ARTICLE I

PUBLIC NUISANCES, MORALS AND CONDUCT

Section 1. Public Trash Receptacles

It shall be unlawful for any person or persons to take and carry away, or willfully break, injure or destroy any box or other receptacle maintained by the Town upon any street or alley in the Town for the reception of paper, filth or waste matter. Moreover, these receptacles shall not be used for the reception of waste material from commercial establishments or residential homes.

Section 2. Destroying Public Property

It shall be unlawful for any person or persons to, at any time or in any manner, deface, or injure or remove any tree, fence, gate, railing, traffic control sign, street lamp, porch, building, or other structure or sign upon public land, or to write, cut, deface or destroy in any manner public property within the corporate limits of the Town.

Section 3. Unlawful Entry on Public Property

It shall be unlawful for any person or persons to enter or trespass in or on any Town property or recreation facility at such times as have been prohibited by resolution of the Mayor and Council.

Section 4. Dirt and Trash on Highways

(a) No person engaged in excavating, repairs to structures or grounds, or construction or having charge or control of excavation, repairs to structures or grounds, or construction, or who may be engaged in or have charge or control of conveying material to or from excavations, repairs to structures or grounds, or construction, shall stockpile any building material, or deposit, or permit to be deposited, in any manner, upon the surface of any street, alley, avenue, highway, walkway, sidewalk, parking or other public space within the corporate limits of the Town of Washington Grove either by placing, spilling, dropping, or tracking from wheels of vehicles, or from the feet of animals, or otherwise, any earth, clay, mud, sand, gravel, or other material. If any such stockpiling or depositing occurs, every person whose duty it is under this Section to prevent such stockpiling and depositing shall promptly remove the same. All macadamized or broken stone roadways adjacent to excavations or traversed by vehicles either in the process of conveying material from an excavation or in returning from the place of deposit to place of excavation shall be covered with planking so far as may be required to prevent any mud, earth, clay or other material from the excavation or from the place of deposit from reaching the surface of such roadway.

(b) No one being the owner, driver, manager, or conductor of any cart or other vehicle shall carry or convey, or cause to be carried or conveyed in such vehicle any coal, earth, sand, gravel, broken stone, dirt, ashes, paper, and other rubbish, or any loose fluid or offensive articles or matter, or any articles whatsoever within the corporate limits of said Town of Washington

Grove so that the same shall or may be scattered, dropped, let fall, blown, or spilled there from; and all vehicles conveying combustible refuse or foul, dusty, or offensive matter of any sort shall have tight bodies and be closely and securely covered. All vehicles conveying waste paper and wastepaper products, baled, sacked, or otherwise, shall be closely and securely covered.

(c) Owners of lots abutting upon streets, avenues, or alleys, or upon public parking or other public space, in the Town of Washington Grove and which are above grade, shall protect such lots so as to prevent dirt, sand or gravel, or any bushes, trees, or the like thing from falling or being washed upon the sidewalks, streets, alleyways or other public space adjacent to the same.

Section 5. Throwing Glass, Refuse, Etc. Upon the Streets

It shall be unlawful for any person to cast or throw into any street, alley, avenue or highway within the jurisdiction of the Town authorities, any glass, bottles, glassware, crockery, porcelain, or other similar substance, or pieces thereof, or any pieces of iron, hardware or sharp metal, nails, tacks, or other articles, or any wastepaper, trash, rubbish, garbage, dead animals, or refuse of any kind.

Section 6. Animals

(a) No poultry or livestock or large offensive animals shall be kept, maintained, housed or harbored within the limits of the Town.

(b) No animal shall be kept, housed, maintained or harbored in an enclosure or limitation for animals which extends within a distance of twenty-five (25) feet of a dwelling on neighboring property.

(c) No person shall own, maintain or harbor more than two dogs over three months old, unless he keeps them in an enclosure more than three hundred (300) feet from the nearest dwelling.

(d) No animal hospital shall be permitted to operate within the limits of the Town.

(e) Any or all persons who own, maintain, or harbor any animals within the limits of the Town shall exercise such control over such animals as may be necessary to prevent their creating a public nuisance or disturbing the public peace or creating unreasonable hazard or injury to persons or property.

(f) It shall be unlawful for any owner to permit his dog to run at large. A dog shall be deemed to be at large if off the premises of its owner and not under the immediate control of a responsible person.

(g) Further, there is hereby adopted by the Town of Washington Grove for the purpose of establishing rules and regulations for the control of dogs and cats, including licenses and penalties, that portion of the Montgomery County Code 1965, Chapter 76, Article II, Dogs and Cats (Adopted by the County Council February 28, 1967), of which not less than one (1) copy has been and now is filed in the Town Hall of the Town of Washington Grove, and

the same is hereby incorporated as fully as if set out at length herein, including any amendments thereof.

Section 7. Operation of Power Mowers, Etc.

It shall be unlawful for any person to operate a power mower, chain saw, or other power equipment on Sundays before the hour of 12:00 Noon, except that electrically powered tools may be operated within a building with doors and windows closed.

Section 8. Cruelty to Animals

It shall be unlawful for any person to override, overdrive, overload, torture, ill-treat or cruelly or unreasonably beat, maim, poison, mutilate, or kill any domestic animal whether belonging to him or another.

Section 9. Disturbing Religious Worship

It shall be unlawful for any person to willfully interrupt or disturb any assembly met for the worship of God.

Section 10. Abandoned Ice Boxes

It shall be unlawful for any person, firm or corporation to abandon, discard, store or keep in any place accessible to children, or to permit, as the owner, lessee, or manager, to remain on the premises under his control, a refrigerator, ice box, freezer or any other similar container of any kind which has an airtight door, or lock which may not be released for opening from the inside of said refrigerator, ice box, freezer cabinet or other container and which is no longer used for refrigeration purposes, unless the attached doors, hinges, lids or latches are first removed or the doors are secured by key or combination locks.

Section 11. Public Recreation Facilities

All recreation facilities in the Town of Washington Grove maintained, operated or owned by the Town of Washington Grove are hereby reserved for the exclusive use of the residents or property owners of the Town and their bona fide guests under such rules and regulations as the Mayor and Council may pass from time to time by resolution.

Section 12. Hunting; Fishing

(a) Hunting by any weapon such as firearms, bow and arrow, or by using dogs, or birds such as falcons or hawks, is prohibited in the Town.

(b) Fishing by any means is prohibited in the Town except in conformance with State law.

Section 13. Penalty

Any person who is in violation of any of the foregoing sections of this Article shall be subject to possible actions in Article IX, Penalties – Enforcement – Severability.

Section 14. Condemnation of Buildings

14.1 Dangerous Buildings--Nuisance

All "dangerous buildings" within the terms of this Section 14 are hereby declared to be public nuisances and shall be repaired, vacated or demolished as hereinafter provided.

14.2 Dangerous Building Defined

Any building which shall have been found to have any of the following defects shall be deemed a "dangerous building."

(a) One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public.

(b) One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public, as prescribed by the provisions of this section.

(c) One which has been damaged by fire, wind or other causes so as to have become dangerous to life, safety, or the general health and welfare of the occupants or of the public.

(d) One which has parts which are so attached that they may fall and injure members of the public or their property.

14.3 Building Inspector

The Mayor shall appoint, with the approval of the Council, a Building Inspector to serve for a term of three years from the date of first appointment. The Building Inspector shall investigate allegations that a building constitutes a dangerous building and shall report his findings to the Mayor and Council. If the Building Inspector finds that there is probable cause to believe that a building is a dangerous building, he shall report this to the Council and request that funds be authorized with which to retain an expert to examine the building believed to be dangerous. The expert shall report his findings to the Building Inspector; and, if the latter determines that the structure is in fact a dangerous building, he shall condemn the building and issue a notice of violation(s) to the owner as hereinafter provided.

14.4 Notice of violation and order to comply with section; hearing

(a) Notice and orders. Whenever the Building Inspector determines that a building is a dangerous building, he shall give notice of such violation to the owner, and an order of action to be taken. Such notice and order shall:

(1) Be in writing;

(2) Contain an outline of remedial action, which if taken, will effect compliance with the provisions of this section;

(3) Allow a reasonable time for the performance of any act it requires;

(4) Set forth the owner's right to a hearing on the matter; and

(5) Be served upon the owner or his agent, provided, that such notice and order shall be deemed to be properly served upon such owner or agent if a copy thereof is served upon him personally of if a copy thereof is sent by certified mail to his last-known address; or if he cannot be found, if a copy thereof is posted in a conspicuous place in or about the building affected by the notice; or if he is served with such notice by any other method authorized or required under the laws of this state.

(b) Hearing. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this section may request and shall be granted a hearing on the matter before the Council; provided, that such person shall file with the Mayor a written request for such hearing ten days after the day the notice and order were served. Upon receipt of such request, the Mayor shall notify the Council to set a time and place for such hearing and shall give the owner five days written notice thereof.

(1) At such hearing, the owner shall be given an opportunity to be heard and to shown why such notice should be modified, extended or withdrawn or a variance granted.

(2) The hearing shall be commenced not later than thirty days after the day on which the request was filed; provided, that upon application of the owner, the Council may postpone the date of the hearing for a reasonable time beyond such thirty day period, if in its judgment, the owner has submitted a good and sufficient reason for such postponement, but in no event shall said hearing be postponed longer than sixty (60) days. The order of the Council sustaining, modifying or granting a variance from the order of the Building Inspector shall be final.

14.5 Appeal from decisions of Council

Any person aggrieved by the decision of the Council may appeal such order to any court of competent jurisdiction.

14.6 Waivers or variances from section

(a) Relocation housing unavailable. The Building Inspector and the Council are authorized to waive compliance in whole or in part with this section where a dwelling cannot economically be made to comply with all provisions of this section without the vacating of such dwelling and no other adequate housing at a cost which the occupants can afford is at that time available in the general vicinity; provided, that in such cases, waiver shall not be for an indefinite time, but the Building Inspector shall establish a reasonable time to bring such dwelling up to full compliance with the standards set forth in this section. In no event shall the reasonable time established by the Building Inspector to bring such dwelling up to full compliance exceed a period of six years from the date the waiver is granted. Nothing in this subsection, however, is to be construed to prevent the

reasonable enforcement of this section in such dwellings to put the dwellings in as sanitary and healthful condition as the circumstances permit.

(b) Hardship. The Building Inspector is authorized in particular cases to waive full compliance with all the terms and provisions of this section in special circumstances, including unusual hardship, where there is not an immediate and present danger to the health of the occupants or the public; provided, that in such cases waiver shall not be for an indefinite time, but the Building Inspector shall establish a reasonable time to bring such dwelling up to full compliance with the standards set forth in this section.

14.7 Removal of condemned buildings

If the owner of any building or part of a building condemned under the provisions of this section shall fail to remedy the condition or conditions which led to the condemnation thereof within the time specified by the Building Inspector in the order of condemnation or any extension thereof, the Building Inspector may, upon thirty (30) days written notice to the owner of such property, order the demolition of the building, the filling of any excavation and the clearing of the property so that it will be in a safe condition. The cost of removal by the Town shall be charged to the owner of the property in the manner of taxes and shall be a lien on the property. The cost to the Town of removal may also be collected as other debts.

14.8 Injunctive, etc. relief

The Building Inspector may institute injunctive or any other appropriate action or proceedings at law or equity for the enforcement of this section or to correct violations of this section, any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, or other appropriate forms of remedy or relief.