

AS AMENDED ON OCTOBER 28, 2013 AND NOVEMBER 12, 2013

ORDINANCE NO. 2265

AN ORDINANCE OF THE CITY OF SALISBURY AMENDING CHAPTER 15.27 PROPERTY MAINTENANCE HABITUAL OFFENDER OF THE SALISBURY MUNICIPAL CODE. THESE AMENDMENTS STRENGTHEN THE ORIGINAL LEGISLATION BY LOWERING THE THRESHOLD BY WHICH A PROPERTY OWNER CAN BE DESIGNATED A CHRONIC NUISANCE PROPERTY OWNER.

WHEREAS, the Mayor and City Council have requested that the Department of Neighborhood Services and Code Compliance periodically review Chapter 15.27; and

WHEREAS, the ongoing application, administration and enforcement of Chapter 15.27, demonstrates a need for its periodic review, evaluation and amendment to keep the chapter current; and

WHEREAS, the Department of Neighborhood Services and Code Compliance does recommend approval of these proposed code changes.

NOW, THEREFORE, be it enacted and ordained by the City Council of the City of Salisbury, Maryland, that Chapter 15.27 be amended as follows:

Chapter 15.27

PROPERTY MAINTENANCE ~~HABITUAL OFFENDER~~ CHRONIC NUISANCE
PROPERTY

Sections:

15.27.010 Scope.

15.27.020 Definitions.

15.27.030 ~~Non-rental dwelling units~~ Property.

15.27.040 ~~Rental dwelling units~~ Transfer of ownership.

15.27.050 Civil offense.

15.27.060 Appeal.

15.27.070 Violations – penalties.

15.27.010 Scope.

The provisions of this chapter govern procedures for owners of property in the city who violate provisions of the Housing Code repetitively in a ~~twenty-four (24)~~ twelve (12) month period.

(Ord. 1900 (part), 2004)

15.27.020 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

~~“Dwelling unit” means a single unit providing living facilities for one or more persons, including permanent provision for living, sleeping and sanitation.~~

“Call for Service” means an inspection (upon receipt of a complaint or discovered during routine patrol) performed by the Department of Neighborhood Services and Code Compliance (NSCC) which results in the issuance of a notice of violation, corrective action letter or municipal citation.

~~“Habitual offender” “Chronic nuisance property owner” means any person owning one dwelling unit, a property within the city limits, who shall pay a fine assessed by the department of building, housing and zoning or be found guilty of violating Chapter 15.24 or Title 17 on three separate occasions within a twenty-four (24) month period. that generates five (5) or more of the following events in any combination within the same calendar year with regard to one property: a call for service to the Department of Neighborhood Services and Code Compliance (NSCC), the payment of a fine assessed by NSCC or a finding of guilt for violating Chapters 15.24, 15.26 or Title 17.~~

"Person" means any individual, partnership, firm, corporation, association or other legal entity ~~of whatsoever kind and nature.~~

~~“Rental” means leasing or allowing occupancy or usage of a dwelling unit, either directly or by an agent, in consideration of value, including personal services, paid or tendered to or for the use or benefit of the lessor.~~

“Property” means any parcel of land, developed or undeveloped, improved or unimproved, within the city limits.

15.27.030 Nonrental dwelling units Property.

A. The owner of ~~a nonrental dwelling unit any property who~~ that becomes an habitual offender chronic nuisance property shall ~~be subject to inside and outside inspection of the dwelling unit by the housing official~~ permit the housing official to perform a full comprehensive inspection of the chronic nuisance property at least two (2) times during the twelve (12) months following the chronic nuisance property designation on a schedule to be determined by NSCC

~~and shall be assessed a fee to be set by ordinance. The dwelling unit shall receive an annual inspection, at a minimum, during each of the next five years for a fee to be determined by resolution of the council from time to time.~~

~~B. After an owner of a nonrental dwelling unit becomes an habitual offender, all fines levied under Chapter 15.24 or Title 17 for the dwelling unit shall be tripled until the habitual offender designation is removed. a property is designated as a chronic nuisance property, the owner shall be guilty of a municipal infraction and shall be issued a fine in the amount of \$500.00 (five hundred dollars) pursuant to Chapter 15.~~

~~C. After completion of five consecutive annual two (2) inspections with no violations under Chapter 15.24, 15.26 or Title 17, then the habitual offender chronic nuisance property designation shall terminate for that the owner of a nonrental dwelling unit that property. If violations under Chapter 15.24, 15.26 or Title 17 continue, the habitual offender chronic nuisance property designation shall continue for that the owner of the nonrental dwelling unit property until such time as a twelve (12) month period with no violation occurs.~~

~~D. If ownership of the property owner changes, the designation will be removed after the new owner corrects all violations of Chapter 15.24, 15.26, and Title 17 of the City code, and the property is inspected and found to have no violations. The owner must also pay the inspection fee set by ordinance. Proof of change of ownership must be submitted in writing, within five (5) business days.~~

~~E. If the full amount of the inspection fees due to the city regarding a particular property are not paid by the owner within thirty (30) days after billing, then the housing official shall cause to be recorded in the finance office for the city a sworn statement showing the amount of fees due and the. All fees shall be a lien on the property, collectible in the same manner in which as real estate city taxes are collected.~~
(Ord. 1974 (part), 2005; Ord. 1900 (part), 2004)

15.27.040 Rental dwelling units Transfer of Ownership.

~~A. 1. After an owner of a rental dwelling unit becomes an habitual offender, all fines levied under Chapter 15.24 or Title 17 for that dwelling unit shall be tripled until the habitual offender designation is removed.~~

~~2. After an owner of a rental dwelling unit becomes an habitual offender, the occupancy of that dwelling unit by unrelated persons shall, in appropriate zones, be permanently reduced to two unrelated persons, not including the children of either of them.~~

~~B. 1. A license shall be required for a rental dwelling unit which is the subject of the habitual offender designation for a fee of five hundred dollars (\$500.00). The license and license fee shall be required for five consecutive years, unless the rental dwelling unit changes ownership to a legal entity which is not owned or controlled by the habitual offender and the new owner corrects all violations of Chapter 15.24 or Title 17, or the dwelling unit receives five annual inspections with no violations of Chapter 15.24 or Title 17. The habitual offender designation then terminates for that owner of~~

~~the rental dwelling unit. If violations under Chapter 15.24 or Title 17 continue, then the habitual offender designation shall continue for that owner of the rental dwelling unit.~~

- ~~2. If violations under Chapter 15.24 or Title 17 continue for one year after the habitual offender designation, then the owner's license under Section 15.26.040 shall be revoked for the subject rental dwelling unit, and the owner shall give sixty (60) days' notice to vacate to the tenants of that rental dwelling unit. Any security deposit shall be returned pursuant to the provisions of Real Property Article, Title 8, Annotated Code of Maryland. The owner of the rental dwelling unit may correct all violations of Chapter 15.24 or Title 17 and after inspection and payment of a one thousand dollars (\$1,000.00) fee to the city, the owner's license for that rental dwelling unit shall be reinstated.~~
- C. ~~The owner of a rental dwelling unit who becomes an habitual offender shall be subject to inside and outside inspection of the dwelling unit by the housing official. The dwelling unit shall receive an annual inspection during each of the next five years for a fee to be determined by resolution of the council from time to time.~~
- D. ~~If the full amount of the inspection and license fees due to the city are not paid by the owner within thirty (30) days after billing, then the housing official shall cause to be recorded in the finance office for the city a sworn statement showing the amount of fees due and the fees shall be collectible in the same manner as real estate taxes are collected.~~

~~(Ord. 1974 (part), 2005; Ord. 1960, 2005; Ord. 1900 (part), 2004)~~

In the event the chronic nuisance property owner transfers ownership of the subject property to another person, the chronic nuisance property owner shall inform the housing official, in writing, within five (5) business days after the transfer has occurred.

15.27.050 Civil offense.

Designation as an habitual offender the owner of a chronic nuisance property owner shall be a civil offense and not a criminal offense.

~~(Ord. 1900 (part), 2004)~~

15.27.060 Appeal.

A. Any person wishing to appeal a determination of the Director of the Department of Neighborhood Services and Code Compliance regarding the provisions of this chapter shall file a written notice of appeal with the Department of Neighborhood Services and Code Compliance within twenty-one (21) days after receipt of a notice sent pursuant to the provisions of this chapter. The notice of appeal shall contain a statement of grounds for the appeal. The notice of appeal shall be accompanied by a fee of one hundred dollars (\$100.00).

B. The Director of the Department of Neighborhood Services and Code Compliance shall refer the appeal to the Housing Board of Adjustments and Appeals. The board shall meet monthly, or more frequently at the call of the chair, to hear appeals. The board shall notify the owner in writing of the time and place of the hearing, pursuant to the rules of the Housing Board of Adjustments and Appeals.

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223 C. When hearing appeals under this chapter, the board shall follow the procedures set
224 forth in Chapter 15.24 of the Salisbury Municipal Code.

225 D. If the board overturns the decision of the housing official, the owner shall be refunded
226 the one hundred dollar (\$100.00) appeal fee.


227 **15.27.070 Violations – Penalties.**

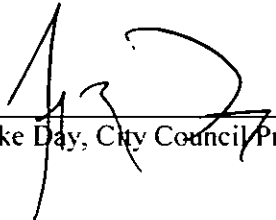
228 In addition to the fine imposed for the designation of a chronic nuisance property, an
229 owner in violation of any provision of this chapter shall be guilty of a municipal infraction for
230 each violation and shall be subject to a fine not to exceed five hundred dollars (\$500.00) per
231 violation. Each day a violation remains uncorrected, it is a separate violation subject to an
232 additional citation and fine.
233 (Ord. No. 2163, 7-25-11)

234
235 AND BE IT FURTHER ENACTED AND ORDAINED BY THE CITY OF SALISBURY,
236 MARYLAND, that the Ordinance shall take effect upon final passage.

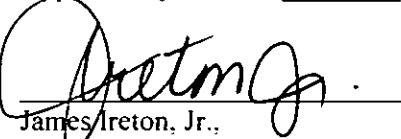
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238 THIS ORDINANCE was introduced and read at a meeting of the Council of the City of
239 Salisbury held on the 28th day of October, 2013 and thereafter, a statement of the substance of
240 the ordinance having been published as required by law, in the meantime, was finally passed by
241 the Council on the 12th day of November, 2013, and shall take effect January 1, 2014.

242 ATTEST:

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245 Kimberly R. Nichols, City Clerk


Jake Day, City Council President

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248 Approved by me, this 19th day of Nov., 2013.

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252 James Ireton, Jr.,
253 Mayor
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Memo

To: Tom Stevenson
From: Susan Phillips *SP*
Date: October 21, 2013
Re: Chronic Nuisance Property Legislation

Attached you will find the "Chronic Nuisance Property" legislation that reflects the recommended changes from the council worksession.

Unless you or the mayor has any questions please forward this information to the city council for review and consideration.