

ORDINANCE NO. 3770

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, ENTITLED "AN ORDINANCE TO REPEAL AND REENACT WITH AMENDMENTS SECTIONS 14-31 AND 14-34 OF THE CODE OF THE CITY OF CUMBERLAND RESPECTIVELY ENTITLED 'DEFINITIONS' AND 'DWELLINGS, YARDS AND LOTS TO BE KEPT CLEAN' FOR THE PURPOSE OF PROHIBITING UNSIGHTLY CONDITIONS."

WHEREAS, Section 14-31 of the City Code sets forth the definitions applicable to Chapter 14, Article II, Division 1 of the City Code;

WHEREAS, Section 14-34 of the City Code sets forth the City's regulations relative to keeping exterior areas clean;

WHEREAS, those regulations only pertain to kitchen refuse and organic matter (i.e., "garbage") and waste materials (i.e., "rubbish");

WHEREAS, over the years, the City has received numerous complaints relative to unsightly conditions located in yards and outside of dwellings, such as the accumulation of trash, junk and excessive clutter and the storage of items intended for indoor use on porches and in yards;

WHEREAS, the Mayor and City Council recognize that such unsightly conditions adversely affect neighbors' use and enjoyment of their homes;

WHEREAS, having considered the foregoing, the Mayor and City Council have determined that amendments to sections 14-31 and 14-34 of the City Code are necessary to preserve peace and good order and to protect the health,

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comfort and convenience of the citizens of the City of Cumberland.

NOW, THEREFORE:

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, that sections 14-31 and 14-34 of the Code of the City of Cumberland (1991 Edition) be and are hereby repealed and reenacted, the said reenacted versions being set forth below and text edited versions being attached hereto as Exhibit A:

Section 14-31 – Definitions.

Bamboo means any grasses in the genera bambusa, phyllostachys, and pseudosasa of the family poaceae (grass).

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 Cumberland Police Department, or his duly authorized agent.

Director of community development means the director of the department of community development, or his duly authorized agent.

City administrator means the City Administrator of the City of Cumberland, 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.

Health officer means the deputy state health officer or his duly authorized representative.

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

Junk vehicles means dismantled, partially dismantled, wrecked, junked, nonoperating, or discarded vehicles left on private property with or without the consent of the property owner.

Lot means a piece, parcel or plot of land.

Nuisance means any condition or use of premises 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 city; which is detrimental to the property of others or which causes or tends to cause diminution in 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.

Ornamental grasses means grasses that are not indigienous to the State of Maryland that are intended to add beauty and diversity to landscaping and are not invasive. Ornamental grasses do not include turf grasses or weeds.

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, 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 on the same premises for more than thirty (30) consecutive days.

Unightly condition means any of the following: (i) the accumulation of trash or junk; (ii) the excessive accumulation of items intended for use outdoors that are not screened from public view; (iii) furniture, equipment, appliances and other items intended

for indoor use that are stored, kept, abandoned or junked outside, including, by way of example, on a porch, in a yard, or under a carport or other unenclosed structure.

Section 14-34. – Dwellings, yards and lots to be kept clean.

Every dwelling within the City of Cumberland and every part thereof shall be kept clean and free from any accumulation of dirt, animal excrement, filth, rubbish, garbage, junk vehicles or similar matter and shall be kept free from vermin and rodent infestation. All porches, yards, lawns, vacant lots and other exterior areas shall be similarly maintained and shall be kept free from unsightly conditions. Property owners and occupants shall be jointly and severally responsible for complying with the terms of this section.


SECTION 2: AND BE IT FURTHER ORDAINED, that this Ordinance shall take effect from the date of its passage.

Passed this 21st day of October, 2014.



Brian K. Grim, Mayor

ATTEST:



Marjorie Woodring, City Clerk

EXHIBIT A

New language to be added is depicted in underlining and language to be deleted in ~~strikethrough~~ font

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~~the duty of each occupant and owner, jointly and severally, of a dwelling unit, yard, lawn or vacant lot to keep in a clean condition that portion which he occupies or over which he has control.~~ Property owners and occupants shall be jointly and severally responsible for complying with the terms of this section.