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

AN ACT concerning
Unpermitted Construction

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

BY repealing and reenacting with amendments:

SUBTITLE 4. BUILDING.

Sections 4-116 and 4-117,
The Prince George’s County Code

BY adding:

SUBTITLE 4. BUILDING.

Sections 4-255 and 4-255.01,
The Prince George’s County Code

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same are hereby repealed and reenacted with the following amendments:

SUBTITLE 4. BUILDING

DIVISION 1. BUILDING CODE

SUBDIVISION 2. AMENDMENTS TO THE INTERNATIONAL BUILDING CODE
Sec. 4-116. Administration; Sec 114. Violations.

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

“Notice of Violation”

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

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

114.4.1 Civil Penalties

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

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

114.4.1.1 Civil Fine Imposed Through Notice of Violation

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

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

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

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

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

114.4.1.2 Civil Fine Imposed Through Civil Citation

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

114.4.1.2.2 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).

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

114.4.1.3 Administrative Citation

114.4.1.3.1 In lieu of issuing a civil citation pursuant to Section 114.4.1.2 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 of this Code.

114.4.1.3.2. 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.

114.4.1.3.3. 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.

114.4.1.3.4. 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.

* * * * * * * * * * *

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

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

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

115.3.1 Civil Penalties

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

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

115.3.1.1 Civil Fine Imposed Through Notice of Violation

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

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

[115.3.1.1.3] 115.3.1.1.2 Recording of Civil Fine as tax lien: If a civil fine [assessed under this section] imposed through a notice of violation has not been paid within 30 days after the written notice of violation, the Director [shall] may cause the written notice of violation to be recorded with the Director of Finance for Prince George's County. Recordation of the notice of violation shall constitute a lien on the subject
property and shall be collected in the same manner as other County real estate taxes. The filing of an appeal of a civil fine shall not affect the recordation of a tax lien under this subsection.

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

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

115.3.1.2 Civil Fine Imposed Through Civil Citation

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

115.3.1.2.2 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).

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

115.3.1.3 Administrative Citation

115.3.1.3.1 In lieu of issuing a civil citation pursuant to Section 115.3.1.2 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 of this Code.

115.3.1.3.2. 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.

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

115.3.1.3.4. 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 2. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Section 4-255 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. Administration and Enforcement; Sec R113. Violations.

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

“Notice of Violation”

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

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

R113.4.1 Civil Penalties

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

R113.4.1.1 Civil Fine Imposed Through Notice of Violation
When a civil fine is imposed through a notice of violation, the notice of violation shall
state the amount of the civil fine and a description of the circumstances giving rise to the
assessment. A civil fine imposed through a notice of violation shall be one thousand
dollars ($1,000) per violation. Each day that a violation continues shall be deemed a
separate offense. A civil fine assessed through a notice of violation shall be due and
payable within 30 days after the Building Official issues the written notice.

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

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

R113.4.1.2 Civil Fine Imposed Through Civil Citation

R113.4.1.2.1 In the event that a responsible party does not comply with a notice of
violation within the time period provided, including any period allowed by appeal, and
upon verification by the Director or the Director's designee that the violation still
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
the provisions of this code or in an unsafe and dangerous manner, such work shall be immediately stopped. The Stop Work Order shall be in writing and shall be given to the owner of the property involved, the owner's authorized agent or the person performing the work. Upon issuance of a Stop Work Order, the cited work shall immediately cease. The Stop Work Order shall state the reason for the order and the conditions under which the cited work will be permitted to resume. Stop Work Order will be in full force until all fees and penalties are paid and permits have been secured for all illegal and/or unpermitted construction.

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

R114.2.1 Civil Penalties

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

R114.2.1.1 Civil Fine Imposed Through Notice of Violation

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

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

R114.2.1.1.2 Recording of Civil Fine as tax lien: If a civil fine imposed through a notice of violation has not been paid within 30 days after the written notice of violation, the Director may cause the written notice of violation to be recorded
with the Director of Finance for Prince George's County. Recordation of the notice of violation shall constitute a lien on the subject property and shall be collected in the same manner as other County real estate taxes. The filing of an appeal of a civil fine shall not affect the recordation of a tax lien under this subsection. Upon receiving notice that a duly adjudicated appeal has resulted in a decision in favor of an appellant regarding a civil fine imposed under this subsection, the Director of Finance shall release the tax lien.

R114.2.1.2 Civil Fine Imposed Through Civil Citation

R114.2.1.2.1 In the event that a responsible party does not comply with a notice of violation within the time period provided, including any period allowed by appeal, and upon verification by the Director or the Director's designee that the violation still 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.

R114.2.1.2.2 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).

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

R114.2.1.3 Administrative Citation

R114.2.1.3.1 In lieu of issuing a civil citation pursuant to Section 114.2.1.2 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.

R114.2.1.3.2. 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.

R114.2.1.3.3. 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.

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

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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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