

THE MAYOR AND CITY COUNCIL OF POCOMOKE CITY
ORDINANCE NO. 437

AN ORDINANCE OF THE MAYOR AND COUNCIL OF POCOMOKE CITY ORDAINING AND ADDING
"CHAPTER 147 – Vacant and Blighted Building Ordinance" TO THE POCOMOKE CITY CODE

INTRODUCED BY: Acting Mayor Esther Troast on behalf of the City Council

AN ACT to add Chapter 147- Vacant and Blighted Building to the Pocomoke City Code.

- A. The purpose of this chapter is to establish a mechanism to protect residential and commercial neighborhoods from becoming blighted through lack of adequate maintenance and to ensure the security of vacant properties.
- B. The provisions of this chapter are in addition to and not in lieu of any other applicable provision of the Pocomoke City, Code of Ordinances.

MAYOR AND CITY COUNCIL OF POCOMOKE CITY

Esther Troast

INTRODUCED, read first time, January 8, 2018, ordered posted and public hearing scheduled on the 22nd day January at 6:30 p.m. in the City Council Chambers, City Hall, 101 Clarke Avenue, Pocomoke City, Maryland 21851.

By Order of:

Carol L. Sullivan, City Clerk

PUBLIC HEARING

HAVING been posted and notice of time and place of hearing and copies having been made available to the public and the press, a public hearing was held January 22, 2018. Reported favorably with amendments; read second time and ordered to be considered on January 22, 2018.

ARTICLE 1 Vacant and Blighted Building Ordinance

§ 147-1 Definitions.

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

BLIGHTED When a building or portion of a building (and the lot on which it exists), poses a serious or immediate danger to the health, safety, or general welfare of the public, is not being maintained, is dilapidated, or is an obvious nuisance as deemed by the Planning, Zoning, & Housing Department. Examples include missing or boarded windows or doors; collapsing or missing walls, roofs, or floors; seriously damaged or missing siding; structurally faulty foundations; garbage, trash, or partially dismantled, nonoperating, wrecked, junk, discarded or unregistered vehicles on premises; overgrown, diseased, dead, or decayed trees, weeds, or vegetation; unmaintained swimming pool, pond, or other body of water; graffiti; fire damage; vermin or other animal nuisances.

BUILDING A combination of materials having a roof and enclosed within exterior walls or firewalls, built to form a structure for the shelter of persons or property.

PROPERTY MAINTENANCE PLAN A plan that identifies the owner's plans for the building; its current status; and the measures in place to ensure that the building is secured and how it will be maintained in compliance with applicable City Code. A plan must include a general schedule of renovations and completion dates.

VACANT When a building is: habitually without the presence of people who have a legal right to be on the premises; substantially without lawful business, construction activity, or residential occupancy; or substantially devoid of contents.

§ 147-2 Applicability.

A. Applicability. This article is applicable to a building designed or used for residential or commercial use that has been vacant or blighted for at least 90 consecutive days. Evidence of vacant or blighted buildings includes:

- (1) habitual vacancy for long periods unrelated to the normal commercial vacancy cycle;
- (2) illegal activity and calls for service, as documented by the Police Department;
- (3) a fire hazard, as determined by the Fire Marshal or as documented by the Fire Department or other Code official;
- (4) a substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other space within a residential or commercial neighborhood;
- (5) Partially constructed, reconstructed, or demolished building upon which work was abandoned, showing no current building or demolition permit or when no substantial work on the project has been done for a period of 6 consecutive months or more.

B. Exemptions. The following are exempt from the provisions of this chapter:

- (1) A building for which all residents are on an extended vacation or alternative living arrangement with the intention to return to the property and live. In this case, a verified emergency contact number for the owner must be provided and the property must be maintained by a local agent so that it does not appear vacant.
- (2) A building that has suffered fire damage if the cleanup, repair, or demolition is completed within 120 days from the date of the fire. A written request for an exemption must be provided.

§ 147-3 Notification.

The Planning, Zoning, & Housing Department must notify the owner of a building that is deemed vacant or blighted and provide the reason for the determination.

§ 147-4 Filing of registration statement.

A. Registration. For each vacant or blighted building, the building owner must file a registration statement with the City on forms provided by the City. Registration is required for all vacant or blighted buildings if a building has remained vacant for 90 consecutive days or more.

B. Contents. The registration form must contain the following information:

- (1) The address of each vacant or blighted building;
- (2) The names, addresses, and contact information of all owners;
- (3) A property maintenance plan; and
- (4) Listing of a local agent if all owners reside 50 miles or more outside of the City limits.

§ 147-5 Duty to update registration.

The owner or agent must notify the Planning, Zoning, & Housing Department within 30 days of a change to the information contained in the registration statement.

§ 147-6 Penalties.

Properties not registered within 30 days of notice from the City will be subject to a municipal infraction with a fine of \$100 for every ~~month~~ 30 of non-compliance. Owners who fail to comply with an approved Property Maintenance Plan will be subject to a municipal infraction with a fine of \$500.00 for every ~~month~~ 30 of non-compliance. All unpaid fines will become a lien on the property and collected in the same manner as real estate taxes.

§ 147-7 Appeals.

The owner has 30 days from the date of the notice to appeal the determination or to provide evidence in writing to the Planning, Zoning, & Housing Department showing proof that the property is not vacant or blighted or in compliance with an approved Property Maintenance Plan. Upon receipt, the Planning, Zoning, & Housing Department will schedule a hearing of the Housing Board of Review within 30 days to review the City's determination.