

*Mayor and Town Council
Town of Friendsville*

*P.O. Box 9
Friendsville, MD 21531*

Founded 1765

Ordinance 2010-3

Uninhabitable Buildings Ordinance

BE IT RESOLVED that the Mayor and Town Council of Friendsville, Maryland, do hereby adopt the following.

AN ORDINANCE promulgating rules and regulations for the management of uninhabitable buildings within the corporate limits of Friendsville, Maryland.

The Mayor and Town Council find and declare that it is in the public interest to regulate uninhabitable buildings within the Town of Friendsville for the purpose of:

- A. Protecting the residents of the Town from unpleasant and unwholesome conditions;
- B. Preserving the beauty and esthetic value of the town's commercial and residential areas;
- C. Conserving and protecting property values;
- D. Safeguarding public health and welfare; and
- E. Promoting the health, safety, order, convenience, prosperity, and general welfare of the Town.

BE IT RESOLVED THAT: The regulation of uninhabitable buildings shall be regulated in accordance with Article XI-E of the Maryland Constitution, Article 23A of the Annotated Code of Maryland, and the Town of Friendsville Charter, which authorize the Mayor and Town Council to enact ordinances for the protection and promotion of the public safety, health, morals, and welfare by providing for the vacating, removal, repair, or demolition of dangerous buildings that may exist within the corporate boundaries of the town.

SECTION 1. DEFINITIONS,

As used in this ordinance, the following terms shall have the meaning as indicated:

- **Building** – Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons and/or animals, including any cabin, modular, double-wide, single-wide mobile home, standalone garage or other out building.
- **Uninhabitable Building** – Any building that shall be found to have any of the defects as set forth in Section 2, Finding of Uninhabitable Building, so as to make it uninhabitable for human use or habitation.

SECTION 2, FINDING OF UNINHABITABLE BUILDING.

Any building that is found by the Mayor and Town Council, or a designated Code Enforcement Officer, if applicable, to have any of the following defects so as to make it uninhabitable for human use or habitation shall be so designated and placarded by the Mayor and Town Council. The said building shall be deemed uninhabitable if it is:

- A. One that is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health or safety of the occupants, or of the public.
- B. One that lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants, or of the public.
- C. One that because of its general condition or location is unsanitary or otherwise dangerous to the health or safety of the occupants, or of the public.

SECTION 3. POSTING OF PLACARD.

The Mayor and Town Council shall cause to be posted on any building declared by the Mayor and Town Council, or designated Code Enforcement Officer, if applicable, as uninhabitable a placard reading “Uninhabitable Building.” It shall be unlawful for any person to enter such building or structure after the date set forth on the placard to vacate, except for the reason of making required repairs or of demolishing the building.

The placard shall include the following items of information.

- A. The name of the town (Town of Friendsville.)
- B. The chapter and section of the Code under which it is issued.
- C. An order that the building shall be vacated by a stated date and must remain vacant until the order to vacate is withdrawn.

- D. The date the placard is posted.
- E. The statement of the penalty for defacing or removal of the placard.
- F. A statement stating, "This building is declared uninhabitable and its use or occupancy has been prohibited by the Town of Friendsville," and placard shall bear the signature of the Mayor.

SECTION 4. REMOVAL OF PLACARD OR NOTICE.

No person shall deface or remove the placard from any building that has been declared or placarded as uninhabitable except by authority, in writing, from the Mayor.

The Mayor and Town Council shall cause to be removed said placard whenever the defect or defects upon which the declaration and placarding action were based have been eliminated, or when the building is demolished.

SECTION 5. VACATING OF UNINHABITABLE BUILDING.

Any building declared as uninhabitable and so designated and posted shall be vacated within a reasonable time as ordered by the Mayor and Town Council. It shall be unlawful for any owner or landlord to let any person inhabit or occupy said building that has been declared and posted as uninhabitable after the date set forth in the placard.

SECTION 6. NOTICE TO OWNER.

- A. Whenever the Mayor and Town Council have declared a building as uninhabitable, the Mayor and Town Council shall give written notice to the owner. Such notice to the owner shall:
 - 1. Be in writing.
 - 2. Include a description of the real estate sufficient for identification.
 - 3. Include a statement of the reasons why the notice is being issued.
 - 4. State the date when the occupants must vacate the building if the defects have not been eliminated and the order to vacate withdrawn.
 - 5. State the corrections needed to rectify the conditions that form the basis of the finding that the building is uninhabitable.
 - 6. State if the building's windows and doors are required to be boarded up.

7. State the time that will be provided to correct the conditions, or to provide for the demolition of the building.
- B. Service of notice. Service of notice that a building is uninhabitable and must be vacated is required as follows.
1. By delivery to the owner personally or by leaving a notice at the usual place of abode of the owner with a person of suitable age and discretion;
 2. By depositing the notice in the United State Post Office addressed to the owner at the owner's last known address with postage prepaid thereon; or
 3. By posting a copy of the notice in placard form in a conspicuous place on the premises to be vacated.

SECTION 7. SEALING OF UNINHABITABLE BUILDING.

It shall be the responsibility of the owner of the property to remove all unsanitary or flammable material and to board up all windows and doors after a building has been properly determined to be uninhabitable, if such boarding up is determined by the Mayor and Town Council to be necessary for reasons of health and safety. In the event that the owner of the property fails to properly seal the building against unlawful entry, the Mayor and Town Council shall take action to remove unsanitary or flammable waste material and to board up all windows and doors so as to prevent entrance. The cost of such action shall be a lien on the property and shall be collectible in the same manner as delinquent taxes.

SECTION 8. DEMOLITION OF UNINHABITABLE BUILDING.

The Mayor and Town Council shall order a building to be demolished if it has been designated as uninhabitable, has been posted as such, has been vacated and has not been put into proper repair as to rescind the designation as uninhabitable, and to cause the placard to be removed in the time provided in the notice to the property owner.

After the Mayor and Town Council have given an order to demolish an uninhabitable building, the following procedures shall be followed.

- A. The owner of any building that has been ordered demolished shall be given notice in the manner provided for under "service of notice for uninhabitable buildings", and shall be given reasonable time, not to exceed ninety (90) days, to demolish said structure.
- B. If the owner fails, neglects, or refuses to demolish an uninhabitable building within the requisite time, the Mayor and Town Council may apply to a court of competent jurisdiction for a demolition order to undertake demolition. The

cost of the demolition shall be a lien on the property and collected in the same manner as delinquent taxes.

SECTION 9. EMERGENCY ACTION.

Whenever in the judgment of the Mayor and Town Council an emergency exists that requires immediate action to protect the public health, safety, and welfare, the Mayor and Town Council may apply to a court of competent jurisdiction for an order requiring such action as is appropriate to correct or abate the emergency situation.

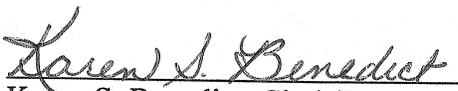
SECTION 10. VIOLATIONS AND PENALTIES.

Violations of this ordinance may be prosecuted as either a criminal misdemeanor or as a civil infraction. The penalty for violation shall be five hundred dollars (\$500.00) for each offense. Each day that the violation continues shall be a separate offense. In addition thereto, the Mayor and Town Council of Friendsville may institute an injunction, mandamus, or other appropriate actions or proceedings at law or equity for the enforcement of this ordinance or to correct the violations of it, and any court of competent jurisdiction shall have the right to issue restraining orders (temporary or permanent), injunctions, or mandamus, or other appropriate forms of remedy or relief.

SECTION 11

1. The first reading of this Ordinance #2010-3 shall be on September 13, 2010.
2. The second reading of this Ordinance #2010-3 shall be on October 4, 2010.
3. The Mayor and Town Council of Friendsville shall duly advertise this ordinance in accordance with the policy for the adoption of ordinances, and public hearing on this ordinance shall be held on the 4th October, 2010 at 6:30 pm at the Town Hall located at 313 Chestnut Street, Friendsville, MD.
4. This ordinance shall become effective on October 4, 2010.

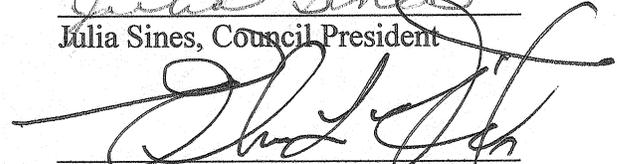
ATTEST:


Karen S. Benedict, Clerk/Treasurer

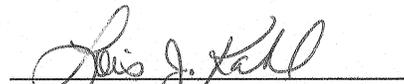
APPROVED AND ADOPTED BY,


Spencer R. Schlosnagle, Mayor

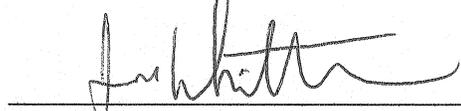

Julia Sines, Council President


Thomas L. Fike, Council Member

Cathern House, Council Member


Lois J. Kahl, Council Member


Phil Smith, Council Member


Jess Whittemore, Council Member