

TITLE IX: GENERAL REGULATIONS

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CHAPTER 90: ANIMALS

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DOMESTIC ANIMALS AND FOWL

§ 90.01 SWINE.

(A) No person shall keep, grow, raise or maintain swine within the corporate limits of the city.

(B) The provisions of this section shall not be construed to apply to the operation of any licensed slaughter house located in conformity with the Zoning Ordinance of the city.

(Ord. 53, passed 8-17-1971) Penalty, see § 90.99

§ 90.02 CATTLE, SHEEP AND GOATS.

(A) No person shall keep, grow, raise or maintain cattle, sheep or goats within the corporate limits of the city.

(B) The provisions of this section shall not be construed to apply to the operation of any licensed slaughter house located in conformity with the Zoning Ordinance of the city.

(Ord. 53, passed 8-17-1971) Penalty, see § 90.99

§ 90.03 HORSES, MULES AND THE LIKE.

No persons shall keep, grow, raise or maintain horses, ponies, mules, donkeys or any other member of the equine family within the corporate limits of the city, except in areas where it is inherently permitted by the Zoning Ordinance.

(Ord. 53, passed 8-17-1971; Ord. 97, passed 5-13-1980; Ord. 123, passed 4-10-1984) Penalty, see § 90.99

§ 90.04 GEESE, DUCKS AND POULTRY.

(A) No person shall keep, grow, raise or maintain geese, ducks, chickens and other poultry within the corporate limits of the city, except by special permit granted by the Board of Appeals of the city.

(B) Applications for the permits shall be received and acted upon by the Board of Appeals under the same rules and regulations as those governing special exceptions, as provided in § IX of the Zoning Ordinance.

(C) All coops or other enclosures kept for the keeping of the poultry shall be cleaned at least once each week or more often if necessary, to prevent offensive odors from disturbing other residences in the area.

(Ord. 53, passed 8-17-1971) Penalty, see § 90.99

§ 90.05 FARMING EXCEPTION.

None of the provisions of this subchapter shall apply to any bona fide farming operation conducted on five acres or more land.

(Ord. 53, passed 8-17-1971)

(B) Any person violating any of the provisions of §§ 90.01 through 90.05 shall be deemed guilty of a

***REGULATION OF DOGS AND OTHER
ANIMALS***

**§ 90.20 ENFORCEMENT, REGULATION AND
THE LIKE.**

(A) The city does hereby cede the city's right and authority to enforce and regulate dogs and other animals within the corporate limits of the city.

(B) All fees and charges received by the county, for enforcing and regulating the control of dogs and other animals within the corporate limits of the city, shall be retained by the county.

(C) Nothing herein shall be construed as constituting a joint venture between the city and the county, the state and the county, the state shall be solely responsible and liable for any and all injuries, damages, expenses, costs or other liabilities incurred as a result of the enforcement and regulation of dogs and other animals within the corporate limits of the city, and the city shall contribute no cost and/or expenses as a result thereof.

(D) Notwithstanding the aforesaid provisions, nothing herein shall be construed as prohibiting the city from enacting and enforcing zoning legislation which may affect the storage and utilization of dogs and other animals, nor shall anything herein be construed as prohibiting the city from reclaiming its authority to regulate and enforce the control of dogs and other animals at some point in the future should the city elect to legislate same by ordinance.

(E) This section shall be known as the "Dog Control Ordinance."

(Ord. 186, passed 5-11-1999)

§ 90.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine of not more than \$50 and costs.

(Ord. 53, passed 8-17-1971)

CHAPTER 91: NUISANCES

Section

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18 inches; and shall also keep the property clear of all trash, refuse, junk and litter; and any owner, occupant or person in control of any property within the corporate limits of the city shall be responsible for the cutting and removal of the grass, brush, weeds, trash, refuse, junk and litter.

(B) The Director of Public Works is hereby authorized and empowered to give written notice to the owner, occupant or person in control of any property within the corporate limits of the city who has permitted the growth of grass, weeds and brush, either or all, to a height of more than 18 inches, or has permitted the accumulation thereon of brush, refuse, junk or litter, either or all, requiring the owner, occupant or person in control to cut, destroy and remove same within ten days after receipt of the notice.

(C) The notice may be served personally upon the owner, occupant or person in control by any member of the Police Department of the city, or at the election of the Director of Public Works, may be given by certified mail, return receipt requested, addressed to the owner of the property, or his or her agent, as shown on the tax books of the city.
(Ord. 21, passed 5-8-1973) Penalty, see § 91.99

Cross-reference:

Maintenance requirements for height of weeds, see § 93.03

WEEDS, REFUSE AND THE LIKE

§ 91.01 PROHIBITIONS.

(A) It shall be unlawful for the owners, occupants or persons in control of any property located within the corporate limits of the city to allow on any such property any growth of grass, weeds and brush either or all to a height of more than

§ 91.02 FAILURE TO REMOVE.

(A) In the event of the failure, neglect or refusal of any owner, occupant or person in control of property within the city to remove the grass, weeds, brush, trash, refuse or litter from the property designated in the notice within the ten-day period, and in the further event of the failure, neglect or

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refusal of any owner, occupant or person in control of property within the city to remove the grass, weeds, brush, trash, refuse or litter from the property designated in the notice within 14 days after a summons has been issued by the District Court of the state, commanding the owner, occupant or person in control of the property described in the notice to appear for trial, of the alleged violation of this subchapter, then the city may at its election remove or contract for the removal of the grass, weeds, brush, trash, refuse or litter from the property, and assess the cost of the removal to the property.

(B) The cost of any work ordered by the Director of Public Works shall be billed to the owner of the property as shown on the tax books of the city, within 30 days after the work is completed; and shall become a lien on the property from and after the date of the billing, and shall draw interest and penalty from and after 30 days after the billing date at the rates provided by law, and the cost thereof if not paid, together with interest and penalty, shall be added to the next annual tax bill of the owner of the property, and the Treasurer of the city shall not accept payment for or receipt the tax bill unless the amount so assessed against the owner is included in the amount paid.

(Ord. 21, passed 5-8-1973)

JUNKED AND ABANDONED VEHICLES

§ 91.20 DECLARATION AND ABATEMENT OF NUISANCES.

(A) (1) No person shall park, store or leave, or permit the parking, storing or leaving of any vehicle on private property within the city for a period of time in excess of 30 days.

(2) The presence of a vehicle, on private property is hereby declared a public nuisance which may be abated in accordance with the provisions of this subchapter, provided, that none of the exemptions of § 91.21 below or otherwise contained herein apply.

(B) In the event that a nuisance as set forth in division (A) above is found to exist the following procedure for its abatement shall be followed.

(1) (a) Written notice shall be delivered by a city police officer or by registered mail, return receipt requested, to the owner of the property on which the vehicle is located, giving notice to repair, remove or enclose same within 30 days of the date of delivery or mailing of the notice and advising of the rights to an administrative review provided in division (B)(2) below.

(b) A copy of the notice shall be delivered or mailed by first-class mail, postage prepaid, to the owner of the vehicle, if different and if known, and delivered to a person of suitable age and discretion occupying the premises or affixed to the main entrance, if the occupant and owner of the premises are not the same.

(2) If the nuisance is not abated within the 30-day period, the City Police Department shall have the power and authority to take the vehicle into custody, and remove it or cause it to be removed to a storage area maintained or designated by the city, where the vehicle shall remain for at least 30 days from the giving of notice as provided in divisions (B)(3) or (4), or until it is redeemed whichever occurs first; provided however, that if any party with an interest in the vehicle or property shall request an administrative review in writing by delivering to or mailing the request to the City Manager, within the 30-day period, then the provisions of this division shall be stayed and all time limits established herein tolled until ten days after the decision of the administrative review is mailed to the one who requested same.

(3) (a) Within seven days after a vehicle is taken into custody, notice shall be sent by registered mail, return receipt requested, to:

1. The last known registered owner of the vehicle;

2. Each secured party, as shown on the records of the State Motor Vehicle Administration, or as otherwise known; and

3. By regular mail to all other parties who are (designated to receive notice under division (B)(1) above).

(b) The notice shall:

1. State that the vehicle has been taken into custody;

2. State the year, make, model and vehicle identification number of the vehicle, if known, and give such other or further description as is reasonably necessary to identify the vehicle;

3. State the name and location of the facility where the vehicle is being held;

4. Inform the interested parties of the right to redeem the vehicle within 30 days after the date of the notice, upon payment of all costs of towing, storage and preservation of the vehicle;

5. State that the failure to exercise the right to redeem the vehicle within the time provided shall be deemed a waiver by all parties to all right, title and interest in the vehicle and consent to the sale of the vehicle as herein provided; and

6. Inform the recipient of the right and procedure for an administrative review.

(4) (a) This division shall apply if:

1. The identity of the last registered owner of the vehicle cannot be determined;

2. The last registration of the vehicle gives no address for the owner;

3. It is impossible to determine with reasonable certainty the identity and address of each secured party; or

4. The registered mail notice required by division (B)(3)(a) above is returned as undeliverable.

(b) Under any of the conditions described in division (B)(4)(a) above, the City Police Department shall give the notice specified in division

(B)(3)(b) above by publication in at least one newspaper of general circulation in the city.

(c) The notice by publication:

1. May contain multiple listings of vehicles in custody;

2. Shall contain the information required by division (B)(3)(b) above; and

3. Shall be published within 15 days after the taking into custody of the vehicle; or if the notice by publication is made because of the return as undeliverable of a prior notice by registered mail, within 15 days after the return of that notice to the city by the post office.

(5) (a) If a vehicle is not redeemed, the owner or secured party and all other interested parties are deemed to have waived all of right, title and interest in the vehicle and to have consented to the disposition of the vehicle by public sale, and the city shall sell the vehicle at public sale.

(b) If a vehicle is disposed of by sale, proceeds of the sale shall be allocated as follows:

1. All expenses for towing, storing, preserving and selling the vehicle, including all costs of notice and publication incurred under this subchapter, shall be paid first;

2. Any remaining proceeds shall be held for 90 days for the owner of the vehicle and any secured or other party who may be entitled to the proceeds;

3. If no person entitled to receive any remaining proceeds shall claim them within the 90-day period, the remaining proceeds shall revert to the city's general fund.

(c) Any vehicle taken into custody pursuant to this subchapter may be redeemed at any time after it is taken but prior to the sale of the vehicle, by the owner of the vehicle or secured or other party upon reasonable proof of ownership or of the existence of a security or other legal interest and upon payment of all expenses of taking custody, towing, storage, preservation and preparation for sale of the vehicle, including the cost of all notices and

publication expenses.

(d) In the event that a vehicle is taken into custody pursuant to the ordinance and is sold at auction rather than redeemed, the expenses of taking custody, towing, storage, preservation, preparation for sale, and sale including the cost of all notices and publication shall be the joint and several liability of the owner of the real property, owner of the vehicle and occupant of the real property and the expenses shall be a lien on and the real property on which the vehicle was located in the same manner and to the same extent as on an ad valorem tax.

(Ord. 160, passed 10-9-1990) Penalty, see § 91.99

§ 91.21 EXCLUSIONS.

Nothing contained herein shall apply to the following:

(A) An owner or occupant of real property within the city who reports and/or seeks the assistance of the city, the county or the state in removing from the real property any vehicle or vehicles not owned by the owner of real property, nor by anyone lawfully occupying the property at the time the vehicles were stored, parked or left on that property and further provided that the action by the owner is taken no later than 30 days after the receipt of the notice required by § 91.20(B)(1) above.

(B) The owner of a vehicle which was stolen, or converted from the owner and thereafter stored, parked or left on real property within the city provided the owner of the vehicle was not aware of its location and removes it not less than 30 days after receipt of the notice required by § 91.20(B)(1) above.

(C) Any vehicle which is enclosed in a building or otherwise positioned on private property so that the access to and view of the vehicle is substantially blocked from adjoining property owners and public streets.

(D) Any vehicle which is currently registered and licensed by the State Motor Vehicle Administration or similar agency of another state or county provided that if the laws of the state require registration and/or licensing by it that no foreign registration or license shall be valid and provided

further that the vehicle is operational as a vehicle.

(E) Any real property or the vehicle on the same, if the real property is in a district zoned to permit and the real property is operated as a junk yard, salvage yard, vehicle storage lot or vehicle repair business.

(F) Any vehicle which is not registered nor licensed, but which is operational for the use for which it was designed and for which neither the state, nor any foreign jurisdiction requires registration and/or license on the vehicle.

(G) Any vehicle and the property upon which it is located provided that the vehicle is located in the side or back yard of the property, is among the type of vehicles listed below and only one such vehicle is located on the property:

(1) An operational vehicle which is unlicensed although its use would require a license;

(2) A licensed vehicle which is not operational; or

(3) A vehicle which is neither licensed nor operational but which is under repair, and is certified by its owner in writing to be under the repair which will render it operational within six months of the notice.

(Ord. 160, passed 10-9-1990)

§ 91.22 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

OCCUPANT OF REAL PROPERTY. Any person who, while not the owner, resides on, operates a business on or has a lease hold interest in that real property.

OWNER OF REAL PROPERTY. Any person who is properly designated on the tax records as the owner of the real property by the Department of Assessment and Taxation and/or any person who claims ownership of the real property.

OWNER OF VEHICLE. The current or last known person to have registered or licensed the vehicle, where applicable, and/or any person so named as the owner, buyer or purchaser in a bill of sale for the vehicle and/or any person exerting control over the vehicle in a manner consistent with ownership of same.

PERSON. Any individual, firm, partnership, corporation, association, company, joint venture or organization of any kind.

VEHICLE. Any device or major parts of same, in, on or by which any individual or personal property is or might be transported or towed on a street, road, highway, ground or upon water, including but not limited to an automobile, bus, motor-bike, motorcycle, motor scooter, truck, van, tractor, go-cart, golf cart, camper, motor home, trailer, boat or jet ski.
(Ord. 160, passed 10-9-1990)

§ 91.23 ADMINISTRATIVE REVIEW AND APPEAL.

(A) Upon receipt of a written request for administrative review pursuant to § 91.20(B)(2) above, the City Manager shall schedule the review no less than five nor more than ten business days after receipt of the request, and shall notify the requestor by regular mail of the time and place for the review.

(B) The review shall be held at the City Hall during normal business hours.

(C) (1) On review the City Manager shall consider whether this subchapter does apply, whether all applicable procedures were followed and whether any exemption should apply.

(2) The City Manager may consider as evidence any documents relied upon by the city in acting pursuant to this subchapter as well as any evidence presented by the city or the person seeking review. The rules of evidence shall not be strictly followed, and hearing evidence is admissible.

(3) The person seeking review may be represented by counsel. The City Manager shall render a written opinion and mail a copy of same

within ten business days of the review.

(D) If the requestor is aggrieved after the administrative review by the City Manager, he or she may, within ten days of the date of the opinion request, in writing, a review by the Board of Zoning Appeals.

(E) (1) The Board shall hold a hearing within 30 days of the receipt of the written request.

(2) It shall notify the requestor by regular mail of the time, place and date of the review and shall consider whether this subchapter does apply, whether all applicable procedures were followed and whether any exemption should apply.

(3) The Board's review shall be de novo and based upon the same rules of evidence and procedure as stated in division (C) above.

(F) Nothing contained in this section shall prohibit either the city or any interested party from pursuing any legal rights or remedies which would otherwise be available after the exhaustion of the administrative remedies contained herein.
(Ord. 160, passed 10-9-1990)

NOISE NUISANCES

§ 91.35 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

dBA. The abbreviation for the sound level in decibels determined by the A-weighting network of a sound level meter or by calculation from octave band or one-third octave-band data.

DECIBEL (DB). A unit of measure, on a logarithmic scale, or the ratio of a particular sound pressure squared to a standard reference pressure squared. For the purpose of this subchapter, 20 micropascals shall be the standard reference pressure.

DUE DILIGENCE.

(1) The taking of prompt action to control

the noise on or emanating from property owned or controlled by an individual following the receipt of actual notice of a citation having been issued for a violation of this subchapter on the property (including, without limitation, evicting or removing violators), or the prohibiting of an individual or a group of individuals known to the owner from past experience to have violated noise limitations set forth herein from occupying the property, or promptly and lawfully undertaking a condition of a plan for compliance with the requirements of this subchapter pursuant to a plan approved by the Board of Noise Control.

(2) The failure to take prompt action to control the noise on or emanating from the property in question following receipt of actual notices of the issuance of citations for the violation of the provisions of this subchapter (including, without limitation, evicting or removing violators), or allowing the property to be occupied by an individual or group of individuals known to the owner from past experience to have violated the noise limitations set forth herein, or the willful or negligent violation of any term or condition of a plan for compliance approved by the Board of Noise Control shall constitute a lack of due diligence.

LOCATION or PROPERTY. A particular dwelling unit, or if there is no such unit, then the particular dwelling unit to which the lot or parcel of land on which the offense occurred appertains, if any.

OWNER. An individual, corporation, LLC, LLP, trust, association or partnership that is the legal owner of the property. A change in membership or make-up of any such entity which does not require a deed to transfer ownership of the property shall, for the purpose hereof, result in no change of ownership. (Ord. 221, passed 1-3-2006)

§ 91.36 INDECENT AND OFFENSIVE ACTIONS PROHIBITED.

It is unlawful to act in a loud, indecent, obscene or offensive manner in any public area or place of the city. (Ord. 221, passed 1-3-2006) Penalty, see § 91.99

§ 91.37 UNREASONABLY LOUD NOISE PROHIBITED.

It shall be unlawful for any person to make, continue or cause to be made or continued any unreasonably loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the corporate limits of the city. (Ord. 221, passed 1-3-2006) Penalty, see § 91.99

§ 91.38 PROHIBITED NOISES ENUMERATED.

Notwithstanding the provisions of §§ 91.36 and 91.37 above, and not in limitation thereof, the following noises, among others, are hereby declared to be unreasonably loud and shall be unlawful to make or cause to be made any of the following loud, disturbing and unnecessary noises:

(A) The city does not regulate noises produced by or emanating from motor vehicles being operated on public streets and highways to the extent that they are and continue to be regulated by the state, pursuant to Md. Code, Transportation Article, §§ 22-401, 22-401.1, 21-402 and 21-601 *et seq.*, known as the Noise Abatement Program, and §§ 21-1117 and 21-1121 and other state laws;

(B) The playing, using or operating, or participating in or permitting the playing, using or operating of, any radio receiving set, television, hi-fi set, stereo set, phonograph, compact disk player, computer, DVD player, tape player or other machine or device for the producing or reproducing of sound, in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated, and who are voluntary listeners thereto. The operation of any machine or device between the hours of 10:00 p.m. and 7:00 a.m. the following day in such a manner as to be plainly audible noise disturbance more than a distance of 50 feet from the building, structure, device or vehicle in which it is located, shall be prima facie evidence of a violation of this section;

(C) Yelling, shouting, hooting, whistling or singing on the public streets, sidewalks or other public areas or in a vehicle, dwelling, motel, hotel or commercial establishment so as to annoy or disturb the quiet, comfort or repose of any person in the vicinity, who is 50 feet or more from the source between the hours of 10:00 p.m. and 7:00 a.m. the following day or after having been once warned by a law enforcement officer to be quiet between the hours of 7:00 a.m. and 10:00 p.m.;

(D) Maintaining a commercial establishment from which loud noises emanate either as a result of mechanical, musical devices, live entertainment or patrons shall be in violation of this section if the noise is plainly audible in a residential district or 100 feet from the place where it emanates in a commercial or residential district, if between the hours of 10:00 p.m. and 7:00 a.m. the following day;

(E) It shall be unlawful for any person or persons to knowingly permit the making, creation or maintenance of unreasonably loud noises upon any premises owned or possessed by him or her or under his or her control; and

(F) No person shall cause, suffer, allow or permit the following acts:

(1) *Sound reproduction systems.* The playing, using, operating or permitting the playing, using or operation of any radio, television, phonograph, stereo set or other machine or device for the producing or reproducing of sound, in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for the convenient hearing for the person or persons who are in the room, vehicle or chamber in which the machine is located or operated is hereby prohibited. An act shall be prima facie evidence of a violation of this division if it is plainly audible at a distance of 50 feet from the building, structure, vehicle or device in which it is located;

(2) *Loudspeakers and public address systems.* The using or operating of any loudspeaker, public address system or similar device between the hours of 10:00 p.m. and 7:00 a.m. in the following day, such that the sound therefrom creates a noise

disturbance across a residential real property line;

(3) *Animals and birds.* Owing, possessing or harboring any pet animal or pet bird that frequently or for continued duration makes sounds that create a noise disturbance across a residential real property line (for the purpose of this section, a **NOISE DISTURBANCE FROM A BARKING DOG** shall be defined as that created by a dog barking continually for ten minutes or intermittently for 30 minutes unless provoked);

(4) *Loading and unloading.* No person shall cause, suffer, allow or permit the loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, liquids or the pneumatic or pumped loading or unloading of bulk materials in liquid, gaseous, powder or pellet form to create an unreasonably loud noise within residential district, whether the source is from a residential, commercial or industrial area, sound level that exceeds the particular sound limit set forth herein when measured at or within the real property;

(5) *Refuse collection.* No person shall cause, suffer, allow or permit the loading, unloading, opening, closing or other handling of garbage cans, refuse or similar objects or the compacting of refuse by persons engaged in the business of scavenging or garbage and/or trash collection so as to create a noise disturbance within a residential district, whether the source is from a residential, commercial or industrial area, between the hours of 10:00 p.m. and 6:30 a.m. of the following day;

(6) *Standing motor vehicles.* Operating or permitting operation of any motor vehicle whose manufacturer's gross weight is in excess of 10,000 pounds or any auxiliary equipment attached to the vehicle, for a period of longer than 15 minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion or emergency work, on a public right-of-way or public space within a residential area or closer than 150 feet to a residential area between the hours of 10:00 p.m. and 7:00 a.m. of the following day; and

(7) *Construction, demolition and landscaping.*

(a) Operating or permitting the

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operation of any tool or equipment used in exterior construction, drilling, earth moving, excavating, pile driving and demolition, which can be heard in a residential district between the hours of 6:00 p.m. and 8:00 a.m. the following day, or any such use between the hours of 10:00 p.m. and 7:00 a.m. the following day, except for emergency work which may be permitted with the prior approval of the City Manager, Public Works Director, Utilities Director or their designees; and

(b) Operating or permitting the operation of any farming or landscaping equipment which can be heard in a residential district between the hours of 8:00 p.m. and 8:00 a.m. the following day, or any such use between the hours of 10:00 p.m. and 7:00 a.m. the following day.
(Ord. 221, passed 1-3-2006)

§ 91.39 PRESUMPTIONS.

It shall be presumed that a noise which reaches or exceeds the level set out below at a distance of 50 feet from the source of the noise is unreasonably loud and annoying and does disrupt the public peace, quiet and dignity and further does disturb and annoy the quiet, comfort and repose of other persons.

(Ord. 221, passed 1-3-2006)

§ 91.40 DETERMINATION OF PERSON RESPONSIBLE.

(A) *Street sound.* The person in possession of any hand-carried source of the sound shall be conclusively presumed to be the person responsible; if the street sound originates in any type of vehicle, the person seated or standing closest to the point of

the origination shall be presumed to be the person responsible; if no one is in possession, the police officer may take possession of the source of the sound until the person responsible is determined, located and the cost of the municipal infraction paid.

(B) *Residential sound.*

(1) The officer shall notify the person or persons in charge of the property or structure from which the sound originates, of the violation and the person shall be presumed to be the person responsible.

(2) Unless shown to be otherwise, the tenant and owner of any property shall both be presumed to be in charge.
(Ord. 221, passed 1-3-2006)

§ 91.41 EXEMPTIONS.

The following noises are exempt from the provisions hereof:

(A) Noise from domestic power tools, lawn mowers and agricultural equipment when operated with a muffler or as manufactured between the hours of 8:00 a.m. to 8:00 p.m., provided they produce less than 85 dB at the real property line of a residential property on which they are being operated;

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| Daytime (7:00 a.m. to 10:00 p.m.) | 65 decibels-residential |
| (B) Sound from church bells and church chimes being sounded for normal and customary church business, celebration and holidays; | 67 decibels-commercial 75 decibels-industrial |
| Nighttime (10:00 p.m. to 7:00 a.m.) | 55 decibels-residential |
| (C) Noise from construction activity provided all motorized equipment used in such activity is equipped with functioning mufflers, except as provided herein, and subject to time constraints set forth in § 91.38(F)(7) above; | 62 decibels-commercial 70 decibels-industrial |

(D) Noise from snow blowers, snow throwers and snow plows when operated with a muffler or as manufactured for the purpose of snow removal;

(E) Noise from stationary emergency signaling devices, which conforms to law;

(F) Noise from an alarm system as defined in Md. Code, Criminal Law, Article 9-607 activated for

false alarms, in the case of a motor vehicle alarm lasting more than 15 minutes, and in the case of a burglary alarm lasting more than 30 minutes;

(G) Emergency vehicles, alarms and buildings sounded for an emergency;

(H) Noise produced by or emanating from a motor vehicle being operated on a public street or highway if the noise is regulated by state law; and

(I) (1) Noise produced or emanating from a motor vehicle being used in the ordinary course of business and being operated in a manner reasonably calculated to cause as little disturbance as practical, when taking into consideration the type of vehicle, time of day, location and work being done.

(2) Nothing contained herein shall be read to overrule the provisions of § 91.38(F)(5) above.
(Ord. 221, passed 1-3-2006)

§ 91.42 SOUND MADE BY A PUBLIC UTILITY.

This subchapter shall not apply to any sound resulting from the emergency operations of a public utility company as defined in Md. Code, Public Utility Companies Art., § 1-101(X) or to any sound resulting from the operations of an instrumentality of the federal, state, city or county governments, nor shall it apply to emergency repairs performed by private forces on or for private property.
(Ord. 221, passed 1-3-2006)

§ 91.43 MUNICIPAL INFRACTION.

It shall be an infraction of this city ordinance for the owner of property to fail to use due diligence as defined in § 91.35 above to control noise on or emanating from property owned or controlled by him or her and by the failure to permit a person or persons to violate the provisions of §§ 91.35 through 91.42, after having been notified that a citation for the violation has been issued at a particular location owned by him or her, provided that the same shall only apply when the citation was based upon a noise level that renders or exceeds those set out in § 91.39 above, as read by a sound meter complying with

ANSI S1.4, 1971 Specifications for Sound Level Meter, if at least a Type 2 quality and sensitivity, consisting of a microphone, amplifier, output meter and frequency weighting network(s).
(Ord. 221, passed 1-3-2006)

§ 91.44 BOARD OF NOISE CONTROL.

(A) The City Council, upon passage hereof, does hereby establish a Board of Noise Control and shall name a Chairperson and three members to that Board.

(B) The President of the Council shall, in addition thereto, nominate, subject to the Council's approval, a Council member to serve as a voting member of the Board. The Board shall thereafter meet to establish and adopt its rules of procedure and shall meet thereafter as needed.
(Ord. 221, passed 1-3-2006)

§ 91.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) (1) Any person who shall store, park, leave or permit the storing, parking or leaving of a vehicle upon any public property within the city for a period of more than 72 hours or upon any private property within the city for a period of more than 30 days shall be guilty of a municipal infraction for which he or she shall be fined, upon trial and conviction of the same, not less than \$25 nor more than \$50 for each infraction.

(2) Each day that the person is in violation and each vehicle stored, parked or left or permitted to be stored, parked or left shall be deemed a separate offense.

(C) In the event the person so receiving notice fails to cut, destroy and remove the grass, weeds, brush, trash, refuse, junk or litter from his or her property within ten days after receipt of the written notice, he or she shall be in violation of § 91.01, and shall be guilty of a misdemeanor, and upon conviction, the District Court of the state, shall be

fined not less than \$10 nor more than \$50.

(D) Any person, persons or group of persons who shall violate the provisions of §§ 91.35 through 91.44 shall, upon conviction thereof, be deemed guilty of a misdemeanor, and shall be subject for each such offense to a fine not less than \$50 nor more than \$500 and/or imprisonment in a local correctional facility not exceeding 90 days.

(E) (1) Whenever a city police officer shall issue a citation for the violation of any provisions of §§ 91.35 through 91.42 evidenced by a metered reading, the officer shall, within a reasonable time thereafter, notify the Code Enforcement Officer, or his or her designee, who in turn shall mail written notification to the owner of the location upon which the citation was issued.

(2) The notice referenced above shall set forth the date of the citation, type of citation and location of the citation, and shall notify the owner that if a subsequent citation is issued for a separate incident at the same location, that the owner may be subject to a municipal mandatory civil fine of \$100.

(3) In the event that a second citation, evidenced by a metered reading is issued for a violation of §§ 91.35 through 91.42, within a year of the first, at a time when the location is owned by the same owner as at the time of the first citation, the Code Enforcement Officer or his or her designee shall or if the Board of Noise Control has reason to believe that the owner has failed to exercise due diligence in controlling noise on or emanating from his or her property pursuant to a plan of compliance as referred to in § 91.35 above, the Board may notify the owner by certified mail, return receipt requested at the address shown on the tax rolls, that the owner may appear at a designated time before the Board of Noise Control for a hearing which shall occur not sooner than 30 days after mailing of the notice as to why he or she should not be fined \$100 for violating §§ 91.35 through 91.44 and thereby committing a municipal infraction. If the Board of Noise Control finds that the owner of any such property has failed to exercise due diligence to control noise on or emanating from that property, the Board shall issue a citation to the owner of the property, setting forth the facts supporting the Board's finding and assessing a fine of \$100 for the first violation of this municipal infraction following the notice set forth herein, and in a sum of \$200 for the second and each subsequent infraction. The citation shall be served upon the owner in any manner permitted by state law. The Board shall retain a copy of the citation which shall contain the certification of the Chairperson of the Board attesting to the truth of the matter set forth in the citation the name and address of the person charged; the nature of the municipal infraction; the location and time(s) of the event(s) that constituted the infraction, the amount of the fine assessed; the manner, location and time in which the fine may be paid to the city, the person's right to elect to stand trial for the infraction; the effect of failing to pay the assessed fine or demand a trial within the time prescribed. The fine set forth in the citation by the Board is payable by the recipient of the citation within 20 calendar days of the service of the citation. The person receiving the citation may elect to stand trial for the municipal infraction by notifying the city of that intention, which notice shall be received by the city at least five days prior to the date on which payment due as set forth in the citation. Upon receipt of the notice of intention to stand trial, the city shall forward to the county District Court a copy of the citation and a notice from the person who received

the citation setting forth his or her intention to stand trial. All fines, penalties or forfeitures collected by the District Court for violations of municipal infractions shall be remitted to the city government.

(4) Any owner who disagrees with the Board's finding may appeal the same to the circuit court for the county, pursuant to Title 7, Chapter 200, of the Maryland Rules of Court.

(5) Any penalty imposed hereby shall become a lien upon the land involved, until such time as it is paid, and the land shall not be transferred without its payment.

(6) The fines set forth in division (D)(3) above of \$100 for the first infraction and \$200 for the second or subsequent infraction shall be increased to a level not to exceed \$400 for the first violation, \$1,000 for the second violation within one year and \$1,500 for the third and each subsequent violations within the same year, at such time as City Charter § FC3-3.B(2) shall be amended so as to permit the increased fines, without the need to amend §§ 91.35 through 91.44.

(Ord. 21, passed 5-8-1973; Ord. 160, passed 10-9-1990; Ord. 221, passed 1-3-2006)

CHAPTER 92: STREETS, SIDEWALKS AND PUBLIC WAYS

Section

Numbering of Lots, Buildings and Structures

- 92.01 Assignment; plan
- 92.02 Map; inspection
- 92.03 Duty of owner/occupant
- 92.04 Advised in writing

- 92.99 Penalty

map or maps showing the proper street number of every lot in the city, which shall be open to inspection during normal business hours.

(B) He or she shall make alterations, additions or revisions to the map or maps from time to time as may be required by the approval or revision of subdivision plats by the Planning and Zoning Commission or revisions of the zoning map by the City Council.
(Ord. 74, passed 10-22-1974)

NUMBERING OF LOTS, BUILDINGS AND STRUCTURES

§ 92.01 ASSIGNMENT; PLAN.

Each lot, building or structure within the city shall be assigned a number in accordance with the following plan:

- (A) All numbers begin at the intersection of Fruitland Boulevard and Main Street;
- (B) Numbers shall begin with the 100 block;
- (C) Odd numbers shall be on the north and east sides of streets;
- (D) Even numbers shall be on the south and west sides; and
- (E) Each entrance to an occupied unit of a structure shall be assigned a number.
(Ord. 74, passed 10-22-1974)

§ 92.03 DUTY OF OWNER/OCCUPANT.

It shall be the duty of the owners and occupants of every structure in the city to have placed upon the structure or the lot upon which the structure is located in a place visible from the street, at least two and one-half inches high, showing the number or numbers assigned to each structure, or each entrance thereof, within 30 days after final passage of this subchapter; or within 30 days after occupancy of any structure hereafter erected.
(Ord. 74, passed 10-22-1974)

§ 92.04 ADVISED IN WRITING.

§ 92.02 MAP; INSPECTION.

- (A) The Director of Public Works shall keep a

The Director of Public Works shall, upon final passage of this subchapter, cause to be inserted in some newspaper of general circulation within the city, an advertisement which shall appear once each week for three successive weeks within 25 days after final passage of this subchapter, notifying the general public of the date by which all structures within the city shall display the assigned number or numbers and the size of numbers required; and thereafter each person to whom a building permit is issued for a new structure shall be advised in writing of the number or numbers assigned to the structure for which the permit has been issued; a certificate of publication of the advertisement and a carbon copy of the writing addressed to the person to whom a building permit shall hereafter be issued shall be competent proof of notice of the requirements of this subchapter.

(Ord. 74, passed 10-22-1974)

§ 92.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed, shall be subject to § 10.99.

(B) Any person, firm or corporation failing to so number any structure occupied by him or her within the period prescribed by §§ 92.01 through 92.04 shall be deemed guilty of a misdemeanor, and upon conviction thereof by a court of competent jurisdiction, shall be sentenced to pay a fine of \$5 for each day during which the violation shall continue.

(Ord. 74, passed 10-22-1974)

CHAPTER 93: PROPERTY MAINTENANCE

Section

- 93.01 Applicability of chapter
- 93.02 Definitions
- 93.03 Maintenance requirements
- 93.04 Violations
- 93.05 Enforcement
- 93.06 Notice of violations
- 93.07 Repeat violations
- 93.08 Right to appeal

CITY COUNCIL. The City Council for the City of Fruitland.

EXTERIOR PROPERTY AREAS. All areas external to improved property including city rights-of-way and adjacent street curbs and gutters, excluding any trees along the city’s rights-of-way.

GARBAGE. Human or animal feces, or the animal, mineral or vegetable waste resulting from handling, preparing, cooking and serving of foods.

GRAFFITI. Includes what is visible from any public property, right-of-way or private property other than that on which the graffiti exists.

LITTER AND/OR RUBBISH. All combustible and noncombustible waste materials, except garbage; and the term shall include but not be limited to rags, paper, cartons, boxes, packing material, rubber, appliances, furniture, motor vehicle parts, budding and construction waste, yard and lawn clippings, dead trees and branches, the residue from burning wood, coal and other combustible materials which:

§ 93.01 APPLICABILITY OF CHAPTER.

The provisions herein shall apply to any unimproved and/or improved real property located within the corporate limits of the city. (Ord. 236, passed 5-13-2008)

§ 93.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED, WRECKED OR JUNK VEHICLE(S). Any motor vehicle, trailer or semitrailer that:

- (1) Is inoperable and left unattended on public property for more than 48 hours;
- (2) Has remained illegally on public property for more than 48 hours;
- (3) Has remained on private property for more than 48 hours without the consent of the owner or person in control of the property.

AGENT. Any person or company designated by the owner to act for them.

- (1) Create or tend to create a danger to the public health, safety, welfare or property, to the extent and in the manner that a lot, tract or parcel of land is, or may become infested or inhabited by rodents, vermin or wild animals;
- (2) May reasonably cause disease;
- (3) Adversely affects and impairs the economic welfare or status of adjacent properties or the neighborhood; or
- (4) May reasonably constitute a present or

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potential fire hazard.

OWNER. One who has complete dominion over particular property and who is the one in whom legal or equitable title rests when applied to a building or land, including any part owner, joint tenant in common, tenant by the entirety, or joint tenant of the whole or part of the building or land.

PAVED AREA. Any concrete, gravel, asphalt, stone, brick or other hard rock surface.

PERSON. Any individual, natural person, legal entity, society, club, firm, partnership, association, corporation, company, organization or any group acting as a unit, principal or agent, or the manager, lessor, lessee, agent, servant, partner, member, director, officer or employee of any of them including an executor, administrator, trustee, receiver or other representative appointed according to law.

PUBLIC NUISANCE. Situation, condition or action whereby a resident creates an environment that is unsafe or threatens the health and welfare of the surrounding area or disturbs the public peace.

WEEDS. Grass, weeds, brush or any noxious growth. This excludes properly tended trees, ornamental shrubs, plants, flowers, vegetable plants or undisturbed woodland, not otherwise in violation. (Ord. 236, passed 5-13-2008)

§ 93.03 MAINTENANCE REQUIREMENTS.

(A) All exterior property areas shall be maintained in a clean, safe and sanitary condition, free from any accumulation of litter/rubbish or garbage.

(B) All exterior property areas shall be properly maintained and no grass or weeds more than eight inches tall, other than garden and yard plantings properly maintained by the owner/occupant, shall be allowed to accumulate or grow on any private property in the city. No vegetation shall be allowed to grow in or into the public curb and gutter; provided, however, that if the exterior property is an open field or is an unimproved block, it shall not allow the grass or weeds to exceed 18 inches in height.

(C) It shall be unlawful for any person to abandon any vehicle any place in the corporate limits of the city.

(D) No owner, lessee or occupant shall permit an abandoned, wrecked or junk vehicle to remain on the property except enclosed in a garage or in a driveway, properly and completely covered with an opaque (commercially-made) cover to be out of public view. Those vehicles not enclosed in a garage shall be limited to one per residence.

(E) Exterior property areas shall not be utilized for the storage of motor vehicles parts.

(F) Exterior property areas shall not be utilized for the open storage of building materials, bathroom or kitchen fixtures, furniture or lawn and garden equipment for more than seven days, irrespective of age or condition, except for routine garden maintenance equipment, outdoor lawn furniture or materials used in construction or renovation projects with county and/or city permits.

(G) The storage of wood and other materials not prescribed by this chapter, including compost piles, shall be accomplished in a manner designed to avoid rodents, termites and other insect infestation. Wood shall be stored at least six inches above the ground. All exterior property areas shall be kept free of debris to prevent infestation by rodents, vermin, insects and other pests. If found, they shall be promptly exterminated by the property owner by acceptable processes which will not be injurious to the health of humans or animals.

(H) It shall be the responsibility of any property owner, lessee, agent or other occupant, who shall possess animals on any property in the city to keep the animals in a sanitary condition.

(I) All shrubbery located on exterior property areas shall be maintained in such a way so as not to pose a danger or obstruction to adjoining property, persons walking on designated walking areas or obstruct sight at street intersections or along streets.

(J) Grassy, yard and other unpaved areas shall not be used for the parking of motor vehicles, boats, trailers or similar items, except for recreational vehicles, such as boats on trailers, campers and motor

homes, with current tags. The vehicles must be parked in the rear yard only. Any exceptions must be for good cause and approved in writing by the Code Enforcement Officer and for a period not to exceed 90 days. In cases of unusual circumstances, the City Council may grant a long-term permit for a period not to exceed one year, and the permit may be renewed only by action of the City Council.

(K) No owner shall allow structures or property to become a public nuisance, safety or health hazard or condition to encourage trespassing.
(Ord. 236, passed 5-13-2008) Penalty, see § 10.99

Cross-reference:

Maximum height of weeds; cutting requirement, see § 91.01

§ 93.04 VIOLATIONS.

(A) Any owner, lessee or occupant who does not maintain the exterior area as provided in § 93.03 above shall be deemed to have violated this chapter.

(B) A violation shall be a municipal infraction.
(Ord. 236, passed 5-13-2008)

§ 93.05 ENFORCEMENT.

(A) It shall be the duty and responsibility of the city to enforce the provisions of this chapter as herein provided.

(B) The City Council may waive applicability of this chapter to a property on application of the property owner if:

(1) If the property owner applies to the city in a form and manner specified by city;

(2) The owner is afforded an opportunity to state reason or give basis for violation either in writing or in person; and

(3) The waiver would not threaten the health or safety of any resident and must be approved by the City Council.
(Ord. 236, passed 5-13-2008)

§ 93.06 NOTICE OF VIOLATIONS.

(A) Whenever the Code Enforcement Officer or his or her designated representative determines that there are reasonable grounds to believe that there has been or is a violation of any provision of this chapter or of any rule or regulation adopted pursuant thereto, the Code Enforcement Officer shall give notice of the alleged violation to the person(s) responsible therefore, as hereinafter provided. The notice shall:

(1) Be in writing;

(2) Include a description of the real property sufficient for identification;

(3) Include a statement of the reason why it is being issued;

(4) Allow time, as set forth in this chapter, for the performance of any act it requires;

(5) The notice shall:

(a) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter and with rules and regulations adopted pursuant thereto; and

(b) According to state law (ACM to re-write) at end of paragraph, add statement after: The property owner will be billed for all associated costs including the aforementioned charges, legal notice, towing and storage fees. Failure to pay these charges and fees within 30 days will result in the delinquent charges placed as a lien against the property and collected in the same manner as delinquent city taxes.

(6) In cases where the Code Enforcement Official determines there has been a violation of § 93.03(B) above, whereby grass or weeds is more than eight inches tall, the notice shall:

(a) Contain an outline of the remedial action which, if taken, will effect compliance with the provisions of this chapter and with the rules and regulations adopted pursuant thereto; and

(b) Contain the requirement that the violation must be fully corrected within seven days

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from the date of the notice and that, in the event the owner fails to do so within the seven-day period, the city will remove or contract for the removal of the violation from the property and assess the cost of the removal against the property, which cost shall be the actual charge for the removal plus an administrative charge of 25% thereof with a minimum administrative charge of \$10, and the cost of any such work shall be billed to the owners of the property as shown on the tax books of the city, and shall accrue interest and penalties after 30 days if not paid, and shall become a lien on the property from and after the date of billing. The Treasurer of the city shall not accept payment of or receipt the tax bill unless and until the amount so assessed against the owner(s) is paid in full along with ad valorem taxes.

(B) The city shall have the right, after 30 days of violation, to enter onto the premises of the property in violation to abate any violation, the costs of which will be charged to the property owner. Failure to pay these costs within 30 days will result in the delinquent charges placed as a lien against the property and collected in the same manner as delinquent city taxes. Any subsequent repeat violations may be abated immediately. Abatement by the city does not constitute compliance and may include the boarding up or razing of buildings on premises. Where a clean lot problem is refuse improperly placed out for collection, the right to abate and collect costs will be as prescribed in the city's garbage collection policy.

(C) Service of notice that property is in violation shall be as follows (match state law):

(1) By delivery to the owner or agent personally or by leaving the notice at the usual place of abode of the owner or office of agent with a person of suitable age and discretion who shall be informed of the intent thereof;

(2) By certified or registered mail addressed to the owner or agent at the address provided to the city by the owner as required by this chapter with postage prepaid thereon with return receipt requested, or if the letter is returned with receipt showing non-delivery (grass and certain junk/trash violations may be delivered through regular mail service); or

(3) By posting a copy of the notice in a conspicuous place on the premises affected by the notice.

(Ord. 236, passed 5-13-2008)

§ 93.07 REPEAT VIOLATIONS.

(A) Any violations reoccurring within the same calendar year will be considered a repeat of the original violation. It shall be the responsibility of any owner or responsible person duly notified under the provisions of this section to fully correct the repeat violation charged within seven calendar days from the date of the notice for the repeat violation.

(B) (1) Upon noncompliance of the violation notice within the time limits imposed in this section, a second notice shall be issued, in accordance with the notice requirements of this chapter, advising the person found in violation of the imposition of a fine payable to the city. In the event that the violation has not been fully corrected within the period prescribed in the second notice, a third notice will be issued, in accordance with the notice requirements of this chapter, advising the person found in violation of the imposition of a further fine payable to the city. For each additional prescribed period that the violation is not fully corrected, notice will be issued of the fine amount as due and payable to the city.

(2) Fines for failure to take remedial action will be established by resolution of the City Council and shall not exceed the amount of \$1,000. Failure to pay fine(s) will result in the amount of any fine(s) imposed being recorded as a lien against the property and collected in the same manner as delinquent city taxes.

(C) The city shall have the right, after 30 days of continued violation, to enter onto the premises of the property in violation to abate any violation, the costs of which will be charged to the property owner. Failure to pay these costs within ten days will result in the filing of a lien against the property and collected in the same manner as delinquent city taxes. Repeat violations may be abated in 21 days and any subsequent repeat violations may be abated immediately. Abatement by the city does not constitute compliance as defined in § 7A(5). Action for abatement under § 5K may include the boarding up or razing of buildings on premises.
(Ord. 236, passed 5-13-2008)

§ 93.08 RIGHT TO APPEAL.

(A) Any person affected by any notice of violation may elect to appeal to the City Council (except in the case of grass and trash violations):

(1) Any person affected by a notice of violation which had been issued in connection with the enforcement of any provision of this chapter may request and shall be granted a hearing on the matter by the City Council, provided that the person(s) shall, within ten days after service of a notice of violation, file with the City Manager a signed written notice of appeal, requesting a hearing and setting forth a brief statement of the reasons therefor. Upon receipt of the notice of appeal, the City Manager shall set a time and place for the hearing and shall determine appeals as promptly as practicable. The City Council, with a quorum present, will hear appeals.

(2) After the hearing the City Council may, by a majority of members present, affirm, amend, modify or withdraw the notice of violation that has been appealed. Any person who shall fail, refuse or neglect to comply with the decision of the City Council shall be guilty of violation the provisions of this chapter.

(B) Failure to pay after adjudication or request of adjudication by the city, will result in the amount of any fine imposed being recorded as a lien against the property and collected in the same manner as delinquent city taxes.
(Ord. 236, passed 5-13-2008) Penalty, see § 10.99

CHAPTER 94: PARKS AND RECREATION

Section

Swimming Pools

- 94.01 Adoption of Code; amendments
- 94.02 Administration
- 94.99 Penalty

All swimming pool installations must be completed. The pool shall be completely filled with water and in operation before final inspection. For the safety of others, the pool shall be completely enclosed with an approved wall, fence, or other substantial structure not less than five (5) feet in height before final inspection. Any deviation or changes in fencing or other safety features must be approved in writing by the Building Inspector before final inspection.

SWIMMING POOLS

§ 94.01 ADOPTION OF CODE; AMENDMENTS.

The Southern Standard Swimming Pool Code and all appendices, amendments and supplements thereto is hereby adopted as the Swimming Pool Code of the City of Fruitland, except as hereinafter set forth:

(A) Section 101.11 - Schedule of Fees - Private Pool shall read as follows:

\$5.00 per 1,000, including all appurtenances thereto.

(B) Section 315 - Final Inspection - Enclosure Required shall read as follows:

Compliance with setback requirements of the Zoning Code shall be construed as a safety feature and applications for permit shall indicate the location of the pool with respect to property lines so safety compliance may be determined at the time of final inspection.

(Ord. 77, passed 9-9-1975)

§ 94.02 ADMINISTRATION.

The Swimming Pool Code of the City of Fruitland shall be administered by the Building Inspector of the city.

(Ord. 77, passed 9-9-1975)

§ 94.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.

(B) Any person who shall violate the provisions of §§ 94.01 and 94.02 shall be cited for having committed a municipal infraction, and shall be

notified by the Building Inspector of that commission as required by law, and shall be required to pay a fine not less than \$25 nor more than \$100 for each infraction. Each succeeding day during which the acts made municipal infractions by that subchapter shall continue shall be a repeated municipal infraction, and the repeat offender may be assessed a fine not to exceed \$200 for each repeat offense, but the maximum fine for the original and repeat offenses shall not exceed \$500.

(Ord. 77, passed 9-9-1975; Ord. 90, passed 5-8-1979)