

CITY COUNCIL  
OF  
HAVRE DE GRACE, MARYLAND

ORDINANCE NO. 1136

Introduced by \_\_\_\_\_ Council Member Schneegas

**AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND, ADOPTED PURSUANT TO THE AUTHORITY OF ARTICLE XI-E OF THE MARYLAND CONSTITUTION, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AND SECTIONS 33 AND 34 OF THE HAVRE DE GRACE CITY CHARTER TO ADD CHAPTER 31-2 TT AND UU REGARDING VACANT, ABANDONED AND DETERIORATED PROPERTIES**

On: 12/18/2023

at: 7:00 p.m.

Ordinance introduced, read first time, ordered posted and public hearing scheduled.

**PUBLIC HEARING**

Having been posted and notice of time and place of hearing and title of Ordinance having been published according to the Charter, a public hearing was held on January 2, 2024 at 7:09 p.m., and concluded on January 2, 2024 at 7:17 p.m.

EXPLANATION  
Underlining indicates matter added to existing law.  
**[Bold Brackets]** indicate matter deleted from existing law.  
Amendments proposed prior to final adoption will be noted on a separate page with line references or by handwritten changes on the draft legislation.

BE IT ORDAINED, that Chapter 31-2 is hereby amended as follows:

TT – Vacant, Abandoned and/or Deteriorated (VAD) Properties – Non-Residential Uses in Residential Area

- (1) Purpose – Due to the unregulated development of portions of the city prior to the establishment of the City Zoning Code, non-residential uses and residential uses are interspersed throughout Havre de Grace—especially in the old town. Havre de Grace has recognized that based on several factors, VAD properties that are or were non-residential in use, which are adjacent to residential uses, can have an extraordinarily negative affect on the surrounding community that is deleterious to the health, safety and welfare of the public. It is in the best interest of the residents and businesses of Havre de Grace to designate VAD properties and be proactive in reducing negative effects those properties have on neighborhoods, including but not limited to, an unreasonable and substantial interference with the public’s use and enjoyment of public properties and protecting the health, safety and welfare of the City’s residents.
- (2) When a property that was non-residential in character in or adjacent to a residential zoning district is designated a VAD property, or if it is determined by the Code Official to meet any of the definitions under 111.1.5, “Dangerous, structure or premises” in the 2021 International Property Maintenance Code (IPMC), the property will be deemed unsafe.
- (3) The Code Official may also make a determination that a property is in VAD status citing the specific provision of the currently adopted version of the IPMC, Chapter 31 of the City Code, any amendments of those ordinances, or other section of the City Code where there is a violation and the code section is relied upon in making a VAD determination.
- (4) The Code Official will send notice to the property owner, via Certified U.S. Mail, U.S. Mail and will physically post the property with the notice, stating the property is being considered for VAD status. The property owner shall respond within 60 days to the Code Official’s notice.
- (5) The Code Official’s notice will list the violations and reasons why the subject property is being considered for VAD determination, including the specific citations to the City Code, the IPMC or other law. In addition, if after inspection the Code Official determines that the structure creates an imminently dangerous condition, it shall be so stated in the Notice, together with an explanation that property may be subject to immediate demolition without further notice and with a demand for reimbursement of demolition costs to the City.
- (6) The property owner’s response to the Code Officer’s notice should include the following information:
  - a. If the property is vacant, the date the property became vacant;
  - b. Future plans for the subject property, including timeline for renovation, redevelopment and reoccupation of the subject property;
  - c. If structures on the subject property will not be reoccupied, the property owner shall state the reasons in their response;



- d. If the structures on the property are recommended for demolition, the property owner should provide a timeline for demolition in their response. All demolitions must be performed per the City’s guidelines and shall include all paved and asphalted areas;
  - e. Interim plans to abate any violations discussed in the Code Official’s notice; and
  - f. Interim plans to make the subject structure and/or property safe.
- (7) If after 60 days from the date of notice, there is no response from the property owner or his/her agent, the Code Official will deem the property abandoned, and if there is an additional determination by the Code Official that if the abandoned property is not only unsafe but in its current condition creates an imminent risk of death or serious bodily harm, then the City can remedy, alleviate and abate the issues in the manner mentioned in the notice.
- (8) In the event an owner files a response to the Notice, all action items identified under Subsections (6) (b), (d), (e), and (f) above must substantially begin within 90 days of the date the property owner’s response to the Code Official. Upon the property owner’s written request made prior to the expiration of the 90 days, the Code Official can provide two (2) 90-day extensions for the owner to substantially begin work. In the written extension request, the property owner shall provide:
- a. Facts to support the need for the extension and;
  - b. An updated timeline describing when the owner will substantially begin and complete work.
- (9) In the event the work to be performed within the time limits set forth in Subsection has not begun, the Code Official will determine that such properties are VAD properties.
- (10) The Code Official shall send the responding owner a second notice, stating that the property has been formally declared a VAD property. The notice shall include the statement that the owner has thirty (30) days to file an appeal to the Board of Appeals pursuant to Chapter 25-Article VI of the City Code, and that a failure to appeal will result in the items set forth in subparagraphs (a) to (d) below being implemented. Such notice shall be sent by the Code Official by Certified Mail with return receipt, US first class mail, and by posting of the property. If no appeal is taken within the designated time, or if the Board of Appeals confirms the Code Official’s designation that the property is a VAD property, the Code Official shall take the following actions:
- a. All VAD properties and structures shall be posted with signage stating: “Unsafe to Occupy/No Trespassing” and further meet the requirements under 111.2 of the IPMC, Chapter 31 of City Code and other appropriate city laws.
  - b. The Code Official reserves the right to disconnect all utilities based on Section 111.2.1 of the IPMC and other applicable City laws.
  - c. The property owner is ordered to secure any abandoned or vacant property so that it is not deemed “dangerous”. However, all fencing or other products should be residential in nature and meet the requirements of §205-9(I)(6), except as modified



- by the Department of Planning based on an examination of the surrounding neighborhood.
- d. If the property will not be reoccupied or redeveloped as indicated in the property owner's response discussed in Subsection 6 above, the property owner is ordered to remove asphalt and concrete parking areas and replace it with maintainable sod, grass, native plants and other items compatible with the surrounding residential character of the neighborhood at the owner's expense.
- (11) Within ten (10) days of the second notice under Subparagraph 10, the property owner shall provide the Code Official access to the subject property and all structures to perform a safety and property maintenance inspection of the property.
  - (12) While the property remains in VAD status, the property owner is required to maintain the property, landscaping and other items on the property so that it does not become dangerous, dilapidated, or detrimental to the surrounding neighborhood in manner that creates a public nuisance.
  - (13) As part of the VAD designation and enforcement process, the Code Official reserves the right to:
    - a. Abate any part of the property that does not meet the requirements of City Code per the proper notification requirements provided herein or other provisions of the City Code; and/or
    - b. If the property owner does not meet the requirements of the City Code, the Code Official can issue a citation per the City Charter. Violations of code will be considered a separate offense for each parcel and for each day the violation continues at \$100.00 per day until the maximum permitted under law is met.
  - (14) The property owner will be responsible for reimbursing the City for all costs incurred related to abatement or property maintenance. All costs and fees are considered an *ad valorem* tax added to the property for purposes of calculating the property tax due. A breakdown of the calculation of costs incurred by the City for abatement or demolition is available to the owner by written request.

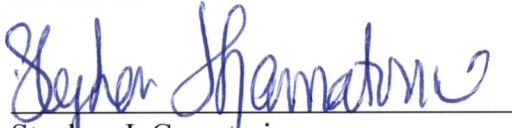
UU. Section 113.3 Failure to Comply, add to the end of the section: If the Code Official, after inspection, finds that conditions on the property present imminent danger of death or serious bodily harm, he may issue an order of demolition for all or a portion of the structures on the property which shall be included in the notice provided under Subparagraph above. For all other cases, in which there is no determination that the structure poses an imminent threat of death or serious injury to person or property, then prior to the structure being demolished and removed, a hearing on the Order of Demolition will be held by the Board of Appeals per the requirements of Chapter 25 – Article IV. The Board of Appeals will examine whether all provisions of the code have been met under its “administrative review” powers and that demolition is warranted due to the abandoned, vacant or unsafe structures being a public nuisance given the situation presented. Failure to comply with an Order of Demolition or any recommended action issued by the Code Official shall be deemed a municipal infraction subject to a daily fine of \$100.00 per day for each day of non-compliance up to the maximum permitted by law.

**NOW, THEREFORE**, it is determined, decided, and ordained by the City Council that the foregoing amendments to the City Code are hereby approved.


ADOPTED by the City Council of Havre de Grace, Maryland this 16<sup>th</sup> day of January, 2024.

SIGNED by the Mayor and attested by the Director of Administration this 17<sup>th</sup> day of January, 2024.

ATTEST:

  
\_\_\_\_\_  
Stephen J. Gamatoria  
Director of Administration

MAYOR AND CITY COUNCIL  
OF HAVRE DE GRACE

  
\_\_\_\_\_  
William T. Martin  
Mayor

Introduced/First Reading: 12/18/2023  
Public Hearing: 1/2/2024  
Second Reading/Adopted: 1/16/2024  
  
Effective Date: 1/17/2024