

## **ARTICLE 6: ADMINISTRATION AND ENFORCEMENT**

### **6.1 Zoning Administrator:**

The office of Zoning Administrator is hereby established. It shall be the duty of the Zoning Administrator to administer and cause the enforcement of the provisions of this Ordinance with the policies and goals of the Master Plan and the intent and provisions of this Ordinance. The municipal planning staff shall be the authorized agent of the Zoning Administrator.

### **6.2 Zoning Certificates and Building Permits Required:**

It shall be unlawful to locate or begin the excavation, erection, construction, reconstruction, extension, conversion, or structural alteration of any building or structure, or establish a new use without first obtaining a zoning certificate from the Zoning Administrator or authorized agent, as well as a Frederick County Building Permit from the Frederick County Office of Permits and Inspections, as required.

### **6.3 Application for a Zoning Certificate:**

Every application for a zoning certificate shall be signed by the Applicant and shall be accompanied by a site sketch or a site plan drawn to a convenient scale showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part, and based on actual survey or deed description. The plan or sketch will also include the exact location, size, height of any building or structure to be located or altered, the existing and intended use of each building or structure or part thereof, the distance of the proposed building/structure from each lot line, and the number of dwelling units the building is designed to accommodate. When no buildings are involved, the location of the present and proposed use of the lot shall be shown, as well as other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Ordinance. The lot and the location of the building or other improvements thereon shall be staked out on the ground before a zoning certificate is issued.

### **6.4 Expiration of Zoning Certificate:**

A zoning certificate shall automatically expire one year after the date of issuance if the construction or use for which the certificate was issued has not started. See Article 4 for the definition of “start of construction”.

### **6.5 Fees:**

To partially defray the expense of administering this Ordinance, a fee shall be paid to the City of Brunswick, Maryland, for zoning and land use related services before any zoning certificate is issued or any site plan, residential site plan or other application is processed. Fees shall be as established by resolution of the Mayor and Council; provided, however, that such fees shall not exceed the cost incurred by the city for providing such services. Services for which fees may be established include, but are not limited to:

### Zoning Certificates

- 1) All applications for dwelling units or unit.
- 2) All applications for principal commercial or industrial structures or uses.
- 3) All other permitted uses.
- 4) All accessory structures or uses.
- 5) All additions, conversions, renovations, and demolitions.

### Ordinance Amendments

- 6) Map amendments.
- 7) Text amendments.
- 8) Comprehensive rezoning/plan request.

### Planned Unit Developments

- 9) Phase 1 PLAN.
- 10) Phase 2 PLAN.
- 11) Phase 3 PLAN.

### Board of Appeals

- 12) Administrative Error.
- 13) Variance.
- 14) Special Exception.

### Site Plans

- 15) Site Plans.
- 16) Residential Site Plans.
- 17) Site Plan/Residential Site Plan Re-Approval.
- 18) Sketch/Concept Site Plan.

### Miscellaneous Requests

- 19) Residential Cluster Plan.
- 20) Zoning/Development Letters/Certifications.

(Amended Ord. 403)

### **6.6 Revocation:**

Notwithstanding any other provision of this Zoning Ordinance, a zoning certificate shall be revocable upon non-compliance with any of the requirements of this Zoning Ordinance or any conditions imposed by the Planning Commission on the final site plan or by the Board of Appeals on any conditionally approved use, special exception, or variance.

(Ord. 449)

## **6.7 Injunctions, etc., to Prevent Violations:**

In the case that any building is or is proposed to be located, erected, constructed, reconstructed, extended, enlarged, converted, structurally altered, or used or proposed to be used in violation of this Ordinance or an amendment or supplement thereto, the Mayor & Council, the City Attorney, the Zoning Administrator (or authorized agent) or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or other appropriate action or proceeding to prevent, restrain, correct, or abate such unlawful location, erection, construction, reconstruction, extension, enlargement, conversion, structural alteration of or the unlawful use of a building/structure or property.

## **6.8 Enforcement Procedures:**

- A. Pursuant to Section 3 of Article 23A of the Annotated Code of Maryland, any violation of any of the provisions of this Zoning Ordinance is a civil zoning violation, and shall be referred to as a civil zoning infraction.
- B. In the event that an alleged or possible civil zoning infraction comes to the attention of the City of Brunswick, the Zoning Administrator or authorized agent shall investigate whether an infraction has occurred. If the Zoning Administrator/authorized agent has determined that an infraction has occurred, a written warning or citation shall be issued to the property owner and/or to the person(s) responsible.
  1. A warning may be mailed or hand delivered to the property owner or person(s) responsible and shall include:
    - a. the name and address of the person(s) responsible;
    - b. the nature of the alleged infraction;
    - c. the location and date that the infraction occurred;
    - d. the amount of the infraction fine that could be assessed; and
    - e. the manner, location, and time period in which the infraction shall be abated and/or the Zoning Administrator/authorized agent contacted.
  2. The Zoning Administrator/authorized agent may issue a written citation without the prior issuance of a warning, or if, after the issuance of a warning, the infraction continues unabated.
  3. A citation shall be hand delivered to the property owner or person(s) responsible for the infraction. If such person cannot be located personally, the citation may be posted in a conspicuous place on the property and a copy of the same mailed to the person, and shall include:
    - a. the name and address of the person charged;

- b. the nature of the infraction;
  - c. the location and date the infraction occurred;
  - d. the amount of the infraction fine assessed;
  - e. the manner, location and time for which the fine may be paid;
  - f. the person's right to elect to stand trial for the infraction;
  - g. the consequence of failing to pay the assessed infraction fine or demand a trial within the prescribed time; and
  - h. a certification by the Zoning Administrator/ authorized agent attesting to the truth of the matters set forth.
- C. A fine of one hundred dollars (\$100.00) is hereby imposed upon any person responsible for a civil zoning infraction. Each violation will be considered a separate infraction. Each day that a violation continues to occur will be considered a separate infraction. All fines shall be payable to the City of Brunswick.
- D. A person who receives a citation may elect to stand trial for the offense by filing with the Zoning Administrator/authorized agent a notice of intention to stand trial. The notice shall be given at least five (5) days before the date of payment as set forth in the citation. Upon receipt of the notice of intention to stand trial, the Zoning Administrator/authorized agent shall forward to the District Court for Frederick County, Maryland, a copy of the citation and the notice of intention to stand trial. Upon receipt of the citation and the notice of intention to stand trial, the District Court shall schedule the case for trial and notify the parties of the trial date. All fines, penalties or forfeitures collected by the District Court for civil zoning infractions shall be remitted to the City of Brunswick.
- E. If a person who received a citation for an infraction fails to pay the fine by the date of payment set forth on the citation and fails to file a notice of intention to stand trial, a citation shall be sent to the person's last known address. If the citation is not satisfied within fifteen (15) days from the date of the notice, the person is liable for an additional fine of one hundred dollars (\$100.00) per infraction, or a total fine of two hundred dollars (\$200.00) for each infraction. If, after 35 days, the citation is not satisfied, the Zoning Administrator/authorized agent may request adjudication of the case through the District Court. The District Court shall schedule the case for trial and summon the defendant to appear.
- F. Adjudication of an infraction under this subsection is not a criminal conviction, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.
- G. In a proceeding before the District Court, the violation shall be prosecuted in the same manner and to the same extent as set forth for municipal infractions in Article 23A, Section

3(b)(8) through (15) of the Annotated Code of Maryland. However, the City Attorney is hereby authorized to prosecute all civil zoning infractions under this section.

- H. If a person is found by the District Court to have committed a civil zoning infraction, he or she shall be liable for the costs of the District Court proceedings.
- I. Depending on the circumstances of each case and after consultation with the City Attorney, the Zoning Administrator/authorized agent has the discretionary authority to reduce or suspend all or a portion of the fine payable through his/her office.
- J. Nothing contained in this section shall prohibit or prevent the Zoning Administrator/authorized agent, or anyone else, from seeking other legal remedies, such as an injunction, criminal prosecution, or damages in a civil action pursuant to Section 7 Article 66B, Annotated Code of Maryland as amended.

#### **6.9 Penalty for Continuing Violations:**

Any person who is convicted of failure to comply with this chapter is guilty of a misdemeanor, and shall be fined no more than five hundred dollars (\$500.00) and/or ten (10) days in jail for each offense. Each day of such continuing violation may be found to be a separate misdemeanor.