

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.

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Section 116 Unsafe Structures

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

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

~~**116.4.2 Determinations.** 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, OPEN DOOR, OR OTHER POINT OF UNPROTECTED ENTRY,~~
- ~~2. has boarded windows or doors, or~~
- ~~3. lacks intact window sashes, walls, or roof surfaces to repel weather entry.~~

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

116.4.1 [Definition] DEFINITIONS.

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

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

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

116.4.1.3 NUISANCE PROPERTY. “NUISANCE PROPERTY” MEANS:

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

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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.

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- 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.

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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