

CHAPTER 3B

VACANT BUILDINGS AND VACANT LOT REGISTRATION

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Section 3B-101. Title

This Chapter shall be known as the Vacant Building and Vacant Lot Code for the City of Mount Rainier.

Section 3B-102. Purpose and Policy

The health, welfare and safety of the citizens of Mount Rainier need to be protected from the ill effects of poor property maintenance and all ramifications arising therefrom. Further, the value of all property within the corporate limits of the City of Mount Rainier needs to be protected from said ill effects and ramifications.

Thus the City of Mount Rainier hereby establishes requirements for the registration and maintenance of vacant buildings and for the registration of vacant lots..

Section 3B-103. Definitions

In this Chapter, the definitions in The BOCA National Property Maintenance Code/1996 shall apply, with the following exceptions:

- A. **BOCA SHALL MEAN** Building Officials and Code Administration International, Incorporated.

- B. **BOCA Property Maintenance Code** shall mean Building Officials and Code Administration International, Incorporated, Property Maintenance Code, as amended from time to time.
- C. **City** shall mean the City of Mount Rainier, Maryland.
- D. **City Manager** shall mean the City Manager of the City or his or her designated representative.
- E. **Vacant building** shall mean a building that is (1) empty or (2) not occupied on a regular and habitual basis by the owner, tenant, agent of the owner or other person having permission of the owner on a regular and habitual basis for the usual and customary purposes for which the building is designed and lawfully permitted or (3) partially occupied as defined in Section 3B-104.A.2 below. (Ord 7-2005)

Section 3B-104. Vacant Buildings

A. Obligation to Register Vacant Buildings.

1. **Commercial and Industrial Buildings.** Except as provided in Subsection 2 below with respect to rental properties that are less than 25% occupied and Subsections 3 and 4 below with respect to single family dwellings, whenever any commercial or industrial building in the City is vacant for more than sixty (60) days, or whenever any building in the City is vacant and such building or premises thereof contains one or more of the public nuisances described in the BOCA Property Maintenance Code, as amended in the City's Code of Ordinances, then the owner of such building shall, within ten (10) business days of notification by the City, register such a building as a vacant building and submit a vacant building plan.
2. **Mixed Use Residential and Commercial Properties.** Whenever the commercial portion of any mixed use residential and commercial building in the City is vacant for more than sixty (60) days, or whenever any such portion of such building in the City is vacant and such portion of such building or the premises thereof contains one or more of the public nuisances described in the BOCA Property Maintenance Code, as amended in the City's Code of Ordinances, then the owner of such building shall, within ten (10) business days of notification by the city, register such portion of such building as a vacant building and submit a vacant building plan. Whenever the residential portion of any mixed use residential and commercial building in the City is less than 25% occupied for more than sixty (60) days, or whenever any such portion of such building in the City is less than 25% occupied and such portion of such building or the premises thereof contains one or more of the public nuisances described in the BOCA Property Maintenance Code, as amended in the City's Code

of Ordinances, then the owner of such portion of such building shall, within ten (10) business days of notification by the City, register such portion of such building as a vacant building and submit a vacant building plan.

3. **Residential Rental Properties Less Than 25% Occupied.** Whenever any building designed as a rental property with four or more dwelling units is less than 25% occupied and such building or premises thereof contains one or more of the defects described in the BOCA Property Maintenance Code, as amended in the City's Code of Ordinances, then the owner of such building shall, within ten (10) business days of notification by the City, register such building as a vacant building and submit a vacant building plan.
4. **Single Family Dwellings, Previously Not Owner Occupied.** Whenever any building designed as a single-family dwelling is vacant and the immediately preceding occupant was not the owner and such building or premises thereof contains one or more of the defects described in the BOCA Property Maintenance Code, as amended in the City's Code of Ordinances, then the owner of such building shall, within ten (10) business days of notification by the City, register such building as a vacant building and submit a vacant building plan.
5. **Single Family Dwellings, Previously Owner Occupied, New Owner Will Not Occupy.** Whenever any building designed as a single-family dwelling is vacant and the immediately preceding occupant was the owner and ownership has changed hands and the new owner will not occupy the premises and such building or premises thereof contains one or more of the defects described in the BOCA Property Maintenance Code, as amended in the City's Code of Ordinances, then the owner of such building shall, within ten (10) business days of notification by the City, register such building as a vacant building and submit a vacant building plan.
6. **Single Family Dwellings, Previously Owner Occupied, New Owner Will Occupy.** Whenever any building designed as a single-family dwelling is vacant and the immediately preceding occupant was the owner and ownership has changed hands and the new owner will occupy the premises and such building or premises thereof contains one or more of the defects described in the BOCA Property Maintenance Code, as amended in the City's Code of Ordinances, then the owner of such building shall, within ten (10) business days of notification by the City, register such building as a vacant building and submit a vacant building plan.
7. The obligation to register a vacant building exists if the conditions in Subsections 1, 2, 3, 4, 5, or 6 above exist, without regard to whether the building is for sale.

B. Notice of registration requirement. Upon a determination by the City Manager that

a building in the City is required to be registered pursuant to Section 3B-104.A above, the City Manager shall provide notice to the owner or agent of the requirement to register the building and submit a vacant building plan to the City Manager. In the event of the existence of any public nuisance as defined in the BOCA Property Maintenance Code, as amended in the City's Code of Ordinances, in connection with the building or premises thereto, then the City Manager shall specify in the notice the existence of such nuisance(s). The failure of the City Manager to provide this notice, or the failure of an owner to receive notice from the City Manager, shall not relieve the owner of the obligation to register such building as a vacant building and submit a vacant building plan.

(Ord. 8-99, 5/18/99)

C. Registration of Vacant Buildings, Filing Fee. The owner or agent registering a vacant building shall supply the following information:

1. Name, address, and telephone number of owner.
2. Name, address, and telephone number of any local agent or representative.
3. Name, address, and telephone number of all persons with any ownership interest in the building and premises.
4. Name address, and telephone number of any and all mortgagors.
5. Legal description and tax account number of the premises on which the building is situated.
6. The common street address of the building.
7. Date on which building became vacant.
8. Vacant building plan.

The vacant building registration shall be filed with the City Manager. If the registration is for a building designed as other than a single family dwelling and is required under Section 3B-104.A.1 or Section 3B-104.A.2 above, it shall be accompanied by a filing fee of six hundred dollars (\$600.00). If the registration is for a building designed as a single family dwelling and is required under Section 3B-104.A.3 or Section 3B-104.A.4 or Section 3B-104.A.5 above, it shall be accompanied by a filing fee of three hundred dollars (\$300.00). (Ord. 5-2005, 06/22/04)

Registration of a vacant building shall be valid for a period of six (6) months. If the building is still vacant at the expiration of any six-month registration period and the requirements of the

vacant building plan are not completed, then the owner shall re-register such building and pay another filing fee.

If the building is still vacant at the expiration of any six-month registration period but the requirements of the vacant building plan are completed, the owner shall re-register such building, without the requirement of a new vacant building plan but with a payment of twenty-five percent (25%) of the usual filing fee if the building was required to be registered under Section 3B-104.A.1, 2, 3, 4, or 5 above.

No fee is required if the building was required to be registered under Section 3B-104.A.6 above, except that if the building remains vacant for one-year after the initial registration, the building will be treated according to Section 3B-104.A.5 and a fee will be required accordingly.

(Ord. 5-2004, 06/22/04)

D. Other Enforcement. The registration of a vacant building shall not preclude action by the City to force repair of the building or to initiate condemnation and demolition of the building pursuant to other provisions of this code or other law.

E. Vacant Building Plan. When a building is registered as required herein, the owner or agent of the owner shall submit a vacant building plan. The plan shall contain the following:

1. A plan of access to the interior by the Code Enforcement Officer of sufficient frequency to determine that, from evidence on the interior, the exterior structure is in good repair, structurally sound and sanitary, and weatherproof.
2. A plan of action to repair any doors, windows, or other openings which are boarded up or otherwise secured by any means other than conventional methods used in the design of the building or permitted for new construction of similar type. The proposed repair shall result in openings secured by conventional methods used in the design of the building or by methods permitted for new construction of similar type.
3. For buildings and property which are identified as being or containing defects which constitute public nuisances, then the vacant building plan shall contain a plan of action to remedy such public nuisance(s).
4. For each required plan, a time schedule shall be submitted identifying a date of commencement of repair and date of completion of repair for each improperly secured opening and identified defect.
5. Whenever the owner proposes to demolish the vacant building, then the owner shall submit a plan and time schedule for such demolition and obtain the necessary permit(s) as required pursuant to other provisions of this code or other law.

6. A plan of action to maintain the building and premises in conformance with the BOCA Property Maintenance Code, as amended in Chapter 3A.
- F. Placarding.** The owner or agent of the registered building shall place a City-provided identification placard on the building's exterior as directed by the City Manager so as to be clearly visible from the nearest public right-of-way. Such identification placard shall be kept in readable condition by the owner or agent, and shall provide the following information: owner's name, address, phone number, expiration date of registration. The City Manager may require removal of all other signage and graffiti at the owner's expense.
- G. Approval of Plan.** If the proposed vacant building plan complies with the standards herein and in regulations to be promulgated by the City Manager, the Code Enforcement Officer shall approve it. If the Code Enforcement Officer approves the plan, notice shall be sent to the owner or agent of the vacant building.
- H. Authority to Modify and Appeal Right.** The Code Enforcement Officer shall, upon notice to the vacant building owner or agent, have the right to modify the vacant building plan by altering the dates of performance or the proposed methods of action. If the owner or agent of the vacant building objects to the modifications made by the Code Enforcement Officer, such owner or agent shall have the right of appeal to the City Manager for final determination. Such appeal shall be in writing and personally delivered or sent by certified mail, return receipt requested, to the Code Enforcement Officer within fifteen (15) calendar days of the date of the Code Enforcement Officer's notice of modification. If no appeal is filed, then the plan as modified by the Code Enforcement Officer shall constitute the approved vacant building plan.
- I. City Manager's Review on Appeal.**
1. The City Manager shall specify a time and place for an appeal conference on a vacant building plan; shall advise the owner, in writing, of the time and place of the appeal conference. At the appeal conference the owner shall be permitted to present reasons to support the appeal and relevant evidence why the Code Enforcement Officer's modifications of the vacant building plan should be rejected.
 2. In considering the appropriateness of a vacant building plan on appeal, the City Manager shall consider the following:
 - i. The public interest in minimizing the period of time a building is vacant, boarded up, and/or has any defects which constitute public nuisances.
 - ii. The effect of the proposed plan on adjoining property and/or the neighborhood in

which the building is located.

- iii. Whether there is practical difficulty or unnecessary hardship (financial or otherwise) to the owner connected with the performance on any act required by the plan.
 - iv. The length of time the building has been vacant.
3. After the appeal conference, the City Manager shall render his/her decision on the owner's or agent's appeal of the Code Enforcement Officer's modifications to the proposed vacant building plan. The City Manager shall have the right to fashion his/her own vacant building plan or to approve or modify the plan submitted by the owner or agent or to approve or further modify the plan as modified by the Code Enforcement Officer. The decision of the City Manager shall be final and constitute the approved vacant building plan.
- a. The presence of any public nuisance on the property.

J. Failure to Submit or to Comply With Plan.

1. If an owner of a vacant building fails to submit a vacant building plan, the Code Enforcement Officer shall develop a plan and give notice of the plan to the vacant building owner or agent. If the owner or agent objects to the plan made by the Code Enforcement Officer, such owner or agent shall have the right of appeal to the City Manager for final determination. Such appeal shall be in writing and personally delivered or sent by certified mail, return receipt requested, to the Code Enforcement Officer within fifteen (15) calendar days of the date of the Code Enforcement Officer's notice of modification. If no appeal is filed, then the plan as modified by the Code Enforcement Officer shall constitute the approved vacant building plan.
2. Failure to comply with an approved vacant building plan shall constitute violation of this Section and subject the owner or agent of the building to penalties upon conviction as provided in this Chapter.

K. Change of Ownership. The vacant building plan shall remain in effect even if ownership changes. Within 30 calendar days of the date of any change of ownership, the new owner or agent shall file a new vacant building registration with the City, and supply the name, address, and telephone number of the new owner(s). The new registration shall be in the same form as the original registration; the new registration shall be accompanied by twenty-five percent (25%) the usual filing fee.

L. Maintenance Standards. The owner of a vacant building shall comply with Chapter 3A.

Section 3B-105 (Reserved)**Section 3B-106. Vacant Lot Registration.****A. Definitions**

1. *Lot* means an areas of land designated as a separate parcel or unit of land on a legally-recorded subdivision plat or deed filed among the land records of Prince George's County and assigned a property tax account identification number.
2. *Owner* means the record property owner of the vacant lot, but does not include a governmental entity or an instrumentality or unit of a governmental entity.
3. *Vacant lot* means a lot without a building or other improvement which has an assessed value as determined by the State of Maryland, Department of Assessments and Taxation.

B. Registration Required.

1. *Owner to register annually.* By July 1 of each year, beginning July 1, 2005, each owner of a vacant lot shall file a vacant lot registration statement with the City on a form provided by the City Manager or his/her designee.
2. *Registration fee.* The annual registration fee is \$75.00 for reach vacant lot, payable at the time of registration.
3. *Purchaser required to register upon acquisition.* A new owner of a vacant lot must file a registration statement within 30 days of the acquisition and pay the annual registration fee, unless that fee was already paid by the prior owner.

C. Information Required With Registration. The registration statement shall contain the following information:

1. A description of the vacant lot by street address, property tax account identification number, and any other information required in order to accurately identify the vacant lot.
2. The name, address, and telephone number of the property owner of record, and in addition, if the owner is a corporation, limited liability company, limited liability partnership, or limited partnership, the name, address, and telephone number of the resident agent and, if the owner is a partnership or other entity not having a resident agent, the name, address, and telephone number of all partners, owners or officers of

the owner or of an authorized agent of the owner.

3. The name, address, and telephone number of the owner's authorized agent if an agent has been designated by the owner; and
4. A post office box does not suffice as an address for the purposes of the registration statement.
5. The City Manager shall be notified within 14 days of any change in the agent designated by the owner or any change in the address of the owner or agent.

D. *Exception to Vacant Lot Registration Requirement.* No registration of a vacant lot is required if:

1. The vacant lot is zoned as residential and the owner occupies a residence on a lot contiguous to the vacant lot;
2. The vacant lot is contiguous to a lot with an occupied building and both lots are under common ownership; or
3. The vacant lot is being utilized as a parking lot in compliance with the County zoning ordinance and other applicable laws.

E. Penalties.

1. *Municipal infraction.* The failure of an owner of a vacant lot to file a registration statement when it is due, to pay the registration fee, or to provide all information required with registration is a municipal infraction with a fine of \$200. Each additional 60 days a violation exists is a separate violation subject to an additional \$200 fine.
2. *Lien on real property.* All registration fees, when overdue, are a lien in favor of the City on the vacant lot and may be collected and enforced in the same manner as delinquent real property taxes. (Ord.7-2005, 06/21/2005)