

## Vacant Building

### Purpose.

The purpose of this ordinance is to promote and assure public safety, health and welfare, to prevent deterioration of vacant structures in the City of Frostburg, to support property values and to encourage responsible management and use of vacant structures through licensing and inspection.

### Definitions.

#### Active Work

Regular ongoing modifications to bring the structure up to code and which involve two or more systems, including but not limited to constructing, enlarging, moving, demolishing, erecting, installing, removing, converting, or replacing any electrical, plumbing, or mechanical system. "Active work" also includes modifications to the structure itself.

#### Blighted Condition

A condition is blighted when it exhibits objectively determined signs of deterioration sufficient to constitute a threat to human health, safety, and public welfare.

#### City

City of Frostburg, Maryland

#### Department

Department of Community Development

#### Owner

- A. Any person, partnership, association, company, corporation, or other entity having legal or equitable interest in or control of real property.
- B. Any person who, alone, jointly, or severally, shall have the charge, care or control of any premises as executor, administrator, trustee, or guardian of the estate of the owner.
- C. Any person having any interest in a partnership, association, company, corporation or other entity which owns or has any ownership interest of the premises.
- D. Any person, firm partnership, association, company, corporation or other entity whose name appears on the deed or property tax bill for the premises shall be the owner of the premises.

#### Premises

Any single parcel or lot of real property in the City, including the land and all improvements or structures, upon which a vacant structure or blighted vacant structure is located.

#### Vacant

Not occupied as a domicile, principle residence or place of business.

#### Vacant Blighted Structure

Any building, residential structure, single or multi-family, that is vacant with a pending action to foreclose a mortgage or deed of trust; or is vacant with blighted conditions; or has been placarded by the City as uninhabitable. For properties with multiple structures, such as apartment complexes, if any individual structure meets this definition, that structure shall be subject to the terms of this ordinance.

#### Vacant Building or structure

- A. Any building, residential structure, single or multi-unit, that has been vacant for a continuous six-month period. For the properties with multiple structures, such as apartment complexes, if any individual structure is vacant for a continuous six-month period, that structure shall be subject to the terms of this ordinance. For calculation of the continuous six-month period required to satisfy the definition of “vacant building or structure” the following periods of time shall not be included:
  - (1) The one-year period immediately following the issuance of certificate of occupancy permit for new construction;
  - (2) Any period of time during which active work is being legally performed pursuant to a valid permit issued by the City;
  - (3) The six-month period immediately following the issuance of a certificate of occupancy permit for existing construction; or
  - (4) The first year of vacancy of a non-blighted structure while being marketed via a currently licensed real estate agent through Maryland’s Department of Labor, Licensing and Regulation.
  - (5) A property occupied by an active member of the military who is currently on deployment shall not be considered vacant.

#### License Required

It shall be unlawful for the owner(s) of any vacant building or structure or blighted vacant structure to fail to apply for and obtain a vacant structure license and abide by the inspection requirements contained in this ordinance.

Application; license fee.

In addition to the inspection requirements set forth in this ordinance, an applicant for a vacant building or structure license shall provide the following information for each vacant, blighted vacant or abandoned building or structure on the appropriate application form provided by the Department.

- A. Address of vacant structure;
- B. The number of dwelling units contained in the structure;
- C. The name, street address and telephone number of all owners of the vacant structure;
- D. If the owner of the vacant structure is not an individual or lives outside the 25 mile radius of the corporate City limits of Frostburg, the applicant shall provide the name, street address, resident agent, resident agent address and telephone number;
- E. A certificate of property insurance in the amount equivalent to or greater than the assessed tax value;
- F. A nonrefundable annual license fee pursuant to the following for each:
  - (1) Vacant blighted building or structure: \$500 at initial application and at each annual renewal.

- (2) Vacant building or structure.
  - (a) One hundred dollars(\$100) at initial application and first annual application renewal;
  - (b) Two hundred fifty dollars(\$250) at second and third annual application renewal;
  - (c) Five hundred dollars(\$500) at fourth and subsequent annual application renewal;
- G. Payment for said license shall be in full from the owner within 30 days from the application mailing. Failure to remit payment may result in collection pursuant a lien against the property.
- H. When a vacant blighted property is purchased by a bona fide purchaser for the value who promptly registers the structure in the vacant structures program in accordance with the requirements of this ordinance, the license fee may be refunded if the owner is issued building permits for comprehensive renovation of the structure within six-months of purchase.

#### Inspections.

- A. In connection with the application requirements contained in this ordinance, the exterior of the vacant building or structure shall be inspected at the time of initial application and on an annual basis thereafter. Required re-inspections for noted conditions shall be as directed by the Department.
- B. Interior inspections shall be conducted in accordance with the following schedule:
  - (1) Vacant blighted buildings or structures: at initial application and on an annual basis thereafter.
  - (2) Vacant buildings or structures: at first renewal and annually thereafter.
- C. All inspections conducted hereunder shall be conducted by the Department and shall be performed to ensure compliance with all applicable property maintenance requirements set forth in the City Code.
- D. In the event that any noted violations are not corrected at the time of re-inspection requested by the owner or owner's agent, or the premises is not safely accessible, the Code Official may impose a re-inspection fee as established by the City of Frostburg's fee schedule for each additional visit for the same violation.

#### Maintenance standards.

In addition to the inspection requirements of this ordinance and Section 8-2 Property Maintenance Standards, an owner of a vacant building or structure or vacant blighted building or structure shall maintain the structure to the following standards.

- A. Doors
  - (1) All entry doors shall have engaged deadbolt locks.
  - (2) Doors not capable of deadbolt locks shall be secured in an approved manner
  - (3) All exterior sliding doors shall have lift and slide protections.
- B. Windows shall have lift and slide protection.
- C. All shrubbery, hedges, trees, or similar vegetation shall be maintained so that a clear view of the entry doors from the public sidewalk or street is not impeded.
- D. Vacant blighted or abandoned buildings and structures that cannot be secured by the means listed in this section shall be boarded to the following standard;
  - (1) All openings in the basement; all first floor doors and windows; and all points of entry accessible from a porch, fire escape or potential climbing points must be barricaded with

plywood, 2-by-4 braces, carriage bolt sets and nails. Particle board, wafer board, Masonite, or other similar products are not to be used for this purpose.

- (2) Openings that are at least 10ft above ground level and are not accessible from a porch, fire escape or other climbing point can be secured with nails or screws in each brace and every 12 inches around the perimeter.
- (3) The structure must be posted with "No Trespassing" signs at completion of the board up.

Issuance of license; renewal.

Upon receipt of a completed application form and full payment of appropriate fee, the Department shall issue a license for the subject vacant building or structure or vacant blighted building or structure. Said license shall expire on its anniversary date, and shall be renewable annually, with application for said renewal being made 60 days prior to the expiration date of current license. License renewal shall be made on the form provided by the Department.

Violations and penalties.

Any owner violating the provisions of this ordinance shall be guilty of a municipal infraction and subject to a fine of up to \$250.00. Each day a structure is not in compliance with ordinance shall be deemed a separate and distinct violation.