

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2008, Legislative Day No. 8

Bill No. 34-08

Introduced by Mr. Middlebrooks

By the County Council, April 21, 2008

Introduced and first read on April 21, 2008
Public Hearing set for May 19, 2008
Bill Expires July 25, 2008

By Order: Judy C. Holmes, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Construction and Property Maintenance Codes–Permits
2
3 FOR the purpose of adding a provision to the County Code to grant a variance or other
4 remediation for building or grading performed based on a permit issued by the
5 County in error; and generally relating to construction and building in the County.
6

7 BY renumbering§15-5-106 to be§15-5-107
8 Anne Arundel County Code (2005, as amended).
9

10 BY adding:§15-5-106
11 Anne Arundel County Code (2005, as amended).
12

13 SECTION 1. *Be it enacted by the County Council of Anne Arundel County,*
14 *Maryland,* That Section(s) of the Anne Arundel County Code (2005, as amended) read as
15 follows:
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18 **ARTICLE 15. CONSTRUCTION AND PROPERTY MAINTENANCE CODES**
19 **TITLE 5. ENFORCEMENT**
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21 **15-5-106. Permits Issued in Error; Remedies.**
22

23 (A) **Notice.** THE COUNTY, THROUGH THE DIRECTOR OF THE DEPARTMENT
24 RESPONSIBLE FOR ENFORCEMENT OF A PERMIT, SHALL PROVIDE NOTICE WITHIN 48
25 HOURS OF A PERMIT THAT HAS BEEN ISSUED IN ERROR. THE NOTICE SHALL BE SERVED
26 ON THE OWNER OF THE PROPERTY INVOLVED, THE OWNER'S AGENT, THE PERSON DOING
27 THE WORK, OR POSTED ON THE JOB SITE, AND SHALL STATE THE NATURE OF THE ERROR

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.

1 AND THE TYPE OF CORRECTION NECESSARY IN ORDER FOR THE WORK TO COMPLY WITH
2 THE CODE.

3
4 (B) **Remedies.** IF WORK HAS NOT COMMENCED IN RELIANCE ON THE
5 ERRONEOUSLY ISSUED PERMIT, THE PERSON TO WHOM THE PERMIT WAS ISSUED AND
6 ANY CONTRACTOR HIRED TO PERFORM THE WORK SHALL BE REQUIRED TO WAIT UNTIL
7 A PROPER PERMIT IS ISSUED. IN THE EVENT THAT WORK HAS COMMENCED IN RELIANCE
8 ON THE ERRONEOUSLY ISSUED PERMIT, THE OWNER OF THE PROPERTY SHALL BE
9 ENTITLED TO THE FOLLOWING REMEDIES AS APPLICABLE, PROVIDED THERE IS NO RISK
10 TO PUBLIC HEALTH OR SAFETY:

11
12 (1) CONTINUATION OF WORK UPON INSPECTION OF THE PROPERTY TO ENSURE
13 THERE IS NO DETRIMENT TO HEALTH OR SAFETY;

14
15 (2) INSPECTION AND APPROVAL OF COMPLETED WORK AND WAIVER OF ANY
16 VIOLATION;

17
18 (3) GRANT OF A MODIFICATION TO SITE PLAN UNLESS IN THE CRITICAL AREA OR
19 BOG PROTECTION AREA;

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21 (4) PETITION FOR VARIANCE SUBJECT TO THE REQUIREMENTS IN SUBSECTION (C);
22 OR

23
24 (5) THE CORRECTION OF THE VIOLATION OR DEFICIENCY AT THE EXPENSE OF THE
25 COUNTY.

26
27 (C) **Variance.** THE OWNER OF A PROPERTY FOR WHICH A PERMIT WAS ISSUED IN
28 ERROR BY THE COUNTY SHALL BE ENTITLED TO A VARIANCE, AFTER CONSIDERATION
29 BY THE ADMINISTRATIVE HEARING OFFICER OF FACTORS UNDER § 18-16-305(B), TO THE
30 EXTENT NECESSARY TO ADDRESS WORK PERFORMED PRIOR TO NOTICE OF THE ERROR.
31 IF, IN THE OPINION OF THE ADMINISTRATIVE HEARING OFFICER, THE VARIANCE WOULD
32 NOT BE GRANTED UNDER 18-16-305(B), THE VARIANCE SHALL BE DENIED AND THE
33 OWNER OF THE PROPERTY SHALL SEEK OTHER REMEDIES AS OUTLINED IN SUBSECTION
34 (B) OF THIS SECTION.

35
36 SECTION 2. *And be it further enacted,* That this Ordinance shall take effect 45 days
37 from the date it becomes law.