



Legislation Details (With Text)

File #: 08-0210 **Version:** 0 **Name:** Vacant Structures - Requisites for Transfer
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File created: 9/22/2008 **In control:** City Council
On agenda: **Final action:**
Enactment date: **Enactment #:**
Title: Vacant Structures - Requisites for Transfer

FOR the purpose of prohibiting the transfer of certain vacant structures without approved plans for the minimal repair of the structures; defining certain terms; and generally relating to the transfer of vacant structures.

Sponsors: Belinda Conaway, Warren Branch, Mary Pat Clarke, Bill Henry, Edward Reisinger, Sharon Green Middleton

Indexes: Structures, Transfer, Vacant

Code sections:

Attachments: 1. 08-0210 - 1st Reader.pdf, 2. HCD - 08-0210.pdf, 3. Law -08-0210.pdf, 4. BMZA - 08-0210.pdf, 5. Planning - 08-0210.pdf

Date	Ver.	Action By	Action	Result
10/27/2008	0	Judiciary and Legislative Investigations	Scheduled for a Public Hearing	
9/25/2008	0	The City Council	Referred for a Report	
9/25/2008	0	The City Council	Referred for a Report	
9/25/2008	0	The City Council	Referred for a Report	
9/25/2008	0	The City Council	Referred for a Report	
9/22/2008	0	City Council	Assigned	
9/22/2008	0	City Council	Introduced	

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

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INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

Introduced by: Councilmember Conaway

A BILL ENTITLED

AN ORDINANCE concerning

Vacant Structures - Requisites for Transfer

FOR the purpose of prohibiting the transfer of certain vacant structures without approved plans for the minimal repair of the structures; defining certain terms; and generally relating to the transfer of vacant structures.

BY repealing and reordaining, with amendments

Article - Building, Fire, and Related Codes

Section(s) 2-103 (BC § 113.23)

Baltimore City Revised Code

(Edition 2000)

BY repealing and reordaining, without amendments

Article - Building, Fire, and Related Codes

Section(s) 2-103 (BC § 115.4.1 and 115.4.2)

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. Administration

Section 113 Violations

113.23 Responsibility of transferee. This § 113.23 applies whenever any property is transferred by sale, assignment, ground rent lease, or otherwise, with or without consideration ("transfer"). Except as provided in § 113.25, this § 113.23 does not apply to a mortgagee or to the holder of a note secured by a deed of trust.

113.23.1 CERTIFICATION. NO DEED FOR THE TRANSFER OF PROPERTY MAY BE RECORDED UNLESS ACCOMPANIED BY A CERTIFICATE FROM THE BUILDING OFFICIAL:

A. THAT THE TRANSFER DOES NOT INVOLVE A VACANT STRUCTURE, AS DEFINED IN § 115.4;
OR

B. FOR A TRANSFER INVOLVING A VACANT STRUCTURE, AS DEFINED IN § 115.4, THAT THE BUILDING OFFICIAL HAS REVIEWED AND APPROVED FUNDED PLANS BY THE TRANSFEREE TO PROMPTLY REPAIR OR REPLACE, AS NEEDED, THE STRUCTURE'S ROOF, GUTTERS, WALLS, WINDOWS, DOORS, AND DOORBELL.

113.23.2 [113.23.1 Duty before transfer] VIOLATION REPORT. Before any transfer of property, the transferee must obtain a copy of a violation report for the property.

113.23.3 [113.23.2] Primary liability of transferee. On transfer of the property, if any violation or condemnation notices lie against the property and are included in the violation report, the transferee:

1. becomes primarily liable for those notices the same as if the notices had been addressed to the transferee,
2. must abate the violation, and
3. is liable in accordance with § 117 of this Code for any expenses incurred by the City in abating the violation or condemnation notice, if the transferee failed to request a violation report as required by § 113.23.1.

113.23.4 [113.23.3] Reliance on violation report. A transferee is not liable for abatement expenses incurred by the City if, before the transfer, the transferee requested a violation report and the report does not show the violation.

Section 115 Unsafe Structures

115.4 Unsafe vacant structures. Every vacant structure, as defined in this § 115.4, is declared to be a fire hazard and a nuisance per se, and must be safeguarded and otherwise maintained as required in this § 115.4.

115.4.1 Definition. "Vacant structure" means an unoccupied structure that is unsafe or unfit for human habitation or other authorized use.

115.4.2 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,
2. has boarded windows or doors, or
3. lacks intact window sashes, walls, or roof surfaces to repel weather entry.

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

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

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BFR/VcntStrctrs,Trnsfrs/aa:me

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