



**Mayor and Town Council
Work Session
Tuesday, February 6, 2024
5:00 pm
Old Fire Hall, 212 W. Green Street, Snow Hill**

ZOOM ID # 874 5319 3693

AGENDA

1. Call to order by Mayor Pruitt
2. Visit from Mike Farlow, chair of the Charter Review Committee
3. Discussion on parking concerns in downtown Snow Hill
4. Discussion on budget adjustment for legal fees
5. Review of draft revised Vacant Property Registration Ordinance
6. Review draft Charter Amendment making Code Official a Department Head
7. Consideration of proposal from SVN for PNC property
8. Additions to Mayor's letter to State Highway Administration for projects
9. Mayor & Council comments
10. Public Comment (limited to three minutes)
11. Adjournment

PLEASE NOTE:

- Meetings will be recorded and available to the public on the website.
- Portions of meetings may be closed under the terms of the State Open Meetings Act as necessary.

This agenda may be subject to change.

If you would like to receive a meeting packet sent to you prior to the meeting, please email Carol Sullivan at csullivan@snowhillmd.com.

TOWN OF SNOW HILL
MAYOR AND COUNCIL

First Reading _____

Second Reading _____

ORDINANCE 2024-03

**AN ORDINANCE TO AMEND CHAPTER 134, ENTITLED PROPERTY MANAGEMENT, ARTICLE II
ENTITLED VACANT BUILDING REGISTRATION
OF THE CODE OF THE TOWN OF SNOW HILL, MARYLAND**

WHEREAS the presence of vacant buildings can lead to neighborhood decline; can create a public nuisance; contribute to lower property values; discourage buyers from purchasing a property adjacent to or in neighborhoods with the aforementioned properties; and

WHEREAS the Mayor and Council of Snow Hill ("Snow Hill") has an obligation to protect its commercial districts from decline and devaluation; and

WHEREAS the special problems associated with vacant buildings requires Snow Hill maintain information on location and ownership of those properties and Snow Hill desires to revise current registration procedures to further facilitate the identification and occupancy of vacant commercial buildings in the Town of Snow Hill ("Town"); and

WHEREAS these changes will enable Snow Hill to better monitor the registered buildings and inform owners of issues that arise concerning said buildings for the purpose of preserving and promoting the public health, safety, and general welfare of the Town;

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE MAYOR AND COUNCIL OF SNOW HILL, THAT CHAPTER 134 ENTITLED PROPERTY MANAGEMENT, ARTICLE II ENTITLED VACANT BUILDING REGISTRATION OF THE CODE OF THE TOWN OF SNOW HILL, MARYLAND BE, AND IT IS HEREBY AMENDED AS FOLLOWS:

CHAPTER 134. Property Management

...

ARTICLE II. Non-Residential and Mixed Use Vacant Building Registration

§ 134-5. Purpose.

A. The purposes of this article are to:

1. reduce vacancy of nonresidential and mixed-use buildings by encouraging property owners to occupy, lease or sell vacant buildings.
2. ensure that owners of vacant buildings are known to the town and other interested parties and can be reached if necessary.
3. ensure that owners of vacant properties are aware of the obligations of ownership under relevant codes and regulations. *(needs code citation)*
4. ensure that owners meet the minimum standards of maintenance of vacant properties. *(needs code citation)*
5. monitor and enforce safety, useability and the condition of vacant commercial properties. *(needs code citation)*

B. The provisions of this article are in addition to and not in lieu of any other applicable provision of the Code of the Town of Snow Hill.

§ 134-6. Definitions.

- (a) **Generally.** For purposes of this article, the following terms have the meanings indicated.
- (b) **Building.** Any combination of materials having a roof and enclosed within exterior walls or firewalls, built to form a structure for the shelter of persons or property.
- (c) **Code Compliance Official. aka Code Official**
- (d) **Commercial Storefront.** Any area within a building that may be individually leased or rented for commercial use in accordance with the Code and Zoning Map.
- (e) **Mixed Use Building.** *(needs definition)*
- (f) **Non-residential Building.** *(needs definition)*
- (g) **Occupied.** A building where one or more persons conducts a lawful business in compliance with all zoning regulations in all or any part of the building as the licensed business occupant, or as the legal owner or tenant or any combination of the same. Evidence offered to prove that a building is so occupied may include, but shall not be limited to, proof of continual electric, gas, heating, and water and sewer services.
- (h) **Owner.** Any person, beneficiary, co-partnership, association, trust, corporation or fiduciary:
 1. With a legal or equitable interest in or control of the property.

2. Having the charge, care or control of any premises as executor, administrator, trustee, or guardian of the estate of the owner; or
 3. Whose name appears on the deed or property tax bill for the property.
- (i) **Property.** *(needs definition)*
- (j) **Property Plan.** Details the owner's plans and timeline for the building to be occupied; its current condition per inspection report; the measures in place to ensure that the building is secured and how it will be maintained, in compliance with the Code.
- (k) **Secured.** A building that has a permanent door or window in each appropriate building opening that is secured to deter vandalism and unauthorized entry, and has all its door and window components, including frames, jambs, rails, stiles, muntins, mullions, panels, sashes, lights and panes intact and unbroken.
- (l) **Unsecured.** A building not continuously secured, maintained, locked or boarded to deter vandalism and unauthorized entry; fails to provide protection from weather damage; and is an attractive nuisance to children, vagrants, criminals, or other unauthorized persons.
- (m) **Vacant building.**
1. "Vacant building" means a building that is not habitually occupied by its owner, a tenant, or other person in lawful possession or at which substantially all lawful use consistent with zoning or building regulations has ceased.
 2. Buildings used for purposes outside of approved uses according to 200-53 Table of Permissible Uses. Non-residential buildings and first floor units of mixed-use buildings being used for purposes other than what their occupancy permit lists, or that do not have an occupancy permit, will be deemed vacant for the purpose of this chapter.
 3. This paragraph applies to buildings located in the B-1, B-2, HC, M-1, M-2 zoning districts with a ground level designed for non-residential occupancy. If more than 50% of the occupiable square footage of the portion of the first floor immediately adjacent to a public right-of-way is vacant, the building will be deemed a vacant building.
 4. "Occupiable square footage" excludes basements, crawl spaces, mechanical rooms, unfinished attics, exterior porches, garages, and other non-occupiable ancillary spaces.
- (n) **Vacant building notice.** A written notice from the Code Official stating that the property has been deemed vacant and requiring that the property be registered in accordance with this ordinance.
- (o) **Vacant Property.** A lot or parcel of real property on which is situated at least one vacant building.
- (p) **Vacant Commercial Building Registration, aka VCBR** *(needs definition)*

134-7. Scope and Administration.

A. **Applicability.** This article applies to non-residential and mixed \-use building designed or used for commercial uses or purposes that has been vacant for at least ninety (90) consecutive days. Evidence of vacant buildings includes, but is not limited to:

- (1) Attracts illegal activity and calls for service, as documented by the Police Department;
- (2) Is a fire hazard, as determined by the Fire Marshal or as documented by the Fire Department;
- (3) Creates a substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other space within a commercial neighborhood, as documented by business complaints, or cancellations of insurance on adjacent properties or increased cost of insurance;
- (4) Partially constructed, reconstructed, or demolished building or structure upon which work was abandoned, showing no current building or demolition permit or when no substantial work on the project has been done for a period of six consecutive months or more.
- (5) Actual use of the building is not in compliance with the Town Codes. *(needs citation)*

B. **Other Laws.** Nothing in this article should be construed to relieve a property owner from compliance with all applicable federal, state and local regulations.

C. **Regulations.** The Code Official may adopt administrative regulations to implement the provisions of this article.

D. **Exemptions.**

A Written request for exemption must be provided to the Code Official and approved by the Code Official.

134-8. Determination of Vacancy

Generally: This article requires property owners to register their own vacant properties. In addition, based on a complaint or any other information, the Code Compliance Official may determine whether or not a building is vacant. If the Code Official determines that a property has been vacant for at least ninety (90) days Code Officail shall issue a vacant building notice requiring that the property be registered.

Evidence of Vacancy: A condition that on its own or combined with other conditions would reasonably be believed that the property is vacant, which includes, but is not limited to:

- Blight (the exterior of the property is not being maintained in accordance with the Property Maintenance code and any other applicable regulations). *(supply Property Maintenance Code)*
- overgrown or dead vegetation.
- accumulation of newspapers, circulars, or mail.
- past due utility notices or disconnected utilities.

- accumulation of trash or debris.
- windows or doorways are covered or boarded.
- absence of furnishings or items associated with commercial use.
- and statements from neighbors, delivery agents, or government officials, etc. that the property is vacant.

134-9. Registration.

A. Requirement.

- (1) The owner of any and each vacant building shall register the building with the Code Official by submitting the VCBR form and additional documentation required by the Town with the required fee in accordance with this section. Registration shall be required for all vacant buildings, whether vacant and secured, vacant and unsecured, or vacant and boarded, whenever any building within ninety (90) days of the property becoming vacant or within 90 days of the owner's receipt of a vacant building notice.
- (2) If a person assumes ownership of a vacant property that has not been registered, the new owner shall register the property within 90 days of assuming ownership.
- (3) An owner shall register the property on an annual basis for as long as the property remains vacant. The annual renewal must be accompanied by a filing fee as established in this ordinance.

B. Contents. The VCBR form will include:

- (1) The property address of each vacant building.
- (2) The names, addresses, phone numbers, email addresses and any other contact information of all owners of the property.
- (3) The name, address telephone number and email address and any other contact information of any local agent or representative.
- (4) Names, addresses, and telephone numbers of all persons having any ownership interest in the building or premises, including any mortgagees.
- (5) The legal description and tax account number of the vacant building.
- (6) The date on which the building became vacant.
- (7) An explanation as to the reason for the vacancy of the property.
- (8) The length of time the owner expects the building to remain vacant. A property plan statement including the proposed rehabilitation or improvements and maintenance to be made to the structure so as to make the structure safe, suitable and presentable for its intended use, and a description of what will be done to secure the structure so that it will not become open to the general public. Said plan shall also include a schedule to address any existing infractions and to repair any doors, fences, windows or other openings which are boarded up or otherwise secured by any means other than conventional methods used in the design of the building or permitted for new construction.

- (9) A grant of permission signed by the owner or his agent and plan of access of sufficient frequency to allow entry to the interior by the Code Official or a sworn police officer to ensure the premises is in good repair, structurally sound, sanitary and weatherproof.
- (11) Whenever the owner proposes to demolish the vacant building, the owner shall include in said plan a time schedule for such demolition and obtain the necessary permit(s) as required by other law; and
- (12) Any other information, duty or obligation deemed reasonable and necessary by the Town as is consistent with this Article.

C. Update of information. A property owner has a continuing obligation to ensure that the information provided at the time of registration remains valid.

If at any time the information is no longer valid, the owner shall notify the Code Officer of the change, in writing, within 15 days of the change. If a vacant property is transferred, the new owner shall notify the Officer within 30 days of the transfer and submit the name, address, telephone number, and email address of the new owners and any changes to the property plan.

D. Removal. If a vacant building becomes occupied at any time after the registration, the owner shall notify the office in writing along with corroborating documentation and request that the building be removed from the VBR, the town shall remove such building from the registry within 30 days of the filing of the notice unless the town determines that there is evidence of vacancy and reason to believe that the building is vacant and subject to registration.

134.10 Inspections.

Commercially zoned buildings shall obtain and provide a copy of a property inspection report from a Maryland Licensed Contractor, Maryland Licensed Architect, or Professional Engineer on its initial registration and every (2) years thereafter. The cost of said inspection report shall be paid by the owner.

In the off years, the building may be inspected by the Code Official.

The fee for this inspection is \$200.00.

134.11 Fees.

First Year Registration	\$500
Second Year Registration	\$1000
Third Year Registration	\$2000
Fourth Year Registration	\$4000

A. Fee Waivers. Owners are still required to submit a Registration Statement including inspection report and property plan.

(1) Properties undergoing Town permitted renovations, as outlined in the owner's submitted Property Plan, and making substantial progress may receive a one-year registration fee waiver. If by the second year renovations are not complete the second-year fee will be applied.

(2) A building that has suffered fire damage if the cleanup, repair or demolition is completed within one hundred and twenty (120) days from the date of the fire.

134-12. Violations and Penalties.

A. **Municipal infraction.** Any person violating any section of this article shall be guilty of a municipal infraction punishable by a fine of one hundred dollars (\$100.00) a day. Each day a violation continues will be deemed a separate offense.

B. **Additional remedies.** In addition to subsection A, the Town may pursue any action available at law or in equity to remedy violations of this article.

134-13. Appeals.

(a) **The Board of Zoning Appeals**

(b) **Notice and Grounds:** The owner shall have thirty (30) days from the date of the vacant building notice to appeal the determination and to provide evidence in writing to the Code Official showing proof that the property is not vacant. Upon receipt, the Code Official will schedule a hearing within ten (10) days before the Board of Zoning Appeals for a final determination as to whether or not the building or structure is vacant and/or blighted.

(c) **Stay:** The filing of a notice of appeal will not stay the order or action of the Code Official.

(d) **Hearing:** Within thirty (30) days after filing a notice of appeal, the Board will convene to hear the appeal. At the hearing, the owner may appear and be heard or may be represented by an agent or attorney. The owner and the Code Official may testify, present documents and other evidence, including witness testimony, and cross-examine witnesses. The Board shall consider all relevant evidence submitted at the hearing. The owner has the burden of persuasion to show by a preponderance of the evidence that the Code Official's determination of vacancy was incorrect.

(e) **Decision:** Within 15 days after the hearing, the Board shall issue a written decision affirming or reversing the findings of the Code Official as specified in the vacant building notice. If the Board affirms the Code Official's findings, the owner shall register the vacant building within thirty (30) days after the owner's receipt of the written decision.

134-14. Taxation.

A vacant property that remains vacant for a period of at least three (3) years will be deemed a habitually vacant property for tax purposes and subject to a higher tax rate than other property within the Town. The tax rate for habitually vacant property will vary depending on the number of years the property has been vacant, as follows:

3 years vacant	2x normal tax rate	
4 years vacant	2.5x normal tax rate	
5 years vacant	3x normal tax rate	
6 years vacant	3.5x normal tax rate	
7 years vacant	4 x normal tax rate	
8 years vacant	4.5 x normal tax rate	
9 years vacant	5 x normal tax rate (max)	

INTRODUCED at a meeting of the Council of Snow Hill, Maryland held on _____, 2024.

ADOPTED AND PASSED, by the required vote of the elected membership of the Council and approved by the Mayor at its meeting held on _____, 2024.

ATTEST:

RICHARD POLLITT, Town Manager

MICHAEL PRUITT, Mayor

Approved as to form: _____

DIANA WALSH,
Central District Councilwoman

MAUREEN HOWARTH

JANET SIMPSON,
Eastern District Councilwoman

Ayres, Jenkins, Gordy & Almand, P.A.
Office of Town Solicitor

MARGARET ANN FLETCHER,
Western District Councilwoman

Charter Amendment
To Section 66 and to 18(b)

Section 66. Code Compliance Official/Planning Department

The Mayor with the approval of the Council shall appoint a Code Compliance Official who shall have Operational Control over the Planning Department. Her or His compensation shall be determined by the Council. The Code Compliance Official may be terminated by the Mayor, with the approval of a majority of the Council, and only “for cause” (as that term is defined in section 18(b) of the Charter.).

- She/He shall be the Head of the Department (Planning?)
- She/He may hire and oversee additional staff, full or part-time, as needed to fulfill all responsibilities of the Department.
- Her/His duties shall be set forth in the Town’s Zoning Ordinance which shall be consistent with Article 66—B of the Annotated Code of Maryland.
- She/He shall appear before the Mayor and Council at the monthly Town Meeting (as instituted in the Charter) to give a detailed report including, but not limited to, Rental Inspections and Permits, Vacant Building Inspections and Registration, Follow-up on Complaints, Active Building Permits and Construction,
- Attend Monthly Planning Commission Meetings and advise