

An Ordinance Providing for the Vacation, Removal, Repair, or Demolition of Any Building or Structure Which Is or Threatens to Be a Public Nuisance, Dangerous to the Health, Morals, Safety, or General Welfare of the People of the Town of Mardela Springs, or Which Might Tend to Constitute a Fire Menace; and for the Assessment of the Cost of Vacation or Demolition Thereof as a Municipal Lien or Assessment Against Such Premises and to Provide for the Recovery of Such Costs in an Action of Law.

WHEREAS, in the Town of Mardela Springs, there are or may in the future be buildings or structures which are dilapidated, unsafe, dangerous, insanitary, a menace to the health, morals, safety, and general welfare of the people of this Town, and which might tend to constitute a fire menace, and which are now a public nuisance;

Be It Therefore Ordained by the Commissioners of Mardela Springs as follows:

Sec 1. Dangerous Buildings Defined. All buildings or structures which have any or all of the following defects shall be deemed "dangerous buildings";

(a) Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.

(b) Those which, exclusive of the foundation, show thirty-three (33) percent or more, or damage or deterioration of the supporting member or members, of fifty (50) percent of damage or deterioration of the non-supporting, enclosing or outside walls or coverings.

(c) Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals, or the general health and welfare of the occupants or the people of the Town of Mardela Springs.

(d) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.

(e) Those which have become or are so dilapidated, decayed, unsafe, insanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease so as to work injury to the health, morals, safety, or general welfare of those living therein.

(f) Those having light, air, and sanitation facilities which are inadequate to protect the health, morals, safety, or general welfare of human beings who live or may live therein.

(g) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication.

(h) Those which have parts thereof which are so attached that they may fall and injure members of the public or property.

(i) Those which because of their condition are unsafe, insanitary or dangerous to the health, morals, safety or general welfare of the people of the Town of Mardela Springs.

Section 2. Standards for Repair, Vacation or Demolition.

The following standards shall be followed in substance by the Commissioners of Mardela Springs, the Fire Marshal, or the Building Inspector in ordering repair, vacation, or demolition:

(a) If the "dangerous building" can reasonably be repaired so that it will no longer exist in violation of the terms of this ordinance it shall be ordered repaired.

(b) If the "dangerous building" is in such condition as to make it dangerous to the health, morals, safety or general welfare of its occupants it shall be ordered vacated.

(c) If any case where a "dangerous building" is 50 percent damaged or decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this ordinance it shall be demolished.

Section 3. Dangerous Buildings - Nuisance. All "Dangerous buildings" within the terms of Section 1 of this ordinance are hereby declared to be public nuisances, and shall be repaired, vacated, or demolished as hereinbefore and hereinafter provided.

✓ Section 4. Duties of Building Inspector. The building inspector shall:

(a) Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this ordinance.

(b) Inspect any building, wall or structure reported by the Mardela Springs Fire Company, a police officer of the Town of Mardela Springs or a Town Commissioner as probably existing in violation of the terms of this ordinance.

(c) Notify in writing the owner, occupant, lessee, mortgagee or other person or persons having an interest in said building as shown by the Land Records of Wicomico County, Maryland of any building found to be a "dangerous building" within the standards of Section 1 of this ordinance, that: (1) the owner must vacate, or repair, or demolish said building in accordance with the terms of the notice of this ordinance; (2) the occupant or lessee must vacate said building or may have it repaired in accordance with

the notice and remain in possession; (3) the mortgagee, agent or other persons having an interest in said building as shown by the Land Records of Wicomico County, Maryland may at his own risk, repair, vacate, or demolish said building or have such work or act done; Provided, that any person notified under this subsection to repair, vacate or demolish any building shall be given such reasonable time, not to exceed 90 days, as may be necessary to do, or have done, the work or act required by the notice provided for herein.

(d) Appear at all hearings conducted by the Commissioners of Mardela Springs and testify as to the condition of any "dangerous building."

(e) Place a notice on all "dangerous buildings" reading as follows:

"This building by order of The Commissioners of Mardela Springs has been determined to be a dangerous building. This notice is to remain on this building until it is repaired, vacated or demolished in accordance with the notice which has been given the owner, occupant, lessee, mortgagee or agent of this building as shown by the Land Records of Wicomico County, Maryland. It is unlawful to remove this notice until such notice is complied with."

Section 5. Duties of The Commissioners of Mardela Springs with respect hereto.

The Commissioners of Mardela Springs shall:

(a) Upon receipt of a report as hereinbefore provided give the written notice as required herein setting a time and place for an appearance before them to show cause why the building or structure reported to be a "dangerous building" should not be repaired, vacated, or demolished in accordance with the statement of particulars set forth in said notice.

(b) Hold a hearing and hear such testimony as shall be offered relative to the "dangerous building".

(c) Make a written finding of fact from the testimony offered and pass an order based upon said finding or fact either dismissing the complaint or requiring the interested parties to vacate, repair or demolish the building or structure and further providing that should the owner, occupant, tenant, lessee, mortgagee or agent fail within a period of 20 days to comply with said order that The Commissioners of Mardela Springs shall cause such building or structure to be vacated or demolished as the facts may warrant and shall cause the costs of such vacation or demolition to be charged against the land on which such building exists or existed as a municipallien, or to be recovered in a suit at law against the owner, Provided, that in cases where such action is desirable The Commissioners of Mardela Springs may authorize and direct the Town Attorney to take legal action to compel the owner either to make all necessary repairs or demolish the building.

(d) Report to the Town Attorney the names of all persons not complying with the order provided for herein.

Section 6. Violations - Penalty for Disregarding Notices or Orders.

The owner of any "dangerous building" who shall fail to comply with any notice or order to repair, vacate, or demolish said building given by any person authorized by this ordinance to give such notice or order shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding Fifty Dollars (\$50.00) for each offense and a further sum of Five Dollars (\$5.00) for each and every day such failure to comply continues beyond the date fixed for compliance.

The occupant or lessee in possession who failes to comply with any notice to vacate and who failes to repair said building

in accordance with any notice given as provided for in this ordinance shall be guilty of a misdemeanor and upon conviction there shall be fined not exceeding Fifty Dollars (\$50.00) for each offense and a further sum of Five Dollars (\$5.00) for each and every day such failure to comply continues beyond the date fixed for compliance.

And person removing the notice provided for in Section 4 Subsection (e) hereof shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding Twenty Five Dollars (\$25.00) for each offense.

Section 7. Administrative Liability. No officer, agent, employee of the Town of Mardela Springs shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this ordinance. Any suit brought against an officer, agent, or employee of the Town of Mardela Springs as a result of any act required or permitted in the discharge of his duties under this ordinance shall be defended by the Town Attorney until the final determination of the proceedings therein.

Section 8. Separability. It is the intention of the Town Commissioners that each separate provisions herein, and it is further the intention of the Town Commissioners that if any provision of this ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

Introduced this 14 day of April, 1955.

Adopted this 28 day of April, 1955.

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