

### **Summary of Proposed Changes to Vacant Property Regulations**

The following is a summary of the proposed amendments submitted by Council Member Sarah Franklin for legal review and consideration by the Town Council on March 3, 2026.

- **Redefining Vacancy on a "Per-Unit" Basis:** In multi-tenant or mixed-use buildings, vacancy will be assessed per individual unit or commercial suite. Additionally, buildings that are more than 45% empty will be legally presumed "Substantially Vacant."
- **Establishing "Evidence of Vacancy" Criteria:** To prevent owners from feigning occupancy, the update provides Code Enforcement with an objective visual checklist. If a property meets these criteria, it is legally presumed vacant, shifting the burden of proof to the owner to prove lawful occupancy.
- **Creating a "Blighted Property" Designation:** Properties suffering from severe, unabated exterior decay will be subject to the same registration requirements and fees as vacant buildings, ensuring that slumlords cannot continue to let an occupied building rot.
- **Implementing an Escalating Fee Schedule:** To prevent negligent owners from absorbing a flat registration fee as a "cost of doing business," the proposed fee structure escalates aggressively for every consecutive year the property remains vacant or blighted (e.g., \$500 in Year 1, up to \$8,000+ by Year 5).
- **Strengthening Enforcement via Tax Liens:** Unpaid registration fees and penalties will automatically convert into a first lien on the property and be added to the municipal tax bill, subjecting the property to a tax sale if ignored. Furthermore, the "clock" on escalating fees will not reset if an owner sells or transfers the property.
- **Vacant Property Plan:** Requiring the owner of a vacant property to provide a plan for repair, maintenance, and occupancy for the property.
- **Ensuring Due Process and Fair Exemptions:** To protect the Town from liability and assist responsible owners facing temporary hardships, the draft includes a structured appeals process, as well as temporary fee waivers for properties undergoing active, permitted construction or those actively listed on the real estate market.

#### **DRAFT AMENDMENTS TO:**

Part II - Code Of Ordinances

Chapter 6 - Buildings And Building Regulations Article V. Vacant

Property Registration

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 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. 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.

*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.

Drafted by Council Member Sarah Franklin for legal review - 03-02-2026

1 OF 12 **SUBSTANTIALLY VACANT**

**MEANS A BUILDING WHERE 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 building or structure 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.~~] **MEANS**

**ANY BUILDING, STRUCTURE, OR DISTINCT PORTION THEREOF (INCLUDING INDIVIDUAL**

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COMMERCIAL SUITES OR RESIDENTIAL DWELLING UNITS), THAT IS NOT LEGALLY OCCUPIED OR ACTIVELY USED FOR ITS DESIGNATED, LAWFUL PURPOSE FOR A PERIOD OF NINETY (90) CONSECUTIVE DAYS OR MORE.

*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] **STATE**

**DEPARTMENT OF ASSESSMENTS AND TAXATION.** FOR PURPOSES OF THIS ORDINANCE, A VACANT LOT DOES NOT INCLUDE A LOT THAT:

1. IS AN INDIVIDUALLY ASSESSED PARCEL OR UNIT OF LAND,
2. IS ZONED FOR RESIDENTIAL USE (IE. IS NOT ZONED COMMERCIAL OR INDUSTRIAL),
3. IS CONTIGUOUS TO A LOT OR LOTS IN COMMON OWNERSHIP THAT ARE ALSO ZONED FOR RESIDENTIAL USE,
4. ONE OF THE LOTS IN COMMON OWNERSHIP IS IMPROVED WITH A HOUSE IN WHICH THE OWNER(S) OR A TENANT RESIDES, AND 5. THE LOT FUNCTIONS AS A FRONT, SIDE OR REAR YARD TO THE LOT ON WHICH THE HOUSE IS LOCATED.

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

The [board of commissioners] **TOWN 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 TOWN'S ECONOMIC DEVELOPMENT GOALS AND ON** the value of property in close proximity to the vacant and abandoned buildings, structures, dwellings and lots. *<add paragraph for separation of ideas>*

Drafted by Council Member Sarah Franklin for legal review - 03-02-2026

2 OF 12

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 of **AND VISITORS TO** 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.

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

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- a. ***SUBSTANTIALLY Vacant OR BLIGHTED building or lot registration.***

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1. Any owner of any building or lot which has been **SUBSTANTIALLY** vacant **OR** **BLIGHTED** for more than 120 consecutive days shall file a **VACANT BUILDING OR LOT REGISTRATION** with the [town administrator] **TOWN MANAGER** [or designee a vacant building or lot registration].
2. Said registration shall be in a form prescribed by the [town administrator] **TOWN MANAGER**, which shall include the street address and parcel number of each such **SUBSTANTIALLY** 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] **TOWN MANAGER**. In no instance shall the registration of a **SUBSTANTIALLY** 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] **TOWN** ordinance requirement.
3. The registration fee, as required herein, shall be billed by the [town administrator] **TOWN MANAGER** [or designee] and shall be paid by January 1 of each **CALENDAR** year. For purposes of this [article] **ARTICLE**, the following shall also be applicable:

Drafted by Council Member Sarah Franklin for legal review - 03-02-2026

3 OF 12

- a. If the owner is a corporation, the names and addresses of the officers of the corporation shall be provided 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;**
- b. If the owner is a [limited liability company] **LIMITED LIABILITY COMPANY**, the name and address of the managing member shall be provided;
- c. If the owner is an estate, the name and address of the executor or administrator of the estate shall be provided;
- d. If the owner is a trust, the name and address of all trustees or grantors shall be provided;
- e. If the owner is a partnership, the names and addresses of all partners with an interest of ten percent or greater shall be provided;
- f. 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 shall be provided; or

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g. If the owner is an individual person, the name and 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 and 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 Fee.**

Drafted by Council Member Sarah Franklin for legal review - 03-02-2026

4 OF 12

1. The owner of any **SUBSTANTIALLY** vacant **OR BLIGHTED** property located within the corporate limits of the [town] **TOWN** shall be responsible to register and pay the annual nonrefundable registration fee **IN ACCORDANCE WITH THE FEE SCHEDULE IN TABLE 1** [of \$250.00]; thereafter, [said] **THE ANNUAL** fee shall be billed by the [town treasurer] **TOWN MANAGER** annually on November 1. The [board] **COUNCIL** may revise or increase registration fees established under this article[, provided such fee does not exceed \$750.00.]**THE FEE IS DESIGNED TO RECOVER THE ADMINISTRATIVE COSTS OF MONITORING THE PROPERTY AND TO INCENTIVIZE THE REHABILITATION AND PRODUCTIVE USE OF THE BUILDING.**

**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>

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YEAR 5 AND EACH SUBSEQUENT YEAR	\$8,000.00
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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, LLC, OR OTHER CORPORATE ENTITY. THE NEW OWNER ASSUMES THE PROPERTY AT ITS CURRENT TIER ON THE ESCALATING FEE SCHEDULE.

2. One SUBSTANTIALLY 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]

Drafted by Council Member Sarah Franklin for legal review - 03-02-2026

5 OF 12

SHALL be paid for each building upon a single property or for [more than one] EACH lot in a series of abutting or adjoining vacant lots.

**d. VACANT BUILDING PLAN**

1. THE OWNER OF ANY SUBSTANTIALLY VACANT OR BLIGHTED PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE TOWN SHALL BE RESPONSIBLE TO SUBMIT A VACANT BUILDING PLAN WITHIN THIRTY (30) CALENDAR DAYS OF THE REGISTRATION. THE PLAN SHALL CONTAIN THE FOLLOWING:
  2. A PLAN OF ACCESS TO THE INTERIOR BY THE CODE ENFORCEMENT OFFICER OF SUFFICIENT FREQUENCY TO DETERMINE THAT, FROM EVIDENCE ON THE INTERIOR, THE EXTERIOR STRUCTURE IS IN GOOD REPAIR, STRUCTURALLY SOUND AND SANITARY, AND WEATHERPROOF.
  3. A PLAN OF ACTION 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.
4. FOR BUILDINGS AND PROPERTY WHICH ARE IDENTIFIED AS BEING OR CONTAINING DEFECTS WHICH CONSTITUTE PUBLIC NUISANCES, THEN THE VACANT BUILDING PLAN SHALL CONTAIN A PLAN OF ACTION TO REMEDY SUCH PUBLIC NUISANCE(S).

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5. FOR EACH REQUIRED PLAN, A TIME SCHEDULE SHALL BE SUBMITTED IDENTIFYING A DATE OF COMMENCEMENT OF REPAIR AND DATE OF COMPLETION OF REPAIR FOR EACH IMPROPERLY SECURED OPENING AND IDENTIFIED DEFECT.
6. WHENEVER THE OWNER PROPOSES TO DEMOLISH THE VACANT BUILDING, THEN THE OWNER SHALL SUBMIT A PLAN AND TIME SCHEDULE FOR SUCH DEMOLITION AND OBTAIN THE NECESSARY PERMIT(S) AS REQUIRED BY THE LAWS OF THIS TOWN, PRINCE GEORGE'S COUNTY, OR THE STATE OF MARYLAND.
7. A PLAN OF ACTION TO MAINTAIN THE BUILDING AND PREMISES IN CONFORMANCE WITH ALL REGULATIONS OF THIS CHAPTER.

Drafted by Council Member Sarah Franklin for legal review - 03-02-2026

6 OF 12

8. 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:
  - a. OWNER'S NAME,
  - b. ADDRESS,
  - c. PHONE NUMBER,
  - d. EXPIRATION DATE OF REGISTRATION.
  - e. THE TOWN MANAGER MAY REQUIRE REMOVAL OF ALL OTHER SIGNAGE AND GRAFFITI AT THE OWNER'S EXPENSE.
9. IF THE PROPOSED VACANT BUILDING PLAN COMPLIES WITH THE STANDARDS HEREIN AND IN REGULATIONS TO BE PROMULGATED BY THE TOWN MANAGER, 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 BUILDING.
  - e. ~~[(3)]~~ *Appeal rights.*
    1. 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 the town administrator] WITH THE TOWN CLERK no later than 30 calendar days from the date of the billing statement.

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2. On appeal, the owner shall bear the burden of providing proof that the building is **SUBSTANTIALLY** 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.

f. ~~[(4)]~~ *One-time waiver of registration fee.*

1. A one-time waiver of the registration fee for up to 90 days may be granted by the [town administrator] **TOWN MANAGER** upon

Drafted by Council Member Sarah Franklin for legal review - 03-02-2026

7 OF 12

application of the owner and upon review and advice of the [town attorney,] **TOWN ATTORNEY** within 30 calendar days from the date of the bill for the registration fee, or if denied by the [town administrator] **TOWN 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; **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. [c]Is current on all registration fees and all other financial obligations and/or debts owed to the [town] **TOWN** which are associated with the vacant **OR BLIGHTED** property.

Sec. 6-126. **EVIDENCE AND PRESUMPTION OF VACANCY** [One-year waiver.

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 SUBSTANTIALLY VACANT OR BLIGHTED IF THE CODE OFFICIAL OBSERVES ONE OR MORE OF THE FOLLOWING CONDITIONS:**

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- b. **THE PROPERTY LACKS ACTIVE, LEGALLY ESTABLISHED UTILITY SERVICES (INCLUDING BUT NOT LIMITED TO WATER, SEWER, OR ELECTRICITY) NECESSARY FOR SAFE OCCUPANCY; OR**

Drafted by Council Member Sarah Franklin for legal review - 03-02-2026

8 OF 12

- c. **DOORS, WINDOWS, OR OTHER PRIMARY OPENINGS ARE BOARDED UP WITH PLYWOOD OR OTHER MATERIALS, UNHINGED, BROKEN, OR OTHERWISE UNSECURED; OR**
- d. **THE PROPERTY HAS BEEN CITED FOR PROPERTY MAINTENANCE VIOLATIONS AND NO CORRECTIVE ACTION HAS BEEN TAKEN BY THE OWNER FOR A PERIOD OF 60 DAYS; OR**
- e. **ACCUMULATION OF MAIL, NEWSPAPERS, OR CIRCULARS; OR f. ACCUMULATION TRASH, DEBRIS, OR OVERGROWN/DEAD VEGETATION; OR g. A PARTIALLY CONSTRUCTED OR DEMOLISHED STRUCTURE THAT HAS BEEN ABANDONED FOR 180 DAYS OR MORE; OR**
- h. **STATEMENTS FROM NEIGHBORS, DELIVERY AGENTS, OR GOVERNMENT OFFICIALS THAT THE PROPERTY IS VACANT; OR**
- i. **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**
- j. **ABSENCE OF FURNISHINGS.**

**b. IF A PROPERTY IS PRESUMED SUBSTANTIALLY vacant OR BLIGHTED BY THE CODE 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] **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] **TOWN** on the applicable

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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 or designee] **TOWN MANAGER** within 30 days of the occurrence of such changes and advise the [town administrator] **TOWN 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] **TOWN MANAGER** to maintain and notify.

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

Sec. 6-131. Enforcement. *<This section has added paragraphs, sections, and subsections for clarity.>* (a) *Penalties for offenses.*

Any owner, or agent of an owner acting on behalf of the owner, who fails to register a **SUBSTANTIALLY** 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** for each failure to register, or for each failure to pay a required vacant **OR BLIGHTED** building or lot registration fee.

(b) *Other enforcement.*

1. The registration of a **SUBSTANTIALLY** vacant **OR BLIGHTED** building or vacant lot or absence thereof shall not preclude action by the [town] **TOWN** to obtain a court order to force abatement, maintenance or removal of a public nuisance or any other violation found on any **SUBSTANTIALLY** vacant **OR BLIGHTED** lot or building pursuant to any other provisions of this Code or other law.
2. The [town] **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] **TOWN**.
  - a. The cost of these actions shall be paid for by the owner.
  - b. The [town] **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.
  - c. 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.
3. Nothing in this article shall be construed to limit the [town] **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** fine for an initial offense together with a suspension of the license for no more than 90 days and [~~\$500.00~~] **\$2,000** for each repeat offense together with a revocation of the license. Each day any violation continues shall be a separate offense.