





created Section in Subtitle 5, Businesses and Licenses. The sponsor concurred with this amendment as being consistent with her original intent, and agreed that there is no need for CB-19-1991 to proceed. CB-19-1991 was held in Committee. Draft 2 of CB-18-1991 also allows 48, rather than 24, hours to comply, and provides direction for the Police Department in enforcing the Section.

The Department of Environmental Resources supports the legislation, and the Planning Board took no position on Draft 1. Karyn Lynch, speaking for the Police Department, reported that the Department is not equipped to handle the removal and storage of merchandise, particularly perishable items. This concern is addressed by the amendments made by the Committee. Bob Payne, representing the Department of Environmental Resources, emphasized the need for the legislation in enforcing this Section of the Ordinance, and agreed with the amendments made by the Committee.

The first amendment, to Section 27-264(b)(2)(A) and (C), specifies that DER, rather than the Police Department, is responsible for confiscating and storing the property. This will be accomplished under the direction of a police officer.

The second amendment addressed the Committee Members' concerns regarding continuing violations. It was noted that many of the activities that require temporary use and occupancy permits occur on weekends. Since the violator is given 48 hours to cease the violation, there was concern that he could continue operation throughout the weekend, return to the same or another site within the County the following weekend, and be subject only to another notice of violation. Joyce Birkel informed the Committee that the bill would have to be amended to prevent this from occurring. Subsection 27-264(b)(2)(D) was subsequently incorporated into the legislation to address this problem.

#### **BACKGROUND INFORMATION/FISCAL IMPACT**

**(Includes reason for proposal, as well as any unique statutory requirements)**

Temporary vendors continue to operate in violation of the Zoning Ordinance for extended periods of time while judicial enforcement of the law is obtained. The proposed legislation would allow a violating temporary vendor 48 hours to obtain a valid use and occupancy permit or cease operating. The Police Department would be used to ensure that the violator and goods and equipment are removed peacefully. The jurisdiction of the Board of Appeals is restricted to eliminate appeals for extension of the 24-hour period.