

AS AMENDED ON MAY 9, 2022

ORDINANCE NO. 2720

AN ORDINANCE OF THE CITY OF SALISBURY AMENDING SECTION 15.22 OF THE SALISBURY CITY CODE, ENTITLED “VACANT BUILDINGS”, TO REQUIRE REGISTRATION OF VACANT LOTS AND PAYMENT OF ANNUAL FEES.

WHEREAS, the ongoing application, administration and enforcement of the City of Salisbury Municipal Code (the “**Salisbury City Code**”) demonstrates a need for its periodic review, evaluation and amendment, in order to comply with present community standards and values, and promote the public safety, health and welfare of the citizens of the City of Salisbury (the “**City**”);

WHEREAS, the Mayor and Council of the City of Salisbury (the “**Mayor and Council**”) are authorized by MD Code, Local Government, § 5-202 to adopt such ordinances, not contrary to the Constitution of Maryland, public general law or public local law, as the Mayor and Council deem necessary to assure the good government of the municipality, to preserve peace and order, to secure persons and property from damage and destruction, and to protect the health, comfort and convenience of the citizens of the City;

WHEREAS, the Mayor and Council may amend Section 15.22 of the Buildings and Construction Title of the Salisbury City Code pursuant to the authority granted in § SC 2-15 of the Salisbury City Charter;

WHEREAS, the purpose of Section 15.22 of the Buildings and Construction Title of the Salisbury City Code is to protect the public health and safety and the general welfare of the citizens of the City of Salisbury and to assist the city government in monitoring the number of vacant properties in the city to assess the effects of the condition of those properties on nearby businesses and the neighborhoods in which they are located, particularly in light of fire safety hazards and unlawful, temporary occupancy by transients, including illicit drug users and traffickers, and to promote substantial efforts to rehabilitate such vacant properties;

WHEREAS, the Mayor and Council find that the health, safety and general welfare of the citizens of the City will be furthered by amending Section 15.22 of the Salisbury City Code to require the registration of vacant lots and the payment of annual fees; and

WHEREAS, the Mayor and Council have determined that the amendments to Section 15.22 of the Salisbury City Code set forth shall be adopted as set forth herein.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that Section 15.22 of the Buildings and Construction Title of the Salisbury City Code is hereby amended by adding the bolded and underlined language and deleting the strikethrough language as follows:

Section 1. Section 15.22 of the Salisbury City Code of the Salisbury City Code, entitled “Vacant Buildings” is amended as follows:

Chapter 15.22 VACANT BUILDINGS

15.22.010 Scope.

The provisions of this chapter govern buildings **and lots** located within the city of Salisbury. ~~with the exception that the provisions of the chapter shall not apply to lots located within residential districts.~~

(Ord. 2017 § 1 (part), 2006)

15.22.020 Purpose.

The purpose of this chapter is to protect the public health and safety and the general welfare of the citizens of the city of Salisbury and to assist the city government in monitoring the number of

vacant ~~buildings~~ **properties** in the city to assess the effects of the condition of those ~~buildings~~ **properties** on nearby businesses and the neighborhoods in which they are located, particularly in light of fire safety hazards and unlawful, temporary occupancy by transients, including illicit drug users and traffickers, and to promote substantial efforts to rehabilitate such vacant ~~buildings~~ **properties**.

(Ord. 2017 § 1 (part), 2006)

15.22.030 Definitions.

The following definitions shall be used in the construction and interpretation of this chapter:

“Building” means a structure of any kind constructed for the shelter, support, or enclosure of persons, animals, chattels, or operations.

"Director" means the director of the Housing and Community Development Department.

"Occupied" means a building shall be deemed to be occupied if one or more persons actually conduct business or reside in all or any part of the building as the legal or equitable owner-occupant(s) or tenant(s) on a permanent, nontransient basis. For purposes of this section, evidence offered to prove that a building is occupied may include, but shall not be limited to, the regular receipt or delivery of regular mail through the U.S. Postal Service; proof of continual telephone, electric, gas, heating, water and sewer services; or the most recent, federal, state, or city income tax statements indicating that the subject property is the official address of the person or business claiming occupancy.

"Owner" has the meaning set forth in Section 15.24.030.

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

“Lot” means a parcel or property without a building or other improvement on site ~~an unimproved individual parcel of real property.~~ “Lot” shall not include unimproved real property which has ongoing, permitted construction.

"Vacant" means no person or persons actually, currently conduct a lawfully licensed business, or lawfully reside or live in any part of the building as the legal or equitable owner(s) or tenant-occupant(s), on a permanent, nontransient basis. ~~With respect to lots, “vacant” means unimproved by an assessed building.~~

(Ord. 2017 § 1 (part), 2006)

(Ord. No. 2456, 10-9-2017)

15.22.040 Vacant **building property** registration.

A. Applicability. The requirements of this section shall be applicable to each owner of a building **or lot** that shall have been vacant for more than one hundred eighty (180) consecutive days, except that a condemned building shall be registered within thirty (30) days after notice that the building official has condemned the structure pursuant to Chapter 15.24 herein.

B. Registration. Each such owner of a vacant building **or lot** shall file a registration form **and pay an annual fee** with the Housing and Community Development Department **each year**. The registration form shall include the street address of each such vacant building **or lot**, the names and addresses of all owners, as hereinafter described, and any other information deemed necessary by the director. The registration **and annual** fee(s) as required by subsection (C) shall be billed by the Housing and Community Development Department and shall be paid by ~~June~~ **August** 1st of each year.

1. If the owner is a corporation, the registration statement shall provide the names and residence addresses of all officers and directors of the corporation;
2. If the owner is an estate, the registration shall provide the name and business address of the personal representative of the estate;
3. If the owner is a trust, the registration shall provide the names and address of all trustees, grantors and beneficiaries;
4. If the owner is a partnership, the registration shall provide the names and residence addresses of all partners with an interest of ten percent or greater;
5. If the owner is any other form of unincorporated association, the registration shall provide the names and residence addresses of all principals with an interest of ten percent or greater;
6. If the owner is an individual person, the registration shall provide the name and address of that individual person;
7. If none of the persons listed in subsections (B)(1) through (B)(6) has an address in this state, the registration statement also shall provide the name and address of a person who resides within the state and who is authorized to accept service of process on behalf of the owner(s) and who shall be designated as a responsible, local party or agent, both for purposes of notification in the event of an emergency affecting the public health, safety or welfare and as herein authorized and connection herewith.

C. Registration **and Annual** Fees. The **registration and annual** fees for registration of vacant buildings **and lots** shall be set by the city council from time to time. **The registration fee shall be paid once, at the time the property is registered. The annual fee is a reoccurring fee each year until such time as the property is no longer vacant.**

D. Inspection. All vacant buildings that remain on the vacant property registry for more than one fiscal year shall be subject to an annual inspection. This annual inspection shall consist of both an internal and external inspection of any structures located on the property. The fee for this annual inspection shall be established by the city council from time to time.

(Ord. 2017 § 1 (part), 2006)

E. This section does not apply to a vacant lot that:

- 1. Adjoins a non-vacant lot or property that is titled to the same owner of record as the vacant lot;**
- 2. Is currently used in connection with a licensed business for parking, storage or other legitimate business purpose; or**
- 3. Is located within a residential district.**

(Ord. No. 2348, 8-10-2015; Ord. No. 2456, 10-9-2017)

15.22.050 Transfer.

To transfer a vacant building **or lot** registration from one property owner to another, the owner shall give written notice, including the name and address of the transferee to the Housing and Community Development Department at least forty-eight (48) hours prior to any transfer of the registered property. The transferee must make application to the Housing and Community Development Department and pay the required fee for a transfer of a registration within thirty (30) days after the transfer of the property.

(Ord. 2017 § 1 (part), 2006)

(Ord. No. 2456, 10-9-2017)

15.22.060 Failure to register or pay annual fee.

A. Failure to timely register a vacant building or lot, pay an annual or registration fee, notify the director of transfer of a vacant building or lot, or transfer a registration pursuant to this chapter shall result **in a violation in accordance with Section 15.22.090 of this chapter** ~~in the issuance of a nonregistration fee as adopted by ordinance of the council from time to time. Prior to assessing the non registration fee, the director shall issue a notice to the owner advising him of the requirements of this chapter and the fees due as of the date of the notice. If the owner fails to register a property within thirty (30) days after said notice, the director shall assess a non registration fee and send notice thereof to the owner.~~

B. If the full amount of any fees due to the city is not paid by the owner within thirty (30) days after the notice thereof, the director shall cause to be recorded in the finance department the amount of fees due and owing, and such amount will be carried on the records of the city of Salisbury and shall be collectible in the same manner as real estate taxes are collected.

(Ord. 2017 § 1 (part), 2006)

15.22.070 Prohibited occupancy.

Vacant buildings required to be registered pursuant to this chapter shall not again be occupied unless a certificate of occupancy has been issued by the director.

(Ord. 2017 § 1 (part), 2006)

15.22.080 Appeals procedure.

A. Any person wishing to appeal a determination of the Housing and Community Development Department shall file a written notice of appeal with the director within thirty (30) days after the department's action. The notice shall contain a statement of the grounds for the appeal. The notice of appeal shall be accompanied by a fee of one hundred dollars (\$100.00).

B. The director 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.

C. When hearing appeals under this chapter, the board shall follow the procedures set forth in Chapter 15.24 of this code.

(Ord. 2017 § 1 (part), 2006)

(Ord. No. 2456, 10-9-2017)

15.22.090 Violations—Penalties.

A. Any person found in violation of the provisions of this chapter shall be guilty of a municipal infraction and shall be subject to a fine not to exceed five hundred dollars (\$500.00) per violation. Each day a violation remains uncorrected is a separate violation subject to an additional citation and fine.

(Ord. 2017 § 1 (part), 2006)

BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 2. It is the intention of the Mayor and Council of the City of Salisbury that each provision of this Ordinance shall be deemed independent of all other provisions herein.

Section 3. It is further the intention of the Mayor and Council of the City of Salisbury that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid,

unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Ordinance shall remain and shall be deemed valid and enforceable.

Section 4. The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such recitals were specifically set forth at length in this Section 4.

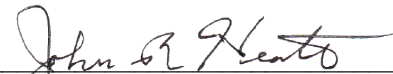
Section 5. This Ordinance shall take effect from and after the date of its final passage.

THIS ORDINANCE was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the 25th day of April, 2022 and thereafter, a statement of the substance of the Ordinance having been published as required by law, in the meantime, was finally passed by the Council of the City of Salisbury on the 9th day of May, 2022

ATTEST:




Kimberly R. Nichols, City Clerk



John R. Heath, City Council President

Approved by me, this 12 day of May, 2022.



Julia Glanz, City Administrator, for and at the direction of
Jacob R. Day, Mayor



To: All Council Members
From: Nathaniel Sansom, Special Assistant to the Mayor
Subject: Vacancy Fees – Chapter 15.22 Revisions
Date: May 6, 2022

Council Members,

The Administration remains committed to ensuring that Salisbury remains the safe and welcoming place we are proud to call “home.” Unfortunately, throughout the City, some homes and businesses sit vacant for extended periods. As these properties remain vacant, the risk posed by potential public safety concerns increases.

Overview of Current Situation

Currently, the City charges a flat rate of \$200/year to list a building on the vacant building registry (15.22.040). All buildings that have been vacant for more than 180 consecutive days are required to file a form with HCDD to be included on the registry. In addition to this registration requirement, condemned buildings are required to register within 30 days of condemnation.

Request

We seek to amend Chapter 15.22 of the City Code to require an annual inspection of all buildings on the vacant building registry maintained by HCDD which have been vacant for more than 180 consecutive days. The Administration is also seeking to require the registration of vacant non-residential land upon which there is no ongoing, permitted construction.

In addition to the changes proposed in the ordinance, the Administration also intends to suggest related revisions to the annual fee schedule, which will be submitted to you for your consideration later this month as the budget hearings commence.

Recommendation

The Administration requests your consideration and adoption of this ordinance.