

Ordinance 01-2025

Structures, Unsafe

Chapter 188 Structures, Unsafe
Article I

188-1 Scope.

The provisions of this ordinance shall apply to all existing residential and nonresidential structures and all existing premises and shall constitute the minimum requirements and standards for safety and occupancy of existing structures and premises.

188-2 Purpose.

To provide measures for identifying and addressing structures and premises deemed unsafe and/or blighted by the Code Official of the Town of Lonaconing, and the abatement and enforcement thereof.

188-3 Authority.

This ordinance is authorized under Section 382, Item 2 of the Charter of the Town of Lonaconing.

188-4 Definitions.

Code Official – The person designated by the Lonaconing Mayor and Town Council defined under Chapter 37-1 of the Town of Lonaconing Code.

Structure – Includes buildings, public utilities structures and other freestanding manmade structures anchored to or sitting upon the earth.

Unsafe Structure (Class A) – Structures that have been determined to be structurally unsound as a result of fire, climate events, infestations of insects or vermin, general neglect or inadequate maintenance, and which may pose a treat to human life or neighboring properties. Such structure is one that is found to be dangerous to the life, health, property, or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is possible. A vacant structure that is not secured against entry may, at the discretion of the Code Official, be deemed unsafe. A vacant structure unfit for human habitation and occupancy but not in danger of structure collapse will be considered condemned and must be closed up so as not to be an attractive nuisance. Unsafe structures identified as Class A structures are determined capable of being restored to a safe condition through proper corrective measures.

Unsafe Structure (Class B) – A structure unfit for human occupancy and/or determined to be beyond restoration. Such structure is considered not only unsafe but unlawful because it constitutes a hazard to the general public. A structure of this classification is deemed in danger of structural collapse or has

already collapsed. Where there has been a cessation of normal construction of any structure for a period of two years, such structure will be considered as a Class B structure.

Premises – Exterior property area surrounding the structure and/or the tract of land on the deed.

Responsible Party – The landowner upon which is located an Unsafe/Blighted Structure/Premise as described herein. In the event that property is rented to someone violates this ordinance, the property owner has ultimate responsibility and is subject to penalty.

188-5 Administrative Process.

- (a) The Code Official shall enforce the provisions of this ordinance.
- (b) The Code Official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the Mayor and Town Council.
- (c) The Code Official shall carry proper identification when inspecting structures or premises in the performance of duties under this ordinance.
- (d) The Code Official shall issue all necessary notices or orders to ensure compliance with this ordinance.
- (e) The Code Official shall keep official records of all business and activities during enforcement of this ordinance. Such records shall be retained as long as the structure to which these records relate remains in existence.
- (f) Abatement: The structure determined to be unsafe is permitted to be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of the Code of Public Law of Allegany County, Maryland, Chapter 255, Building Construction.

188-6 Enforcement; Violations and Penalties.

- (a) Upon written notification by the Code Official, the responsible party shall have a 30-day period to abate the violation(s) involving unsafe/blighted premises and shall have a 60-day period to abate Class A unsafe/blighted structures. If, in the Code Official's judgement, the structure has been made safe within the prescribed timeframe, an additional 30 days may be given to correct the blighted condition of the structure. In the event 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 Responsible Party 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. Unsafe structures determined to be Class B violations by the Code Official in that they are incapable of being restored, made safe or sanitary by repair, will be subject to demolition and removal. The Responsible Party shall have 90 days to abate Class B violations.

- (b) Any Responsible party given proper notice who does not comply within the designated period given shall be served with a municipal infraction citation. Each day that a violation exists beyond the deadline of the notice shall be considered a separate offense. Repeat violations for the same offense can result in a fine of up to one thousand dollars (\$1,000). NOTE: The deadline of the notice may be extended if the Responsible Party shows justification for extra time to correct the violation. Requests for extension must be in writing and must include valid reasons for needing extra time. Such requests must be sent to the Town of Lonaconing, 35 E Main St., Lonaconing, MD 21539 and must be received 15 days before the notice deadline. Requests for extension will be investigated and evaluated by the Code Official and the Mayor and Council. Approval of deadline extension will be by majority vote of the Mayor and Council.
- (c) A schedule of fines for municipal infractions shall be established by the Mayor and Town Council from time to time by resolution. All such fines when paid shall become the property of the Town of Lonaconing.
- (d) Except for these acts declared to be municipal infractions, all other violations of this Ordinance or any rule or regulation adopted pursuant thereto, shall constitute a misdemeanor and shall be punished by imprisonment for not more than (30) days or by a fine of not less than fifty dollars (\$50) but not more than one thousand (\$1,000), or both, and court costs, at the discretion of the court as provided herein. If any violation be continued, each day's violation shall be deemed a separate offense.
- (e) If the Responsible Party fails to comply with a demolition order or make safe order within the time prescribed, the Code Official shall cause the structure to be made safe, or demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such work, or demolition and removal, shall be charged against the real estate and may be collected by any other legal resource.
- (f) The Town of Lonaconing or any citizen may institute injunction, mandamus, or other appropriate actions, or proceedings at law or equity for the enforcement of violations or to correct violations, and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms or remedy or relief.

188-8 Effective Date.

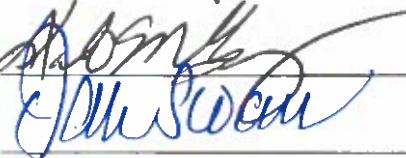
Passed this 3rd day of November, 2025.

ATTEST


Town Clerk


Mayor


Charles F. Sloan


John Swann

Introduced: September 2, 2025

Enacted: November 3, 2025

Effective: December 3, 2025