other responsible party by sending a copy of the notice by mail to the last known address or, if the notice is returned showing that it has not been delivered to the last known address, by posting a copy in a conspicuous place in or about the subject property in violation.

(B) The notice shall be in writing, shall include a description of the property sufficient for identification, shall specify the violation that exists and the remedial action required and shall allow a reasonable time for the performance of any act it requires.

Section 1414                      Appeals

A responsible party may appeal a notice of violation or decision of the Town Manager or his/her designee with respect to any provision of this Chapter by filing an appeal with the Mayor and Town Council within thirty (30) calendar days or within the period required for compliance, whichever is shorter. The appeal shall state in detail the reasons for the appeal. The decision of the Mayor and Town Council shall be given in writing within sixty (60) days after the hearing is concluded. Failure to render the decision within the time period allowed shall affirm the decision of the Town Manager or his/her designee.

Any party aggrieved by the decision of the Mayor and Council with respect to this Chapter may appeal such decision to the Circuit Court for Prince George's County, Maryland pursuant to the rules governing appeals from administrative agencies. All appeals shall be on the record.

Section 1415                      Enforcement and Penalty

(A) Violations of this Chapter are declared to be municipal infractions. The penalty for violation shall be as set forth in Chapter 28, Section 2802 "Penalties" of the Town Code. In the event that an owner does not comply with a notice of violation within the time period provided (including any period allowed by appeal) and upon verification by the Town Manager or his/her designee that the violation still exists, he/she may issue upon the responsible party a municipal infraction.

(B) Each day the violation continues is deemed a separate offense and is subject to an additional citation.

(C) In addition to the remedies provided herein, the Town may institute an injunction, mandamus or other appropriate action or proceeding to enforce the provisions of this Chapter

(D) A tax lien shall be created on real property for monies expended by the Town for the abatement of violation of this Chapter where the responsible party refuses or fails to comply with the lawful order of the Town Manager or his/her designee after due notice thereof in issuance of an order by a court of competent jurisdiction. Upon certification that a tax lien has been created, the amount of such lien shall be collected by the Town in the same manner as other real estate taxes.