

Title 8

HEALTH AND SAFETY

Chapters:

- 8.04 Garbage Collection and Disposal**
- 8.08 Noise**
- 8.12 Health Nuisances**
- 8.16 Trees and Vegetation**
- 8.20 Weeds**

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Chapter 8.04

GARBAGE COLLECTION AND DISPOSAL

Sections:

Article I. General Provisions

- 8.04.010 Depositing trash and other rubbish on public or private property; placing or depositing eviction-related tenant personal property on public sidewalk, street or other public property; notice of eviction by rental property owner.**
- 8.04.020 Depositing building materials – Permit requirements.**
- 8.04.030 Litter blown from vehicles.**
- 8.04.040 Burning garbage, offal or other matter.**
- 8.04.050 Litter and rubbish on premises.**
- 8.04.060 Dumpsters.**
- 8.04.070 Violation – Penalty**

Article II. Town Waste Collection Service

- 8.04.080 Definitions.**
- 8.04.090 Authority to purchase equipment and remove waste.**
- 8.04.100 Time of collection and removal.**
- 8.04.110 Waste containers.**
- 8.04.120 Animal carcasses.**

Article I. General Provisions

- 8.04.10 Depositing trash and other rubbish on public or private property; placing or depositing eviction-related tenant personal property on the public sidewalk, street, or other public property; notice of eviction by rental property owner.**

A. It is unlawful for any person to throw, dump or deposit any trash, litter, junk, house refuse, rubbish, filth, offal, garbage, dead animals or parts thereof, decaying vegetable or organic waste substance or any kind of other rubbish, upon any public or private property without written consent of the owner thereof

or except under the personal direction of such owner.

B. The phrase “public or private property” means the right-of-way of any road or highway, any body of water or watercourse or the shores or beaches thereof, any park, parking facility, playground, public service company property or transmission line right-of-way or utility pole, building, refuge or conservation or recreation area, any residential, commercial or farm properties, timberlands or forest.

C. Unless otherwise provided in this chapter, no person, as defined in Chapter 1.04, § 1.04.010, in the process of evicting a tenant from a rental property, shall place or deposit, or cause the placement or depositing of, a tenant’s trash and/or personal property on the public sidewalk, street, right-of-way, or other property of the Town.

D. Upon written notice on the form prescribed by the Town, a person may be granted a period of time by the Town not to exceed four (4) hours to temporarily place or deposit the personal property of an evicted tenant on a public sidewalk, street, right-of-way, or other property of the Town that does not obstruct access to and/or free passage upon the sidewalk and/or street by the public, or create a hazardous and unsafe condition to any person.

E. Written notice, as set forth under paragraph D of this section, shall be made to the Town during business hours and no less than twenty-four (24) hours prior to date of a tenant eviction ordered by a court of competent jurisdiction. Said notice shall be on the form prescribed by the Town and include: 1) the name, business address and business telephone number of the rental property owner, or authorized agent; 2) the name and address of the tenant subject to the eviction order; 3) the date and time of the eviction; 4) a copy of the applicable Warrant of Restitution issued by the court; and 5) a statement by the rental property owner, or authorized agent, that all eviction-related tenant personal property will be removed within the time provided under paragraph D of this section and that in the event that the Town removes said property after granted time has elapsed, all removal costs incurred by the Town shall be paid by the rental property owner. (Ordinance 9-2006, effective 10/24/06)

8.04.020 Depositing building materials – Permit requirement.

A. It is unlawful to dispose of by any person, firm or corporation, any type of building material, house refuse, rubbish, garbage, decaying vegetable matter, organic waste or any other type of trash or waste on any lot or parcel of land within the corporate limits of the Town of Elkton without a permit.

B. A permit may be obtained upon application to the town explaining the type of material to be disposed, the method of disposal and the proposed use of the land after disposal. Suitable building waste materials for fill shall not be organic nor consist of degradable parts and shall be acceptable as determined by the town. Methods of disposal shall be approved by the town and shall provide a minimum of one foot of earth cover and a minimum of four inches of prepared topsoil. Prior to issuance of a permit, the town shall be notified as to the proposed duration of the filling operation

C. All permit fees pertaining to this section shall be established by a resolution by the Mayor and Commissioners of the Town of Elkton.

D. Any person, firm or corporation found in violation of this section shall be prohibited from using this land for building purposes as long as it remains under the jurisdiction of the Town of Elkton. (Amended during 1996 codification; prior code § 60-3)

8.04.030 Litter blown from vehicles.

No person shall drive or move any truck or other vehicle within the town or within the police jurisdiction of the town unless such vehicle is so contents or litter from being blown or deposited upon any street, alley, roadway or other public place. (Prior code § 60-4)

8.04.040 Burning garbage, offal or other matter.

No dead animals, garbage, offal or putrescible matter of any kind or nay other matter liable to produce nauseating or offensive smoke or vapors of any kind shall be burned within the town. (Prior code § 60-5)

8.04.050 Litter and rubbish on premises.

It is declared to be a nuisance and a danger to the public health for any contaminated water, dirt, filth, rubbish, offensive or deleterious, matter to be and remain on any premises in the town. It shall be the duty of the chief of police to give notice to the occupant or person in possession or owner of any premises on which the same exists to remove the same, and if the same is not removed within three days after the serving of such notice, the occupant or person in actual possession thereof shall be subject to prosecution for a violation of this section. (Prior code § 60-6)

8.04.060 Dumpsters.

Any structure within the limits of Elkton that fails to comply with the Charter, code, pr policy regarding garbage and other refuse shall be required to install a dumpster as defined by the director of public works at the discretion of the Mayor and Commissioners following due public notice of such violation as required by the Charter and Code of the Town of Elkton.

A. No dumpster shall be located in or on a public right-of-way. Dumpsters shall be set back a minimum of twenty (20) feet from any road right-of-way or property line.

B. Garbage and other waste materials must be completely contained within the dumpster. No accumulation of garbage or waste materials will be permitted outside of the confines of the dumpster nor will it be permitted to accumulate garbage or other waste materials so that the dumpster cover cannot be firmly closed.

C. Dumpsters shall be equipped with covers which shall remain closed at all times except when garbage or waste materials are being deposited therein.

D. All dumpsters shall be kept in good repair, be structurally sound, leakproof and easily opened and closed. Dumpsters shall be painted as required to prevent the show of rust or deterioration and be so constructed as to stand firmly upright.

E. All dumpsters shall have the name of the company or individual owning such dumpster clearly printed, in letters at least three inches high, on either the front or the back of such dumpster.

F. Unauthorized use of a dumpster shall be considered a municipal infraction.

G. Dumpsters shall be of sufficient size to hold all garbage and waste materials generated from the building or buildings serviced by that dumpster.

H. No garbage or trash produced or accumulated outside the corporate limits of the town shall be deposited within the corporate limits of the town.

I. No unauthorized person shall uncover, rifle, pilfer, dig into, turn over or in any other manner disturb or use any refuse container belonging to another. (Amended during 1996 codification; prior code § 60-7)

8.04.070 Violation - Penalty.

A. Violation of this article is declared to be an infraction and is punishable as provided in Chapter 1.08.

B. Any person violating the provisions of this article may, in addition to the penalties provided for in subsection A, be punished as follows: the court may, in lieu of any fine imposed, direct the substitution of litter-gathering labor under the supervision of the court, not to exceed one hour for each ten dollars (\$10.00) of the fine imposed. (Prior code § 60-8)

C. A person in violation of § 8.04.010 shall be responsible for any expense incurred by the Town to remove any trash and/or eviction-related tenant personal property placed or deposited on a public sidewalk, street, right-of-way or other property of the town. The failure of the person to pay the Town for a charge under this section within thirty (30) days of the day of the billing shall result in a lien being placed on the rental property from which the tenant was evicted and the subsequent collection of debt in accordance with law. (Ordinance 9-2006, effective 10/24/06)

Article II. Town Waste Collection Service

8.04.080 Definitions.

As used in this article, the following terms shall have the meanings indicated:

“Waste” means garbage, refuse, trash, dead animals or parts thereof and any other matter or substance, excluding medical and/or biohazardous waste which, by rule or regulation

of the Board of Commissioners, is made collectible by the town. (Prior code § 60-9)

8.04.090 Authority to purchase equipment and remove waste.

The town may purchase equipment and remove all waste from the streets, sidewalks, dwellings and other places within the town, or may hire sufficient vehicles and labor as may be necessary for the removal thereof. The Board of Commissioners may promulgate such rules and regulations as may be necessary or desirable to govern the collection and disposal of waste. (Prior code § 60-10)

8.04.100 Time of collection and removal.

All waste shall be collected and removed at such times and in such manner as may be specified by the Board of Commissioners by rule and regulation. (Prior code § 60-11)

8.04.110 Waste containers.

A. Those disposing of waste shall use separate containers for combustible waste and separate containers for noncombustible waste. In addition, boxes may be used, as hereinafter described, to hold bulky nonputrescible and nonorganic or vegetable wastes. Containers for combustible and noncombustible waste shall be of galvanized iron or nonrusting material of substantial construction, with tight-fitting lids, watertight and of such shape as to be easily handled by one man, and with a capacity not exceeding two bushels for garbage and trash and not exceeding one and one-half bushels for ashes. Ashcans and boxes containing bulky nonputrescible and nonorganic waste need not be covered.

B. Wooden boxes or containers of other materials having smooth edges and no protruding nails or other defects may be used to hold the bulky and nonputrescible combustible waste.

C. Tree limbs, vines, twigs and other bulky, nonputrescible waste will be collected if such material is cut by the depositor to lengths not exceeding four feet and bundled and firmly tied. Each such bundle shall not weigh more than thirty-five (35) pounds.

D. All containers shall be promptly removed after they have been emptied and shall be cleaned at regular intervals. It is unlawful to

dispose of collectible waste except in the manner provided in this section. (Prior code § 60-12)

8.04.120 Animal carcasses.

Dead animal carcasses shall be separately collected upon notification of their presence. (Amended during 1996 codification; prior code § 60-13)

Chapter 8.08

NOISE

Sections:

- 8.08.010 Findings - Declaration of nuisance.**
- 8.08.020 Definitions.**
- 8.08.030 Prohibited noises.**
- 8.08.040 Determination of responsible party.**
- 8.08.050 Enforcement.**
- 8.08.060 Violation- Penalty.**

8.08.010 Findings – Declaration of nuisance.

The Mayor and Commissioners of the Town of Elkton find and declare that the occurrence of those activities proscribed under this chapter is contrary to the health, safety and well-being of the residents of the Town of Elkton, and all such activities are hereby declared to be nuisances which are to be specifically controlled and abated pursuant to this chapter. (Added during 1996 codification)

8.08.020 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Law enforcement officer” means any sworn police officer of the Town of Elkton.

“Person” means the tenant, owner or occupant, including any guest or invitee, in, on or of any property.

“Property” means any tract, lot or parcel of land and any dwelling or other structure erected or located thereon.

“Residential area” means any neighborhood or area within the corporate limits of the Town of Elkton which lies within a residential zoning district as defined in the Elkton zoning ordinance.

“Sound” means a vibration of sufficient intensity to cause another person to be aware of such vibration by the sense of hearing. (Added during 1996 codification)

8.08.030 Prohibited noises.

A. Generally. It is unlawful for any person to create, assist in creating, permit, continue or permit the continuance of any unreasonably loud or raucous, disturbing, unusual or unnecessary sound which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the Town of Elkton. For the purpose of this chapter, sound shall include vibrations caused by human, animal or mechanical means. A person shall not be in violation of this chapter unless any such sound is perceived on another property, it being the intent of this chapter solely to prohibit sounds from carrying from one property to adjacent or nearby properties.

B. Residential Areas. Within any residential area, the following activities are prohibited if they produce audible sound beyond the property line of the property on which they are conducted or from the public right-of-way:

1. The operation, between ten p.m. and seven a.m., Monday through Friday, and ten p.m. and eight a.m., Saturday and Sunday, of power tools or equipment;
2. The operation, between ten p.m. and eight a.m., of any device for killing, trapping, attracting or repelling insects or other pests;
3. The sounding, between ten p.m. and eight a.m., of any bell, chime, siren, whistle or similar device except:
 - a. To alert persons to the existence of any emergency, danger or attempted crime,
 - b. The use for noncommercial purposes of one or more bells or chimes which do not exceed ninety (90) seconds in duration in an hour,
 - c. Whistles used in manufacturing purposes to alert workers of shift changes or other conditions within the work site;
4. The operation or playing between ten p.m. and eight a.m. of any radio, television, phonograph, tape player, compact disc player, drum or musical instrument;
5. Construction, repair, remodeling, demolition, drilling or excavation work between nine p.m. and eight a.m.;

6. The operation or use between ten p.m. and eight a.m. of any loudspeaker, sound amplifier, public address system or similar device used to amplify sounds;

7. The creation of a loud, unnecessary noise in connection with the loading or unloading of any vehicle or the opening and closing or destruction of bales, boxes, crates or other containers;

8. Yelling shouting, hooting, whistling and singing between the hours of nine p.m. and eight a.m.;

9. The keeping of any animal or bird which disturbs the comfort or repose of any persons in the vicinity by causing frequent or long continued noise.

C. Barking or Howling Animals. It is unlawful for any person to allow or permit any dog or other animal to bark, howl, or in any other manner disturb the quiet of any person.

D. Exceptions. The provisions of this section shall not apply to the following:

1. Emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster, to restore public utilities, or to protect persons or property from an imminent danger;
2. Sound made to alert persons to the existence of an emergency, danger or attempted crime;
3. Activities or operations of governmental units or agencies. (Added during 1996 codification)

8.08.040 Determination of responsible party.

Whenever noise or sound is made, created or continued in violation of the provisions of this chapter and the property upon which or from which the sound is emanating has two or more occupants, and it cannot be determined which tenant is the violator, the owner of the property, if present, shall be presumed to be responsible for the violation; in the absences of the owner of the property, the tenant, subtenant, licensee, invitee or guest then in control of the property shall be presumed to be responsible for the violation. If it is impossible to determine the person then in control of the property, it shall be presumed that the owner of the property is

responsible and, if not present, all persons then on or in the property shall be ordered to disperse and leave the property and a failure to do so by any person shall itself be an offense punishable as set forth in this chapter. (Added during 1996 codification)

8.08.050 Enforcement.

A. When a violation of this chapter occurs, a law enforcement officer shall undertake to notify the persons present in or on the property from which the sound or activity is emanating that they are in violation and notify them to cease and desist whatever is causing the violation. At this time, the law enforcement officer shall also ascertain, if reasonably possible, the owner or tenant of the property in question. Notice under this section may be given orally by the officer to the owner or by posting a written notice on the premises where such violation is occurring. Any written notice posted shall contain a specific description as to the nature of the violation.

B. The continuation of such violation or any subsequent violation of the same proscription following receipt of the notice to cease and desist shall constitute an offence punishable as set forth in this chapter.

C. Nothing contained in this section is intended to nor shall this section be construed to preclude the right of any person to file in accordance with the laws of the state an application for a statement of charges for a violation of any provision of the Annotated Code of Maryland or other section of this code where such violation is contrary to other applicable laws. (Added during 1996 codification)

8.08.060 Violation–Penalty.

Any violator of any provision of this chapter, convicted thereof, shall be guilty of a misdemeanor and shall be punished as provided in the Charter, Section C14-1A. (Added during 1996 codification)

Chapter 8.12

HEALTH NUISANCES

Sections:

8.12.010 Purpose.

8.12.020 Definitions.

8.12.030 Applicability to persons other than property owner.

8.12.040 Certain conditions declared nuisances.

8.12.050 Burning of rubbish-Accumulation and burning of garbage.

8.12.060 Violation–Penalty.

8.12.010 Purpose.

The purpose of this chapter is to require that dwellings be kept clean and free from dirt, filth, rubbish, garbage and similar matter, and that they be kept free from rodent infestation, to provide for the control of weeds on vacant lots or other properties within the Town of Elkton, and to authorize the chief of police to issue notices complying with the provisions of this chapter and to correct such conditions at the expense of the property occupants or the owners of properties upon which violations occur. (Added during 1996 codification)

8.12.020 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Building” means a structure adapted to permanent or continuous occupancy or use for residential, public institutional, business, industrial or storage purposes.

“Chief of police” means the chief of the Elkton police department or his duly authorized agent.

“ Dwelling” means any building which is wholly or partly used or intended to be used for living or sleeping by human occupants; provided that temporary housing shall not be regarded as a dwelling.

“Garbage” means all kitchen refuse of residences, hotels, restaurants or other places

where food is prepared for human consumption, and all offal from fish, meat and vegetable markets, and all vegetable or organic substances unfit for food that are subject to immediate decay.

“Infestation” means the presence, within or around a dwelling, of any insects, rodents or other pests.

“Lot” means a piece, parcel or plot of land.

“Nuisance” means any condition or use of remises or building exteriors which is dangerous to human life, health or safety; renders soil, water, food or air impure or unwholesome; is generally detrimental to the health and safety of the citizens of the Town of Elkton; is detrimental to the property of others; or causes or tends to cause diminution of the value of other property in the neighborhood in which such premises are located.

“Offal” means the refuse from slaughtered or salvageable dead animals, crustaceans, or any other animal form, including but not limited to heads, feet, viscera, hair, blood, feathers, bowels, scales or oils.

“Open fire” means 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.

“Premises” means a lot, plot or parcel of land, including the buildings or structures thereon.

“Rubbish” means all combustible and noncombustible waste materials, except garbage, including but not limited to the residue from the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery, abandoned automobiles and dust.

“Temporary housing” means any tent, trailer or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure or to any utilities system in the same premises for more than thirty (30) consecutive days. (Added during 1996 codification)

8.12.030 Applicability to persons other than property owner.

Whenever any person shall be in actual or constructive possession or have charge, care or control of any property within the Town of Elkton, as executor, administrator, trustee, guardian or agent, such person shall be deemed and taken to be the owner of such property within the intent and meaning of this chapter and shall be bound to comply with the provisions of this chapter to the same extent as the owner. Notice to any such person given pursuant to this chapter shall be deemed and taken to be a good and sufficient notice as if such person were actually the owner of such property. (Added during 1996 codification)

8.12.040 Certain conditions declared nuisances.

Whatever is dangerous to human life, health, or safety; whatever renders soil, water, food or air impure or unwholesome; or whatever is detrimental to the health and safety of the citizens of the Town of Elkton is declared to be a nuisance and is prohibited. Acts of nuisance shall include but are not expressly restricted to:

A. Any watercourse, well, spring, open ditch, gutter, cesspool, drain, privy pit, pigpen, vacant lot or other place, any accumulation or deposit of any substance, or any water, in which mosquitoes or their larvae are present:

B. Any street or road or any part thereof or any watercourse, ditch, gutter, side channel, drain, dump, ashpit, sewer, privy, urinal or cesspool which in the opinion of the town is or could become so foul as to be offensive or unhealthful;

C. The depositing in any street, alley, lot or public place of any manure, hay, straw, filth, offal or any offensive substance which, in the opinion of the town is or could become detrimental to the public health and comfort;

D. Any dead animals, other than those lawfully slaughtered for food, remaining in any premises within the town for a period longer than is reasonably required to effect their removal. (Added during 1996 codification)

8.12.050 Burning of rubbish-Accumulation and burning of garbage.

It is unlawful for any person to burn any trash, rubbish or other matter out of doors within the corporate limits of the Town of Elkton. It is unlawful for any person to allow any accumulation of, or to burn any vegetable matter or animal matter upon any property within the Town of Elkton. (Added during 1996 codification)

8.12.060 Violation-Penalty.

Any violator of any provision of this chapter, convicted thereof, shall be guilty of a misdemeanor and shall be punished as provided in this Charter, Section C14-1A. (Added during 1996 codification)

Chapter 8.16

TREES AND VEGETATION

Sections:

8.16.010 Removal or trimming of trees and vegetation.

8.16.010 Removal or trimming of trees and vegetation.

A. The director, department of public works, either on his own motion or upon reasonable complaint received by his office, shall make an inspection of any trees located either in any public place, street, highway or alley or in or upon any privately owned lot within the Town of Elkton, and where he shall find any tree dangerous to life or property he shall give a notice thereof to the owner, stating the condition of such tree and requiring the tree to be removed or trimmed by the deadline stated in the notice, which deadline must be reasonable. No person shall fail to comply with such notice within the time required.

B. All trees growing upon the sidewalks of the Town of Elkton shall be trimmed and kept trimmed by the owner thereof or, when the owner does not reside in the premises in front of which the trees stand, then by the occupants or agent thereof, so that there shall not be less than nine feet in height of clear space above the pavement. All grass and weeds growing in such sidewalks in front of any premises shall be removed by the owner, agent or occupant of such premises. (Added during 1996 codification)

Chapter 8.20

WEEDS

Sections:

- 8.20.010 Definitions.**
- 8.20.020 Weeds on property and abutting sidewalks prohibited.**
- 8.20.030 Notice to remove.**
- 8.20.040 Notice deemed continuing for remainder of year.**
- 8.20.050 Failure or refusal to remove.**
- 8.20.060 Unpaid charges to constitute lien on property.**

8.20.010 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

"Weeds" means any untended or uncultivated grasses, bushes, deleterious or unhealthy vegetation or other noxious growing matter in excess of twelve (12) inches in height, except tree, lawns, ornamental shrubbery, flowers or vegetables properly tended, pastureland, woodland or land under cultivation. (Prior code §40-1)

8.20.020 Weeds on property and abutting sidewalks as prohibited.

No owner or person in control of any lot, place or area within the town, or any agent of such owner or person, shall permit on such lot, place or area, or upon any sidewalk abutting the same, any weeds or deleterious, unhealthful growth or other noxious matter that may be growing, lying or located thereon. (Prior code § 40-2)

8.20.030 Notice to remove.

The building inspector is authorized to notify, in writing, the owner or person in control of any lot, place or area within the town, or the agent of the owner or the person, to cut, destroy and remove any weeds found growing, lying or located on such owner's or person's property or upon the sidewalk abutting the same. Such notice shall be by certified mail addressed to the owner or person in control or the agent of the owner or person, at his last known address. (Prior code § 40-3)

8.20.040 Notice deemed continuing for remainder of year.

The owner or person in control, or the agent of the owner or person, of any lot, place or area, having with in any calendar year received notice pursuant to Section 8.20.030, shall be deemed to have notice for the remainder of the year that the town may without further notice cut, destroy and remove all weeds growing, lying or located on such owner's or person's property or upon the sidewalk abutting the same, and that the cost of such removal shall be charged and collected in accordance with the provisions of this chapter. (Prior code § 40-4)

8.20.050 Failure or refusal to remove.

Upon the failure, neglect or refusal of any owner or person in control or his agent to cut, destroy and remove any weeds growing, lying or located on such owner's property or upon the sidewalk abutting the same within five days after receipt of written notice thereof or within ten days of the mailing of such notice in the event that the notice is returned to the post office due to inability to make delivery thereof, the town is authorized to remove or to pay for the cutting, destroying and removal of such weeds. (Prior code § 40-5)

8.20.060 Unpaid charges to constitute lien on property.

If the full amount due to the town is not paid by the owner or person in control within thirty (30) days after the cutting, destroying and removing of weeds, the building inspector shall cause to be recorded in the finance office the cost and expense incurred for the work, the date and place or property on which said work was done. The amount of said charges shall constitute a lien on the property and shall remain a full force and effect for the amount due and shall be collectible through civil action. (Prior code § 40-6)