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CITY OF MOUNT RAINIER, MARYLAND

ORDINANCE NO. Q1-2017

(Drafted by: Kenneth Sigman, City Attorney)

Introduced by: Councilmember Bryan K. Knedler

Amending Chapter 2, Assessments and Taxation and Fees and Chapter 3B, Vacant Buildings and Vacant Lot Registration, of the *Mount Rainier Code* to Revise the Policies and Procedures regarding Vacant Buildings and Establish a Municipal Tax Rate for Vacant Developed Property

WHEREAS, vacant buildings and storefronts detract from the appearance and vibrancy of the City of Mount Rainier, depress property values; and facilitate crime and vagrancy; and

WHEREAS, the City must expend more resources on property maintenance, code enforcement, and policing in connection with vacant buildings than it expends for similarly situated occupied buildings; and

WHEREAS, increasing the tax rate on vacant developed properties will aid the City in paying for the resources necessary to ensure vacant buildings are properly maintained, are not used by vagrants or for criminal activity, and reduce their impact on the appearance and vibrancy of the City; and

WHEREAS, increasing the tax rate for vacant developed properties will encourage the owners of such properties to occupy, lease, or sell their properties so that the properties can be put to the highest and best used; and

WHEREAS, the current registration fees for vacant properties are insufficient to cover the cost of administering the vacant property registration program.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER, MARYLAND, that:

Section 1. The provisions of, Chapters 2 and 3B of the Mount Rainier Code are hereby amended as follows:

**CHAPTER 2
ASSESSMENTS AND TAXATION AND FEES**

* * *

2-108. Vacant developed real property tax.

- A. The definitions prescribed in Section 3B-104 shall apply to this Section.
- B. The municipal tax rate for vacant developed property shall be \$5.00 per \$100.00 of assessed value.
- C. A lot or parcel shall be subject to the vacant developed property tax rate if it has a building that is registered or designated by the City Manager as a vacant building in accordance with Chapter 3B.
- D. For mixed-use commercial and residential properties with a vacant commercial portion, the vacant developed property tax rate shall apply only to the assessed value of the improved area containing the vacant commercial portion, which shall be determined by multiplying the total assessed value of the improvements by the percentage of the improved area consisting of the vacant commercial portion.
- E. The vacant developed property tax rate shall not apply to a lot or parcel with a vacant utilitarian building if the property also has an occupied building that has an above-grade area equal to or greater than that of the utilitarian building.
- F. Vacant developed property shall not be subject to the vacant developed property tax rate when it is under active construction or undergoing active rehabilitation, renovation, or repair, and there is a valid building permit to make the building fit for occupancy.
- G. The City Manager shall transmit to the Prince George's County tax assessor a list of properties subject to the vacant developed property tax by May 1 of each year, and the vacant developed property tax rate will be levied upon the properties the following fiscal year.
- H. When a property becomes occupied or exempt from the vacant developed property tax rate pursuant to Subsection F, the owner shall notify the City Manager in the manner as may be prescribed by regulation. If the request for termination of the vacant developed property tax rate is approved, the termination shall be retroactive to the date the City Manager was so notified.
- I. If the vacant property tax rate is paid on a property for a period when the property is exempt or does not constitute a vacant developed property, the municipal property tax paid for that period in excess of the taxes due under the regular municipal rate shall be refunded.

**CHAPTER 3B
VACANT BUILDINGS AND VACANT LOT REGISTRATION**

Section 3B-103. Definitions

In this Chapter, the definitions in The BOCA National Property Maintenance Code/1996

shall apply, with the following exceptions:

* * *

E. ~~Utilitarian~~ ~~Vacant building~~ shall mean a shed, garage, carriage house, barn, outbuilding, building that is (1) empty or similar structure. (2) not occupied on a regular

F. Vacant building shall mean a building that is (1) empty or (2) not occupied or used ~~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 vacant ~~occupied as specified in Section 3B-104.A.2 below.~~ When determining whether there is a resident, the following shall be considered:

1. Electrical, gas, or water meter either not running or showing low usage;
2. Accumulated mail;
3. Neighbor complaint;
4. Insufficient furniture observable;
5. Open accessibility;
6. Deferred maintenance, including loose or falling gutters, severe paint chipping, or overgrown grass; and
7. The building is boarded up.

G. Vacant developed property means a lot or parcel of land that has a vacant building.

Section 3B-104. Vacant Buildings

A. Obligation to Register Vacant Buildings.

1. ~~Commercial, Utilitarian, -and-Industrial, and Multifamily Residential Buildings.~~ Whenever ~~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, utilitarian, or industrial building in the City becomes~~ is vacant, ~~then for more than sixty (60) days, or whenever any building in the owner shall~~ 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 ~~thesueh~~ a building as a vacant building within thirty days of when it became ~~and submit a vacant, -building plan.~~

2. Mixed Use Residential and Commercial Building Properties. Whenever the commercial portion of any mixed use residential and commercial building ~~becomes~~ 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 ~~thesueh~~ building as a vacant building

~~within thirty days of when it became vacant, 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. Single Family Dwellings.

~~3. Residential Rental Properties Less Than 25% Occupied.~~ Whenever any building designed as a single-family rental property with four or more dwelling becomes vacant, then the owner of such building shall register such building as a vacant building within thirty days of when it became vacant.

~~units is less than 25% occupied and such building or premises thereof~~

4. A vacant building must be registered even if the building is offered for sale or lease.

~~5. If a vacant building 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. with its vacant property registration~~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 within ten days of notice from the City that 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 is required.

~~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.

* * *

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

1. Name, address, email address, and telephone number of owner.
2. Name, address, email address, and telephone number of any local agent or representative.
3. Name, address, email 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 and the loan number for each mortgage.
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, if required.

The vacant building registration shall be filed with the City Manager. If the registration is ~~for a building designed as a commercial, industrial, or mixed used residential other than a single family dwelling and commercial, or multifamily residential buildings is required under Section 3B-104.A.1 or Section 3B-104.A.2 above,~~ it shall be accompanied by a filing fee of ~~eight~~six hundred dollars (\$8600.00). If the registration is for a building designed as a single family dwelling, it shall be accompanied by a filing fee of five hundred dollars (\$500.00). If the registration is for a utilitarian ~~building 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).

* * *

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 within 30 calendar days of the registration. The plan shall contain the following:

* * *

J. Failure to Submit or to Comply With Plan.

~~1. Failure to If an owner of a vacant building fails to submit a vacant building plan that complies with subsection E, 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 ChapterSection and subject the owner or agent of the building to penalties upon conviction as provided in this Chapter.~~

* * *

M. Failure to register a vacant building. Failure timely to register a vacant building in accordance with subsection A of this section shall constitute a municipal infraction with a fine of \$1,000.00.

N. Designation of vacant buildings.

1. Notice of vacancy designation and right to appeal. The City Manager shall identify nonregistered vacant buildings. The owner shall be notified that the owner's building has been designated as a vacant building, that the property will be subject to the vacant developed property tax rate under Section 2-108, if applicable, and of the owner's right to appeal the vacancy designation.

2. The City Manager is hereby authorized and directed to make or cause to be made inspections of buildings as often as necessary to determine the occupancy status. If the City Manager determines that access to the interior of a building is necessary to determine the occupancy status, the City Manager shall notify the owner at least 5 business days prior to the date and time that the City Manager proposes to inspect the building. The inspection may be set for any time between the hours of 8:00am and 8:00pm, Monday through Friday.

3. Review of designation of vacant buildings. Within 15 days after the designation of an owner's building as a vacant building, the owner may petition the City Manager for reconsideration by filing the form prescribed by the City Manager. Within 30 days after receiving the petition, the City Manager shall issue a notice of final determination.

Section 3B-105. Vacant lots must be free of nuisances, including partially demolished structures, partial foundations, debris, and basements.

Section 3B-106. Vacant Lot Registration.

* * *

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 ~~\$30075.00~~ for each vacant lot smaller than 10,000 square feet and \$500.00 for each vacant lot of 10,000 square feet or more, payable at the time of registration.

* * *

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

* * *

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.

* * *

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 ~~\$300.00~~200. Each additional 60 days a violation exists is a separate violation subject to an additional ~~\$300.00~~200 fine.

Section 2. This Ordinance shall be effective July 1, 2017.

THIS ORDINANCE IS ADOPTED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER THIS 7th DAY OF March, 2017.

Attest:


Miranda Braatz, City Manager


Malinda Miles, Mayor


Jesse Christopherson, Councilmember Ward 1

Bryan Knedler

Bryan Knedler, Councilmember Ward 2

Shivali Shah

Shivali Shah, Councilmember Ward 2