

## **CODE OF ORDINANCES FOR THE VILLAGE OF NORTH CHEVY CHASE**

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## **CHAPTER 4 RESIDENTIAL PROPERTY CARE AND MAINTENANCE**

### **Article 1. General Provisions**

#### **Section 4-101. Purpose**

The provisions of this Article are declared necessary for the purpose of securing the public safety, health and welfare in the maintenance and care of public and private property, buildings and yards within the Village.

#### **Section 4-102. Definitions**

As used in this or other Chapters of these Ordinances, the following words and phrases shall have the following meaning:

- A. "Domestic animals" means dogs, cats and other household pets.
- B. "Garbage" means all inorganic or organic waste, including the residue of animal, fruit or vegetable matter resulting from the preparation, cooking, handling or storage of food; wastepaper, newspaper and cardboard; cans; jars and bottles; and all other waste materials normally generated and accumulated in a household.
- C. "Hazardous material" means any substance or material in a quantity or form that may pose an unreasonable risk to health, safety or property, including any material designated by the U.S. Department of Transportation as belonging to a hazard class.
- D. "Lawn and garden debris" means all yard trash, including dead trees, tree limbs, stumps, bushes and leaves; and all other debris of the type normally generated and accumulated in gardening, lawn care and tree care.
- E. "Lot" means a parcel of land on a legally recorded subdivision plat filed among the records of Montgomery County Maryland.
- F. "Refuse" means garbage, lawn and garden debris or rubbish.
- G. "Rubbish" means all refuse other than garbage and lawn and garden debris; this includes ashes, rubble, junk and other solid waste materials.
- H. "Toxic material" means any substance that can be poisonous if inhaled, swallowed, or absorbed into the body through cuts, breaks in the skin, ingestion, or bodily contact.
- I. "Yard" means any open space lying between the building and the nearest lot or street line(s) on a lot that contains a residential building.

### **Article 2. Residential Property Care and Maintenance**

**Section 4-201.** Maintenance of Buildings

**Section 4-202.** Maintenance of Yards and Vacant Lots

**Section 4-203.** Domestic Animals

**Section 4-204.** Snow and Ice Removal from Public Sidewalks

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**Section 4-211.** Penalties

**Section 4-201.** Maintenance of Buildings

- A. The owner of a building or his/her designated agent or lessee shall maintain the building and its exit ways in a safe and sanitary condition at all times. Every building shall be kept free from accumulation of refuse and shall be kept free from vermin or rodent infestation.
- B. Each occupant of a building shall keep in a safe and sanitary condition that portion of the property which he/she occupies or over which he/she has exclusive control. Keeping a safe and sanitary condition includes, but is not limited to, maintaining all exterior components of the house, foundation, walls, stairs, windows, doors and roofs in good repair, including protection of all wood surfaces against rot and decay.

**Section 4-202.** Maintenance of Yards and Vacant Lots

- A. The owner of a yard or vacant lot, or his/her designated agent or lessee, shall maintain such yard or lot in a safe and sanitary condition including the unimproved right-of-way abutting his/her property. Every yard and vacant lot shall be kept free on a timely basis from accumulation of rubbish, lawn and garden debris, or hazardous or toxic material, and shall be kept free of garbage. Nothing in this section shall require repair to public improvements in the right-of-way.
- B. The owner of a yard or vacant lot shall not permit or allow any grass (other than ornamental grasses) or weeds to grow on such yard or lot to a height in excess of six (6) inches above the ground, nor shall such owner permit any ground cover, bushes or hedges to extend into improved portions of the public right-of-way.

- C. Any resident who would like to add a tree or shrub to the Village right-of-way shall notify the Village Manager in writing at least 2 weeks in advance in order that the Village can review the placement to ensure clearance from utility wires and other public safety considerations. Under these circumstances, the property owner assumes responsibility for care and treatment of the tree/shrub.

**Section 4-203. Domestic Animals**

- A. No person owning, harboring, keeping or in charge of any domestic animal, including but not limited to dogs and cats, shall immediately remove and dispose of all feces deposited by such domestic animal by any sanitary method approved by the County Department of Animal Control and Humane Treatment. Violation of this section will result in a fine of \$100 for the first offense and \$500 for each subsequent violation. This is in addition to any fines Montgomery County may enforce.
- B. Pet owners must prevent unwelcome or unsolicited threatening physical contact or close proximity to a person or a domestic animal that occurs outside the owner's property that may cause alarm in a reasonable person, such as biting, chasing, tracking, inhibiting movement, or jumping. Violation of this section will result in a \$500 fine for each offense.

**Section 4-204 Snow and Ice Removal from Public Sidewalks**

- A. The owner of a lot in the Village, or his designated agent or lessee, shall within twenty-four (24) hours after a snowfall ceases:
  - a. Remove, or cause the removal of, snow and ice from any sidewalk on such lot or on abutting public property that is normally used by the public.
  - b. Deposit or cause the deposit of, the removed snow or ice in a reasonably safe location and not upon any public roadway or sidewalk.
  - c. If said snow and ice cannot be removed because of hardening, make the sidewalk **reasonably safe for pedestrian** travel by spreading sand or a similar substance in sufficient amounts to make travel thereon reasonably safe and shall then, as soon thereafter as weather permits, cause the sidewalk to be thoroughly cleaned.
- B. If snow and ice is not removed, or the sidewalk is not made safe as required by this section, the Village Manager may, in his/her discretion, cause such work to be done. The Village Manager shall ascertain and keep a record of the cost of

all such work that he/she causes to be done in accordance with this subsection. Each person whose act or omission makes it necessary that the Village Manager cause the work to be done in accordance with this section shall be liable to the Village for the cost of such work, plus a penalty of fifty (50) percent of such work. These costs shall be assessed to the owner of the lot and collected in the same manner as provided for in Section 1-207(E).

- C. No person shall deposit or cause to be deposited any snow or ice on or against any fire hydrant or on any public sidewalk or street.

#### **Section 4-205** Accumulation of Refuse

- A. The owner of a lot in the Village, or his designated agent or lessee, shall not cause or allow the accumulation of refuse on the lot, with the following exceptions:
  - a. Refuse stored in accordance with this Chapter and awaiting collection by the Village or a private trash disposal firm.
  - b. Matter intended for garden compost, provided it is not located in a front yard as defined in Section 3-102(H) and does not exceed normal requirements of a home garden and does not attract vermin or produce offensive odors.
  - c. Firewood, provided that it is not located in a front yard and is cut into
- B. fireplace-size lengths and stacked so as to not be hazardous or attract vermin.
- C. The owner of a lot in the Village or his designated agent or lessee shall store refuse in a manner designed to prevent it from being carried or deposited by the elements or animals upon any street or sidewalk or upon any other private property.

#### **Section 4-206** Prohibition of Refuse on Public or Private Property

No person shall deposit refuse upon any street, public right-of-way, or private property within the Village. However, residents may deposit refuse temporarily in a manner prescribed by the Village, on the public right-of-way for collection by the Village or an agent of the Village in a manner that does not disrupt either vehicular or pedestrian traffic.

#### **Section 4-207** Restrictions on Use of Public Trash Receptacles

No person shall deposit refuse in the trash receptacles provided by the Village, except for refuse normally and reasonably deposited by a pedestrian in lieu of discarding it on public or private property in the Village.

**Section 4-208. Advertisements and Handbills**

No person shall cast, throw, place or distribute any advertisements, circulars, handbills, newspapers or other materials within the Village in such a manner that they may be blown into any roadway, public right-of-way, or private property within the Village. No signs can be posted on any utility poles.

**Section 4-209. Recycling**

Pursuant to its duties and responsibilities in connection with the collection of trash and refuse within the Village, the Village Council may by resolution adopt voluntary and/or mandatory programs for the recycling of various types of refuse and/or trash not inconsistent with County law.

**Section 4-210. Unreasonable Operation of Outdoor Illumination Devices**

It shall be unlawful to install or operate any outdoor artificial illumination device, including in connection with the use of sports courts, pools or patios on private property in such a manner as to interfere with the use or enjoyment of abutting or nearby properties.

**Section 4-211 Penalties**

In the event that the owner of a lot in the Village or his designated agent or lessee fails to maintain property in accordance with this Article, or otherwise comply with the requirement of this Article, the Village may issue a warning to order correction of the violation within 24 hours unless otherwise specified. Failure to correct said violation may result in a fine and/or penalty as specified in Section 1-206 of these Ordinances.