

1 **..Title**

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

5 **..Body**

6 **CITY COUNCIL OF THE**
7 **City of Annapolis**

8
9 **Ordinance 17-20**

10
11 **Introduced by: Mayor Buckley**
12 **Co-sponsored by: Alderwoman Tierney**

13
14 **Referred to**
15 **Economic Matters Committee**
16 **90 day Rule: 7/27/20**

17
18 **AN ORDINANCE** concerning

19
20 **Unsafe Structures - Placarding**

21
22 **FOR** the purpose of authorizing the Fire Department to placard certain residential and
23 nonresidential structures that have been designated as unfit for human habitation or unsafe;
24 and making stylistic changes.

25
26 **BY** repealing and re-enacting with amendments the following portions of the Code of the City
27 of Annapolis, 2020 Edition
28 17.40.850
29 17.48.320

30
31
32 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**
33 **COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:

34
35 **Title 17 – BUILDINGS AND CONSTRUCTION**
36 **Chapter 17.40 – RESIDENTIAL PROPERTY MAINTENANCE CODE**
37 **Article IX - Enforcement**

38
39 **Section 17.40.850 - Dwellings unfit for human habitation—Condemnation.**

40
41 The designation of dwellings or dwelling units as unfit for human habitation and the procedure
42 for the condemnation and placarding of unfit dwellings or dwelling units shall be carried out in
43 compliance with the following requirements:
44

- 1 A. Condemnation. Any dwelling or dwelling unit which is found to have any of the following
 2 defects shall be condemned as unfit for human habitation and shall be so designated ~~and~~
 3 ~~placarded~~ by the Director of the Department of Planning and Zoning:
 4 1. One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin-
 5 infested that it creates a serious hazard to the health or safety of the occupants or of
 6 the public;
 7 2. One which lacks illumination, ventilation or sanitary facilities adequate to protect the
 8 health or safety of the occupants or the public;
 9 3. One which because of its general condition or location is unsanitary or otherwise
 10 dangerous to the health or safety of the occupants or of the public.
 11

12 A DWELLING OR DWELLING UNIT DESIGNATED AS UNSAFE DUE TO A FIRE,
 13 STORM, OR OTHER STRUCTURAL COMPROMISE SHALL BE PLACARDED BY
 14 THE FIRE CHIEF OR FIRE CHIEF'S DESIGNEE. THE PLACARD SHALL HAVE
 15 THE FULL AUTHORITY DESCRIBED IN THIS SECTION.
 16

- 17 B. Vacation. Any dwelling or dwelling unit condemned as unfit for human habitation and so
 18 designated and placarded by the Director of the Department of Planning and Zoning shall
 19 be vacated within a reasonable time as ordered by the Director OF PLANNING AND
 20 ZONING. The Director shall ~~remove~~—AUTHORIZE REMOVAL OF the placard
 21 ~~whenever the defect or~~ defects upon which the condemnation and placarding were based
 22 ~~has~~HAVE been eliminated.
 23 C. Boarding Up. It is the responsibility of the title owner of the property to board up all
 24 windows and doors after a dwelling has been properly determined to be unfit for human
 25 habitation, if boarding up is determined by the Director of the Department of Planning
 26 and Zoning to be necessary for reasons of health or safety. If the dwelling or structure is
 27 not boarded up within the time specified in the order, the Director shall have the dwelling
 28 boarded up at the expense of the owner. The cost of boarding up the dwelling or structure
 29 shall be charged against the property upon which the dwelling is located and shall be a
 30 lien against it.
 31 D. Violation. If the owner or agent of a structure which is boarded up fails to prevent
 32 entrance into the premises, the owner/ OR agent is ~~guilty of a misdemeanor and~~ subject
 33 to the general penalties provided in Section 17.40.890.
 34 E. Continued Occupancy. A tenant or occupant who continues to occupy a dwelling or
 35 dwelling unit after it has been determined ~~properly~~ to be unfit for human habitation and
 36 ~~properly~~ placarded is guilty of a misdemeanor.
 37

38 Chapter 17.40 – NONRESIDENTIAL PROPERTY MAINTENANCE

39 Article IV – Enforcement

40 Section 17.48.320 - Unsafe structures—Condemnation.

41
 42
 43 The designation of nonresidential structures as unsafe structures and the procedure for the
 44 condemnation and placarding of these nonresidential buildings shall be carried out in compliance
 45 with the following requirements:
 46

1 A. Defects Requiring Condemnation. Any nonresidential building which is found to have
 2 any of the following defects shall be condemned as an unsafe structure and shall be SO
 3 designated ~~and placarded~~ by the Director of Planning and Zoning:
 4

- 5 1. One which is damaged, decayed, dilapidated, insanitary, unsafe, or vermin-infested
 6 so that it creates a serious hazard to the health or safety of the occupants or of the
 7 public;
- 8 2. One which lacks illumination, ventilation, or sanitation facilities adequate to protect
 9 the health or safety of the occupants or the public;
- 10 3. One which because of its general condition is unsanitary or otherwise dangerous to
 11 the health or safety of the occupants or the public.
 12

13 A NONRESIDENTIAL BUILDING DESIGNATED AS UNSAFE DUE TO A FIRE,
 14 STORM, OR OTHER STRUCTURAL COMPROMISE SHALL BE PLACARDED BY
 15 THE FIRE CHIEF OR FIRE CHIEF'S DESIGNEE. THE PLACARD SHALL HAVE
 16 THE FULL AUTHORITY DESCRIBED IN THIS SECTION.
 17

- 18 B. Vacation—Correction—Placard Removal. Any nonresidential building condemned as an
 19 unsafe structure, and so designated and placarded ~~by the Director of Planning and Zoning,~~
 20 shall be vacated within a reasonable time as ordered by the Director OF PLANNING
 21 AND ZONING. The Director shall ~~remove~~ AUTHORIZE REMOVAL OF the placard
 22 ~~whenever the defect or defects upon which the condemnation and placarding action were~~
 23 ~~based have been eliminated.~~
- 24 C. No person shall deface or remove the placard from any nonresidential building, which
 25 has been condemned and placarded as an unsafe structure, except as provided in
 26 Subsection B of this section.
- 27 D. A person aggrieved by a notice or order relating to the condemning and placarding of a
 28 nonresidential structure as an unsafe structure may appeal the notice or order to the
 29 building Board of Appeals, under the procedure set forth in Section 17.48.360.
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 32 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
 33 **ANNAPOLIS CITY COUNCIL** that this ordinance shall take effect from the date of its passage.
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 36 **Explanation:**

37 UPPERCASE indicates matter added to existing law.

38 ~~Strikethrough~~ indicates matter stricken from existing law.

39 Underlining indicates amendments.
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