
1 **ARTICLE 8. ENFORCEMENT**

2 **CHAPTER 80 ENFORCEMENT**

3 Sections:

- 4 80.1 Actions in Violation of this Ordinance.
5 80.2 Procedure for Prosecution of Violations.
6 80.3 Actions to Remedy Violations.
7 80.4 Penalties.
8 80.5 Conflict of Laws.
9 80.6 Certificate of Occupancy.
10 80.7 Right of Entry.

11 It shall be the duty of the Director of Land Use and Growth Management or designee, ("the Administrator")
12 to enforce this Ordinance and to take action as set forth in the Ordinance necessary to abate violations and
13 achieve compliance. The Administrator may bring to the attention of the Planning Commission, Board of
14 County Commissioners, or County Attorney any violations or lack of compliance herewith.

15 **80.1. Actions in Violation of this Ordinance.**

16 1. It shall be unlawful for any person, whether as owner, principal, agent, employee or otherwise, to
17 violate any provisions of this Ordinance, to permit any such violation, or to fail to comply with the
18 requirements of this Ordinance, including, but not limited to, the following:

- 19 a. To erect any building, structure, or sign, or to construct, reconstruct, alter, repair, convert or
20 maintain any building, structure or sign or other improvement contrary to any of the
21 provisions of this Ordinance or to use any building, structure, sign or land so that it is
22 operated or maintained contrary to any provision of this Ordinance.
23 b. To transfer or sell any parcel in a proposed subdivision before a plat of such subdivision
24 has been approved by the Planning Commission in accordance with the provisions of this
25 Ordinance and filed for recordation with the Office of the Clerk of the Circuit Court of St.
26 Mary's County.
27 c. To subdivide any lot or any parcel of land, by the use of metes and bounds description for
28 the purpose of sale, transfer, or lease without complying with the requirements of this
29 Ordinance.
30 d. To fail, after percolation tests have been taken, to ensure that the test hole is covered or
31 backfilled, immediately and completely.

32 2. It shall be unlawful for any lessee to use the leased premises for any activity not permitted for under
33 this Ordinance.

34 3. It shall be unlawful for any person, firm, or corporation who owns an abandoned or dangerous sign
35 to allow the sign to remain on property owned, occupied, or under the control of the person or of
36 any other person or located within a public right-of-way.

37 **80.2. Procedure for Prosecution of Violations.**

38 1. Upon becoming aware of any violation of this Ordinance, the Administrator of this Ordinance may
39 serve notice of such violation on the person committing or permitting the same, and if such violation
40 has not ceased within the time specified by the Administrator, the Administrator shall institute such
41 action as may be necessary to terminate the violation.

42 2. The Administrator or designees may serve a citation noting a municipal civil infraction to a person
43 believed to be committing or permitting a violation of this Ordinance or the owner(s) of record of
44 the property where the violation occurs. A copy of the citation shall be retained by the
45 Administrator and shall bear a certification attesting to the truth of the matters set forth therein. The
46 citation shall contain:

-
- 1 a. The name and address of the person charged;
 - 2 b. The nature of the violation;
 - 3 c. The place and time of the violation;
 - 4 d. The amount of the fine assessed;
 - 5 e. The manner, location, and time in which the fine may be paid; and
 - 6 f. The person's right to elect to stand trial in the District Court of St. Mary's County for the
7 violation.
- 8 3. A person who receives a citation may elect to stand trial for the offense in the District Court of St.
9 Mary's County, by filing a notice of intent to stand trial. The notice shall be given at least five days
10 before the date of payment as set forth in the citation. On receipt of the notice of intention to stand
11 trial, the Director of Land Use and Growth Management or designee shall forward it to the County
12 Attorney who will then forward a copy of the citation and the notice to the District Court. On
13 receipt of the citation, the District Court shall schedule the case for trial and notify the defendant of
14 the trial date. All fines, penalties, or forfeitures collected by the District Court for violations shall be
15 remitted to St. Mary's County.
 - 16 4. If a person who receives a citation for a violation fails to pay the fine by the date of payment set
17 forth on the citation and fails to file a notice of intention to stand trial, a formal notice of the
18 violation shall be sent to the person's last known address. If the citation is not satisfied within 15
19 days from the date of the notice, the person is liable for an additional fine not to exceed twice the
20 original fine. If, after 35 days, the citation is not satisfied, the Director of Land Use and Growth
21 Management or designee may request adjudication of the case through the District Court. The
22 District Court shall schedule the case for trial and summon the cited person to appear.
 - 23 5. Adjudication of a violation under this section is not a criminal conviction, nor does it impose any of
24 the civil disabilities ordinarily imposed by a criminal conviction.
 - 25 6. In a proceeding before the District Court, the violation shall be prosecuted in the same manner and
26 to the same extent as set forth for municipal infractions in Article 23A, Section 3(b)(8) through (15)
27 of the Annotated Code of Maryland.
 - 28 7. If a person is found by the District Court to have committed a civil zoning violation, that person
29 shall be liable for the costs of the proceedings in the District Court in addition to the fine(s) levied.

30 **80.3. Actions to Remedy Violations.**

31 In addition to the imposition of any monetary penalties provided in this Ordinance, the County may initiate
32 an injunction, mandamus, or any other appropriate action to prevent the erection, construction,
33 reconstruction, alteration, repair, conversion, maintenance, or use in violation of any provision of this
34 Ordinance, to restrain, correct, or abate the violation; to prevent the occupancy of the building, structure or
35 land which is the subject of the violation, or to prevent any illegal act, conduct, business, or use in or about
36 the premises. Except in the event of an emergency, private dwellings shall require appointment prior to
37 entry.

38 **80.4. Penalties.**

- 39 1. Pursuant to Article 66B, 7.01 of the Annotated Code of Maryland, the Board of County Commis-
40 sioners may provide for civil penalties for any violation of this Ordinance by establishing a schedule
41 of fines. Each day in which any such violation occurs, or in which such person fails to perform the
42 duties required of him or to comply with the provisions of those sections, shall constitute a separate
43 offense. Any person who violates a provision of this Ordinance shall become liable to the County
44 for any expense, loss, or damage occasioned by the County by reason of such violation.
- 45 2. Violation of Critical Area Regulations.
 - 46 a. The Board of County Commissioners shall establish preset fines, not to exceed \$500.00, for
47 the following violations of Critical Area standards:

-
- 1 (1) An act for which project approval is required, which is done without having made
2 application for such approval as required by this Ordinance.
- 3 (2) An act for which project approval is required, which is done after such approval
4 has been issued but has expired by the terms of this Ordinance.
- 5 (3) An act done on a lot with respect to which project approval has been issued, which
6 violates or exceeds the authority conferred by that approval.
- 7 (4) An act that violates any express covenant or condition of any project approval
8 given by the Planning Commission, the Board of Appeals, or the Planning
9 Director under this Ordinance.
- 10 (5) Any use, development or development activity maintained within the Critical
11 Area, or land disturbance, clearing of natural vegetation, or grading within the
12 Critical Area that is prohibited by the provisions of this Ordinance.
- 13 (6) Failure to complete any required improvements, habitat protection, reforestation,
14 afforestation, or enhancement measure within the time frame prescribed by the
15 plans for such improvements or measures.
- 16 (7) Any act not referred to in the preceding paragraphs of this subsection that involves
17 the use of property in any manner prohibited by this Ordinance.
- 18 (8) Knowingly or unknowingly disturbing or destroying a habitat protection area as
19 defined herein that is protected by this Ordinance.
- 20 b. Additional Penalties. A person who does not pay the original preset fine within the time
21 specified in the original citation issued in accordance with Section 80.2 above, or who fails
22 to file a timely notice of intention to stand trial and does not pay the original preset fine
23 within 15 days from the date of formal notice of the violation shall pay an additional fine as
24 established in the schedule of fees, fines and penalties adopted by the Board of County
25 Commissioners. If the area disturbed cannot easily be determined by the Department of
26 Land Use and Growth Management, then the property owner of the lot or parcel where the
27 violation has occurred may be required to provide, at the owner's expense, a survey by
28 licensed land surveyor of the disturbed area, with the square footage in violation clearly
29 provided. If the property owner does not agree with the estimate of disturbed area arrived
30 at by the Department of Land Use and Growth Management, then he/she may provide a
31 revised estimate, determined by a licensed land surveyor including a survey and plat of the
32 area of disturbance. Mandatory mitigation in the form of plantings shall also be required,
33 as deemed appropriate at the sole and absolute discretion of the Director of Land Use and
34 Growth Management.

35 **80.5. Conflict of Laws.**

36 If the provisions of any other law, ordinance, or regulation of the County or the state shall be in conflict with
37 the provisions of this Ordinance, the more stringent or restrictive provision shall control.

38 **80.6. Certificate of Occupancy.**

- 39 1. No Certificate of Use and Occupancy shall be issued until construction has been completed and the
40 premises inspected and certified to be in conformance with the plans and specifications upon which
41 the zoning permit, building permit, and other necessary permits granted.
- 42 2. No building, structure, or use of land, or any part thereof, shall be changed or converted until a
43 certificate of use and occupancy is issued for the change or conversion.

44 **80.7. Right of Entry.**

45 The Administrator or designees shall have all necessary authority on behalf of the Board of County
46 Commissioners to administer and enforce the provisions of this Ordinance, including the ordering in writing
47 of the remedying of any condition found to be in violation of this Ordinance and the bringing of appropriate
48 legal action or proceedings to insure compliance with the Ordinance. In the discharge of duties, the Adminis-
49 trator or designees' authorized representative, shall be permitted to enter at any reasonable hour any building,

1 or structure or premise intended for public use in the County to enforce the provisions of this Ordinance.
2 Private dwellings shall require appointment prior to entry. The Administrator or designees shall be guided in
3 all actions pursuant to this Ordinance by the purposes, intent, and standards set forth in the respective article
4 of the Ordinance. The Administrator or designees shall adopt a form of identification which shall be
5 displayed for the purpose of identification. The assistance and cooperation of police, fire, and health
6 departments and all other county officials may be available as required in the performance of these duties.

1 **CHAPTER 81 ABATEMENT OF NUISANCES**

2 Sections:

- 3 81.1 Administration.
4 81.2 Abandoned Vehicles.
5 81.3 Obstructions to Cross-Visibility; Notice and Order to Remove; Hearings.

6 **81.1. Administration.**

7 The administration of this chapter shall be under the direction of the Director of Land Use and Growth
8 Management, who shall investigate violations, and perform such other duties as be necessary for the
9 enforcement of the provisions of this chapter.

- 10 1. **Complaints.** It shall be the duty of all departments and agencies of the County to forward to the
11 Director of Land Use and Growth Management inquiries, complaints, reports, or information
12 relative to abandoned vehicles, and obstructions to cross-visibility, unsafe property, structures and
13 buildings.

14 **81.2. Abandoned Vehicles.**

15 1. **Prohibition Against Abandonment on County-Owned or Private Property.**

- 16 a. Except as provided herein, no vehicle shall be abandoned on any property within the
17 County. This subsection shall not apply to a vehicle on the premise devoted to the repair,
18 renovation, or servicing of vehicles; a vehicle in an approved storage place or depository
19 maintained in a lawful place and manner by the County; or a vehicle inside a fully
20 enclosed structure or similarly enclosed area designed and approved for such purposes.
- 21 b. The abandonment of any vehicle on any property within the County shall constitute a
22 public nuisance and is deemed to be detrimental to the health, safety and welfare of the
23 inhabitants of the County. It shall be the duty of the registered owner of the vehicle, or
24 the owner of record of the property, to abate the nuisance through removal of the vehicle
25 from view from any public street, or to have the vehicle stored inside a fully-enclosed
26 structure or similarly enclosed area designed and approved for such purposes.
- 27 c. Vehicles abandoned or left unattended for more than 48 hours on County-owned property
28 or within a County-owned right-of-way may be removed. Vehicles abandoned or left
29 unattended on County-owned property or within a County-owned right-of-way may be
30 removed immediately under the following circumstances:
- 31 (1) The vehicle is impeding, or is likely to impede, vehicular or pedestrian traffic.
32 (2) The vehicle's location violates any Federal, State or local government law, rule
33 or regulations.
34 (3) The vehicle is located in any zone that has been limited to designated classes of
35 vehicles, or where parking is prohibited during certain hours on designated days
36 or at all times, or where such vehicle is interfering with the proper and intended
37 use of each zones.
38 (4) When the vehicles poses a danger to public safety.
39 (5) When the vehicle is obstructing law enforcement, fire, or emergency operations,
40 maintenance paving, or snow/ice or debris removal.

41 2. **Additional Remedy; Removal by County; Hearing.**

- 42 a. In addition to the authority to remove any abandoned or unattended vehicle, the Director
43 of Land Use and Growth Management may issue a written citation to the registered
44 owner of the vehicle abandoned in violation of Section 81.2 requiring that the vehicle be
45 removed from view from any public street, stored inside a fully enclosed structure or

1 similarly enclosed area designed and approved for such purposes, or that the violation be
2 otherwise abated within 15 days.

3 b. This citation may be served on the appropriate party either personally, by first-class
4 certified or registered mail or by affixing said citation to the vehicle abandoned in
5 violation of Section 81.2.

6 c. In the event that any person fails to comply with any citation issued pursuant to this
7 section, the Director of Land Use and Growth Management may have the vehicle
8 removed and disposed of and may impose on the person violating the citation a
9 reasonable charge to cover the costs, for the removal and disposition of the vehicle.

10 d. Any person aggrieved by a citation issued or decision or action taken pursuant to this
11 section may request a hearing before the Board of Appeals as specified in Chapter 23.

12 3. **Removal by Agreement.** The Director of Land Use and Growth Management may, on the proper
13 execution by the owner of a waiver and authorization agreement in a form approved by the County
14 Attorney, and subject to there being resources available for that purpose, remove and dispose of
15 any vehicle abandoned on property within the County, at no cost to the person involved.

16 **81.3. Obstructions to Cross-Visibility; Notice and Order to Remove; Hearings.**

17 1. Whenever the Director of the Department of Land Use and Growth Management finds that there
18 exists on any private property within the County any trees, bushes, vines, weeds, undergrowth,
19 loose earth or other obstructions that obstruct the vision of operators of vehicles traveling upon
20 any County road so as to constitute a traffic hazard, the Director of the Department of Land Use
21 and Growth Management shall immediately serve the owner, agent, lessee or any other person
22 having supervision over such property a written citation describing the premises whereon such
23 obstruction exists, a statement of the particulars in which the vision of operators of vehicles is
24 obstructed, including the steps necessary to correct such conditions, and a citation directing that
25 corrective steps be taken within a stated period of time.

26 2. Any person who considers himself aggrieved by any order issued pursuant to this section may,
27 within 5 days of the receipt of such citation, petition the Director of Land Use and Growth
28 Management, in writing, for a hearing thereon. Within 7 days from the receipt of such petition,
29 the Director shall hold such a hearing, after which he may affirm, modify or rescind the citation.
30 No official shall remove any obstruction or enforce any order issued under this section until after
31 such a petition has been filed.

32 3. All orders and notices issued by the Director of Land Use and Growth Management pursuant to
33 this section shall be served on the person to whom they are directed, either by registered or
34 certified first-class mail or by personal delivery to such person. If such person is not known to
35 reside and cannot be found in the County, such service shall be made by publication of such
36 citation once in a newspaper of general circulation in the County and by posting the same on the
37 premises in a conspicuous manner. Service by publication and posting shall be deemed to be
38 made on the day of publication or posting.

39 4. Upon failure of any person to comply with the provisions of any order issued under this section,
40 within the time specified therein, the Director of the Department of Land Use and Growth
41 Management shall direct the Director of the Department of Public Works and Transportation to
42 enter upon the property where the obstruction is located and remove all or such part of the
43 obstruction as may be necessary to eliminate the traffic hazard.

44 5. Whenever it is necessary for the Director of the Department of Public Works and Transportation to
45 provide for the removal or elimination of any type of obstruction referred to in this section, he
46 shall file with the Treasurer a certified statement of the cost to the County of such removal or
47 elimination, together with proof of service of the notice. The cost of such removal, together with
48 the cost of providing notice, shall constitute a charge and lien against the property and shall be
49 collected in the same manner, as are real estate taxes.

- 1 6. **Exceptions.** The provisions of this Section shall not apply to the following:
- 2 a. Permanent buildings.
- 3 b. Existing grades that, by reason of natural topography, exceed 24 inches above the level of
- 4 the center of the adjacent intersection, provided that no obstruction to cross-visibility not
- 5 specifically excepted here from shall be installed, set out, or maintained on any existing
- 6 grade that is more than 24 inches and less than 72 inches above the level of the center of
- 7 the adjacent intersection.
- 8 c. Trees having limbs and foliage trimmed in such manner that no limbs or foliage extend
- 9 into the area between 24 inches and 72 inches above the level of the center of the
- 10 adjacent intersection.
- 11 d. Fire hydrants, public utility poles, street markers, and traffic control devices.