

## CHAPTER THREE

### BUILDING CODE<sup>1</sup>

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#### **Section 3-101. Purpose.**

These regulations relate primarily to dwellings. Permits for buildings designed for business purposes, apartment houses, public halls, theaters, schools and hospitals will be granted only after thorough examination of plans and specifications and approval thereof by the building inspector and approval of the location, plans and specifications by the mayor and council.

#### **Section 3-102. Appointment of Building Inspector.**

The City Manager or his or her designee shall be the building inspector and responsible for the administration and enforcement of this Building Code.

#### **Section 3-103. Powers of Building Inspector.**

A. The building inspector shall be charged with the inspection of buildings and the enforcement of these regulations, and with such duties in respect thereto as the mayor and city council may assign to him. He shall report to the mayor and city council at such times as necessary, in regard to the duties of his office and

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<sup>1</sup> **Cross reference**-Code enforcement officer, §1-107B; electrical code, Ch. 4; fire code, Ch. 5; streets (municipal infractions), Ch. 12; grading, drainage and erosion control, Ch. 15.

what action, if any, on the part of the mayor and council, is needed in connection therewith. He shall require the intent of these regulations to be observed in all matters affecting structures set forth herein, but he shall have no discretionary power to modify any of these regulations, but shall refer special cases to the mayor and council.

B. The building inspector shall examine all buildings in the course of erection, demolition, alteration, or repair, as often as necessary; shall see that work is done in accordance with the law and regulations; that the materials used are suitable for the purpose; that the work is done in a suitable manner and is of sufficient strength and solidity to answer the purpose for which it was designed. He shall examine any building when application shall be made for a permit to raze, demolish, move, enlarge, alter or build upon it and make a record of its condition. He shall enter and examine all buildings of a public nature supposed or reported to be in a dangerous or defective condition, and make a record of such examination, the location of the building, the purpose for which it is used, and the names of the owner, lessee and occupant.

C. If, after examination, the building inspector shall deem any structure or building of a public nature, or part thereof, or appurtenances thereto, dangerous, he shall have power to serve upon the occupant thereof a notice requiring a vacation of said structure or building immediately, or cause to be served, a notice in writing upon the owner, agent or any party having interest in said structure to be made safe and secure as the building inspector may deem necessary, within such reasonable time as he may direct.

D. It shall be the duty of the building inspector to rope off or board up any building or other structure when, in his opinion, the public safety requires the same, and the cost of such labor and materials as are required shall be charged against the property and collected in the same manner as taxes.

E. In addition to all other means of enforcement provided for by law and in this chapter, the building inspector or the building inspector's designee may issue a stop work order or other notice of violation of any person who violates any provision of this chapter. A stop work order also may be issued on the basis of an affidavit submitted to the building inspector or his or her designee setting forth the facts of the alleged violation.

F. Any person who receives a stop work order shall immediately cease the activity which constitutes the violation. The person shall comply with all terms and conditions imposed by the building inspector or the building inspector's designee before the activity may resume. Violation of a stop work order or other notice of violation is a municipal infraction and subject to the penalty set forth in Sec. 3-116. In the event of construction work, commercial activity, or other work for hire, the person who violates any provision of this chapter, the person responsible for the management or supervision of the construction site or the property where the violation occurs, and the owner of the property where the violation occurs are jointly and severally responsible for violation of this chapter and shall abide by any stop work order.

G. The stop work order shall specify the activity which constitutes the violation, the section of the *Mount Rainier Code* or other applicable law which is being violated, and the corrective action required to abate the violation. The stop work order also shall include the name, title, and

business address and telephone of the City building inspector or designee who issued the stop work order. A person must not deface or remove a stop work order or other notice of violation which is affixed to a structure or posted on a construction site or property. The defacement or removal of a stop work order or other notice of violation is a municipal infraction subject the penalty set forth in Sec. 3-116. (Ord 08-2006,05/02/06)

### **Section 3-104. Permit Required.**

A. *City Building Permit Required.* Every construction, enlargement, permanent paving, removal or demolition within the City which requires a permit from the Department of Environmental Resources of Prince George's County ("County building permit") shall also require a permit from the City of Mount Rainier. All applicable lot coverage, building height, setback, stormwater management, sediment control, conservation plan, and other requirements of the County zoning and building codes and regulations must be met in order to obtain a City permit. Examples of construction that require a City building permit, whether or nor a County building permit also is required, include, but are not limited to:

1. Paving the surface of a lot, or portion of a lot, with an impervious material such as brick, asphalt or concrete, if the new pavement area will exceed 150 square feet.
2. Stoops or decks that are over eight inches in height.
3. Sheds or gazebos with a floor area of 150 square feet or more.
4. Retaining walls over two feet in height.
5. Structural changes to a building.
6. Demolition of a building or structure with a footprint of 150 square feet or more that is under a permanent roof, including but not limited to portions of buildings and accessory structures. For purposes of this Chapter, "demolition" means to tear down or destroy a building or structure, or part of a building or structure, and includes moving a building or structure substantially intact from or within a site.

B. *Form.* Applications for a City building permit shall be submitted on forms prescribed by the building inspector.

| \_\_\_\_\_ C. *Qualified Applicants.* Application for a City building permit shall be made by the owner or lessee of the building or structure, or the agent of either or by the licensed engineer or architect employed in connection with the proposed work. If the application is made by a person other than the owner, the applicant shall attest, on the permit application or by separate written statement, that the proposed work is authorized by

the owner and that the applicant is authorized to make such application. The full names and addresses of the owner, lessee, applicant, and the responsible officer, if the owner or lessee is a corporation, limited liability company, partnership or other entity, shall be stated on the application.

D. *Required contents of permit application.* The application for a City building permit shall include the following:

1. *Description of work.* The application shall contain a general description of the proposed work, its location, the use and occupancy of all parts of the building or structure and of all portions of the site or lot not covered by the building and such additional information as may be required by the building inspector. Photographs of the property, sufficient to show the property condition at the time of the application, shall accompany the application.

2. *Plans and specifications.* The application for a permit shall be accompanied by:

a. Two copies of specifications and of plans drawn to scale (not less than one inch equals twenty feet), with sufficient clarity and detailed dimensions to show the nature and character of the work to be performed;

b. Two copies of a detailed site plan or plot plan, drawn to scale not less than one inch equals twenty feet, showing: the lot upon which the building is proposed to be erected, constructed, altered, or repaired, including lot dimensions, lot and block numbers, and subdivision name, if any; name and width of abutting streets; location, dimension, and use of existing buildings and other structures on the same lot; location, dimensions, and proposed use of buildings and other structures for which a permit is requested; front and rear yard widths; and north point and scale of plan.

c. Two copies of an elevation drawing, if elevation is not shown on the site plan.

d. The building inspector may waive the requirement for filing the plans listed in a. - c. above when the work involved is of a minor nature.

3. *County building permit.* The applicant shall provide a copy of all County building or other permit(s) issued for the work, along with copies of all plans and specifications submitted to the County as part of such permit application and approval. All such permits and plans must exhibit proof of the County's approval with the County's stamp, if applicable.

4. *Estimated cost of construction or demolition work.* The applicant shall provide an estimated cost of the proposed work, projected start date for the work, and the name, address, telephone number, and license number, if applicable, of all contractors who will perform any part of the permit work. Any application for proposed construction valued in excess of Fifty Thousand Dollars (\$50,000.00) shall be reviewed by the Mayor and Council prior to issuance of a City permit. The Mayor and Council may require the applicant and/or the contractor to meet with the Mayor and Council to discuss the proposed project.

5. *National Register Historic District.* The permit application shall list the property's contribution code rating, if any, per the "Mount Rainier Historic District National Register Nomination" (published by the M-NCPPC, September 1990; rating factors are A, B, C, D, E, F, and G).

6. *MHIC licensed contractor required.* If a contractor is to be hired to perform "home improvement" work, as that term is defined in § 8-101 of the Business Regulation Article of the *Annotated Code of Maryland*, as amended, then no City building permit shall be issued unless all contractors and subcontractors performing the work are validly licensed by the Maryland Home Improvement Commission ("MHIC"). The contractor's home improvement license number shall be listed on the permit application. If, after issuance of a City building permit, a contractor is retained to conduct work on a project that would require an MHIC license under state law, the owner of the property must notify the building inspector prior to that contractor doing any work at the property. Failure to inform the building inspector that a contractor has been hired or of a change in contractor and the contractor's MHIC license number is grounds for suspension or revocation of the City building permit until such time as the information is provided, and may result in a penalty as prescribed in this chapter.

7. *Historic Preservation Tax Credits.* The applicant shall acknowledge that he or she has received information concerning historic preservation tax credits available from the City (*see Mount Rainier Code*, Chapter 2A) or has waived the receipt of such information.

8. *Noise Control.* The applicant shall acknowledge that he or she has reviewed the City's noise ordinance and agrees to comply with its restrictions (*see Mount Rainier Code*, Section 10-121).

E. *Special Provisions Relating to Demolitions.*

1. All demolition of buildings and other structures must comply with the following rules:
  - a. Before demolishing a building or other structure, obtain letters from all of the utility companies (even if there were no utilities to the building) confirming that all service connections and appurtenant equipment, such as meters and regulators, have been safely disconnected and sealed and a letter from the Prince George's County Health Department regarding the presence of asbestos and stating that it is safe to demolish the structure from the standpoint of friable insulative materials.
  - b. Before demolishing a building or other structure, exterminate any rodents or other pests in it.
  - c. Before demolishing a building or other structure, cap any well(s) located on the property and submit a well completion report, if applicable.
  - d. Raze all structures to ground level unless a permit has been obtained for new construction on the existing foundation.

- e. After demolition, promptly clear all construction and demolition debris, rubble or other materials resulting from the demolition.
  - f. Fill and cover with at least 12 inches of earth, all ponds of water, excavations or other holes resulting from the demolition.
  - g. Take proper precautions to prevent the blowing of dust, soil and debris into roadways, neighboring properties, and the storm drain system. Oil or temporary treatment with chemicals shall not be an acceptable method of treatment. The City may require that the vacant lot be seeded or sodded with grass or other plantings to prevent dust and soil erosion.
  - h. After demolition, restore the established grade of the surrounding land.
  - i. Properly support, secure, and make weather-tight any portion of a building or structure left standing after demolition of the building or structure.
  - j. At all times, keep the site free from any unsafe condition.
2. *Demolition Bond.* In addition to the requirements for a construction bond or deposit set forth in Section 3-110, each applicant for a building permit for demolition of a building or structure must file a performance bond, letter of credit, or cash deposit with the City, in an amount equal to the cost of the demolition, to assure a safe and expedient demolition of the building or structure and clearing of the site. If the building or structure is not demolished and the site is not cleared of all debris within the time specified in the permit, but not less than two months after the permit is issued, the City may enter the property, demolish or complete the demolition of the building structure, clear the site of debris, and correct any unsafe conditions or non-complying work. Costs incurred by the City under this provision shall be paid by the owner of the property and the City shall take action to forfeit the performance bond or to reimburse the City from the letter of credit or cash deposit for its costs. If the City's costs are not paid from the performance bond, letter of credit or cash deposit, then the unpaid cost shall be a lien against the real property or by a suit against the owner or other responsible party.

F. *Permit Conditions.* All work under a City building permit shall comply with the following conditions:

1. The building inspector shall have the right to inspect the building and premises of the proposed work prior to issuance of the City permit in order to verify existing conditions and as often as deemed necessary during the performance of the permitted work. The building inspector shall have full power to order any change in the work necessary to comply with City laws and permit conditions.
2. If the proposed work involves a construction or excavation that may physically affect an adjoining lot, building, or structure, then the permittee shall deliver a written notice describing the construction

or excavation work and the nature of the potential impact from such work to the owner of each potentially affected adjoining lot, building, or structure at least one week prior to the commencement of such work. The notice shall request permission to enter the potentially affected adjoining lot, building, or structure prior to the commencement of the work and at reasonable intervals during the performance of the work to inspect and preserve the lot, building, or structure from damage. If the permittee is not afforded permission to enter the potentially affected adjoining lot, building, or structure, then the permittee shall promptly notify the building inspector and the owner of the adjoining property, in writing, that the responsibility of providing support to the adjoining lot, building, or structure is the sole responsibility of the adjoining property owner.

3. All construction and demolition work shall comply with the City's noise ordinance (*see Mount Rainier Code* §10-121) and the "nighttime noise restrictions" in Sec. 10-121.B. shall be effective from 7:00 p.m. until 8:00 a.m. of the following day.

4. The construction site shall be maintained free from unsafe or hazardous conditions. The permittee shall erect any necessary retaining walls, safety fences, and other protective measures for the protection of persons and property in accordance with the provisions of applicable law and/or the directions of the building inspector. Proper precautions shall be taken in order to prevent the blowing of dust and debris into the air and erosion of soil into roadways, neighboring properties, and the storm drain system.

5. The public right-of-way, sidewalk, curb, and gutter shall at all times be kept clear of sand, earth, brick, lumber and other construction materials and demolition debris.

6. Drainage from roofs and down spouts must be contained within the confines of the premises and shall not wash onto any adjacent property. If such drainage does occur and is not corrected, the permittee agrees to either correct such drainage at their expense or the City may correct the drainage condition and the permittee will be liable for payment of such costs.

7.No portable sanitary facilities shall be located within 10 feet of the front public right-of-way or within 8 feet of the side yard property line. Whenever possible, portable sanitary facilities should be located in the rear yard.

8.No trash, construction materials, or demolition debris generated at the site shall be disposed of with the City's household, yard, bulk or recyclables trash pick-up. It is the responsibility of the contractor and/or permittee to properly dispose of all trash, construction materials, demolition debris, fill dirt, and the like resulting from the work.

9. After construction, any disturbed area of the public right-of-way shall be graded and seeded or sodded in accordance with the directions of the building inspector. Any gutter, curb, sidewalk, street, right-of-way, or other public property which is broken or damaged due to the construction, demolition, excavation or alteration shall be repaired or replaced by the permittee pursuant to the directions of the building inspector.

10. If the permittee does not strictly comply with any of the above permit conditions, then the City

may suspend or revoke the City building permit and may enter onto the premises to abate the condition and correct or complete the work. All charges for labor and materials supplied shall be at the expense of the permittee. If the permittee does not pay or reimburse the City for such cost within 30 days, then the cost shall be a lien against the property and collectible in the same manner as City taxes.

G. *Variances.* Except as otherwise specifically provided by this chapter, a request for a variance, waiver, or modification of a permit requirement or condition shall be made in writing by the applicant to the Mayor and Council. Upon a showing of hardship or other substantial justification or good cause by the applicant, the Mayor and Council may grant or modify the requested variance, waiver or modification or may impose reasonable conditions on the permit. The Mayor and Council may ask the City's Design Review Board to comment on any such variance request.

H. *Application Review and Permit Issuance.* The building inspector must examine or cause to be examined each application for a building permit within a reasonable time after the application and all supporting documentation is filed. If the application does not conform to all requirements of this chapter, unless a variance has been granted, the building inspector shall reject the application in writing and specify the reasons for rejecting it. If the proposed work conforms to all requirements of this Chapter and all other applicable laws and regulations, the required permit fee has been paid, and any necessary performance bond, letter of credit, or cash deposit has been posted, then the building inspector shall issue a City building permit for the work as soon as practicable.

I. *Posting of permit; compliance with Approved Application and Plans; Amendments.*

1. The building permit shall be posted so as to be visible to public view at the site of the work and a copy of the building or other plans covered by the permit shall be kept on the work site open to inspection by the building inspector, fire and police officials, in the course of their duties, during the entire time the work is in progress until its completion.

2. All work under a City permit shall conform to the approved application and plans for which the permit has been issued and any approved variances or amendments thereto.

3. Any material change in a project for which a City building permit has been issued shall be submitted to the building inspector as an amendment to the approved plans and specifications. No work on the change shall commence until the building inspector has approved the amendment.

4. The permit shall be a license to proceed with the work and shall not be construed as authority to violate, cancel or set aside any of the provisions of this chapter, except as specifically stipulated by legally granted variances or waivers. The issuance of a permit shall not prevent the building inspector from requiring a correction of errors in plans or in construction or of violations of this chapter and all other applicable laws and regulations.

J. *Permit Validity Period; Non-transferability of Permit.*

1. Work under a City building permit shall be completed within six months after the date of the permit. The building inspector may extend the time for completion for an additional six months upon sufficient justification shown.

2. A permit under which no work has been commenced with six months after issuance of the permit except that any demolition or removal of a building or structure shall be completed within two months after issuance of the permit. The building inspector may extend the time for completion for an additional six months, or for an additional two months for the demolition or removal of a building or structure, upon sufficient justification shown.

3. A permit under which work has been started and later suspended or discontinued shall expire and become null and void six months after the date of the permit. Work will be considered suspended or discontinued when the permit holder fails to prosecute the work so as to ensure completion within a reasonable period of time considering the type of construction involved. The building inspector may extend the time for completion for an additional six months, or for an additional two months for the demolition or removal of a building or structure, upon sufficient justification shown.

4. Whenever the building inspector determines by inspection that work started on any building or structure for which a permit has been issued has been suspended or discontinued, or that a permit has expired, but the work on the building or structure has not been completed, then the owner of the property upon which the building or structure is located, or other person or agent in control of said property, shall, within thirty days from the receipt of written notice from the City, obtain a new or renewal permit to complete the required work and diligently pursue the work to completion, or shall remove work not completed or demolish the incomplete building or structure within sixty days from the date of the notice.

5. A City building permit is not transferable without the written permission of the building inspector. In the event the Prince George's County building permit is suspended, revoked or lapsed, the City permit is automatically suspended, revoked or lapsed.

(Ord 08-2006,05/02/06)

### **Section 3-105. Permit Fees.**

The following schedule of permit fees is hereby prescribed:

A. For new construction, alterations, and repairs of \$10,000.00 or less (except as provided in other sections of this Chapter), the charge for a building permit shall be a filing fee of \$100.00 plus 50% of the Prince George's County permit fee for new construction regardless of the estimated cost of construction.

B. For construction work in excess of \$10,000.00, the charge for a building permit shall be 50% of the Prince George's County fee for a building permit.

C. For installation and construction of a new fence on a property with a single street address, the

charge for a permit shall be \$35.00. Maintenance, repair or replacement of the existing fence does not require a permit, provided that the replacement of the fence is in compliance with City Code, the height of the fence does not exceed or is comparable to the height of the previous fence, and replacement of the fence takes place within 30 days of removal of the old fence.

D. For demolition or removal of a building or structure with a footprint of more than 150 square feet, but less than 500 square feet, the charge for a building permit shall be \$200.00.

E. For demolition or removal of a building or structure with a footprint of more than 500 square feet, the charge for a building permit shall be \$500.00.

F. Mitigation Fee for Impervious Surface Construction

For any building permit issued for a project that creates an impervious surface exceeding 150 square feet, a fee is charged to mitigate the impact on the stormwater runoff and other environmental impacts.

The fee is 50 cents per square foot over 150 square feet of impervious surface. The first 150 square feet of impervious service is not included in calculation of the fee.

Impervious surfaces include concrete and asphalt hardscape, residential and commercial buildings, sheds, and other surfaces and structures that do not allow water to flow through them into the ground.

Driveways, patios, walkways and other surfaces constructed with gravel or other pervious materials shall not be subject to a mitigation fee.

The City of Mount Rainier shall utilize the mitigation fees collected to purchase, plant, and maintain trees in the City to mitigate the impact of new impervious surfaces upon stormwater runoff.

(Ord. 13-2013 11/05/2013)

**Section 3-106. Accessory Structures.**

All necessary structures on dwelling premises, such as but not limited to, the following: detached garages, storage sheds or buildings, driveways, exterior walkways and steps, fences, or other constructed appurtenances and facilities, shall be maintained structurally safe and sound and in good repair.

Exterior steps and walkways and sidewalks shall be maintained free of unsafe obstructions or hazardous conditions.

**Section 3-107. Other Regulations.**

All bank forms of permits, applications, certificates and notices required by these regulations shall be

prepared by direction of the mayor and city council.

Every portion of every structure in process of construction, alteration, repair or removal, and every neighboring structure or portion thereof affected by said process or by an excavation, shall be sufficiently supported during such process, and all necessary precautions for the protection of life and limb shall be taken.

Persons engaged in the erection, reconstruction or repair of any building or structure may occupy not to exceed one-third ( $\frac{1}{3}$ ) of the street or road space with building materials, if absolutely necessary for such reasonable period and for such reasonable distance along the street or road space as the building inspector may decide.

Each builder or owner occupying the street, roadway or sidewalk with materials shall exhibit a red light, placed in such a manner as to warn the public of the obstruction and so as to show distinctly the passageway that is clear. When the material extends for a distance of twenty (20) feet or more along such street, roadway or sidewalk, at least one (1) light shall be exhibited at each end, hung clear of the obstruction.

No building shall be erected for use as a saw or grist mill, blacksmith shop, or rag warehouse, or as a place for the storage of materials of an inflammable nature; nor shall any building be converted to such use or uses within two hundred (200) feet of any dwelling unless the written consent of the owner of such dwelling be obtained.

No fence erected along a street or alley shall be more than four (4) feet in height and no front fence shall exceed the height of forty-two (42) inches.

No yard for the sale or storage of lumber, coal or wood, or of any new or secondhand combustible material, shall be established upon any site unless the person or persons desiring to establish or locate any such yard shall file with the building committee, for submission to the mayor and council, the written consent of all the owners of real estate within two hundred (200) feet of the proposed limits of said site.

### **Section 3-108. Issuance of Permit.**

No permit shall be issued for the erection of any building to be used for any commercial or industrial purpose in any part of the City of Mount Rainier which has been zoned by the Maryland National Capital Park and Planning Commission as a residential zone, nor shall any permit be issued for the erection of any building to be used for industrial purposes in any other place than in an industrial zone. All building permits shall be subject to revocation by the mayor and city council at any time after the time set for a hearing, provided a

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notice has been served on the grantee of such permit or left upon the premises where such building is to be erected, stating a time when such grantee shall have a hearing before the mayor and city council to show cause why the permit should not be revoked.

If it be shown that the permit was erroneously issued or was obtained by fraud, misrepresentation or concealment of material facts, or that the use to which the building will be put is likely to create a nuisance, the permit shall be forthwith revoked.

All building permits shall contain the following sentence: "This permit is subject to revocation by the mayor and city council."

No person, persons, firm or corporation shall do any further work of any kind in or about the erection of any such building after the building permit shall have been revoked. Each and every day that work is done on such building after such permit is revoked, shall constitute a separate offense.

Whenever the report of any such survey shall declare the structure to be unsafe, and the owner or other interested person shall be three (3) days neglect or refuse to cause such structure to be taken down or otherwise to be made safe, the building inspector shall proceed to make such structure safe or remove the same, and the said inspector shall report the cost and expense of said work to the mayor and city council of Mount Rainier, who shall assess the amount thereof upon the lot of ground whereon such structure stands or stood, and unless the said assessment is paid within ninety (90) days from the service of notice thereof on the agent or owner of such property, the same shall bear interest at the rate of ten (10) per centum per annum from the date of such assessment until paid, and shall be collected as general taxes are collected in said city; but said assessment shall be without prejudice to the right which the owner may have to recover from any lessee or other person liable for repairs.

**Section 3-109. Permits in the Mixed-Use Town Center Zone**

- A. Definitions. The Mount Rainier mixed-use town center zone (MUTCZ) boundaries are defined in the Gateway Arts Sector Plan and Sectional Map Amendment adopted in 2004. The Town Center Design Review Committee is the committee appointed by the Maryland-National Capital Park and Planning Commission (M-NCPPC) that reviews applications for exterior alterations to properties within the mixed-use town center zone. Exterior alterations includes any work that requires a county building permit or approval from the Town Center Design Review Committee under the county zoning ordinances or the Mount Rainier Town Center Development Plan.

- B. Exterior alterations to properties within the MUTCZ must have prior approval of the Town Center Design Review Committee. Examples of exterior alterations that require the approval of the Town Center Design Review Committee include windows, construction materials, signage, lighting, landscaping, parking, awnings, and building size or shape.
- C. Any exterior alteration to a property in the MUTCZ requires a city building permit.
- D. City building permits for exterior alterations to properties within the MUTCZ will not be issued without proof that the Town Center Design Review Committee has reviewed the project and that the proposed alterations have been approved by the Town Center Design Review Committee.
- E. The city manager or his or her designee may issue a stop work order for any exterior alterations to properties in the MUTCZ if a valid city building permit has not been issued or if any condition imposed on a city building permit has been violated. A stop work order shall be in writing and delivered to the on-site personnel and/or to the person or entity required to obtain the city building permit. Any person or entity receiving a stop work order shall immediately cease the work or activity that constitutes the violation and shall comply with all terms and conditions of the stop work order before the work or activity may resume.
- F. A person or entity which fails to abide by a stop work order issued by the city manager or his or her designee may be issued a municipal infraction for the violation with a fine as set forth in this chapter (see Sec. 3-116). In addition to any other civil penalty for the violation, the city may seek an injunction against any person or entity who violates a stop work order issued under this section or who fails to obtain a city building permit for an exterior alteration to property in the MUTCZ. The appropriate county or M-NCPPC officials shall be notified of the violation of county laws and standards.
- G. Building permits in the MUTCZ. If a county permit is required for the exterior alteration then the city building permit fee shall be determined by Sec. 3-105 of the city code of ordinances. If a county permit is not required for the exterior alteration, then the city building permit fee shall be \$50 and the permit shall be good for a six-month period.
- H. The procedure and fees for a fence permit in the MUTCZ is the same as in Sec. 3-105 and Sec. 12-101 and 12-102 of the city code of ordinances, except that the Town Center Design Review Committee must approve proposed fences in the MUTCZ.
- I. Procedures for all aspects of a city building permit for properties in the MUTCZ shall be as

provided by this chapter.  
(Ord. 4-2005,-3/01/2005)

### **Section 3-110. Construction Bonds or Deposits.**

A performance bond executed by the insurance company according to forms approved or provided by the City, letter of credit executed by the bank in the form approved or provided by the City, or cash deposit in the form of cash, check, or money order, may be required when, in the judgment of the building inspector, there is a possibility of damage to sidewalks, curbs, storm drains, streets, retaining walls, rights-of-way or other public property during any construction and to ensure completion of the work as specified in this building code, the City building permit, and all other laws and regulations governing performance of the work. The building inspector shall determine the amount of the required bond, letter of credit, or cash deposit amount and notify the permit applicant. When notification is received, the permit applicant shall submit the bond, letter of credit, or cash deposit amount to the City prior to the issuance of the required permit. If the permittee does not complete the construction work or fails to properly repair any damage to public property caused by the work, then the City shall seize the funds from the bond or deposit to complete the work and/or repair or replace any damage to public property. The bond, letter or credit, or cash deposit shall be released after construction is completed and a satisfactory final inspection by the building inspector

### **Section 3-111. Adoption by Reference of Building Code.**

For the purpose of establishing rules and regulations dealing with construction, alteration, removal and demolition of buildings and structure, the City of Mount Rainier adopts as its official building code the provisions of the International Building Code, 2000 Edition (“IBC”), as amended from time to time and as adopted by Prince George’s County.

### **Section 3-112. Correction or Removal of Unsafe Conditions and Noncomplying Work.**

A. If the building inspector finds an unsafe condition in a building or structure or construction or demolition work that has been performed in violation of this chapter, then the building inspector shall serve on the owner, agent or person in control of the building or structure a written notice of violation describing the unsafe condition or the noncomplying construction or demolition work in the building or structure, specifying the required repairs or improvements to be made to render the building, structure or premises safe and secure or the work that needs to be removed or demolished, and providing a reasonable correction time, depending on the nature of the violation. Upon failure to comply with the notice of violation, the building inspector shall issue a municipal infraction citation for the violation or take other enforcement action pursuant to Section

3-116.

B. Whenever the building inspector finds that an emergency exists which requires immediate action to protect the public health or safety or to correct a dangerous condition, the building inspector shall promptly cause such premises, building, structure or portion thereof to be made safe or demolished. For this purpose, the building inspector or the building inspector's designee, agents or contractors, may enter such building or structure and land upon which it stands or abutting land or structures, may order the building and adjacent structures to be vacated, and take appropriate action to protect the public by boarding, fencing, or such other means as may be necessary and for this purpose may close a public or private way. Costs incurred in the performance of emergency work shall be paid by the owner of the property. The City shall send the owner a bill for the costs of such emergency corrective action. If the bill is not paid within 30 days, the cost shall be a lien against the real property which may be collected and enforced in the same manner as are taxes and other liens on real property or by a suit against the owner or other responsible party.

**Section 3-113. Reserved.**

**Section 3-114. Permit Suspension or Revocation.**

A. In the event that construction or demolition work is being performed in violation of any provision of this chapter, any applicable City building permit, or approved plans and specification, the building inspector shall issue a written notice to the responsible party to stop work as set forth in Section 3-103.E - G.

B. A City building permit may be suspended or revoked by the building inspector for any of the following reasons:

1. Work performed in violation of any provision of this chapter;
2. Failure to comply with any notice or order issued pursuant to this chapter; or
3. Where a permit has been obtained through non-disclosure, misstatement, or misrepresentation of a material fact.

C. Before any City building permit is suspended or revoked, the permittee shall be given written notice of the proposed suspension or revocation and describing the violation and the corrective action necessary to avoid suspension or revocation of the permit. The permit suspension or revocation shall become effective on the date set forth in the notice. (Ord. 9-2005, 12/06/2005)

**Section 3-115. Saving Clause.**

If any provision of this chapter be declared invalid by a court of competent jurisdiction, such invalidity shall not affect the validity of any other provision of the chapter.

**Section 3-116. Penalty.**

A. Any person, who violates any of the provisions of this chapter shall be issued a citation of municipal infraction with a fine of Two Hundred Dollars (\$200.00) for each offense. Each day that a violation continues shall be deemed a separate offense.

B. Without limitation or election of any other available remedy, the City may enforce the provisions of this chapter through injunctive, mandamus, or any other appropriate proceedings, and a court of competent jurisdiction may issue an order for abatement, restraining order, injunction, mandamus or other form of relief to restrain or correct violations of this chapter.

C. The City may bring suit to collect all costs, assessments or liens imposed or incurred by the City in taking any emergency or other action authorized by this chapter.

D. A lien is hereby created on real property for monies expended by the City for the abatement of violations of this chapter where the responsible party refuses or fails to comply with the lawful order of the City after due notice thereof. The amount of such lien shall be collected and enforced in the same manner as other City taxes on real property.