

ORDINANCE NO. 2024-07

AN ORDINANCE TO CREATE CHAPTER 167, VACANT NON-RESIDENTIAL STRUCTURES, AS PART OF THE MYERSVILLE MUNICIPAL CODE ESTABLISHING REGULATIONS FOR VACANT NON-RESIDENTIAL STRUCTURES.

SECTION I. BE IT RESOLVED, ORDAINED AND ENACTED by the Mayor and Council of Myersville that Chapter 167, Vacant Non-Residential Structures, of the Myersville Municipal Code be, and hereby is, created with the attached provisions entitled "Vacant Non-Residential Structures"; and said provisions shall be designated in the Myersville Municipal Code of Ordinances as Chapter 167.

SECTION II: BE IT FURTHER RESOLVED, ORDAINED AND ENACTED by the Mayor and Council of the Town of Myersville, Maryland that this Ordinance shall take effect twenty (20) calendar days following its approval by the Mayor and Council.

INTRODUCED on the 11th day of June, 2024.

ENACTED AND APPROVED this 9th day of July, 2024 by a vote of 5 for, 0 against, 0 absent and 0 abstaining.

ATTEST:

Kathy Gaver
Kathy Gaver, Town Clerk

**MAYOR AND COUNCIL OF THE
TOWN OF MYERSVILLE**

By: Mark Hinkle (SEAL)
Mark Hinkle, Mayor

Chapter 167, Vacant Non-Residential Structures

§ 167-1 Purpose.

The purpose of this chapter is to promote and assure public safety, health and welfare, to prevent deterioration of vacant non-residential structures in the Town of Myersville, to support property values, and to encourage responsible management and use of vacant non-residential structures through licensing and inspections.

§ 167-2 License required.

It shall be unlawful for the owner(s) of any vacant non-residential structure or vacant blighted non-residential structure to fail to apply for and obtain a vacant non-residential structure license and abide by all requirements contained in this chapter.

§ 167-3 Application; license fee.

In addition to the inspection requirements of § 167-4 of this chapter, an applicant for a vacant non-residential structure license shall provide the following information and documents for each vacant non-residential structure or vacant blighted non-residential structure on the appropriate application form provided by the Town:

- A. The address of the vacant structure;
- B. The number and location of the units contained in the structure;
- C. The name, street, address and telephone number of all owners of the vacant structure;
- D. If the owner of the vacant non-residential structure or vacant blighted non-residential structure is not an individual, the applicant shall provide the name, street address, resident agent, resident agent address and telephone number;
- E. The name, street address and telephone number of a designated contact person for the owner(s);
- F. A certificate of property insurance in the amount equivalent to or greater than the assessed tax value; and
- G. A nonrefundable annual license fee pursuant to the following schedule for each vacant non-residential structure:
 - (1) Vacant blighted non-residential structure:
 - (a) \$1,000 at initial application;
 - (b) \$2,000 at first annual application renewal and each subsequent annual application renewal.
 - (2) Vacant non-residential structure:

- (a) \$500 at initial application;
 - (b) \$1,000 at first annual application renewal;
 - (c) \$2,000 at second and each subsequent annual application renewal.
- H. Payment for said license shall be due in full from the owner within 30 days from the application filing. Failure to remit payment in full may result in collection by civil proceeding.

§ 167-4 Inspections.

- A. In connection with the application requirements contained in § 167-3 of this chapter, the exterior of the vacant structure shall be inspected at the time of the initial application and on an annual basis thereafter. Required re-inspections for noted conditions shall be as directed by the Town.
- B. In the event that any noted violations are not corrected at the time of the re-inspection requested by the owner or the owner's agent, or the premises is not safely accessible, the Town may impose a re-inspection fee as established by the Town Fee Policy for each additional visit for the same violation.

§ 167-5 Maintenance standards.

In addition to the inspection requirements of § 167-4 of this chapter, an owner of a vacant non-residential structure or vacant blighted non-residential structure shall maintain the structure to the following standards, which are based on crime prevention through environmental design.

- A. Exterior lighting.
 - (1) Exterior lighting at all entry doors shall:
 - (a) Be illuminated from dusk to dawn.
 - (b) Be directed downward and away from adjoining premises.
 - (c) Maintain one footcandle of light measured at one foot above the ground to a minimum distance of 20 feet from the center of each entry door:
 - (2) Exterior lighting is not required at any entry door where streetlighting meets the minimum illumination level required by this section.
- B. Doors.
 - (1) All entry doors shall have engaged deadbolt locks.
 - (2) Doors not capable of deadbolt locks shall be secured in an approved manner.

- (3) All exterior sliding doors shall have lift and slide protection.
- C. All windows shall have lift and slide protection.
- D. All shrubbery, hedges, trees or similar vegetation shall be maintained so that a clear view of the entry doors from the public sidewalk or street is not impeded.

§ 167-6 Issuance of license; renewal.

Upon receipt of a completed application form and full payment of the appropriate fee, the Town shall, within 30 days, issue a license for the subject vacant non-residential structure or vacant blighted non-residential structure, unless such license is or was denied, suspended, or revoked pursuant to § 167-7 hereof. Said license shall expire on its anniversary date, and shall be renewable annually, with application for said renewal being made at least 60 days prior to the expiration date of the then-current license. License renewal shall be made on the form provided by the Town.

§ 167-7 Denial; revocation or suspension.

A vacant non-residential structure license may be denied, revoked, or suspended at any time by the Town if, after receipt of a notice of violation, the owner fails to eliminate violations of the applicable code sections (including § 167-5) identified during any inspection within the time ordered in the notice. Denial, revocation, or suspension of a vacant non-residential structure license shall be in addition to, and not in substitution of the penalties provided for in § 167-9 of this chapter. Said denial, revocation or suspension may be appealed within 20 calendar days in writing to the Mayor and Town Council.

§ 167-8 Severability.

The provisions of this chapter are severable. If any provision of this chapter or its application to any person or circumstance is held to be invalid, such invalidity shall not affect the other provisions or applications of this chapter which can be given effect without the invalid provision or application.

§ 167-9 Violations and penalties.

In addition to the sanctions outlined in § 167-7 hereof, any owner violating the provisions of this chapter shall be guilty of a municipal infraction and subject to a fine of up to \$1,000. Each calendar day a structure is not in compliance with this chapter shall be deemed a separate and distinct violation.