

Ordinance Number 723

AN ORDINANCE OF THE CITY OF CRISFIELD AMENDING CHAPTER 10 OF THE CRISFIELD CITY CODE ENTITLED INFRACTIONS, MUNICIPAL AND CHAPTER 33 OF THE CRISFIELD CITY CODE ENTITLED BUILDINGS, UNSAFE BY AMENDING THE PROVISIONS THEREOF FOR THE PURPOSES OF INCORPORATING AMENDMENTS TO EXPAND ON THE REQUIREMENTS OF ABATEMENT AND DERELICT STRUCTURES, RESPECTIVELY.

WHEREAS, the ongoing application, administration, and enforcement of the City of Crisfield Municipal Code (the Crisfield 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 Crisfield (the City);

WHEREAS, the Mayor and Council of the City of Crisfield are authorized by MD Code, Local Government §5-202, as amended, and Section C4-1(A) of the City of Crisfield Charter, as they deem necessary for the good government of the City, the power to take all such action that is not contrary to the Constitution, laws of the State of Maryland, or the provisions of the Charter, "for the protection and preservation of the City's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of residents of the City and visitors thereto and sojourners herein;" and,

WHEREAS, the Mayor and Council may amend Chapter 112 of the Crisfield City Code pursuant to the authority granted in §1-5; and,

WHEREAS, the Mayor and Council have determined that the amendments to Chapter 10 and Chapter 33 of the Crisfield City Code set forth below shall be adopted and set forth therein; and,

WHEREAS, the Mayor and Council find that amendments to Chapter 10 and Chapter 33 of the Crisfield City Code set forth below are desirable for the protection and preservation of the City's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of residents of the City and visitors thereto and sojourners;

THEREFORE, be it enacted and ordained by the Council of the City of Crisfield that Chapter 10 and Chapter 33 of the Crisfield City Code are amended by adding the capitalized and bold, language and deleting the strike through language as follows:

Part II Administrative Legislation

Chapter 10 Infractions Municipal

§10-8 Abatement

B. ABATEMENT COSTS

~~If the defendant does not pay the bill within 30 days after presentment, upon a motion by the city, the District Court shall enter a judgment against the defendant for the cost of the abatement.~~

(1) THE COSTS OF ABATEMENT SHALL BE ASSESSED TO THE OWNER(S) OF THE PROPERTY ON WHICH THE VIOLATION EXISTED. THE COST OF ABATEMENT SHALL INCLUDE ALL ACTUAL COSTS INCURRED BY THE CITY, INCLUDING BUT NOT LIMITED TO THE COSTS OF ALL MATERIAL AND LABOR, ATTORNEY FEES AND ANY APPLICABLE PENALTIES, TO INCLUDE COURT COSTS.

(2) IF UNPAID, ALL SAID COSTS AND APPLICABLE PENALTIES ASSESSED SHALL BECOME A LIEN AGAINST THE PROPERTY AND SHALL BE COLLECTED IN THE SAME MANNER AS REAL ESTATE TAXES.

(3) IN ADDITION TO THE FILING OF A TAX LIEN, THE CITY MAY INSTITUTE ANY OTHER LEGAL PROCEEDINGS TO COLLECT THE COSTS INCURRED BY THE CITY TO CORRECT ANY NUISANCES AND APPLICABLE PENALTIES.

(4) ANY IRREGULARITY IN THE ABATEMENT PROCESS BY THE CITY IS NOT A DEFENSE TO NOT FULFILL THE OBLIGATION TO PAY THE ABATEMENT COSTS.

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Part III General Legislation

Chapter 33 Buildings, Unsafe

§33-1 Enforcement

For the subject matter of this chapter, **EXCEPT FOR DERELICT STRUCTURES**, refer to the International Property Maintenance Code. **IN THE EVENT OF A CONFLICT BETWEEN THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND ANOTHER PROVISION OF THIS CHAPTER, THIS CHAPTER SHALL CONTROL.**

§33-2 ENFORCEMENT OF DERELICT STRUCTURES

A. DEFINITIONS:

- (1) **DERELICT-** ANY STRUCTURE WHICH IS ABANDONED, DILAPIDATED, BURNED-OUT, FALLEN-DOWN, OR DECAYING OR REMNANT THEREOF WHICH IS UNATTENDED AND/OR UNINHABITABLE OR UNUSABLE FOR ITS INTENDED PURPOSE AND IS BEYOND REASONABLE HOPE FOR REHABILITATION OR RESTORATION OR ANY STRUCTURE, WHETHER INHABITED OR NOT, WHICH HAS THREE OR MORE EXTERIOR VIOLATIONS OF THE INTERNATIONAL BUILDING CODE, TO INCLUDE ALL APPENDIXES THERETO.
- (2) **OWNER-** ANY PERSON, FIRM, ENTITY, CORPORATION, OR GROUP HOLDING TITLE TO THE PROPERTY.
- (3) **SEMI-TRAILER-** A VEHICLE THAT HAS NO MOTIVE POWER AND IS DESIGNED TO CARRY PROPERTY AND TO BE TOWED BY A MOTOR VEHICLE. FURTHER, THE VEHICLE IS CONSTRUCTED SO THAT SOME OF ITS WEIGHT AND LOAD RESTS ON OR IS CARRIED BY ANOTHER VEHICLE.
- (4) **STRUCTURE-** ANYTHING CONSTRUCTED OR ERECTED WITH A FIXED LOCATION ON THE GROUND OR ATTACHED TO SOMETHING HAVING A FIXED LOCATION ON THE GROUND. A STRUCTURE INCLUDES BUILDINGS, SHEDS, MANUFACTURED HOMES, WALLS, TANKS, SIGNS AND SEMI-TRAILERS, PARTS OF SEMI-TRAILERS AND WALK-IN TYPE TRUCK BODIES.
- (5) **UNINHABITABLE-** ANY STRUCTURE WHICH THE HEALTH AND/OR SAFETY OF THE OWNER, OCCUPANT, PERSON ON PREMISE, OR NEIGHBOR IS OR CAN BE ENDANGERED.

B. VIOLATION AND PENALTIES

(1) IT SHALL BE UNLAWFUL TO HAVE A STRUCTURE WHICH IS DERELICT UPON ANY PROPERTY WITHIN THE CITY.

(2) A VIOLATION OF THE SECTION SHALL BE A CIVIL INFRACTION AND SHALL BE SUBJECT TO A FINE OF \$1,000, PLUS ABATEMENT OF THE VIOLATION.

C. DETERMINATION OF DERELICT STRUCTURE

(1) THE CITY HOUSING INSPECTOR IS EMPOWERED TO INSPECT, INVESTIGATE AND DETERMINE THE EXISTENCE OF A DERELICT STRUCTURE.

(2) IN INVESTIGATING A DERELICT STRUCTURE, THE CITY HOUSING INSPECTOR MAY ENTER UPON THE SUBJECT PROPERTY AT ALL REASONABLE TIMES AND IN A REASONABLE MANNER FOR THE PURPOSE OF INSPECTING THE PREMISES TO DETERMINE IF A STRUCTURE IS DERELICT.

(3) THE SUBJECT STRUCTURE MUST BE VISIBLE FROM A COUNTY, STATE OR CITY ROAD; FROM A PRIVATE ROAD GENERALLY USED FOR PUBLIC ACCESS TO ADJACENT PROPERTIES; FROM ADJACENT PROPERTIES; OR FROM A BODY OF WATER.

D. ENFORCEMENT

(1) UPON THE DETERMINATION OF THE CITY HOUSING INSPECTOR THAT A STRUCTURE IS DERELICT, THE CITY HOUSING INSPECTOR SHALL ISSUE A WRITTEN NOTICE OF ABATEMENT TO THE PROPERTY OWNER. THE NOTICE TO ABATE SHALL BE SERVED IN THE SAME MANNER AS A CITATION AND SHALL PROVIDE 30 DAYS, FROM DATE OF SERVICE, TO CORRECT THE VIOLATION.

(2) THE NOTICE SHALL CONTAIN THE FOLLOWING:

(A) A BRIEF DESCRIPTION OF THE PROPERTY CONTAINING THE NUISANCE;

(B) THE JUSTIFICATION FOR WHY THE STRUCTURE IS DERELICT AND THE CORRECTIVE ACTION WHICH IS REQUIRED TO ABATE THE VIOLATION;

(C) A STATEMENT REQUIRING ABATEMENT OF THE VIOLATION BY THE PROPERTY OWNER WITHIN 30 DAYS AND INSPECTION OF THE CORRECTIVE ACTION BY THE CITY HOUSING INSPECTOR; AND

(D) CERTIFICATION OF THE CITY HOUSING INSPECTOR ATTESTING TO THE TRUTH OF THE MATTERS SET FORTH.

(3) IF A PROPERTY OWNER TAKES CORRECTIVE ACTION TO ABATE THE VIOLATION, THE CITY HOUSING INSPECTOR SHALL INSPECT THE CORRECTIVE ACTION TO DETERMINE WHETHER THE VIOLATION HAS BEEN SUCCESSFULLY ABATED.

(4) IF THE PROPERTY OWNER FAILS TO ABATE THE VIOLATION, WHETHER THROUGH INACTION OR THROUGH AN UNSUCCESSFUL ATTEMPT AT CORRECTIVE ACTION, THE CITY HOUSING INSPECTOR SHALL ISSUE A CITATION FOR THE VIOLATION.

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

Section 2. It is the intention of the Mayor and Council of the City of Crisfield 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 Crisfield 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.

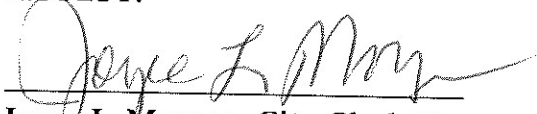
Section 4. The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such recitals were specifically set forth at length in this Section 4.


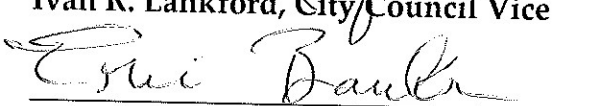
Section 5. This Ordinance shall take effect from and after the date of its final passage.

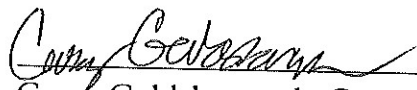
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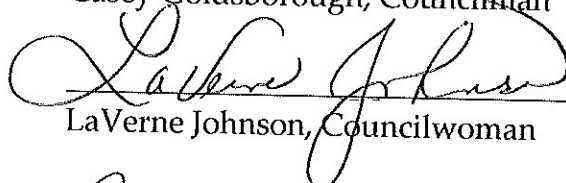
THIS ORDINANCE was introduced and read at a Meeting of the Mayor and Council of the City of Crisfield held on the 24th day of April, 2024, and, a public hearing was held on the 8th day of May, 2024, following which a second reading occurred and was passed by the Council of the City of Crisfield on the 8th day of May, 2024.

ATTEST:


Joyce L. Morgan, City Clerk-Treasurer
President

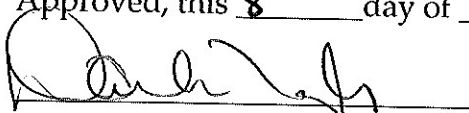

Ivan R. Lankford, City Council Vice

Eric Banks, Councilman


Casey Goldsborough, Councilman


LaVerne Johnson, Councilwoman


Ruthie Todd, Councilwoman

Approved, this 8th day of May, 2024.


Darlene M. Taylor, Mayor

This Ordinance shall be effective at the expiration of 20 calendar days following approval by the Mayor or passage by the Council over veto. A fair summary of each ordinance shall be published at least twice in a newspaper or newspapers having general circulation in the municipality, and a statement inviting interested persons to view the complete text of the ordinance at City Hall during regular business hours shall be appended to that published summary.