

**Chapter 15
BUILDING CODE**

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[HISTORY: Adopted 5-5-55. Amended 2-6-95, effective 2-26-95. §15-7 Amended 8-7-00. Amendment history noted where applicable. §15-1 though §15-15 repealed and replaced with §15-1 though §15-15. Effective 5-17-15][repealed and replaced on 6-4-18; effective 6-24-18]

REFERENCES

**Municipal infractions -- See Chapter 46.
Streets, sidewalks, curb cuts -- See Chapter 57.
Utilities -- See Chapter 62.
Walls and fences -- See Chapter 66.**

§ 15-1. Administration.

This Chapter shall be administered and enforced by a code official, as defined in other sections of this Code or other Town officials and employees as designated by the Town Manager.

§ 15-2. Applicability of and compliance with County Building Code.

The Building Code for Prince George's County, Subtitle 4, Division 1, of the Code of Prince George's County, Maryland, as amended from time to time, applies within the Town.

§ 15-3. Town Building Permit Required.

The Town requires a Town building permit at all times that Prince George's County requires a County building permit. A person may not erect, reconstruct, repair, or remove any building or structure within the Town except in compliance with the Building Code for Prince George's County and in accordance with building permits issued by Prince George's County.

§ 15-4. Applicability of and compliance with Chapter.

In addition to complying with § 15-2, a person may not erect, construct, reconstruct, repair, or remove any building or structure within the Town for which a Prince George's County building permit is required except in compliance with this Chapter and with a building permit from the Town issued under this Chapter.

§ 15-5. Permit applications.

(a) After a building permit for proposed work has been issued by Prince George's County, an owner of a property, or the owner's authorized agent, shall apply for a Town building permit by submitting an application upon forms furnished by the Town. Each application shall be signed under penalty of perjury that the contents of the application are true and correct to the best of the applicant's knowledge, information and belief. Each application shall be accompanied by a copy of the Prince George's County permit application, building permit issued by Prince George's County, an electronic and/or physical copy of the site plan, and all other plans and specifications approved by Prince George's County as part of the County's building permit. Where the application is for a building permit for a fence, the application shall demonstrate that the proposed fence complies with the requirements of Chapter 66 of this Code. The Town may waive the submittal of all or portions of other plans and specifications on a case-by-case basis when the Town determines that these will not assist the Town in determining whether to issue a Town building permit. Each application also shall be accompanied by a non-refundable application fee of \$50.

(b) After receiving an application and application fee, the Town shall review the application, plans and accompanying materials. The Town's review of the application shall focus on the completeness and accuracy of the application and accompanying materials, whether the Town concurs with Prince George's County's approval of the

County building permit, and whether there any Town-specific requirements that must be addressed.

§ 15-6. Action on permit applications.

(a) The Town shall review each application for a Town building permit. After review of an application, the Town shall notify the applicant in writing that:

- (1) The application is approved and available for issuance upon payment of the applicable permit fee; or
- (2) The Town is withholding approval of the application until the applicant submits additional required documentation to the Town; or
- (3) There are apparent errors regarding Prince George's County's issuance of the County building permit that the applicant must resolve with the County before the Town will complete processing of the Town building permit application; or
- (4) The application has been approved with conditions or restrictions; or
- (5) The application has been denied and the reasons for the denial.

§ 15-7. Permit Issuance or denial.

(a) The Town shall issue a permit after the Town is satisfied that the application is complete, all required application materials have been submitted, any apparent errors in the issuance of the Prince George's County building permit have been resolved, provided that:

- (1) Where the application is for a building permit for a fence, the proposed fence complies with the requirements of Chapter 66 of this Code, and the applicant pays the permit fee required by § 15-8; and
- (2) All delinquent fees and fines owed to the Town related to the premises are paid in full.

§ 15-8. Permit fees.

The fee for a Town building permit shall be as follows:

- (1) Application Fee: \$50 non-refundable paid at the time of application; and
- (2) Permit Fee: seventy-five percent (75%) of the fee for the Prince George's County building permit for the work, except that the fee for a Town building permit shall not be less than twenty-five dollars (\$25) or more than seven thousand dollars (\$7,000).

§ 15-9. Permit to be kept posted on premises.

A Town building permit shall be kept conspicuously displayed at a location visible from the street on the premises on which the work authorized by permit is being performed until the work has been completed.

§ 15-10. Permit expiration.

A Town building permit shall be valid for six (6) months, starting from the date construction begins and/or pursuant to the conditions outlined in the corresponding Prince George's County building permit.

§ 15-11. Permitted construction hours.

Authorized construction hours for work conducted under a Town building permit are from 7 a.m. to 7 p.m., Mondays through Saturdays, excluding legal holidays. Exceptions to this requirement may be granted by the Town in writing upon application on a form provided by the Town and upon a showing of good cause.

§ 15-12. Town inspections.

(a) The Town periodically shall inspect all work sites for which the Town issued a building permit. The purpose of the Town's inspections is to determine whether work is being performed in accordance with the Town building permit, this Chapter and any other provisions of this Code, and whether there exist any readily apparent violations of the County building permit. If the Town determines that a violation of the County building code may exist, the Town shall promptly notify appropriate Prince George's County authorities for such authorities to take such action as may be deemed appropriate.

(b) The Town also shall inspect sites where work is being performed and for which a Town building permit has not been issued. The purpose of these inspections is to determine whether a Town building permit is required for that work and whether the conditions are in violation of any other provisions of this Code.

(c) Where an inspection cannot be conducted without entering onto a property or premises, the Town may enter onto the property or premises at reasonable times to conduct any inspection authorized by subsections (a) and (b) of this section. Where a property or premises is occupied, a code official shall present credentials to the occupant and request entry. If a property or premises is unoccupied a code official shall first make a reasonable effort to locate the owner or other person having charge or control of the property or premises and request entry. If entry is refused the Town shall obtain appropriate judicial relief to enter the premises and conduct the inspection unless immediate entry is required because of an imminent threat to the public health, safety or welfare.

§ 15-13. Stop work orders.

(a) Whenever any work is being done in violation of this Chapter, without a required Town building permit or in variance with the terms of any Town building permit issued for the work, a code official may order all or a part of the work stopped until the violation or variance is eliminated and any work undertaken in violation of this Chapter or Town building permit is corrected. A "stop work" order, if oral, shall be followed by a written stop work order within twenty-four (24) hours (excluding Saturdays, Sundays, and holidays). A code official shall post a copy of a written "stop work" order on the premises or site to which the order applies. The posted order shall not be removed until the Town has lifted it.

(b) A "stop work" order issued by Prince George's County shall be treated as a stop work order issued by the Town.

§ 15-14. Appeals.

A person aggrieved by a final decision or order of the Town in the administration or enforcement of this Chapter may appeal the decision to the Board of Code Appeals in accordance with Chapter 56 of this Code.

§ 15-15. Penalties and enforcement.

(a) Except as provided in subsection (b) of this section, violations of this Chapter and any Town building permit issued under this Chapter are declared to be municipal infractions, the fine for which shall be two hundred fifty dollars (\$250) for each offense. Each day that a violation continues is a separate and repeat offense.

(b) Unlawful continuance of work in violation of a stop work order issued pursuant to § 15-13 shall be subject to a fine of not more than one thousand dollars (\$1,000).

(c) In addition to the penalties specified in subsections (a) and (b) of this section, the Town may enforce the provisions of this Chapter, and abate violations of this Chapter and any permit or stop work order, by judicial proceedings for injunction or other appropriate civil relief.

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