

**CITY OF BALTIMORE
ORDINANCE
Council Bill 13-0293**

Introduced by: Councilmembers Henry, Branch, Clarke, Reisinger, Cole, Scott, Curran, President Young, Councilmembers Middleton, Kraft

Introduced and read first time: November 4, 2013

Assigned to: Housing and Community Development Committee

Committee Report: Favorable with amendments

Council action: Adopted

Read second time: December 4, 2014

AN ORDINANCE CONCERNING

Unsafe Vacant Structures Structure

FOR the purpose of modifying the criteria for determining that a structure is a “vacant structure” or is in noncompliance with a notice or order issued by the Building Official expanding the definition of “vacant structure” to include certain “nuisance properties”; requiring that a certain notice be given to persons who are registered as having an interest in a potential nuisance property; modifying the criteria for certain determinations; requiring that all windows, doors, and other openings of a vacant structure, at any accessible level, be boarded; and generally relating to the definition and required safeguarding of vacant structures and nuisance properties.

BY repealing and reordaining, with amendments

Article - Building, Fire, and Related Codes

Section(s) 2-103 (BC §§ 116.4.1 through 116.4.3)

Baltimore City Revised Code

(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Revised Code

Article – Building, Fire, and Related Codes

Part II. International Building Code

§ 2-103. City modifications.

The additions, deletions, amendments, and other modifications adopted by the City are as follows:

Chapter 1. Scope and Administration

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by
amendment or deleted from existing law by amendment.

1 **Section 116 Unsafe Structures**

2 **116.4 Unsafe vacant structures.** Every vacant structure, as defined in this § 116.4, is
3 declared to be a fire hazard and a nuisance per se, and must be safeguarded and otherwise
4 maintained as required in this § 116.4.

5 **116.4.1 Definition.** “Vacant structure” means an unoccupied structure that is unsafe or
6 unfit for human habitation or other authorized use.

7 **116.4.2 Determinations.** A determination of vacancy and a determination of
8 noncompliance with a notice or order issued under this section may be based on
9 observation that a structure:

- 10 1. ~~[is open to casual entry]~~ CONTAINS, AT ANY LEVEL, ANY OPEN WINDOW, OPEN
11 DOOR, OR OTHER POINT OF UNPROTECTED ENTRY,
- 12 2. has boarded windows or doors, or
- 13 3. lacks intact window sashes, walls, or roof surfaces to repel weather entry.

14 **116.4 [Unsafe vacant] VACANT structures.** Every vacant structure, as defined in this
15 § 116.4, is declared to be a fire hazard and a nuisance per se, and must be safeguarded and
16 otherwise maintained as required in this § 116.4.

17 **116.4.1 [Definition] DEFINITIONS.**

18 **116.4.1.1 GENERAL.** IN THIS § 116.4, THE FOLLOWING TERMS HAVE THE MEANINGS
19 INDICATED.

20 **116.4.1.2 VACANT STRUCTURE.** “Vacant structure” means an unoccupied structure
21 that is:

- 22 1. unsafe or unfit for human habitation or other authorized use, OR
- 23 2. A NUISANCE PROPERTY.

24 **116.4.1.3 NUISANCE PROPERTY.** “NUISANCE PROPERTY” MEANS:

- 25 1. AN UNOCCUPIED STRUCTURE FOR WHICH 2 OR MORE FINAL, NON-APPEALABLE
26 BUILDING CODE, FIRE CODE, OR PROPERTY MAINTENANCE CODE VIOLATIONS
27 REMAINED UNABATED FOR 10 DAYS OR MORE BEYOND THE DATE BY WHICH
28 THE VIOLATION NOTICE, CITATION, OR ORDER REQUIRED THE VIOLATION TO BE
29 CORRECTED; OR
- 30 2. THE EXTERIOR PREMISES OF AN UNOCCUPIED STRUCTURE FOR WHICH, AT ANY
31 TIME WITHIN THE PRECEDING 12 MONTHS, ON 6 OR MORE SEPARATE
32 OCCASIONS, FINAL, NO-LONGER APPEALABLE VIOLATION NOTICES, CITATIONS,
33 OR ORDERS WERE SERVED TO CORRECT VIOLATIONS OF PROPERTY
34 MAINTENANCE CODE, § 305 {“EXTERIOR SANITARY MAINTENANCE –

GENERAL"} OR § 306 {"EXTERIOR SANITARY MAINTENANCE – TRASH, GARBAGE, AND DEBRIS"}.

116.4.1.3.1 REGISTERED INTEREST HOLDERS.

116.4.1.3.1.1 REGISTRATION AUTHORIZED. A HOLDER OF AN INTEREST IN A STRUCTURE BY WAY OF A MORTGAGE OR DEED OF TRUST MAY REGISTER THAT INTEREST IN THE HOUSING COMMISSIONER'S REGISTRY OF NON-OWNER-OCCUPIED DWELLINGS, ROOMING HOUSES, AND VACANT STRUCTURES (CITY CODE ARTICLE 13, SUBTITLE 4).

116.4.1.3.1.2 NOTICE REQUIRED TO REGISTRANTS. BEFORE DECLARING AN UNOCCUPIED STRUCTURE TO BE A NUISANCE PROPERTY, THE BUILDING OFFICIAL MUST SEND A NOTICE, BY FIRST-CLASS MAIL OR EMAIL, TO ANY INTEREST HOLDER THAT IS REGISTERED FOR THAT STRUCTURE UNDER CITY CODE ARTICLE 13, SUBTITLE 4 {"REGISTRATION OF NON-OWNER-OCCUPIED DWELLINGS, ROOMING HOUSES, AND VACANT STRUCTURES"}

116.4.1.3.1.3 TENOR OF NOTICE. THE NOTICE SHALL PROVIDE THE INTEREST HOLDER WITH THE OPPORTUNITY TO AVOID A DECLARATION OF PUBLIC NUISANCE IF, WITHIN 30 DAYS OF THE MAILING, THE INTEREST HOLDER:

1. ABATES ALL OUTSTANDING VIOLATIONS; AND
2. SUBMITS A REASONABLE PLAN TO THE BUILDING COMMISSIONER FOR
REGULAR MAINTENANCE OF THE PROPERTY.

116.4.1.3.2 OFFICIAL'S CORRECTIVE ACTIONS DO NOT CONSTITUTE ABATEMENT. ACTIONS TAKEN BY THE BUILDING OFFICIAL TO CLEAN, SECURE, OR REPAIR A PROPERTY DO NOT PRECLUDE THE BUILDING OFFICIAL'S DETERMINATION THAT THE PROPERTY IS A NUISANCE PROPERTY.

116.4.2 [Determinations] DETERMINATION OF VACANCY, NONCOMPLIANCE. A determination of vacancy and a determination of noncompliance with a notice or order issued under this section may be based on observation that a structure:

1. [is open to casual entry] CONTAINS, AT ANY LEVEL, ANY OPEN WINDOW OR DOOR, ANY OPENING CAUSED BY DAMAGE OR DECAY, OR ANY OTHER OPENING THAT IS UNPROTECTED FROM INTRUDERS.
2. has boarded windows or doors, or
3. lacks intact DOORS, WINDOWS, window sashes, walls, or roof surfaces to [repel weather entry] PROTECT AGAINST THE ELEMENTS.

116.4.3 Required safeguarding. Every vacant structure must be cleaned, closed, and safeguarded as follows:

1. Before the structure is closed and secured, all litter, trash, and other debris must be removed from the premises.

- 1 2. All windows, doors, and other openings must be closed, securely locked, and[, if
2 within 24 feet of the ground or readily accessible, further protected by boarding],
3 IF READILY ACCESSIBLE, BOARDED up with substantial material, including
4 masonry, approved by the Building Official. The Building Official may require
5 windows facing streets to be boarded with lexan, vinyl, or similar material,
6 protected by security grills, or both.
- 7 3. As long as the structure remains unrehabilitated:
 - 8 a. it must be kept boarded,
 - 9 b. the premises must be conspicuously posted against trespass, and
 - 10 c. the premises must be kept free of occupants, litter, trash, debris, high
11 grass, and weeds at all times.
- 12 4. Boarding, posting, and cleaning, however, do not relieve the owner of
13 responsibility to demolish or to repair and maintain the property in conformity
14 with this Code.
- 15 5. The structure may not be reoccupied until the Building Official has issued
16 an occupancy permit.

17 **SECTION 2. AND BE IT FURTHER ORDAINED**, That the catchlines contained in this Ordinance
18 are not law and may not be considered to have been enacted as a part of this or any prior
19 Ordinance.

20 **SECTION 3. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the 30th day
21 after the date it is enacted.

Council Bill 13-0293

Certified as duly passed this ____ day of _____, 20____

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this ____ day of _____, 20____

Chief Clerk

Approved this ____ day of _____, 20____

Mayor, Baltimore City