

COUNTY ORDINANCE NO. 04-33

A BILL ENTITLED

AN ACT CONCERNING the Revision of Maximum Fines for Civil Zoning Violations under Title 18 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) ("the Code");

FOR THE PURPOSE of revising the maximum fine payable on a civil zoning violation to \$500.00 to conform with Article 66B of the Annotated Code of Maryland;

BY AMENDING Section 18-1-212 of Title 18 of the Code.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Section 18-1-212 of Title 18 of the Code be repealed and reenacted to read as follows:

§18-1-212 Civil zoning violations.

(a) Civil penalties.

(1) A person who commits or assists in the commission of any act enumerated in Subsection (c)(2) of this Section is guilty of a civil zoning violation and subject to an original preset fine, not to exceed \$500, as set forth in parentheses in that subparagraph.

(2) Each day on which the violation continues constitutes a separate violation.

(b) Additional penalties.

A person who does not pay the original preset fine within the time specified in the original citation issued in accordance with § 18-1-213 of this Subtitle, or fails to file a timely notice of intention to stand trial and does not pay the original preset fine within fifteen (15) days from the date of formal notice of the violation, shall pay an additional fine equal to twice the amount of the original preset fine.

(c) Enumeration of violations.

(1) In this Subsection "building permit" means a building permit required under Subpart 3 of this Part.

(2) The following acts constitute a civil zoning violation:

- (i) An act for which a building permit is required, that is done without having made application for such permit as required by this Subtitle (\$500);
- (ii) An act for which a building permit is required, that is done after such permit has been issued but has expired by the terms of this Subtitle (\$500);
- (iii) An act done on a lot with respect to which a building permit has been issued, that violates or exceeds the authority conferred by that permit (\$500);
- (iv) An act that involves the use or occupation of any property for which a building permit has been issued, prior to the time when it has been finally inspected and approved by the Planning Director as required by this Subtitle (\$500);
- (v) An act that violates any express covenant or condition of any approval given by the Planning Commission, the Board, or the Planning Director under this Subtitle or any prior ordinance relating to issuance of building permits, zoning permits, occupancy permits, conditional use approval, site plan and subdivision approval, and all applicable performance standards required in this Subtitle (\$500);
- (vi) An act that constitutes a continuance of a nonconforming use or structure after the time when this Subtitle requires that such use be terminated or discontinued (\$500);
- (vii) An act that constitutes the changing, moving, enlarging, expanding, extending, or modifying of any nonconforming use or structure in a manner not authorized by this Subtitle (\$500);
- (viii) An act for which a conditional use permit is required, including but not limited to any forestry use requiring a conditional use permit, that is done without having made application for or obtaining such permit as required by this Subtitle (\$500);
- (ix) An act for which a zoning certificate is required (including for signs and banners), that is done without having made application for such permit or that violates or exceeds the authority conferred by that permit

(\$500); and

(x) Any act not referred to in this paragraph that involves the use of property in any manner that is prohibited by this Subtitle (\$500).

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall be effective on the forty-sixth day following its passage.

INTRODUCED BY: Commissioner Ransom

DATE: 6-15-04

PUBLIC HEARING HELD: 8-17-04

VOTE: 3 Yea 2 Nay

DATE OF ADOPTION: 9-7-04