

TOWN OF NORTH BRENTWOOD

ORDINANCE NO. 2015- 06

Introduced by: Councilmember Cuffie

Seconded by: Councilmember Day

Date of Introduction: September 8, 2015

An ordinance amending Chapter II “Government and Administrative Functions,” of *The Code of Ordinances of the Town of North Brentwood, Maryland*, by permanently amending or readopting said Chapter; thereby by adding and adopting a new Section 2-4204 (Designation and Duties of the Code Enforcement Officer) of Chapter II formally creating and establishing the Office of Code Enforcement Officer and designating certain powers, authorizations, duties, qualifications and functions of said office.

WHEREAS, pursuant to § 601 of the Town Charter, the Council of the Town of North Brentwood (the “Town”) is empowered to, in addition to all the powers granted to the Council by the Charter or any other provision of law, exercise any power or perform any function which is not now or hereafter denied to it by the Constitution of Maryland, the Charter or any applicable law passed by the General Assembly of Maryland; and

WHEREAS, pursuant to § 904 of the Town Charter, the Council is further empowered to employ such officers and employees as it deems necessary to execute the powers and duties provided by the Charter or other State law and to operate the Town government; and

WHEREAS, pursuant to § 907 of the Town Charter, the Council is further empowered to set the compensation of all officers and employees of the Town from time to time by a resolution passed by the Council; and

WHEREAS, pursuant to § 504(b) of the Town Charter, the Mayor, with the approval of the Council, shall appoint the heads of all offices, departments and agencies of the Town government as established by the Charter or by ordinance, and all office, department, and agency heads and all subordinate officers and employees of the offices, departments and agencies of the Town government shall be appointed and removed by the Mayor with approval of the Council in accordance with any rules and regulations in any merit system which may be adopted by the Council; and

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[Brackets] : Indicate matter deleted from existing law
Asterisks * * * : Indicate that text is retained from existing law but omitted herein.

WHEREAS, the Mayor and Council finds that the Town is in need of and/or will continue to benefit from the services of an appointed code enforcement officer, to effectively work to enforce the Town's laws and to improve the health, welfare, safety and morals of the Town, its quality of life and its general appearance.

WHEREAS, pursuant to § 411 of the Town Charter, the Council may pass, amend and pass, reject, or defer consideration of an ordinance at any meeting of the Council held not less than six (6) days nor more than sixty (60) days after the meeting at which the ordinance was introduced.

SECTION 1.

NOW THEREFORE BE IT ORDAINED by the Council of the Town of North Brentwood that Chapter II "Government and Administrative Functions" of *The North Brentwood Town Code* is hereby adopted, amended and re-enacted such that said Chapter and Code shall henceforth read as follows:

* * *

CHAPTER II. GOVERNMENT AND ADMINISTRATIVE FUNCTIONS

* * *

Article 4. Personnel

Title 1 General Provisions

* * *

Section 2-4204. Designation and Duties of the Code Enforcement Officer

THERE IS CREATED AND ESTABLISHED THE OFFICE OF CODE ENFORCEMENT OFFICER. THE APPOINTMENT OF A CODE ENFORCEMENT OFFICER SHALL BE APPROVED BY ORDINANCE OR WRITTEN RESOLUTION. THE CODE ENFORCEMENT OFFICER AND ANY OF HIS OR HER ASSISTANTS SHALL BE RESPONSIBLE TO THE MAYOR. A CODE ENFORCEMENT OFFICER APPOINTED BY THE MAYOR WITH THE CONSENT OF THE COUNCIL SHALL HAVE THE FOLLOWING POWERS, AUTHORIZATIONS, DUTIES, QUALIFICATIONS AND FUNCTIONS:

A. SUBJECT TO THE REQUIREMENTS OF THE TOWN COUNCIL, THE CODE ENFORCEMENT OFFICER, SHALL, IN ADDITION TO SUCH OTHER DUTIES AS MAY BE ASSIGNED TO HIM OR HER BY THE MAYOR, ENFORCE SUCH LAWS AND ORDINANCES RELATING TO PROPERTY, BUILDINGS AND STRUCTURES AS MAY BE SPECIFICALLY PROVIDED.

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B. THE CODE ENFORCEMENT OFFICER SHALL BE TECHNICALLY INFORMED (1) ON THE QUALITY AND STRENGTH OF BUILDING MATERIALS, (2) ON THE PREVAILING METHODS OF BUILDING AND CONSTRUCTION, (3) ON THE LATEST PRACTICES IN FIRE PREVENTION, (4) ON THE ACCEPTED REQUIREMENT FOR SAFE FACILITIES, AND (5) ON THE PROPER EQUIPMENT IN BUILDINGS, AND OTHER INSTALLATIONS FOR THE SAFETY, COMFORT AND CONVENIENCE OF THE OCCUPANTS AND THE PUBLIC. HE OR SHE SHALL NOT HAVE ANY INTEREST WHATEVER, DIRECTLY OR INDIRECTLY IN THE SALE OR MANUFACTURE OF ANY MATERIAL, PROCESS OR DEVICE ENTERING INTO OR USED IN OR IN CONNECTION WITH PROPERTY MAINTENANCE, BUILDING OR CONSTRUCTION WITHIN THE TOWN.

C. THE CODE ENFORCEMENT OFFICER AND/OR A DESIGNATED POLICE OFFICER MAY BE AUTHORIZED BY THE MAYOR AND COUNCIL TO ENFORCE THE TOWN'S ORDINANCES AND MAY DELIVER A MUNICIPAL INFRACTION CITATION, CRIMINAL MISDEMEANOR VIOLATION SUMMONS, CHARGING DOCUMENT OR CRIMINAL CITATION TO ANY PERSON ALLEGED TO BE COMMITTING OR TO HAVE COMMITTED A MUNICIPAL INFRACTION OR OTHER VIOLATION.

D. THE CODE ENFORCEMENT OFFICER SHALL EXAMINE PREMISES FOR WHICH PERMITS HAVE BEEN OR WILL BE ISSUED AND SHALL MAKE NECESSARY INSPECTIONS TO SEE THAT THE PROVISIONS OF APPLICABLE LAWS OR ORDINANCES ARE COMPLIED WITH AND THAT MAINTENANCE OR CONSTRUCTION IS PROSECUTED SAFELY. HE OR SHE SHALL, WHEN REQUESTED BY THE TOWN COUNCIL OR WHEN THE INTERESTS OF THE TOWN SO REQUIRE, MAKE INVESTIGATIONS IN CONNECTION WITH MATTERS REFERRED TO WITHIN TOWN ORDINANCES AND RENDER WRITTEN REPORTS ON THE SAME. FOR THE PURPOSE OF ENFORCING COMPLIANCE WITH LAW, TO REMOVE ILLEGAL, NUISANCE OR UNSAFE CONDITIONS, TO SECURE THE NECESSARY SAFEGUARDS, OR TO REQUIRE ADEQUATE FACILITIES IN EXISTING BUILDING OR IMPROVED PROPERTIES, HE OR SHE SHALL ISSUE NOTICES OR ORDERS AS MAY BE NECESSARY.

E. UNLESS POSTED OR INFORMED OTHERWISE (I.E, NO TRESPASSING), THE CODE ENFORCEMENT OR POLICE OFFICER SHALL HAVE THE RIGHT, UPON PROPER IDENTIFICATION, TO ROUTINELY ENTER UPON PRIVATE PROPERTY SO FAR AS IS NECESSARY FOR THE PERFORMANCE OF DUTIES.

F. THE MAYOR IS HEREBY AUTHORIZED AND EMPOWERED TO ESTABLISH ADDITIONAL DUTIES FOR ANY ASSIGNED CODE ENFORCEMENT OFFICER PROVIDED THAT SAID OFFICER SHALL NOT BE VESTED WITH POLICE POWERS OF ARREST. CODE ENFORCEMENT OFFICERS ARE NOT AUTHORIZED TO

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CARRY FIREARMS, AND THEY SHALL NOT CARRY FIREARMS WHILE ON DUTY. SAID OFFICERS SHALL BE ASSIGNED SUCH DUTIES AS ARE CIVILIAN AND ADMINISTRATIVE IN NATURE THAT THE MAYOR, FROM TIME TO TIME, MAY DIRECT, THAT ARE NOT INCONSISTENT WITH THE LIMITATIONS SET FORTH IN THIS CODE OF ORDINANCES, OR STATE LAW AND, IN ADDITION, THE CODE ENFORCEMENT OFFICER SHALL BE VESTED WITH THE AUTHORITY TO ISSUE PARKING CITATIONS, CRIMINAL CITATIONS AND CITATIONS FOR MUNICIPAL INFRACTIONS AS EXPRESSLY PROVIDED FOR IN EACH APPLICABLE ARTICLE OR SECTION OF THE TOWN'S CODE OF ORDINANCES OR OTHER ORDINANCES.

G. THE CODE ENFORCEMENT OFFICER SHALL KEEP CAREFUL AND COMPREHENSIVE RECORDS OF APPLICATIONS, OF PERMITS ISSUED, OF CERTIFICATES ISSUED, OF INSPECTIONS MADE, OF REPORTS RENDERED, AND OF NOTICES, CITATIONS OR ORDERS ISSUED.

H. IN THE ABSENCE OR DISABILITY OF THE CODE ENFORCEMENT OFFICER, THE MAYOR WITH APPROVAL OF THE TOWN COUNCIL SHALL DESIGNATE, BY ORDINANCE OR WRITTEN RESOLUTION, A QUALIFIED OFFICIAL OR SUBORDINATE TO DISCHARGE THE DUTIES OF THE CODE ENFORCEMENT OFFICER.

* * *

SECTION 2.

AND BE IT FURTHER ORDAINED AND ENACTED, that it is the intention of the Mayor and Council, and it is hereby ordained, that the provisions of this Ordinance shall become or continue to be made part of the Code of Ordinances and the sections of this Ordinance may be renumbered to accomplish such intention, and that Chapter II of the Code of Ordinance is hereby permanently amended to read as stated herein above.

SECTION 3.

AND BE IT FURTHER ORDAINED AND ENACTED, that any other prior ordinances adopting and enacting any provision of Chapter II of said Code or any other ordinance or resolution previously adopted pertaining to a subject or subjects embodied by the title of this ordinance or the provisions found herein shall be deemed repealed and superseded by the provisions of this ordinance. Should a previously enacted ordinance cover a provision or subject that is not specifically covered by this ordinance, it shall remain in full force and effect unless it directly conflicts with the express language of this ordinance.

SECTION 4.

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AND BE IT FURTHER ORDAINED AND ENACTED, if any section or part of a section of this Ordinance shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Ordinance nor the context in which such section or part of section so held invalid shall appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

SECTION 5.

AND BE IT FURTHER ORDAINED AND ENACTED, this Ordinance shall take effect and become effective at the expiration of eleven (11) calendar days following adoption by the Council, and approval by the Mayor or passage by the Council over the Mayor's veto unless a different effective date has been specified therein.

THIS ORDINANCE IS ADOPTED BY THE COUNCIL OF THE TOWN OF NORTH BRENTWOOD THIS 8th DAY OF September, 2015.

Aye: 3

Nay: 0


Absent: 0

Abstain: 0

Approved: September 21, 2015

Effective: October 2, 2015

TOWN OF NORTH BRENTWOOD

By: 
Petrella Robinson, Mayor

Date: 9/22/2015

CERTIFICATE

I HEREBY CERTIFY on this 9th day of September, 2015, that the above proposed ordinance was posted on an official bulletin board maintained by the Council in a public place until it was approved or disapproved pursuant to the Town Charter.


Town Clerk

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