

# Voting Session

<b>Agenda Item #</b>	1
<b>Meeting Date</b>	March 23, 2016
<b>Prepared By</b>	Linda S. Perlman Assistant City Attorney
<b>Approved By</b>	Suzanne Ludlow City Manager

<b>Discussion Item</b>	Ordinance Requiring the Registration of Vacant Properties and Establishing Vacant Property Maintenance and Security Standards.
<b>Background</b>	<p>There have been only minor revisions to the Ordinance since the Council’s March 2, 2016, Worksession discussion. The changes include: 1) addition of a WHEREAS clause about Council review of the vacant registration program within 2 years; 2) clarification that “owner” includes the personal representative of an estate; 3) addition of various provisions providing that registration and other deadlines under the Ordinance may be extended “for good cause shown”; 4) additional standards for the posting of notices (§6.38.110), such as that notices shall not be illuminated or exceed 8½” x 14” in size; and 5) a July 1, 2015, effective date for the Ordinance and the vacant property registration requirement.</p> <p>The Council, on March 2, 2016, also asked City staff to determine if the proposed \$200 annual fee (§6.38.080) for registering a Vacant Distressed Property or a Vacant Property is sufficient to cover the City’s costs of administering the vacant Property Registration Program. City HCD staff reviewed the anticipated cost of administering the Vacant Property Registry and has determined that a \$200/year registration fee will cover the City’s registration and inspection expenses. City staff does not support an increase in the vacant property registration fee at this time.</p> <p>This Ordinance is intended to address the problem of vacant properties (residential, multi-family, and commercial) in the City by requiring the registration of vacant properties and imposing maintenance and security requirements for vacant properties. <u>All</u> vacant properties are subject to the vacant property maintenance and security requirements set forth in §6.38.100 of the Ordinance. Property that remains furnished, has utilities connected or in use, and is maintained while the owner is absent is not considered “vacant property” and does not need to be registered—unless the property is vacant for more than 1 year. Similarly, buildings under active construction or renovation do not need to be registered as vacant property. Vacant properties that are actively for sale or rent are exempt for the registration requirement for a 6-month period (which may be renewed from an additional 6 months). <i>See</i> definition of “vacant property” in §6.38.030. The penalty for failure to register a vacant property and for failure to maintain or secure a vacant building have been increased from a Class C (\$200 fine) to a Class A (\$500 fine) municipal infraction.</p>
<b>Policy</b>	The City wants to discourage the neglect of unsafe vacant properties in the City and to maintain a livable community that is vibrant, healthy, and safe for all residents.
<b>Fiscal Impact</b>	To be determined.
<b>Attachments</b>	Ordinance Requiring the Registration of Vacant Properties and Establishing Vacant Property Maintenance and Security Standards.

<b>Recommendation</b>	Consider the Ordinance for a first reading of the Council.
<b>Special Consideration</b>	

1 Introduced by:

First Reading:

2

Second Reading:

3

Effective Date:

4

5 **CITY OF TAKOMA PARK, MARYLAND**

6

7 **ORDINANCE NO. 2016-\_\_**

8

9 **AN ORDINANCE REQUIRING THE REGISTRATION OF VACANT**  
10 **PROPERTIES AND ESTABLISHING VACANT PROPERTY**  
11 **MAINTENANCE AND SECURITY STANDARDS**

12

13 **WHEREAS**, the presence of vacant, abandoned, unsafe, and foreclosed properties can lead  
14 to neighborhood decline, create an attractive public nuisance, contribute to lower property values,  
15 and discourage potential buyers from purchasing a property adjacent to or in neighborhoods with  
16 the aforementioned properties; and

17 **WHEREAS**, the City of Takoma Park wishes to protect its neighborhoods from decline and  
18 devaluation; and

19 **WHEREAS**, the City of Takoma Park wishes to establish a vacant property registration  
20 program as a mechanism to protect residential and commercial neighborhoods from becoming  
21 blighted through lack of adequate maintenance and for the security of vacant and abandoned  
22 properties; and

23 **WHEREAS, the Council shall review the vacant property registration program within**  
24 **two years following the effective date of this Ordinance to determine whether to continue or**  
25 **modify the vacant property registration program.**

26 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**  
27 **TAKOMA PARK, MARYLAND.**

28 **SECTION ONE.** Title 6, Housing, of the *Takoma Park Code* is amended by adding a new  
29 Chapter 6.38, Vacant Property Registration, as follows:

30 **6.38.010 Purpose.**

31 It is the purpose and intent of the City of Takoma Park, through the adoption of this Chapter,  
32 to establish a vacant property registration program as a mechanism to protect residential and  
33 commercial neighborhoods from becoming blighted through the lack of adequate maintenance and  
34 for the security of distressed properties and vacant properties.

35 **6.38.020 Scope.**

36 The provisions of this Chapter shall apply to all existing, residential, commercial, multi-  
37 family, industrial, and institutional properties and structures. This Chapter does not relieve an owner

1 from compliance with all applicable City ordinances and regulations or all applicable Montgomery  
2 County and State of Maryland laws and regulations.

3 **6.38.030 Definitions.**

4 **“Beneficiary”** means a lender or other entity under a note secured by a deed of trust or  
5 mortgage lien.

6 **“Building”** means a structure with a roof supported by columns or walls to serve as a shelter  
7 or enclosure.

8 **“Default”** means the failure to perform a contractual obligation, monetary or conditional.

9 **“Distressed property”** means a property that is under a current (1) ~~notice of default or~~  
10 ~~delinquent on the mortgage;~~ (2) pending foreclosure or tax lien sale; (23) properties that have been  
11 the subject of foreclosure sale where the title was retained by the lender or beneficiary of a deed of  
12 trust involved in the foreclosure; and/or (34) any properties transferred under a deed in lieu of  
13 foreclosure. “Distressed property” also can include property that is vacant as a result of probate or  
14 the death of the owner of record.

15 **“Evidence of vacancy”** means any condition that, on its own or combined with other  
16 conditions present, would lead a reasonable person to believe that the property is vacant. Such  
17 conditions include but are not limited to: overgrown and/or dead vegetation; accumulation of  
18 newspapers, circulars, flyers and/or mail; past due utility notices and/or disconnected utilities;  
19 accumulation of trash, junk and/or debris; broken or boarded windows; abandoned vehicles and/or  
20 auto parts or materials; the absence of window coverings such as curtains, blinds and/or shutters;  
21 the absence of furnishings and/or personal items consistent with habitation; and/or statements by  
22 neighbors, passersby, delivery agents, or government employees that the property is vacant.

23 **“Foreclosure”** means the process by which a property, placed as security for a real estate  
24 loan, is sold through the courts at auction to satisfy the debt if the owner/borrower/mortgagor  
25 defaults.

26 **“Lender/Mortgagee”** means the person or entity who is the secured party under any  
27 mortgage or deed of trust instrument, or who has a fiduciary interest in the property, which can  
28 include the mortgage servicer.

29 **“Notice of Default”** means a notice that a default has occurred under a mortgage or deed of  
30 trust and that the beneficiary intends to proceed with a trustee’s or foreclosure sale.

31 **“Owner”** means any person, partnership, corporation, unincorporated association, limited  
32 liability entity, trust, **personal representative of an** estate, or fiduciary having legal or equitable  
33 title to or interest in any real property.

34 **“Owner of record”** means the person having record title to the property as shown in the  
35 Land Records of Montgomery County, Maryland.

36 **“Property”** means any unimproved or improved real property, or portion thereof, situated in  
37 the City and includes the buildings or structures located on the property regardless of condition.

1           **“Responsible party”** means the beneficiary that is pursuing foreclosure of a property  
2 subject to this Chapter secured by a mortgage, deed of trust or similar instrument or a property that  
3 has been acquired by the lender or beneficiary of a deed of trust involved in the foreclosure.  
4 Responsible party may also include a mortgage servicer or the property preservation company or  
5 property management company instructed with the security and maintenance of the property.

6           **“Securing”** means such measures as may be directed by the City Manager, or his or her  
7 designee, that assist in rendering the property inaccessible to unauthorized persons, including but  
8 not limited to the repairing of fences and walls, chaining/padlocking of gates, the repair or boarding  
9 of door, window and/or other openings. Boarding shall be completed to a minimum of the securing  
10 standards set forth in *Takoma Park Code* section 6.36.060.C, as amended, at the time the boarding  
11 is completed or required. Locking includes measures that require a key, keycard, tool or special  
12 knowledge to open or gain access.

13           **“Vacant”** means no person or persons currently conduct a lawful business or lawfully reside  
14 or live in any part of the building or structure as the legal or equitable owner(s) or tenant-  
15 occupant(s) on a permanent, non-transient basis. A property is vacant when there is no habitual  
16 presence of persons who have a legal right to be on the premises, or all lawful business or  
17 construction activity or residential occupancy has substantially ceased, or which is substantially  
18 devoid of contents. In the case of mixed-use buildings, a separate tenanted portion of the building  
19 which meets these criteria may also be deemed vacant.

20           **“Vacant property”** means a lot or parcel of real property with at least one building,  
21 structure, or portion that is not currently used or occupied for a period in excess of thirty (30) days.  
22 A building or structure that remains furnished, has utilities connected or in use, and on property that  
23 is maintained while the owner is absent shall not be considered vacant unless the building or  
24 structure is vacant for a period greater than one (1) year. A building or structure that is under active  
25 construction or undergoing active rehabilitation, renovation or repair, and there is a building permit  
26 to make the building fit for occupancy that was issued, renewed or extended within six (6) months  
27 of the date of vacancy shall not be subject to the vacant property registration requirement of this  
28 Chapter; provided, however, that the cessation of active construction, rehabilitation, repair or  
29 demolition activity for more than 30 days, **unless good cause is shown for the cessation,** will  
30 result in the property being deemed a vacant property and subject to the registration, security, and  
31 maintenance requirements of this Chapter.

32 A building that the owner or owner’s agent is actively trying to sell or rent (as evidenced by a sign  
33 posted on the property advertising the property for sale or rent with contact information and current  
34 telephone number, listing agreement with realty contact information, MRIS or MLS electronic  
35 listing, or other advertisement of sale or rent) shall not be considered a vacant property provided  
36 that the time period for sale or rent shall not exceed six (6) months from the initial listing, offer or  
37 advertisement of sale or rent. The exemption from the vacant property registration requirement for a  
38 building for sale or rent may be extended for one additional period upon a showing that the building  
39 is still actively for sale or rent and provided that the building is in compliance with the vacant  
40 property maintenance requirements of this Chapter.

1           **6.38.040       Inspections of Distressed Property.**

2           A.       Prior to filing a complaint of foreclosure or notice of default or accepting a deed in  
3 lieu of foreclosure, the responsible party, or their designee, shall inspect a distressed property to  
4 determine whether the property is vacant. If the distressed property is found to be vacant or shows  
5 evidence of vacancy, the responsible party shall, within thirty (30) days, register the property as a  
6 vacant distressed property with the City for the purpose of minimizing hazards to persons and  
7 property as a result of the vacancy.

8           B.       If a distressed property is occupied, but remains in default, it shall be inspected by  
9 the responsible party, or their designee, monthly until: (1) the default is remedied; or (2) the  
10 property is found to be vacant or shows evidence of vacancy. The responsible party or their  
11 designee shall, within thirty (30) days after obtaining knowledge of vacancy, register the property as  
12 a vacant distressed property with the City for the purpose of minimizing hazards to persons and  
13 property as a result of the vacancy.

14           **6.38.050       Registration of Vacant Distressed Property.**

15  
16           A.       The responsible party or their designee shall register a vacant distressed property by  
17 completing and submitting the Vacant Distressed Property Registration form and submitting the  
18 registration form to the City, along with the required fee.

19           B.       The Vacant Distressed Property Registration form shall include the following:

- 20                   1.       The address of the vacant distressed property.
- 21                   2.       The name, current street/office mailing address (no post office boxes),  
22 telephone number, and email of all owners of the vacant distressed property.
- 23                   3.       The name of the responsible party, the street/office mailing address of the  
24 responsible party (no post office boxes), a responsible party direct contact name, telephone number  
25 and email, and the name, address, telephone number, and email of the property management  
26 company, field service provider, property preservation or real estate owned (REO) section or  
27 department responsible for inspecting, securing, and maintaining the property.
- 28                   4.       An explanation as to the reason for the vacancy of the property.

29           C.       If a vacant distressed property is not registered, then the City may give the  
30 responsible party or their designee a written notice of vacancy and the responsible party or their  
31 designee shall register the vacant distressed property with the City within thirty (30) days of receipt  
32 of a notice of vacancy from the City.

33           D.       Registration of a vacant distressed property shall be valid and effective for a period  
34 not to exceed one (1) year, beginning July 1 and ending the next June 30, and shall be renewed  
35 annually thereafter until the property is no longer a vacant distressed property.

36           E.       Vacant distressed property shall remain under the registration requirement, security  
37 and maintenance standards of to this Chapter so long as the property is distressed property.

1 F. The responsible party shall inform the City of any pending action, such as  
2 bankruptcy, **probate** or other court or administrative action, that would prohibit the responsible  
3 party from taking any of the actions required by this Chapter. The responsible party shall provide  
4 the City with complete information about any pending action that it alleges prevents the responsible  
5 party from complying with this Chapter, including the security and maintenance standards set forth  
6 herein.

7 G. Failure to register a vacant distressed property is a Class A € municipal infraction  
8 offense.

9 **6.38.060 Owner Registration of Vacant Property.**

10 A. An owner of vacant property located in the City shall register the vacant property  
11 with the City within thirty (30) days of the vacancy. **For good cause, the City may grant an**  
12 **owner of vacant property a reasonable extension of time to register the vacant property.**

13 B. If a vacant property is not registered, then the City may give the owner of record a  
14 written notice of vacancy and the owner shall register the vacant property with the City within thirty  
15 (30) days of receipt of the notice of vacancy from the City.

16 C. Owners who are required to register their vacant properties pursuant to this Chapter  
17 shall do so by completing and submitting the Vacant Property Registration form to the City, along  
18 with the required fee. The Vacant Property Registration form may be signed by an agent for an  
19 owner provided the agent's written authorization from the owner is also provided. The Vacant  
20 Property Registration form shall include the following:

21 1. The name, current street/office mailing address (no post office boxes),  
22 telephone number, and email of all owners of the vacant property. If any owner of the vacant  
23 property is not the same as the owner of record, then an explanation of the reasons for the difference  
24 in ownership shall be provided.

25 2. The name of an individual or legal entity responsible for the care and control  
26 of the vacant property. Such individual may be the owner, if the owner is an individual, or may be  
27 someone other than the owner provided that the owner has contracted with such a person or entity to  
28 act as his or her agent for purposes of this Chapter.

29  
30 3. A current street/office mailing address (no post office boxes), telephone  
31 number and email of the owner's agent, along with a direct contact name, telephone number, and  
32 email for the direct contact of the owner's agent.

33 4. A certificate of property insurance in an amount equal to or greater than the  
34 tax assessed value of the property.

35 5. An explanation as to the reason for the vacancy of the property.

36 D. Registration of a vacant property shall be valid and effective for a period not to  
37 exceed one (1) year, beginning July 1 and ending the next June 30, and shall be renewed annually  
38 thereafter until the property is no longer a vacant property.

1 E. Vacant property shall remain under the registration requirement, security and  
2 maintenance standards of this Chapter so long as the property is vacant.

3 F. The owner or owner's agent shall inform the City of any pending action, such as  
4 bankruptcy, **probate** or other court or administrative action, that would prohibit the owner or  
5 owner's agent from taking any of the actions required by this Chapter. The owner or owner's agent  
6 shall provide the City with complete information about any pending action that it alleges prevents  
7 the owner or owner's agent from complying with this Chapter, including the security and  
8 maintenance standards set forth herein.

9 G. Failure to register a vacant property is a Class A€ municipal infraction offense.

10 **6.38.070 Fire Damaged Property.**

11 If a building or structure is damaged in a fire or other casualty, the owner has ninety (90)  
12 days from the date of the fire or other casualty to apply for a permit to start construction,  
13 rehabilitation, repair or demolition and thirty (30) days after the date of permit issuance to  
14 commence construction, rehabilitation, repair or demolition of the fire damaged building or  
15 structure. Failure to do or the cessation of active construction, rehabilitation, repair or demolition  
16 activity for more than thirty (30) days, **unless good cause is shown**, will result in the property being  
17 deemed a vacant property and subject to the registration, security, and maintenance requirements of  
18 this Chapter.

19 **6.38.080 Registration Fee.**

20 The annual fee for registering a Vacant Distressed Property or a Vacant Property shall be  
21 \$200.00 payable to the City of Takoma Park and submitted to the City, along with the required  
22 registration form and all supporting information and documentation. Registration of a Vacant  
23 Distressed Property or a Vacant Property is for the fiscal year beginning July 1 and ending the next  
24 June 30. Unpaid registration fees shall be charged a late fee of 2% for each month or portion of a  
25 month that the registration fee remains unpaid. Registration fees are non-refundable and are not  
26 prorated in the event a registration fee is paid for a partial year. Unpaid registration fees are a lien  
27 on the property and may be collected in the same manner as taxes are collected.

28 **6.38.090 Requirement to Keep Information Current.**

29 If at any time the information contained in the responsible party's Vacant Distressed  
30 Property Registration or the owner's Vacant Property Registration form is no longer valid, then the  
31 responsible party or owner, as applicable, has fifteen (15) days to file a new form containing valid,  
32 current information. There shall be no fee to update an existing registered responsible party's or  
33 owner's current information.

34 **6.38.100 Vacant Property Maintenance and Security Requirements.**

35 A. *Maintenance Requirements.* The responsible party of a vacant distressed property  
36 and the owner or owner's agent of a vacant property shall comply with the following maintenance  
37 requirements:

1           1.       The exterior of the property shall be kept free of weeds, dry bush, dead  
2 vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers,  
3 notices, except those required by federal, state or local law, discarded personal items including but  
4 not limited to, furniture, clothing, large and small appliances, printed material or any other items  
5 that give the appearance that the property is vacant and abandoned.

6           2.       The property shall be maintained free of graffiti, tagging or similar markings  
7 by removal or painting over with an exterior grade paint that matches the color of the exterior of the  
8 structure.

9           3.       All visible front and side yards shall be landscaped and properly maintained  
10 during the vacancy of the property. Landscaping includes, but is not limited to, grass, ground  
11 covers, bushes, shrubs, hedges or similar plantings. Maintenance includes, but is not limited to  
12 cutting, pruning and mowing of required landscaped and removal of all trimmings.

13          4.       Pools, spas, and other water features shall be kept in working order so the  
14 water remains clear and free of pollutants and debris or drained and kept dry. Properties with pools  
15 and/or spas must comply with applicable security fencing requirements.

16          5.       Adherence to the maintenance requirements of this section does not relieve  
17 the responsible party, owner or owner's agent of any obligations set forth in any Covenants,  
18 Conditions, and Restrictions and/or Homeowners Association rules and regulations which may  
19 apply to the property.

20          **B.       *Security Requirements.*** The responsible party of a vacant distressed property and the  
21 owner or owner's agent of a vacant property shall maintain the property in a secure manner so as  
22 not to be accessible to unauthorized persons. All vacant property shall be deemed adequately  
23 protected from intrusion by trespassers and from deterioration by the weather if:

24           1.       *Building openings:* Doors, windows, areaways and other openings are  
25 weather tight and secured against entry by birds, vermin, and trespassers. Missing or broken doors,  
26 windows and opening coverings are covered with at least one-half inch of CDX plywood  
27 completely painted in accordance with the predominant tone of the building, weather protected,  
28 tightly fitted to the opening and secured by screws or bolts.

29           2.       *Roofs:* The roof and flashings are sound, tight, will not admit moisture, and  
30 drained to prevent dampness or deterioration in the walls or interior.

31           3.       *Drainage:* The building gutters and downspouts are watertight and entire  
32 storm drainage system is adequately sized, installed in an approved manner, functional and  
33 discharged in an approved manner.

34           4.       *Exterior Building Structure:* The building is maintained in good repair,  
35 structurally sound, free from debris, rubbish and garbage, and sanitary, walking surfaces and stairs  
36 are structurally sound, so as not to pose a threat to the public health or safety.

37           5.       *Structural Members:* The structural members are free of deterioration and  
38 capable of safely bearing imposed dead and live loads.

1                   6.     *Foundation Walls:* The foundation walls are plumb, free from open cracks  
2 and breaks, and rat-proof.

3                   7.     *Exterior Walls:* The exterior walls are free of holes, breaks, and loose or  
4 rotting materials. Exposed metal and wood surfaces are protected from the elements and against  
5 decay or rust by periodic application of weather coating materials, such as paint or similar surface  
6 treatment.

7                   8.     *Structure Extensions:* All balconies, porches, canopies, marquees, signs,  
8 metal awnings, cornices, stairways, fire escapes, standpipes, exhaust ducts and similar features are  
9 in good repair, anchored, safe and sound. Exposed metal and wood surfaces are protected from the  
10 elements and against decay or rust by periodic application of weather coating materials, such as  
11 paint or similar surface treatment.

12                  9.     *Chimneys and Towers:* Chimneys, cooling towers, smokestacks, and similar  
13 appurtenances are structurally safe. Exposed metal and wood surfaces are protected from the  
14 elements and against decay or rust by periodic application of weather coating materials, such as  
15 paint or similar surface treatment.

16                  10.    *Sidewalk Openings:* Yard, walks, steps, and openings in sidewalks are safe  
17 for pedestrian travel **and snow and ice are removed from sidewalks adjoining the property.**

18                  11.    *Accessory and Appurtenant Structures:* Accessory and appurtenant structures  
19 such as garages, sheds, and fences are free from safety and health hazards.

20                  12.    *Premises:* The premises on which a structure is located is clean, safe and  
21 sanitary, maintained free of weeds, junk vehicles, and litter, and does not pose a threat to the public  
22 health or safety.

23                  C.     *Inspections.* Vacant property and vacant distressed property required to be registered  
24 in accordance with this Chapter shall be inspected by the owner or owner's agent or by the  
25 responsible party on a monthly basis to determine if the property is in compliance with the  
26 requirements of this Chapter.

#### 27                  **6.38.110       Posting of Notices.**

28                  Vacant property and vacant distressed property required to be registered in accordance with  
29 this Chapter shall be posted with the name and a 24-hour contact telephone number of the  
30 owner/owner's agent or responsible party, including any local property management company. The  
31 posting shall contain along with the contact name and contact telephone number, words  
32 substantially similar to "THIS PROPERTY PRESERVED BY \_\_\_\_\_" and "TO REPORT  
33 PROBLEMS OR CONCERNS CALL \_\_\_\_\_". The notice shall be placed on the interior of a  
34 window facing the street to the front of the property so it is visible from the street, or secured to the  
35 exterior of the **front door or the** building/structure facing the street to the front of the property so it  
36 is visible from the street, ~~or if~~ **If** no such area exists, ~~on a stake of sufficient size to support the~~ **the**  
37 **notice may be posted** in a location that is visible from the street to the front of the property but  
38 not readily accessible to vandals. **Notices shall not be illuminated or exceed 8 ½ by 14 inches in**  
39 **size.** Exterior postings must be constructed of and printed with weather resistant materials. The

1 owner or owner’s agent or the responsible party, property preservation company or property  
2 management company shall inspect the vacant or distressed property on at least a monthly basis to  
3 determine if the property remains in compliance with the notice posting requirements of this  
4 section.

5 **6.38.120 Additional Authority.**

6 In addition to the enforcement remedies established in this Chapter, the City Manager or his  
7 or her designee shall have the authority to require the lender/mortgagee and/or owner or owner’s  
8 agent of any property affected by this Chapter, to implement additional maintenance and/or security  
9 measures including but not limited to, securing any and all doors, windows or other openings,  
10 installing additional security lighting, increasing on-site inspection frequency, employment of on-  
11 site security guard or other measures as may be reasonably required to arrest the decline of the  
12 vacant property.

13 **6.38.130 Violations and Enforcement.**

14 A. If the City Manager or his or her designee determines that the vacant property or  
15 vacant distressed property is in violation of any provision of: (1) this Chapter; (2) Chapter 6.36,  
16 Unsafe Buildings--Public Nuisance Abatement; (3) Chapter 6.12, Property Maintenance Code; or  
17 (4) other *Takoma Park Code* provisions, then the City Manager or his or her designee shall notify  
18 the owner/owner’s agent or the lender/mortgagee/responsible party of the violation by providing  
19 notice of the violation to the person indentified in the Registration Application, and shall require the  
20 owner/owner’s agent or the lender/mortgagee/responsible party to correct the violation.

21 B. A Notice of Violation shall include a description of the violation and, except for  
22 severe conditions where immediate action is needed to protect the public health and safety (*see*  
23 Montgomery County Code §26-15 incorporated as part of Chapter 6.36, Unsafe Buildings--Public  
24 Nuisance Abatement, by *Takoma Park Code* §6.36.020.C) or failure to secure the vacant property,  
25 shall provide a period of not less than twenty (20) days from the mailing or delivery of the notice  
26 for the owner/owner’s agent or the lender/mortgagee/responsible party to remedy the violation. If  
27 the responsible party fails to remedy the violation within the stated period, the City may issue a  
28 citation for a Class A € violation and impose penalties against the owner/owner’s agent or the  
29 lender/mortgagee/responsible party for the violation.

30 **SECTION TWO.** This Ordinance shall be effective on **July 1, 2016.**

31  
32 **ADOPTED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND,**  
33 **THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016, BY ROLL-CALL VOTE AS FOLLOWS:**

34 **AYE:**

35 **NAY:**

36 **ABSENT:**

37 **ABSTAIN:**

38

1 **EXPLANATORY NOTE**

2

3 Additions to the Ordinance made after the Council Worksession on February 3, 2016, are  
4 shown by underlining and **additions** made after the Council Worksession on March 2, 2016, are  
5 shown by **bold underlining**.

6

7 ~~Deletions~~ to the Ordinance made after the Council Worksession on February 3, 2016, are  
8 shown by ~~strikeout~~ and ~~deletions~~ made after the Council Worksession on March 2, 2016, are shown  
9 by ~~double strikeout~~.

10

11 C:\Users\Linda Perlman\Dropbox\TAKOMA\vacant properties\Vacant Property Ordinance 2016\_REV 1st rdg\_3-3-16.docx