

# CITY COUNCIL

## READ FILE COVER SHEET

Subject: **Ordinance 1136 concerning Adding Chapter 31-2 TT and UU regarding Vacant, Abandoned and Deteriorated Properties (Public Hearing)**

Date: **12/19/2023**

**Notice:** Any comments made after 5:00 p.m. on the Thursday before the Council Meeting will not be seen in the agenda packet.

- Purpose:
- FYI
  - Read and Comment as Needed**
  - Action Required by January 2, 2024**
  - In Confidential File Drawer

Approve:

Johnny Boker  Yes  No  No Comment

Comment: \_\_\_\_\_

Casi Boyer  Yes  No  No Comment

Comment: \_\_\_\_\_

Vicki Jones  Yes  No  No Comment

Comment: \_\_\_\_\_

Jim Ringsaker  Yes  No  No Comment

Comment: \_\_\_\_\_

Jason Robertson  Yes  No  No Comment

Comment: \_\_\_\_\_

Tammy Lynn Schneegas  Yes  No  No Comment

Comment: \_\_\_\_\_

Note: N/A

CITY COUNCIL  
OF  
HAVRE DE GRACE, MARYLAND

ORDINANCE NO. 1136

Introduced by \_\_\_\_\_ Council Member Schneegas \_\_\_\_\_

**AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND, ADOPTED PURSUANT TO THE AUTHORITY OF ARTICLE XI-E OF THE MARYLAND CONSTITUTION, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AND SECTIONS 33 AND 34 OF THE HAVRE DE GRACE CITY CHARTER TO ADD CHAPTER 31-2 TT AND UU REGARDING VACANT, ABANDONED AND DETERIORATED PROPERTIES**

On: 12/18/2023

at: 7:00 p.m.

Ordinance introduced, read first time, ordered posted and public hearing scheduled.

**PUBLIC HEARING**

A Public Hearing is scheduled for January 2, 2024 at 7:00 p.m.

**EXPLANATION**  
Underlining indicates matter added to existing law.  
**[Bold Brackets]** indicate matter deleted from existing law.  
Amendments proposed prior to final adoption will be noted on a separate page with line references or by handwritten changes on the draft legislation.

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32 BE IT ORDAINED, that Chapter 31-2 is hereby amended as follows:

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34 TT – Vacant, Abandoned and/or Deteriorated (VAD) Properties – Non-Residential Uses in  
35 Residential Area

36 (1) Purpose – Due to the unregulated development of portions of the city prior to the  
37 establishment of the City Zoning Code, non-residential uses and residential uses are  
38 interspersed throughout Havre de Grace—especially in the old town. Havre de Grace has  
39 recognized that based on several factors, VAD properties that are or were non-residential  
40 in use, which are adjacent to residential uses, can have an extraordinarily negative affect  
41 on the surrounding community that is deleterious to the health, safety and welfare of the  
42 public. It is in the best interest of the residents and businesses of Havre de Grace to  
43 designate VAD properties and be proactive in reducing negative effects those properties  
44 have on neighborhoods, including but not limited to, an unreasonable and substantial  
45 interference with the public’s use and enjoyment of public properties and protecting the  
46 health, safety and welfare of the City’s residents.

47 (2) When a property that was non-residential in character in or adjacent to a residential zoning  
48 district is designated a VAD property, or if it is determined by the Code Official to meet  
49 any of the definitions under 111.1.5, “Dangerous, structure or premises” in the 2021  
50 International Property Maintenance Code (IPMC), the property will be deemed unsafe.

51 (3) The Code Official may also make a determination that a property is in VAD status citing  
52 the specific provision of the currently adopted version of the IPMC, Chapter 31 of the City  
53 Code, any amendments of those ordinances, or other section of the City Code where there  
54 is a violation and the code section is relied upon in making a VAD determination.

55 (4) The Code Official will send notice to the property owner, via Certified U.S. Mail, U.S.  
56 Mail and will physically post the property with the notice, stating the property is being  
57 considered for VAD status. The property owner shall respond within 60 days to the Code  
58 Official’s notice.

59 (5) The Code Official’s notice will list the violations and reasons why the subject property is  
60 being considered for VAD determination, including the specific citations to the City Code,  
61 the IPMC or other law. In addition, if after inspection the Code Official determines that the  
62 structure creates an imminently dangerous condition, it shall be so stated in the Notice,  
63 together with an explanation that property may be subject to immediate demolition without  
64 further notice and with a demand for reimbursement of demolition costs to the City.

65 (6) The property owner’s response to the Code Officer’s notice should include the following  
66 information:

- 67 a. If the property is vacant, the date the property became vacant;
- 68 b. Future plans for the subject property, including timeline for renovation,  
69 redevelopment and reoccupation of the subject property;
- 70 c. If structures on the subject property will not be reoccupied, the property owner shall  
71 state the reasons in their response;

- 72 d. If the structures on the property are recommended for demolition, the property  
73 owner should provide a timeline for demolition in their response. All demolitions  
74 must be performed per the City’s guidelines and shall include all paved and  
75 asphalted areas;  
76 e. Interim plans to abate any violations discussed in the Code Official’s notice; and  
77 f. Interim plans to make the subject structure and/or property safe.
- 78 (7) If after 60 days from the date of notice, there is no response from the property owner or  
79 his/her agent, the Code Official will deem the property abandoned, and if there is an  
80 additional determination by the Code Official that if the abandoned property is not only  
81 unsafe but in its current condition creates an imminent risk of death or serious bodily harm,  
82 then the City can remedy, alleviate and abate the issues in the manner mentioned in the  
83 notice.
- 84 (8) In the event an owner files a response to the Notice, all action items identified under  
85 Subsections (6) (b), (d), (e), and (f) above must substantially begin within 90 days of the  
86 date the property owner’s response to the Code Official. Upon the property owner’s written  
87 request made prior to the expiration of the 90 days, the Code Official can provide two (2)  
88 90-day extensions for the owner to substantially begin work. In the written extension  
89 request, the property owner shall provide:  
90 a. Facts to support the need for the extension and;  
91 b. An updated timeline describing when the owner will substantially begin and  
92 complete work.
- 93 (9) In the event the work to be performed within the time limits set forth in Subsection has not  
94 begun, the Code Official will determine that such properties are VAD properties.
- 95 (10) The Code Official shall send the responding owner a second notice, stating that the property  
96 has been formally declared a VAD property. The notice shall include the statement that the  
97 owner has thirty (30) days to file an appeal to the Board of Appeals pursuant to Chapter  
98 25-Article VI of the City Code, and that a failure to appeal will result in the items set forth  
99 in subparagraphs (a) to (d) below being implemented. Such notice shall be sent by the  
100 Code Official by Certified Mail with return receipt, US first class mail, and by posting of  
101 the property. If no appeal is taken within the designated time, or if the Board of Appeals  
102 confirms the Code Official’s designation that the property is a VAD property, the Code  
103 Official shall take the following actions:  
104 a. All VAD properties and structures shall be posted with signage stating: “Unsafe to  
105 Occupy/No Trespassing” and further meet the requirements under 111.2 of the  
106 IPMC, Chapter 31 of City Code and other appropriate city laws.  
107 b. The Code Official reserves the right to disconnect all utilities based on Section  
108 111.2.1 of the IPMC and other applicable City laws.  
109 c. The property owner is ordered to secure any abandoned or vacant property so that  
110 it is not deemed “dangerous”. However, all fencing or other products should be  
111 residential in nature and meet the requirements of §205-9(I)(6), except as modified

112 by the Department of Planning based on an examination of the surrounding  
113 neighborhood.

114 d. If the property will not be reoccupied or redeveloped as indicated in the property  
115 owner’s response discussed in Subsection 6 above, the property owner is ordered  
116 to remove asphalt and concrete parking areas and replace it with maintainable sod,  
117 grass, native plants and other items compatible with the surrounding residential  
118 character of the neighborhood at the owner’s expense.

119 (11) Within ten (10) days of the second notice under Subparagraph 10, the property owner shall  
120 provide the Code Official access to the subject property and all structures to perform a  
121 safety and property maintenance inspection of the property.

122 (12) While the property remains in VAD status, the property owner is required to maintain the  
123 property, landscaping and other items on the property so that it does not become dangerous,  
124 dilapidated, or detrimental to the surrounding neighborhood in manner that creates a public  
125 nuisance.

126 (13) As part of the VAD designation and enforcement process, the Code Official reserves the  
127 right to:

128 a. Abate any part of the property that does not meet the requirements of City Code per  
129 the proper notification requirements provided herein or other provisions of the City  
130 Code; and/or

131 b. If the property owner does not meet the requirements of the City Code, the Code  
132 Official can issue a citation per the City Charter. Violations of code will be  
133 considered a separate offense for each parcel and for each day the violation  
134 continues at \$100.00 per day until the maximum permitted under law is met.

135 (14) The property owner will be responsible for reimbursing the City for all costs incurred  
136 related to abatement or property maintenance. All costs and fees are considered an *ad*  
137 *valorem* tax added to the property for purposes of calculating the property tax due. A  
138 breakdown of the calculation of costs incurred by the City for abatement or demolition is  
139 available to the owner by written request.

141 UU. Section 113.3 Failure to Comply, add to the end of the section: If the Code Official, after  
142 inspection, finds that conditions on the property present imminent danger of death or serious bodily  
143 harm, he may issue an order of demolition for all or a portion of the structures on the property  
144 which shall be included in the notice provided under Subparagraph above. For all other cases, in  
145 which there is no determination that the structure poses an imminent threat of death or serious  
146 injury to person or property, then prior to the structure being demolished and removed, a hearing  
147 on the Order of Demolition will be held by the Board of Appeals per the requirements of Chapter  
148 25 – Article IV. The Board of Appeals will examine whether all provisions of the code have been  
149 met under its “administrative review” powers and that demolition is warranted due to the  
150 abandoned, vacant or unsafe structures being a public nuisance given the situation presented.  
151 Failure to comply with an Order of Demolition or any recommended action issued by the Code  
152 Official shall be deemed a municipal infraction subject to a daily fine of \$100.00 per day for each  
153 day of non-compliance up to the maximum permitted by law.

154 **NOW, THEREFORE**, it is determined, decided, and ordained by the City Council that the  
155 foregoing amendments to the City Code are hereby approved.

156  
157 ADOPTED by the City Council of Havre de Grace, Maryland this \_\_ day of \_\_\_\_\_, 2023.

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159 SIGNED by the Mayor and attested by the Director of Administration this \_\_\_\_ day of \_\_\_\_\_,  
160 2023.

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163	ATTEST:	MAYOR AND CITY COUNCIL
164		OF HAVRE DE GRACE
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166	_____	_____
167	Stephen J. Gamatoria	William T. Martin
168	Director of Administration	Mayor
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171 Introduced/First Reading: 12/18/2023

172 Public Hearing:

173 Second Reading/Adopted:

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175 Effective Date:

