

ORDINANCE NO. 2015-06

Town of Rising Sun

Cecil County, Maryland

AN ORDINANCE OF THE TOWN OF RISING SUN, ("TOWN") CECIL COUNTY, MARYLAND, AMENDING THE GENERAL LAWS OF THE TOWN OF RISING SUN BY AMENDING AND ADDING LANGUAGE TO CHAPTER 5 OF THE CODE OF ORDINANCES OF THE TOWN OF RISING SUN, AND DELETING AND REPEALING CERTAIN ARTICLES AND PROVISIONS IN CONFLICT THEREWITH, IN ORDER TO ADOPT A PROPERTY MAINTENANCE MINIMUM HOUSING QUALITY OF LIFE CODE, SETTING FORTH DEFINITIONS AND REGULATIONS FOR LIGHT, VENTILATION, AND OCCUPANCY LIMITATIONS; ESTABLISHING MECHANICAL, ELECTRICAL AND FIRE SAFETY REQUIREMENTS, FOR THE SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE AND EXPLOSION HAZARDS ARISING FROM THE STORAGE, HANDLING AND USE OF HAZARDOUS SUBSTANCES, MATERIALS AND DEVICES, AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE OCCUPANCY OF BUILDINGS AND PREMISES IN THE TOWN OF RISING SUN; AND THE ESTABLISHMENT OF PROVISIONS FOR THE TOWN'S VACANT AND ABANDONED PROPERTY REGISTRATION PROGRAM AND ABANDONED VEHICLE PROGRAM; AND PROVIDING FOR THE ISSUANCE OF LICENSES AND COLLECTION OF FEES THEREFORE; AND REPEALING ANY AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

WHEREAS, the Code of Ordinances of the Town, contains Chapter 5, titled *Building and Housing Regulations* which contains Article 2 titled *Housing Regulations* which establishes rules and regulations governing conditions hazardous to life and property related to housing conditions; and

WHEREAS, the Town desires to delete this Article in its entirety and replace it with a more comprehensive Property Maintenance, Minimum Housing and Quality of Life Code, for the benefit of all property owners and residents of the Community.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Town Commissioners of the Town of Rising Sun, Cecil County, Maryland, and it is hereby enacted and ordained by its authority that Chapter 5 of the Town Code shall be modified as follows:

SECTION 1

Article 2 titled *Housing Regulations* of Chapter 5 of this code currently reads as follows:

SECTION 2

Article 2 titled Housing Regulations of Chapter 5 of this code shall be deleted in its entirety and replaced to read as follows:

ARTICLE 2 PROPERTY MAINTENANCE, MINIMUM HOUSING AND QUALITY OF LIFE CODE

Section 5-201 Adoption of a Property Maintenance, Minimum Housing and Quality of Life Codes

The Commissioners of Rising Sun hereby adopt the terms and provision as set out in a document, of which one (1) copy is on file in the offices of the Town Hall, being marked and designated as The Town of Rising Sun Property Maintenance, Minimum Housing and Quality of Life Code, edition 2016-1; to include all future amendments and editions as adopted by the Board of Commissioners. This document shall be made a part of Chapter 5 titled Building and Housing Regulations of the Town of Rising Sun Code, for the purposes creating minimum standards for Property Maintenance and Minimum Housing, in order to protect the values of property, investments of business owners, improve the quality of life of all residents and to ensure and safeguard the life of any and all occupants in the Town of Rising Sun. The Town shall have enforcement authority for this code, and shall appoint a Codes Official (s) who shall enforce this code, issue permits, collect fees, perform plan reviews, inspect for compliance, abate hazards and prosecute violations thereof.

SECTION 3.

All ordinances or parts thereof inconsistent herewith are repealed, rescinded, canceled and annulled.

SECTION 4.

Should any provision, section, paragraph or subparagraph of this Ordinance, including any code or text adopted hereby, be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable for a court having jurisdiction, the same shall not affect the validity, legality, or enforceability of any other provision, section, paragraph or subparagraph hereof, including any code text adopted hereby. The Town of Rising Sun hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable. Each such provision, section, paragraph or subparagraph is expressly declared to be and is deemed severable.

SECTION 5.

That nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 6.

That the Rising Sun Town Clerk is hereby ordered and directed to cause this ordinance to be published in a newspaper in general circulation.

SECTION 7.

NOW THEREFORE BE IT FURTHER RESOLVED that this ordinance was introduced on this 9th day of December, 2015.

SECTION 8.

NOW THEREFORE BE IT FURTHER RESOLVED that the Mayor and Commissioners of the Town of Rising Sun passed, approved and adopted this ordinance on this 22th day of December, 2015

AYES: Authenreath, Leishear, Shephard and Warnick

NAYES: None

ATTEST:

ON BEHALF OF
THE MAYOR AND COMMISSIONERS
OF THE TOWN OF RISING SUN

BY: _____

Marsha Spencer
Town Clerk

BY: _____

Travis Marion - Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

THIS 3rd DAY OF DECEMBER, 2015

BY: _____

Jack A. Gullo, Jr., - Town Attorney