

## Chapter 107

### BUILDINGS, UNSAFE

§ 107-1. Definition; abatement; notice to Owner; posting of premises.

§ 107-2. Hearings.

§ 107-3. Noncompliance procedures.

§ 107-4. Emergencies.

§ 107-5. Collection of costs; liens; administrative fee.

**[HISTORY: Adopted by the Mayor and Council of Pocomoke City 8-26-1968 as Ch. 7 of the 1968 Code. Amendments noted where applicable.]**

### GENERAL REFERENCES

Building construction -- See Ch. 101.  
Housing standards -- See Ch. 146.

Nuisances -- See Ch. 169.

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#### §107-1. Definition; abatement; notice to owner; posting of premises.

All buildings or structures which are unsafe, unsanitary or not provided with adequate egress or which constitute a fire hazard or are otherwise dangerous to human life or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment are severally, in contemplation of this section, unsafe buildings. All such unsafe buildings are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the following procedures:

- A. Whenever the Council shall find any building or structure or portion thereof to be unsafe, as defined in this section, it shall, in accordance with established procedure for legal notices, give the owner or the owner's agent written notice stating the defects thereof. This notice shall require the owner within a stated time either to complete specified repairs or improvements or to demolish and remove the building or structure or portion thereof. Sufficient notice shall be deemed to have been given if given by registered or certified mail addressed to the owner or the owner's agent at his or her last known address as the same appears upon the city's tax records. **[Amended 1-20-1969 by Ord. No. 210]**
- B. If necessary, such notice shall also require the building, structure or portion thereof to be vacated forthwith and not re-occupied until the specified repairs and improvements are completed, inspected and approved by the City Manager. The City Manager shall cause to be posted at each entrance to such building a notice: "This building is unsafe and its use or occupancy has been prohibited by the Council of Pocomoke City." Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm or corporation, or his, her or its agents or other servants, to remove such notice without written permission of the City Manager or for any person to enter the building except for the purpose of making the required repairs or of demolishing the same.

## **§ 107-2. Hearings.**

The owner of the property shall have the right, except in cases of emergency, to appear before the Council at a time and place specified in the notice to show cause why he or she should not comply with the requirements of the notice. If the right hereby provided for shall be exercised by the owner, the Council may, after affording the owner an opportunity to be heard, confirm, set aside or modify its original notice and order.

## **§ 107-3. Noncompliance procedures. [Amended 1-20-1969 by Ord. No. 210]**

In case the owner, agent or person in control cannot be found within the stated time limit or if such owner, agent or person in control shall fail, neglect or refuse to comply with the notice to repair, rehabilitate or to demolish and remove said building or structure or portion thereof as ordered, the City Manager, after having ascertained the costs, shall cause such building or structure or portion thereof to be demolished or secured or to remain vacant.

## **§107-4. Emergencies.**

In case of an emergency involving imminent danger to human life or health, the Council shall promptly order the City Manager to cause such building, structure or portion thereof to be made safe or removed. For this purpose, he or she may at once enter such structure or land on which it stands, or abutting land or structures, with such assistance and at such costs as he or she may deem necessary. He or she may vacate adjacent structures or protect the public by appropriate fencing or such other means as may be necessary and, for this purpose, may close a public or private way.

## **§ 107-5. Collection of costs; liens; administrative fee. [Amended 1-20-1969 by Ord. No. 210; 3-6-1978 by Ord. No. 252, approved 3-7-1971]**

The cost of any such work performed by the city under this chapter shall constitute a lien on the property and, unless paid in full by the property owner within thirty (30) days after the same is billed by the City Clerk, shall draw interest from and after said thirty (30) days at the rate of two-thirds of one per centum ( $\frac{2}{3}$  of 1%) per month or fraction of a month, and the cost thereof, if not paid, shall be added to the next annual tax bill of said property, and the City Clerk shall not accept payment for or receipt said tax bill unless the amount so assessed against said property, with interest thereon, is included in the amount paid. An administrative fee of twenty-five percent (25%) will be charged in addition to the cost of performing the work.

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<sup>1</sup>Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.