

**CITY OF HAGERSTOWN, MARYLAND**

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF HAGERSTOWN,  
BY ADDING A NEW CHAPTER 232, TO BE , ENTITLED  
*VACANT COMMERCIAL STRUCTURES*,  
WHICH CHAPTER PROVIDES FOR LICENSING AND INSPECTION OF VACANT  
COMMERCIAL STRUCTURES AND PENALTIES FOR A VIOLATION THEREOF**

**RECITALS**

**WHEREAS**, the City of Hagerstown is charged with promoting and ensuring public safety, health and welfare, and

**WHEREAS**, the Mayor and Council have found that the existence of vacant structures within the corporate limits lend themselves to the deterioration of said structures, reduction in property values, and pose an increased opportunity and risk of crime, fire, and health and safety hazards; and

**WHEREAS**, in order to ensure the safety of first responders and emergency personnel, to ensure the health and safety of the public in general, and to support property values within the corporate limits of the City, the Mayor and Council find it to be in the best of interests of the citizens of the City of Hagerstown to enact the following legislation;

**NOW THEREFORE, BE IT RESOLVED, ENACTED AND ORDAINED** by the Mayor and Council of the City of Hagerstown, Maryland, as its duly constituted legislative body as follows:

**SECTION 1.** The Code of the City of Hagerstown is hereby amended by adding thereto a new Chapter, to be Chapter 232, *Vacant Commercial Structures*, to read as follows:

**§232-1. Purpose.**

The purpose of this chapter is to promote and assure public safety, health and welfare, to prevent deterioration of vacant commercial structures in the C3 Zoning Districts of the City of Hagerstown, to support property values, and to encourage responsible management and use of vacant commercial structures through licensing and inspections.

**§232-2. Definitions.**

- A. CITY – City of Hagerstown, Maryland.
- B. COMMERCIAL STRUCTURE – Any structure in a C3 Zoning District that contains one or more street level commercial spaces, including, any such structure that contains other space(s) on upper level(s) used for any purpose.
- C. DEPARTMENT – The Engineering and Inspections Department of the City.
- D. OWNER – Any person, partnership, association, company, corporation or other entity having a legal or equitable interest in or control of a vacant commercial structure, excluding a mortgagee or lien holder. Owner shall also mean any person who, alone,

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jointly or severally, shall have the charge, care, or control of any vacant commercial structure as executor, administrator, trustee or guardian of the estate or person of the owner. Owner shall also mean any person having any interest in a partnership, association, company, corporation, or other entity which owns or has any ownership interest or control of a vacant commercial structure. Any person, firm, partnership, association, company, corporation or other entity whose name appears on the deed or property tax bill for the premises of a vacant commercial structure.

- E. PREMISES – Any single parcel or lot of real property in the City, including the land and all improvements or structures, upon which a vacant commercial structure is located.
- F. VACANT COMMERCIAL STRUCTURE – Any commercial structure that contains one or more vacant street level spaces that have not been occupied for a commercial purpose for a continuous six (6) month period. Vacant Commercial Structure shall also mean a structure with a vacant upper level as defined herein. For calculation of the continuous six (6) month period required to satisfy the definition of Vacant Commercial Structure, the following periods of time shall not be included: (i) the one (1) year period immediately following the issuance of a use and occupancy permit for new construction; and (ii) any period of time during which active work is being legally performed pursuant to a valid permit issued by the City.
- G. VACANT UPPER LEVEL – Any Commercial Structure that does not contain street level vacancies pursuant to §232.2.F., but in which at least 50% of the upper level spaces have been vacant for a continuous six (6) month period.

### **§232-3. Vacant Commercial Structure License Required.**

It shall be unlawful for the owner(s) of any vacant commercial structure to fail to apply for and obtain a Vacant Commercial Structure License and abide by the inspection requirements contained in this Chapter.

### **§232-4. Application; License Fee.**

In addition to the inspection requirements of Section 232-5 of this Chapter, an applicant for a Vacant Commercial Structure License shall provide the following information for each vacant commercial structure on the appropriate application form provided by the Department.

- A. The address of the vacant structure.
- B. The number and location of the spaces 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 commercial 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. Except for vacant commercial structures which are deemed so solely by virtue of having a vacant upper level, a non-refundable annual license fee pursuant to the following schedule for each vacant commercial structure:

| <u>Period of Time Continuously Vacant</u> | <u>Annual License Fee</u> |
|---|---------------------------|
| 6 months to 2 years                       | \$ 250.00                 |
| over 2 years to 4 years                   | \$ 500.00                 |
| over 4 years                              | \$1,000.00                |

**§232-5. Inspection.**

In connection with the application requirements contained in Section 232-4 of this Chapter, the exterior and interior of the vacant structure shall be inspected in accordance with the following schedule:

| <u>Period of Time Continuously Vacant</u> | <u>No. of Annual Inspections</u> |
|---|----------------------------------|
| 6 months to 2 years                       | 1                                |
| over 2 years to 4 years                   | 2                                |
| over 4 years                              | 4                                |

All inspections conducted hereunder shall be conducted by the Department and shall be performed pursuant to the standards then currently adopted. Interior inspections shall be limited to the vacant portion(s) of the structure for compliance with all applicable property maintenance, fire and other City codes for vacant, unoccupied structures.

**§232-6. Issuance of license; renewal.**

Upon receipt of a completed application form, full payment of the appropriate fee and completed inspection revealing compliance with all applicable code sections, the Department shall issue a license for the subject vacant commercial structure. 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 Department.

**§232-7. Denial; Revocation or Suspension.**

A vacant commercial structure license may be denied, revoked or suspended at any time by the Department if, after receipt of a notice of violation, the owner fails to eliminate violations of the applicable code sections identified during any inspection within the time ordered in the notice. Denial, revocation or suspension of a vacant commercial structure license shall be in addition to, and not in substitution of the penalties provided for in Section 232-9 of this Chapter.

**§232-8. 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 effect the other provisions or applications of this Chapter which can be given effect without the invalid provision or application.

**§232-9. Violations and Penalties.**

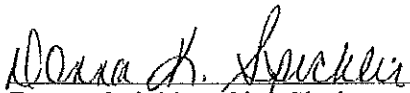
In addition to the sanctions outlined in §232-7 hereof, any owner violating the provisions of this Chapter shall be guilty of a municipal infraction and subject to a fine of up to one thousand dollars (\$1,000.00). Each day a structure is not in compliance with this Chapter shall be deemed a separate and distinct violation.

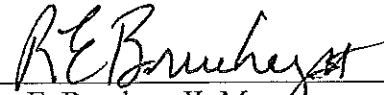
**SECTION 2.** Effective Date. This Chapter shall become effective immediately upon the effective date of this enacting Ordinance.

**BE IT FURTHER RESOLVED, ENACTED AND ORDAINED** that this enacting Ordinance shall become effective at the expiration of thirty calendar days following its approval.

WITNESS AND ATTEST  
AS TO CORPORATE SEAL

MAYOR AND COUNCIL OF THE CITY  
OF HAGERSTOWN, MARYLAND

  
\_\_\_\_\_  
Donna Spickler, City Clerk

By:   
\_\_\_\_\_  
Robert E. Bruchey, II, Mayor

Date of Introduction: November 28, 2006  
Date of Passage: December 19, 2006  
Effective Date: January 19, 2007

PREPARED BY:  
Urner, Nairn & Boyer, LLC, City Attorneys