

CITY OF BALTIMORE
COUNCIL BILL 22-0278
(First Reader)

Introduced by: Councilmember Burnett, Bullock, Cohen, Ramos, Porter, Dorsey, Conway

Introduced and read first time: September 12, 2022

Assigned to: Rules and Legislative Oversight Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Housing and Community Development, Fire Department, Police Department, Department of Public Works

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Vacant Structures – Required Safeguarding**

3 FOR the purpose of amending the Baltimore City Building Code to require that certain vacant
4 structures in Baltimore City be kept secured with doors and windows.

5 BY amending

6 Article - Building, Fire, and Related Codes
7 Section 2-103 (IBC §§ 116.4.3 and 116.4.4)
8 Baltimore City Revised Code
9 (2020 Edition)

10 BY adding

11 Article - Building, Fire, and Related Codes
12 Section 2-103 (IBC §§ 116.4.7 and 116.4.8)
13 Baltimore City Revised Code
14 (2020 Edition)

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

17 **Baltimore City Revised Code**

18 **Article – Building, Fire, and Related Codes**

19 **Part II. International Building Code**

20 **§ 2-103. City Modifications.**

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

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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Chapter 1

Scope and Administration

116.4 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.

...

116.4.3 Required safeguarding. [Every] WITH THE EXCEPTION OF A STRUCTURE DESCRIBED IN SECTION 116.4.7 {"REQUIRED SAFEGUARDING - VACANT STRUCTURE IN OCCUPIED NEIGHBORHOOD"}, 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.
2. All windows, doors, and other openings must be closed, and securely locked, and, if readily accessible, boarded up with substantial material, including masonry, approved by the Building Official. The Building Official may require windows facing streets to be boarded with lexan, vinyl, or similar material, protected by security grills, or both.
3. As long as the structure remains unrehabilitated:
 - a. it must be kept boarded,
 - b. the premises must be conspicuously posted against trespass, and
 - c. the premises must be kept free of occupants, litter, trash, debris, high grass, and weeds at all times.
4. Boarding, posting, and cleaning, however, do not relieve the owner of responsibility to demolish or to repair and maintain the property in conformity with this Code.
5. The Building Official may post a sign to inform the public that the structure is a vacant structure and to provide additional information about the structure's status.
6. The structure may not be reoccupied until the Building Official has issued an occupancy permit.

116.4.4 Emergency condition. A vacant structure that is not [kept boarded] SAFEGUARDED and free from accumulations of debris and high vegetation or that, in the opinion of the Building Official, is so dangerously unsound or so deteriorated that rehabilitation is not feasible, constitutes an emergency condition that imminently threatens the public health and safety and requires immediate resolution.

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2 **116.4.7 REQUIRED SAFEGUARDING - VACANT STRUCTURE IN OCCUPIED**
3 **NEIGHBORHOOD.** IN ADDITION TO THE REQUIREMENTS SET FORTH IN §116.4.3, A VACANT
4 STRUCTURE THAT IS LOCATED IN A BLOCK WHERE THE DEPARTMENT OF PLANNING HAS
5 DETERMINED THAT 70% OR MORE OF THE TOTAL RESIDENTIAL PROPERTIES ARE OCCUPIED,
6 MUST BE MUST BE CLEANED, CLOSED, AND SAFEGUARDED AS FOLLOWS:

- 7 1. BEFORE THE STRUCTURE IS CLOSED AND SECURED, ALL LITTER, TRASH, AND OTHER
8 DEBRIS MUST BE REMOVED FROM THE PREMISES.
- 9 2. ALL WINDOWS, DOORS, AND OTHER OPENINGS MUST BE IN GOOD REPAIR, CLOSED,
10 AND SECURELY LOCKED AND FASTENED. SEALING A VACANT STRUCTURE WITH
11 BOARDS, MASONRY, OR OTHER MATERIALS THAT ARE NOT A WINDOW WITH A
12 FRAME AND GLAZING OR A DOOR SHALL NOT CONSTITUTE GOOD REPAIR OR BEING
13 LOCKED, FASTENED, OR OTHERWISE SECURED AS REQUIRED BY THIS SUBSECTION.
- 14 3. AS LONG AS THE STRUCTURE REMAINS UNREHABILITATED:
 - 15 A. ALL ACCESSIBLE SPACES ON THE STRUCTURE THAT WERE DESIGNED AS
16 WINDOWS MUST BE SECURED WITH WINDOWS THAT HAVE FRAMES AND
17 GLAZING, AND ALL ENTRYWAYS MUST BE SECURED WITH DOORS,
 - 18 B. THE PREMISES MUST BE CONSPICUOUSLY POSTED AGAINST TRESPASS, AND
 - 19 C. THE PREMISES MUST BE KEPT FREE OF OCCUPANTS, LITTER, TRASH, DEBRIS,
20 HIGH GRASS, AND WEEDS AT ALL TIMES.
- 21 4. SECURING DOORS AND WINDOWS, POSTING, AND CLEANING, HOWEVER, DO NOT
22 RELIEVE THE OWNER OF RESPONSIBILITY TO DEMOLISH OR TO REPAIR AND
23 MAINTAIN THE PROPERTY IN CONFORMITY WITH THIS CODE.
- 24 5. THE BUILDING OFFICIAL MAY POST A SIGN TO INFORM THE PUBLIC THAT THE
25 STRUCTURE IS A VACANT STRUCTURE AND TO PROVIDE ADDITIONAL INFORMATION
26 ABOUT THE STRUCTURE'S STATUS.
- 27 6. THE STRUCTURE MAY NOT BE REOCCUPIED UNTIL THE BUILDING OFFICIAL HAS
28 ISSUED AN OCCUPANCY PERMIT.

29 **116.4.8 FAILURE TO PROVIDE SAFEGUARDING.** WHENEVER A BUILDING OFFICIAL FINDS
30 THAT A VACANT STRUCTURE IS NOT SAFEGUARDED IN THE MANNER DESCRIBED IN
31 § 116.4.7 {"REQUIRED SAFEGUARDING - VACANT STRUCTURE IN OCCUPIED
32 NEIGHBORHOOD"}, THE BUILDING OFFICIAL MUST ISSUE TO THE OWNER OF THE
33 STRUCTURE A VIOLATION NOTICE DESCRIBED UNDER § 123.4 {"VIOLATION NOTICES."} OF
34 THIS CODE. THE OWNER OF THE STRUCTURE SHALL HAVE 90 DAYS TO ABATE THE
35 VIOLATION NOTICE PRIOR TO ENFORCEMENT BY THE BUILDING OFFICIAL, AS AUTHORIZED
36 UNDER § 123.8 OF THIS CODE.

37 **SECTION 2. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
38 after the date it is enacted.