

1 COUNCIL OF THE TOWN OF RIVERDALE PARK

2
3 ORDINANCE 2015-OR-01
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6 Introduced By: CM Thompson
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8 Date Introduced: March 2, 2015
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10 Date Adopted: April 27, 2015
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12 Date Effective: May 17, 2015
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14
15 An Ordinance concerning

16
17 Town Building Permits
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19 FOR the purpose of comprehensively revising Town laws relating to the
20 application for and issuance of Town building permits for certain
21 construction activities in the Town of Riverdale Park; providing for the
22 applicability of the Prince George’s County Building Code within the Town
23 of Riverdale Park; providing for certain application and permit fees;
24 providing for the inspection of certain work sites; providing for the issuance
25 of stop work orders under certain circumstances; providing for certain
26 rights of appeal of certain decisions; providing certain penalties for
27 violations and providing the Town with rights of enforcement; and generally
28 relating to building permits for certain construction activities in the Town.
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31 BY repealing
32 Chapter 15 – Building Code
33 Sections 15-1 through 15-15
34 Code of the Town of Riverdale Park
35 (January 2008 Revision as Supplemented 6-13)
36

37 BY adding
38 Chapter 15 – Building Code
39 Sections 15-1 through 15-10
40 Code of the Town of Riverdale Park
41 (January 2008 Revision as Supplemented 6-13)

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43 SECTION 1: BE IT ENACTED BY THE COUNCIL OF THE TOWN OF
44 RIVERDALE PARK, That Sections 15-1 through 15-15 of the Code of the Town of
45 Riverdale Park (January 2008 Revision as Supplemented 6-13), Chapter 15 –
46 Building Code, are repealed, and new Sections 15-1 through 15-10 are hereby
47 added to that Code and Title to read as follows:

48

49

Chapter 15

50

BUILDING CODE

51 § 15-1. ADMINISTRATION.

52 THIS CHAPTER SHALL BE ADMINISTERED BY THE TOWN
53 ADMINISTRATOR AND ENFORCED BY THE TOWN ADMINISTRATOR AND
54 OTHER TOWN OFFICIALS AND EMPLOYEES AS DESIGNATED BY THE
55 TOWN ADMINISTRATOR.

56 § 15-2. APPLICABILITY OF AND COMPLIANCE WITH COUNTY BUILDING 57 CODE.

58 THE BUILDING CODE FOR PRINCE GEORGE'S COUNTY, SUBTITLE 4 OF
59 THE CODE OF PRINCE GEORGE'S COUNTY, MARYLAND, AS AMENDED
60 FROM TIME TO TIME, APPLIES WITHIN THE TOWN. A PERSON MAY NOT
61 ERECT, RECONSTRUCT, REPAIR, OR REMOVE ANY BUILDING OR
62 STRUCTURE WITHIN THE TOWN EXCEPT IN COMPLIANCE WITH THE
63 BUILDING CODE FOR PRINCE GEORGE'S COUNTY AND IN ACCORDANCE
64 WITH BUILDING PERMITS ISSUED BY PRINCE GEORGE'S COUNTY.

65 § 15-3. APPLICABILITY OF AND COMPLIANCE WITH CHAPTER.

66 IN ADDITION TO COMPLYING WITH § 15-2, A PERSON MAY NOT ERECT,
67 RECONSTRUCT, REPAIR, OR REMOVE ANY BUILDING OR STRUCTURE
68 WITHIN THE TOWN FOR WHICH A PRINCE GEORGE'S COUNTY BUILDING
69 PERMIT IS REQUIRED EXCEPT IN COMPLIANCE WITH THIS CHAPTER AND
70 WITH A BUILDING PERMIT FROM THE TOWN ISSUED UNDER THIS
71 CHAPTER.

72 § 15-4. PERMIT APPLICATIONS.

73 (A) AFTER A BUILDING PERMIT FOR PROPOSED WORK HAS BEEN
74 ISSUED BY PRINCE GEORGE'S COUNTY, AN OWNER OF PROPERTY, OR
75 THE OWNER'S AUTHORIZED AGENT, SHALL APPLY FOR A BUILDING

76 PERMIT FOR THE WORK FROM THE TOWN BY SUBMITTING AN
77 APPLICATION TO THE TOWN ADMINISTRATOR UPON FORMS FURNISHED
78 BY THE TOWN. EACH APPLICATION SHALL BE SIGNED UNDER OATH
79 THAT THE CONTENTS OF THE APPLICATION ARE TRUE AND CORRECT
80 TO THE BEST OF THE APPLICANT'S KNOWLEDGE, INFORMATION AND
81 BELIEF. EACH APPLICATION SHALL BE ACCOMPANIED BY A COPY OF
82 THE BUILDING PERMIT ISSUED BY PRINCE GEORGE'S COUNTY AND A
83 COPY OF THE SITE PLAN AND ALL OTHER PLANS AND SPECIFICATIONS
84 APPROVED BY PRINCE GEORGE'S COUNTY AS PART OF THE COUNTY'S
85 BUILDING PERMIT. WHERE THE APPLICATION IS FOR A BUILDING
86 PERMIT FOR A FENCE, THE APPLICATION SHALL DEMONSTRATE THAT
87 THE PROPOSED FENCE COMPLIES WITH THE REQUIREMENTS OF
88 CHAPTER 66 OF THIS CODE. THE TOWN ADMINISTRATOR MAY WAIVE
89 THE SUBMITTAL OF ALL OR PORTIONS OF OTHER PLANS AND
90 SPECIFICATIONS ON A CASE BY CASE BASIS WHEN THE TOWN
91 ADMINISTRATOR DETERMINES THAT THESE WILL NOT ASSIST THE
92 TOWN IN DETERMINING WHETHER TO ISSUE A TOWN BUILDING PERMIT.
93 EACH APPLICATION ALSO SHALL BE ACCOMPANIED BY A NON-
94 REFUNDABLE APPLICATION FEE OF \$50.

95 (B) AFTER RECEIVING AN APPLICATION AND APPLICATION FEE, THE
96 TOWN SHALL REVIEW THE APPLICATION. THE TOWN'S REVIEW OF THE
97 APPLICATION SHALL FOCUS ON THE COMPLETENESS AND ACCURACY
98 OF THE APPLICATION AND ACCOMPANYING MATERIALS, AND WHETHER
99 PRINCE GEORGE'S COUNTY MADE ANY ERRORS IN ITS APPROVAL OF
100 THE COUNTY BUILDING PERMIT.

101 **§ 15-5. ACTION ON PERMIT APPLICATIONS.**

102 (A) THE TOWN SHALL REVIEW EACH APPLICATION FOR A TOWN
103 BUILDING PERMIT. AFTER REVIEW OF AN APPLICATION, THE TOWN
104 ADMINISTRATOR SHALL NOTIFY THE APPLICANT IN WRITING THAT:

105

106 1. THE APPLICATION IS APPROVED AND AVAILABLE FOR ISSUANCE
107 UPON PAYMENT OF THE APPLICABLE PERMIT FEE;

108

109 2. THE TOWN IS HOLDING FINAL ACTION ON THE APPLICATION UNTIL
110 THE APPLICANT SUBMITS ADDITIONAL REQUIRED DOCUMENTATION TO
111 THE TOWN;

112

113 3. THERE ARE APPARENT ERRORS REGARDING PRINCE GEORGE'S
114 COUNTY'S ISSUANCE OF THE COUNTY BUILDING PERMIT THAT THE
115 APPLICANT MUST RESOLVE WITH THE COUNTY BEFORE THE TOWN WILL
116 COMPLETE PROCESSING OF THE TOWN BUILDING PERMIT APPLICATION;

117
118 4. THE APPLICATION HAS BEEN APPROVED WITH CONDITIONS OR
119 RESTRICTIONS; OR

120
121 5. THE APPLICATION HAS BEEN DENIED AND THE REASONS FOR THE
122 DENIAL.

123
124 (B) THE TOWN ADMINISTRATOR SHALL ISSUE A PERMIT AFTER THE
125 TOWN ADMINISTRATOR IS SATISFIED THAT THE APPLICATION IS
126 COMPLETE, ALL REQUIRED APPLICATION MATERIALS HAVE BEEN
127 SUBMITTED, ANY APPARENT ERRORS IN THE ISSUANCE OF THE PRINCE
128 GEORGE'S COUNTY BUILDING PERMIT HAVE BEEN RESOLVED, WHERE
129 THE APPLICATION IS FOR A BUILDING PERMIT FOR A FENCE, THE
130 PROPOSED FENCE COMPLIES WITH THE REQUIREMENTS OF CHAPTER
131 66 OF THIS CODE, AND THE APPLICANT PAYS THE PERMIT FEE
132 REQUIRED BY SECTION 15-6.

133
134 (C) AN APPLICANT MAY APPEAL ANY DETERMINATION OF THE TOWN
135 ADMINISTRATOR UNDER THIS SECTION TO THE MAYOR AND COUNCIL
136 BY FILING A WRITTEN NOTICE OF APPEAL WITH THE TOWN CLERK. THE
137 NOTICE OF APPEAL SHALL SET FORTH THE ERRORS ALLEGEDLY MADE
138 BY THE TOWN ADMINISTRATOR AND THE RELIEF REQUESTED BY THE
139 APPLICANT. THE MAYOR AND COUNCIL SHALL CONDUCT A PUBLIC
140 HEARING AND CONSIDER *DE NOVO* ANY APPEAL FROM THE TOWN
141 ADMINISTRATOR'S DETERMINATION, AND MAY AFFIRM, REVERSE OR
142 MODIFY THE DETERMINATION OF THE TOWN ADMINISTRATOR.

143 **§ 15-6. PERMIT FEES.**

144 THE FEE FOR A BUILDING PERMIT ISSUED BY THE TOWN SHALL BE
145 SEVENTY-FIVE PERCENT (75%) OF THE FEE FOR THE PRINCE GEORGE'S
146 COUNTY BUILDING PERMIT FOR THE WORK, EXCEPT THAT THE FEE FOR
147 A TOWN BUILDING PERMIT SHALL NOT BE LESS THAN TWENTY-FIVE
148 DOLLARS (\$25) OR MORE THAN SEVEN THOUSAND DOLLARS (\$7,000).

149

150 **§ 15-7. PERMIT TO BE KEPT POSTED ON PREMISES.**

151 A TOWN BUILDING PERMIT SHALL BE KEPT POSTED ON THE PREMISES
152 ON WHICH THE WORK AUTHORIZED BY PERMIT IS BEING PERFORMED
153 UNTIL THE WORK HAS BEEN COMPLETED.

154 **§ 15-8. TOWN INSPECTIONS.**

155 (A) THE TOWN PERIODICALLY SHALL INSPECT ALL WORK SITES FOR
156 WHICH THE TOWN ISSUED A BUILDING PERMIT. THE PURPOSE OF THE
157 TOWN'S INSPECTIONS ARE TO DETERMINE WHETHER WORK IS BEING
158 PERFORMED IN ACCORDANCE WITH THE TOWN BUILDING PERMIT, THIS
159 CHAPTER AND ANY OTHER PROVISIONS OF THIS CODE, AND WHETHER
160 THERE EXIST ANY READILY APPARENT VIOLATIONS OF THE COUNTY
161 BUILDING PERMIT. IF THE INSPECTOR DETERMINES THAT A VIOLATION
162 OF THE COUNTY BUILDING CODE MAY EXIST, THE TOWN PROMPTLY
163 SHALL NOTIFY APPROPRIATE PRINCE GEORGE'S COUNTY AUTHORITIES
164 FOR SUCH AUTHORITIES TO TAKE SUCH ACTION AS THEY DEEM
165 APPROPRIATE.

166

167 (B) THE TOWN ALSO SHALL INSPECT SITES WHERE WORK IS BEING
168 PERFORMED AND FOR WHICH A TOWN BUILDING PERMIT HAS NOT BEEN
169 ISSUED. THE PURPOSE OF THESE INSPECTIONS IS TO DETERMINE
170 WHETHER A TOWN BUILDING PERMIT IS REQUIRED FOR THAT WORK.

171

172 (C) WHERE AN INSPECTION CANNOT BE CONDUCTED WITHOUT
173 ENTERING ONTO A PROPERTY OR PREMISES, THE TOWN MAY ENTER
174 ONTO THE PROPERTY OR PREMISES AT REASONABLE TIMES TO
175 CONDUCT ANY INSPECTION AUTHORIZED BY SUBSECTIONS (A) AND (B)
176 OF THIS SECTION. WHERE A PROPERTY OR PREMISES IS OCCUPIED
177 THE INSPECTOR SHALL PRESENT CREDENTIALS TO THE OCCUPANT
178 AND REQUEST ENTRY. IF A PROPERTY OR PREMISES IS UNOCCUPIED
179 THE INSPECTOR SHALL FIRST MAKE A REASONABLE EFFORT TO
180 LOCATE THE OWNER OR OTHER PERSON HAVING CHARGE OR
181 CONTROL OF THE PROPERTY OR PREMISES AND REQUEST ENTRY. IF
182 ENTRY IS REFUSED THE TOWN SHALL OBTAIN APPROPRIATE JUDICIAL
183 RELIEF TO ENTER THE PREMISES AND CONDUCT THE INSPECTION
184 UNLESS IMMEDIATE ENTRY IS REQUIRED BECAUSE OF AN IMMINENT
185 THREAT TO THE PUBLIC HEALTH, SAFETY OR WELFARE.

186

187 **§ 15-9. STOP WORK ORDERS.**

188 (A) WHENEVER ANY WORK IS BEING DONE IN VIOLATION OF THIS
189 CHAPTER, WITHOUT A REQUIRED TOWN BUILDING PERMIT OR IN
190 VARIANCE WITH THE TERMS OF ANY TOWN BUILDING PERMIT ISSUED
191 FOR THE WORK, AN INSPECTOR MAY ORDER ALL OR A PART OF THE
192 WORK STOPPED UNTIL THE VIOLATION OR VARIANCE IS ELIMINATED
193 AND ANY WORK UNDERTAKEN IN VIOLATION OF THIS CHAPTER OR
194 TOWN BUILDING PERMIT IS CORRECTED. A "STOP WORK" ORDER, IF
195 ORAL, SHALL BE FOLLOWED BY A WRITTEN STOP WORK ORDER WITHIN
196 TWENTY-FOUR (24) HOURS (EXCLUDING SATURDAYS, SUNDAYS, AND
197 HOLIDAYS).

198 (B) A "STOP WORK" ORDER ISSUED BY PRINCE GEORGE'S COUNTY
199 SHALL BE TREATED AS A STOP WORK ORDER ISSUED BY THE TOWN.

200 (C) A TOWN STOP WORK ORDER SHALL CONTAIN, OR BE ACCOMPANIED
201 BY A WRITTEN NOTICE INDICATING THAT THERE IS A RIGHT TO A
202 HEARING BEFORE THE MAYOR AND COUNCIL. A REQUEST FOR A
203 HEARING SHALL BE IN WRITING AND FILED WITH THE TOWN CLERK. THE
204 NOTICE OF APPEAL SHALL SET FORTH THE ERRORS ALLEGEDLY MADE
205 BY THE TOWN AND THE RELIEF REQUESTED. A REQUEST FOR A
206 HEARING SHALL INCLUDE THE OWNER'S OR PERMITTEE'S TELEPHONE
207 AND E-MAIL CONTACT INFORMATION. THE OWNER OR PERMITTEE
208 AFFECTED BY A STOP WORK ORDER SHALL BE ENTITLED TO A HEARING
209 AS PROMPTLY AS PRACTICABLE, BUT NOT LATER THAN SEVENTY-TWO
210 (72) HOURS AFTER THE TOWN CLERK RECEIVES THE REQUEST FOR A
211 HEARING. THE MAYOR AND COUNCIL SHALL AFFORD THE OWNER OR
212 PERMITTEE A FAIR HEARING WITH AN OPPORTUNITY TO PRESENT
213 EVIDENCE OR TESTIMONY THAT IS RELEVANT TO THE STOP WORK
214 ORDER AND FOR THE MAYOR AND COUNCIL TO CONSIDER THE APPEAL
215 *DE NOVO*. THE OWNER OR PERMITTEE SHALL BE AFFORDED
216 REASONABLE NOTICE OF THE TIME AND PLACE OF THE HEARING.

217 (D) PROMPTLY FOLLOWING A HEARING, THE MAYOR AND COUNCIL
218 SHALL TAKE APPROPRIATE ACTION BASED ON THE EVIDENCE
219 PRESENTED AT THE HEARING.

220

221 **§ 15-10. PENALTIES AND ENFORCEMENT.**

222 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,
223 VIOLATIONS OF THIS CHAPTER AND ANY TOWN BUILDING PERMIT
224 ISSUED UNDER THIS CHAPTER ARE DECLARED TO BE MUNICIPAL
225 INFRACTIONS, THE FINE FOR WHICH SHALL BE TWO HUNDRED FIFTY
226 DOLLARS (\$250) FOR EACH OFFENSE. EACH DAY THAT A VIOLATION
227 CONTINUES IS A SEPARATE AND REPEAT OFFENSE.

228 (B) UNLAWFUL CONTINUANCE OF WORK IN VIOLATION OF A STOP WORK
229 ORDER ISSUED PURSUANT TO § 15-9 IS A MISDEMEANOR AND, UPON
230 CONVICTION, THE VIOLATOR SHALL BE SUBJECT TO A FINE OF NOT
231 MORE THAN ONE THOUSAND DOLLARS (\$1,000) OR IMPRISONMENT FOR
232 NOT MORE THAN SIX (6) MONTHS, OR BOTH.

233 (C) IN ADDITION TO THE PENALTIES SPECIFIED IN SUBSECTIONS (A)
234 AND (B) OF THIS SECTION, THE TOWN MAY ENFORCE THE PROVISIONS
235 OF THIS CHAPTER, AND ABATE VIOLATIONS OF THIS CHAPTER AND ANY
236 PERMIT OR STOP WORK ORDER, BY JUDICIAL PROCEEDINGS FOR
237 INJUNCTION OR OTHER APPROPRIATE CIVIL RELIEF.

238 SECTION 2: AND BE IT FURTHER ENACTED that this Ordinance shall
239 become effective twenty (20) days after its passage by the Council.

240
241 ATTEST:

COUNCIL OF THE TOWN OF
RIVERDALE PARK

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243
244 
245 _____
246 Sara Imhulse, Town Administrator

243
244 
245 _____
246 Vernon Archer, Mayor

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248
249 EXPLANATION:

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251 CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
252 Underlining indicates amendments to bill.
253 ~~Strike Out~~ indicates matter stricken from the bill by amendment or deleted
254 from the law.