

Voting Session

Agenda Item #	2
Meeting Date	April 6, 2016
Prepared By	Linda S. Perlman Assistant City Attorney
Approved By	Suzanne Ludlow City Manager

Discussion Item	Second Reading Ordinance Requiring the Registration of Vacant Properties and Establishing Vacant Property Maintenance and Security Standards.
Background	<p>Following 1st reading of the Ordinance on March 23, 2016, a definition of “Vacant Property Registry” was added to §6.38.030. A new subsection B. was added to §6.38.090 requiring that an amended registration statement be filed with the City within 15 days after a vacant building becomes occupied. After such occupancy, then the City will remove the building from the Vacant Property Registry unless the City determines that the building continues to be vacant and subject to registration.</p> <p>Minor revisions were made to the Ordinance for 1st reading by the Council on March 23, 2016, including: 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. City staff also reviewed the proposed \$200 annual fee (§6.38.080) for registering a Vacant Distressed Property or a Vacant Property and determined that a \$200/year registration fee will cover the City’s registration and inspection expenses.</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 for an additional 6 months). See 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>
Policy	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.
Fiscal Impact	To be determined.

Attachments	Ordinance Requiring the Registration of Vacant Properties and Establishing Vacant Property Maintenance and Security Standards.
Recommendation	Consider the Ordinance for a second reading and adoption by the Council.
Special Consideration	

1 Introduced by: Councilmember Schultz

First Reading: March 23, 2016

2 Second Reading:

3 Effective Date:

4

5 **CITY OF TAKOMA PARK, MARYLAND**

6

7 **ORDINANCE NO. 2016-13**

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

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

40 **6.38.030 Definitions.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

115 **“VACANT PROPERTY REGISTRY” MEANS THE OFFICIAL RECORD OF**
116 **VACANT DISTRESSED PROPERTY AND VACANT PROPERTY REGISTERED WITH**
117 **THE CITY IN ACCORDANCE WITH THE REQUIREMENTS OF THIS CHAPTER.**

118 **6.38.040 Inspections of Distressed Property.**

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

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

131 **6.38.050 Registration of Vacant Distressed Property.**

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

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

137 1. The address of the vacant distressed property.

138 2. The name, current street/office mailing address (no post office boxes),
139 telephone number, and email of all owners of the vacant distressed property.

140 3. The name of the responsible party, the street/office mailing address of the
141 responsible party (no post office boxes), a responsible party direct contact name, telephone number
142 and email, and the name, address, telephone number, and email of the property management
143 company, field service provider, property preservation or real estate owned (REO) section or
144 department responsible for inspecting, securing, and maintaining the property.

145 4. An explanation as to the reason for the vacancy of the property.

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

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

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

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

161 G. Failure to register a vacant distressed property is a Class **A C** municipal infraction
162 offense.

163 **6.38.060 Owner Registration of Vacant Property.**

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

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

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

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

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

183

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

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

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

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

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

195 F. The owner or owner's agent shall inform the City of any pending action, such as
196 bankruptcy, probate or other court or administrative action, that would prohibit the owner or
197 owner's agent from taking any of the actions required by this Chapter. The owner or owner's agent
198 shall provide the City with complete information about any pending action that it alleges prevents
199 the owner or owner's agent from complying with this Chapter, including the security and
200 maintenance standards set forth herein.

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

202 **6.38.070 Fire Damaged Property.**

203 If a building or structure is damaged in a fire or other casualty, the owner has ninety (90)
204 days from the date of the fire or other casualty to apply for a permit to start construction,
205 rehabilitation, repair or demolition and thirty (30) days after the date of permit issuance to
206 commence construction, rehabilitation, repair or demolition of the fire damaged building or
207 structure. Failure to do or the cessation of active construction, rehabilitation, repair or demolition
208 activity for more than thirty (30) days, unless good cause is shown, will result in the property being
209 deemed a vacant property and subject to the registration, security, and maintenance requirements of
210 this Chapter.

211 **6.38.080 Registration Fee.**

212 The annual fee for registering a Vacant Distressed Property or a Vacant Property shall be
213 \$200.00 payable to the City of Takoma Park and submitted to the City, along with the required
214 registration form and all supporting information and documentation. Registration of a Vacant
215 Distressed Property or a Vacant Property is for the fiscal year beginning July 1 and ending the next
216 June 30. Unpaid registration fees shall be charged a late fee of 2% for each month or portion of a
217 month that the registration fee remains unpaid. Registration fees are non-refundable and are not
218 prorated in the event a registration fee is paid for a partial year. Unpaid registration fees are a lien
219 on the property and may be collected in the same manner as taxes are collected.

220 **6.38.090 Requirement to Keep Information Current; REMOVAL FROM THE
221 VACANT PROPERTY REGISTRY.**

222 A. If at any time the information contained in the responsible party's Vacant Distressed
223 Property Registration or the owner's Vacant Property Registration form is no longer valid, then the
224 responsible party or owner, as applicable, has fifteen (15) days to file a new form containing valid,

225 current information. There shall be no fee to update an existing registered responsible party's or
226 owner's current information.

227 **B. SHOULD A VACANT BUILDING BECOME OCCUPIED AT ANY TIME**
228 **AFTER REGISTRATION OF A VACANT DISTRESSED PROPERTY OR A VACANT**
229 **PROPERTY, THEN THE RESPONSIBLE PARTY OR OWNER, AS APPLICABLE,**
230 **SHALL FILE AN AMENDED REGISTRATION FORM WITHIN FIFTEEN (15) DAYS OF**
231 **OCCUPANCY NOTIFYING THE CITY OF SUCH OCCUPANCY ALONG WITH**
232 **CORROBORATING DOCUMENTATION AND REQUESTING THAT THE BUILDING**
233 **BE REMOVED FROM THE VACANT PROPERTY REGISTRY. THE CITY SHALL**
234 **REMOVE SUCH BUILDING FROM THE REGISTRY WITHIN THIRTY (30) DAYS OF**
235 **THE FILING OF THE AMENDED REGISTRATION FORM, UNLESS THE CITY**
236 **DETERMINES THAT THERE IS EVIDENCE OF VACANCY AND REASON TO**
237 **BELIEVE THAT THE BUILDING IS VACANT AND SUBJECT TO REGISTRATION.**

238 **6.38.100 Vacant Property Maintenance and Security Requirements.**

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

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

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

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

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

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

261 B. *Security Requirements.* The responsible party of a vacant distressed property and the
262 owner or owner's agent of a vacant property shall maintain the property in a secure manner so as

263 not to be accessible to unauthorized persons. All vacant property shall be deemed adequately
264 protected from intrusion by trespassers and from deterioration by the weather if:

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

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

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

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

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

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

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

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

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

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

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

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

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

306 **6.38.110 Posting of Notices.**

307 Vacant property and vacant distressed property required to be registered in accordance with
308 this Chapter shall be posted with the name and a 24-hour contact telephone number of the
309 owner/owner's agent or responsible party, including any local property management company. The
310 posting shall contain along with the contact name and contact telephone number, words
311 substantially similar to "THIS PROPERTY PRESERVED BY _____" and "TO REPORT
312 PROBLEMS OR CONCERNS CALL _____. The notice shall be placed on the interior of a
313 window facing the street to the front of the property so it is visible from the street, or secured to the
314 exterior of the front door or the building/structure facing the street to the front of the property so it
315 is visible from the street, ~~or if If~~ no such area exists, ~~on a stake of sufficient size to support then the~~ ~~the~~
316 ~~notice may be posted~~ in a location that is visible from the street to the front of the property but
317 not readily accessible to vandals. **Notices shall not be illuminated or exceed 8 1/2 by 14 inches in**
318 **size**. Exterior postings must be constructed of and printed with weather resistant materials. The
319 owner or owner's agent or the responsible party, property preservation company or property
320 management company shall inspect the vacant or distressed property on at least a monthly basis to
321 determine if the property remains in compliance with the notice posting requirements of this
322 section.

323 **6.38.120 Additional Authority.**

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

331 **6.38.130 Violations and Enforcement.**

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

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

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

349
350 **ADOPTED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND,**
351 **THIS ____ DAY OF _____, 2016, BY ROLL-CALL VOTE AS FOLLOWS:**

352 **AYE:**

353 **NAY:**

354 **ABSENT:**

355 **ABSTAIN:**

356
357 **EXPLANATORY NOTE**

- 359 1. Additions to the Ordinance made after the Council Worksession on February 3, 2016, are shown
360 by underlining.
- 361
362 2. Additions to the Ordinance made after the Council Worksession on March 2, 2016, are shown
363 by **bold underlining**.
- 364
365 3. **ADDITIONS** to the Ordinance made after the Council Meeting/1st reading on March 23, 2016,
366 are shown by **ALL CAPITAL LETTERS AND BOLD UNDERLINING**.
- 367
368 4. Deletions to the Ordinance made after the Council Worksession on February 3, 2016, are shown
369 by strikeout.
- 370
371 5. Deletions made after the Council Worksession on March 2, 2016, are shown by double
372 strikeout.