

**Chapter 68**  
**HOUSING STANDARDS**

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[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville 12-1-69. Sections 68-1, 68-2A and B(1) and 68-3A and F amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

- Municipal infractions - See Ch. 20.
- Building construction - See Ch. 46.
- Electrical standards - See Ch 55.
- Fire prevention - See Ch. 59.
- Health and sanitation - See Ch. 65.
- Plumbing - See Ch. 93.
- Licensing of rental units - See Ch. 96.
- Zoning - See Ch. 120.

**ARTICLE I**  
**General**

**§ 68-1. Adoption of standards by reference. [Amended 5-3-05 by HR 05-06]**

A. Subtitle 13, Housing and property standards, of the Prince George’s County Code, as it may from time to time be amended, is hereby adopted by the City, and all of the powers, rights and requirements of compliance therein not in conflict with City Charter, this Code, or City regulations, may be exercised by the City.<sup>8</sup> However, all references in Chapter 13 of the County Code (or the

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<sup>8</sup> *Editor’s Note: A copy of the complete text of the standards adopted herein is on file and open to public inspection in the office of Code Enforcement.*

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International Property Maintenance Code which the County Code currently incorporates) to the appointment, discipline, employment and termination of any property or code enforcement personnel or to a board of appeals shall not be effective in the City.

B. The Code Official shall be the City Administrator, his/her designee or any code enforcement officer of the City.

### **§ 68-2. Unsafe structures and equipment. [Amended 5-3-05 by HR 05-06]**

A. General. When a structure or equipment is found by the Code Official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this Code. For purposes of this Chapter, condemnation means a declaration of illegality, danger or unfitness and does not include taking of property for compensation by a governmental unit.

(1) Unsafe Structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

(2) Unsafe Equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

(3) Structure Unfit for Human Occupancy. A structure is unfit for human occupancy whenever the Code Official finds that such structure is unsafe, or because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this Code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

(4) Unlawful Structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this Code, or was erected, altered or occupied contrary to law.

B. Closing of vacant structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the Code Official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the Code Official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

C. Notice. Whenever the Code Official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with §68-6(c). If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in §68-6(b).

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D. Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the Code Official shall post on the premises or on defective equipment a placard bearing the word “condemned” and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

(1) Placard Removal. The Code Official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the Code Official shall be subject to the penalties provided by this Code.

E. Prohibited occupancy. Any occupied structure condemned and placarded by the Code Official shall be vacated as ordered by the Code Official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this Code.

### **§ 68-3. Emergency measures. [Amended 5-3-05 by HR 05-06]**

A. Imminent danger. When, in the opinion of the Code Official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Code Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Code Official shall cause to be posted at each entrance to such structure a notice reading as follows: “this structure is unsafe and its occupancy has been prohibited by the Code Official.” It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

B. Temporary safeguards. Notwithstanding other provisions of this Code, whenever, in the opinion of the Code Official, there is imminent danger due to an unsafe condition, the Code Official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted, and shall cause such other action to be taken as the Code Official deems necessary to meet such emergency.

C. Closing streets. When necessary for public safety, the Code Official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

D. Emergency repairs. For the purposes of this section, the Code Official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

E. Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the City. The legal counsel of the City shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

F. Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the City, be afforded a hearing as described in this chapter.

### **§ 68-4. Demolition. [Amended 5-3-05 by HR 05-06]**

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A. General. The Code Official shall order the owner of any premises upon which is located any structure, which in the Code Official's judgment is so dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than one year, to demolish and remove such structure.

B. Notices and orders. All notices and orders shall comply with §68-6.

C. Failure to comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the Code Official shall cause an action to be filed in the court for demolition and recovery of all costs and fees (including attorney and expert fees) incurred in the enforcement of this subsection. The cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

D. Salvage materials. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

### **§ 68-5. Appeals. [Amended 5-3-05 by HR 05-06]**

A. Any person affected by any notice or order which has been issued in connection with the enforcement of any provision of this chapter may request and shall be granted a hearing on the matter before the head of code enforcement or his/her designee, or the head of the public works department when appropriate, who shall in either case be the hearing officer. Provided, however that such person requesting the hearing (the "appellant") must file in the office of the City Administrator a signed written notice of appeal, requesting a hearing and setting forth a brief statement of the reasons therefore, within ten (10) days after service of a notice or order.

B. Upon receipt of such notice of appeal, the hearing officer shall promptly set a time and place for such hearing and shall give the person appealing and other enforcement personnel notice thereof. Notice of the hearing shall be posted at the property in a conspicuous place no later than forty-eight (48) hours before the hearing indicating the nature of the proceeding, the time and place of the hearing and the name and telephone number of the person to contact for additional information.

C. The hearing officer shall determine such appeals in writing as promptly as practicable. After such hearing, the hearing officer may affirm, amend, modify or withdraw the notice or order appealed from. The decision of the hearing officer shall constitute an order, and any person who shall fail, refuse or neglect to comply with any such order shall be guilty of violating the provisions of this chapter.

D. The decision of the hearing officer shall in all cases be final, except that any appellant or party directly aggrieved by a decision of the hearing officer may appeal to a court of record of competent jurisdiction for a further review, on the record made in front of the hearing officer provided that appellant does so within thirty (30) days after the rendering of such decision. The decision of the

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hearing officer in any case on appeal may be stayed by the hearing officer pending a decision by the court.

E. Whenever a Code Official finds that an emergency exists which requires immediate action to protect the public health, he/she may, without notice of hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he/she deems necessary to meet the emergency. Notwithstanding the other provisions of this chapter, such order shall be effective immediately, but, upon petition to the person hearing such appeal, shall be afforded a hearing as soon as possible. After such hearing, depending upon the finding as to whether the provisions of this Code and of the rules and regulations adopted pursuant thereto have been complied with, the hearing officer shall continue such order in effect or modify it or revoke it.

### **§ 68-6. Notices and orders. [Amended 5-3-05 by HR 05-06]**

A. Notice to person responsible. Whenever the Code Official determines that there has been a violation of this Code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in §§b and c, immediately below, to the person responsible for the violation as specified in this Code. Notices for condemnation procedures shall also comply with §68-2(c).

B. Such notice prescribed in § A shall be in accordance with all of the following:

- (1) be in writing.
- (2) include a description of the real estate sufficient for identification.
- (3) include a statement of the violation or violations, why the notice is being issued and the day and time the violation was discovered.
- (4) include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Code.
- (5) inform the property owner of the right to appeal.
- (6) include a statement of the right of the City to file a tax lien.

C. Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

- (1) delivered personally to the tenant if any, and to the owner of record; or
- (2) sent by certified mail addressed to the last known address of the owner and the tenant, if any, so long as a copy thereof shall be posted in a conspicuous place or about the structure affected by such notice.

D. Penalties. Penalties for noncompliance with orders and notices shall be as set forth in section 68-10(e)(4).

E. Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Code Official and shall furnish to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility

without condition for making the corrections or repairs required by such compliance order or notice of violation.

## ARTICLE II

### Fences and Walls

**§ 68-7. Fences & Walls. [Added 11-3-03 by HO-2003-07, Amended 5-3-05 by HR 05-06, Amended 2-8-14 by HO 2014-01]**

A. Definitions. In this chapter the following words shall have the following meaning:

(1) “Fence.” Any structure, barrier, partition or hedge having the effect of or erected or placed for the purpose of enclosing a piece of land, dividing a piece of land into distinct portions, separating two contiguous estates, or stopping and/or creating an obstacle to pedestrian crossings; and consisting of a section or sections of any type of plants, fencing material, chain, railing, arbor, trellis, blocks, bricks, stones, wood, iron wire, plastics, concrete or any other building or construction material; provided, however, that a structure or hedge which is solely for decorative purposes shall not constitute a fence, as long as such structure or hedge does not exceed three (3) feet in height, and provided that such structure or hedge on any lot does not, in total, consist of more than four (4) eight (8) foot long sections, with no more than two (2) such sections being connected or located within twelve (12) feet of each other. The length of the materials shall be measured at their longest point. Such decorative structures shall be landscaped along their total length with bushes, shrubs, plants or flowers.

(2) “Front yard.” All that area between a paved street and a line running (parallel to the street) the full length of the lot along either the front of the building or the building restriction line (whichever area is greater). In the event the building is in front of the building restriction line, the line shall be drawn at the front of the house or the main building on the lot in question. Any unimproved adjacent lot owned by the same owner as the improved lot shall use the same lines as the improved lot to define the front yard. A lot can have only one front yard.

(3) “Rear yard.” All that area between the back property line and a line drawn across the rear of the house or main building of the lot in question and running the width of the lot. A lot can have only one rear yard.

(4) “Side yard.” All the area which is not considered front yard or rear yard, ordinarily between the front and rear yard.

(5) “Building restriction line.” The building setback requirement established by the Prince George’s County Zoning Ordinance which establishes the closest point to a street that a building may be constructed in the zone in question.

(6) “Height.” The distance between the finished grade of ground on the lower side and the top of the fence or hedge.

(7) “Retaining wall” or “Wall.” A barrier built to retain or support the lateral pressure of earth or water or other superimposed loads.

B. Purpose. It is the intent and purpose of this section to protect the public health, safety, and general welfare of the City of Hyattsville and its residents by generally regulating the placement of fences on property. Such regulation shall, among other things: permit the rapid, free and unobstructed access to buildings by emergency vehicles, personnel and equipment; allow for the

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unobstructed establishment, maintenance and creation of public rights-of-way along the streets and sidewalks in the City; prevent the obstruction or reduction, by man-made structures, of visibility at corners, driveways and intersections for drivers and pedestrians; add to the attractiveness and comfort of the residential district; create a better home environment in the City; preserve an area which is generally regarded by the public as pleasing to the eye; and preserve, improve and protect the general character of lands within the City and the improvements thereon.

### C. General regulations.

The following regulations apply on all lots in the City:

#### (1) Front yards.

(a) Except as hereinafter provided, fences over four (4) feet in height are prohibited in the front yard.

(b) Retaining walls constructed in the front yard extending along the street for more than four (4) feet shall not be more than one (1) foot above the higher side grade of any lot.

(c) A front yard fence (except a hedge or fence made primarily from growing plant) shall be thirty-five percent (35%) open (visible through), when viewed perpendicular to the fence except when the fence is within fifteen feet (15') of a paved street or alley or driveway in which case it must be fifty percent (50%) visible through when viewed perpendicular to the fence.

(d) Any hedge or shrubbery must be trimmed so that it does not impede the progress or the visibility of motor vehicles and passersby.

(2) Side yard fences. Except as otherwise provided herein, a fence may be located in any part of the side yard of a lot.

(3) Rear yard fences. Except as otherwise provided herein, fences are allowed in the rear yard. Fences in rear yards where the rear lot line is a continuation of the front yard line of the adjacent lot shall be set back 15 feet from the property line.

(4) No fence shall exceed six (6) feet in height.

(5) Regardless of the above regulations, at the intersection of all streets, alleys and driveways, no fence over three (3) feet shall be within fifteen (15) feet of the paved street or alley.

(6) On all commercial or multifamily residential property, the finished face of retaining walls and fences shall be limited to the following materials: brick, stone, stucco, iron and aluminum. All other materials shall require an exception.

(7) All fences or retaining walls legally existing on June 30, 2003 which do not comply with the general restrictions 1-6 above shall be deemed legal non-conforming uses. However, a hedge that qualifies as a fence shall not be a legal non-conforming use unless the life of the entire hedge is threatened by conforming to this code. A replacement fence or wall except as provided below in #8 shall conform to the requirements of this Chapter. A replacement means fifty percent (50%) or more of the fence or wall being replaced within one (1) calendar year.

(8) A fence or retaining wall deemed to be a legal non-conforming use under this subsection which has been removed or destroyed through no fault of, and due to circumstances beyond the control of the owner, (except for natural aging) may be replaced or repaired in a manner substantially identical in all material respects to the fence so removed or destroyed provided it is repaired or

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replaced within 180 days from the date of the removal or damage. If any portion of a fence or wall is replaced with a fence or wall using a different material or style for such fence or wall or varying the height or length of such fence or wall, the owner or his agent must apply for an exception. Nothing contained in this subsection shall be construed to prohibit the maintenance and repair of a non-conforming fence or wall as long as the fence or wall is not changed in character and repairs are made with materials substantially the same as the materials requiring maintenance or repair.

(9) All fences and retaining walls placed or completed after June 30, 2003 shall conform to the requirements of this chapter.

(10) No fence made in whole or in part of barbed wire or chicken wire shall be erected or constructed along or adjacent to any street, avenue, road, alley, public walk, nor immediately adjacent to an adjoining lot or property line.

(11) No fence or retaining wall, the design or construction of which would be detrimental to the public welfare, health, safety or comfort of the citizens of the City will be permitted to be erected.

(12) Any protective railings, fences, retaining walls or barriers, which do not conform to the provisions of this code due to either the location, dimensions, materials or open percentage, will be required to receive an exception.

(13) No gate shall swing outward on any public road, sidewalk, or public passageway within the City.

(14) No person shall allow or cause to be built or placed any retaining wall or fence, or combination thereof, which does not meet all design and construction specifications of the Prince George's County Building Code.

(15) Retaining walls shall be designed to resist the pressure of the retained material, including both dead and live load surcharges, to which they may be subjected, and to ensure stability against overturning, sliding, excessive foundation pressure and water uplift.

(16) All fences and retaining walls must be maintained in a structurally safe and sound manner and in good repair.

(17) No fences or retaining wall may be erected or put in place or repaired for more than 25% of its surface without first obtaining a permit from the City. A late fee of twenty-five dollars (\$25.00) shall be assessed for failing to apply for a permit before beginning work on the fence or retaining wall. The City will issue a permit unless the proposed action does not conform to this code and no exception therefor has been granted. The application for a permit shall contain all information relevant and necessary to determine whether the particular permit may be issued, including but not limited to:

- (a) The applicant's full name, current address, telephone number and proof of identity;
- (b) A brief description and/or picture of the nature, material and height of the fence or wall;
- (c) The specific location proposed of the fence or wall including whether it is a front yard fence.

### D. Exceptions.

The Council may grant an exception to the above general regulations in Article II as provided herein.

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### (1) Procedures.

(a) Application. All requests for an exception shall be made by application filed with the City. The City shall make available an application form which shall require an accurate description of the subject property, the exception being requested, the basis of the request, and the addresses of adjacent property owners.

(b) In addition to the application, the applicant shall submit the following:

(i) One (1) copy of a site plan, survey or other graphic illustration satisfactory to the City which accurately depicts the location of all relevant features of the property, including but not limited to structures, property lines, setback lines and all other features that, when viewed together, result in the need for the requested exception. The site plan, survey or other graphic illustration must also depict the measurements of and between these features and the location, size and scope of the requested exception; and

(ii) One (1) copy of a written explanation by the applicant describing how the proposed use meets the relevant standards prescribed in Subsection D(5) below. The applicant must also verify that he/she has given written notice of the application and a summary of the exception requested to the immediately adjacent property owners (including those properties across a street, alley or stream).

(2) Public hearing. Before making its decision on any application for exception, the Council may hold a public hearing on the matter. Any hearing shall be open to the public and records and minutes shall be maintained at all such hearings. The Council shall issue a written decision either granting, granting with modifications or conditions, or denying the exception application within thirty (30) days from the closing of the hearing or as soon thereafter as may be reasonably possible. The Council shall provide a copy of its written decision to the persons of record.

(3) Notice of hearing. Notice of the hearing shall be sent via mail, postmarked not less than seven (7) days prior to the date of the hearing to the applicant. Additionally, notice of the hearing shall be sent via mail to the owners of abutting property (including those properties directly across a street, alley, or stream). The notice shall contain:

(a) The date, time and place of the hearing; and

(b) A brief statement describing the specific nature of the exception requested.

(4) No refiling. If the Council denies an application for exception, no further application concerning the same specific subject on the same property may be filed for a period of two years from the date of the decision.

(5) Standard of review. An exception may only be granted by the Council when:

(a) The granting of the exception will not substantially impair the intent, purposes or integrity of the policies of the City, will not conflict with county law, and will not adversely affect the health, safety, welfare or peace of the general public or nearby land owners; and either

(b) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions or other extraordinary situations or conditions; or

(c) The strict application of the general regulations herein will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property.

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(6) Other laws. Nothing in this section shall be construed to relieve the applicant of any other duties, obligations, restrictions or requirements, including but not limited to permit requirements, of other sections of the City code, the Prince George's County Code, or any other relevant laws, rules, ordinances or regulations.

(7) The City Administrator may allow temporary fences for up to one full year not in strict conformity with this Chapter at construction or excavation work sites in order to protect the safety of the public and of the workers at the site. No barbed or razor wire shall be allowed.

### ARTICLE III

#### Paved Surfaces

**§68-8. Impervious surfaces on residential properties. [Amended 3-15-04 by HO-2004-04, Amended 5-3-05 by HO-2005-06]**

A. Notwithstanding the Prince George's County Code provisions relating to impervious surface coverage, the impervious surface area of the front yard of any residential property in the City of Hyattsville shall not exceed twenty-five percent (25%) of the total area of the front yard.

B. Definitions.

(1) "front yard" shall mean in addition to the definition in this Chapter, that for buildings on corner lots where the building faces an intersection rather than either of the streets, the front yard shall be the triangular area between the paved streets and a line drawn across that side of the building nearest the street and facing the intersection.

(2) "impervious surface" shall include, but not be limited to, concrete, asphalt, pavers, brick, and gravel, and all paved and prepared drivable surfaces pursuant to §114-72.1 of this Code. Non-drivable surfaces, including a sidewalk no wider than 42", shall not be counted as impervious surface for purposes of this subsection.

C. Any properly permitted impervious surface coverage existing on April 1, 2004 that does not comply with the restrictions contained in this section shall be deemed a legal nonconforming use until April 1, 2009 and may be repaired. Any replacement of the impervious surface shall conform to the requirements of this section. Replacement means any work on at least fifty percent (50%) of the impervious surface for any reason. However, after April 1, 2009 all such legal non-conformance uses must cease and be in compliance with this chapter.

**§68-9. Paving and driveway permit. [Amended 3-15-04 by HO-2004-04, Amended 5-3-05 by HO-2005-06]**

A. No person may install, widen, extend, or enlarge, or allow to remain in place any impervious surface, including gravel, in the front yard of residential property in the City of Hyattsville without first obtaining a paving and driveway permit from the Code Compliance. Further it shall be unlawful to allow to remain in place any impervious surface not in conformity with this Code.

B. The application for a permit shall contain all information relevant and necessary to determine whether the permit may be issued, including, but not limited to:

(1) the applicant's full name, current address, telephone number and proof of identity and the name, address and telephone number of the property owner, if not the same as that of the applicant;

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(2) a full description of the proposed installation, including the material to be installed, the amount of the material that will be installed, the square footage of the area to be covered, and the specific location on the property of the proposed installation; and

(3) a site plan or other plan or plat acceptable to the Director of the Department of Public Works drawn to scale reflecting the location of all structures on the property, any and all existing impervious surfaces, the total square footage of all impervious surfaces currently located on the property, the total area of the lot or property in question and the zoning of the property.

C. At the time of filing a paving permit application, the applicant shall pay a permit fee of fifty dollars (\$50.00). The permit fee shall accompany the application. A late fee of twenty-five dollars (\$25.00) shall be assessed for failing to apply for the permit prior to beginning work.

D. Code Compliance shall be responsible for issuing permits or exceptions under this Article. The application for a permit may be denied, granted or granted with reasonably necessary conditions. The applicant may appeal the denial of a permit or a special exception to the City Administrator or his/her designee pursuant to §69-7 of this code.

E. The Head of Code Enforcement or his/her designee may grant an exception to the restriction contained in section 68-8(A) above, when an applicant can prove to the Director's satisfaction:

(1) that the applicant must exceed the impervious surface coverage limitation in order to install such surface for medical reasons (*i.e.*, To construct a ramp to access a house or provide parking for a handicapped person who resides at the property); or

(2) that the applicant cannot otherwise provide for any off-street parking on their property.

F. Code Compliance may only grant an exception for the minimum amount necessary and may impose reasonably necessary conditions. In no event shall an exception allow the impervious surface area in the front yard of a residential property to exceed a total of fifty percent (50%) of the total area of the front yard or violate any county, state or federal law as to impervious surfaces.

### ARTICLE IV

#### Enforcement

#### **§ 68-10. Violations and penalties. [Amended 7-16-01 by HB 01-03, Amended 5-3-05 by HO-2005-06]**

A. Unless otherwise provided, violations of this Chapter shall be punishable as a municipal infraction and the fine for any single initial violation shall be one hundred dollars (\$100.00), with the fine for each repeat of that offense shall be two hundred dollars (\$200.00).

B. The fine for any single initial violation of Article II shall be two hundred fifty (\$250.00) and the fine for each repeat of that offense shall be five hundred dollars (\$500.00).

C. In addition to the penalties prescribed above, the City shall have the right to institute injunction, mandamus or any other appropriate civil action or proceeding to prevent violations of this chapter. The provisions of the Real Property Article of the Maryland Code §14-120, as amended, shall be followed when they apply to the proceeding.

D. Where a municipal infraction citation has been issued for a violation of this Chapter, each thirty (30) day period following the issuance of said citation during which the violation(s) continues

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unabated or recurs shall constitute a separate violation for which additional citations may be issued, and additional fines incurred.

### E. Stop Orders.

(1) Whenever any work is being done without a permit, when such is required by this Code, or in violation of the provisions of this Chapter or in exception with the term of any permit issued for such work, the City Administrator or his or her duly authorized representative, or the Code Officer, may order all or part of the work on the job stopped until such violation or exception is eliminated and the work or installation made in violation of this subtitle is corrected. Such stop order, if oral, shall be followed by a written stop order within twenty-four (24) hours (excluding Saturday, Sunday or holidays).

(2) It shall be unlawful to do or perform any work in violation of such stop order, except as may be necessary to prevent injury or damage to persons or property or to correct the violation.

(3) The stop order shall contain, or be accompanied by, a written notice indicating that there is a right to a hearing within a reasonable time before the City Administrator or his or her designee. Such request for a hearing must be filed in writing at the City office no later than seventy-two (72) hours. The owner or permittee affected by such stop order shall be entitled to such hearing as quickly as feasible, but at least within forty-eight (48) hours of receipt of such request for hearing by the City Administrator. The City Administrator, or a designated impartial member of his or her staff who has or is delegated authority to act, shall afford the owner or permittee a fair hearing with an opportunity to present evidence or testimony that is relevant to the stop order. The owner or permittee shall be afforded reasonable notice of the time and place of the hearing at the time of the request in person, or by telephone or other appropriate means if the request is forwarded in writing.

(4) The penalty for violating any stop order shall be a misdemeanor with a maximum penalty of one thousand dollars (\$1,000.00) and/or thirty (30) days imprisonment.

F. Abatement. The City may order the abatement of any violation of this Chapter pursuant to the notice and orders requirements of this Chapter at §68-6. Hearings on such notices and orders shall be governed by §68-5 appeals.