

1 **..Title**

2 **Demolition by Neglect** – For the purpose of revising the definition of “demolition by
3 neglect” set forth in Chapter 21.56; revising the procedures for investigating a property
4 that may meet the definition of “demolition by neglect”; providing for a review process
5 by the Historic Preservation Commission and a public hearing requirement; providing for
6 an appeal process; and matters generally relating to demolition by neglect.

7 **..Body**

8
9 **CITY COUNCIL OF THE**

10 *City of Annapolis*

11
12 **Ordinance 34-18**

13
14 **Introduced by: Alderwoman Tierney, Alderwoman Pindell Charles**
15 **and Alderman Rodriguez**

16
17 **Referred to**

18 Planning Commission
19 Historic Preservation Commission
20 Rules and City Government

21
22
23 **AN ORDINANCE** concerning

24
25 **Demolition by Neglect**

26
27 **FOR** the purpose of revising the definition of “demolition by neglect” set forth in
28 Chapter 21.56; revising the procedures for investigating a property that may meet
29 the definition of “demolition by neglect”; providing for a review process by the
30 Historic Preservation Commission and a public hearing requirement; providing
31 for an appeal process; and matters generally relating to demolition by neglect.

32
33 **BY** repealing and re-enacting with amendments the following portions of the Code of
34 the City of Annapolis, 2018 Edition
35 21.56.020
36 21.56.090

37
38
39 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS**
40 **CITY COUNCIL** that the Code of the City of Annapolis shall be amended to read as
41 follows:

42
43 **TITLE 21 – PLANNING AND ZONING**

44
45 **Chapter 21.56 – HISTORIC DISTRICT**

46

1 **Section 21.56.020 - Definitions.**

2
3 For the purposes of this chapter, the following words and phrases shall have the
4 meanings respectively ascribed to them:

5
6 "Alteration" shall mean any exterior changes that would affect the historic, cultural
7 or architectural significance of a designated site or structure, any portion of which is
8 visible or intended to be visible from a public way including, but not limited to,
9 construction, reconstruction, moving or demolition.

10
11 "Appurtenances and environmental settings" shall mean all that space of grounds and
12 structures thereon which surrounds a designated site or structure and to which it related
13 physically and/or visually. Appurtenances and environmental settings shall include, but
14 not be limited to, walkways and driveways (whether paved or not), trees, landscape
15 elements, waterways, open space, setbacks, parks, public spaces, and rocks.

16
17 "Certificate of approval" shall mean a certificate issued by the Historic Preservation
18 Commission indicating its approval of plans for construction, alteration, reconstruction,
19 rehabilitation, restoration, moving, or demolition of an individually designated landmark,
20 site, or structure or of a site or structure within a designated historic district.

21
22 "Cultural" shall mean that which relates to the artistic, historic, intellectual,
23 educational, archaeological, or architectural aspects of the City of Annapolis.

24
25 "Demolition" shall mean any act which destroys, in whole or in part, an individually
26 designated landmark, site, or structure, or a site or structure within a designated historic
27 district not including appurtenances and environmental settings.

28
29 ~~"Demolition by neglect" shall mean any willful neglect in the maintenance or repair
30 of an individually designated landmark, site, or structure, or a site or structure within a
31 designated historic district, not including any appurtenances and environmental settings,
32 that does not result from an owner's financial inability to maintain and repair such
33 landmark, site, or structure, and which results in any of the following conditions:~~

- 34 ~~1. The deterioration of the foundations, exterior walls, roofs, chimneys, doors, or~~
35 ~~windows, so as to create or permit a hazardous or unsafe condition to exist; or~~
36 ~~2. The deterioration of the foundations, exterior walls, roofs, chimneys, doors, or~~
37 ~~windows, the lack of adequate waterproofing, or the deterioration of interior~~
38 ~~features, which will or could result in permanent damage, injury, or loss of or~~
39 ~~loss to foundations, exterior walls, roofs, chimneys, doors or windows.~~

40
41 "Demolition by neglect" shall mean any neglect of a designated landmark, site, or
42 structure, or a site or structure within a designated historic district, not including any
43 appurtenances and environmental settings, which results in deterioration of foundations,
44 exterior walls, roofs, chimneys, doors, windows, or any other physical element regulated
45 under Chapter 21.56 and which creates or permits to exist a hazardous or unsafe
46 condition, or which will or could result in substantial or permanent damage, injury, or

1 loss of or loss to foundations, exterior walls, roofs, chimneys, doors or windows, or any
2 other physical element regulated under Chapter 21.56. A determination of demolition by
3 neglect shall not depend on or otherwise take into consideration an owner's financial
4 ability or inability to maintain or repair such landmark, site, or structure.

5
6 "Historic district" shall mean a significant concentration, linkage, or continuity of
7 sites or structures united historically, architecturally, archaeologically, or culturally, by
8 plan or physical development. An historic district shall include all property within its
9 boundaries as defined and designated by the City Council.

10
11 "Exterior features" shall mean the architectural style, design, and general
12 arrangement of the exterior of an historic structure, including the nature and texture of
13 building material, and the type and style of all windows, doors, light fixtures, signs or
14 similar items found on or related to the exterior of an historic structure.

15
16 "Landmark" shall mean any site or structure, designated by the City Council, that is
17 of exceptional historic, cultural, archaeological, or architectural significance.

18
19 "Maintenance" shall mean work that does not alter the exterior fabric or features of a
20 landmark, site or structure and has no material effect on the historical, archaeological, or
21 architectural or cultural significance of the historical landmark, site or structure.

22
23 "New construction" shall mean construction which is characterized by the
24 introduction of new elements, sites, buildings, or structures or additions to existing
25 buildings and structures in historic districts.

26
27 "Preservation" shall mean actions taken to prevent or keep a structure from decay or
28 degradation.

29
30 "Reconstruction" shall mean the process of reproducing, by new construction, the
31 exact form and detail of a vanished structure, or part thereof, as it appeared at a specific
32 period of time.

33
34 "Rehabilitation" shall mean the act or process of returning a property or building to
35 usable condition through repair, alteration, and/or preservation of its features which are
36 significant to its historical, architectural, and cultural values.

37
38 "Repair" shall mean the process of rehabilitation which warrants additional work
39 beyond simple maintenance, repair, includes patching, piecing in, splicing, consolidating
40 or otherwise, reinforcing materials according to recognized preservation methods.

41
42 "Restoration" shall mean the process of accurately recovering the form and details of
43 a property as it appeared at a specific period of time by means of removal of later work
44 and the replacement of work missing from that period.

45

1 "Site" shall mean the location of an event of historic significance or the location of a
2 structure whether standing or ruined, which possesses historic, architectural,
3 archaeological, or cultural significance.

4
5 "Structure" shall mean a combination of material to form a construction that is stable
6 including, but not limited to, buildings, stadiums, reviewing stands, platforms, stagings,
7 observation towers, radio towers, water tanks and towers, trestles, bridges, piers, paving,
8 bulkheads, wharves, sheds, coal bins, shelters, fences, and display signs visible or
9 intended to be visible from a public way. The term "structure" shall be construed as if
10 followed by the words, "or part thereof."

11
12 **Section 21.56.090 - Maintenance, repair, and demolition by neglect.**

13
14 For the purposes of this Section, "Director" means "the Director of Planning and
15 Zoning, or his designee."

16
17 A. Nothing in this ~~article~~section shall be ~~taken or~~ construed so as to prevent
18 maintenance that does not alter the exterior fabric or features of a designated
19 landmark, site, or structure, or landscape elements, and which will have no material
20 effect on the historic, cultural, archaeological, or architectural significance of a
21 designated landmark, site, structure, or district.

22 ~~B.— In the event of demolition by neglect, the Commission may request that the Mayor's~~
23 ~~office notify, in writing, the property owner(s) of record, any person(s) having a~~
24 ~~right, title, or interest therein, and the occupant(s) or other person(s) responsible for~~
25 ~~the maintenance of the property, of the deterioration. The notice shall specify the~~
26 ~~minimum items of repair or maintenance necessary to correct the deterioration or~~
27 ~~prevent further deterioration.~~

28 ~~C.— Prior to the issuance of a written notice, the Commission may request that the City~~
29 ~~establish a record of demolition by neglect. Such record may include dated materials~~
30 ~~such as photographs and written reports of the condition of the property so as to~~
31 ~~record or measure the deterioration.~~

32 ~~D.— The notice shall provide that corrective action shall commence within thirty days of~~
33 ~~the receipt of said notice and be completed within a reasonable time thereafter. The~~
34 ~~notice shall state that the owner(s) of record of the property, or any person(s) of~~
35 ~~record with any right, title, or interest therein, may, within ten days after the receipt~~
36 ~~of the notice, request a hearing on the necessity of the items and conditions contained~~
37 ~~in the notice. In the event a public hearing is requested, it shall be held by the~~
38 ~~Commission upon thirty days' written notice being mailed to all persons of record~~
39 ~~with any right, title, or interest in the property and to all citizens and organizations~~
40 ~~which the Commission determines may have an interest in the proceedings.~~

41 ~~E.— If, after the public hearing, the Commission determines that the corrective actions~~
42 ~~remain necessary, the Commission may request that the Mayor issue final notice to~~
43 ~~be mailed to the owner(s) of record and all parties of record with any right, title, or~~
44 ~~interest in the property, advising them of the items of repair and maintenance~~

1 ~~necessary to correct the deterioration or prevent further deterioration. The owner~~
2 ~~shall institute corrective action to comply with the final notice within thirty days of~~
3 ~~receipt of the final notice.~~

4 ~~F. Upon failure, neglect, or refusal of the property owner(s) or other responsible~~
5 ~~person(s), duly notified, to take the corrective action specified in the final notice~~
6 ~~within the time required, the Commission may request that the Mayor's office~~
7 ~~institute any of the remedies and penalties provided by law for such violations.~~

8
9 B. If the Director becomes aware through any source that a designated landmark,
10 site, or structure, or a site or structure within a designated historic district may
11 meet the definition of demolition by neglect, the Director shall investigate the
12 history of the site or structure and develop a record. The record shall include but
13 not be limited to historical documentation of the site or structure and current
14 photographs of the site and the interior and exterior of the structure. The Director
15 may consult with and retain consultants and experts in the field of historic
16 preservation to construct the record and for other purposes related to the
17 investigation.

18
19 C. In connection with the commencement of the investigation, the Director shall give
20 written notice to the owner or the owner's authorized agent that the site or
21 structure is under investigation for possible demolition by neglect and the legal
22 authority for the investigation, and shall also advise that entry onto the property
23 and, if reasonably necessary to complete the investigation, into the structure shall
24 be required and the date or dates of entry and the identity of the persons who will
25 do so. If such dates are not known at the time of the notice, the Director shall
26 send a separate written notice indicating such dates. Pursuant to such notices, the
27 Director and retained consultants and experts, and any other person who the
28 Director deems necessary for investigatory purposes, shall be permitted onto the
29 site and, if reasonably necessary to complete the investigation, into the structure
30 for such purposes from time to time. Neither the owner nor the owner's
31 authorized agent nor any other person shall require a waiver of liability or impose
32 any other condition upon those persons who require access onto the site and into
33 the structure to perform and complete the investigation.

34
35 D. After completion of the investigation, the Director shall prepare a written report
36 of the results of the investigation. The report shall, at a minimum, identify all
37 materials used in the investigation, all consultants and experts who participated in
38 the investigation, and contain the following:

- 39
40 1. a description of the existing condition of the exterior of the site or structure;
41
42 2. a description of the level of deterioration of the exterior of the site or
43 structure exhibited by the existing condition;
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