

subsections, sentences, clauses, phrases, or portions would be declared invalid or unconstitutional.

CHAPTER 74

PROPERTY MAINTENANCE

Section 7401.	Accumulation of Trash and Tall Yard Growth Prohibited.
Section 7402.	Lot Maintenance.
Section 7403.	Storage of Inoperable Vehicles.
Section 7404.	Driveways.
Section 7405.	Yard Sales.
Section 7406.	Storage Bins, Dumpsters, Permits.
Section 7407.	Fences & Walls.
Section 7408.	Notice of Foreclosure on Residential Property.
Section 7409.	Violations, Penalties & Procedures.

Section 7401 Accumulation of Trash and Tall Yard Growth Prohibited: Notice to
Remove: Removal by Town

(A) Any trash, waste materials, garbage, offensive and dirty materials or weeds, grass, briars and brush more than eight (8) inches tall, and vines which have been or which may hereafter be allowed to accumulate or grow on any private property or building adjoining any of the streets, alleys or lanes and within two hundred (200) feet thereof in the Town, as well as the trees, hedges or other shrubbery that obstructs clear unbroken view of on-coming traffic by drivers of motor vehicles or near intersections, thus creating a traffic hazard, are hereby declared to be a public nuisance.

(B) Any owner or owners, tenant or tenants or persons in possession of any real property where such public nuisance exists shall be issued a written notice to abate such public nuisance with ten (10) days, inclusive of Sundays and holidays.

(C) Any owner or owners, tenant or tenants or persons on possession of any real property who fails to abate or otherwise correct such public nuisance within the said ten day period, or commits a repeat violation within twelve (12) months of the date of issuance of a written notice, shall be issued a municipal infraction in accordance with Chapter 28, "Fees and Penalties," Section 2802 "Penalties," of this Code unless cause to the contrary shall be shown by filing objections, in writing, with the Town Administrator on or before the expiration date of said written notice. Each successive ten (10) day period the violation goes uncorrected shall constitute a separate offense.

(D) If such written objections are filed, it shall be the duty of such persons to appear at the next regular meeting of the Mayor and Town Council at which time a public hearing shall be afforded such person. Such Notice of said meeting shall be given by placing the same in the

United States Mail, addressed to the last known address of such person or persons and with sufficient postage prepaid.

(E) If such public nuisance is not removed or corrected within the time specified in such notice and either no written objections have been filed or if such written objections are filed and overruled by the Town Manager after an informal hearing with the objector, then the Town Administrator shall cause the public nuisance to be removed or corrected, and the Town Administrator shall place a charge against the proper person, persons or real property for such cost and proceed to collect the same entering the same on tax records as a tax upon such real property or by suit if deemed necessary, or both.

(O-01-02)

(Adopted and passed March 16, 1998)

Section 7402 Lot Maintenance

(A) Snow or Clearing

It shall be the duty of every owner or occupant of any property within the Town of Landover Hills to remove and clear away any accumulation of ice, sleet or snow impeding safe pedestrian traffic from the portion of the public sidewalk areas in the public rights-of-way which is on or abuts the parcel of land within forty-eight (48) hours after snow, sleet or ice ceases, so long as such accumulation can be reasonably removed by an individual.

(B) Nuisances

It shall be unlawful for any owner or occupant of any property to allow or let any public sidewalk in front of or beside his/her property or any property on or near any public right-of-way which is on or about the property to become unsightly from any form or substance that might be construed to be detrimental to the health, safety and welfare including unmowed grass and weeds, or that might be an impediment to the safe passage of any pedestrian or vehicle.

(C) Dead and Dying Trees

It shall be unlawful for any property owner or occupant to allow any dead or dying trees or tree limbs, which by reason of rotting or deteriorating condition or storm damage constitute a hazard to persons or to property in the vicinity thereof, on any property adjoining any of the streets, alleys or lanes and within two hundred (200) feet thereof, or to be moved or displaced onto adjoining public or private property. The owner or occupant shall keep adjacent city streets, sidewalks and rights-of-way clear of all such obstructions.

(D) Dumpsters & Storage

No dumpster or other receptacle for the storage or transport of construction or other debris, or for the storage of household or other items, shall be installed or placed on any streets, alleys, rights-of-way or other public property, including sidewalks or driveway aprons, without a permit issued by the town. The permit shall expire no later than thirty (30) days after issuance and shall be subject to such further conditions as the Town Manager may reasonably require for the public good.

(E) Address

It shall be the duty of the owners of all structures located within the Town of Landover Hills that have been officially assigned an address number by the Maryland-National Capital Park and Planning Commission to display the address in Arabic numerals so as to be legible from the assigned street. The numbers shall be no less than three (3) inches in height and affixed to a background of contrasting color. However, any new or replaced address numbers shall be four (4) inches in height. It shall be the duty of the owner of the premises to assure that all shrubs and bushes are trimmed so as not to obstruct the visibility of the address numerals from the assigned street. The use of script wording alone will not satisfy the requirements of this subsection.

(F) Use of Household or Commercial Items

It shall be unlawful for any property owner, renter, lessee or occupant to locate or store furniture or any appliance which is not designed for outdoor use, or any household or commercial items, in any outdoor area (including porches and carports) or in the yard of any residential property. "Designed for outdoor use" shall mean furniture or objects constructed of a material such as treated wood, treated fabric, plastic, metal, aluminum, vinyl or other material specifically designed to be resistant to the deteriorating effects of exposure to the elements. Items designed for outdoor use does not include furniture such as couches, sofas and chairs intended, as made evident by their construction, for indoor use.

(O-02-2014)

(G) Fire Hydrants

No trash, debris, yard waste or snow shall be allowed to accumulate in the public rights-of-way, and particularly in or around any fire hydrant abutting the owner's property.

(H) It shall be unlawful to place outside to dry, or allow to dry outdoors more than two (2) items of laundry (including but not limited to clothes, towels, household goods) except on a properly installed clothes line or apparatus designed to dry laundry so long as the clothes line or apparatus is not in the front yard (as defined in section 7407 of this Chapter) of any property in the Town and is installed in a safe and workmanlike manner.

Section 7403 Storage of Inoperable Vehicles

It shall be unlawful for any person to park or allow to be parked, or to store or allow to be stored any vehicles of any kind and description which is inoperable, dismantled, wrecked or not bearing current license plates upon residentially-zoned property or any other property not zone D for such storage within the corporate limits of the Town of Landover Hills for a period of time longer than forty-eight (48) hours after such vehicles became inoperative, dismantled, wrecked, or without current license plates, unless said vehicle is stored in an enclosed garage.

Section 7404 Driveways

(A) "Residential Driveway" is defined as that portion of a residential property upon which motor vehicles, boats, trailers designed to carry automobiles or boats, motor homes or camping trailers are parked or stored.

(1) A residential driveway shall be constructed of asphalt, brick, block, concrete, gravel, crushed stone, or structurally sound porous material. Regardless of the material utilized, the outline and depth of the parking or storage area shall be well-defined by said material. Any gravel or crushed stone shall be contained to prevent it from spreading and regular efforts shall be made to return gravel or crushed stone that has spread onto the sidewalk or into the roadway to its driveway of origin. It shall not be necessary to provide a full platform of the surface material under the parked vehicle so long as the wheels or contact points of the vehicle rest on runners or other surface made of said material. The material used and the area beneath the vehicle shall be kept free from weeds in excess of twelve (12) inches in height, except as may be provided otherwise by applicable law.

(2) The residential driveway must be continuous from where it meets the residential driveway apron to the location in which the vehicle is parked.

(3) Any vehicle entering any off-street parking area must do so in accordance with section 9802.1(B) of this Code.

(B) Within the corporate limits of the Town of Landover Hills, no person or corporation may construct any driveway, sidewalk, ramp, steps, or other thing upon any street, alley, right-of-way or other public property without such work being performed by a contractor licensed by the State of Maryland and/or Prince George's County as appropriate and in compliance with existing Town standards. Any such construction shall require a Town permit as outlined in Chapter 90 of this Code. A variance from the Town's standards may be granted by the Town Manager upon a showing by the applicant that strict adherence to the standards is not practical or necessary.

(C) A residential driveway apron may not be constructed within, or partially within, any intersection curb returns. The residential driveway apron shall not be less than ten (10) feet and shall not be wider than twenty (20) feet.

(D) A written warning shall be issued to any property owner who violates this section, which warning shall direct that the violation be corrected within ten (10) days of the date of the warning. If the violation is not corrected within that period, a municipal infraction citation shall be issued to the property owner. In the event of any subsequent violation by the property owner during the same calendar year, the Town shall issue a municipal infraction citation without any preceding written warning.

(E) Each successive ten (10) day period the violation goes uncorrected shall constitute a separate offense. The penalty for violation shall be as set forth in Section 2802, "Penalties," of Chapter 28, "Fees and Penalties," of this Code.

(Adopted Sept. 18 2017)

Section 7405 Yard Sales

Yard sales shall last no longer than eight (8) hours and shall require a permit issued by the Town. The permit shall include permission to place no more than ten (10) signs (each no larger than five (5) square feet) on public property (not utility poles) in Town twenty-four (24) hours before the yard sale. Said signs shall be removed within twenty-four (24) hours after the date of the yard sale. Permit fees and penalties shall be as set forth in sections 2801 and 2802 of Chapter 28 of this Code. No more than four (4) yard sale signs per address will be issued in any calendar year.

Section 7406 Storage Bins, Dumpsters, Permits [Amended by O-07-02 2-20-2007]

(A) Storage bin shall include dumpsters or any receptacle, container or bin larger than three feet six inches (3'6") in outside length, width or height, and is designed to hold or store material or trash and is not permanently affixed to the land.

(B) A large storage bin is a storage bin larger than six feet (6') in outside length, width or height.

(C) Front yard – the area between the street and either (1) the building restriction line or (2) a line drawn parallel across the front of the house or main building on the lot and running the full length of the lot and of any unimproved adjacent lots, whichever line defines a larger area.

(D) No storage bin, whether or not it is a large storage bin, may be located in the front yard for longer than fifteen (15) days without a permit. However a storage bin not qualifying as a vehicle under the Maryland Annotated Code may not ever be placed in the public right-of-way.

(E) No large storage bin may be located in the side yard or rear yard on any lot zoned for residential use for longer than fifteen (15) days in any calendar year without a permit.

(F) One permit per calendar year per lot for one storage bin not in compliance with this Chapter may be obtained from the Town Manager for no more than thirty (30) days on a public right- of-way or street and no more than ninety (90) days on private property provided the applicant demonstrates that the storage bin (1) does not adversely impact public health, safety and welfare, (2) is necessary to accomplish a lawful purpose and (3) complies with all applicable State, County and Town legal requirements. The Town Manager may set such other conditions on the permit as circumstances require for the common good, including the condition that the applicant have all required state, county and town building permits.

(G) The Town Manager may renew the permit for an additional number of days if the applicant can demonstrate the above conditions for issuance of a permit and upon a further finding that significant work has been done during the previous permit period or significant need still exists.

(H) The fees for permits are outlined in 2801 of this Code and the penalties for violation of this Section are outlined in 2802 of this Code.

Section 7407 Fences & Walls

(A) DEFINITIONS.

(1) FENCE. Any structure, barrier, partition or hedge having the effect of or erected or placed for the purpose of enclosing a piece of land, dividing a piece of land into distinct portions, separating two (2) contiguous estates, or stopping and/or creating an obstacle to pedestrian crossings; and consisting of a section or sections of any type of plants, fencing material, chain, railing, arbor, trellis, blocks, bricks, stones, wood, iron wire, plastics, concrete or any other building or construction material; provided, however, that a structure or hedge which is solely for decorative purposes shall not constitute a fence, as long as such structure or hedge does not exceed three (3) feet in height, and further provided that such structure or hedge on any lot does not, in total, consist of more than four (4) eight (8) foot long sections, with no more than two (2) such sections being connected or located within twelve (12) feet of each other. The length of the materials shall be measured at their longest point. Such decorative structures shall be landscaped along their total length with bushes, shrubs, plants or flowers.

(2) FRONT YARD All that area between a paved street and the building restriction line or (in the event the building is in front of the building restriction line) a line drawn parallel to the street across the front of the house or the main building on the lot in question and running the full width of that lot and any adjacent lot, if this adjacent lot is unimproved. A lot can have only one front yard.

(3) REAR YARD All that area between the back property line and a line drawn across the rear of the house or main building of the lot in question and running the width of the lot. A lot can have only one rear yard.

(4) SIDE YARD All the area which is not considered front yard or rear yard, ordinarily between the front and rear yard.

(5) BUILDING RESTRICTION LINE The building setback requirement established by the Prince George=s County Zoning Ordinance which establishes the closest point to a street that a building may be constructed in the zone in question.

(6) HEIGHT The distance between the finished grade of ground on the lower side and the top of the fence and/or retaining wall. If more than one fence or retaining wall is in the front yard, (e.g. terracing) height shall be measured by adding the height of each part of the fence or wall.

(7) RETAINING WALL OR WALL A barrier built to retain or support the lateral pressure of earth or water or other superimposed loads.

(B) PURPOSE. It is the intent and purpose of this section to protect the public health, safety and general welfare of the Town and its residents by generally regulating the placement of fences on property. Such regulation shall, among other things: permit the rapid, free and unobstructed access to buildings by emergency vehicles, personnel and equipment; allow for the unobstructed establishment, maintenance and creation of public rights-of-way along the streets and sidewalks in the Town; prevent the obstruction or reduction, by man-made structures, of visibility at corners, driveways and intersections for drivers and pedestrians; add to the attractiveness and comfort of the residential district; create a better home environment in the Town; preserve an area which is generally regarded by the public as pleasing to the eye; and preserve, improve and protect the general character of lands within the Town and the improvements thereon.

(C) GENERAL REGULATIONS.

The following regulations apply on all lots in the Town:

(1) FRONT YARDS.

(a) Except as hereinafter provided, fences over three and one half (3 2) feet in height are prohibited in the front yard.

(b) Retaining walls constructed in the front yard extending along the street for more than four (4) feet shall not be more than one (1) foot above the higher side grade of any lot.

(c) The height of any fence and retaining wall (measured together) in a front yard shall be no more than five (5) feet total.

(d) A front yard fence (except a hedge or fence made primarily from growing plant) shall be thirty-five percent (35%) open (visible through), when viewed perpendicular to the fence except when the fence is within fifteen feet (15=) of a paved street or alley or driveway in which case it must be fifty percent (50%) visible through when viewed perpendicular to the fence.

(e) Any hedge or shrubbery must be trimmed so that it does not impede the progress or the visibility of motor vehicles and passersby.

(2) SIDE YARD FENCES. Except as otherwise provided herein, a fence may be located in any part of the side yard of a lot.

(3) REAR YARD FENCES. Except as otherwise provided herein, fences are allowed in the rear yard. Fences in rear yards where the rear lot line is a continuation of the front yard line of the adjacent lot shall be set back 15 feet from the property line.

(4) No fence shall exceed six (6) feet in height.

(5) Regardless of the above regulations, at the intersection of all streets, alleys and driveways, no fence over three and one-half (3 1/2) feet shall be either within fifteen (15) feet of the paved street or alley or in front of the building restrictions line, whichever distance from the street, etc. is greater.

(6) Front yard fencing may not be chain link. On all commercial or multifamily residential property, the finished face of retaining walls and fences shall be limited to the following materials: brick, stone, stucco, iron and aluminum.

(7) All fences or retaining walls legally existing on January 30, 2008 which do not comply with the restrictions herein above shall be deemed legal non-conforming uses. However, a hedge that qualifies as a fence shall not be a legal non-conforming use unless the life of the entire hedge is threatened by conforming to this Code. A replacement fence or wall except as provided below in #8 below shall conform to the requirements of this Chapter. A replacement means fifty percent (50%) or more of the fence or wall being replaced within one (1) calendar year.

(8) A fence or retaining wall deemed to be a legal non-conforming use under this subsection which has been removed or destroyed through no fault of, and due to circumstances beyond the control of the owner, (except for natural aging) may be replaced or repaired in a manner substantially identical in all material respects to the fence so removed or destroyed provided it is repaired or replaced within 180 days from the date of the removal or damage. If any portion of a fence or wall is replaced with a fence or wall using a different material or style for such fence or wall or varying the height or length of such fence or wall, the owner or his agent must apply for an exception. Nothing contained in this subsection shall be construed to prohibit the maintenance and repair of a non-conforming fence or wall as long as the fence or wall is not changed in character and repairs are made with materials substantially the same as the materials requiring maintenance or repair.

(9) All fences and retaining walls placed or completed after January 30, 2008 shall conform to the requirements of this Chapter.

(10) No fence made in whole or in part of barbed wire or chicken wire shall be erected or constructed along or adjacent to any street, avenue, road, alley, public walk, nor immediately adjacent to an adjoining lot or property line.

(11) No fence or retaining wall, the design or construction of which would be detrimental to the public welfare, health, safety or comfort of the citizens of the Town will be permitted to be erected.

(12) Any protective railings, fences, retaining walls or barriers, which do not conform to the provisions of this Code due to either the location, dimensions, materials or open percentage, will be required to receive an exception.

(13) No gate swinging outward onto any public road, sidewalk, or public passageway within the Town may obstruct such public passageway.

(14) No person shall allow or cause to be built or placed any retaining wall or fence, or combination thereof, that does not meet all design and construction specifications of the Prince George=s County Building Code and any Town Ordinance .

(15) Retaining walls shall be designed to resist the pressure of the retained material, including both dead and live load surcharges, to which they may be subjected, and to ensure stability against overturning, sliding, excessive foundation pressure and water uplift.

(16) All fences and retaining walls must be maintained in a structurally safe and sound manner and in good repair.

(17) No fences or retaining wall may be erected or put in place or repaired for more than 25% of its surface without first obtaining a permit from the Town. The Town will issue a permit unless the proposed action does not conform to this Code and no exception therefore has been granted. The application for a permit shall contain all information relevant and necessary to determine whether the particular permit may be issued, including but not limited to:

- (a) The applicant's full name, current address, telephone number and proof of identity;
- (b) A brief description and/or picture of the nature, material and height of the fence or wall;
- (c) The specific location proposed of the fence or wall including whether it is a front yard fence.

(D) EXCEPTIONS

The Mayor and Council may grant an exception to the above general regulations as provided herein.

(1) PROCEDURES.

(a) APPLICATION. All requests for an exception shall be made by application filed with the Town. The Town shall make available an application form which shall require an accurate description of the subject property, the exception being requested, the basis of the request, and the addresses of adjacent property owners.

(b) In addition to the application, the applicant shall submit the following:

(i) One (1) copy of a site plan, survey or other graphic illustration satisfactory to the Town which accurately depicts the location of all relevant features of the property, including but not limited to structures, property lines, setback lines and all other features that, when viewed together, result in the need for the requested exception. The site plan, survey or other graphic illustration must also depict the measurements of and between these features and the location, size and scope of the requested exception; and

(ii) One (1) copy of a written explanation by the applicant describing how the proposed use meets the relevant standards prescribed in subsection D (4) below. The applicant must also verify that he/she has given written notice of the application and a summary of the exception requested to the immediately adjacent property owners (including those properties across a street, alley or stream).

(iii) A copy of any permit issued by the County or any other governmental agency as applicable.

(2) NOTICE OF HEARING. Notice of any hearing shall be sent via mail, postmarked not less than seven (7) days prior to the date of the hearing to the applicant. Additionally, notice of the hearing shall be sent via mail to the owners of abutting property (including those properties directly across a street, alley, or stream). The notice shall contain:

- (a) The date, time and place of the hearing; and
- (b) A brief statement describing the specific nature of the exception requested.

(3) PUBLIC HEARING. Before making its decision on any application for exception, the Mayor and Council may hold a public hearing on the matter. Any hearing shall be open to the public and records and minutes shall be maintained at all such hearings. The Mayor and Council shall issue a written decision either granting, granting with modifications or conditions or denying the exception application within thirty (30) days from the closing of the record of the hearing or as soon thereafter as may be reasonably possible. The Mayor and Council shall provide a copy of its written decision to the persons of record.

(4) STANDARD OF REVIEW. An exception may only be granted by the Mayor and Council when:

(a) The granting of the exception will not substantially impair the intent, purposes or integrity of the policies of the Town, will not conflict with county law, and will not adversely affect the health, safety, welfare or peace of the general public or nearby land owners; and either

(b) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions or other extraordinary situations or conditions; or

(c) The strict application of the general regulations herein will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property.

(5) NO REFILING. If the Mayor and Council deny an application for exception, no further application concerning the same specific request on the same property may be filed for a period of one year from the date of the decision.

(6) OTHER LAWS. Nothing in this section shall be construed to relieve the applicant of any other duties, obligations, restrictions or requirements, including but not limited to permit requirements, of other sections of the Town Code, the Prince George=s County Code, or any other relevant laws, rules, ordinances or regulations.

Section 7408 Notice of Foreclosure on Residential Property

(A) DEFINITIONS. As used in this section, the following terms shall have the meaning provided:

PERSON AUTHORIZED TO MAKE THE SALE means a person designated pursuant to the Maryland Rules to sell residential property subject to foreclosure.

RESIDENTIAL PROPERTY means real property improved by four (4) or fewer single family dwelling units.

NOTICE OF FILING. Within five (5) calendar days after the filing of an order to docket, or a complaint to foreclose, a mortgage or deed of trust on a residential property located in the Town of Landover Hills, the person authorized to make the sale shall give written notice of the filing to the Town. Said notice shall be directed to the Town Manager and shall include:

(1) The street address of the residential property subject to the foreclosure action;

(2) The names and addresses, if known, of all owners of the residential property subject to the foreclosure action;

(3) The name, address and telephone number of the person authorized to sell the property on behalf of the lender;

(4) The name, address and telephone number of the person responsible for maintenance and security of the property on behalf of the lender.

(O-03-2013)

Section 7409 Violations, Penalties and Procedures

(A) Unless otherwise indicated, violation of any provision of this Chapter is hereby declared to be a municipal infraction and the penalty will be fifty dollars (\$50.00) for each day that the violation exists. However, the penalty for violation of:

(1) Section 7402(A) shall be a municipal infraction with a penalty of two hundred dollars (\$200.00) and each repeat offense shall have a fine of three hundred dollars (\$300.00).

(2) SECTION 7403 shall be a municipal infraction with a penalty of two hundred dollars (\$200.00) and each repeat offense having a fine of four hundred dollars (\$400.00).

(3) SECTION 7404 – DRIVEWAYS – shall be a written warning for the first offense and a fifty dollar (\$50.00) fine thereafter.

(4) SECTION 7406 – STORAGE BINS – shall be a municipal infraction with a two hundred dollar (\$200.00) fine, with each repeat offense having a fine of five hundred dollars (\$500.00).

(5) SECTION 7407 – FENCES AND WALLS – shall be a municipal infraction with a two hundred fifty dollar (\$250.00) fine, with each repeat offense having a fine of five hundred dollars (\$500.00), except that the violation of section subsection d of this section – Stop Orders – shall be a misdemeanor with a maximum fine of one thousand dollars (\$1,000.00) and ten (10) days in jail as provided therein.

(B) PUBLIC NUISANCES:

(1) Any owner or owners, tenant or tenants or persons in possession of any real property where a public nuisance or serious violations of this Chapter exists shall be issued a written notice to abate such public nuisance within ten (10) days, inclusive of Sundays and holidays.

(2) Any owner or owners, tenant or tenants or persons on possession of any real property who fails to abate or otherwise correct such public nuisance within the said ten (10) day period shall be issued a municipal infraction unless cause to the contrary shall be shown by filing objections, in writing, with the Town Manager on or before the expiration date of said written notice. The Town may issue a citation to a violator without such prior notice if any repeat

violation occurs within twelve (12) months of the date of issuance of a written notice under this Chapter.

(3) If such written objections are filed, it shall be the duty of such persons to appear before the Town Manager at which time a hearing shall be afforded such person. Such notice of said meeting shall be given by placing the same in the United States mail, addressed to the last known address of such person or persons and with sufficient postage prepaid.

(4) If such public nuisance is not removed or corrected within the time specified in such notice and either no written objections have been filed or if such written objections are filed and overruled by the Town Manager after an informal hearing with the objector, then the Town Manager may cause the public nuisance to be removed or corrected, and the Town Manager shall place a charge against the proper person, persons or real property for all costs, expenses and/or fees including an administrative fee not to exceed two hundred dollars (\$200.00) for such maintenance, removal, disposal and services and proceed to collect the same entering the same on tax records as a tax upon such real property or by suit if deemed necessary, or both.

(5) In addition to the above procedures and penalties, the town shall have the right to institute injunction, mandamus or other appropriate civil relief or proceeding to remedy any nuisance or serious violation.

(C) Enforcement Procedure for Abatement of Violation; Penalty.

(1) Upon complaint or observation that a condition exists in violation of this Chapter, the Town shall notify the property owner in writing, either by posting said property or by regular U.S. mail, of the existence of the violation. The Town may issue a citation to a violator without such notice if any repeat violation occurs within twelve (12) months of the date of issuance of a written notice under this Chapter.

(2) If the property owner fails to abate the violation within fifteen (15) days, or the time period listed in the notice, after the notice has been either posted on the property or sent by regular U.S. mail by the Town, it shall constitute a municipal infraction and a citation shall be issued to the property owner in accordance with this Code.

(3) Where a municipal infraction citation has been issued for a violation of this Chapter, each ten (10) day period following the issuance of said citation during which the violation(s) continues unabated or recurs shall constitute a separate violation for which additional citations may be issued and additional fines incurred.

(4) In addition to the penalties prescribed above, the Town shall have the right to institute injunction, mandamus or any other appropriate civil action or proceeding to prevent violations of this Chapter.

(D) STOP ORDERS.

(a) Whenever any work is being done without a permit, when such is required by this Code, or in violation of the provisions of this Chapter or in exception with the term of any permit issued for such work, the Town Manager or his or her designee may order all or part of the work on the job stopped until such violation or exception is eliminated and the

work or installation made in violation of this subtitle is corrected. Such stop order, if oral, shall be followed by a written stop order within twenty-four (24) hours (excluding Saturday, Sunday or holidays).

(b) It shall be a misdemeanor punishable by a maximum of 10 days imprisonment and \$1,000.00 fine to do or perform any work in violation of such stop order, except as may be necessary to prevent injury or damage to persons or property or to correct the violation.

(c) The stop order shall contain, or be accompanied by, a written notice indicating that there is a right to a hearing within a reasonable time before the Town Manager or his or her designee. Such request for a hearing may be filed in writing or in person at the Town office. The owner or permittee affected by such stop order shall be entitled to such hearing as quickly as feasible, but at least within twenty-four (24) hours of receipt of such request for hearing by the Town Manager. The Town Manager, or a designated impartial member of his or her staff who has or is delegated authority to act, shall afford the owner or permittee a fair hearing with an opportunity to present evidence or testimony that is relevant to the stop order. The owner or permittee shall be afforded reasonable notice of the time and place of the hearing at the time of the request in person, or by telephone or other appropriate means if the request is forwarded in writing.