

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2011 Legislative Session**

Bill No. CB-63-2011

Chapter No. 30

Proposed and Presented by Council Member Lehman

Introduced by Council Members Lehman, Turner, Franklin, Toles, Patterson and Olson

Co-Sponsors _____

Date of Introduction October 18, 2011

ZONING BILL

1 AN ORDINANCE concerning

2 Zoning Code Enforcement and Penalties

3 For the purpose of making amendments to certain zoning code enforcement provisions related to
4 violations, fines and appeals in the County; and generally relating to zoning code enforcement.

5 BY repealing and reenacting with amendments:

6 Sections 27-264 and 27-265,

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

8 being also

9 **SUBTITLE 27. ZONING.**

10 The Prince George's County Code

11 (2007 Edition, 2010 Supplement).

12 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
13 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
14 District in Prince George's County, Maryland, that Sections 27-264 and 27-265 of the Zoning
15 Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's
16 County Code, be and the same are hereby repealed and reenacted with the following
17 amendments:

18 **SUBTITLE 27. ZONING.**

19 **DIVISION 8. ENFORCEMENT.**

20 **Sec. 27-264. Enforcement procedures.**

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

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

10 (b) **Use.**

11 (1) Notwithstanding the provisions of Section 27-264.01 and Section 27-264.02 of
12 the Zoning Ordinance, when it determines that a violation of this Subtitle has occurred with
13 respect to the use of any building, structure, or land, or there is a failure to obtain a use and
14 occupancy permit, with the exception of violations of Section 27-261(b),(c),(d),(h), and (j), the
15 Department shall serve notice (on the form provided) upon the owner, general agent, or lessee of
16 the building, structure, or land, directing that the violation cease. If, at the expiration of five (5)
17 business days of the notice (or another greater period determined by the Department), the
18 violation has not ceased, the Department shall take appropriate action against the violator. If it is
19 not possible to serve the notice, the building, structure, or land shall be posted with the notice.

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

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

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

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

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

11 (3) When it determines that a violation of Part 16 has occurred with respect to the use
 12 of any building, structure, or land for an Adult Book Store, the Department shall serve notice (on
 13 the form provided) upon the owner, general agent, or lessee of the building, structure, or land,
 14 and upon the person, firm, or corporation conducting the activities, directing that the violation
 15 cease. If, at the expiration of forty-eight (48) hours of the notice, the violation has not ceased,
 16 the Department shall notify the Police Department to take appropriate action against the violator
 17 as set forth below.

18 (A) A police officer may direct the violator to discontinue operation as an Adult
 19 Book Store.

20 (B) If the violation continues, the violator shall be deemed to be guilty of a
 21 misdemeanor and, upon conviction thereof, shall be subject to a fine of [not exceeding] Five
 22 Hundred Dollars (\$500.00) or imprisonment in jail for a period of not more than six (6) months,
 23 or both such fine and imprisonment.

24 (c) **Repeated violation.**

25 (1) A grace period for correction of a civil violation need not be given in the case of a
 26 subsequent, repeated violation of the same provision of this Subtitle by the same violator. A
 27 "repeated violation," for the purposes of this Subsection, may take place at a location which is
 28 identical to or different from the first violation within a thirty-six (36) month period from the
 29 first violation. If it determines that a repeated violation has occurred, the Department may
 30 immediately take appropriate action against the violator.

1 (2) Notwithstanding the provisions of Subtitle 28, Section 28-111 of the County
2 Code, repeated violations for operating outside the scope of a valid use and occupancy permit
3 shall be subject to a fine of [not to exceed] One Thousand Dollars (\$1,000.00) for each “repeated
4 violation”.

5 **Sec. 27-265. Penalties.**

6 (a) Any person may be liable for a civil fine (provided for in Subtitle 28 of the Code) or be
7 prosecuted for a misdemeanor if he:

8 (1) Erects, maintains, or uses any structure or land in violation of any portion of the
9 Zoning Ordinance;

10 (2) Violates any order issued in accordance with this Subtitle; or

11 (3) Fails to erect structures or use land in accordance with the provisions of this
12 Subtitle.

13 (b) If a person [he] is convicted of a misdemeanor, the violator shall be subject to a fine of
14 [not exceeding] Five Hundred Dollars (\$500.00) or up to ninety (90) days imprisonment, or both,
15 in the discretion of the Court. The application of the penalty shall not preclude abatement of the
16 violation through appropriate proceedings in equity.

17 (c) If the violation is of a continuing nature, each and every day during which the violation
18 continues is a separate violation. Each violation issued within a thirty-six (36) month period
19 from the first violation to the same person will be considered a violation of a continuing nature.

20 SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five
21 (45) calendar days after its adoption.

Adopted this 15th day of November, 2011.

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: _____
Ingrid M. Turner
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.