

## ARTICLE V. - VACANT PROPERTY REGISTRATION

### Sec. 6-123. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

***BLIGHTED* MEANS THE CONDITION OF A BLIGHTED PROPERTY.**

***BLIGHTED PROPERTY* MEANS ANY BUILDING, STRUCTURE, OR PARCEL OF LAND, WHETHER OCCUPIED OR VACANT, THAT EXHIBITS SEVERE MAINTENANCE DEFICIENCIES, CONSTITUTES A NUISANCE, OR ENDANGERS PUBLIC HEALTH, SAFETY, OR WELFARE.**

*Lot* means an area of land designated as a separate parcel or unit of land on a legally recorded subdivision plat or deed filed among the land records of the county and assigned a property tax account identification number that is assigned to one or more such units or parcels of land.

*Occupied building or structure* means any building or structure wherein one or more persons actually conducts a business or resides in all or any part of the building as the business occupant, or as the legal or equitable owner-occupant or tenant on a permanent, non-transient basis, or any combination of the same **CONSISTENT WITH APPLICABLE ZONING REGULATIONS AND PURSUANT TO A VALID USE AND OCCUPANCY PERMIT.** For purposes of this article, evidence offered to prove that a building is so occupied may include, but shall not be limited to, the regular receipt of delivery of regular mail through the United States Postal Service; proof of continual telephone, electric, gas, heating, water and sewer services; or a valid town ~~TOWN~~ business license **USE AND OCCUPANCY PERMIT.**

*Owner* means any person, partnership, limited liability company, corporation or other entity who, alone or jointly with others, shall have legal title to any premises, with or without accompanying actual possession thereof; or who shall have charge, care or control of any dwelling unit as a cooperative shareholder or as executor, administrator, trustee, receiver or guardian of the estate or as a mortgagee in possession, title or control, including, but not limited to, a bank or lending institution, regardless of how such possession, title or control was obtained.

~~***SUBSTANTIALLY VACANT* MEANS A BUILDING WHEREIN FORTY-FIVE PERCENT (45%) OR MORE OF THE GROSS FLOOR AREA OF ANY INDIVIDUAL FLOOR OF A BUILDING IS UNOCCUPIED, OR IF SUBSTANTIALLY ALL LAWFUL, PRODUCTIVE USE HAS CEASED.**~~

*Vacant building or structure* means a ~~ANY~~ building, ~~or~~ structure **OR DISTINCT PORTION THEREOF (INCLUDING INDIVIDUAL COMMERCIAL SUITES AND RESIDENTIAL DWELLING UNITS), where no person actually currently conducts a business or resides or lives in any part of the building or structure as the legal or equitable owner or tenant-occupant, or owner-occupant, or tenant on a permanent, non-transient basis THAT IS NOT LEGALLY OCCUPIED BY ITS OWNER, A TENANT OR OTHER PERSON IN LAWFUL POSSESSION OR AT WHICH LAWFUL USE CONSISTENT WITH**

**APPLICABLE ZONING REGULATIONS HAS CEASED FOR A PERIOD IN EXCESS OF ONE HUNDRED TWENTY (120) CONSECUTIVE DAYS.**

**A BUILDING OR STRUCTURE THAT REMAINS FURNISHED, HAS UTILITIES CONNECTED OR IN USE, AND IS LOCATED ON PROPERTY THAT IS MAINTAINED IN ACCORDANCE WITH APPLICABLE PROPERTY MAINTENANCE STANDARDS WHILE THE OWNER IS ABSENT, SHALL NOT BE CONSIDERED VACANT UNLESS THE BUILDING OR STRUCTURE IS VACANT FOR A PERIOD GREATER THAN ONE YEAR.**

**A BUILDING OR STRUCTURE THAT IS UNDER ACTIVE CONSTRUCTION OR UNDERGOING ACTIVE REHABILITATION, RENOVATION OR REPAIR, AND THERE IS A VALID BUILDING PERMIT TO MAKE THE BUILDING FIT FOR OCCUPANCY THAT WAS ISSUED, RENEWED OR EXTENDED WITHIN SIX MONTHS OF THE DATE OF VACANCY SHALL NOT BE SUBJECT TO THE VACANT PROPERTY REGISTRATION REQUIREMENT OF THIS CHAPTER; PROVIDED, HOWEVER, THAT THE CESSATION OF ACTIVE CONSTRUCTION, REHABILITATION, REPAIR OR DEMOLITION ACTIVITY FOR MORE THAN 30 DAYS, UNLESS GOOD CAUSE IS SHOWN FOR THE CESSATION, WILL RESULT IN THE PROPERTY BEING DEEMED A VACANT PROPERTY AND SUBJECT TO THE REGISTRATION, SECURITY, AND MAINTENANCE REQUIREMENTS OF THIS CHAPTER.**

**A BUILDING THAT THE OWNER OR OWNER'S AGENT IS ACTIVELY TRYING TO SELL OR RENT (AS EVIDENCED BY A SIGN POSTED ON THE PROPERTY ADVERTISING THE PROPERTY FOR SALE OR RENT WITH CONTACT INFORMATION AND CURRENT TELEPHONE NUMBER, LISTING AGREEMENT WITH REALTY CONTACT INFORMATION, MRIS OR MLS ELECTRONIC LISTING, OR OTHER ADVERTISEMENT OF SALE OR RENT) SHALL NOT BE CONSIDERED A VACANT PROPERTY; PROVIDED, THAT THE TIME PERIOD FOR SALE OR RENT SHALL NOT EXCEED SIX MONTHS FROM THE INITIAL LISTING, OFFER OR ADVERTISEMENT OF SALE OR RENT.**

*Vacant developed property* means a lot or parcel of land that has a vacant building except as provided in section 6-129.

*Vacant lot* means a lot without a building or other valid and approved improvement which has an assessed value for taxation purposes as determined by the ~~state department of assessments and taxation~~ **MARYLAND DEPARTMENT OF ASSESSMENTS AND TAXATION.**

#### **Sec. 6-124. - Intent and scope.**

The ~~board of commissioners~~ **COUNCIL** finds that the proliferation of vacant and abandoned buildings, structures, dwellings and lots in the town causes a deterioration of neighborhoods and **COMMERCIAL** areas within the town and has a negative impact on the value of property in close proximity to the vacant and abandoned buildings, structures, dwellings and lots. The ~~board~~ **COUNCIL** further finds that vacant and abandoned buildings, structures, dwellings and lots often cause a serious threat to the safety and welfare of the residents **AND VISITORS** of the town and erode

the quality of life of all who live and work in the town, and such properties are frequently places of infestation of rodents, vermin, insects, wild animals and other health-threatening creatures and diseases, provide shelter to criminals and vagrants who use such places to evade the police and to conduct illicit activities, and are a nuisance to children and adults alike. **IT IS THEREFORE THE INTENT OF TOWN OF UPPER MARLBORO, THROUGH THE ADOPTION OF THIS ARTICLE TO ESTABLISH A VACANT PROPERTY REGISTRATION PROGRAM AS A WAY TO PROTECT RESIDENTIAL AND COMMERCIAL NEIGHBORHOODS FROM BECOMING BLIGHTED THROUGH LACK OF ADEQUATE MAINTENANCE AND FOR THE SECURITY OF VACANT PROPERTIES.**

**Sec. 6-125. - Annual registration of vacant buildings or lots; local agent; registration fees.**

(a) *Vacant building or lot registration.* ~~Any~~ AN owner of any building, STRUCTURE or lot which has been vacant for more than 120 consecutive days OR IS DECLARED TO BE A BLIGHTED PROPERTY shall file A VACANT BUILDING OR LOT REGISTRATION with the town ~~administrator~~ MANAGER or THEIR designee ~~a vacant building or lot registration.~~ Said ~~registration~~ REGISTRATION shall be ~~in~~ ON a form prescribed by the town ~~administrator~~ MANAGER, which shall include the street address and parcel number of each such vacant OR BLIGHTED building or lot, the names and addresses of all owners, in accordance with subsections (a)(1) through (7) of this section, and any other information deemed necessary by the town ~~administrator~~ MANAGER. In no instance shall the registration of a vacant OR BLIGHTED building or lot and the payment of registration fees be construed to exonerate the owner, agent or responsible party from responsibility for compliance with any other building code or town ordinance ~~requirement~~ REQUIREMENTS. The registration fee, as required herein, shall be billed by the town ~~treasurer~~ MANAGER or THEIR designee and shall be paid by January 1 of each CALENDAR year. For purposes of this article, the following shall also be applicable:

- (1) If the owner is a corporation, the names and addresses of the officers of the corporation shall be provided, **ALONG WITH THEIR PHONE NUMBERS AND EMAIL ADDRESSES**, and shall be accompanied by the name of the resident agent filed with the ~~state department of assessments and taxation~~ **STATE DEPARTMENT OF ASSESSMENTS AND TAXATION**;
- (2) If the owner is a limited liability company, the name and address of the managing member **ALONG WITH THEIR PHONE NUMBER AND EMAIL ADDRESS**, shall be provided;
- (3) If the owner is an estate, the name and address of the executor or administrator of the estate **ALONG WITH THEIR PHONE NUMBER AND EMAIL ADDRESS**, shall be provided;

- (4) If the owner is a trust, the name and address of all trustees or grantors **ALONG WITH THEIR PHONE NUMBER AND EMAIL ADDRESS**, shall be provided;
- (5) If the owner is a partnership, the names and addresses of all partners with an interest of ten percent or greater **ALONG WITH THEIR PHONE NUMBERS AND EMAIL ADDRESSES**, shall be provided;
- (6) If the owner is any other form of unincorporated association, the names and addresses of all principals or co-owners with an interest of ten percent or greater, **ALONG WITH THEIR PHONE NUMBERS AND EMAIL ADDRESSES**, shall be provided; or
- (7) If the owner is an individual person, the name, **PHONE NUMBER, EMAIL ADDRESS**, and **MAILING** address of that individual person shall be provided.

(b) *Local agent.*

- (1) If none of the persons listed in subsections (a)(1) through (7) are within the state, the registration statement also shall provide the name, **PHONE NUMBER, EMAIL ADDRESS**, and **MAILING** address of a person who resides within the ~~state~~ **STATE OF MARYLAND** and who is authorized to accept service of process on behalf of the owners.
- (2) The registration statement shall designate a responsible, local party or agent for purposes of notification in the event of an emergency affecting the public health, safety or welfare.

(c) *ANNUAL REGISTRATION Fee.*

- (1) The owner of any vacant property **OR PROPERTY DECLARED TO BE BLIGHTED THAT IS** located within the corporate limits of the town shall ~~be responsible to~~ register **THE PROPERTY** and pay ~~the AN~~ annual nonrefundable registration fee ~~of \$250.00~~ **ESTABLISHED IN TABLE 1, FEE SCHEDULE, BELOW**; thereafter, ~~said~~ **THE ANNUAL REGISTRATION** fee shall be billed by the town ~~treasurer~~ annually on **OR BEFORE** November 1. ~~The board~~ **COUNCIL** may revise or increase registration fees established under this article, provided such fee does not exceed \$750.00.

**TABLE 1: FEE SCHEDULE:**

| <b>YEARS VACANT/BLIGHTED</b> | <b>ANNUAL REGISTRATION FEE</b> |
|------------------------------|--------------------------------|
| <b>YEAR 1</b>                | <b>\$500.00</b>                |

|  |                   |
|--|-------------------|
| <b>YEAR 2</b>                              | <b>\$1,000.00</b> |
| <b>YEAR 3</b>                              | <b>\$2,000.00</b> |
| <b>YEAR 4</b>                              | <b>\$4,000.00</b> |
| <b>YEAR 5 AND EACH SUBSEQUENT<br/>YEAR</b> | <b>\$8,000.00</b> |

**THE CONSECUTIVE YEARS OF VACANCY SHALL NOT BE PRO-RATED, RESET, OR ALTERED BY THE SALE, TRANSFER, OR CONVEYANCE OF THE PROPERTY TO A NEW OWNER, OR THE TRANSFER OF THE PROPERTY INTO A TRUST, LIMITED LIABILITY COMPANY, OR OTHER CORPORATE ENTITY. THE NEW OWNER ACQUIRES OWNERSHIP OF THE PROPERTY AT ITS CURRENT TIER ON THE FEE SCHEDULE.**

- (2) One vacant **OR BLIGHTED** building or lot registration may be filed to include all vacant buildings situated upon a single property of an owner so registering or on a series of abutting or adjoining vacant lots. ~~The fee of \$250.00 shall apply to the property upon which the buildings are situated or multiple vacant lots adjoining one another.~~ A separate fee ~~need not~~ **SHALL** be paid for each building upon a single property ~~or~~ **AND** for ~~more than one~~ **EACH** lot in a series of abutting or adjoining vacant lots.

**(d) VACANT BUILDING OR STRUCTURE OR BLIGHTED PROPERTY PLAN**

- 1. THE OWNER OF ANY VACANT OR BLIGHTED PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE TOWN SHALL SUBMIT A VACANT BUILDING PLAN WITHIN THIRTY (30) CALENDAR DAYS OF REGISTERING THE PROPERTY. THE PLAN SHALL CONTAIN THE FOLLOWING:**
  - a. A SCHEDULE FOR A TOWN CODE ENFORCEMENT OFFICER TO ENTER THE PROPERTY NO LESS THAN FREQUENTLY THAN ANNUALLY TO DETERMINE THAT, FROM EVIDENCE ON THE INTERIOR, THE STRUCTURE IS IN GOOD REPAIR, STRUCTURALLY SOUND AND SANITARY, AND WEATHERPROOF.**
  - b. A PLAN TO REPAIR ANY DOORS, WINDOWS, OR OTHER OPENINGS WHICH ARE BOARDED UP OR OTHERWISE SECURED BY ANY MEANS OTHER THAN CONVENTIONAL METHODS USED IN THE DESIGN OF THE BUILDING OR PERMITTED FOR NEW CONSTRUCTION OF SIMILAR TYPE. THE PROPOSED REPAIR SHALL RESULT IN OPENINGS SECURED BY CONVENTIONAL METHODS USED IN THE DESIGN OF THE BUILDING OR BY METHODS PERMITTED FOR NEW CONSTRUCTION OF SIMILAR TYPE.**

- c. FOR BUILDINGS AND PROPERTY THAT ARE IDENTIFIED AS BEING A PUBLIC NUISANCE OR CONTAINING DEFECTS WHICH CONSTITUTE A PUBLIC NUISANCE, THEN THE VACANT BUILDING PLAN SHALL CONTAIN A PLAN OF ACTION TO REMEDY SUCH PUBLIC NUISANCE(S).
- d. FOR EACH OF THE ABOVE, A SCHEDULE SHALL BE SUBMITTED IDENTIFYING A DATE OF COMMENCEMENT OF REPAIRS AND DATE OF COMPLETION OF REPAIRS FOR EACH IMPROPERLY SECURED OPENING AND IDENTIFIED DEFECT.
- e. WHENEVER THE OWNER PROPOSES TO DEMOLISH THE VACANT OR BLIGHTED BUILDING, THEN THE OWNER SHALL SUBMIT A PLAN AND TIME SCHEDULE FOR SUCH DEMOLITION AND OBTAIN THE PERMIT(S) REQUIRED BY THE LAWS OF THIS TOWN, PRINCE GEORGE'S COUNTY, OR THE STATE OF MARYLAND.
- f. A PLAN OF ACTION TO MAINTAIN THE BUILDING AND PREMISES IN CONFORMANCE WITH ALL REGULATIONS OF THIS CHAPTER.
- g. THE OWNER OR AGENT OF THE REGISTERED BUILDING SHALL PLACE A TOWN-PROVIDED IDENTIFICATION PLACARD ON THE BUILDING'S EXTERIOR AS DIRECTED BY THE TOWN MANAGER SO AS TO BE CLEARLY VISIBLE FROM THE NEAREST PUBLIC RIGHT-OF-WAY. SUCH IDENTIFICATION PLACARD SHALL BE KEPT IN READABLE CONDITION BY THE OWNER OR AGENT, AND SHALL PROVIDE THE FOLLOWING INFORMATION:
  - 1. OWNER'S NAME,
  - 2. ADDRESS,
  - 3. PHONE NUMBER, AND
  - 4. EXPIRATION DATE OF REGISTRATION.

~~THE TOWN MANAGER MAY REQUIRE REMOVAL OF ALL OTHER SIGNAGE AND GRAFFITI AT THE OWNER'S EXPENSE.~~

- 2. IF THE PROPOSED VACANT BUILDING PLAN COMPLIES WITH ALL APPLICABLE STANDARDS AND REGULATIONS, THE TOWN MANAGER SHALL APPROVE IT. IF THE TOWN MANAGER APPROVES THE PLAN, NOTICE SHALL BE SENT TO THE OWNER OR AGENT OF THE VACANT OR BLIGHTED BUILDING OR STRUCTURE.
  - (A) Appeal rights. The owner shall have the right to appeal the imposition of the registration fees to the ~~board of commissioners~~ TOWN MANAGER upon filing an application in writing to WITH the town ~~administrator~~ CLERK no later than 30 calendar days from the date of the billing statement.

On appeal, the owner shall bear the burden of providing proof that the building is occupied, or the lot is improved with a building or assessed structure. The decision of the ~~board~~ **TOWN MANAGER** may not be appealed as an administrative agency decision by filing a petition for judicial review but shall be enforced pursuant to [section 6-131](#).

- (b) One-time waiver of registration fee. A one-time waiver of the registration fee for up to 90 days may be granted by the town ~~administrator~~ **MANAGER** upon application of the owner and upon review and advice of the town attorney, within 30 calendar days from the date of the bill for the registration fee, or if denied by the town ~~administrator~~ **MANAGER**, ~~upon appeal to the board~~, if the owner:
- a. Demonstrates with satisfactory proof that said owner is in the process of demolition, rehabilitation, or other substantial repair of the vacant **OR BLIGHTED** building; and demonstrates the anticipated length of time for the demolition, rehabilitation, or other substantial repair of the vacant **OR BLIGHTED** building; or
  - b. Demonstrates that said owner is actively attempting to sell or lease the property during the vacancy period; ~~and~~ **OR**
  - c. **DEMONSTRATES THAT THE PROPERTY WAS RECENTLY DAMAGED BY FIRE, WEATHER, OR NATURAL DISASTER WITHIN THE LAST 120 DAYS, AND THE OWNER IS ACTIVELY WORKING WITH INSURANCE OR CONTRACTORS TO REMEDIATE THE DAMAGE; AND**
  - D.** Is current on all registration fees and all other financial obligations and/or debts owed to the town which are associated with the vacant property.

**SEC. 6- \_\_\_\_ . - MAINTENANCE STANDARDS.**

**VACANT BUILDINGS, STRUCTURES AND LOTS, AS WELL AS BLIGHTED PROPERTIES, SHALL BE SUBJECT TO THE TOWN'S PROPERTY MAINTENANCE STANDARDS, TOWN CODE, CHAPTER 6, ARTICLE III. THE OWNER OF A VACANT PROPERTY SHALL MAINTAIN ANY VACANT STRUCTURE ON THE PROPERTY IN ACCORDANCE WITH THE PROPERTY MAINTENANCE STANDARDS.**

**AN ALTERNATIVE PROVISION:**

**SEC. 6- VACANT PROPERTY MAINTENANCE AND SECURITY REQUIREMENTS.**

**A. MAINTENANCE REQUIREMENTS. THE RESPONSIBLE PARTY OF A VACANT PROPERTY AND THE OWNER OR OWNER'S AGENT OF A VACANT PROPERTY SHALL COMPLY WITH THE FOLLOWING MAINTENANCE REQUIREMENTS:**

**1. THE EXTERIOR OF THE PROPERTY SHALL BE KEPT FREE OF WEEDS, DRY BRUSH, DEAD VEGETATION, TRASH, JUNK, DEBRIS, BUILDING MATERIALS, ANY ACCUMULATION OF NEWSPAPERS, CIRCULARS, FLYERS, NOTICES, EXCEPT THOSE REQUIRED BY FEDERAL, STATE OR LOCAL LAW, DISCARDED PERSONAL ITEMS INCLUDING BUT NOT LIMITED TO FURNITURE, CLOTHING, LARGE AND SMALL APPLIANCES, PRINTED MATERIAL OR ANY OTHER ITEMS THAT GIVE THE APPEARANCE THAT THE PROPERTY IS VACANT AND ABANDONED.**

**2. THE PROPERTY SHALL BE MAINTAINED FREE OF GRAFFITI, TAGGING OR SIMILAR MARKINGS BY REMOVAL OR PAINTING OVER WITH AN EXTERIOR GRADE PAINT THAT MATCHES THE COLOR OF THE EXTERIOR OF THE STRUCTURE.**

**3. ALL VISIBLE FRONT AND SIDE YARDS SHALL BE LANDSCAPED AND PROPERLY MAINTAINED DURING THE VACANCY OF THE PROPERTY. LANDSCAPING INCLUDES, BUT IS NOT LIMITED TO, GRASS, GROUND COVERS, BUSHES, SHRUBS, HEDGES OR SIMILAR PLANTINGS. MAINTENANCE INCLUDES, BUT IS NOT LIMITED TO, CUTTING, PRUNING AND MOWING OF REQUIRED LANDSCAPE AND REMOVAL OF ALL TRIMMINGS.**

**4. POOLS, SPAS, AND OTHER WATER FEATURES SHALL BE KEPT IN WORKING ORDER SO THE WATER REMAINS CLEAR AND FREE OF POLLUTANTS AND DEBRIS OR DRAINED AND KEPT DRY. PROPERTIES WITH POOLS AND/OR SPAS MUST COMPLY WITH APPLICABLE SECURITY FENCING REQUIREMENTS.**

**B. SECURITY REQUIREMENTS. THE RESPONSIBLE PARTY OF A VACANT PROPERTY AND THE OWNER OR OWNER'S AGENT OF A VACANT PROPERTY SHALL MAINTAIN THE PROPERTY IN A SECURE MANNER SO AS NOT TO BE ACCESSIBLE TO UNAUTHORIZED PERSONS. ALL VACANT PROPERTY SHALL BE DEEMED ADEQUATELY PROTECTED FROM INTRUSION BY TRESPASSERS AND FROM DETERIORATION BY THE WEATHER IF:**

**1. BUILDING OPENINGS. DOORS, WINDOWS, AREAWAYS AND OTHER OPENINGS ARE WEATHER TIGHT AND SECURED AGAINST ENTRY BY BIRDS, VERMIN, AND TRESPASSERS. MISSING OR BROKEN DOORS, WINDOWS AND OPENING COVERINGS ARE COVERED WITH AT LEAST ONE-HALF INCH OF CDX PLYWOOD COMPLETELY PAINTED IN ACCORDANCE WITH THE PREDOMINANT TONE OF THE BUILDING, WEATHER PROTECTED, TIGHTLY FITTED TO THE OPENING AND SECURED BY SCREWS OR BOLTS.**

**2. ROOFS. THE ROOF AND FLASHINGS ARE SOUND, TIGHT, WILL NOT ADMIT MOISTURE, AND DRAINED TO PREVENT DAMPNES OR DETERIORATION IN THE WALLS OR INTERIOR.**

**3. DRAINAGE. THE BUILDING GUTTERS AND DOWNSPOUTS ARE WATERTIGHT AND ENTIRE STORM DRAINAGE SYSTEM IS ADEQUATELY SIZED, INSTALLED IN AN APPROVED MANNER, FUNCTIONAL AND DISCHARGED IN AN APPROVED MANNER.**

**4. EXTERIOR BUILDING STRUCTURE. THE BUILDING IS MAINTAINED IN GOOD REPAIR, STRUCTURALLY SOUND, FREE FROM DEBRIS, RUBBISH AND GARBAGE, AND SANITARY, WALKING SURFACES AND STAIRS ARE STRUCTURALLY SOUND, SO AS NOT TO POSE A THREAT TO THE PUBLIC HEALTH OR SAFETY.**

**5. STRUCTURAL MEMBERS. THE STRUCTURAL MEMBERS ARE FREE OF DETERIORATION AND CAPABLE OF SAFELY BEARING IMPOSED DEAD AND LIVE LOADS.**

**6. FOUNDATION WALLS. THE FOUNDATION WALLS ARE PLUMB, FREE FROM OPEN CRACKS AND BREAKS, AND RAT-PROOF.**

**7. EXTERIOR WALLS. THE EXTERIOR WALLS ARE FREE OF HOLES, BREAKS, AND LOOSE OR ROTTING MATERIALS. EXPOSED METAL AND WOOD SURFACES ARE PROTECTED FROM THE ELEMENTS AND AGAINST DECAY OR RUST BY PERIODIC APPLICATION OF WEATHER COATING MATERIALS, SUCH AS PAINT OR SIMILAR SURFACE TREATMENT.**

**8. STRUCTURE EXTENSIONS. ALL BALCONIES, PORCHES, CANOPIES, MARQUEES, SIGNS, METAL AWNINGS, CORNICES, STAIRWAYS, FIRE ESCAPES, STANDPIPES, EXHAUST DUCTS AND SIMILAR FEATURES ARE IN GOOD REPAIR, ANCHORED, SAFE AND SOUND. EXPOSED METAL AND WOOD SURFACES ARE PROTECTED FROM THE ELEMENTS AND AGAINST DECAY OR RUST BY PERIODIC APPLICATION OF WEATHER COATING MATERIALS, SUCH AS PAINT OR SIMILAR SURFACE TREATMENT.**

**9. CHIMNEYS AND TOWERS. CHIMNEYS, COOLING TOWERS, SMOKESTACKS, AND SIMILAR APPURTENANCES ARE STRUCTURALLY SAFE. EXPOSED METAL AND WOOD SURFACES ARE PROTECTED FROM THE ELEMENTS AND AGAINST DECAY OR RUST BY PERIODIC APPLICATION OF WEATHER COATING MATERIALS, SUCH AS PAINT OR SIMILAR SURFACE TREATMENT.**

**10. SIDEWALK OPENINGS. YARD, WALKS, STEPS, AND OPENINGS IN SIDEWALKS ARE SAFE FOR PEDESTRIAN TRAVEL AND SNOW AND ICE ARE REMOVED FROM SIDEWALKS ADJOINING THE PROPERTY.**

**11. ACCESSORY AND APPURTENANT STRUCTURES. ACCESSORY AND APPURTENANT STRUCTURES SUCH AS GARAGES, SHEDS, AND FENCES ARE FREE FROM SAFETY AND HEALTH HAZARDS.**

**12. PREMISES. THE PREMISES ON WHICH A STRUCTURE IS LOCATED IS CLEAN, SAFE AND SANITARY, MAINTAINED FREE OF WEEDS, JUNK VEHICLES, AND LITTER, AND DOES NOT POSE A THREAT TO THE PUBLIC HEALTH OR SAFETY.**

**C. INSPECTIONS. VACANT PROPERTY AND BLIGHTED PROPERTY REQUIRED TO BE REGISTERED IN ACCORDANCE WITH THIS CHAPTER SHALL BE INSPECTED BY THE OWNER OR OWNER'S AGENT OR BY THE RESPONSIBLE PARTY ON A MONTHLY BASIS TO DETERMINE IF THE PROPERTY IS IN COMPLIANCE WITH THE REQUIREMENTS OF THIS CHAPTER.**

**Sec. 6-126. - ~~One-year waiver.~~ EVIDENCE OF AND PRESUMPTION OR DETERMINATION OF VACANCY.**

~~Upon application by the owner and satisfaction of [section 6-125\(c\)\(4\)](#), the town administrator may grant a one-time, one-year waiver of the registration fee, or if denied by the town administrator, upon appeal to the board, if the owner is a nonprofit or tax-exempt organization.~~

- A. A BUILDING, STRUCTURE, OR PORTION THEREOF SHALL BE LEGALLY PRESUMED VACANT OR BLIGHTED IF THE CODE OFFICIAL OBSERVES ONE OR MORE OF THE FOLLOWING CONDITIONS:**
- 1. DOORS, WINDOWS, OR OTHER PRIMARY OPENINGS ARE BOARDED UP WITH PLYWOOD OR OTHER MATERIALS, UNHINGED, BROKEN, OR OTHERWISE UNSECURED; OR**
  - 2. A PARTIALLY CONSTRUCTED OR DEMOLISHED STRUCTURE THAT HAS BEEN ABANDONED FOR MORE THAN 180 DAYS.**
- B. TOWN CODE ENFORCEMENT OFFICIALS SHALL CONSIDER THE FOLLOWING FACTORS IN DETERMINING WHETHER A BUILDING, STRUCTURE OR PORTION THEREOF IS VACANT:**
- 1. THE PROPERTY LACKS ACTIVE, LEGALLY ESTABLISHED UTILITY SERVICES (INCLUDING BUT NOT LIMITED TO WATER, SEWER, OR ELECTRICITY) NECESSARY FOR SAFE OCCUPANCY FOR GREATER THAN 120 DAYS; OR**
  - 2. THE PROPERTY HAS BEEN CITED FOR PROPERTY MAINTENANCE VIOLATIONS AND NO CORRECTIVE ACTION HAS BEEN TAKEN BY THE OWNER FOR A PERIOD OF 120 DAYS; OR**
  - 3. ACCUMULATION OF MAIL, NEWSPAPERS, OR CIRCULARS; OR**

4. ACCUMULATION TRASH, DEBRIS, OR OVERGROWN/DEAD VEGETATION; OR
  5. STATEMENTS FROM NEIGHBORS, DELIVERY AGENTS, OR GOVERNMENT OFFICIALS THAT THE PROPERTY IS VACANT; OR
  6. THE PROPERTY ATTRACTS ILLEGAL ACTIVITY AS DOCUMENTED BY POLICE CALLS FOR SERVICE, CONSTITUTES A FIRE HAZARD, OR HAS RESULTED IN THE CANCELLATION OF ADJACENT PROPERTIES' INSURANCE POLICIES; OR
  7. ABSENCE OF FURNISHINGS.
- C. IF A PROPERTY IS DETERMINED TO BE VACANT OR BLIGHTED BY THE CODE ENFORCEMENT OFFICIAL BASED ON THE EVIDENCE ABOVE, THE BURDEN OF PROOF TO REBUT THIS PRESUMPTION RESTS ENTIRELY WITH THE PROPERTY OWNER. THE OWNER MUST PROVIDE TANGIBLE PROOF OF ACTIVE, LAWFUL OCCUPANCY, WHICH MAY INCLUDE CONSECUTIVE MONTHS OF ACTIVE UTILITY BILLS, VALID AND ACTIVE LEASE AGREEMENTS ACCOMPANIED BY PROOF OF RENT PAYMENT, OR A CURRENT, ACTIVE BUSINESS LICENSE DEMONSTRATING CONTINUOUS OPERATION AT THE PREMISES.

**Sec. 6-127. - Delinquent registration fees as a lien.**

(a) After the owner is given notice of the amount of the registration fee due, except for those owners that have ~~properly perfected~~ BEEN GRANTED an appeal as provided in [section 6-125\(c\)\(3\)](#), and the owner fails to pay the amount due, said amount shall constitute a debt due and owing to the town.

(b) Any registration fees, when accrued or overdue, pursuant to this article, and any penalties assessed hereto shall be considered a lien in favor of the town on the applicable property and may be collected and enforced in the same manner as delinquent or accrued real property taxes.

**Sec. 6-128. - Duty to amend registration statement.**

If the status of the registration information changes during the course of any calendar year, it is the responsibility of the owner, responsible party or agent for the same to contact the town ~~administrator~~ MANAGER or designee within 30 days of the occurrence of such changes and advise the town ~~administrator~~ MANAGER in writing of those changes.

**Sec. 6-129. - Exceptions.**

This article shall not apply to any building or lot owned by the United States, the ~~state~~ STATE OF MARYLAND, the ~~county~~ PRINCE GEORGE'S COUNTY, nor to any of their respective agencies ~~or political subdivisions~~.

**Sec. 6-130. - Duty of town ~~administrator~~ MANAGER to maintain and notify.**

The town ~~administrator~~ **MANAGER** or designee shall maintain the vacant **AND BLIGHTED** building or lot registrations in the normal course of business and shall notify the town chief of police who shall notify local fire and ambulance services of all locations on the registry.

**Sec. 6-131. - Enforcement.**

(a) *Penalties for offenses.* Any owner, or agent of an owner acting on behalf of the owner, who fails to register a vacant **OR BLIGHTED** building or lot or to pay any fees required to be paid pursuant to the provisions of this article, within 30 days after they become due, shall constitute a municipal infraction violation punishable, upon conviction thereof, by a fine in the amount of ~~\$1,000.00~~ **\$2,000.00** for each failure to register, or for each failure to pay a required vacant **OR BLIGHTED** building or lot registration fee.

(b) *Other enforcement.* The registration of a vacant **BLIGHTED** building or vacant lot or absence thereof shall not preclude action by the town to obtain a court order to force abatement, maintenance or removal of a public nuisance or any other violation found on any vacant lot or building pursuant to any other provisions of this Code or other law. The town shall have the right to remove litter, trash, noxious weeds, tall grass, or unsanitary or flammable waste materials and to do such other maintenance or work as is necessary to bring the property into compliance with the general ordinances of the town. The cost of these actions shall be paid for by the owner. The town shall send the owner an invoice or bill for the costs of such work by certified mail, return receipt requested, and by regular mail to the owner's last known address or by any other means reasonably calculated to bring the bill to the owner's attention. Should the owner fail to pay the bill within one month after it is presented or mailed, the costs shall be considered a lien against the property and may be collected in the same manner as real property taxes. Nothing in this article shall be construed to limit the town from seeking any other legal damages or equitable and declaratory relief permitted by law to enforce this Code in a court of competent jurisdiction in the state.

**Sec. 6-132. - Violations.**

Unless provided otherwise, any violation of this article shall be deemed a municipal infraction. The penalty for such violation shall be a ~~\$250.00~~ **\$1,000.00** fine for an initial offense together with a suspension of the license for no more than 90 days and ~~\$500.00~~ **\$2,000.00** for each repeat offense together with a revocation of the license. Each day any violation continues shall be a separate offense.