



Legislation Details (With Text)

**File #:** O-17-20      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Adopted

**File created:** 4/15/2020      **In control:** City Council

**On agenda:** 5/26/2020      **Final action:** 5/26/2020

**Title:** Unsafe Structures - Placarding - For the purpose of authorizing the Fire Department to placard certain residential and nonresidential structures that have been designated as unfit for human habitation or unsafe; and making stylistic changes.

**Sponsors:** Gavin Buckley, Elly Tierney

**Indexes:** Economic Matters Committee

**Code sections:**

**Attachments:** 1. O-17-20 Unsafe Structures Placarding First Reader.pdf, 2. O-17-20 Staff Report.pdf, 3. O-17-20 Fiscal Impact Note.pdf, 4. O-17-20 SIGNED.pdf

Date	Ver.	Action By	Action	Result
5/26/2020	1	City Council	adopt on second reader	Pass
5/26/2020	1	City Council	adopt on third reader	Pass
5/14/2020	1	Economic Matters Committee	recommend favorably	Pass
5/11/2020	1	City Council	declare the public hearing closed	
4/27/2020	1	City Council	refer to Annapolis Education Commission	
4/27/2020	1	City Council	adopt on first reader	Pass

**Unsafe Structures - Placarding** - For the purpose of authorizing the Fire Department to placard certain residential and nonresidential structures that have been designated as unfit for human habitation or unsafe; and making stylistic changes.

**CITY COUNCIL OF THE  
City of Annapolis**

**Ordinance 17-20**

**Introduced by: Mayor Buckley  
Co-sponsored by: Alderwoman Tierney**

**Referred to  
Economic Matters Committee  
90 day Rule: 7/27/20**

**AN ORDINANCE** concerning

**Unsafe Structures - Placarding**

**FOR** the purpose of authorizing the Fire Department to placard certain residential and nonresidential structures that have been designated as unfit for human habitation or unsafe; and making stylistic

changes.

**BY** repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2020 Edition  
17.40.850  
17.48.320

**SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:

**Title 17 - BUILDINGS AND CONSTRUCTION**  
**Chapter 17.40 - RESIDENTIAL PROPERTY MAINTENANCE CODE**  
**Article IX - Enforcement**

**Section 17.40.850 - Dwellings unfit for human habitation-Condensation.**

The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation and placarding of unfit dwellings or dwelling units shall be carried out in compliance with the following requirements:

- A. Condemnation. Any dwelling or dwelling unit that is found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated ~~and placarded~~ by the Director of the Department of Planning and Zoning:
1. One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public;
  2. One which lacks illumination, ventilation or sanitary facilities adequate to protect the health or safety of the occupants or the public;
  3. One which because of its general condition or location is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public.

A DWELLING OR DWELLING UNIT DESIGNATED AS UNSAFE DUE TO A FIRE, STORM, OR OTHER STRUCTURAL COMPROMISE SHALL BE PLACARDED BY THE FIRE CHIEF OR FIRE CHIEF'S DESIGNEE. THE PLACARD SHALL HAVE THE FULL AUTHORITY DESCRIBED IN THIS SECTION.

- B. Vacation. Any dwelling or dwelling unit condemned as unfit for human habitation and so designated and placarded by the Director of the Department of Planning and Zoning shall be vacated within a reasonable time as ordered by the Director OF PLANNING AND ZONING. The Director shall ~~remove~~ AUTHORIZE REMOVAL OF the placard whenever the ~~defect or~~ defects upon which the condemnation and placarding were based ~~has~~HAVE been eliminated.
- C. Boarding Up. It is the responsibility of the title owner of the property to board up all windows and doors after a dwelling has been properly determined to be unfit for human habitation, if boarding up is determined by the Director of the Department of Planning and Zoning to be necessary for reasons of health or safety. If the dwelling or structure is not boarded up within the time specified in the order, the Director shall have the dwelling boarded up at the expense of the owner. The cost of boarding up the dwelling or structure shall be charged against the property upon which the dwelling is located and shall be a lien against it.

- D. Violation. If the owner or agent of a structure which is boarded up fails to prevent entrance into the premises, the owner/ OR agent is ~~guilty of a misdemeanor~~ and subject to the general penalties provided in Section 17.40.890.
- E. Continued Occupancy. A tenant or occupant who continues to occupy a dwelling or dwelling unit after it has been determined ~~properly~~ to be unfit for human habitation and ~~properly~~ placarded is guilty of a misdemeanor.

## Chapter 17.40 - NONRESIDENTIAL PROPERTY MAINTENANCE

### Article IV - Enforcement

#### Section 17.48.320 - Unsafe structures-Condemnation.

The designation of nonresidential structures as unsafe structures and the procedure for the condemnation and placarding of these nonresidential buildings shall be carried out in compliance with the following requirements:

- A. Defects Requiring Condemnation. Any nonresidential building which is found to have any of the following defects shall be condemned as an unsafe structure and shall be SO designated ~~and placarded~~ by the Director of Planning and Zoning:
1. One which is damaged, decayed, dilapidated, insanitary, unsafe, or vermin-infested so that it creates a serious hazard to the health or safety of the occupants or of the public;
  2. One which lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or the public;
  3. One which because of its general condition is insanitary or otherwise dangerous to the health or safety of the occupants or the public.

A NONRESIDENTIAL BUILDING DESIGNATED AS UNSAFE DUE TO A FIRE, STORM, OR OTHER STRUCTURAL COMPROMISE SHALL BE PLACARDED BY THE FIRE CHIEF OR FIRE CHIEF'S DESIGNEE. THE PLACARD SHALL HAVE THE FULL AUTHORITY DESCRIBED IN THIS SECTION.

- B. Vacation-Correction-Placard Removal. Any nonresidential building condemned as an unsafe structure, and so designated and placarded by the ~~Director of Planning and Zoning~~, shall be vacated within a reasonable time as ordered by the Director OF PLANNING AND ZONING. The Director shall ~~remove~~ AUTHORIZE REMOVAL OF the placard whenever the ~~defect or~~ defects upon which the condemnation and placarding action were based have been eliminated.
- C. No person shall deface or remove the placard from any nonresidential building, which has been condemned and placarded as an unsafe structure, except as provided in Subsection B of this section.
- D. A person aggrieved by a notice or order relating to the condemning and placarding of a nonresidential structure as an unsafe structure may appeal the notice or order to the building Board of Appeals, under the procedure set forth in Section 17.48.360.

**SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that this ordinance shall take effect from the date of its passage.

#### Explanation:

UPPERCASE indicates matter added to existing law.  
~~Strikethrough~~ indicates matter stricken from existing law.  
Underlining indicates amendments.