

ORDINANCE NO.

AN ORDINANCE TO REPEAL AND REENACT WITH AMENDMENTS
CHAPTER 17AA, ENTITLED “PROPERTY MAINTENANCE.”
AND ADOPT BY REFERENCE WITH CERTAIN MODIFICATIONS
THE INTERNATIONAL PROPERTY MAINTENANCE CODE/2003

BE IT ORDAINED, by the Mayor and Council of the City of Gaithersburg, Maryland, in public meeting assembled, that the Property Maintenance Code of the City, contained in Chapter 17 AA of the City Code, is hereby repealed and reenacted with amendments to read as follows:

CHAPTER 17AA

PROPERTY MAINTENANCE

Sec. 17AA-1 Property Maintenance Code/2003– Adopted.

The International Property Maintenance Code/2003 as published by International Code Council, Inc., is hereby adopted as the property maintenance code of the City, except as hereafter provided in this Chapter. Any other provisions in the City Code that refer to property maintenance shall comply with this Chapter.

Sec. 17AA-2 Same – Deletions.

The following Sections of the International Property Maintenance Code/2003 are hereby deleted:

PM -101.1	Title
PM -106.4	Violation Penalties
PM -107.4	Penalties
PM -111.2 through PM 111.8	Means of Appeal
PM -302.7.1	Gates
PM -304.18.2	Windows
PM -304.18.3	Basement Hatchways
PM -404.5.1	Sleeping Area
PM -404.5.2	Combined Spaces
PM -503.4	Floor Surface
PM -602.4	Occupiable work spaces
Chapter 7	Fire Safety Requirements

Sec. 17AA – 3 Same – Amendments

The following sections of the International Property Maintenance Code 2003 are hereby amended as follows:

Section 101.1 Title. Is amended to read: “These regulations shall be known as the *Property Maintenance Code* of the City of Gaithersburg, hereinafter designated as ‘the City,’ hereinafter referred to as ‘this Code.’”

Section 101.3 Intent. In the last sentence, replace “*International Existing Building Code*” with “*City adopted Building Code.*”

Section 102.3 Application of other codes. Replace “International Existing Building Code,” with “City adopted Building Code” and replace “International Zoning Code” with “City adopted Zoning Code.”

Section 107.2 Form. In the last sentence, delete “6. Include a statement of the right to file a lien in accordance with Section 106.3.”

Section 111.1 Application for appeal. Is amended in its entirety to read: “**PM 111.1 Appeal.** Any person aggrieved by a decision of a code official or a notice or order issued under the provisions of this Code shall have the right to appeal for administrative review by the City Board of Appeals as provided in Article VII of the Zoning Ordinance.”

Section 201.3 Terms defined in other codes. Is amended to read “**PM 201.3 Terms defined in other codes.** Where terms are not defined in this code and are defined in the City adopted Building, Fire, Zoning, Plumbing, Mechanical or Electrical Codes, such terms shall have the meanings ascribed to them as in those codes.”

Section 202 Definitions. To be inserted: “**SHOPPING CART** - A basket or similar device which is mounted on wheels, generally used in retail establishments by a customer for the purposes of transporting goods.”

Section 302.8 Motor Vehicles. Is amended to read: “**302.8 Motor Vehicles.** No person shall store or maintain or allow to be stored or maintained any dismantled or inoperative motor vehicle, or trailer, of any kind, or any motor vehicle, or trailer, whose registration has expired or which does not bear current license plates upon any property within the City zoned residential or other property containing a dwelling unit unless such vehicle is stored within a completely enclosed garage or building. Except as provided in other regulations and approved by the code official or specifically approved as a part of a site development plan or certificate of occupancy, not more than one currently unregistered and/or uninspected motor vehicle or trailer shall be parked, kept or stored on any property within any nonresidential zone.”

A vehicle of any type shall not at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled within the City. A motor vehicle of any type shall not at any time within the City undergo major repairs, including body work, unless such work is performed within a completely enclosed garage or approved building. Examples of major repairs include: replacing a transmission, front or rear end springs, shocks, valves, pistons, rings, carburetor or other vehicle major parts of a motor, engine or body.

Section 302.8.1. To be added directly following Section 302.8 to read: “Section 302.8.1 Storage of Vehicles on Unpaved Areas. For the purpose of preventing soil erosion and tracking of mud onto streets and roadways, it shall be unlawful to park or store any vehicle on any property, unless the area is permanently stabilized with asphalt, concrete, gravel or other similar material.”

Section 302.10. To be added directly following 302.9 to read: “302.10 Outdoor Illumination. A person may not operate any outdoor artificial illumination device on private property in such a manner as to interfere with the enjoyment of abutting nearby property.”

Section 302.11 Shopping Carts. To be added to read: “302.11 Shopping Carts. To ensure the safety of pedestrians and vehicles in the public rights-of- way and other areas open to

the public, the City shall notify any business or establishment to retrieve any shopping carts that are located outside the designated cart storage areas. Failure to comply after proper notification shall constitute a violation of this section and cause the cart(s) to be removed by the City and disposed of as abandoned property.”

Section 303.1 Swimming Pools. Is amended to read: “**303.1 Swimming Pools.** Swimming pools, hot tubs and spas shall be maintained in a clean and sanitary condition, and in good repair and shall comply with all applicable health and safety requirements.”

Section 304.14 Insect screens. Insert date April 1 to December 31 in the first sentence.

Section 306.1 General. In the first sentence “...more than four risers...” shall be amended to read: “...more than three risers...”

Section 307.1 Accumulation of rubbish or garbage. Is amended to read: “307.1 Accumulation of rubbish and garbage. All exterior property and premises and the interior of every structure shall be free from any accumulation of rubbish and garbage. On single family residential properties, rubbish or garbage placed on the exterior of the property more than 24 hours prior to the scheduled collection shall be deemed a violation of this provision. The operator of every establishment producing garbage, vegetable wastes, or other putrescible materials shall provide, and at all times cause to be used, leak proof approved containers provided with close fitting covers for the storage of such materials until removed from the premises for disposal. If dumpster enclosures are provided, the enclosure must be kept closed at all times except when someone is actively engaged in depositing or removing materials from the container.”

Section 404.5 Overcrowding. Is amended to read: “**404.5 Overcrowding.** Every dwelling unit shall contain a minimum of two hundred fifty (250) square feet of floor area for the first occupant thereof and a minimum of two hundred (200) square feet of additional floor area for every additional occupant. The floor area to be calculated on the basis of total floor area within the dwelling unit”

Table 404.5 is deleted

Section 602.3 Heat supply. Insert the dates “October 1 to April 30”