

Introduced 07.01.2024
Public Hearing 07.15.2024
Council Action 07.29.2024
Executive Action 07.31.2024
Effective Date 09.30.2024

County Council of Howard County, Maryland

2024 Legislative Session

Legislative Day No. 8

Bill No. 43-2024

Introduced by the Chairperson at the request of the County Executive

Short Title: Title 16 – Planning, Zoning and Subdivisions and Land Development Regulations
- Right of Entry

Title: AN Act requiring that the owner, occupant, tenant or other person in charge of a property or premises shall provide certain entry and access; allowing certain entry in the instance that certain imminent dangers exist; and generally relating to enforcement of the Subdivision and Land Development Regulations and the Zoning Regulations.

Introduced and read first time July 1, 2024. Ordered posted and hearing scheduled.
By order Michelle Harrod
Michelle Harrod, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on July 15, 2024.
By order Michelle Harrod
Michelle Harrod, Administrator

This Bill was read the third time on July 29, 2024 and Passed , Passed with amendments , Failed .

By order Michelle Harrod
Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 29 day of July, 2024 at 4⁰⁰ a.m. (C)

By order Michelle Harrod
Michelle Harrod, Administrator

Approved/Vetoed by the County Executive July 31, 2024

Calvin Ball
Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

1 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland that the Howard
2 County Code is amended as follows:

3 By amending:

4 Title 16. "Planning, Zoning and Subdivisions and Land Development Regulations"

5 Section 16.1602. "Notice of Violation"

6
7 **Title 16. Planning, Zoning and Subdivisions and Land Development Regulations.**

8 **Subtitle 16. Enforcement of the Howard County Subdivision and Land Development**
9 **Regulations and the Zoning Regulations.**

10
11 **Section 16.1602. Notice of violation.**

12 (a) *Duty to Investigate AND RIGHT OF ENTRY.* The Director shall investigate an alleged violation
13 to determine whether a violation exists or has occurred.

14 (1) *RIGHT OF ENTRY:* THE OWNER, OCCUPANT, TENANT, OR OTHER PERSON IN CHARGE OF A
15 PROPERTY OR PREMISES REGULATED BY THIS SUBTITLE SHALL GIVE THE DIRECTOR ENTRY
16 AND FREE ACCESS TO ANY PART OF THE PROPERTY OR PREMISES FOR THE PURPOSES OF
17 INSPECTION. IF ENTRY OR ACCESS IS REFUSED OR RESTRICTED, THE DIRECTOR MAY SEEK A
18 COURT ORDER TO ALLOW ENTRY AND FREE ACCESS.

19 (2) THE DEPARTMENT SHALL HAVE THE RIGHT TO ENTER A PREMISES AT ANY TIME WHERE
20 THERE IS EVIDENCE THAT AN IMMINENT DANGER EXISTS THAT MAY THREATEN THE PUBLIC
21 HEALTH AND SAFETY.

22 (b) *Authority to Issue Notice of Violation.* After investigation, if the Director believes that a
23 violation of the subdivision and land development regulations set forth in subtitle 1 of this title or
24 the Howard County Zoning Regulations exists or has occurred, the Director may issue a notice of
25 violation to the alleged violator.

26 (c) *No Requirement to Issue.* The Director is not required to issue a notice of violation:

27 (1) For a repeated violation for which a citation under section 16.1603 of this subtitle has
28 been issued; or

29 (2) If a notice of violation is not required by law or regulation.

30 (d) *Contents of Notice of Violation.* A notice of violation:

31 (1) Shall be in writing;

- 1 (2) Shall contain the name and address of the alleged violator;
- 2 (3) Shall contain the time when the violation occurred and the place;
- 3 (4) Shall include certification by the inspector, attesting to the best of the inspector's
- 4 knowledge, that a violation exists or has occurred;
- 5 (5) Shall describe with particularity the nature of the violation, including a reference to the
- 6 Code or County provision allegedly violated, and the manner of abatement;
- 7 (6) Shall include a reasonable time to abate the violation or prevent future violations;
- 8 (7) May include an order to stop work and abate any violations; and
- 9 (8) Shall include a statement that failing to comply with the notice may result in one or all of
- 10 the following:
- 11 (i) Civil penalties; and
- 12 (ii) A lien on the property for civil penalties and costs of compliance if the County
- 13 corrects the violation.

14 (e) *Service of Notice of Violation.* A notice of violation shall be served in one of the following

15 methods:

- 16 (1) Personal service;
- 17 (2) Certified or registered mail, restricted delivery, return receipt requested;
- 18 (3) First class mail to the last known address of the alleged violator; or
- 19 (4) When service cannot be obtained by one of these methods, a copy of the notice of
- 20 violation may be posted in a conspicuous place on the property.

21 (f) *Time for Correction.* An alleged violator shall make the correction within the time required

22 by the notice of violation.

23 (g) *Notice of Violation Not Appealable.* An alleged violator may not appeal a notice of violation

24 issued under this section.

25

26 ***Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland, that***

27 ***this Act shall become effective 61 days after its enactment.***



Howard County

Internal Memorandum

Subject: *Testimony for Council Bill CB xx-2024
Code Enforcement Property Inspection Authorization*

To: *Brandee Ganz
Chief Administrative Officer*

From: *Jessica Bellah, AICP, Deputy Director, on behalf of Lynda Eisenberg, AICP,
Director, Department of Planning and Zoning*

Date: *June 19, 2024*

Council Bill No. XX-2024 – Code Enforcement Property Inspection Authorization

This bill amends Section 16.1602 of Howard County's code which governs enforcement of the Howard County Subdivision and Land Development Regulations and the Zoning Regulations. This legislation is necessary to establish the inspection and enforcement authority for the Department of Planning and Zoning and enable the Department to carry out its duty to investigate alleged violations of the Subdivision and Land Development regulations. The proposed language establishes the Department of Planning and Zoning's right of entry for the purpose of conducting inspections related to enforcement of Howard County's laws and for protecting the health and safety of its citizens.

Site access is necessary to conduct investigations and determine if a violation is or has occurred. Where site access has been denied to the Director or their Designee, this legislation would enable the Department to seek a court order permitting access to the site for the purpose of conducting said investigation. It further outlines that the Department may enter premises at any time where there is evidence that an imminent danger exists that may threaten public health and safety.

Fiscal Impact

There is no fiscal impact to the County budget.

cc: Angela Cabellon, Chief of Staff
Brian Shepter, Deputy Chief of Staff
Jennifer Sager, Legislative Coordinator
Mary Kendall, Deputy Director, DPZ

Office of the County Auditor
Auditor's Analysis

Council Bill No. 43-2024

Introduced: July 1, 2024

Auditor: Brenda Cachuela

Fiscal Impact:

Based on information provided by the Administration and reviewed by our Office, we do not anticipate any fiscal impact as a result of this legislation.

Purpose:

The purpose of this legislation is to amend Section 16.1602 of the Howard County Code to establish the inspection and enforcement authority of the Department of Planning and Zoning. This bill provides the site access necessary for the Department to conduct inspections to determine if a violation of the Subdivision and Land Development Regulations and the Zoning Regulations has occurred. If entry or access is refused or restricted, a court order may be sought.

Other Comments:

None.

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on July 31, 2024.

Michelle R. Harrod
Michelle R. Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2024.

Michelle R. Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2024.

Michelle R. Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2024.

Michelle R. Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2024.

Michelle R. Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2024.

Michelle R. Harrod, Administrator to the County Council