

CITY OF SALISBURY  
ORDINANCE NO. 1979

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SALISBURY TO ENACT CHAPTER 15.25 TO THE SALISBURY MUNICIPAL CODE TO REQUIRE THE REGISTRATION OF ALL VACANT DWELLINGS LOCATED IN THE CITY AND TO AMEND CHAPTER 15.24, ART. VII, AND SECTION 15.24.490.

WHEREAS, it has come to the attention of the Mayor and Council that some vacant dwellings create safety hazards in the City;

WHEREAS, the City Council desires to enact an administrative procedure requiring the registration of vacant dwellings and establishing penalties for owners who fail or refuse to register properties;

NOW, THEREFORE, be it enacted and ordained by the City Council of the City of Salisbury, in regular session:

1. That Chapter 15.25 of the Salisbury Municipal Code be enacted as set forth below.

**Chapter 15.25**  
**Vacant dwelling**

**Sections:**

<b>15.25.010</b>	<b>Scope</b>
<b>15.25.020</b>	<b>Purpose</b>
<b>15.25.030</b>	<b>Definitions</b>
<b>15.25.040</b>	<b>Vacant Dwelling Registration</b>
<b>15.25.050</b>	<b>Failure to Register</b>
<b>15.25.060</b>	<b>Transfer</b>
<b>15.25.070</b>	<b>Appeals procedures</b>
<b>15.25.080</b>	<b>Violations-penalties</b>

**15.25.010 Scope**

The provisions of this chapter govern dwellings located within the city of Salisbury. (Ord. 1899 (part), 2004)

**15.25.020 Purpose**

The purpose of this chapter is to protect the public health and safety and the general welfare of the citizens of the City of Salisbury and to assist the City government in monitoring the number of vacant dwellings in the City to assess the effects of the condition of those dwellings on nearby businesses and the neighborhoods in which they are located, particularly in light of fire safety hazards and unlawful, temporary occupancy by transients, including illicit drug users and traffickers, and to require of the owners of such vacant dwellings their registration and the payment of related fees, and to promote substantial efforts to rehabilitate such vacant dwellings.

**15.25.030 Definitions**

The following definitions shall be used in the construction and interpretation of this chapter:

"Director" means the Director of the Department of Neighborhood Services and Code Compliance.

"Occupied." A dwelling shall be deemed to be occupied if one or more persons actually reside in all or any part of the dwelling as the legal or equitable owner/occupant(s) or tenant(s) on a permanent, nontransient basis. For purposes of this section, evidence offered to prove that a building is occupied may include, but shall not be limited to, the regular receipt of delivery of regular mail through the U.S. Postal Service; proof of continual telephone, electric, gas, heating, water and sewer services; or the most recent, federal, state, or city income tax statements indicating that the subject property is the official residence address of the person or business claiming occupancy.

"Owner" has the meaning set forth in Section 15.24.030 herein.

"Person" means any individual, partnership, firm, corporation, association or other legal entity of whatsoever kind and nature.

"Vacant" means no person or persons actually, currently conduct a lawfully licensed business, or lawfully reside or live in any part of the

building as the legal or equitable owner(s) or tenant-occupant(s), or owner-occupants, or tenant(s) on a permanent, nontransient basis.

**15.25.040 Vacant Dwelling Registration**

A. Applicability. The requirements of this section shall be applicable to each owner of a dwelling that shall have been vacant for more than 45 consecutive days.

B. Registration. Each such owner of a vacant dwelling shall file a registration form with the Department of Neighborhood Services and Code Compliance. The registration form shall include the street address of each such vacant dwelling, the names and addresses of all owners, as hereinafter described, and any other information deemed necessary by the Department of Neighborhood Services and Code Compliance. The registration fee(s) as required by sub-section (3) of this section shall be billed by the Department of Neighborhood Services and Code Compliance and shall be paid by January 1 of each year.

1. If the owner is a corporation, the registration statement shall provide the names and residence addresses of all officers and directors of the corporation;

2. If an estate, the name and business address of the personal representative of the estate;

3. If a trust, the name and address of all trustees, grantors, and beneficiaries;

4. If a partnership, the names and residence addresses of all partners with an interest of ten percent or greater;

5. If any other form of unincorporated association, the names and residence addresses of all principals with an interest of ten percent or greater;

6. If an individual person, the name and address of that individual person.

7. If none of the persons listed in paragraphs 1 through 6 hereinabove has an address in this State, the registration statement also shall provide the name and address of a person who resides within the state and who is authorized to accept service of process on behalf of the owner(s) and who shall be designated as a responsible, local party or agent, both for purposes of notification in the event of an emergency affecting the public health, safety or welfare and as herein authorized and in connection herewith.

C. Registration Fees.

1. The fees for registration of vacant dwellings shall be determined based on the following scale:

(a) No fee for properties that are vacant for less than one year;

(b) \$500.00 for properties that are vacant for at least one year but less than two years.

(c) \$1,000.00 for properties that are vacant for at least two years but less than three years.

(d) \$2,000.00 for properties that are vacant for at least three years but less than five years.

(e) \$3,500.00 for properties that are vacant for least five years but less than ten years, and

(f) \$5,000.00 for properties that are vacant for at least ten years, plus an additional \$500.00 for each year in excess of ten years.

**15.25.050 Failure to Register**

A. Failure to timely register a vacant dwelling pursuant to this chapter shall result in the issuance of a nonregistration fee as adopted by resolution of the council from time to time. The Department of Neighborhood Services and Code Compliance shall issue a notice to the owner advising him of the requirements of this chapter and the fees due as of the date of the notice.

B. If the full amount of any fees due to the City is not paid by the owner within 30 days after billing, the Director shall cause to be

recorded in the Finance Department the amount of fees due and owing, and such amount will be carried on the records of the City of Salisbury and shall be collectible in the same manner as real estate taxes are collected.

**15.26.060 Transfer**

To transfer a vacant dwelling registration from one property owner to another, the owner shall give written notice, including the name and address of the transferee to the Department of Neighborhood Services and Code Compliance at least 48 hours prior to any transfer of the registered property. The transferee must make application to the Department of Neighborhood Services and Code Compliance and pay the required fee for a transfer of a registration within 30 days of the transfer of the property. Failure to make application within the specified time limit will result in the automatic forfeiture of the registration, and the new owner shall be subject to all of the sanctions provided in this chapter.

**15.25.070 Appeals procedure**

A. Any person wishing to appeal a determination of the Department of Neighborhood Services and Code Compliance shall file a written notice of appeal with the Director within 21 days after the Department's action. The notice shall contain a statement of the grounds for the appeal. The notice of appeal shall be accompanied by a fee of one hundred dollars (\$100.00).

B. The Director shall refer the appeal to the Housing Board of Adjustments and Appeals. The Board shall meet monthly, or more frequently at the call of the chair, to hear appeals. The board shall notify the owner in writing of the time and place of the hearing.

C. When hearing appeals under this Chapter, the Board shall follow the procedures set forth in Chapter 15.24 of the Salisbury Municipal Code.

**15.25.080 Violations-penalties**

A. Any person found in violation of the provisions of this chapter shall be guilty of a municipal infraction and shall be subject to a fine not to exceed five hundred dollars (\$500) per violation. Each day a violation remains uncorrected is a separate violation subject to an additional citation and fine.

2. That Chapter 15.24, Article VII, be amended as set forth below:

**Article VII Vacated Vacant Dwellings and Land**

**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 opening with plywood or other approved material. Approved material used to cover unsecured openings shall fit 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)

3. That Section 15.24.490 be amended as set forth below:

**Section 15.24.490 General definitions.**

~~Vacated Dwelling: Any dwelling or dwelling unit vacated or caused to be vacated of noncompliance with or enforcement of the provisions of this code.~~

AND BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, that this ordinance shall take effect upon final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the \_\_\_\_ day of \_\_\_\_\_, 2005, and having been published as required by law, in the meantime, was finally passed by the Council on the \_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Brenda J. Colegrove, City Clerk

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

Approved by me, this \_\_\_\_\_

day of \_\_\_\_\_, 2005.

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Barrie P. Tilghman,  
Mayor of the City of Salisbury