

CHAPTER 5

SECURITY AND PROTECTION

Article 1. Control and Containment of Hazardous Materials and Objects.Section 5-101. Diseased and Dangerous Animals

1. No vicious, dangerous, ferocious dog or dog sick with or liable to communicate hydrophobia or other contagious or infectious disease shall be permitted to run at large in the Town.

2. The members of the Police Department are authorized to kill any dangerous animal of any kind when it is necessary for the protection of any person or property.

Section 5-102. Penalties

Violation of the provisions of this article or failure to comply with any of its requirements shall constitute a municipal infraction. The fine for each violation shall be \$10.00 for each initial offense and \$50.00 for each repeat offense, as provided in Section 1-202 of the North East Town Code.

Article 2. Structures, Dwellings and Private Property

Section 5-201. Abatement of Dangerous or Unhealthy Conditions

Whenever any dwelling, building or other structure, or any excavation, business pursuit, matter, condition or object in or about a dwelling or structure or lot on which it is situated, or the plumbing, sewerage, drainage, light or ventilation thereof is found by the Board of Commissioners to be dangerous or detrimental to life or health or to constitute a nuisance, the Board of Commissioners may order that matter, condition, or object be removed, abated, suspended, altered or otherwise improved, as its order shall specify. A copy of such order shall be served on the owner of the premises to which the order related, or his agent, either personally or by registered or certified mail, and if neither the owner nor his authorized agent nor the address of such owner or agent can be ascertained upon reasonable search, then service may be had by posting a copy of such order conspicuously on the premises to which such order relates.

Section 5-202. Definition of Nuisance

For the purposes of this Ordinance, the term "nuisance" is defined to mean any condition or use of premises or of building exteriors which is detrimental to health and safety, including but not limited to the keeping or depositing on or the scattering over the premises of any of the following:

1. lumber, trash, junk or debris;
2. abandoned, discarded or unused objects or equipment such as furniture, appliances, tools, cans or containers;
3. any compost pile which is of such a nature as to spread or harbor disease, emit unpleasant odors or harmful gas, or attract rodents, vermin or other disease-carrying pests, animals or insects;
4. weeds, grass or plants other than trees, bushes, flowers, ornamental plants or plants growing in a tended garden to grow to a height exceeding ten (10) inches;
- 5a. any partially dismantled, wrecked, junked, discarded, abandoned, or otherwise non-operating motor vehicle or any motor vehicle which does not have current proper registration or license. For the purpose of this section, a motor vehicle shall mean car, truck, or motorcycle that is powered by a motor or engine. This section shall not apply when there is (1) one motor vehicle as defined above, located on the premises, that is in an enclosed building or covered with a car cover to prevent public view providing said motor vehicle is placed or parked on a designed private parking space or on a driveway as

defined by the North East Zoning Ordinance. Placing or parking the vehicle on front yard, side yard or rear yard as defined by the North East Zoning Ordinance shall be prohibited.

- 5b. any partially dismantled, wrecked, junked, discarded, abandoned, or otherwise non-operating recreational vehicle or any recreational vehicle which does not have current proper registration or license. For the purpose of this section, recreational vehicle shall mean boats, boats on trailers, jet skis, jet skis on trailers, motor homes, recreational vehicles, trailers (any type), travel trailers/travel campers (pulled by motor vehicle). This section shall not apply when there is (1) one recreational vehicle as defined above, located on the premises, that is in an enclosed building or covered with a recreational cover to prevent public view providing said recreational vehicle is placed or parked on a designed private parking space or on a driveway as defined by the North East Zoning Ordinance. Placing or parking the recreational vehicle on front yard, side yard or rear yard as defined by the North East Zoning Ordinance shall be prohibited.
- 5c. any partially dismantled, wrecked, junked, discarded, abandoned, or otherwise non-operating machinery or any machinery which does not have current proper registration or license. For the purpose of this section, machinery shall mean farm equipment, construction equipment, dismantled or non-operating lawn mowers and tractors. This section shall not apply when there is (1) one piece of machinery as defined above, located on the premises, that is in an enclosed building or covered with an approved cover to prevent public view providing said piece of machinery is placed or parked on a designed private parking space or on a driveway as defined by the North East Zoning Ordinance. Placing or parking the machinery on front yard, side yard or rear yard as defined by the North East Zoning Ordinance shall be prohibited.
6. inadequately protected swimming pool or ditch;
 7. unsanitary privy;
 8. foul pig pen;
 9. unkempt junkyard (commercial or private);
 10. contaminated or inadequately protected water supply;
 11. maintenance of such poor housekeeping within any building (commercial or residential) that the health of the owner, occupants, employees, or neighbors may be endangered;

12. spreading of any of the above conditions by streams, surface drainage, air currents, winged insects, birds, domestic animals, persons or by any other means.

Any cover other than that has been specified above shall not be sufficient to abate said above nuisances.

Amended 09/01/15 by Ordinance 2015-05-01

Section 5-203. Notification of Violation

If any such order of the Board of Commissioners issued under authority of this Article is not complied with within thirty (30) days after service thereof, or within such shorter time as the order may designate as being necessary under the circumstances, or pursuant to provisions of this Ordinance, then such order may be executed by the Board of Commissioners through its officers, agents, employees, or contractors and the expense incurred incident to the execution of such order shall be paid by the owner or such property, and until so paid shall be a lien upon the realty to which the order relates and recoverable as other liens on realty in the Town, or the Board of Commissioners may order that the premises be vacated, provided that when, in the opinion of the Board of Commissioners, such matter, condition or object is a nuisance which constitutes a menace to health, the Board shall proceed forthwith to cause such nuisance to be abated. In no case shall a lien be attached to the property unless an order, as hereinbefore provided, has been issued and served.

Section 5-204. Failure to Respond

Before proceeding to execute such order of the Board of Commissioners under authority of the Article, the Board shall post conspicuously on the premises involved a copy of such order, with a statement added thereto to the effect that since such order was not complied with within the time mentioned therein, the Board of Commissioners will proceed to execute the order at the expiration of an additional fifteen days and charge the cost thereof to the owner or the premises. A copy of such notice shall be sent to the owner of the property, or his agent, if the names and addresses, on reasonable search, can be ascertained, and such notice shall be posted on such premises at least fifteen days before the Board of Commissioners proceeds to incur expenses, unless the condition is of such a character requiring immediate action, in which case the time of the notice shall be such as, in the judgment of the Board of Commissioners, is reasonable and proper. The Board shall deliver a copy of such expenses to the treasurer, who shall record or file it in a book or file open to public inspection.

Section 5-205. Lien

Charges for removal and/or abatement of a nuisance pursuant to this Code shall be a lien upon the real estate or the premises as fully and in the same fashion as failure to pay for water and/or town taxes as a lien. Whenever a bill for such charges remains unpaid for sixty (60) days after it has been rendered, the Town Clerk may file with the recorder of deeds in Cecil County a statement of lien claim. This statement shall contain a legal description of the premises, the expenses and costs incurred, date services rendered, and a notice that Town claims a lien for this amount. Notice of such lien claim shall be mailed to the owner of the premises, if his address is known. Provided, however, that failure of the Town Clerk to record such lien claim or to mail such notice or the failure of the owner to receive such notice, shall not affect the right to foreclose the lien for such charges as provided in the following section.

Section 5-206. Cooperation with County Officers

In addition to all other provisions of this Article when in the opinion of the Board of Commissioners the violation for which the order is issued is considered to be a nuisance as defined in Section 5-202, the State's Attorney for Cecil County may be notified of such conditions and violations on which such order was determined.

Section 5-207. Alternative Procedure: Injunction of Court Determination

In addition to the summary abatement procedures set forth herein and other powers granted to the Town of North East, the Board of Commissioners may seek abatement of any nuisance, or any other violation of the Ordinances of the Town of North East by applying to the Court or Courts of the State of Maryland for injunctive relief, for authorization to abate, or for any other appropriate remedy at law or equity.

Section 5-208. Alternative Procedure: Municipal Infraction

In addition to or in lieu of all other actions set forth in this Article, the Town hereby declares violation of this Article and the creation, maintenance or failure to abate a nuisance, a municipal infraction prosecutable in accordance with Section 1-202 of this Code of Ordinances, as amended from time to time.

Article 3. Snow and Ice Removal

Section 5-301. Responsibility for Removal.

1. All owners and persons in possession of any land or premises situated on any street, alley or highway within the limits of the town where sidewalks have been or may hereafter be laid shall remove the snow therefrom the entire length thereof for a width of at least three (3) feet and may deposit the same along the remaining portion of said sidewalks nearest the curb within ten (10) hours after it has ceased falling, unless the same shall have fallen between the hours of 5:00 p.m. and 7:00 a.m., in which case it shall be removed before 6:00 p.m. the same day.

2. However, in the event snow and ice on a sidewalk has become so hard that it cannot be removed without likelihood of damage to the sidewalk, the person in charge of its removal shall, within the time mentioned in Subsection A hereof, cause enough CaCl₂ or some comparable substance to be put on the sidewalk to make travel thereon reasonably safe, and then shall, as soon thereafter as weather permits, cause a path in said sidewalk of at least thirty-six (36) inches in width to be thoroughly cleaned.

Section 5-302. Deposition of Snow and Ice Restricted.

No person shall deposit or cause to be deposited any snow and ice on or against a fire hydrant or on any sidewalk, roadway or loading and unloading areas of a public transportation system, except that snow and ice may be windrowed on public roadways incident to the cleaning thereof.

Section 5-303. Violation and Penalties.

In the event of the failure of any person to clear away or treat with CaCl₂ or some comparable substance and subsequently clear away any snow and ice from any sidewalk as hereinbefore provided, or cause this to be done, such failure is hereby declared to be an infraction and subject to a fine of twenty-five dollars (\$25.00) for the first offense and fifty dollars (\$50.00) for each subsequent offense.

Section 5-304. Enforcement; Cost

1. Irrespective of other provisions of this Article for penalizing the failure of any person to clear away or treat with CaCl₂ or some comparable substance and subsequently clear away any snow and ice from any sidewalk as hereinbefore provided, or cause this to be done, in the event of any such failure of any such failure of any person, then the same may be done by a person employed to do so on behalf of the Town Commissioners by the Town Clerk or such other officer as may be hereafter designated to employ such person.

2. A statement of account for the actual or established minimum cost of cleaning and removing snow and ice by the town shall be presented to the Town Commissioners at any regular or special meeting, and, if approved, shall be placed in

the hands of the Town Clerk who shall immediately record the same among his records and enter therein the time and date of such recordation.

3. The amount of the cost of removal of snow and ice by the town shall be a debt of the owner of the abutting property and shall become due and payable when the statement thereof is placed in the hands of the Town Clerk. The Town Clerk shall proceed immediately to collect the same as municipal taxes are collected. Any such charge shall be a lien upon the abutting property as provided in the Charter.

4. The owner of the abutting property shall have the right to appeal from the order of the Town Commissioners approving the charge of removal by the town to the District Court of the county, all in accordance with the laws of the state.

5. There shall be a minimum cost for cleaning and removing snow and ice by the town of twenty-five cents (\$0.25) for each linear foot of sidewalk from which the snow and ice may be so cleaned and removed.