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COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

SITTING AS THE DISTRICT COUNCIL

Legislative Session _____ 1991 _____

Bill No. _____ CB-18-1991 _____

Chapter No. _____ 16 _____

Proposed and Presented by _____ Council Member Mills _____

Introduced by _____ Council Member Mills _____

Co-Sponsors _____

Date of Introduction _____ April 16, 1991 _____

ZONING BILL

AN ORDINANCE concerning

Zoning Enforcement Administration

FOR the purpose of providing for a more timely enforcement of violations of regulations pertaining to certain use and occupancy permits, adding enforcement responsibilities to the Police Department, and limiting the jurisdiction of the Board of Appeals to grant extensions of time to violators.

BY repealing and reenacting with amendments:

- Sections 27-229(a),
- 27-262, and
- 27-264,

The Zoning Ordinance of Prince George's County, Maryland,

being also

SUBTITLE 27. ZONING.

The Prince George's County Code
(1987 Edition, 1989 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, sitting as the District Council for that part of the Maryland-Washington Regional District in Prince George's County, Maryland, that Sections 27-229(a), 27-262, and 27-264 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 27. ZONING.

PART 3. ADMINISTRATION.

DIVISION 5. APPEALS AND VARIANCES.

Subdivision 1. Board of Zoning Appeals.

Sec. 27-229. Powers and duties.

(a) The Board of Zoning Appeals (known in this Division as the "Board") shall have the following powers and duties:

* * * * *

(5) To grant additional time to cease violations of this Subtitle, except violations of Section 27-261(b), (c), (d), (h), and (j).

DIVISION 8. ENFORCEMENT.

Sec. 27-262. Authorization.

(a) The Department of Environmental Resources and, when specified, the Police Department, shall have the duty of enforcing the requirements of this Subtitle.

Sec. 27-264. Enforcement procedures.

(a) **Erection of building or structure**

(1) When it determines that a violation of this Subtitle has occurred with respect to the erection of a building or other structure, the Department shall order the work to stop and shall post the building or structure with a "Stop Work" order form. The owner or builder shall also be given formal written notice of the "Stop Work" order. No work shall proceed after posting, except to correct the violation and continue in full compliance with the provisions of this Subtitle. If the work does not stop, or corrective action has not been completed within five (5) business days of posting (or another greater grace period determined by the Department), the Department shall take appropriate action against the violator.

(b) **Use**

(1) When it determines that a violation of this Subtitle has occurred with respect to the use of any building, structure, or land, or there is a failure to obtain a use and occupancy permit, with the exception of violations of Section 27-261(b), (c), (d), (h), and (j), the Department shall serve notice (on the form provided) upon the owner, general agent, or lessee of the building, structure, or land, directing that the violation cease. If, at the expiration of five (5) business days of the notice (or another greater period determined by the Department), the violation has not ceased, the Department shall take appropriate action against the violator. If it is not possible to serve the notice, the building,

structure, or land shall be posted with the notice.

(2) When it determines that a violation of Section 27-261(b), (c), (d), (h), or (j) has occurred with respect to the use of any building, structure, or land, the Department shall serve notice (on the form provided) upon the owner, general agent, or lessee of the building, structure, or land, and upon the person, firm or corporation conducting the activities, directing that the violation cease. If, at the expiration of forty-eight (48) hours of the notice, the violation has not ceased or a temporary use and occupancy permit has not been issued, the Department of Environmental Resources shall notify the Police Department to take appropriate action against the violator, as set forth below.

(A) A police officer shall direct the violator to remove all goods and equipment from the property. If the violator fails to obey said direction and continues in violation of this Subtitle, the equipment and goods shall be removed by the Department of Environmental Resources and taken to a designated County facility.

(B) Goods and equipment removed pursuant to this provision may be claimed by their owner on the next business day or within fifteen (15) days thereafter upon payment of any fine which has not been appealed. Any goods or equipment not claimed by the owner within fifteen (15) days shall be deemed abandoned and shall become the property of the County.

(C) The Department of Environmental Resources shall have no responsibility to preserve or protect any equipment or goods removed under this Section.

(D) A violation notice issued for the conducting of activities without a temporary use and occupancy permit shall serve as notice of a continuing violation by those persons at the subject site or any other site within the County, and no further notice of violation need be issued prior to utilizing the procedures in Subsections (A) and (B), above.

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SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall take effect on the thirtieth day of June, 1991.

Adopted this 21st day of May, 1991.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND, SITTING AS THE DISTRICT COUNCIL FOR THAT PART OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT IN PRINCE GEORGE'S COUNTY, MARYLAND

BY: _____
Richard J. Castaldi
Chairman

ATTEST:

Maurene W. Epps
Acting Clerk of the Council

KEY:

Underscoring indicates language added to existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.