

1 **ARTICLE 4. ENFORCEMENT**

2 **CHAPTER 40 ENFORCEMENT**

3 Sections:

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10 It shall be the duty of the Planning Director to enforce this Ordinance and to take action as set
11 forth in the Ordinance necessary to abate violations and achieve compliance. The Planning
12 Director may bring to the attention of the Planning Commission, Board of County
13 Commissioners, or County Attorney any violations or lack of compliance herewith.

14 **40.1. Actions in Violation of this Ordinance.**

- 15 1. It shall be unlawful for any person, whether as owner, principal, agent, employee or
16 otherwise, to violate any provisions of this Ordinance, to permit any such violation, or to
17 fail to comply with the requirements of this Ordinance, including, but not limited to, the
18 following:
- 19 a. To erect any building, structure, or sign, or to construct, reconstruct, alter, repair,
20 convert or maintain any building, structure or sign or other improvement contrary
21 to any of the provisions of this Ordinance or to use operate or maintain any
22 building, structure, sign or land contrary to any provision of this Ordinance.
- 23 b. To transfer or sell any parcel in a proposed subdivision before a plat of such
24 subdivision has been approved by the Planning Commission in accordance with
25 the provisions of this Ordinance and filed for recordation with the Office of the
26 Clerk of the Circuit Court of St. Mary's County.
- 27 c. To subdivide any lot or any parcel of land, by the use of metes and bounds
28 description for the purpose of sale, transfer, or lease without complying with the
29 requirements of this Ordinance.
- 30 d. To fail, after percolation tests have been taken, to ensure that the test hole is
31 covered or backfilled, immediately and completely.
- 32 2. It shall be unlawful for any lessee to use the leased premises for any activity not
33 permitted for under this Ordinance.

34 **40.2. Procedure for Prosecution of Violations.**

- 35 1. Upon becoming aware of any violation of this Ordinance, the Planning Director may
36 serve notice of such violation on the person committing or permitting the same, and if
37 such violation has not ceased within the time specified by the Planning Director, the
38 Planning Director shall institute such action as may be necessary to terminate the
39 violation.
- 40 2. The Planning Director or his designees may serve a citation noting a municipal civil
41 infraction to a person believed to be committing or permitting a violation of this
42 Ordinance or the owner(s) of record of the property where the violation occurs. A copy
43 of the citation shall be retained by the Planning Director and shall bear a certification
44 attesting to the truth of the matters set forth therein. The citation shall contain:

- 1 a. The name and address of the person charged;
- 2 b. The nature of the violation;
- 3 c. The place and time of the violation;
- 4 d. The amount of the fine assessed;
- 5 e. The manner, location, and time in which the fine may be paid; and
- 6 f. The person's right to elect to stand trial in the District Court of St. Mary's County
- 7 for the violation.

8 3. A person who receives a citation may elect to stand trial for the offense in the District
9 Court of St. Mary's County, by filing a notice of intent to stand trial. The notice shall be
10 given at least five days before the date of payment as set forth in the citation. On receipt
11 of the notice of intention to stand trial, the Planning Director shall forward to the District
12 Court a copy of the citation and the notice. On receipt of the citation, the District Court
13 shall schedule the case for trial and notify the defendant of the trial date. All fines,
14 penalties, or forfeitures collected by the District Court for violations shall be remitted to
15 St. Mary's County.

16 4. If a person who receives a citation for a violation fails to pay the fine by the date of
17 payment set forth on the citation and fails to file a notice of intention to stand trial, a
18 formal notice of the violation shall be sent to the person's last known address. If the
19 citation is not satisfied within 15 days from the date of the notice, the person is liable for
20 an additional fine not to exceed twice the original fine. If, after 35 days, the citation is
21 not satisfied, the zoning official may request adjudication of the case through the District
22 Court. The District Court shall schedule the case for trial and summon the cited person to
23 appear.

24 5. Adjudication of a violation under this section is not a criminal conviction, nor does it
25 impose any of the civil disabilities ordinarily imposed by a criminal conviction.

26 6. In a proceeding before the District Court, the violation shall be prosecuted in the same
27 manner and to the same extent as set forth for municipal infractions in Article 23A,
28 Section 3(b)(8) through (15) of the Maryland Annotated Code.

29 7. If a person is found by the District Court to have committed a municipal infraction
30 violation, that person shall be liable for the costs of the proceedings in the District Court
31 in addition to the fine(s) levied.

32 **40.3. Actions to Remedy Violations.**

33 In addition to the imposition of any monetary penalties provided in this Ordinance, the County
34 may initiate an injunction, mandamus, or any other appropriate action to prevent the erection,
35 construction, reconstruction, alteration, repair, conversion, maintenance, sale or use in violation
36 of any provision of this Ordinance, to restrain, correct, or abate the violation; to prevent the
37 occupancy of the building, structure or land which is the subject of the violation, or to prevent
38 any illegal act, conduct, business, or use in or about the premises. Except in the event of an
39 emergency, private dwellings shall require appointment prior to entry.

40 **40.4. Penalties.**

41 1. Pursuant to Article 66B, 7.01 of the Maryland Annotated Code, the Board of County
42 Commissioners may provide for civil penalties for any violation of this Ordinance by
43 establishing a schedule of fines. Each day in which any such violation occurs, or in
44 which such person fails to perform the duties required of him or to comply with the
45 provisions of those sections, shall constitute a separate offense. Any person who violates

1 a provision of this Ordinance shall become liable to the County for any expense, loss, or
2 damage occasioned by the County by reason of such violation.

3 **40.5. Conflict of Laws.**

4 If the provisions of any other law, ordinance, or regulation of the County or the State shall be in
5 conflict with the provisions of this Ordinance, the more stringent or restrictive provision shall
6 control.