

**ARTICLE 1  
SCOPE OF REGULATIONS**

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**1-1 PURPOSE OF THIS ORDINANCE**

The Calvert County Comprehensive Plan is a policy document that reflects present and future needs and concerns and gives direction in addressing those needs and concerns. One tool necessary to implement the Plan is a Zoning Ordinance designed to regulate land uses. Many aspects of land use can impact adjoining properties, neighborhoods, public facilities and overall County development. As mandated in the Comprehensive Plan, this Zoning Ordinance is adopted to regulate land uses as part of the effort to promote the health, safety and general welfare of Calvert County residents.

(07/27/06) **1-2 APPLICATION OF THIS ORDINANCE**

1-2.01 Territorial Limits

This Ordinance shall apply to all the lands, uses and improvements within the territorial limits of Calvert County, except for the incorporated territory of any municipality in the County, or except as modified by the Town Center Master Plans and Zoning Ordinances. Except as otherwise specified, the use of any property and the construction or alteration of any building or structure shall conform to the requirements of this Ordinance.

(09/21/10) 1-2.02 Determination of Rights Attendant to a Parcel

For the purpose of determining rights attendant to a parcel of land by virtue of the property being a discrete parcel, any determination as to the description of the parcel shall go back no further than the parcel as it existed in a deed under which the grantee in the deed held title to real property as of June 29, 1967.

(09/21/10) 1-2.03 Exemption

Notwithstanding any other provisions of this Ordinance to the contrary, this Ordinance does not apply to a Qualified Commercial Power Generating Facility as defined herein.

**1-3 SEPARABILITY**

If a court of competent jurisdiction declares any Section, Subsection, sentence, clause or phrase of this Ordinance invalid or unconstitutional, such provision shall be deemed separate and such invalidity or unconstitutionality shall not affect the validity of the Ordinance in its entirety or of the remaining Sections or parts thereof.

### **1-4 ZONING OFFICER**

There is a Zoning Officer for the County who shall be responsible for giving approval for building permits, enforcement of the provisions of this Ordinance, and clarifying the intent of this Ordinance. Should there be a question on the application of a Section of the Ordinance; the Zoning Officer shall determine the proper application. Should the determination involve a legal interpretation of the Ordinance, an "official interpretation" shall be approved and signed by the Zoning Officer after consultation with the County Attorney. The Zoning Officer shall keep a volume containing all zoning interpretations. Annotations pertaining to the interpretation shall be added to the Zoning Ordinance at appropriate locations. Interpretations shall not become part of the Zoning Ordinance until they have been enacted pursuant to procedures set forth in Section 1-6. The following parties shall be notified within seven days following the interpretation: The Board of County Commissioners, Planning Commission, Department of Planning and Zoning, and the County Attorney.

### **1-5 SCHEDULE OF FEES, CHARGES & EXPENSES**

The Board of County Commissioners shall establish a schedule of fees, charges, and expenses, and a collection procedure, for zoning certificates, zoning occupancy certificates, appeals, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the Department of Planning and Zoning and may be altered or amended only by action of the Board of County Commissioners.

### **1-6 ORDINANCE AMENDMENTS**

#### **1-6.01 Procedures for Ordinance Amendments**

- A. Proposed Zoning Ordinance text amendments may be submitted to the Planning Commission by the Board of County Commissioners, any citizen, organization, governmental agency, or by the Planning Commission on its own initiative.
- B. Before any text amendment can be adopted, a duly advertised public hearing shall be held by the Planning Commission and the Board of County Commissioners. Such hearings may be held jointly or separately by the respective Commissions at the discretion of the Board of County Commissioners.
- C. The public hearing notice shall contain a summary of the proposed text amendment and the date, time and place of the public hearing and shall comply with the requirements of Article 66B, Section 4.05(c) of the Annotated Code of Maryland, as amended from time to time.

### **1-7 ENFORCEMENT OF ORDINANCE**

#### **1-7.01 Violations, Penalties and Enforcement**

- A. Authority to Inspect and Enforce
  1. The Zoning Officer is authorized to make such inspections as are reasonable and necessary to determine satisfactory compliance with this Ordinance as well as other enforcement provisions as described in Section 1-7.01.H herein.

2. Whenever, upon inspection of any property, the Zoning Officer finds that conditions or practices exist which are in violation of this Ordinance, notice of the violation shall be given in accordance with Section 1-7.01.C of this Ordinance.

B. Zoning Violation Defined

(08/28/07)

1. A violation of this Ordinance occurs when there is:
  - a. any work on property which requires approval of the Zoning Officer and which
    - i. has not been approved, or
    - ii. exceeds the scope of, or is not in compliance with, any permit issued by the Department of Planning and Zoning and/or the Division of Inspections and Permits, or
    - iii. exceeds the scope of, or is not in compliance with, any order or action of the Planning Commission or Board of Appeals, or
    - iv. is otherwise not in compliance with this Ordinance.
  - b. any use of property which is not in compliance with this Ordinance.
2. The owner, tenant or occupant of a property shall not cause or allow a violation of this Ordinance and shall be jointly and severally liable for any such violation.

C. Notification, Correction

1. The Zoning Officer shall give notice of a violation of this Ordinance which 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, and
  - d. be served upon the owner, tenant or occupant of the property or their authorized agent by:
    - i. personal delivery, or
    - ii. certified mail, restricted delivery, to the last known address, or
    - iii. if certified mail is returned by the postal service marked "unclaimed", then by first-class mail, postage prepaid, to the last known address.
2. The owner, tenant or occupant shall be given a specific date (up to 60 days) to correct or abate the violation. The time period allowed for correction of violations shall be established as policy by the Board of County Commissioners. The time period for correction of the violation shall begin on the date of actual receipt of the notice of violation, provided that actual receipt of the notice shall be deemed to occur three days after the posting of the first-class mail if the mail is not returned as undeliverable by the postal service. If a Stop Work Order is issued, the procedures described in paragraph '3' of this Section shall be followed.

3. The Zoning Officer may issue a Stop Work Order upon observance of:
  - a. work in progress on property that is a violation pursuant to Section 1-7.01.B, or
  - b. any use of property which is not in compliance with this Ordinance.
4. A Stop Work Order shall:
  - a. be in writing,
  - b. state the nature of the violation,
  - c. state the nature of the special circumstances requiring a Stop Work Order,
  - d. state the conditions or actions necessary to correct or abate the violation, or under which work may be resumed, as appropriate, and
  - e. be served upon the owner, tenant, or occupant of the property or their authorized agent, or to any person doing work on the property in violation of this Ordinance, by:
    - i. personal delivery, or
    - ii. posting the property in a manner reasonably calculated to give notice to those persons deemed to be in violation, provided that service of an additional notice of violation is attempted as soon as practicable thereafter in the manner provided in Section 1-7.01.C.1.d.
5. Upon service of a Stop Work Order the work or use cited shall cease immediately.
6. Any owner, tenant, occupant, or person doing work who violates the Stop Work Order is subject to:
  - a. the maximum fine allowable by law per day so long as the violation occurs, and
  - b. revocation of any County permit pertaining to the work or use in violation, and
  - c. revocation of any approval of the Planning Commission or Board of Appeals.

D. Citation, Fine

1. If the violation is not corrected, the Zoning Officer may prepare a citation to be delivered to a party believed to be committing a civil zoning violation. The citation may be served in person by the Calvert County Sheriff's Office or by Certified Mail-Return Receipt Requested. A copy of the citation shall be retained by the Zoning Officer and shall bear a certification attesting to the truth of the matters set forth. A pre-set fine, not to exceed the maximum allowable by law, may be imposed for each violation. The Board of County Commissioners shall establish a schedule of fines for each violation and may adopt procedures for collection of these fines. The citation shall contain:
  - a. the name and address of the party charged,
  - b. the nature of the violation,
  - c. the place where and the date that the violation occurred,

- d. the amount of the fine assessed,
  - e. the manner, location, and date in which the fine may be paid, and
  - f. the party's right to elect to stand trial for the violation.
2. A party who receives a citation may elect to stand trial for the offense by filing with the Zoning Officer 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 shall forward to the District Court a copy of the citation and the notice of intention to stand trial. The District Court shall schedule the case for trial and notify the defendant of the trial date. All fines, penalties, or forfeitures collected by the District Court for zoning violations shall be remitted to the Calvert County Treasurer.

E. Referral to District Court:

1. If a party who received a citation for a violation fails to pay the fine by the due date of payment set forth on the citation and fails to file a notice of intention to stand trial, a formal notice of the violation shall be sent to the owner's last known address. If the citation is not satisfied within 15 days from the date of the receipt of notice, the party is liable for an additional fine not to exceed twice the original fine. If, after 35 days from the date the citation was issued, the citation is not satisfied, the Zoning Officer 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.
2. Adjudication of a violation under this Subsection is not a criminal conviction, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.
3. A party found by the District Court to have committed a civil zoning violation shall be liable for the costs of the proceedings in the District Court. Each day that the violation continues shall constitute a separate violation and be subject to a separate fine and citation, in accordance with the procedures described in Section 1-7.01.D.

F. Repeat violations:

Any party who corrects a violation after receiving a citation and at a later date is found to have a similar violation, of the same nature as the original violation, on the same property, shall receive an additional citation for each recurring violation. The citation shall be issued in accordance with Section 1-7.01.D above. No prior notification, as described in Section 1-7.01.C above, shall be required.

G. Other Permit Applications

No other applications for building, grading, electrical or plumbing permits on the same property shall be approved until a pending violation is corrected to the satisfaction of the Zoning Officer or, if referred to District Court, to the satisfaction of the Court, unless the issuance of the permit will serve to correct the pending violation.

H. Other Enforcement Provisions

1. Forest Conservation Program

Section 8-3 of the Zoning Ordinance which contains the Calvert County Forest Conservation regulations has its own provisions for violations, penalties and civil action (Section 8-3.04.P). Thus, this Section (1-7.01) does not apply to violations of the Forest Conservation regulations.

2. Enforcement of Town Center Zoning Ordinances

Any violation of a Town Center Zoning Ordinance shall be considered a violation of the County Zoning Ordinance and may be enforced under the provisions of this Section.

3. Critical Area Regulations

In addition to the provisions of this Section, additional fines may be imposed for violations of the Critical Area Regulations (Section 8-1) as described therein.

4. Board of Appeals and Planning Commission Orders and Actions

In addition to any enforcement provisions and/or remedies available to the Board of Appeals and Planning Commission, a violation of any order or action of either body is subject to the enforcement provisions contained in this Article.

I. Legal or Equitable Remedies/Injunctive Relief

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