

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2007, Legislative Day No. 4

Bill No. 9-07

Introduced by Mr. Dillon, Chairman
(by request of the County Executive)

By the County Council, February 20, 2007

Introduced and first read on February 20, 2007
Public Hearing set for and held on March 19, 2007
Bill AMENDED and VOTED on April 3, 2007
Bill Expires May 26, 2007

By Order: Judy C. Holmes, Administrative Officer

A BILL ENTITLED

1 AN EMERGENCY ORDINANCE concerning: Anne Arundel County Construction and
2 Property Maintenance Codes – General Provisions – Use or Occupancy of a Building
3 Constructed Without a Building Permit
4

5 FOR the purpose of establishing a conclusive presumption that a building or structure
6 constructed, enlarged, altered, or moved without or in violation of a building permit is
7 unsafe; prohibiting the use or occupancy of such building or structure until a building
8 permit is issued, the required inspections are performed, and a certificate of
9 occupancy is issued; requiring disconnection of service and other utilities under
10 certain circumstances; providing for notice and enforcement; providing that remedies
11 and penalties are cumulative; providing for an exception to and the application of this
12 Ordinance; and generally relating to buildings or structures constructed, enlarged,
13 altered, or moved without or in violation of a building permit.
14

15 BY renumbering: §§ 15-1-105 and 15-1-106 to be §§ 15-1-106 and 15-1-107,
16 respectively
17 Anne Arundel County Code (2005, as amended)
18

19 BY adding: § 15-1-105
20 Anne Arundel County Code (2005, as amended)
21

22 SECTION 1. *Be it enacted by the County Council of Anne Arundel County,*
23 *Maryland,* That §§ 15-1-105 and 15-1-106 of the Anne Arundel County Code (2005, as
24 amended) are hereby renumbered to be §§ 15-1-106 and 15-1-107, respectively.

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.
Underlining indicates amendments to bill.
~~Strikeover~~ indicates matter stricken from bill by amendment

1 SECTION 2. *And be it further enacted*, That Section(s) of the Anne Arundel County
2 Code (2005, as amended) read as follows:

3
4 ARTICLE 15 CONSTRUCTION AND PROPERTY MAINTENANCE CODES
5 TITLE 1. GENERAL PROVISIONS
6

7 **15-1-105. Use or occupancy of building constructed without building permit.**
8

9 (A) **Certain conditions presumed unsafe.** THERE IS A CONCLUSIVE PRESUMPTION
10 THAT A BUILDING OR STRUCTURE CONSTRUCTED, ENLARGED, ALTERED OR MOVED
11 WITHOUT OR IN VIOLATION OF A BUILDING PERMIT REQUIRED BY THE BUILDING CODE
12 FOR THE COUNTY AS ADOPTED BY § 15-2-101 IS UNSAFE AND CONSTITUTES AN
13 IMMEDIATE HAZARD TO LIFE AND PROPERTY.
14

15 (B) **Use or occupancy prohibited.** A BUILDING OR STRUCTURE PRESUMED UNSAFE
16 UNDER SUBSECTION (A) SHALL NOT BE USED OR OCCUPIED UNTIL A BUILDING PERMIT IS
17 ISSUED, THE BUILDING OR STRUCTURE PASSES ALL APPLICABLE INSPECTIONS AND, IF
18 NECESSARY, A SEPARATE CERTIFICATE OF OCCUPANCY FOR THE BUILDING OR
19 STRUCTURE IS ISSUED.
20

21 (C) **Disconnection from utilities.** UPON NOTICE AS DESCRIBED IN SUBSECTION (D),
22 THE OWNER, OCCUPANT, OR OTHER PERSON IN CHARGE OF A BUILDING OR STRUCTURE
23 PRESUMED UNSAFE UNDER SUBSECTION (A) SHALL DISCONNECT THE BUILDING OR
24 STRUCTURE FROM ALL UTILITIES, INCLUDING GAS, ELECTRIC, PUBLIC WATER, AND
25 PUBLIC SEWER. IF THE BUILDING OR STRUCTURE WAS CONNECTED TO A PRIVATE WELL
26 OR TO A PRIVATE SEWAGE DISPOSAL SYSTEM WITHOUT THE APPROVAL OF THE HEALTH
27 OFFICER, THE OWNER, OCCUPANT, OR OTHER PERSON IN CHARGE SHALL DISCONNECT
28 THE BUILDING OR STRUCTURE FROM THE PRIVATE WELL OR PRIVATE SEWAGE DISPOSAL
29 SYSTEM. THE UTILITIES, AND THE PRIVATE WELL OR PRIVATE SEWAGE DISPOSAL
30 SYSTEM, SHALL NOT BE RECONNECTED UNTIL APPROVED BY THE DIRECTOR OF
31 INSPECTIONS AND PERMITS.
32

33 (D) **Notice.** THE DIRECTOR OF INSPECTIONS AND PERMITS SHALL GIVE NOTICE OF
34 INTENT TO ENFORCE THE PROVISIONS OF THIS SECTION TO THE OWNER, OCCUPANT, OR
35 OTHER PERSON IN CHARGE OF THE BUILDING OR STRUCTURE. THE NOTICE MAY BE
36 GIVEN BY POSTING A COPY ON THE BUILDING OR STRUCTURE, AND MAILING A COPY BY
37 FIRST CLASS MAIL TO THE OWNER OR OWNERS OF THE PROPERTY ON WHICH THE
38 BUILDING OR STRUCTURE IS LOCATED AS RECORDED IN THE LAND RECORDS OF THE
39 COUNTY. THE NOTICE SHALL INCLUDE A DESCRIPTION OF THE REQUIREMENTS OF THIS
40 SECTION, AND SPECIFY A TIME FOR COMPLIANCE WITH THE REQUIREMENTS.
41

42 (E) **Enforcement.** IF THE OWNER, OCCUPANT, OR OTHER PERSON IN CHARGE OF THE
43 BUILDING OR STRUCTURE DOES NOT COMPLY WITH THE REQUIREMENTS OF THIS
44 SECTION WITHIN THE TIME SPECIFIED IN THE NOTICE, THE DIRECTOR OF INSPECTIONS
45 AND PERMITS SHALL REFER THE MATTER TO THE COUNTY ATTORNEY, WHO MAY
46 ENFORCE THE REQUIREMENTS BY SEEKING A TEMPORARY RESTRAINING ORDER AND A
47 PRELIMINARY AND PERMANENT INJUNCTION, EITHER AS A SEPARATE COUNT IN A
48 COMPLAINT SEEKING OTHER REMEDIAL ACTION OR BY SEPARATE COMPLAINT.
49

50 (F) **Remedies and penalties.** VIOLATIONS OF A COURT ORDER ENFORCING THE
51 REQUIREMENTS OF THIS SECTION SHALL BE PUNISHED BY A CIVIL PENALTY IMPOSED BY
52 THE COURT IN THE AMOUNT OF \$500 PER DAY FOR EACH DAY THAT THE VIOLATION
53 CONTINUES OR CRIMINAL PENALTIES AS SPECIFIED IN § 9-1-101 OF THIS CODE, OR BOTH.
54 THE COURT ORDER SHALL PROVIDE THAT, IF THE OWNER, OCCUPANT, OR OTHER PERSON
55 IN CHARGE OF THE BUILDING OR STRUCTURE FAILS TO DISCONNECT THE UTILITIES AND

1 A PRIVATE WELL AND PRIVATE SEWAGE DISPOSAL SYSTEM AS REQUIRED BY THIS
2 SECTION, THE COUNTY MAY TAKE THE ACTION NECESSARY TO DO SO, INCLUDING
3 DIRECTING UTILITY COMPANIES TO DISCONNECT SERVICE TO THE BUILDING OR
4 STRUCTURE.

5
6 (G) **Remedies and penalties cumulative.** THE REMEDIES AND PENALTIES SET FORTH
7 IN THIS SECTION ARE IN ADDITION TO AND DO NOT SUPERSEDE REMEDIES AND
8 PENALTIES THAT ARE PROVIDED ELSEWHERE IN THIS CODE AND IN THE SUPPLEMENT AS
9 ADOPTED BY § 15-1-107, OR THAT MAY BE IMPOSED BY A COURT UNDER ITS CONTEMPT
10 POWERS.

11
12 (H) **Exception.** THIS SECTION SHALL NOT APPLY IF THE WORK DONE WITHOUT OR IN
13 VIOLATION OF A BUILDING PERMIT IS LIMITED TO INTERIOR RENOVATIONS AND SHALL
14 NOT APPLY TO A SEPARATE BUILDING OR STRUCTURE THAT IS LOCATED ON THE SAME
15 PROPERTY AS THE BUILDING OR STRUCTURE PRESUMED UNSAFE UNDER SUBSECTION
16 (A), BUT THAT WAS CONSTRUCTED AND OCCUPIED IN COMPLIANCE WITH THE BUILDING
17 CODE FOR THE COUNTY.

18
19 SECTION 3. *And be it further enacted,* That this Ordinance shall apply to any
20 building or structure for which the use or occupancy began on or after the effective date
21 of this Ordinance.

22
23 SECTION 4. *And be it further enacted,* That this Ordinance is hereby declared to be
24 an emergency ordinance and necessary for the immediate preservation of the public
25 peace, health, safety, welfare, and property, and being passed by the affirmative vote of
26 five members of the County Council, the same shall take effect from the date it becomes
27 law.

28
29 AMENDED: April 3, 2007

READ AND PASSED this 3rd day of April, 2007

By Order:

Judy C. Holmes
Administrative Officer

PRESENTED to the County Executive for his approval this 4th day of April, 2007

Judy C. Holmes
Administrative Officer

APPROVED AND ENACTED this _____ day of April, 2007

John R. Leopold
County Executive

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EFFECTIVE DATE: