

Town of Upper Marlboro

14211 School Lane • Upper Marlboro, Maryland 20772

Building & Permitting Ordinance 2017-01 ***Draft #2***

SECTION 1:	PURPOSE AND AUTHORITY
SECTION 2:	DEPARTMENT OF CODE ENFORCEMENT
SECTION 3:	POWERS DUTIES FUNCTIONS
SECTION 5:	BUILDING CODE
SECTION 6:	ROLL OFF CONTAINER PERMITS
SECTION 7:	RIGHT OF APPEAL
SECTION 8:	RULES & REGULATIONS
SECTION 9:	VIOLATION
SECTION 10:	SEPARABILITY
SECTION 11:	FINES

Ordinance 2017-01 Schedule:

Introduction-	Tuesday February 14, 2017 (Town Meeting)
Resident Input Due-	Monday February 27, 2017 by 12pm
Board Discussion-	Tuesday February 28, 2017 (Board Worksession)
Approval/Board Vote-	Tuesday March 14, 2017 (Town Meeting)

1. PURPOSE AND AUTHORITY

This Ordinance applies to all residential and commercial properties within the corporate boundaries of The Town of Upper Marlboro.

2. TOWN CODE ENFORCEMENT

- A. The administration and enforcement of the provisions of this Ordinance is assigned to the Code Enforcement Official or designated representative.
- B. The Code Enforcement Official or designated representative shall be the authorized person responsible for the enforcement of the provisions of this Ordinance including the assessing of fines and penalties for violations of the provisions of the Ordinance.

3. POWERS, DUTIES, AND FUNCTIONS

The Code Enforcement Official or designated representative shall have the following powers, duties and functions:

- A. Upon issuance of a County building permit, the Code Enforcement Official or designated representative shall inspect all construction projects and insure strict adherence to the approved plans and specifications.
- B. In the event of violation, deviation, or irregularity, the Code Enforcement Official or designated representative shall:
 - 1. Notify and consult with the Board of Town Commissioners
 - 2. Advise the property owner and/or contractor of the infraction and specify the time by which said infraction shall be corrected;
 - 3. Issue a stop-work order should the infraction not be corrected promptly;
 - 4. Remove stop-work order when reason for stop-work order has been corrected.
- C. The Code Enforcement Official, in accordance with the Town administration procedures, shall keep on file all applications, plans, and other pertinent building records associated with the issuance of a building permit.
- D. The Code Enforcement Official or designated representative shall have the right, upon proper identification, to enter upon private property so far as is necessary for the performance of duties.

4. BUILDING CODE

The Building Code of the Town of Upper Marlboro shall be the current Building Code of Prince George's County. The Building Officials and Code Administrators (BOCA) Energy Conservation Code or its successor Code, as amended from time to time, shall apply to all buildings being constructed in the Town of Upper Marlboro.

5. BUILDING PERMITS

- A. A Prince George's County Building Permit is required for all construction within the cooperate limits of the Town when required by County Code.

- B. County Building permits must be posted in full view on the property where work is being performed.
- C. It shall be unlawful to deviate in any manner from the approved building permit unless written approval is obtained from the Code Enforcement Official or designated representative.
- D. Failure to comply will result in a Town “Stop Work Order” notice being posted at the property by the Code Official, in which all construction shall immediately cease until the Order is lifted.

6. ROLL OFF CONTAINER PERMITS

- A. Town of Upper Marlboro roll-off container permit shall not be required whenever a roll-off container (dumpster, portable storage unit, or other container) is placed on private commercial, industrial or residential property for less than fifteen (15) calendar days.
- B. Any roll-off container unit placed on Town property or Town right-of-way or any Town street shall require a permit prior to being placed. The permittee accepts all responsibility for any damage caused by placement of the container.
- C. If a roll-off container is to remain on the property for over fifteen (15) days, the owner must submit a Roll-Off Container permit application in a timely manner to the Town for review by the Board of Town Commissioners. If the permit is denied by the Board of Town Commissioners, the roll-off container will need to be removed immediately after fifteen (15) calendar days of being placed on the property.
- D. The property owner shall make the best attempt to have the unit sited on asphalt, concrete, gravel, or hard paved surface. The roll-off container cannot encroach on neighboring property or on Town property or on Town right-of-way, sidewalk or street without the prior approval of the Board of Town Commissioners.
- E. The roll-off container unit may not be used as a transfer station to which building or construction debris, other materials or waste is brought from another site and deposited into the roll-off container unit sited on a property situated in the Town of Upper Marlboro.
- F. All roll-off units shall be in good condition, free of rust, peeling paint or other visible forms of deterioration.
- G. When a Town permit is issued after fifteen (15) days of the container being placed on the property, said permit shall be conspicuously visible from the street. Failure to obtain a permit after fifteen days shall result in a daily fine until the container is removed or a permit is obtained.

7. RIGHT OF APPEAL

Any person or persons, firm or corporation aggrieved by a decision of the Code Enforcement Official or designated representative shall have a right of appeal to the Board of Town Commissioners. Any person affected by any notice of violation which has been issued in connection with the enforcement of any provision of this Ordinance

may request and shall be granted a hearing on the matter by the Board of Town Commissioners, provided such person shall, within fifteen (15) calendar days after service of a notice of violation, files with the Board of Town Commissioners, a signed written notice of appeal, requesting a hearing and setting forth a brief statement of the reasons therefore. Upon receipt of such notice of appeal, the Board of Town Commissioners shall set a time and place for such hearing and shall decide appeals as promptly as practicable. The Board of Town Commissioners, with a quorum present, shall hear appeals. After such hearing, the Board of Town Commissioners may, by a majority of members present, affirm, amend, modify or withdraw the notice of violation that has been appealed. Any person who shall fail, refuse or neglect to comply with the decision of the Board of Town Commissioners shall be guilty of violating the provisions of this Ordinance. In the event a person wishes to contest the decision of the Board of Town Commissioners, he or she may notify the Town of his or her intent with ten (10) days after the rendering of the decision by the Board of Town Commissioners. In that event the Town shall issue a municipal infraction citation to the aggrieved person who may request a hearing in the District Court of Maryland pursuant to the Municipal Infraction procedure. The decision of the Board of Town Commissioners in such a case shall be stayed, pending a decision by the District Court. To the extent of this Section of the Ordinance, all violations of this Ordinance will be considered municipal infractions of the Town.

8. RULES AND REGULATIONS

The Board of Town Commissioners may pass such rules and regulations from time to time as are consistent with the purpose, intent and enforcement of this Ordinance.

9. VIOLATIONS & ENFORCMENT

Violation of any provision of this Ordinance shall be subject to a fine and/or penalty, as laid out in this Ordinance. Failure to pay a fee(s), a fine(s), will result in the amount of any fine(s) incurred being recorded as a lien against the property and collected in the same manner as delinquent taxes after sixty calendar days (60) of issuance. It shall be the duty and responsibility of the Town to enforce the provisions of this Ordinance as herein provided.

10. SEPARABILITY

Should any part of this Ordinance be held invalid, the Board of Town Commissioners declares that it would have adopted all other provisions notwithstanding such illegality of a part and all remaining parts shall remain in effect.

11. FINES

A. Failure to obtain a Town Roll-Off container permit after fifteen (15) calendar days:
-\$25.00 per day the property remains in violation until container removal or permitted.

B. Failure to comply with a Town Issued "Stop Work Order":
-\$150.00 per day construction continues.