

ORDINANCE NO. 2017

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SALISBURY TO ENACT CHAPTER 15.22 TO THE SALISBURY MUNICIPAL CODE TO REQUIRE THE REGISTRATION OF ALL VACANT BUILDINGS LOCATED IN THE CITY AND TO AMEND CHAPTER 15.24 OF THE SALISBURY MUNICIPAL CODE.

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

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

WHEREAS, the City Council also desires to amend Chapter 15.24 of the Salisbury Municipal Code to encourage the rehabilitation of condemned buildings.

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

1. That Chapter 15.22 of the Salisbury Municipal Code be enacted as set forth below:

Chapter 15.22

Vacant buildings

Sections:

15.22.010 Scope

15.22.020 Purpose

15.22.030 Definitions

15.22.040 Vacant Building Registration

15.22.050 Transfer

15.22.060 Failure to Register

15.22.070 Appeals procedures

15.22.080 Violations-penalties

15.22.010 Scope

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

15.22.020 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 buildings in the City to assess the effects of the condition of those buildings 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 promote substantial efforts to rehabilitate such vacant buildings.

15.22.030 Definitions

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

ADirector@ means the Director of the Department of Neighborhood Services and Code Compliance.

AOccupied@ A building shall be deemed to be occupied if one or more persons actually conduct business or reside in all or any part of the building 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 or 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 address of the person or business claiming occupancy.

AOwner@ has the meaning set forth in Section 15.24.030 herein.

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

AVacant@ 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), on a permanent, nontransient basis.

15.22.040 Vacant Building Registration

A. Applicability. The requirements of this section shall be applicable to each owner of a building that shall have been vacant for more than 180 consecutive days.

B. Registration. Each such owner of a vacant building 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 building, the names and addresses of all owners, as hereinafter described, and any other information deemed necessary by the Director. 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 the owner is an estate, the registration shall provided the name and business address of the personal representative of the estate;
3. If the owner is a trust, the registration shall provide the name and address of all trustees, grantors, and beneficiaries;
4. If the owner is a partnership, the registration shall provide the names and residence addresses of all partners with an interest of ten percent or greater;
5. If the owner is any other form of unincorporated association, the registration shall provide the names and residence addresses of all principals with an interest of ten percent or greater;
6. If the owner is an individual person, the registration shall provide 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 buildings shall be set by ordinance of the City Council from time to time.

15.22.050 Transfer

To transfer a vacant building 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 after the transfer of the property.

15.22.060 Failure to Register

A. Failure to timely register a vacant building, notify the Director of transfer of vacant building, or transfer a registration pursuant to this chapter shall result in the issuance of a nonregistration fee as adopted by ordinance of the council from time to time. Prior to assessing the non-registration fee, the Director 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. If the owner fails to register a property within 30 days after said notice, the Director shall assess a non-registration fee and send notice thereof to the owner.
B. If the full amount of any fees due to the City is not paid by the owner within 30 days after the notice thereof, 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.

15.22.070 Appeals procedure

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 30 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.

15.22.080 Violations-penalties

. 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 be amended as set forth below:

Article VII Vacated Vacant Buildings and Land

Sections:

Section 15.24.270 General

Article VIII Unsafe Structures and Equipment

Section 15.24.280 General

Section 15.24.290 Closing of vacant structures.

Section 15.24.300

Section 15.24.325 Plan for Rehabilitation

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 building 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)

Section 15.24.300. Notice. Whenever the building official has condemned a structure or equipment under the provisions of this ~~section~~ Chapter, notice shall be posted in a conspicuous place ~~in~~ on or about the structure affected by such notice and served on the owner, agent, person or persons responsible for the structure or equipment in accordance with Section 15.24.200. The notice shall be in the form prescribed in Section 15.24.190 and shall advise the owner of the requirements of Section 15.24.325 herein.

Section 15.24.325. Plan for rehabilitation. Within 60 days after notice that the building official has condemned a structure, the owner shall submit a plan to bring the property into compliance with the provisions of the building code. The plan should include the following:

- (1) A detailed description of the work to be performed;
- (2) The name and address of the person who will perform the work; and
- (3) A timetable for completion of the work.

Section 15.24.330 General

The building official shall order the owner of any premises upon which is located any structure which is so dilapidated, so out of repair as to be dangerous, has been designated unfit for human habitation, unsafe, unsanitary, has been ~~vacated~~ condemned, and has not been put into proper repair after given sufficient notice to repair, to raze and remove the structure in its entirety. An order to repair may be satisfied by demolition. (Ord. 1665 Exh. A (part), 1997)

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

Section 15.24.490 General definitions.

Vacant has the meaning set forth in Section 15.22.030.

~~Vacated Building. Any building or building 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 _____, 2006, and having been published as required by law, in the meantime, was finally passed by the Council on the ____ day of _____, 2006.

Brenda J. Colegrove, City Clerk

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

Approved by me, this _____
day of _____, 2006.

Barrie P. Tilghman,
Mayor of the City of Salisbury