

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2020 Legislative Session

Bill No. CB-35-2020

Chapter No. 30

Proposed and Presented by The Council Chair (by request – County Executive)

Introduced by Council Members Turner, Streeter, Anderson-Walker, Davis, Hawkins,
Ivey, Dernoga, Glaros, Taveras and Harrison

Date of Introduction June 23, 2020

BILL

1 AN ACT concerning

2 Unpermitted Construction

3 For the purpose of authorizing the administrative adjudication of matters involving violations of
4 the Building Code and by updating the organization of the Building Code as adopted by Prince
5 George's County.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 4. BUILDING.

8 Sections 4-116 and 4-117,

9 The Prince George's County Code

10 (2019 Edition).

11 BY adding:

12 SUBTITLE 4. BUILDING.

13 Sections 4-255 and 4-255.01,

14 The Prince George's County Code

15 (2019 Edition).

16 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
17 Maryland, that Sections 4-116, 4-117, and 4-255 of the Prince George's County Code be and the
18 same are hereby repealed and reenacted with the following amendments:

19 **SUBTITLE 4. BUILDING**

20 **DIVISION 1. BUILDING CODE**

21 **SUBDIVISION 2. AMENDMENTS TO THE INTERNATIONAL BUILDING CODE**

1 **Sec. 4-116. Administration; Sec 114. Violations.**

2 (a) Sections 114.2 of the IBC is amended to read as follows:

3 “Notice of Violation”

4 The Building Official is authorized to serve a notice of violation or order on the person
 5 responsible for the erection, construction, alteration, extension, repair, moving, removal,
 6 demolition or occupancy of a building or structure in violation of the provisions of this
 7 code, or in violation of a detail statement or a plan approved thereunder, or in violation of a
 8 permit or certificate issued under the provisions of this code. Such order shall direct the
 9 discontinuance of the illegal action or condition and the abatement of the violation.

10 [(a)] (b) Section 114.4 of the IBC [and R113.1 of the IRC are] is amended to read as
 11 follows: "Violation Penalties"

12 114.4.1 Civil Penalties

13 [114.4.1.1 Civil Fines:] Any person, firm, association, partnership, corporation, or
 14 combination thereof who shall violate a provision of the International Building Code
 15 (IBC)[/International Residential Code (IRC),] or of this Subtitle, or fail to comply with
 16 any of the requirements thereof, violates a lawful order issued thereunder, or any person
 17 who shall erect, construct, alter, or repair a building or structure or mechanical or
 18 electrical system without all required permits or in violation of an approved plan or
 19 directive of the Building Official, or of a permit or certificate issued under the provisions
 20 of this Subtitle or the IBC[/IRC,] may be liable for a civil fine in accordance with the
 21 provisions of this section. [that shall not exceed one thousand dollars (\$1,000) per
 22 violation. Each day that a violation continues shall be deemed a separate offense.] A civil
 23 fine imposed under this subsection is in addition to any other sanction provided by law.

24 [114.4.1.1.1 Assessment of Civil Fines:] A civil fine [shall] may be assessed in
 25 conjunction with a written notice of violation or through the issuance of a civil citation
 26 or an administrative citation in accordance with the provisions [issued under] of this
 27 Subtitle.

28 114.4.1.1 Civil Fine Imposed Through Notice of Violation

29 When a civil fine is [issued] imposed through a notice of violation, the notice of
 30 violation shall state the amount of the civil fine and a description of the circumstances
 31 giving rise to the assessment. A civil fine [assessed] imposed through a notice of

1 violation [under this section] shall be one thousand dollars (\$1,000) per violation. Each
 2 day that a violation continues shall be deemed a separate offense. A civil fine assessed
 3 through a notice of violation shall be due and payable within 30 days after the Building
 4 Official issues the written notice.

5 [114.4.1.1.2] 114.4.1.1.1 Appeal of Civil Fine Issued Through Notice of Violation: A
 6 written notice of violation assessing a civil fine under this section shall be a final
 7 decision of the Director or the Director's designee [as is contemplated in Sec. 4-119 of
 8 the Prince George's County Code].

9 [114.4.1.1.3] 114.4.1.1.2 Recording of Civil Fine as tax lien: If a civil fine [assessed
 10 under this section] imposed through a notice of violation has not been paid within 30
 11 days after the written notice of violation, the Director [shall] may cause the written
 12 notice of violation to be recorded with the Director of Finance for Prince George's
 13 County. Recordation of the notice of violation shall constitute a lien on the subject
 14 property and shall be collected in the same manner as other County real estate taxes.
 15 The filing of an appeal of a civil fine shall not affect the recordation of a tax lien under
 16 this subsection.

17 [114.4.1.1.4 Release of tax lien:] Upon receiving notice that [the Board of
 18 Administrative Appeals] a duly adjudicated appeal has [issued]resulted in a decision in
 19 favor of an appellant regarding a civil fine imposed under this subsection, the Director
 20 of Finance shall release the tax lien.

21 [114.4.1.1.5 Civil Fine in addition to other sanctions: A civil fine imposed under this
 22 subsection is in addition to any other sanction provided by law.]

23 114.4.1.2 Civil Fine Imposed Through Civil Citation

24 114.4.1.2.1 In the event that a responsible party does not comply with a notice of
 25 violation within the time period provided, including any period allowed by appeal, and
 26 upon verification by the Director or the Director's designee that the violation still
 27 exists, the Director or the Director's designee may issue upon the responsible parties a
 28 civil citation pursuant to Subtitle 28, Division 3, of this Code. [; and for properties
 29 subject to foreclosure the Director shall issue upon the responsible parties a civil
 30 citation pursuant to Subtitle 28, Division 3, of this Code.]

31 114.4.1.2.2 Separate Violation: Each day the violation continues is deemed a separate

1 offense and is subject to an additional citation and fine in the same dollar amount as the
2 repeat citation(s).

3 114.4.1.2.3 Civil Citation in addition to other sanctions: A civil citation imposed under
4 this subsection is in addition to any other sanction provided by law.

5 114.4.1.3 Administrative Citation

6 114.4.1.3.1 In lieu of issuing a civil citation pursuant to Section 114.4.1.2 above, upon
7 verification of a violation of this Section, the Director or Director’s designee may issue
8 upon the responsible parties an administrative citation as that term is defined in Section
9 13-1121 of this Code.

10 114.4.1.3.2. In addition to any other matters that the Director prescribes, the issuance
11 of an administrative citation shall comply in all respects with the requirements of Sec.
12 13-1125 of this Code.

13 114.4.1.3.3. Administrative citations issued under this subtitle shall be adjudicated in
14 accordance with the provisions outlined in Sections 13-1126, 13-1127, 13-1128, 13-
15 1129, 13-1130, 13-1131, and 13-1132 of this Code.

16 114.4.1.3.4. A civil fine imposed through an administrative citation under this section
17 shall be five hundred dollars (\$500.00) per violation and shall be due and payable
18 within 30 days after the citation is issued. Each day that a violation continues shall be
19 deemed a separate offense.

20 * * * * *

21 **Sec. 4-117. Administration; Sec 115. Stop Work Order.**

22 (a) Section 115.2 [and 115.3] of the IBC [, and R114.1 and R114.2 of the IRC are] is
23 amended to read as follows: [115.2 Issuance:] Upon notice from the Building Official
24 that work on any building or structure is being executed contrary to the provisions of
25 this code or in an unsafe and dangerous manner, such work shall be immediately
26 stopped. The Stop Work Order shall be in writing and shall be given to the owner of the
27 property involved, the owner's authorized agent or the person performing the work.
28 Upon issuance of a Stop Work Order, the cited work shall immediately cease. The Stop
29 Work Order shall state the reason for the order and the conditions under which the cited
30 work will be permitted to resume. Stop Work Order will be in full force until all fees
31 and penalties are paid and permits have been secured for all illegal and/or unpermitted

1 construction.

2 (b) Section 115.3 of the IBC is amended to read as follows: Unlawful Continuance:

3 115.3.1 Civil Penalties

4 [115.3.1.1 Civil Fines:] Any person, firm, association, partnership, or corporation, or
 5 combination thereof, who shall continue work in violation of the provisions of a Stop
 6 Work Order, or shall remove or cause to be removed a Stop Work Order sign still in
 7 effect and operation, may be liable for a civil fine in accordance with the provisions of
 8 this section. [that shall not exceed one thousand dollars (\$1,000) per violation. Each day
 9 that a violation continues shall be deemed a separate offense.] A civil fine imposed under
 10 this subsection is in addition to any other sanction provided by law.

11 [115.3.1.1.1 Assessment of Civil Fines:] A civil fine [shall] may be assessed in
 12 conjunction with a written notice of violation or through the issuance of a civil citation
 13 or an administrative citation in accordance with the provisions [issued under] of this
 14 Subtitle.

15 115.3.1.1 Civil Fine Imposed Through Notice of Violation

16 When a civil fine is [issued] imposed through a notice of violation, the notice of
 17 violation shall state the amount of the civil fine and a description of the circumstances
 18 giving rise to the assessment. A civil fine [assessed] imposed through a notice of
 19 violation [under this section] shall be one thousand dollars (\$1,000) per violation. Each
 20 day that a violation continues shall be deemed a separate offense. A civil fine assessed
 21 through a notice of violation shall be due and payable within 30 days after the Building
 22 Official issues the written notice.

23 [115.3.1.1.2] 115.3.1.1.1 Appeal of Civil Fine Issued Through Notice of Violation: A
 24 written notice of violation assessing a civil fine under this section shall be a final
 25 decision of the Director or the Director's designee [as is contemplated in Sec. 4-119 of
 26 the Prince George's County Code].

27 [115.3.1.1.3] 115.3.1.1.2 Recording of Civil Fine as tax lien: If a civil fine [assessed
 28 under this section] imposed through a notice of violation has not been paid within 30
 29 days after the written notice of violation, the Director [shall] may cause the written
 30 notice of violation to be recorded with the Director of Finance for Prince George's
 31 County. Recordation of the notice of violation shall constitute a lien on the subject

1 property and shall be collected in the same manner as other County real estate taxes.

2 The filing of an appeal of a civil fine shall not affect the recordation of a tax lien under
3 this subsection.

4 [115.3.1.1.4 Release of tax lien:] Upon receiving notice that [the Board of
5 Administrative Appeals] a duly adjudicated appeal has [issued]resulted in a decision in
6 favor of an appellant regarding a civil fine imposed under this subsection, the Director
7 of Finance shall release the tax lien.

8 [115.3.1.1.5 Civil Fine in addition to other sanctions: A civil fine imposed under this
9 subsection is in addition to any other sanction provided by law.]

10 115.3.1.2 Civil Fine Imposed Through Civil Citation

11 115.3.1.2.1 In the event that a responsible party does not comply with a notice of
12 violation within the time period provided, including any period allowed by appeal, and
13 upon verification by the Director or the Director's designee that the violation still
14 exists, the Director or the Director's designee may issue upon the responsible parties a
15 civil citation pursuant to Subtitle 28, Division 3, of this Code, [; and for properties
16 subject to foreclosure the Director shall issue upon the responsible parties a civil
17 citation pursuant to Subtitle 28, Division 3, of this Code.]

18 115.3.1.2.2 Separate Violation: Each day the violation continues is deemed a separate
19 offense and is subject to an additional citation and fine in the same dollar amount as the
20 repeat citation(s).

21 115.3.1.2.3 Civil Citation in addition to other sanctions: A civil citation imposed under
22 this subsection is in addition to any other sanction provided by law.

23 115.3.1.3 Administrative Citation

24 115.3.1.3.1 In lieu of issuing a civil citation pursuant to Section 115.3.1.2 above, upon
25 verification of a violation of this Section, the Director or Director's designee may issue
26 upon the responsible parties an administrative citation as that term is defined in Section
27 13-1121 of this Code.

28 115.3.1.3.2. In addition to any other matters that the Director prescribes, the issuance
29 of an administrative citation shall comply in all respects with the requirements of Sec.
30 13-1125 of this Code.

31 115.3.1.3.3. Administrative citations issued under this subtitle shall be adjudicated in

1 accordance with the provisions outlined in Sections 13-1126, 13-1127, 13-1128, 13-
2 1129, 13-1130, 13-1131, and 13-1132 of this Code.

3 115.3.1.3.4. A civil fine imposed through an administrative citation under this section
4 shall be five hundred dollars (\$500.00) per violation and shall be due and payable
5 within 30 days after the citation is issued. Each day that a violation continues shall be
6 deemed a separate offense.

7 * * * * *

8 SECTION 2. BE IT ENACTED by the County Council of Prince George's County,
9 Maryland, that Section 4-255 of the Prince George's County Code be and the same is hereby
10 added:

11 **SUBTITLE 4. BUILDING**

12 **DIVISION 1. BUILDING CODE**

13 **SUBDIVISION 4. AMENDMENTS TO THE INTERNATIONAL RESIDENTIAL CODE FOR**

14 **ONE- AND TWO-FAMILY DWELLINGS.**

15 **Sec. 4-255. Administration and Enforcement; Sec R113. Violations.**

16 (a) Section R113.2 of the IRC is amended to read as follows:

17 "Notice of Violation"

18 The Building Official is authorized to serve a notice of violation or order on the person
19 responsible for the erection, construction, alteration, extension, repair, moving, removal,
20 demolition or occupancy of a building or structure in violation of the provisions of this
21 code, or in violation of a detail statement or a plan approved thereunder, or in violation of a
22 permit or certificate issued under the provisions of this code. Such order shall direct the
23 discontinuance of the illegal action or condition and the abatement of the violation.

24 (b) Section R113.4 of the IRC is amended to read as follows: "Violation Penalties"

25 R113.4.1 Civil Penalties

26 Any person, firm, association, partnership, corporation, or combination thereof who shall
27 violate a provision of the International Residential Code (IRC), or of this Subtitle, or fail
28 to comply with any of the requirements thereof, violates a lawful order issued thereunder,
29 or any person who shall erect, construct, alter, or repair a building or structure or
30 mechanical or electrical system without all required permits or in violation of an
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1 approved plan or directive of the Building Official, or of a permit or certificate issued
2 under the provisions of this Subtitle or the IRC, may be liable for a civil fine in
3 accordance with the provisions of this section. A civil fine imposed under this subsection
4 is in addition to any other sanction provided by law.

5 A civil fine may be assessed in conjunction with a written notice of violation or through
6 the issuance of a civil citation or an administrative citation in accordance with the
7 provisions of this Subtitle.

8 R113.4.1.1 Civil Fine Imposed Through Notice of Violation

9 When a civil fine is imposed through a notice of violation, the notice of violation shall
10 state the amount of the civil fine and a description of the circumstances giving rise to the
11 assessment. A civil fine imposed through a notice of violation shall be one thousand
12 dollars (\$1,000) per violation. Each day that a violation continues shall be deemed a
13 separate offense. A civil fine assessed through a notice of violation shall be due and
14 payable within 30 days after the Building Official issues the written notice.

15 R113.4.1.1.1 Appeal of Civil Fine Issued Through Notice of Violation: A written notice
16 of violation assessing a civil fine under this section shall be a final decision of the
17 Director or the Director's designee.

18 R113.4.1.1.2 Recording of Civil Fine as tax lien: If a civil fine imposed through a notice
19 of violation has not been paid within 30 days after the written notice of violation, the
20 Director may cause the written notice of violation to be recorded with the Director of
21 Finance for Prince George's County. Recordation of the notice of violation shall
22 constitute a lien on the subject property and shall be collected in the same manner as
23 other County real estate taxes. The filing of an appeal of a civil fine shall not affect the
24 recordation of a tax lien under this subsection. Upon receiving notice that a duly
25 adjudicated appeal has resulted in a decision in favor of an appellant regarding a civil fine
26 imposed under this subsection, the Director of Finance shall release the tax lien.

27 R113.4.1.2 Civil Fine Imposed Through Civil Citation

28 R113.4.1.2.1 In the event that a responsible party does not comply with a notice of
29 violation within the time period provided, including any period allowed by appeal, and
30 upon verification by the Director or the Director's designee that the violation still
31 exists, the Director or the Director's designee may issue upon the responsible parties a

civil citation pursuant to Subtitle 28, Division 3, of this Code.

R113.4.1.2.2 Separate Violation: Each day the violation continues is deemed a separate offense and is subject to an additional citation and fine in the same dollar amount as the repeat citation(s).

R113.4.1.2.3 Civil Citation in addition to other sanctions: A civil citation imposed under this subsection is in addition to any other sanction provided by law.

R113.4.1.3 Administrative Citation

R113.4.1.3.1 In lieu of issuing a civil citation pursuant to Section R113.4.1.2 above, upon verification of a violation of this Section, the Director or Director’s designee may issue upon the responsible parties an administrative citation as that term is defined in Section 13-1121.

R113.4.1.3.2. In addition to any other matters that the Director prescribes, the issuance of an administrative citation shall comply in all respects with the requirements of Sec. 13-1125 of this Code.

R113.4.1.3.3. Administrative citations issued under this subtitle shall be adjudicated in accordance with the provisions outlined in Sections 13-1126, 13-1127, 13-1128, 13-1129, 13-1130, 13-1131, and 13-1132 of this Code.

R113.4.1.3.4. A civil fine imposed through an administrative citation under this section shall be five hundred dollars (\$500.00) per violation and shall be due and payable within 30 days after the citation is issued. Each day that a violation continues shall be deemed a separate offense.

SECTION 3. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Section 4-255.01 of the Prince George's County Code be and the same is hereby added:

SUBTITLE 4. BUILDING

DIVISION 1. BUILDING CODE

SUBDIVISION 4. AMENDMENTS TO THE INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS.

Sec. 4-255.01. Administration and Enforcement; Sec R114. Stop Work Order.

(a) Section R114.1 of the IRC is amended to read as follows: Upon notice from the Building Official that work on any building or structure is being executed contrary to

1 the provisions of this code or in an unsafe and dangerous manner, such work shall be
 2 immediately stopped. The Stop Work Order shall be in writing and shall be given to the
 3 owner of the property involved, the owner's authorized agent or the person performing
 4 the work. Upon issuance of a Stop Work Order, the cited work shall immediately cease.
 5 The Stop Work Order shall state the reason for the order and the conditions under which
 6 the cited work will be permitted to resume. Stop Work Order will be in full force until
 7 all fees and penalties are paid and permits have been secured for all illegal and/or
 8 unpermitted construction.

9 (b) Section R114.2 of the IRC is amended to read as follows: Unlawful Continuance

10 R114.2.1 Civil Penalties

11 Any person, firm, association, partnership, or corporation, or combination thereof, who
 12 shall continue work in violation of the provisions of a Stop Work Order or shall remove
 13 or cause to be removed a Stop Work Order sign still in effect and operation, may be liable
 14 for a civil fine in accordance with the provisions of this section. A civil fine imposed
 15 under this subsection is in addition to any other sanction provided by law. A civil fine
 16 may be assessed in conjunction with a written notice of violation or through the issuance
 17 of a civil citation or an administrative citation in accordance with the provisions of this
 18 Subtitle.

19 R114.2.1.1 Civil Fine Imposed Through Notice of Violation

20 When a civil fine is imposed through a notice of violation, the notice of violation shall
 21 state the amount of the civil fine and a description of the circumstances giving rise to
 22 the assessment. A civil fine imposed through a notice of violation shall not exceed one
 23 thousand dollars (\$1,000) per violation. Each day that a violation continues shall be
 24 deemed a separate offense. A civil fine assessed through a notice of violation shall be
 25 due and payable within 30 days after the Building Official issues the written notice.

26 R114.2.1.1.1 Appeal of Civil Fine Issued Through Notice of Violation: A written
 27 notice of violation assessing a civil fine under this section shall be a final decision
 28 of the Director or the Director's designee as is contemplated.

29 R114.2.1.1.2 Recording of Civil Fine as tax lien: If a civil fine imposed through a
 30 notice of violation has not been paid within 30 days after the written notice of
 31 violation, the Director may cause the written notice of violation to be recorded

1 with the Director of Finance for Prince George's County. Recordation of the
 2 notice of violation shall constitute a lien on the subject property and shall be
 3 collected in the same manner as other County real estate taxes. The filing of an
 4 appeal of a civil fine shall not affect the recordation of a tax lien under this
 5 subsection. Upon receiving notice that a duly adjudicated appeal has resulted in a
 6 decision in favor of an appellant regarding a civil fine imposed under this
 7 subsection, the Director of Finance shall release the tax lien.

8 R114.2.1.2 Civil Fine Imposed Through Civil Citation

9 R114.2.1.2.1 In the event that a responsible party does not comply with a notice
 10 of violation within the time period provided, including any period allowed by
 11 appeal, and upon verification by the Director or the Director's designee that the
 12 violation still exists, the Director or the Director's designee may issue upon the
 13 responsible parties a civil citation pursuant to Subtitle 28, Division 3, of this
 14 Code.

15 R114.2.1.2.2 Separate Violation: Each day the violation continues is deemed a
 16 separate offense and is subject to an additional citation and fine in the same dollar
 17 amount as the repeat citation(s).

18 R114.2.1.2.3 Civil Citation in addition to other sanctions: A civil citation imposed
 19 under this subsection is in addition to any other sanction provided by law.

20 R114.2.1.3 Administrative Citation

21 R114.2.1.3.1 In lieu of issuing a civil citation pursuant to Section 114.2.1.2 above,
 22 upon verification of a violation of this Section, the Director or Director's designee
 23 may issue upon the responsible parties an administrative citation as that term is
 24 defined in Section 13-1121.

25 R114.2.1.3.2. In addition to any other matters that the Director prescribes, the
 26 issuance of an administrative citation shall comply in all respects with the
 27 requirements of Sec. 13-1125 of this Code.

28 R114.2.1.3.3. Administrative citations issued under this subtitle shall be
 29 adjudicated in accordance with the provisions outlined in Sections 13-1126, 13-
 30 1127, 13-1128, 13-1129, 13-1130, 13-1131, and 13-1132 of this Code.

31 R114.4.1.3.4. A civil fine imposed through an administrative citation under this

section shall be five hundred dollars (\$500.00) per violation and shall be due and payable within 30 days after the citation is issued. Each day that a violation continues shall be deemed a separate offense.

SECTION 4. BE IT FURTHER ENACTED that the provisions of this Act are hereby declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since the same would have been enacted without the incorporation in this Act of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection, or section.

SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law.

Adopted this 21st day of July, 2020.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Todd M. Turner
Council Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Angela D. Alsobrooks
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.

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