

Town of Emmitsburg: Code Excerpts

Below are several excerpts from the Emmitsburg Municipal Code that are the most commonly cited by staff or requested for clarification by the residents. Should you have any questions regarding the interpretation of these sections, please contact the Town office at 301-600-6300.

- **15.04.010 - Permits for building, altering or improving.**

No structure of any kind shall be built, enlarged, altered, replaced, removed, constructed, placed and/or located in the town without a building permit. Said building permit to be approved by the town manager and obtained through Frederick County department of permits and inspections. All building permits shall adhere to the state building code as administered by the County of Frederick. All applications must be signed by the owner of the premises or his authorized representative or agent and shall have his/her address and/or lot number written under his/her signature.

- **15.04.020 - Permits for use of land and buildings.**

The use or uses to which land and/or buildings in the town is or are put as of May 1, 1961 shall not be changed without a permit. Said permit must be approved by the town manager. Said permit must be signed by the town manager. Blank forms for applications for permits shall be furnished at the town office for all persons applying for the same. All applications must be signed by the owners of the premises or his/her authorized representative or agent and shall have his/her address and/or lot number written under his/her signature.

- **17.32.110 - Accessory uses and structures.**

In residential districts, accessory uses and structures are detached one story accessory uses (such as a private garage, a private swimming pool, and a garden or tool shed). Accessory structures shall remain six (6) feet from the side and rear lot lines, or in the case of a swimming pool, a distance equal to the maximum depth of the pool. Detached means not connected to the principal structure.

In the case of a detached garage or car canopy, where the lot width existing as of September 1, 2011, is thirty (30) feet or less, the side setback requirement shall be a distance of at least six (6) feet from one side lot line, and six (6) feet from the rear property line.

- **17.40.060 - Allowable projections of fences into yards.**

Fences may be constructed in or project into yards, providing, that: (a) no fence or planting more than three (3) feet high shall be located within thirty (30) feet of a street intersection; (b) no fence more than four feet high may be located closer to the front of the lot than the principal building; (c) no privacy fence of a townhouse or duplex dwelling more than ten (10) feet tall by eight (8) feet wide overall; and (d) no fence more than six (6) feet high shall be allowed on any other part of the lot.

- **Chapter 8.04 - ABANDONED PROPERTY**

- **8.04.010 - Definitions.**

- vehicles will be deemed abandoned if any of the following conditions apply:
 1. Is unregistered or unlicensed;
 2. Displays tags assigned to another vehicle;
 3. Is unused for any period of time so as to cause it to be a breeding ground for rodents, insects or any other vermin;
 4. The vehicle is rusted, wrecked, dismantled or in a deteriorated condition so as not to be lawfully permitted on public roads;
 5. The vehicle is declared a nuisance and danger to health, safety and welfare.

"Abandoned movable property" means any household appliances or any parts of such appliances or of other machinery or any scrap metal; construction items which are not being used in any current construction, which remain in one place on any private property for a period in excess of five days.

- **8.04.020 - Notice/Removal.**

When an abandoned motor vehicle or abandoned movable property is found within the town, the owner of the property shall be notified that he or she is required to remove such property within seven days of receiving such notice.

- **8.04.030 - Violation—Penalty.**

A. In the event that an owner of real property does not remove an abandoned motor vehicle or abandoned movable property within seven days from the date of receiving the notice set forth in [Section 8.04.020](#), the owner of the property will be in violation of this chapter. A violation of this chapter shall be a municipal infraction, the penalty for which shall be seventy-five dollars (\$75.00). Each day such violation shall occur shall be another violation of this chapter.

B. In the event the owner of the vehicle or property shall fail or refuse to comply with such notice, it shall be lawful for the town to remove the same and charge the cost to the owner of the vehicle and/or the property owner.

- **8.12.020 - Burning garbage, refuse, etc., in the town.**

No dead animals or parts thereof, garbage, refuse, rubbish, filth, or decaying matter of any kind or any other matter liable to produce nauseating or offensive smoke or vapors of any kind shall be burned within the town limits without a permit from the town of Emmitsburg. Applicant would need Frederick County burn permit before applying to the town for a permit. There is no fee for the town permit.

- **8.12.030 - Filth, rubbish, etc., on premises.**

A. No person owning or occupying any lot, house, building, enclosure, or property shall allow or permit to exist in or upon such premises any accumulations of trash, garbage, filth, rubbish, appliances, machine or mechanical parts, tires, animal or vegetable matter, solid or liquid, or of any stagnant or contaminated water or of any other substance which is or may be liable to become putrid, offensive, poisonous, annoying or unhealthy.

B. Whenever any condition prohibited by this section shall be found to exist within the town, the town manager or his designee shall give notice to the owner or occupant of the premises or the person responsible for such condition to abate such condition within such reasonable time as may be specified in such notice. Notice shall be made by mailing such notice to the property address and to the address of the owner as listed on the property tax records. Notice may also be made by posting said notice on the front door or other prominent location on the property.

C. If the owner and/or occupant of the property fails or refuses to abate the condition within the time stated in the notice, then the owner and/or occupant of the property shall be deemed in violation of section and a citation for the infraction may be issued to the owner and/or occupant of the property. Each day that the condition continues shall be a separate infraction for which a separate citation may be issued.

D. A violation of this section shall be a municipal infraction punishable by a fine of seventy-five dollars (\$75.00) and shall be enforceable pursuant to the applicable provisions of [Title 1](#) of the Code. In addition thereto, the town may pursue any other remedy available to it, at law or in equity, including injunctive relief, to enforce this section or to correct violations of this section.

- **8.12.040 - Removal of grass and weeds.**

All grass and weeds growing in the town shall be controlled to the herein defined standards.

Allowed height in stream corridors. Within fifteen (15) feet of the location where the bed of a watercourse, such as a stream or rill, meets the bank, vegetation should be maintained at a minimum height of six inches, with a maximum height of eighteen (18) inches allowed. Where location of the bank is not readily determined, the town code enforcement officer will delineate the location. Measurement will be linear and in a horizontal plane.

Maximum height outside of stream corridors. In undeveloped areas the maximum height allowed will be eighteen (18) inches. In all improved areas, which includes all zoning districts, the maximum height allowed will be eight inches. In the event that the owner, occupant or person in possession of any premises shall fail to trim or cut down and remove any grass or weeds which are taller than herein defined within five days from the receipt of a notice to do so, the owner of said property shall be guilty of a misdemeanor. In the event that any person shall fail or refuse to comply with such notice, it shall be lawful for the town to impose a fine to said property owner of up to seventy-five dollars (\$75.00) per day.

Pesticide application is not considered an acceptable method to control grass height.

Properties devoid of any permanent structures in improved areas may be designated "meadow areas" by the town manager. Meadow areas are considered to be "land that is covered or mostly covered with grass."

Meadow areas shall be cut twice per year to a height not in excess of twelve (12) inches. One cutting shall take place in late spring and a final cutting shall take place at the end of the growing season.

- **6.04.020 - Requirements for owners.**

A. Dogs and Cats. No person shall own or have custody of any dog or cat over four months of age unless such dog or cat is licensed by the county, and has been vaccinated against rabies in a procedure approved by the state public health veterinarian. This provision shall not apply to a dog or cat within the corporate limits of the town owned by a nonresident; provided, that such dogs or cats are duly licensed in their home city, county or state, and provided that the owner has a valid rabies vaccination certificate for said dog or cat while it is within the corporate limits of the town.

- **Chapter 9.20 - YARD SALES**

- **9.20.010 - Number limited.**

It is unlawful for any person, organization, association, club, business or other entity to have in excess of four yard sales, as herein defined, per calendar year without first obtaining any and all necessary zoning permits and/ or licenses to conduct a commercial business and thereby permit such excess use.

- **9.20.020 - Definitions.**

As used in this chapter:

"Yard sale" includes any sale, conducted on private property, of any personal property items or merchandise, which sales shall include, but not be limited to, yard sales, garage sales, basement sales, or any other such sales conducted on private property.

- **9.20.030 - Hours of operation.**

Yard sales may be conducted only at times between the hours of eight a.m. and six p.m. A yard sale shall be limited to no more than three consecutive days. Any yard sale continuing in excess of three days, and/or any yard sale conducted on nonconsecutive days shall be considered as a separate yard sale for purposes of this chapter.

- **9.20.040 - Property owner responsibilities.**

A. It shall be the responsibility of the property owner to ensure that all town rights-of-way, streets, curbs and sidewalks remain free and clear of any obstruction at all times.

B. It shall be the responsibility of the property owner, tenant, occupant, or whoever is conducting the yard sale to ensure that all property items and merchandise for such yard sales be properly removed and stored out of sight of any town right-of-way, except during said hours on the same day of the yard sale.

- **9.20.050 - Advertising signs.**

Any signs posted to advertise a yard sale shall not obstruct, impede, and/or impair the sight distance, or otherwise create any potential traffic impediment or danger in any public street, sidewalk or right-of-way. No sign may be posted more than two days before such yard sale, and all signs must be removed by eight p.m. on the last day of the yard sale. It shall be the responsibility of the property owner, tenant, occupant, or whoever is conducting the yard sale to ensure that all such signage is removed. No sign may be posted or attached to town property to include, for example, but not be limited to, street sign, poles, posts, buildings or other structures.

- **10.12.070 - Obstructing thoroughfares.**

It is unlawful to obstruct any part of any street, highway, crosswalk, sidewalk, or driveway within the town.

- **12.08.020 - Sidewalks—Repair by property owners and occupiers.**

It shall be the duty of all owners and occupiers of land to keep the sidewalks and footways bounding thereon in good and proper repair and at all times free of nuisances. Whenever, in the opinion of the town staff and with the approval of the town manager, any sidewalk, or portion thereof, is out of repair and should be repaired or relaid, the mayor shall notify the owner by notice in writing to repair or relay the same within twenty (20) days from the date of such notice.

- **Chapter 12.16 - SNOW REMOVAL**

- **12.16.010 - Removal of snow and/or ice from sidewalks.**

A. Whenever there shall be snowfall or freezing rain in the town, it shall be the responsibility of the owner of every parcel of real property, bounding upon a sidewalk, to remove or have removed, within twenty-four (24) hours from the end of the storm, the snow and/or ice from the sidewalk and to restore the sidewalk to a condition safe for pedestrians who may walk thereon.

B. Any person who violates this section shall be guilty of a municipal infraction and shall be fined twenty-five dollars (\$25.00). Each day the violation continues shall be deemed a separate offense.

- **12.20.100 - Rules and regulations for Emmitsburg's parks and recreation facilities.**

A. Hunting and firearms are prohibited in Emmitsburg's park and recreation areas. Firearms will be confiscated by any law enforcement officers.

B. Closed Parks. Emmitsburg's parks are closed from one-half hour after sunset to six a.m.

C. Camping is prohibited at Emmitsburg's parks.

D. Commercial Enterprises. No person may sell, offer for sale, hire, or lease or let out merchandise without a town permit.

E. Fires are prohibited at Emmitsburg's parks. Lighted matches, cigars, and cigarettes shall be properly extinguished. The community center facilities are smoke-free. It is the responsibility of the applicant to make sure that smoking is not allowed during your occupancy of this facility.

F. Advertising. No signs, notice or noise shall be made to attract attention to any kind of exhibition without permission from the town.

1. A permit can be obtained for a temporary advertising sign, four feet in height and eight feet in width to be placed along the outfield fence of a ballfield. Sign material may be vinyl, plastic or wood (not to exceed one-half inch in thickness). The permit for such sign shall be valid for the ball season only. Signs will be placed by the town's maintenance crew, and will be removed within ten days from the end of the season.

2. Permits for said signs are obtained through Emmitsburg's zoning administrator.

3. Advertising Signage Fee. This nonrefundable fee of twenty-five dollars (\$25.00) recovers some costs associated with the additional benefits provided to the user group. Make all checks payable to:

Town of Emmitsburg
300 A. South Seton Avenue
Emmitsburg, MD 21727

G. Loud, disturbing noises from a radio, music instrument, or similar device are prohibited.

H. Refuse and rubbish must be properly disposed of in receptacles provided for that purpose. Any litter or discharge of waste materials on the lands or waters of Emmitsburg's parks is prohibited.

I. Injury, defacement, or disturbance of any buildings, signs, ballfields, or public property and, except under permit, the removal or destruction of any tree or other plant or mineral is prohibited.

J. Alcoholic beverages are prohibited in Emmitsburg's parks and recreation facilities, except by an existing established bona fide community service organization. An organization meeting the previously noted criteria may qualify for a permit under the town's parks alcohol use policy number P09-01 as adopted and or amended to use alcoholic beverages, on a daily case by case basis by the town. Said organization shall sign a use agreement and be the responsible party for any such event.

K. Controlled dangerous substances are prohibited.

L. Personal Conduct. No person may do obscene or indecent acts: throw stones or other missiles; annoy people, interfere with, encumber, obstruct or render dangerous any drive, path, walk or public place; do any act that ends or amounts to a breach of peace; climb upon any structure; enter or leave a park except at established entrance ways or exits; engage in, instigate, and/or encourage a contention or fight, or assault a person.

M. Parking must be within the designated areas, and vehicles must not be parked in a manner which would impede traffic. Drivers must obey all posted signs and operate their car in a safe manner.

N. All-terrain vehicles are prohibited in all recreation areas.

O. Pets are prohibited from all ballfield areas. Seeing-eye dogs are excepted. No animal may be brought upon park property unless it is on a leash and is at all times entirely within the control of the person(s) bringing it upon the park property. Person(s) bringing an animal upon park property are responsible for immediate cleanup and removal of the animal's defecation. Domestic animals trespassing on park property may be impounded and shall be treated in accordance with applicable state and county statutes.

P. Wildlife. No person(s) shall catch, injure, destroy or interfere in any way with any wildlife.

Q. Metal Detectors, Digging. Using metal detectors and/or digging into the surface of park property is prohibited.

R. Gambling is prohibited except by a nonprofit organization which has obtained a permit through article 27 of the Maryland State Code.

S. Golfing is prohibited on all Emmitsburg ballfields.

T. Violations.

1. A Violation of any of the provisions of this section shall be a municipal infraction subject to a fine of up to one thousand dollars (\$1,000.00).

2. Any person(s) found violating the provisions of this section may, in addition to any other applicable penalty, be issued a "no trespass" letter by the Town of Emmitsburg. The issuance of such letter will ban the violator(s) from entrance to or use of the parks or recreational facilities for a term of ninety (90) days. Any person who receives a "no trespass" letter may appeal that issuance in writing to the mayor and board of commissioners within thirty (30) days of its issuance. Failure of the person to appear at the appeal hearing shall constitute a forfeiture of the right to appeal. The decision of the mayor and board of commissioners shall be final. Any person who violates the terms and conditions of the "no trespass" letter shall be guilty of a trespass, which shall be a misdemeanor, and upon conviction shall be subject to a fine of up to one thousand dollars (\$1,000.00) and/or incarceration for up to ninety (90) days.

These are recently passed code Sections which have not yet been incorporated into the Code book, but have been approved by the Commissioners in a public meeting and are in force.

TITLE 8 – HEALTH AND SAFETY

8.12.030 Filth, rubbish, etc., on premises.

- A. No person owning or occupying any lot, house, building, enclosure, or property shall allow or permit to exist in or upon such premises any accumulations of trash, garbage, filth, rubbish, appliances, machine or mechanical parts, tires, animal or vegetable matter, solid or liquid, or of any stagnant or contaminated water or of any other substance which is or may be liable to become putrid, offensive, poisonous, annoying or unhealthy.
- MAINTAINING OR CAUSING TO MAINTAIN UPON ANY YARD, UNENCLOSED PORCH, DECK, OR OTHER EXTERIOR PART OF ANY STRUCTURE, FURNITURE, OTHER THAN FURNITURE DESIGNED FOR EXTERIOR USE, WHICH IS COMMONLY INTENDED FOR USE INSIDE A DWELLING, INCLUDING BUT NOT LIMITED TO UPHOLSTERED SOFAS, CHAIRS, BEDS, DIVANS AND THE LIKE, SHALL CONSTITUTE A NUISANCE.
- B. Whenever any condition prohibited by this section shall be found to exist within the town, the town manager or his designee shall give notice to the owner or occupant of the premises or the person responsible for such condition to abate such condition within such reasonable time as may be specified in such notice. Notice shall be made by mailing such notice to the property address and to the address of the owner as listed on the property tax records. Notice may also be made by posting said notice on the front door or other prominent location on the property.
- C. If the owner and/or occupant of the property fails or refuses to abate the condition within the time stated in the notice, then the owner and/or occupant of the property shall be deemed in violation of **THIS** section and a citation for the infraction may be issued to the owner and/or occupant of the property. Each day that the condition continues shall be a separate infraction for which a separate citation may be issued.
- D. A violation of this section shall be a municipal infraction punishable by a fine of seventy-five dollars (\$75.00) and shall be enforceable pursuant to the applicable provisions of Title 1 of the Code. In addition thereto, the town may pursue any other remedy available to it, at law or in equity, including injunctive relief, to enforce this section or to correct violations of this section

TITLE 10 – VEHICLES AND TRAFFIC

Chapter 10.12.070 Obstructing thoroughfares.

- A. It is unlawful to obstruct any part of any street, highway, crosswalk, sidewalk, or driveway within the town.
- B. IT IS UNLAWFUL FOR ANY PERSON OWNING PROPERTY IN THE TOWN OF EMMITSBURG TO PERMIT ANY TREE, SHRUB OR PLANT GROWING ON THEIR PROPERTY TO HANG OVER OR BRANCH IN SUCH A WAY AS TO

OBSTRUCT OR OBSCURE STREET LIGHTS, TRAFFIC SIGNS, TRAFFIC SIGNALS OR PEDESTRIAN OR VEHICULAR ACCESS ON PUBLIC RIGHTS OF WAY, OR OBSTRUCT THE VIEW OF ANY STREET INTERSECTION. ALL SUCH TREES, SHRUBS OR PLANTS SHALL BE KEPT TRIMMED BY THE PROPERTY OWNER.

- C. THE TOWN MANAGER OR HIS DESIGNEE HAS THE AUTHORITY TO ORDER THE PRUNING OR REMOVAL OF TREES OR SHRUBS ON PRIVATE PROPERTY WHICH ENDANGER THE LIFE, HEALTH, SAFETY OR PROPERTY OF THE PUBLIC. PRUNING OR REMOVAL SHALL BE DONE BY SAID OWNERS AT THEIR OWN EXPENSE, WITHIN THE TIME PERIOD SPECIFIED BY THE TOWN, AND TO THE SATISFACTION OF THE TOWN. IN THE EVENT OF FAILURE OF THE OWNERS TO COMPLY, THE TOWN OF EMMITSBURG SHALL HAVE THE AUTHORITY TO PRUNE OR REMOVE SUCH TREES OR SHRUBS, AND CHARGE THE COSTS OF REMOVAL TO THE OWNER. IN ADDITION, THE COSTS AND EXPENSES OF CORRECTING THE VIOLATION MAY BE ASSESSED AS A LIEN AGAINST THE SUBJECT PROPERTY AND BE COLLECTED IN THE SAME MANNER AS PROPERTY TAXES.

- D. WHENEVER ANY CONDITION PROHIBITED BY THIS SECTION SHALL BE FOUND TO EXIST WITHIN THE TOWN, THE TOWN MANAGER OR HIS DESIGNEE SHALL GIVE NOTICE TO THE OWNER OR OCCUPANT OF THE PREMISES OR THE PERSON RESPONSIBLE FOR SUCH CONDITION TO ABATE SUCH CONDITION WITHIN SUCH REASONABLE TIME AS MAY BE SPECIFIED IN SUCH NOTICE. TIME ALLOTTED TO CORRECT THE VIOLATION MAY VARY FROM SITUATION TO SITUATION DEPENDING ON THE TYPE AND MAGNITUDE OF THE VIOLATION. NOTICE SHALL BE MADE BY MAILING SUCH NOTICE TO THE PROPERTY ADDRESS AND TO THE ADDRESS OF THE OWNER AS LISTED ON THE PROPERTY TAX RECORDS. NOTICE MAY ALSO BE MADE BY POSTING SAID NOTICE ON THE FRONT DOOR OR OTHER PROMINENT LOCATION ON THE PROPERTY.

- E. IF THE OWNER AND/OR OCCUPANT OF THE PROPERTY FAILS OR REFUSES TO ABATE THE CONDITION WITHIN THE TIME STATED IN THE NOTICE, THEN THE OWNER AND/OR OCCUPANT OF THE PROPERTY SHALL BE DEEMED IN VIOLATION OF THIS SECTION AND A CITATION FOR THE INFRACTION MAY BE ISSUED TO THE OWNER AND/OR OCCUPANT OF THE PROPERTY. EACH DAY THAT THE CONDITION CONTINUES SHALL BE A SEPARATE INFRACTION FOR WHICH A SEPARATE CITATION MAY BE ISSUED.

- F. A VIOLATION OF THIS SECTION SHALL BE A MUNICIPAL INFRACTION PUNISHABLE BY A FINE OF SEVENTY-FIVE DOLLARS (\$75.00) AND SHALL BE ENFORCEABLE PURSUANT TO THE APPLICABLE PROVISIONS OF TITLE 1 OF THE CODE. IN ADDITION THERETO, THE TOWN MAY PURSUE ANY OTHER REMEDY AVAILABLE TO IT, AT LAW OR IN EQUITY, INCLUDING INJUNCTIVE RELIEF, TO ENFORCE THIS SECTION OR TO CORRECT VIOLATIONS OF THIS SECTION.