

Introduced _____
Public hearing _____
Council action _____
Executive action _____
Effective date _____

County Council of Howard County, Maryland

2011 Legislative Session

Legislative day # 3

BILL NO. 8 – 2011 (ZRA – 128)

**Introduced by: The Chair
at the request of Ralph Ballman**

AN ACT amending the Howard County Zoning Regulations to amend the Enforcement provisions of Section 102: Violations, Enforcement, and Penalties to change and clarify the notification procedures and appeal rights for persons requesting an inspection of a suspected violation; and generally relating to the Enforcement Subsection of Section 102.

Introduced and read first time _____, 2011. Ordered posted and hearing scheduled.

By order _____
Stephen LeGendre, Administrator to the County Council

Having been posted & notice of time & place of hearing and title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2011 and concluded on _____, 2011.

By order _____
Stephen LeGendre, Administrator to the County Council

This Bill was read the third time _____, 2011 and Passed ____, Passed with amendments ____, Failed ____.

By order _____
Stephen LeGendre, Administrator to the County Council

Sealed with the County Seal and presented to the County Executive for approval this _____ day of _____, 2011 at _____ a.m./p.m.

By order _____
Stephen LeGendre, Administrator to the County Council

Approved/vetoed by the County Executive on _____, 2011.

Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law.
~~Strikeout~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

1 *Section 1. Be it enacted by the County Council of Howard County, Maryland, that the Howard*
2 *County Zoning Regulations are hereby amended to read as follows:*

3
4 *By amending subsection B of:*
5 *Section 102 “Violations, Enforcement, and Penalties”*

6
7 **Howard County Zoning Regulations**

8
9 **SECTION 102: Violations, Enforcement, and Penalties**

10
11 **B. Enforcement**

12
13 Upon becoming aware of any violation of these regulations, the Department of Planning and
14 Zoning may institute an injunction, mandamus, abatement or any other appropriate action to
15 prevent, enjoin, abate or remove such erection, construction, alteration, enlargement, conversion or
16 use in violation of any of the provisions of these regulations. The Department of Planning and
17 Zoning may give notice that activities on the premises are in violation of the Zoning Regulations
18 and may order an end to these activities within 10 days, or a reasonable specified time. The
19 Department of Planning and Zoning shall serve the notice personally, or by Registered Mail
20 addressed to the premises of the violation, or to the person or corporation committing or permitting
21 the violations, or by posting the premises. If the violation does not cease within the time specified
22 by the Department of Planning and Zoning, the Department of Planning and Zoning shall take
23 whatever action necessary to end the violation. A notice of violation issued under this section is
24 not appealable pursuant to Section 130.A.3 of these regulations.

25
26 The Department of Planning and Zoning may enforce the zoning regulations by issuing citations to
27 alleged violators to be heard in Court or in Administrative Proceedings as provided by Law.

28
29 Any person who is aggrieved by an alleged violation of these regulations may request in
30 writing that the Department of Planning and Zoning issue a Zoning Violation Notice.

31 PROVIDED THE WRITTEN COMPLAINT WAS NOT SUBMITTED ANONYMOUSLY, THE
32 DEPARTMENT OF PLANNING AND ZONING SHALL NOTIFY THE COMPLAINANT, IN WRITING, IT
33 HAS RECEIVED THE WRITTEN REQUEST WITHIN TEN BUSINESS DAYS. If the Department OF
34 PLANNING AND ZONING does not issue such a [[notice]] ZONING VIOLATION NOTICE within 60
35 days of receiving the written request, [[such failure]] THIS shall be considered to be a final
36 decision of the Department that the alleged violation does not exist, and the [[complaining
37 person]] COMPLAINANT shall have a right to appeal [[such]] THIS decision to the [[Board of

1 Appeals]] HEARING AUTHORITY, provided that [[such petition of appeal]] AN APPEAL PETITION
2 is filed with the Clerk of the [[Board of Appeals]] HEARING AUTHORITY within 30 days after
3 [[such failure to issue such]] THE FINAL DECISION TO NOT ISSUE A Zoning Violation Notice. If
4 such an appeal is taken, the Department of Planning and Zoning shall send a copy of the
5 APPEAL petition to the owner and occupant of the premises.

6
7 PROVIDED THE COMPLAINT WAS NOT SUBMITTED ANONYMOUSLY, THE DEPARTMENT OF
8 PLANNING AND ZONING SHALL NOTIFY THE COMPLAINANT, IN WRITING, IF IT DETERMINES THE
9 ALLEGED VIOLATION EXISTS AND A VIOLATION NOTICE IS ISSUED. THEREAFTER, THE
10 COMPLAINANT SHALL RECEIVE WRITTEN NOTICE IF A CITATION HEARING BEFORE THE
11 HEARING AUTHORITY HAS BEEN SCHEDULED FOR THE ZONING VIOLATION CASE AS PROVIDED
12 IN SECTION 16.1605 OF THE COUNTY CODE, OR IF THE ZONING VIOLATION CASE IS CLOSED.
13 THE WRITTEN NOTICE TO A COMPLAINANT ABOUT THE CLOSING OF A ZONING VIOLATION
14 CASE SHALL BRIEFLY DESCRIBE THE REASON(S) THE CASE WAS CLOSED, SHALL ADVISE THE
15 COMPLAINANT THAT THE CLOSED CASE FILE MAY BE REVIEWED FOR MORE DETAILS; AND
16 SHALL ADVISE THE COMPLAINANT OF THE RIGHT TO APPEAL THE DECISION TO CLOSE THE
17 CASE TO THE HEARING AUTHORITY.

18
19 The remedies provided for herein are cumulative and not exclusive, and shall be in addition to any
20 other remedies provided by law.

21
22
23
24 ***Section 2. Be it further enacted by the County Council of Howard County, Maryland, that the provisions***
25 ***of this act shall become effective 61 days after enactment.***