



## Legislation Details (With Text)

**File #:** O-40-18      **Version:** 1      **Name:**

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

**File created:** 8/29/2018      **In control:** City Council

**On agenda:** 1/28/2019      **Final action:** 1/28/2019

**Title:** Vacant Nonresidential Buildings - Registration - For the purpose of requiring vacant or partially vacant nonresidential buildings to be registered with the Department of Planning and Zoning; requiring posting of vacant property signage on all such buildings; establishing a registry of vacant or partially vacant nonresidential buildings; and matters generally relating to registering vacant nonresidential buildings.

**Sponsors:** Elly Tierney

**Indexes:** Economic Matters Committee

**Code sections:**

**Attachments:** 1. O-40-18 Vacant Nonresidential Building Registration.pdf, 2. O-40-18 SR and FIN.pdf, 3. O-40-18 Resource Materials.pdf, 4. O-40-18 Tierney Proposed Amendments.pdf, 5. O-40-18 Economic Matters Proposed Amendment.pdf, 6. O-40-18 Finlayson, Rodriguez, Savidge and Tierney Proposed Amendment.pdf, 7. O-40-18 - Signature Copy

Date	Ver.	Action By	Action	Result
1/28/2019	1	City Council	adopt on second reader	Pass
1/28/2019	1	City Council	amended	Pass
1/28/2019	1	City Council	amended	Fail
1/28/2019	1	City Council	amended	Fail
1/28/2019	1	City Council	amended	Pass
1/28/2019	1	City Council	adopt as amended	Pass
1/28/2019	1	City Council	adopt on third reader	Pass
1/15/2019	1	Economic Matters Committee	recommend with amendments	Pass
10/11/2018	1	Economic Matters Committee	postpone	Pass
9/24/2018	1	City Council	declare the public hearing closed	
9/10/2018	1	City Council	adopt on first reader	Pass
9/10/2018	1	City Council	refer	

**Vacant Nonresidential Buildings - Registration** - For the purpose of requiring vacant or partially vacant nonresidential buildings to be registered with the Department of Planning and Zoning; requiring posting of vacant property signage on all such buildings; establishing a registry of vacant or partially vacant nonresidential buildings; and matters generally relating to registering vacant nonresidential buildings.

### CITY COUNCIL OF THE City of Annapolis

#### Ordinance 40-18

**Introduced by: Alderwoman Tierney**

**Referred to**

Economic Matters Committee

**AN ORDINANCE** concerning

**Vacant Nonresidential Buildings - Registration**

**FOR** the purpose of requiring vacant or partially vacant nonresidential buildings to be registered with the Department of Planning and Zoning; requiring posting of vacant property signage on all such buildings; establishing a registry of vacant or partially vacant nonresidential buildings; and matters generally relating to registering vacant nonresidential buildings.

**BY** repealing and reenacting with amendments the following portions of the Code of the City of Annapolis, 2018 Edition  
17.48.030

**BY** adding the following portion to the Code of the City of Annapolis, 2018 Edition  
17.48.215

**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 17.48 - NONRESIDENTIAL PROPERTY MAINTENANCE**

**Article I - General Provisions**

**Section 17.48.030 - Definitions.**

A. For the purposes of this chapter, the following words and phrases have the meanings indicated:

1. "Accessory structure" means a structure, the use of which is incidental to that of the main building and which is attached to the building or located on the same premises.
2. "Basement" means the portion of the building that is partly underground which has more than one-half of its height, measured from clear floor to ceiling above the average adjoining ground level. Where the natural contour of the ground level immediately adjacent to the building is interrupted by ditching, pits or trenching, then the average adjoining ground level shall be the nearest natural contour line parallel to the walls of the building without regard to the levels created by the ditching, pits or trenching.
3. "Building" means a combination of materials to form a construction adapted to permanent or continuous occupancy or use for public, institutional, residence, business or storage purposes.
4. "Building Code" means the Building Code of the City.
5. "Cellar" means the lowermost portion of the building partly or totally underground, having half or more of its height measured from clear floor to ceiling below the average adjoining ground level. Where the natural contour of the ground level immediately adjacent to the building is interrupted by ditching, pits or trenching, then the average adjoining ground level shall be the nearest natural contour line parallel to the walls of the building without regard to the levels created by the ditching, pits or trenching.
6. "Central heating system" means a heating system in a fire resistant enclosed space or spaces, separate and apart from the area to be heated, which is affixed permanently and installed in accordance with the

Building Code.

7. "Deterioration" means the condition or appearance of a building or part of a building, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay or neglect, lack of maintenance or excessive use.
8. "Exposed to public view" means any premises or any part of a premises, or any building or any part of a building, which lawfully may be viewed by the public or any member of the public, from a sidewalk, street, alleyway, licensed open-air parking lot or from any adjoining or neighboring premises.
9. "Exterior of the premises" means those portions of a building which are exposed to public view and the open space of any premises outside of any building erected on the premises.
10. "Extermination" means the control and elimination of insects, rodents and vermin by eliminating their harborage places, by removing or making inaccessible material that may serve as their food, by poisoning, spraying, fumigating, trapping or by other approved means of pest elimination.
11. "Fire hazard" means anything or any act which increases or may cause an increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service of preventing, suppressing or extinguishing fire; or which may obstruct, delay or hinder or may become the cause of an obstruction, a delay, a hazard or a hindrance to the prevention, suppression or extinguishment of fire.
12. "Garbage" means putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
13. "Infestation" means the presence of insects, rodents, vermin or other pests on the premises which constitute a health hazard.
14. "Mechanical ventilation" means ventilation by power-driven devices.
15. "Mixed occupancy" means any building containing one or more dwelling units or rooming units and also having a portion of the building devoted to nondwelling uses.
16. "Natural ventilation" means ventilation by opening to outer air through windows, skylights, doors, louvers or stacks with or without wind-driven devices.
17. "Nuisance" means:
  - a. Any public nuisance known at common law or in equity jurisprudence, or as provided by the statutes of the State, County or the ordinances of the City;
  - b. Any nuisance which may prove detrimental to the health or safety of children either in a building, on the premises of a building or upon an unoccupied lot. This includes but is not limited to abandoned wells or well shafts, basements, excavations, abandoned iceboxes, refrigerators, motor vehicles, any structurally unsound fences or structures, lumber, trash, fences, debris or vegetation such as poison ivy, oak or sumac, which may prove a hazard for inquisitive minors;
  - c. Physical conditions dangerous to human life or detrimental to health of persons on or near the premises where the conditions exist;
  - d. Overcrowding of a room with occupants in violation of this chapter;
  - e. Insufficient ventilation or illumination in violation of this chapter;
  - f. Inadequate or insanitary sewage or plumbing facilities in violation of this chapter;
  - g. Insanitary conditions or anything offensive to the senses or dangerous to health in violation of this chapter;
  - h. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings;
  - i. Fire hazards;
  - j. Walks, roadways, parking lots and similar areas open to the public which present hazardous conditions by reason of poor maintenance.
18. "Operator" means any person who has charge, care or control of a premises or part of a premises.
19. "Owner" means any person who, alone or jointly or severally with others, has legal or equitable title to any premises with or without accompanying actual possession of the premises including but not

limited to executor, executrix, administrator, administratrix, trustee, receiver or guardian of the estate or as a mortgagee in possession regardless of how possession was obtained.

20. "Plumbing" means all of the following supplies, facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catchbasins, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines, and water pipes and lines utilized in conjunction with air-conditioning equipment.
  21. "Premises" means a lot, plot or parcel of land including the buildings or structures on the lot, plot or parcel of land.
  22. "Refuse" means all putrescible and nonputrescible solid wastes except body wastes, including but not limited to garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.
  23. "Registered mail" means registered mail or certified mail.
  24. "Room" means space in an enclosed building or space set apart by a partition or partitions.
  25. "Rubbish" means nonputrescible solid wastes consisting of both combustible and noncombustible wastes such as paper, tin cans, wood, glass, bedding and similar materials.
  26. "Sanitary sewer" means any sanitary sewer publicly owned, operated and maintained and available for public use for the disposal of sewage.
  27. "Sewage" means waste from a flush toilet, bathtub, sink, lavatory, dishwashing or laundry machine or the water-carried waste from any other fixture or equipment or machine.
  28. "Story" means that portion of a building included between the upper surface of a floor and the upper surface of the floor next above; except, that the topmost story shall be that portion of a building included between the upper surface of the top ceiling or roof above. If the finished ceiling level directly above a basement is more than six feet above grade, the basement shall be considered a story.
  29. "Structure" means combination of any materials, whether fixed or portable, forming a construction, including buildings.
  30. "Superficial floor area" means the net floor area within the enclosing walls of the room excluding built-in equipment such as wardrobes, cabinet, closets, kitchen units or fixtures which are not readily removable and excluding the floor area where the floor to ceiling height is less than seven feet.
  31. "Vacant" means a building that is (1) 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 (2) partially unoccupied as set forth in section 17.48.215.B.
  - ~~31~~32. "Ventilation" means supply and of air to and from any space by natural or mechanical means.
  - ~~32~~33. "Washroom" means an enclosed space containing one or more bathtubs, showers or both, and also includes toilets, lavatories, bidets, or fixtures serving similar purposes.
  - ~~33~~34. "Water closet compartment" means an enclosed space containing one or more toilets which may contain one or more lavatories, urinals and other plumbing fixtures.
  - ~~34~~35. "Weathering" means deterioration, decay or damage caused by exposure to the elements.
- B. Whenever the words "accessory structure," "building," "premises," "room" or "structure" are used in this chapter, they shall be construed, unless expressly stated to the contrary, to include the plurals of these words and as if they were followed by the words "or any part thereof." The word "shall" shall be applied retroactively as well as prospectively.

## Article II - Responsibilities of Owner.

### Section 17.48.215 - Registration of Vacant Buildings - Required.

For the purposes of this section, the only buildings and structures in the Historic District are subject to vacant buildings registration requirements. The Department of Planning and Zoning may consider the following criteria in determining whether a building is vacant for the specified period:

- (a) use consistent with zoning regulations for which there is no current valid certificate of occupancy;  
or
- (b) the absence of (i) paid utility receipts, (ii) executed lease agreements, or (iii) sales tax returns.

A. Commercial and Industrial Buildings. Within ninety (90) days of after a commercial or industrial ground floor area of a building becoming vacant, the owner or agent of the building shall register the vacancy with the Department of Planning and Zoning and pay the registration fee established by resolution of the City Council. The Director or designee shall add the vacant building registration information to the registry of vacant buildings.

B. Mixed Use Residential and Commercial Properties. Within ninety (90) days of after the commercial ground floor portion of any mixed use residential and commercial building becoming vacant, the owner or agent of the building shall register such portion of the building as a vacant building with the Department of Planning and Zoning and pay the registration fee established by resolution of the city council.

C. The obligation to register a vacant building under Subsections A and B above does not apply if:

- (a) the vacant building is owned by the Federal government;
- (b) under active construction or undergoing active rehabilitation, renovation, or repair, and there is a building permit to make the building fit for occupancy that was issued, renewed, or extended within 12 months of after the required registration date;
- (c) in compliance with the property maintenance requirements of this Chapter and the owner or his agent has been actively seeking in good faith to rent or sell the building, provided that:
  - (1) the time period for sale or rent shall not exceed:
    - (i) one year from the initial listing, offer, or advertisement of sale; or
    - (ii) six months from the initial listing, offer or advertisement to rent; and
  - (2) any leased property exempt under this paragraph shall have a valid certificate of occupancy.

D. If a present interest in a vacant building registered under this Section is transferred or otherwise conveyed, no person shall record a deed related to the vacant property until a new registration is filed with the Department of Planning and Zoning and the applicable fees are paid.

E. If the name or address of an owner of a vacant building changes for any reason other than by transfer or conveyance, the change shall be reported to the Department in writing within 30 days.

F. The owner or agent registering a vacant building shall supply the following information:

- (a) Name, address, and telephone number of owner(s);
- (b) Name, address, and telephone number of authorized agent, as applicable;
- (c) Legal description and tax account number of the building;
- (d) Street address of the building; and

(e) Date on which the building or commercial portion of the building became vacant.

G. Registration of a vacant building shall be valid for a period of one (1) year. If the building is still vacant at the expiration of any one-year registration period, then the owner or agent shall re-register such building and pay another filing fee. If the vacant building or commercial portion thereof becomes occupied during any vacancy registration period, the owner or agent shall not be entitled to a pro-rated refund of the registration fee.

H. Placarding. The owner or agent of the registered building shall place a City-issued identification placard on the building's ground floor exterior as directed by the Department of Planning and Zoning 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/agent's name, address, phone number, and expiration date of registration. Any unauthorized removal of the vacant building placard shall subject the owner or agent to a fine established by resolution of the city council.

I. The City may cause to be affixed to the ground floor exterior of a building subject to the registration requirement of this Section, an 8.5" x 11" sign setting forth the name of the owner of the property and any other pertinent information that the City may require to protect the health, safety, and general welfare of the public.

**SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that this ordinance shall take effect 45 days from the date of its passage.

#### EXPLANATION

Underlining indicates matter added to existing law.

~~[Strikethrough]~~ indicates matter stricken from existing law.

Double Underlining indicates amendments