

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2023, Legislative Day No. 19

Bill No. 81-23

Councilmembers Marks & Crandell

By the County Council, October 16, 2023

A BILL
ENTITLED

AN ACT concerning

Demolition of Unsafe Structures

FOR the purpose of authorizing the County to expeditiously demolish an uninhabited structure that poses an imminent danger to human life or the public welfare due to an unsafe condition; providing for advance notice to the owner of record by posting, mailing, and publication; allowing for a property owner to pursue court action to challenge a proposed demolition; and generally relating to the demolition of imminently dangerous structures.

BY adding

Section 35-2-207
Article 35 – Buildings and Housing
Title 2 – Buildings
Subtitle 2 – Building Regulations
Baltimore County Code, 2015

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that the Laws of Baltimore County read as follows:

3
4 ARTICLE 35 – BUILDINGS AND HOUSING

5 Title 2 – Buildings

6 Subtitle 2 – Building Regulations

7
8 § 35-2-207.

9 (A) IN ADDITION TO ANY OTHER REMEDY AUTHORIZED BY LAW, THE
10 DIRECTOR MAY ORDER THE DEMOLITION OF A STRUCTURE THE CONDITION OF
11 WHICH IS UNSAFE SUCH THAT IT POSES AN IMMINENT DANGER TO HUMAN LIFE
12 OR THE PUBLIC WELFARE IN ACCORDANCE WITH THIS SECTION.

13 (B) (1) WHEN, IN THE OPINION OF THE DIRECTOR, THE CONDITION OF A
14 STRUCTURE IS UNSAFE SUCH THAT IT POSES AN IMMINENT DANGER TO HUMAN
15 LIFE OR THE PUBLIC WELFARE, THE DIRECTOR MAY ORDER THE NECESSARY
16 WORK TO BE DONE TO ELIMINATE THE CONDITION INCLUDING THE DEMOLITION
17 OF THE STRUCTURE OR STRUCTURES.

18 (2) THE DIRECTOR MAY INCLUDE IN AN ORDER ISSUED UNDER
19 PARAGRAPH (1) OF THIS SUBSECTION THAT THE STRUCTURE IS NOT FIT FOR
20 HUMAN OCCUPANCY OR HABITATION AND THAT THE STRUCTURE MUST BE
21 IMMEDIATELY VACATED.

22 (C) A STRUCTURE THAT IS SUBJECT TO A DEMOLITION ORDER UNDER
23 THIS SECTION MAY ONLY BE DEMOLISHED AFTER AN INSPECTION THAT

1 CONFIRMS THAT THE STRUCTURE IS VACANT.

2 (D) PRIOR TO A DEMOLITION UNDER THIS SECTION, THE DIRECTOR SHALL:

3 (1) POST NOTICE CONSPICUOUSLY ON THE PROPERTY THAT:

4 (I) IS DATED AS OF THE DATE OF THE POSTING;

5 (II) STATES THAT THE CONDITION OF THE STRUCTURE IS
6 UNSAFE SUCH THAT IT POSES AN IMMINENT DANGER TO HUMAN LIFE OR THE
7 PUBLIC WELFARE AND THAT THE DIRECTOR MAY ORDER THE DEMOLITION OF
8 THE STRUCTURE IF THE OWNER FAILS TO EITHER:

9 1. IMMEDIATELY CORRECT THE CONDITION SUCH THAT
10 THE STRUCTURE IS SAFE; OR

11 2. APPLY FOR A DEMOLITION PERMIT WITHIN THE
12 NEXT 2 BUSINESS DAYS AND, UPON RECEIVING THE PERMIT, IMMEDIATELY
13 BEGIN DEMOLITION; AND

14 (III) STATES “THIS STRUCTURE IS UNSAFE AND ITS
15 OCCUPANCY HAS BEEN PROHIBITED BY THE BALTIMORE COUNTY DEPARTMENT
16 OF PERMITS, APPROVALS AND INSPECTIONS.”

17 (2) SEND, BY CERTIFIED MAIL, TO THE OWNER OF RECORD OF THE
18 PROPERTY, AND PUBLISH, FOR 3 CONSECUTIVE DAYS, IN A NEWSPAPER OF
19 GENERAL CIRCULATION, A NOTICE THAT INCLUDES:

20 (I) THE ADDRESS OF THE STRUCTURE;

21 (II) A DESCRIPTION OF THE PROPERTY ON WHICH THE
22 STRUCTURE IS LOCATED SUFFICIENT FOR ITS IDENTIFICATION; AND

23 (III) A STATEMENT THAT THE CONDITION OF THE STRUCTURE

1 IS UNSAFE SUCH THAT IT POSES AN IMMINENT DANGER TO HUMAN LIFE OR THE
2 PUBLIC WELFARE AND THAT THE DIRECTOR MAY ORDER THE DEMOLITION OF
3 THE STRUCTURE IF THE OWNER FAILS TO IMMEDIATELY CORRECT THE
4 CONDITION OR APPLY FOR A DEMOLITION PERMIT; AND

5 (3) POST THE NOTICE SENT TO THE OWNER ON THE COUNTY
6 WEBSITE.

7 (E) AN INTERESTED PERSON OBJECTING TO AN ORDER ISSUED UNDER
8 THIS SECTION MAY FILE AN ACTION IN AN APPROPRIATE FORM IN A COURT OF
9 COMPETENT JURISDICTION.

10 (F) (1) IF DEMOLITION OR REPAIR OF THE STRUCTURE HAS NOT
11 STARTED WITHIN 30 DAYS OF MAILING THE NOTICE TO THE OWNER OF RECORD,
12 OR WITHIN 30 DAYS OF THE LAST DAY OF PUBLICATION OF THE NOTICE IN A
13 NEWSPAPER OF GENERAL CIRCULATION, WHICHEVER IS LATER, THE COUNTY
14 MAY, AT THE EXPENSE OF THE OWNER, DEMOLISH THE STRUCTURE.

15 (G) (1) WHEN, IN THE OPINION OF THE DIRECTOR, IMMEDIATE ACTION
16 IS REQUIRED BECAUSE THE CONDITION OF A STRUCTURE IS UNSAFE SUCH THAT
17 IT POSES AN IMMINENT DANGER TO HUMAN LIFE OR THE PUBLIC WELFARE, THE
18 DIRECTOR SHALL ORDER THAT THE NECESSARY WORK BE DONE TO RENDER
19 THE STRUCTURE SAFE, INCLUDING THE IMMEDIATE DEMOLITION OF THE
20 STRUCTURE, WHETHER OR NOT THE PROCEDURE DESCRIBED IN SUBSECTION (D)
21 OF THIS SECTION HAS BEEN COMPLETED.

22 (2) DEMOLITION OF A STRUCTURE SUBJECT TO AN ORDER UNDER
23 SUBSECTION (G) OF THIS SECTION MAY NOT BEGIN UNTIL AT LEAST 24 HOURS

1 FOLLOWING SERVICE OF WRITTEN NOTICE OF THE ORDER AND PENDING
2 DEMOLITION UPON THE OWNER, UNLESS SUCH SERVICE IS NOT POSSIBLE
3 BECAUSE THE IDENTITY OR THE ADDRESS OF THE OWNER CANNOT BE
4 DETERMINED FROM PUBLIC RECORDS.

5 (H) (1) IF PRACTICABLE, THE DIRECTOR SHALL OBTAIN AN APPRAISAL
6 OF A STRUCTURE'S VALUE FROM AN INDEPENDENT QUALIFIED REAL ESTATE
7 APPRAISER PRIOR TO ITS DEMOLITION UNDER THIS SECTION.

8 (2) THE FAILURE TO OBTAIN AN APPRAISAL SHALL NOT AFFECT
9 THE RIGHTS OF THE COUNTY UNDER THIS SECTION.

10 (I) (1) THE COUNTY MAY PROCURE THE PERFORMANCE OF ANY WORK
11 ORDERED BY THE DIRECTOR UNDER THIS SECTION, INCLUDING DEMOLITION, BY
12 COUNTY EMPLOYEES OR BY CONTRACT.

13 (2) IN ACCORDANCE WITH AN ORDER ISSUED UNDER THIS SECTION,
14 A COUNTY EMPLOYEE OR CONTRACTOR AUTHORIZED BY THE COUNTY TO
15 PERFORM ANY WORK, INCLUDING DEMOLITION, MAY ENTER ON PRIVATE
16 LANDS FOR THE PURPOSE OF PERFORMING THE WORK .

17 (3) AN OWNER, OCCUPANT, OR AGENT MAY NOT OBSTRUCT,
18 IMPEDE, OR HARASS AN EMPLOYEE, OR CONTRACTOR OR THEIR AGENTS OR
19 EMPLOYEES, IN THE PERFORMANCE OF THEIR WORK UNDER THIS SECTION.

20 (J) (1) THE COSTS INCURRED BY THE COUNTY IN PERFORMING WORK
21 ON A STRUCTURE, INCLUDING DEMOLITION, UNDER THIS SECTION SHALL BE
22 CONSIDERED A LIEN ON THE LAND AND IMPROVEMENTS, WHICH SHALL BE
23 ADDED TO THE OWNER'S PROPERTY TAX BILL AND COLLECTED IN THE SAME

1 MANNER AS THE TAXES OR IN THE SAME MANNER AS ANY MONEY JUDGMENT.

2 (2) IN ADDITION TO ANY OTHER REMEDY OR PENALTY PROVIDED
3 BY LAW OR REGULATION, THE COUNTY MAY ENFORCE THE LIEN BY SALE OF
4 THE PROPERTY, WHETHER REAL OR PERSONAL.

5

6 SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall take effect 45 days
7 after its enactment.



LEGISLATION DETAIL

LEGISLATION _____

DISPOSITION _____

ENACTED _____

EFFECTIVE _____

AMENDMENTS _____

ROLL CALL - LEGISLATION

MOTION		SECOND
AYE	NAY	
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Young
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Patoka
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Kach
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Jones
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Marks
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Ertel
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Crandell

ROLL CALL - AMENDMENTS

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