

CECIL COUNTY BOARD OF COUNTY COMMISSIONERS

ORDINANCE No. 2009 – 05

CECIL COUNTY CODE, CHAPTER 200, SECTION 10

Building Construction – Violations, Penalties and Stop Work Orders

BE IT HEREBY ENACTED AND ORDAINED BY THE Cecil County Board of County Commissioners that **Chapter 200, Building Construction**, of the Cecil County Code is hereby amended to add new section **200-10** including the following language:

SECTION 200-10 Violations, Penalties and Stop Work Orders

A) Definitions:

- Building Official – The official designated by the County Commissioners or his designee who is charged with the enforcement of this chapter.
- Code – The building, plumbing and mechanical codes as adopted by the Board of County Commissioners and enforced by the Department of Permits and Inspections.
- Penalty – An amount imposed by either the legal authority having jurisdiction or by the Department of Permits and Inspections as has been established on the fee schedule as adopted by the Board of County Commissioners.
- Person/Owner – Any person, corporation, association, partnership, firm, syndicate, joint venture, limited liability corporation, or organization of any kind holding title to any land or lot in the county; lessees, tenants and principal occupants of any land or lot in the county or agent of persons holding title to such lands or lots, having care, custody, control or management of land or lot; and fiduciaries holding title to having care, custody, control or management of land or lots in the County for others.
- Stop Work Order – A legal notice posted on a specific property by a building official, indicating that a violation(s) of a code enforced by the Department of Permits and Inspections has been found and all construction, alterations or repairs on the specific premises be stopped until such time as the violation(s) has been remedied.
- Violation – Any person or authorized agent who constructs, enlarges, alters, repairs, moves, demolishes, or changes the occupancy of a building or structure or erects, installs enlarges, repairs, remove, convert or replace any gas, mechanical or plumbing system, the installation of which is regulated by the codes enforced by the Department of Permits and Inspections, or to cause any such work to be done without obtaining the proper permits or which are found to be in non-compliance with the applicable codes.

B) Any person who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of an approved plan or directive of the Building Official or his designee, or of a permit or certificate issued under the provisions of this Code or who shall fail to obtain a final use and occupancy certificate shall be liable for a civil offense and, upon judicial finding of said violation, shall be liable for a fine of not more than one thousand dollars (\$1000) or imprisonment of not more than

ninety (90) days and in addition shall pay all costs and expenses associated with the County's abatement of said violation, as well as any and all fair and reasonable attorneys' fees incurred as a result of said abatement efforts. Each day that a violation exists shall be deemed a separate offense. Nothing herein contained shall prevent the county from taking such other lawful action as is necessary to prevent or remedy any violation.

C) Unlawful continuance. Any person who shall continue work in or about the structure after having been served with a "Stop Work" order, except such work as that person is directed to perform to remove a violation or unsafe conditions, shall be liable for a fine not less than two hundred and fifty dollars (\$250) and not more than one thousand dollars (\$1000) and shall be liable for all costs, expenses and reasonable attorneys' fees associated with the county's administrative actions and/or legal proceedings taken to discontinue any such work after the service of said "Stop Work" order. Each day that a violation continues shall be deemed a separate offense.

Introduced at a public meeting of the Board of County Commissioners for Cecil County, this _____ day of _____, 2009.

Adopted at a public meeting of the Board of County Commissioner for Cecil County, this _____ day of _____, 2009.

BOARD OF COUNTY COMMISSIONERS FOR CECIL COUNTY

Attest:

Brian L. Lockhart, President

Rebecca J. Demmler, Vice President

Wayne L. Tome, Commissioner

Robert J. Hodge, Commissioner

James T. Mullin, Commissioner