



Ordinance No. 2025-01
Introduced by Town Council 02/09/25
Public Hearing 04/14/25
Enacted 04/14/25
Effective 05/13/25

**Ordinance to Require the Registration of Vacant Properties and Establish
Vacant Property Maintenance
and Security Standards, Amending Articles I and IX**

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

WHEREAS, the Washington Grove Town Council wishes to protect the integrity of the Town's Historic District as described in the National Register of Historic Places; and

WHEREAS, the Town Council wishes to protect the Town from decline and devaluation; and

WHEREAS, vacant properties pose significant risks to the health, safety, and well-being of the Town and its residents; and

WHEREAS, such properties can become breeding grounds for rodents, insects, and other pests, leading to potential infestations and associated health hazards; and

WHEREAS, these properties may present serious fire hazards due to neglect and deterioration, increasing the risk of accidental fires and compromising the safety of nearby homes and structures; and

WHEREAS, the Town Council wishes to establish a vacant property registration program as a mechanism to protect residential and commercial neighborhoods; and

NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the Town of Washington Grove, to adopt registration, maintenance and security standards for vacant properties by hereby amending Article I by renumbering Sections 14 through 18 as Sections 15 through 19, and adding a new Section 14 titled "Vacant Properties," and also amending Table I in Article IX, to read as follows:

ARTICLE I

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Section 14. Vacant Properties

14.1 Vacant Properties—Nuisance

Vacant Properties as defined in this Section 14 may pose significant risks to the health, safety, and well-being of the Town and its residents, and are hereby proclaimed to be a public nuisance.

14.2 Definitions

For the purposes of this Section, the following words have the following meanings:

“Beneficiary” - a lender or other entity under a note secured by a deed of trust or mortgage lien.

“Building” - a structure with a roof supported by columns or walls to serve as a shelter or enclosure.

“Municipal Infraction Citation” - a civil action issued for violation(s) of this Section, enforced in accordance with the Town of Washington Grove Article I, Section 13.4-6 by the Mayor of the Town of Washington Grove, or designee.

“Evidence of vacancy” - conditions that would lead a reasonable person to believe that the property is vacant. Such conditions include but are not limited to: overgrown and/or dead vegetation; accumulation of newspapers, circulars, flyers and/or mail; past due utility notices and/or disconnected utilities; accumulation of trash, junk and/or debris; broken or boarded windows; abandoned vehicles and/or auto parts or materials; the absence of window coverings such as curtains, blinds and/or shutters; the absence of furnishings or the accumulation of contents not compatible with occupation; and/or verified statements by persons with personal knowledge of the occupancy of the property.

“Non-transient occupancy” - continuous residential occupancy of a dwelling unit of thirty days or more, as opposed to staying temporarily, like in a hotel or short-term rental.

“Notice of Violation” - a notice that a violation has occurred in accordance with the requirements of this Section, normally resulting in a citation.

“Occupied” - the use of one’s property for residential, commercial, or institutional purposes on a regular basis (see definition of “vacant”).

“Owner” - the person or entity having record title to the property as shown in the Land Records of Montgomery County, Maryland.

“Property” - any unimproved or improved real property, or portion thereof, situated in the Town of Washington Grove including all improvements located on the property regardless of condition.

“Responsible party” - the owner, or tenant, of the property, any person/entity with control of a property by reason of a mortgage, deed of trust or similar instrument securing the property, or a trustee in bankruptcy involving the property. . Responsible parties may designate others to represent them, such as a property management entity, for notice and contact purposes.

“Security” - measures that assist in rendering the property inaccessible to unauthorized persons, including but not limited to the repairing of fences and walls, chaining/padlocking of gates, the repair or boarding of door, window and/or other openings. Locking includes measures that require a key, keycard, tool or special knowledge to open or gain access.

“Vacant Property” - no person or persons currently conducting a lawful business or lawfully residing or living in any part of the building or structure on a permanent, greater-than-thirty days/non-transient basis. A property is vacant when there is no presence of persons who have a legal right to be on the premises, or all lawful business or construction activity has substantially ceased for a period of a year. In the case of mixed-use buildings, a portion of the building which meets these criteria may also be deemed vacant. Further clarification:

- Residential - Buildings and structures that are kept furnished, have utilities connected or in use, and have property maintained during the owner's absence are not deemed vacant until they are unoccupied for a duration longer than a year.
- Construction - A building or structure that is under active construction or undergoing active rehabilitation, renovation or repair, pursuant to a valid building permit to make the building fit for occupancy that was issued, renewed or extended within a year is not a vacant property required to register as vacant under this Ordinance. A year cessation of active construction, rehabilitation, repair or demolition activity will result in the property being deemed a vacant property and subject to the registration, security, and maintenance requirements of this Ordinance, unless good cause is shown for the cessation.
- Sale/Rental - A building that the owner or owner's agent is actively trying to sell or rent, as evidenced by a sign posted on the property advertising the property for sale or rent with contact information and current telephone number, listing agreement with realty contact information, MRIS or MLS electronic listing, or other advertisement of sale or rent, shall not be considered a vacant property provided that the time period for sale or rent shall not exceed six months (180 days) from the initial listing, offer or advertisement of sale or rent. The exemption from vacant property registration for a building for sale or rent may be extended for an additional period for good cause upon application to the mayor. Notwithstanding any other provision of this sub-paragraph, after one year of being actively for sale or rent, the property shall be declared vacant and must be registered in accordance with the requirements of this Ordinance.

- Fire Damaged Property The owner of a building damaged or demolished due to fire or other casualty must apply for a building permit within 90 days from the date of the fire or other casualty event to construct, rehabilitate, repair or demolish the building and must commence work within 30 days of permit issuance. Failure to do so, or the cessation of active construction, rehabilitation, repair or demolition activity for more than 30 days, unless good cause is shown, will result in the property being deemed a vacant property and subject to the registration, maintenance, and security requirements of this Ordinance.

“Vacant Property Registry” - the official record of vacant property registered with the Town in accordance with the requirements of this Ordinance.

14.3 Registration of Vacant Properties

A Vacant Properties Registry is established.

- (a) The responsible party shall register a property once it becomes vacant as defined herein by completing and submitting the *Vacant Property Registration Form* to the Town, along with the required fee, and shall re-register the property annually on July 1 for so long as it remains vacant.
- (b) The responsible party shall inform the Town of any pending action, such as bankruptcy, probate or other court or administrative action, that would prohibit the responsible party from taking any of the actions required by this Ordinance.
- (c) The Vacant Property Registration Form shall include the following:
 - i. The address of the vacant property
 - ii. The name, current street/office mailing address, telephone number, and email of all owners of the vacant property
 - iii. The direct contact name, current street/office mailing address, telephone number, email and emergency contact of the responsible party
 - iv. An explanation as to the reason for the vacancy of the property
 - v. An insurance declarations page/certificate of property and casualty insurance in an amount equal to or greater than the current tax assessed value of the property
 - vi. Certificate of inspection by a licensed pest company verifying that there is no ongoing pest infestation
 - vii. If electricity is on, confirmation that fire code compliant fire alarms are installed with connection to an outside alarm

viii. If electricity is off, confirmation that the water to the building(s) is turned off to prevent potential flooding during a weather freeze

ix. Documentation of any oil or propane tanks and their location on the property.

(d) Registration of a Vacant Property shall be valid and effective for a period not to exceed one year, beginning July 1 and ending the next June 30, and shall be renewed annually thereafter until the property is no longer a Vacant Property.

(e) The Town will notify the responsible party of the requirement to reregister a property each July 1 for so long as it is vacant.

(f) A Vacant Property shall comply with the registration requirement, and the security and maintenance standards in this Section so long as the property is vacant.

14.4 Requirement to Keep Vacant Property Registration Current

(a) Current Information. The responsible party must notify the Town of any changes in the information contained on the Vacant Property Registration form within 15 days of the change.

(b) Removal from Registry. The responsible party shall notify the Town when a vacant property is no longer vacant as defined herein, and will provide corroborating evidence, within 15 days of the event, and shall request that the building be removed from the vacant property registry. The Town shall remove such building from the registry within thirty (30) days of receiving the written notice of occupancy, unless the Town determines that there is evidence of vacancy or reason to believe that the building is vacant and subject to registration.

14.5 Registration Fee

(a) The application/annual fee for registering or reregistering a vacant property shall be \$200.00, payable to the Town of Washington Grove and submitted to the Town, along with the required Registration Form and all supporting information and documentation.

(b) The annual registration fee period is July 1 through June 30 of the following year.

(c) Unpaid registration fees shall be charged a late fee of 2% for each month or portion of a month that the registration fee remains unpaid. Unpaid fees are also subject to citation and a fine as described below.

(d) Registration fees are non-refundable and are not prorated in the event a registration fee is paid for a partial year.

14.6 Vacant Property Maintenance and Security Requirements.

(a) Maintenance Requirements. The responsible party of a vacant property shall comply with the following maintenance requirements:

- (1) Exterior maintenance standards – Shall comply with the maintenance standards as found in Chapter 26 of the Montgomery County Code.
- (2) Interior maintenance standards – Shall comply with the maintenance standards as found in Chapter 26 of the Montgomery County Code.

Adherence to the maintenance requirements of this section does not relieve the responsible party of any obligations set forth in any Montgomery County Maryland, State of Maryland, or Federal rules and regulations which may apply to the property.

(b) Inspections. The mayor or designee may require an inspection of any premises for the purpose of enforcing and assuring compliance with the provisions of this Ordinance. Upon the request of the mayor or designee, the responsible party shall provide access to all exterior and interior portions of a vacant property in order to permit a complete inspection.

(c) Posting of Notices. Vacant property required to be registered in accordance with this Ordinance shall be posted with the name and a 24-hour contact telephone number of the responsible party.

- (1) The notice to be posted shall be provided by the Town at the time of registration.
- (2) The notice shall be placed on the interior of a window facing the street or alley to the front and back of the property and shall be clearly visible to any passerby.
- (3) Alternatively, the notice may be secured to the exterior of the front and back door or the building/structure facing the street and/or alleyway, protected from the elements, so that it is clearly legible and visible.

14.6 Violations and Enforcement

(a) Vacant Property not registered.

- (1) The Town will issue the responsible party a written notice of a violation of the requirements of this section and state the required actions to be taken to come into compliance.
- (2) A responsible party that fails to register a vacant property within 30 days of Notice is subject to a late fee of \$200.

(b) Unpaid fees.

- (1) A responsible party that fails to comply with the requirements of this section is in violation and subject to a municipal infraction citation and fines administered as described in Article IX Penalties-Enforcement-Severability.
- (2) Unpaid fees and fines may subject the property to a lien and collection in the same manner as unpaid taxes are collected.

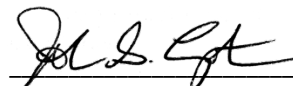
ARTICLE IX, Table I Municipal Infractions

VIOLATED ARTICLE & SECTION	FINE
Article I Sections 1 - 12, <u>14</u>	\$100 per violation, per day
Article II All Sections	\$100 per violation, per day
Article III Section 2 and 3	\$25 per violation, per day
Article III. Section 7	\$100 for the first violation, and \$250 for subsequent violations
Article III. Section 8 and 9	\$25 per violation
Article III Section 11	\$250 per ton over the limit
Article III Section 12	\$25 per violation
Article VI All Sections	\$100 per violation
Article VII All Sections	\$100 per violation, per day
Article XIV All Sections	\$0.30 per square foot of non-compliance, or \$1,000 per violation, per day

PART 4. EFFECTIVE DATE: This Ordinance shall become effective 30 days from the date of enactment hereof in the absence of a petition by qualified voters as set forth in Section 15 of the Charter of the Town.

ENACTED THIS 14th DAY OF April, 2025.

TOWN OF WASHINGTON GROVE



 Mayor

ATTEST:

 Town Clerk