By: Councilmembers Berlage, Leggett, Denis, Praisner, and Subin

AN ACT to:

(1) require notice to certain property owners or the posting of a certain sign before the Department of Permitting Services approves a permit to demolish or remove a building or structure;

(2) require [notice to the Historic Preservation Commission and] additional public notice if a building to be demolished is greater than a certain age; and

[(2)] (3) consolidate, clarify, make technical changes in, and generally amend the law regarding demolition of buildings.

By amending
Montgomery County Code
Chapter 8, Buildings
Sections 8-8 and 8-27

The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. Section 8-8 is repealed and Section 8-27 is amended as follows:

[8-8. Removal of buildings.]

[(a) Notice to adjoining owners. Only when written notice has been given by the applicant to the owners of adjoining lots and to the owners of wired or other facilities, of which the temporary removal may be necessitated by the proposed work, shall a permit be granted for the removal of a building or structure.]

[(b) Lot regulation. Whenever a building is demolished or removed, the premises shall be maintained free from all unsafe or hazardous conditions by the proper regulation of the lot, restoration of established grades, and the erection of the necessary retaining walls and fences in accordance with the provisions of this Chapter.]

8-27. Demolition or removal of buildings.

[(a) In the demolition of buildings, all abandoned water, electric, sewer and other service connections shall be plugged and sealed and permission to proceed shall be secured from the utility companies and from the municipal agencies having jurisdiction. The building shall be exterminated for rats and other rodents prior to removal or demolition.]

(a) Notice. The Director must [deliver] mail written notice, at least 10 days before the Director issues a permit to remove or demolish a building or structure, to the owner of each adjacent and confronting lot. The applicant must give the Department the name and address of the owner of each adjacent and confronting lot. The notice must [describe the proposed demolition] identify the building or structure to be demolished or removed, specify the process for issuing the permit and the time limit to appeal the issuance of a permit to the Board of Appeals, and include any other information the Director finds useful. The
Director need not deliver this notice if unsafe conditions require immediate demolition or removal of the building or structure.

(b) **Signage.** The Director need not deliver the notice required by subsection (a) if, at least 10 days before the Director issues a permit to remove or demolish a building or structure, the applicant posts at a conspicuous location on the lot a sign describing the proposed demolition or removal, specifying the process for issuing the permit and the time limit to appeal the issuance of a permit to the Board of Appeals, and including any other information the Director requires. The sign must conform to design, content, size, and location requirements set by regulation under Section 8-13(a).

(c) **Special notice for older buildings.** At least 30 days before the Director issues a permit to demolish or remove a building, other than a single-family dwelling, that will be more than 25 years old when it is demolished or removed, the Director must [[notify the County Historic Preservation Commission of the permit application and must]] list the address of the property on a properly designated website or other widely available form of electronic notice.

[[c]]

(d) **Notice to utilities.** Before the Director may issue a demolition or removal permit, the applicant must notify each connected public utility and obtain a written release confirming that all service connections and appurtenant equipment, such as meters and regulators, have been safely disconnected and sealed.

[[d]]

(e) **Permit requirement: conditions.** A person must not demolish or remove a building or structure unless the Director has issued a permit to do so under this Section. Each demolition or removal permit must require the applicant to:
before demolishing or removing a building or structure,

exterminate any rodents or other pests in it;

after demolition or removal, clear all construction and demolition debris;

restore the established grade of the surrounding land, unless a sediment control permit is otherwise required; and

[[(3)]] (4) at all times keep the site free from any unsafe condition.

[(b) [(e)]) (f) Bond or surety.  [The] Each applicant for [the] a demolition or removal permit [shall] must file a performance bond, cash, certificate of guarantee, or surety[,] with the [County] Department, in an amount equal to the cost of [removal of such building] demolition or removal, to [insure] assure the safe and expedient demolition or removal of [such] the building or structure and clearing of the site.  If the building or structure is not demolished or removed and the site is not cleared of all debris within the time specified in the permit, but [in no event] not sooner than [sixty (60)] 60 days after [issuing] the permit is issued, the Director [can] may enter the property, [remove] demolish or remove the building or structure, clear the site of debris, and take action to forfeit the performance bond, enforce the guarantee, or otherwise [in order to] reimburse the [County] Department for its cost.

(g) Definitions.  As used in this Section:

(1) remove means to move a building or structure substantially intact from or within a site; and

(2) demolish means to tear down or destroy an entire building or structure, or all of a building or structure except a single wall or façade.
Approved:

/S/ July 31, 2002

Steven Silverman, President, County Council

Approved:

/S/ August 7, 2002

Douglas M. Duncan, County Executive

This is a correct copy of Council action.

/S/ August 9, 2002

Mary A. Edgar, CMC, Clerk of the Council