

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 pay a fine after receipt of a citation, or who shall be convicted of or have judgment entered against them for violations of the following Chapters of the City Code, or any combination thereof for three (3) or more separate and distinct violations occurring during a twenty-four month period shall be considered a habitual offender. The Chapters of the City Code which apply toward habitual offender status are Chapter 64, *Property Maintenance*, Chapter 140, *Land Management Code*, Chapter 185, *Nuisance Abatement*, Chapter 197, *Rental Facilities*, Chapter 232, *Vacant Non-Residential Structures*, and Chapter 233 *Vacant Residential Structures*.”

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.

PREMISES – A lot, plot or parcel of land, including any structures thereon and the public sidewalk or public way abutting such lot, plot or parcel.

§ 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 premises regulated by Chapters 64, 140, 185, 197, 232, or 233 of the Code of the City of Hagerstown in conflict with or in violation of the provisions contained therein.”
- 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.