




# City of Bowie

2614 Kenhill Drive  
Bowie, Maryland 20715

## Memorandum

**To:** City Council  
**From:** David J. Deutsch,  City Manager  
**Date:** August 19, 2007  
**Subject:** Ordinance (O-10-07) amending Chapter 5, Sec 5-4 of the City Code  
Building and Property Maintenance – Stop Work Orders

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The attached Ordinance (O-10-07) has been prepared to implement changes to Chapter 5 of the City Code. These changes will allow the Code Officer to better address problems related to residents/businesses who begin construction projects without a Building Permit.

These changes include:

- Placing specific enabling authority in the City Code;
- Clearly delineating the process to be followed when posting a stop work order;
- Spelling out the requirements to be followed by the resident/business cited; and
- Establishing a \$500 fine for non-compliance with the Stop Work order.

Your approval is requested.

**ORDINANCE**  
**OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND,**  
**AMENDING CITY CODE CHAPTER 5, "BUILDING AND PROPERTY**  
**MAINTENANCE", SECTION 5-4, "CITY FEES AND PERMIT**  
**REQUIREMENTS", TO PROVIDE FOR THE ISSUANCE OF STOP WORK**  
**ORDERS AND AMENDING SECTION 5-13, "VIOLATIONS", TO MAKE A**  
**VIOLATION OF THE STOP WORK ORDER PROVISIONS OF SECTION 5-4 A**  
**MUNICIPAL INFRACTION SUBJECT TO A FINE OF FIVE HUNDRED**  
**DOLLARS FOR EACH OFFENSE**

**WHEREAS**, pursuant to Article 23A of the Annotated Code of Maryland, the Council of the City of Bowie, Maryland (the "City Council") has the authority to pass such ordinances as it deems necessary to preserve peace and good order, to secure persons from danger and destruction and to protect the health, comfort and convenience of the citizens of the municipality; and

**WHEREAS**, pursuant to this authority, the City of Bowie has established and presently enforces certain standards for the maintenance of exterior property areas that are set forth in Chapter 5, "Building and Property Maintenance", Section 5-4, "City fees and permit requirements" of the City Code; and

**WHEREAS**, Section 5-4 requires property owners to obtain City building permits for certain construction activities in the City; and

**WHEREAS**, it has come to the attention of the City Council that the enforcement mechanisms currently in place to compel compliance with the permit requirements of Section 5-4 are inadequate and inefficient and that property owners discovered to be

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CAPITALS : Indicate matter added to existing law  
[Brackets] : Indicate matter deleted from existing law  
\* \* \* : Indicate matter preserved from existing law but omitted  
herein

engaging in construction work without the required building permits are frequently able to flout City law by completing construction without obtaining the required permits; and

**WHEREAS**, the City Council deems it to be in the public interest to amend Section 5-4 to provide for the issuance of stop work orders; and

**WHEREAS**, the City Council deems it to be in the public interest to amend Section 5-13, "Violations", to make a violation of the stop work provisions of Section 5-4 a municipal infraction subject to a penalty of Five Hundred Dollars (\$500.00) for each infraction.

**Section 1. NOW, THEREFORE, BE IT ORDAINED AND ENACTED**, by the Council of the City of Bowie, Maryland that Chapter 5, "Building and Property Maintenance," Section 5-4, "City fees and permit requirements", of the City Code be and is hereby amended to read as follows:

Sec. 5-4. City fees and permit requirements.

\* \* \*

(f) Whenever any work for which a permit is required has been started, partially completed, or concealed prior to obtaining a permit, THE CITY MANAGER OR HIS DESIGNEE MAY ISSUE A STOP WORK ORDER. THE STOP WORK ORDER SHALL STATE THE REASON FOR THE ORDER, AND THE CONDITIONS UNDER WHICH THE CITED WORK WILL BE PERMITTED TO RESUME. A COPY OF THE STOP WORK ORDER SHALL BE POSTED UPON THE

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PROPERTY AND MAILED TO THE PROPERTY OWNER. UPON THE POSTING OF A STOP WORK ORDER, ALL WORK SHALL CEASE IMMEDIATELY EXCEPT SUCH WORK AS THAT PERSON IS DIRECTED TO PERFORM TO REMOVE A VIOLATION OR UNSAFE CONDITION. THE PROPERTY OWNER SHALL TAKE STEPS TO SECURE THE WORK AGAINST UNAUTHORIZED ENTRY. A special investigation shall be made before an application may be filed to request the required permit. In addition to the regular permit fee, an investigation fee of ten dollars (\$10.00) shall be paid at the time of filing the application for the required permit.

**Section 2. BE IT FURTHER ORDAINED AND ENACTED**, by the Council of the City of Bowie, Maryland that Chapter 5, "Building and Property Maintenance," Section 5-13, "Violations", of the City Code be and is hereby amended to read as follows:

**Sec. 5-13. Violations.**

\* \* \*

(b) Penalty for violations. Violations of this Chapter are municipal infractions, subject to the penalty and enforcement provisions of Chapter 1, Sections 6 and 6A of this Code, unless otherwise provided herein.

(1) Violations of Section 5-7 of this Chapter with respect to commercial buildings or commercial units are subject to a fine of One Hundred Dollars (\$100.00) for the first

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violation, and Two Hundred Dollars (\$200.00) for a second violation, Three Hundred Dollars (\$300.00) for a third violation, and Five Hundred Dollars (\$500.00) for each repeat violation in excess of four.

(2) Violations of Section 5-9 of this Chapter with respect to licensing of rental units by person who are licensed for one or more rental units and who fail to obtain a license for additional units are subject to a fine of Two Hundred Dollars (\$200.00).

(3) VIOLATIONS OF THE STOP WORK PROVISIONS OF SECTION 5-4(F) OF THIS CHAPTER ARE PUNISHABLE BY A FINE OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH VIOLATION.

\* \* \*

**BE IT FURTHER ORDAINED** that this Ordinance shall become effective thirty (30) days after its enactment by the Council of the City of Bowie, Maryland provided that a fair summary of this Ordinance is published at least once prior to the date of passage and at least once within ten (10) days after the date of passage in a newspaper having general circulation in the City.

**INTRODUCED** by the Council of the City of Bowie, Maryland at a regular meeting on the \_\_\_\_ day of \_\_\_\_\_, 2007.

**PASSED** by the Council of the City of Bowie, Maryland at a regular meeting on the \_\_\_\_ day of \_\_\_\_\_, 2007.

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**ATTEST:**

**THE CITY OF BOWIE,**

**MARYLAND**

\_\_\_\_\_  
Pamela A. Fleming  
City Clerk

By: \_\_\_\_\_  
G. Frederick Robinson, Mayor

**APPROVED AS TO FORM AND  
SUFFICIENCY:**

\_\_\_\_\_  
Robert H. Levan, City Attorney

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