

## **Chapter 65**

### **HABITUAL OFFENDER**

#### **§ 65-1. Title.**

This chapter shall be known and may be cited as the “City of Hagerstown Property Maintenance Habitual Offender Ordinance.”

#### **§ 65-2. Declaration of policy.**

It is hereby declared and ordained by the Mayor and Council of the City of Hagerstown to be the public policy of the City to preserve, protect, and improve property maintenance standards and the aesthetic nature of the community and to prevent and prohibit conditions existing which shall be detrimental to the property of others or which cause or tend to cause substantial diminution in the value of properties in the City.

#### **§ 65-3. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**HABITUAL OFFENDER** – Any person who shall be convicted of or who shall have judgment entered against them for three separate and distinct violations of the Property Maintenance Code of the City of Hagerstown (Chapter 64, Article III) within a twenty-four-month period shall be considered a habitual offender. Said person’s status as an habitual offender shall extend for a period of one year from the first conviction or judgment establishing such habitual offender status.

**PERSON** – Any individual, partnership, firm, corporation, association or other legal entity of whatsoever kind and nature. The person shall include the owner(s), tenant(s), lessee(s), occupant(s) and/or person(s) in charge of or using the property.

#### **§ 65-4. Violations and penalties.**

- A. It shall be unlawful for any person considered a habitual offender under this chapter to own, use or occupy any structure regulated by the Property Maintenance Code of the City of Hagerstown in conflict with or in violation of the provisions of said Property Maintenance Code.
- B. Any person who shall violate the provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding \$1,000 or imprisonment not exceeding 90 days in the County Jail, or both fine and imprisonment, in the discretion of the court.
- C. In addition to the penalties provided herein, the court may:

- (1.) Order a period of probation;

- (2.) Order that any violation be abated by the defendant, or by the City at the cost of the defendant; and/or
- (3.) Order periodic inspections of the property by the City at cost of the defendant.