

Article 33. Enforcement

- 33-1 AUTHORITY TO INSPECT AND ENFORCE
- 33-2 ZONING VIOLATION DEFINED
- 33-3 NOTIFICATION; CORRECTION
- 33-4 CITATION; FINE
- 33-5 REFERRAL TO DISTRICT COURT
- 33-6 REPEAT VIOLATIONS
- 33-7 OTHER PERMIT APPLICATIONS
- 33-8 LEGAL OR EQUITABLE REMEDIES/INJUNCTIVE RELIEF

33-1 AUTHORITY TO INSPECT AND ENFORCE

- A. The Zoning Officer or authorized agent is authorized to make such inspections as are reasonable and necessary to determine satisfactory compliance with this Ordinance. Nothing in this Article shall be construed as to limit the Zoning Officer, designee, or authorized agent from the enforcement, concurrently or otherwise, of any other Federal, State, or local laws or regulations.
- B. Whenever, upon inspection of any property, the Zoning Officer or authorized agent finds that conditions or practices exist which are in violation of this Ordinance, an Inspection Report in conformity with this Article shall be issued.
- C. Provisions within permit applications which grant consent for inspection.
- D. In the case where there is evidence of a possible violation, the Zoning Officer, designee, or authorized agent has the authority to conduct inspections of property without a warrant.

33-2 ZONING VIOLATION DEFINED

- A. A violation of this Ordinance occurs when there is:
 - 1. Any activity on property which requires approval and meets one or more of the following:
 - a. Has not been approved.
 - b. Exceeds the scope of, or is not in compliance with, any permit issued by the Department of Planning & Zoning, Historic District Commission, and/or the Division of Inspections and Permits.
 - c. Exceeds the scope of, or is not in compliance with, any order or action of the Planning Commission or Board of Appeals.
 - d. Is otherwise not in compliance with this Ordinance.
 - 2. Any use of a property which is impermissible pursuant to this Ordinance.
 - 3. Any advertising or marketing of any use of a property which is impermissible pursuant to this Ordinance.
- B. Unpaid fines, fees and other arrearages due under, or as a consequence of, this ordinance shall constitute a continuing violation of this ordinance.
- C. The owner, tenant, occupant of a property, or authorized agent, or any other person, as defined by this Ordinance, shall not cause or allow a violation of this Ordinance. Any of the foregoing individuals or entities may be individually or jointly and severally liable for any violation of this Ordinance.

33-3 NOTIFICATION; CORRECTION

- A. The Zoning Officer or authorized agent will issue an Inspection Report under this Ordinance which shall:
 - 1. Be in writing.

2. State the nature of the violation.
 3. State the general conditions or actions necessary to correct or abate the violation.
 4. Be issued by one of the following methods of delivery:
 - a. Personal delivery.
 - b. Mail to the address of the owner recognized by the State Department of Assessment and Taxation.
 - c. Posting on the dwelling or, if no dwelling, a conspicuous location near the access to the property.
 5. Be issued to the owner, tenant, occupant of the property, or their authorized agent, or any other person, who is otherwise responsible for the violation on the property.
- B.** The Inspection Report shall specify a date (up to 60 days) by which the violation shall be corrected. The time period for correction of the violation begins on the date of issuance of the Inspection Report.
- C.** The Zoning Officer, designee or authorized agent may issue a Stop Work Order for either:
1. Activity that is a violation of this Ordinance.
 2. Any use of property which is impermissible pursuant to this Ordinance.
- D.** A Stop Work Order shall:
1. Be in writing.
 2. State the nature of the circumstances requiring a Stop Work Order.
 3. State the conditions or actions necessary to correct or abate the violation, or under which the activity or use may be resumed, as appropriate.
 4. Be posted conspicuously and in a manner reasonably calculated to give notice to the person or persons reasonably believed to be in, or responsible for, the violation.
 5. A copy of the Stop Work Order shall be mailed to the address of the owner recognized by the State Department of Assessments and Taxation. Failure of delivery shall not invalidate or impair the operation of the Stop Work Order.
- E.** Upon personal delivery or posting of a Stop Work Order the activity or use cited shall cease immediately.
- F.** Any owner, tenant, occupant of the property, or their authorized agent, or any other person, who violates the Stop Work Order is subject to:
1. The maximum fine allowable by law within the adopted fee schedule for each day the violation occurs or continues through the date the property is brought into compliance with this ordinance or until approved mitigation or restoration has been completed.
 2. Revocation of any County permit pertaining to the work or use in violation.
 3. Revocation of any approval of the Planning Commission or Board of Appeals.
- G.** Any unauthorized removal or destruction of a posted Stop Work Order shall constitute a violation of this ordinance and shall be subject to the maximum fine allowable by law within the adopted fee schedule per day, until the Stop Work Order is replaced, restored, or revoked.

33-4 CITATION; FINE

- A.** If the violation is not corrected within the time specified in the Inspection Report, the Zoning Officer, designee, or authorized agent may issue a Citation. A copy of the Citation will be retained by the Zoning Officer. A pre-set fine, not

to exceed the maximum allowable by law, per day, as long as the violation continues, may be imposed for each violation. The Board of County Commissioners will establish a schedule of fines for each violation and may adopt procedures for collection of these fines. The current schedule of fines may be found in the adopted Calvert County Budget with a copy maintained at the Department of Planning & Zoning for public inspection and review.

1. The Citation shall:
 - a. Be in writing.
 - b. State the nature of the violation.
 - c. State the conditions or actions necessary to correct or abate the violation.
 - d. List the party or parties against whom enforcement is sought pursuant to Section 33-2.C.
 - e. Be issued according to one of the following methods of delivery:
 - i. Personal delivery upon the party or parties listed pursuant to Section 33-4.A.1.d.
 - ii. First Class Mail upon the party or parties listed pursuant to Section 33-4.A.1.d.
 - iii. Posting on the dwelling or, if no dwelling, a conspicuous location near the access to the property.
2. The Citation shall contain:
 - a. The location and date of the violation.
 - b. A certification attesting to the truth of the matters set forth.
 - c. The amount of the fine assessed or, if the violation is of a continuing nature, a statement of the maximum fine per day.
 - d. The manner, location, and date in which the fine may be paid upon completion of the conditions and actions necessary to correct or abate the violation.
 - e. The right to elect to stand trial for the violation.

B. A party who receives a citation may elect to stand trial for the offense by filing with the Zoning Officer, designee, or authorized agent a notice of intention to stand trial. The notice shall be given at least five days before the due date of payment as set forth in the Citation. On receipt of the notice of intention to stand trial, the Zoning Officer, designee, or authorized agent shall forward to the District Court a copy of the Citation and the notice of intention to stand trial.

C. All fines, penalties, or forfeitures collected by the District Court for violations, related to, or as a consequence of the violations, shall be remitted to the Calvert County Treasurer.

D. The requirements contained in Article 33-3 herein shall not be applicable to a Citation issued on the basis of an alleged violation of Section 29-11.A.7 of this Ordinance.

33-5 REFERRAL TO DISTRICT COURT

A. If after deadline set forth in the Citation, the violation is not corrected and fines paid, the Zoning Officer will request adjudication of the case through the District Court. The District Court will schedule the case for trial.

B. Adjudication of a violation under this section is not a criminal conviction.

C. Additional penalties maybe assessed by the District Court, or such other courts or tribunals as may adjudicate the case.

33-6 REPEAT VIOLATIONS

Any party who corrects a violation after the issuance of an Inspection Report and at a later date is alleged by the Zoning Officer, designee or authorized agent to have a violation of the same nature as the original violation, upon which an Inspection Report was issued, on the same property, shall receive a Citation for each such recurring violation. The Citation shall be issued in accordance with this Section. However, prior notification, as described in Section 33-3 above, shall not be required prior to the issuance of said Citation.

33-7 OTHER PERMIT APPLICATIONS

Any person or entity shall be ineligible for permit processing or other review until all outstanding violations, obligations, arrearages, fines, or other requirements have been satisfied, irrespective of whether the aforesaid outstanding violations, obligations, arrearages, fines and other requirements concern the project or property for which permit processing or other review is requested, unless the issuance of the permit will serve one or more of the following:

1. To correct the pending violation.
2. To allow necessary and essential repairs from fire or natural disasters.
3. To prevent environmental harm.

33-8 LEGAL OR EQUITABLE REMEDIES/INJUNCTIVE RELIEF

In addition to any other enforcement actions, the Zoning Officer may, at any time, seek injunctive relief, or any other appropriate legal or equitable remedy, to prevent, enjoin, abate, or remove a violation of this or any Ordinance or regulation.