

## **ORDINANCE NO. 1959**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SALISBURY, MARYLAND, TO AMEND CHAPTER 15.24 - HOUSING STANDARDS TO PROVIDE THAT A VACATED OR CONDEMNED DWELLING SHALL HAVE A REDUCED OCCUPANCY.

WHEREAS, the ongoing application, administration, and enforcement of Chapter 15.24.270 and 15.24.280 - Housing Standards of the Salisbury Municipal Code, demonstrates a need for its periodic review, evaluation, and text amendment; and

WHEREAS, the Salisbury City Council has discussed a provision that a vacated or condemned dwelling shall have a reduced occupancy and finds the changes made by this Ordinance are in the public interest of the City of the Salisbury.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that the text of Section 15.24.270 and 15.24.280 - Housing Standards of the Salisbury Municipal Code are hereby amended as follows:

Section 15.24.270 - General.

A. All vacant structures, premises and vacant land shall be maintained in a clean, safe, secure and sanitary condition, to prevent blighted conditions or an adverse impact on public health or safety.

B. No structure caused to be vacant by virtue of noncompliance with the provisions of this Code shall be used again for human habitation without first obtaining a certificate of occupancy from the building official. No noncomplying structure may be left vacant longer than six months. The City may at that time exercise condemnation and/or demolition. The cost or expense shall be assessed as a lien on the property and

shall be entered on the tax records kept by the City Treasurer and shall be collectible as are taxes.

C. Each exterior door, window and opening of any vacant dwelling shall be firmly secured and locked. Should a structure become accessible and/or a nuisance by virtue of having windows or doors repeatedly left opened and/or unlocked, they shall be firmly secured by covering the openings squarely, and shall be surface coated to match the exterior house trim. No structure shall be permitted to be boarded up for any period of time in excess of six months unless fully justified by the owner in writing to the building official stating why and for what period of time the structure should be permitted to remain boarded up. Any structure condemned in accordance with Section 15.24.280, which has been boarded up for a period of time exceeding six months, and has not been justified by the owner in writing to the building official, may be issued a one hundred dollar (\$100.00) citation for the first day of noncompliance and a two hundred dollar (\$200.00) citation for each day thereafter that the violation continues. (Ord. 1795 (part), 2001; Ord. 1665 Exh. A (part), 1997)

D. A dwelling unit which is ordered to be vacated, shall, in appropriate zones, be permanently reduced to an occupancy of two unrelated persons, not including the children of either of them.

#### Section 15.24.280 - General

When a structure or equipment is found by the building official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this Code and declared a public nuisance.

A. Unsafe Structure. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is likely.

B. Unsafe Equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public occupants of the premises or structure.

C. Structures Unfit for Human Occupancy. A structure is unfit for human occupancy whenever the building official finds that such structure is unsafe, unlawful or, is in disrepair or lacks required maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lack ventilation, illumination, sanitary or heating facilities or other essential equipment required by this Code.

D. Unlawful Structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this Code, or was erected, altered or occupied contrary to law. (Ord. 1655 Exh. A (part), 1997)

E. An unlawful structure which is ordered to be “vacated or condemned” shall, in the appropriate zones, be permanently reduced to an occupancy of two unrelated persons, not including the children of either of them.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that this Ordinance shall take effect from and after the date of its final passage.

THE ABOVE ORDINANCE was introduced at a meeting of the Council on the \_\_\_\_ day of October \_\_\_\_, 2005, and having been published as required by law, in the meantime, was finally passed at its meeting on the \_\_\_\_ day of \_\_\_\_\_, 2005.

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Brenda J. Colegrove  
City Clerk

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Michael P. Dunn,  
President of the City Council  
of the City of Salisbury

Approved by me this  
day of \_\_\_\_\_ 2005.

Barrie P. Tilghman  
Mayor of the City of Salisbury