

FINAL

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2022, Legislative Day No. 16

Bill No. 79-22

Introduced by Mr. Volke, Ms. Pickard, and Ms. Fiedler

By the County Council, September 6, 2022

Introduced and first read on September 6, 2022
Public Hearing set for and held on October 3, 2022
Bill Expires November 1, 2022

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Construction and Property Maintenance Codes – Nuisance
2 Properties – Enforcement

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4 FOR the purpose of defining “nuisance property”; authorizing the County to declare a
5 property a nuisance property; requiring notice to a property owner prior to a
6 declaration; requiring nuisance properties be safeguarded in a certain manner; requiring
7 the County to monitor certain nuisance properties; allowing for the rescission of a
8 declaration of nuisance property; providing for civil penalties for violations; and
9 generally relating to Construction and Property Maintenance Codes.

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11 BY renumbering: § 15-5-102(c) through (i), respectively, to be § 15-5-102(d) through (j),
12 respectively
13 Anne Arundel County Code (2005, as amended)

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15 BY adding: §§ 15-4-501 through 15-4-505 to under the new subtitle “Subtitle 5. Nuisance
16 Properties”; and 15-5-102(c)
17 Anne Arundel County Code (2005, as amended)

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19 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
20 That § 15-5-102(c) through (i), respectively, of the Anne Arundel County Code (2005, as
21 amended) is hereby renumbered to be § 15-5-102 (d) through (j), respectively.

22
23 SECTION 2. *And be it further enacted,* That Section(s) of the Anne Arundel County
24 Code (2005, as amended) read as follows:

EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets]] indicate matter stricken from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.

ARTICLE 15. CONSTRUCTION AND PROPERTY MAINTENANCE CODES

TITLE 4. PROPERTY MAINTENANCE CODE

SUBTITLE 5. Nuisance Properties

15-4-501. Definitions.

IN THIS SUBTITLE, "NUISANCE PROPERTY" MEANS AN UNOCCUPIED PROPERTY FOR WHICH:

(1) ON TWO OR MORE OCCASIONS DURING A SIX MONTH PERIOD, THE HEALTH OFFICER HAS TAKEN ACTION UNDER § 15-4-401, § 15-4-402, OR SECTION 108.2 OF THE PROPERTY MAINTENANCE CODE ADOPTED IN § 15-4-201, OR THE DEPARTMENT OF PUBLIC WORKS HAS TAKEN ACTION UNDER § 13-6-105(C) OF THIS CODE; OR

(2) THE DEPARTMENT OF INSPECTIONS AND PERMITS HAS ISSUED A NOTICE OF UNSAFE STRUCTURE IN ACCORDANCE WITH SECTION 115.3 OF THE BUILDING CODE ADOPTED IN § 15-2-101, WHICH HAS BEEN DISREGARDED BY THE PROPERTY OWNER.

15-4-502. Declaration of nuisance property.

(A) **Notice to property owner.** BEFORE DECLARING A PROPERTY A NUISANCE PROPERTY, THE HEALTH OFFICER SHALL SEND A NOTICE OF NUISANCE PROPERTY TO THE OWNER OF THE PROPERTY BY FIRST-CLASS MAIL AND BY POSTING ON THE PROPERTY. THE NOTICE SHALL PROVIDE THE OWNER WITH THE OPPORTUNITY TO AVOID A DECLARATION OF NUISANCE PROPERTY, IF, WITHIN 30 DAYS OF THE MAILING, THE OWNER:

(1) SAFEGUARDS THE NUISANCE PROPERTY AS REQUIRED IN § 15-4-403; AND

(2) SUBMITS A PLAN TO THE HEALTH OFFICER FOR REGULAR MAINTENANCE AND SAFEGUARDING OF THE PROPERTY.

(B) **Declaration.** THE HEALTH OFFICER MAY DECLARE A PROPERTY A NUISANCE PROPERTY IF A PROPERTY OWNER FAILS TO RESPOND TO A NOTICE WITHIN 30 DAYS OR FAILS TO COMPLY WITH A PLAN SUBMITTED IN ACCORDANCE WITH SUBSECTION (A)(2).

15-4-503. Required safeguarding.

(A) **In general.** EVERY NUISANCE PROPERTY MUST BE SAFEGUARDED AS FOLLOWS:

(1) ALL FIRST FLOOR WINDOWS, DOORS, AND OTHER OPENINGS ON ANY STRUCTURE MUST BE CLOSED, SECURELY LOCKED, OR BOARDED UP WITH MATERIAL APPROVED BY THE HEALTH OFFICER;

(2) AS LONG AS THE STRUCTURE ON A NUISANCE PROPERTY REMAINS VACANT, IT MUST REMAIN BOARDED UP AND SIGNS AGAINST TRESPASS MUST BE CONSPICUOUSLY POSTED;

(3) THE PROPERTY SHALL BE KEPT FREE OF LITTER, TRASH AND DEBRIS, AND NOXIOUS WEEDS OR RANK VEGETATION; AND

(4) THE PROPERTY SHALL BE SUBJECT TO REGULAR UPKEEP AND KEPT IN COMPLIANCE WITH THIS CODE.

(B) **Compliance required.** TAKING ACTION REQUIRED IN SUBSECTION (A) DOES NOT RELIEVE THE OWNER OF RESPONSIBILITY TO DEMOLISH AN UNSAFE STRUCTURE OR TO REPAIR AND MAINTAIN THE PROPERTY IN CONFORMITY WITH THIS CODE.

(C) **Notice.** THE HEALTH OFFICER MAY POST A NOTICE ON THE PROPERTY TO INFORM THE PUBLIC THAT A PROPERTY IS A NUISANCE PROPERTY.

15-4-504. Monitoring property; abatement actions.

EXCEPT FOR AN UNSAFE STRUCTURE THAT IS BOARDED UP, AFTER A PROPERTY IS DECLARED A NUISANCE PROPERTY, THE RESPONSIBLE DEPARTMENT SHALL MONITOR THE PROPERTY EVERY 30 DAYS AND TAKE ACTION AS AUTHORIZED UNDER THIS CODE FOR ANY VIOLATION.

15-4-505. Release of nuisance property designation.

AFTER A PROPERTY OWNER MAINTAINS THE PROPERTY IN ACCORDANCE WITH THIS SUBTITLE FOR A PERIOD OF AT LEAST THREE MONTHS, THE HEALTH OFFICER MAY RESCIND THE DECLARATION OF NUISANCE PROPERTY. NO STRUCTURE MAY BE REOCCUPIED UNTIL A CERTIFICATE OF OCCUPANCY HAS BEEN ISSUED. THE RESCINDING OF A DECLARATION DOES NOT PRECLUDE THE HEALTH OFFICER FROM ISSUING A NOTICE OF NUISANCE PROPERTY AT ANY TIME THE PROPERTY IS NO LONGER IN COMPLIANCE WITH THIS SUBTITLE.

TITLE 5. ENFORCEMENT


15-5-102. Civil fines.

(C) **Nuisance properties.** IT IS A CLASS C CIVIL OFFENSE TO FAIL TO COMPLY WITH A NOTICE OF NUISANCE PROPERTY OR TO FAIL TO SAFEGUARD A NUISANCE PROPERTY, PUNISHABLE BY CIVIL FINE AS PROVIDED IN § 9-2-101 OF THE CODE, AND EACH DAY THAT AN OFFENSE CONTINUES CONSTITUTES A SEPARATE OFFENSE.

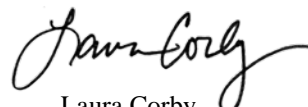
SECTION 3. *And be it further enacted,* That this Ordinance shall take effect 45 days from the date it becomes law.

READ AND PASSED this 3rd day of October, 2022

By Order:


Laura Corby
Administrative Officer

PRESENTED to the County Executive for his approval this 4th day of October, 2022


Laura Corby
Administrative Officer

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APPROVED AND ENACTED this 11th day of October, 2022



Steuart Pittman
County Executive

EFFECTIVE DATE: November 25, 2022

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF
BILL NO. 79-22 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.



Laura Corby
Administrative Officer