

TOWN OF NORTH BRENTWOOD

ORDINANCE NO. 2016- 01

Introduced by: Councilmember Markel Day

Seconded by: Councilmember Aaron Baynes

Date of Introduction: April 18, 2016

An ordinance re-adopting or amending Chapter VI “Buildings and Environmental Regulations,” of *The Code of Ordinances of the Town of North Brentwood, Maryland*, by permanently amending or readopting said Chapter; thereby adopting a new Article 1 (Construction Permits and Standards); new Article 2 (Housing Standards); enacting or readopting Article 3 (Environmental Controls), and generally relating to Building Permits, Construction Standards, Housing Codes and Environmental Regulations.

WHEREAS, the Institute for Governmental Service prepared the Code of Ordinances of the Town of North Brentwood in May of 1990, which included Chapter VI (Buildings and Environmental Regulations); and

WHEREAS, Ordinance 2006-02 enacted on April 3, 2006 by the Mayor and Council adopted the International Property Maintenance Code with amendments as the Town’s Housing Code and said Ordinance further repealed former Article 2 (Building Code Regulations); and

WHEREAS, pursuant to § 602(6) of the Town Charter, the Council of the Town of North Brentwood (the “Town”) is empowered to, make reasonable regulations in regard to buildings and signs to be erected, constructed, or reconstructed in the Town, and to grant building permits in addition to the permits required by the County or other government entity having jurisdiction for the same; to require reasonable charges for permits and inspections; to authorize and require the inspection of all buildings and structures and to authorize the condemnation thereof in whole or in part when dangerous or insecure, and to require that such buildings and structures be made safe or be taken down; and

WHEREAS, Prince George’s County has adopted by reference the International Property Maintenance Code, 2000 Edition, as published by the International Code Council, Inc. (the “IPMC”) as the County’s Housing Code, as found in Subtitle 13 of the County Code with certain additions, exceptions, and modifications set forth in Subdivision 2 of Division 1 of said Subtitle; and

WHEREAS, the Code of Maryland Regulations, COMAR 05.02.03.03(2) states that the provisions of the Minimum Livability Code found therein do not apply to housing located in a political subdivision that has adopted a local housing code containing provisions that

substantially conform to the provisions of COMAR 05.02.03; and the Town Council finds that the housing standards set forth herein substantially conforms to those provisions, and it is therefore intended that the adoption of this Ordinance and Town Code provisions shall have the effect of making COMAR 05.02.03 inapplicable in the Town of North Brentwood, except to the extent that the application of those COMAR regulations would be more restrictive than the provisions of this Ordinance; and

WHEREAS, Section 13-107 of the County Code states that Section 101.2 of the IPMC is amended to read as follows: “101.2 Scope. The provisions of this Code shall apply to all existing residential structures and premises and constitute the minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators, and occupants; the occupancy of existing structure and premises, and for administration, enforcement, and penalties, [but that] said Code shall not apply to hotels and motels serving transient guests only, rest homes, convalescent homes, nursing homes, and such structures which have been converted to an approved nonresidential use;” and

WHEREAS, the Mayor and Council find that the Town is in need of and/or will continue to benefit from certain building, maintenance and environmental regulations to improve the health, welfare, safety and morals of the Town, its quality of life and its general appearance; and

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 VI “BUILDINGS AND ENVIRONMENTAL REGULATIONS” of *The North Brentwood Town Code* is hereby adopted, amended and/or re-enacted such that said Chapter and Code shall henceforth read as follows:

* * *

CHAPTER VI.

BUILDINGS, MAINTENANCE AND ENVIRONMENTAL REGULATIONS

Article 1. Construction Permits and Standards

Title 1. General Permit Process and Exemptions

Section 6-1101. Permits required; procedure.

Any person, persons, firm or corporation who or which intends to build, remodel or repair any building or other structure of wood, masonry or metal or who or which intends to install or construct any electrical wiring or connections or any electrical appliances or machinery which requires special wiring, connections or installation for its operation shall make application for a permit to the Town Clerk or designee and pay the fee hereinafter prescribed. Upon receipt of such application, together with the appropriate fee, the Town Clerk shall present the application to the Mayor for action, or if so authorized by the Town Council by motion placed in the journal, the Clerk or another official may issue said permit immediately. In either case, the application for and acceptance of said permit shall constitute an acceptance on the part of the contractor, builder or installer of the provisions of this article and such other regulations and restrictions as are imposed by it.

Section 6-1102. Adoption of standards.

Except as otherwise modified by this Chapter, the building regulations in force and effect in Prince George's County (i.e., Subtitle 4, Division 1) are hereby adopted to be the building regulations for the Town of North Brentwood.

Section 6-1103. Permit fees.

A. The cost of obtaining a building permit shall be as stated herein for any building project involving any construction, remodeling or repairing of any building or other structure of wood, masonry or metal or installation or construction of any electrical wiring or connections or any electrical appliances or machinery which require special wiring, connections or installation for their operation.

B. A building permit shall also be required for relocation or conversion or removal or demolition of any building or structure.

C. No permit shall be required for painting projects, or door and window repairs.

D. Except as stated otherwise herein, the permit fee for any building project shall be \$25.00 unless otherwise established by the Council by written resolution. The permit fee for a new residence or commercial building shall be \$100.00 unless a resolution states otherwise. The fence permit fee shall also be \$25.00 as stated in § 6-1201.

Section 6-1104. County permit required.

The applicant for a permit shall obtain a county permit and exhibit the same to the Town when requested or when applying for a Town permit, unless the County building ordinance expressly exempts such work from having to obtain a permit. Any project or work that may be exempt from the county building regulations shall not necessarily be exempt from the Town's permit requirements unless this Article states otherwise.

Section 6-1105. Exemptions from permit requirements.

All County building permits issued for properties located within the corporate limits of the Town shall also require a Town permit. Furthermore, interior painting and wallpapering, installing flooring (i.e., hardwood, carpeting, linoleum or vinyl tile), minor electrical repairs, installing new countertops, installing or replacing a faucet or toilet parts, and landscaping work shall not require a permit, and limited exterior repairs solely to windows, doors and exterior painting or repainting projects shall also be exempt from this Title.

Section 6-1106. Supervision of heating system installations; Inspections.

A., The County Building Inspector and/or County Fire Marshal shall have supervision over the erection and installation of all heating apparatus. It shall be his duty to enter any building or premises under construction or repair to inspect the heating equipment, including chimneys, flues and pipes with which the same shall be connected; and he shall require correction of any features which, through faulty material or construction, appear to be defective or dangerous by the creation of a fire hazard. The County Building Inspector and/or County Fire Marshal shall give specific instructions for correction to the owner or builder, to be made within a reasonable time.

B. This Ordinance is intended to augment, compliment and verify the implementation of the County building regulations within the corporate limits of the Town. The Town in its complete discretion may perform or cause an inspection of premises to occur to ensure compliance with this Ordinance. Nothing herein shall be construed to mandate or require the inspection of a premise before, during or after the issuance of any permit required under this Article.

Title 2. Fence Permits

Section 6-1201. Fences.

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

FENCE means any structure, regardless of composition (except structures or hedges composed of live materials), that is constructed or maintained for purposes such as, but not limited to, enclosing a piece of land, dividing a piece of land into distinct portions, exclusion, protection, privacy, security, and aesthetics.

FRONT YARD means that portion of the yard in front of the rear building line of a lot and any building. All corner lots adjacent to a public street shall also be considered front yards. A corner lot shall comply with the fence regulations for front yards on each property line and yard which is adjacent to a street.

HEIGHT means the distance measured from the existing grade to the top of the fence.

B. It shall be unlawful to construct, erect or modify a fence of any height on property in the Town without first having obtained a permit from the Town to do so.

C. Applications for a fence permit must be in writing on the form approved by the Town, and signed by the owner(s) of the property. The application for a fence under four (4) feet tall or that does not require a County permit, where plans have not already been reviewed by the county and included with the Town permit application, shall include the proposed location, plot plan with sketch, a statement setting forth the length, height and thickness and a description of the materials to be used. An application for all other fences shall be accompanied by a copy of the approved County permit. A fee established by the Council shall accompany the application, and shall be \$25 unless established otherwise by resolution.

D. An application for a four-foot or shorter fence shall be reviewed and approved by the Mayor or her designee without further action by the Town Council. An application for a fence of greater than four feet must also be approved by the Mayor or her designee. Such application shall be considered within 30 days from the date on which the Town Clerk or other designee receives the completed application in writing.

E. The application will be approved, and the permit issued, by the Mayor or designee, based upon the following considerations:

(1) Whether the fence complies with the requirements contained herein;

(2) Whether the fence will unduly obstruct light and air from neighboring properties or public ways;

(3) Whether the fence will obstruct visibility upon public streets; and

(4) Whether the materials are in keeping with the character and purposes for which the fence is intended.

F. Permits must be available for inspection at the site during construction of the fence.

G. Any fence erected in a front yard shall be placed at least five feet back from the curblineline and/or property line.

H. Any fence erected in a front yard or along a public right-of-way must be uniformly less than 60% solid, with visibility (open space) of at least 40% of the area.

I. Any chain-link fence must be erected with the closed loop at the top of the fence.

J. Any wood, stockade, chain-link or other type of fence shall have the smooth side or finished side facing the outside of the property being fenced. Unless an integral part of the decorative design of the fence, all fence posts shall be placed on the inside of the fence in the applicant's yard.

K. All gates shall open onto the property and shall not open over the sidewalk or the street.

L. It shall be unlawful to construct, erect or modify any fence of the following descriptions:

- (1) Front yard and corner lot fences having a height of greater than 48 inches.
- (2) Back yard and side yard fences having a height of greater than six feet.
- (3) Any fence that extends forward of the building lines of any existing or proposed dwelling or beyond any required front setback line.
- (4) Any fence that extends beyond the property line.
- (5) Any fence that encroaches upon a public right-of-way or interferes with vehicular or pedestrian traffic or visibility.
- (6) Any double fence, i.e., a fence that runs close alongside or parallel to another fence on the same property.

M. It shall be unlawful to construct, erect or modify any fence which unduly cuts off light or air, which may cause a nuisance, a fire hazard, a dangerous condition, an obstruction to persons and equipment for combating fires or which may otherwise adversely affect public safety.

N. It shall be unlawful to construct, erect or maintain any fence of the following materials or types:

- (1) Barbed wire.
- (2) Razor wire.
- (3) Canvas fences.
- (4) Cloth fences.
- (5) Electrically charged fences.
- (6) Fences primarily intended to contain poultry or other livestock.
- (7) Turkey or chicken wire.
- (8) Fences which contain any hazardous substances, such as barbed wires, broken glass, spikes, nails or similar material designed to inflict pain or injury to any person or animal.
- (9) Expandable fences and collapsible fences, except during construction of a building.

O. All fences shall be kept in good repair. Fences shall be continually maintained and no fence shall be permitted to become unsightly or in a state of disrepair.

P. Except as provided in Subsection O, the owner of the property on which a fence is in need of repair shall provide the necessary repairs to the fence within 30 days after receipt of notice from the Town stating the need for such repairs. The Town shall have the authority to direct, in writing, the removal, trimming, repair or modification of any fence, within 14 days, if the fence interferes with adequate visibility or operation of motor vehicles at street intersections, driveways or curbs.

Q. The Town Council may authorize a waiver from the provisions of this section where there are practical difficulties in carrying out the strict letter of any of the provisions hereof or where special circumstances exist. However, no such waiver shall be granted except in a specific case and after a public hearing before the Town Council at which the applicant had the burden of showing the need for such a waiver.

R. The penalty for violating any of the provisions of these fence regulations shall be those set forth in Section 6-3106 of this Article.

ARTICLE 2. HOUSING STANDARDS

Title 1. General

Section 6-2101. Adoption of standards by reference.

A. Subtitle 13 (Housing and Property Standards), Division 1 (Housing Code) of the Prince George's County Code, as it may from time to time be amended, is hereby adopted by the Town, and all of the powers, rights and requirements of compliance therein not in conflict with the Town Charter, this Code of Ordinances, or any relevant Town regulations, may be exercised by the Town. However, all references in Chapter 13 of the County Code (or the International Property Maintenance Code which the County Code currently incorporates) relating to the appointment, discipline, employment and termination of any code enforcement personnel or to a board of appeals shall not apply or be effective under this Code of Ordinances.

B. The Code Official shall be the Mayor, his/her designee or any code enforcement officer of the Town.

Title 2. Unsafe, Unfit and Unlawful Buildings

Section 6-2201. Unsafe structures and equipment.

A. General. When a structure or equipment is found by the Code Official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this Code. For purposes of this Chapter, condemnation means a declaration of illegality, danger or unfitness and does not include taking of property for compensation by a governmental unit.

(1) Unsafe Structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

(2) Unsafe Equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

(3) Structure Unfit for Human Occupancy. A structure is unfit for human occupancy whenever the Code Official finds that such structure is unsafe, or because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this Code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

(4) Unlawful Structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this Code, or was erected, altered or occupied contrary to law.

B. Closing of vacant structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the Code Official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the Code Official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource or in the same manner as taxes.

C. Notice. Whenever the Code Official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Subsection 6-2401.C. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Subsection 6-2401.B.

D. Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the Code Official shall post on the premises or on defective

equipment a placard bearing the word "condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

(1) Placard Removal. The Code Official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the Code Official shall be subject to the penalties provided by this Chapter.

E. Prohibited occupancy. Any occupied structure condemned and placarded by the Code Official shall be vacated as ordered by the Code Official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this Chapter.

Section 6-2202. Emergency measures.

A. Imminent danger. When, in the opinion of the Code Official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Code Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Code Official shall cause to be posted at each entrance to such structure a notice reading as follows: "This structure is unsafe and its occupancy has been prohibited by the Mayor/Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

B. Temporary safeguards. Notwithstanding other provisions of this Code, whenever, in the opinion of the Code Official, there is imminent danger due to an unsafe condition, the Code Official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted, and shall cause such other action to be taken as the Code Official deems necessary to meet such emergency.

C. Closing streets. When necessary for public safety, the Code Official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

D. Emergency repairs. For the purposes of this section, the Code Official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

E. Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the Town. The legal counsel of the Town shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs,

or said costs may be collected in the same manner as real property taxes after an invoice is mailed to the owner of record and said owner has been given 30 days to request a hearing.

F. Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the Town, be afforded a hearing as described in this Chapter.

Section 6-2203. Demolition.

A. General. The Town Council shall order the owner of any premises upon which is located any structure, which in the Council's judgment is so dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than one year, to demolish and remove such structure.

B. Notices and orders. All notices and orders shall comply with Section 6-2401.

C. Failure to comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the Code Official shall cause an action to be filed in the court for demolition and recovery of all costs and fees (including attorney and expert fees) incurred in the enforcement of this Article. The cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

D. Salvage materials. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

Title 3. Appeals

Section 6-2301. Appeals.

A. Any person affected by any notice or order which has been issued in connection with the enforcement of any provision of this Chapter may request and shall be granted a hearing on the matter before the Council or its designee, who shall be the hearing officer. Provided, however that such person requesting the hearing (the "appellant") must file in the office of the Mayor a signed written notice of appeal, requesting a hearing and setting forth a brief statement of the reasons therefore, within ten (10) days after service of a notice or order.

B. Upon receipt of such notice of appeal, the hearing officer shall promptly set a time and place for such hearing and shall give the person appealing and other enforcement personnel notice thereof. Notice of the hearing shall be posted at the property in a conspicuous place no later than forty-eight (48) hours before the hearing indicating the nature of the proceeding, the time and place of the hearing and the name and telephone number of the person to contact for additional information.

C. The hearing officer shall record the hearing and determine such appeals in writing as promptly as practicable. After such hearing, the hearing officer may affirm, amend, modify or withdraw the notice or order appealed from. The decision of the hearing officer shall constitute an order, and any person who shall fail, refuse or neglect to comply with any such order shall be guilty of violating the provisions of this Chapter.

D. The decision of the hearing officer shall in all cases be final, except that any appellant or party directly aggrieved by a decision of the hearing officer may appeal to a court of record of competent jurisdiction for a further review, on the record made in front of the hearing officer provided that appellant does so within thirty (30) days after the rendering of such decision. The decision of the hearing officer in any case on appeal may be stayed by the hearing officer pending a decision by the court.

E. Whenever a Code Official finds that an emergency exists which requires immediate action to protect the public health, he/she may, without notice of hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he/she deems necessary to meet the emergency. Notwithstanding the other provisions of this Chapter, such order shall be effective immediately, but, upon petition to the person hearing such appeal, shall be afforded a hearing as soon as possible. After such hearing, depending upon the finding as to whether the provisions of this Code and of any rules and regulations adopted pursuant thereto have been complied with, the hearing officer shall continue such order in effect or modify it or revoke it.

Title 4. Enforcement

Section 6-2401. Notices and orders.

A. Notice to person responsible. Whenever the Code Official determines that there has been a violation of this Chapter or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Subsections B and C, immediately below, to the person responsible for the violation as specified in this Chapter. Notices for condemnation procedures shall also comply with Subsection 6-2201.C.

B. Such notice prescribed in subsection A shall be in accordance with all of the following:

(1) be in writing.

(2) include a description of the real estate sufficient for identification.

(3) include a statement of the violation or violations, why the notice is being issued and the day and time the violation was discovered.

(4) include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Code.

(5) inform the property owner of the right to appeal.

(6) include a statement of the right of the Town to file a tax lien.

C. Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

(1) delivered personally to the tenant if any, and to the owner of record; or

(2) sent by certified mail addressed to the last known address of the owner and the tenant, if any, so long as a copy thereof shall be posted in a conspicuous place or about the structure affected by such notice.

D. Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 6-3106.

E. Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Code Official and shall furnish to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

ARTICLE 3. ENVIRONMENTAL CONTROLS

Title 1. Erosion and Sediment Control

Section 6-3101. Applicability

A. All construction activity, public or private, including work performed by the Town of North Brentwood, which involves the clearing, grading, or movement of earth within any dedicated

public street right-of-way in the Town, shall be covered under this Title and Chapter 3 (Streets and Sidewalks) of this Code.

B. This Title does not apply to normal street repairs or small construction projects in which the amount of disturbed area lying within a public street right-of-way is less than five thousand (5,000) square feet, and/or one hundred (100) cubic yards.

Section 6-3102. Standards

The soil conservation standards of Prince George's County, regulating similar clearing, grading and construction operations within the County, are hereby made effective within the Town of North Brentwood to regulate construction within any public street right-of-way.

Section 6-3103. Erosion and Sediment Control Plans

A. Any person, partnership, firm, or corporation, to whom a Town permit may be issued for construction within a public street right-of-way, shall submit as part of their permit application, two (2) copies of an erosion and sediment control plan, that has been approved by the Prince George's County Soil Conservation District.

B. Permits issued for such construction shall specify that the work must conform in all respects to the approved erosion and sediment control plan.

C. All such construction done by the Town of North Brentwood shall not commence until an approved erosion and sediment control plan has been approved by the Prince George's County Soil Conservation District, and all work shall conform to said plan.

Section 6-3104. Inspections

A. All construction projects for which an erosion and sediment control plan is required pursuant to this Article shall be inspected periodically by an Engineer to determine compliance with said plan.

B. The Engineer shall immediately notify the permittee in writing of any exceptions to the approved plan noted in his inspection, and shall specify a reasonable number of days in which the work must be corrected to conform with the plan. A final inspection shall then be made and a report of same referred to the Prince George's Soil Conservation District.

C. In addition to any other permit fees and charges, the Town may charge an additional fee in an amount sufficient to cover the cost of said inspection by the Engineer.

Section 6-3105. Violations

Upon failure to take the directed corrective action within the time specified by the Engineer or designee, the permittee shall be deemed to be in violation of this Title. Each day a violation continues uncorrected shall be deemed a separate offense.

Section 6-3106. Penalty

It shall be unlawful for any person or persons, firm, or corporation to violate any of the provisions of this Chapter, which are hereby declared by the Council to be municipal infractions, and shall be subject to pay a fine of five hundred dollars (\$500) for each offense. Each day that a violation continues after assessment of the initial fine shall constitute a separate or repeat offense. Payment of the fines without correction of violation(s) does not constitute abatement of the violation(s).

* * *

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 VI of the Code of Ordinances 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 VI 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, but 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.

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 ___ DAY OF _____, 2016.

Aye:
Nay:
Absent:
Abstain:

Approved:

TOWN OF NORTH BRENTWOOD

By: _____
Petrella Robinson, Mayor

Date: _____

CERTIFICATE

I HEREBY CERTIFY on this ___ day of _____, 2016, 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

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. Effective date has been specified July 1, 2016

THIS ORDINANCE IS ADOPTED BY THE COUNCIL OF THE TOWN OF NORTH BRENTWOOD THIS 2nd DAY OF May, 2016.

Aye: 3
Nay: 0
Absent: 0
Abstain: 1

Approved:

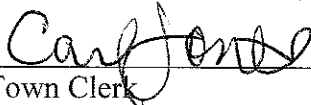
TOWN OF NORTH BRENTWOOD

By 
Petrella Robinson, Mayor

Date: 5/2/2016

CERTIFICATE

I HEREBY CERTIFY on this 19 day of April, 2016, 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