

**Chapter 48**

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## **Chapter 48**

### **Littering and Nuisances**

#### § 48-1. Littering.

A. It shall be unlawful for any person to dump, deposit, throw, place or leave, or to cause or permit to be dumped, deposited, thrown, placed or left any litter, junk, unclean water or other liquid, on the pavement, or upon any street, alley, lane, highway, or public right-of-way, or in or upon any park, parking area, recreational area, or other public property.

B. It shall be unlawful for any person to throw, dump, deposit, place or leave or cause to be thrown, dumped, deposited, placed or left any litter or junk upon the land or property of another.

C. As used in this Chapter, the term “litter” shall mean all rubbish, waste matter, refuse, garbage, trash, debris, dead animals or other discarded materials of every kind and description.

#### § 48-2. Trash Burning.

A. It shall be unlawful for any person to burn any rubbish, paper, trash, leaves, yard waste, or any other material outdoors, except in accordance with the provisions of the Code of Maryland Regulations, Title 26 “Department of the Environment,” Subtitle 11 “Air Quality,” Chapter 07 “Open Fires” and this Section.

B. In addition to any other permit that may be required, any person who desires to maintain an open fire in the Town of Church Hill shall first obtain a permit therefor from the Town. The permit shall be approved by the Town Fire Official, who shall be appointed by the Town Commissioners.

C. Prior to issuing a permit, the Fire Official shall be satisfied that:

- (1) There is no practical alternative method to dispose of the material to be burned;
- (2) A hazardous condition or air pollution or nuisance will not be created;
- (3) All applicable fire control laws or regulations of other governmental agencies will not be violated;
- (4) Materials which produce dense smoke when burned, including, but not limited to, tires and roofing material will not be burned;
- (5) Material to be burned shall have originated on the premises on which it is to be burned; and
- (6) A permit is obtained from Queen Anne’s County Environmental Health Department.

D. Permitted burning shall be between the hours of 4:00 p.m. and 10:00 p.m., except for fire department directed burning operations.

E. The Town Fire Official may impose other conditions to minimize creation of smoke, to prevent nuisances and air pollution and to protect the health, safety, comfort and property of any persons.

F. Definition: as used herein, the term “Open Fire” shall mean a fire where any material is burned in the open or in a receptacle other than a furnace, incinerator or other equipment connected to a stack or chimney.

§ 48-3. Refrigerators and Other Lockable Devices--Prohibited.

It shall be unlawful for any person to leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his or its control, in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or other container which has an air-tight door or lid, snaplock or other locking device which may not be released from the inside, without first removing such door or lid, snaplock or other locking device.

§ 48-4. Public Nuisances Defined.

A. Any act, object or practice that is dangerous to life or health, any act, object or practice that renders air, food, water and drink unwholesome or unfit for the use of man; odors or exhalations that are offensive to the inhabitants or dangerous to the public health; any accumulations of animal or vegetable matter, solid or liquid, which are dangerous or harmful to the neighborhood, or are likely to become so, are declared to be nuisances within the scope and meaning of this Chapter.

B. Height of vegetation. Without limiting the scope of Subsection A. hereof, any grass, weeds, briars or brush more than twelve (12) inches tall on any property in the Town is declared to be a public nuisance. This subsection shall not apply to trees, cultivated crops, cultivated ornamental shrubbery or plants, lots or parcels devoted to bona fide agricultural use, wetlands, forest, or areas required to be maintained in a natural vegetative state by any governmental agency.

C. Without limiting the scope of Subsection A hereof, any trash, waste material, garbage, offensive or dirty material, which may be allowed to accumulate on any property in the Town, is declared to be a public nuisance.

§ 48-5. Removal.

A. A person may not permit a public nuisance as defined in Section 48-4 of this Chapter to exist on any property.

B. It shall be the duty of the Town Administrator or his designee to notify the owner, tenant, or person in possession of any property where a public nuisance exists to remove such public nuisance within ten (10) days, inclusive of Sundays and holidays, after the date of such notice.

C. The notice required by Subsection B. of this Section shall be mailed by United States Postal Service, First Class, postage prepaid, to the address of the property owner as set forth in the tax records of Queen Anne's County and shall include a statement of the nature of the public nuisance condition, a statement that such nuisance must be removed, corrected or abated within ten (10) days, a statement that if such nuisance is not removed, corrected or abated within ten (10) days the Town will remove the nuisance in accordance with Subsection D below and charge the costs thereof to said person, a statement that the condition constitutes a Municipal Infraction

for which a citation will be issued by the Town if the condition is not removed, corrected or abated within the given time period, the amount of the fine for such infraction, and a statement that no further notice will be given prior to the issuance of a Municipal Infraction citation for the same infraction or any repeat infraction on the same property in the same calendar year.

D. If a public nuisance is not removed within the time specified in the notice required by Subsection B of this Section, the Town Administrator shall cause the public nuisance to be removed, incurring such expense as is reasonable and necessary in the removal. The costs of the removal plus an administrative fee of \$50 shall be assessed against the property and shall constitute a lien collectable in the same manner as real property taxes. The Town Administrator may also file a suit at law to collect the costs of removal.

E. In addition to the remedies set forth in Subsection D. Of this Section, the failure to remove a public nuisance within the time specified in the notice required by Subsection B. of this Section, and the creation or maintenance of a repeat infraction, shall constitute a Municipal Infraction.

§ 48-6. Penalty.

A violation of any provision of this Chapter shall be a Municipal Infraction, subject to a fine of One Hundred Dollars (\$100.00). Each day during which an infraction continues without correction after the issuance of a Municipal Infraction Citation has been issued shall constitute a separate offense.

*Originally adopted on November 15, 2010 as Ordinance No. 134-10. The date of any amendment will appear below the amended paragraph in brackets ( [ ] ).*