

**Town of Riverdale Park
Ordinance Resolution
2007-OR-05**

**Chapter 67
HOUSING STANDARDS**

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§ 67-1. Adoption of standards by reference.

(a) Subtitle 13, Housing and property standards, of the Prince George's County Code, as it may from time to time be amended, is hereby adopted by the Town, and all of the powers, rights and requirements of compliance therein not in conflict with Town Charter, this Code, or Town regulations, may be exercised by the Town.¹ However, all references in Chapter 13 of the County Code (or the International Property Maintenance Code which the County Code currently incorporates) to the appointment, discipline, employment and termination of any property or code enforcement personnel or to a board of appeals shall not be effective in the Town.

(b) The Code Official shall be the Town Administrator, his/ her designee or any code enforcement officer **or building inspector** of the Town.

§ 67-2. Unsafe structures and equipment.

(a) General. When a structure or equipment is found by the Code Official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this Code. For purposes of this Chapter, condemnation means a declaration of illegality, danger or unfitness and does not include taking of property for compensation by a governmental unit.

(1) Unsafe Structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the

A copy of the complete text of the standards adopted herein is on file at Town Hall

occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

(2) Unsafe Equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

(3) Structure Unfit for Human Occupancy. A structure is unfit for human occupancy whenever the Code Official finds that such structure is unsafe, or because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this Code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

(4) Unlawful Structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this Code, or was erected, altered or occupied contrary to law.

(b) Closing of vacant structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the Code Official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the Code Official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

(c) Notice. Whenever the Code Official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with §67-6(c). If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in §67-6(b).

(d) Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the Code Official shall post on the premises or on defective equipment a placard bearing the word "condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

(1) Placard Removal. The Code Official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and

placarding action were based have been **eliminated**. Any person who defaces or removes a condemnation placard without the approval of the Code Official shall be subject to the penalties provided by this Code.

(e) Prohibited occupancy. Any occupied structure condemned and placarded by the Code Official shall be vacated as ordered by the Code Official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this Code.

§ 67-3. Emergency measures.

(a) Imminent danger. When, in the opinion of the Code Official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Code Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Code Official shall cause to be posted at each entrance to such structure a notice reading as follows: "this structure is unsafe and its occupancy has been prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

(b) Temporary safeguards. Notwithstanding other provisions of this Code, whenever, in the opinion of the Code Official, there is imminent danger due to an unsafe condition, the Code Official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted, and shall cause such other action to be taken as the Code Official deems necessary to meet such emergency.

(c) Closing streets. When necessary for public safety, the Code Official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

(d) Emergency repairs. For the purposes of this section, the Code Official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

(e) Costs of emergency repairs. The legal counsel of the Town shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

(f) Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the Town, be afforded a hearing as described in this chapter.

§ 67-4. Demolition.

(a) General. The Code Official shall order the owner of any premises upon which is located any structure, which in the Code Official's judgment is so dilapidated or has become so out of repair as to be dangerous, unsafe, **unsanitary** or otherwise unfit for human habitation or occupancy, such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than one year, to demolish and remove such structure.

(b) Notices and orders. All notices and orders shall comply with §67-6.

(c) Failure to comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the Code Official shall cause an action to be filed in the court for demolition and recovery of all costs and fees (including attorney and expert fees) incurred in the enforcement of this subsection. The cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

(d) Salvage materials. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

§ 67-5. Appeals.

(a) Designation of Housing Review Board. The Housing Review Board as established in §55-9 is designated to hear appeals from the application of this chapter.

(b) Rules of Procedure. All persons challenging an action under the provisions of this chapter may, within ten (10) days of date of violation notice, request a hearing before the Board. The hearing request will be on forms provided by the town administrator and shall be filed with the town administrator, who will notify the appellant in writing of the time and place set for the hearing. Within thirty (30) days of the filing of the notice of hearing, the Housing Review Board shall conduct a hearing at which time an opportunity shall be given to both the person(s) challenging and the town staff to present evidence. The hearing shall be open to the public. **The Board shall maintain minutes and records of all such hearings.** Within ten (10) days after the hearing, the Board shall present its findings of fact and decisions. Said decisions may either reverse, modify, or affirm the action taken by the town's code enforcement officer or by the person(s) or firm designated. The decision of the Housing Review Board shall be final.

(c) Failure to abide by the decision of the Housing Review Board shall constitute a violation of this chapter.

§ 67-6. Notices and orders.

(a) Notice to person responsible. Whenever the Code Official determines that there has been a violation of this Code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in §§b and c, immediately below, to the person responsible for the violation as specified in this Code. Notices for condemnation procedures shall also comply with §67-2(c).

(b) Such notice prescribed in §a shall be in accordance with all of the following:

- (1) be in writing.
- (2) include a description of the real estate sufficient for identification.
- (3) include a statement of the violation or violations, why the notice is being issued and the day and time the violation was discovered.
- (4) include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Code.
- (5) inform the property owner of the right to appeal.
- (6) include a statement of the right of the Town to file a tax lien.

(c) Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

- (1) delivered personally to the tenant if any, and to the owner of record; or
- (2) sent by certified mail addressed to the last known address of the owner and the tenant, if any, so long as a copy thereof shall be posted in a conspicuous place **on**/ or about the structure affected by such notice.

(d) Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Code Official and shall furnish to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

§ 67-7. Stop Orders.

(a) Whenever any work is being done without a permit, when such is required by this Code, or in violation of the provisions of this Chapter or in exception with the term of any permit issued for such work, the Town Administrator or his or her duly authorized representative, or -Code Officer, **or Building Inspector or Police Officer** may order all or part of the work on the job stopped until such violation or exception is eliminated and the work or installation made in violation of this subtitle is corrected. Such stop order, if oral, shall be followed by a written stop order within twenty-four (24) hours (excluding **Saturday, Sunday** or holidays).

(b) It shall be unlawful to do or perform any work in violation of such stop order, except as may be necessary to prevent injury or damage to persons or property or to correct the violation.

(c) The stop order shall contain, or be accompanied by, a written notice indicating that there is a right to a hearing within a reasonable time before the **Housing Review Board per § 67-5**

§ 67-8. Reserved.

§ 67-9. Reserved.

§ 67-10. Violations and penalties.

(a) Unless otherwise provided, violations of this Chapter shall be punishable as a municipal infraction and the fine for any single initial violation shall be one hundred dollars (\$100.), with the fine for each repeat of that offense shall be two hundred dollars (\$200.).

(b) The fine for any single initial violation of **Section 67-7** shall be two hundred fifty (\$250.00) and the fine for each repeat of that offense shall be five hundred dollars (\$500.00).

(c) In addition to the penalties prescribed above, the Town shall have the right to institute injunction, mandamus or any other appropriate civil action or proceeding to prevent violations of this chapter. The provisions of the real property article of the Maryland Code §14-120, as amended, shall be followed when they apply to the proceeding.

(d) Where a municipal infraction citation has been issued for a violation of this Chapter, each thirty-day period following the issuance of said citation during which the violation(s) continues unabated or recurs shall constitute a separate violation for which additional citations may be issued, and additional fines incurred.

Introduced: February 5, 2007

Adopted: April 2, 2007

Effective: _____

Patrick J. Prangley, Town Administrator

Vernon Archer, Mayor