

Bill No. 1-02  
Concerning: Buildings - Demolition  
Permit - ~~[[Posting]]~~ Notice  
Revised: 7-30-02 Draft No. 4  
Introduced: February 5, 2002  
Enacted: July 30, 2002  
Executive: August 7, 2002  
Effective: November 6, 2002  
Sunset Date: None  
Ch. 24, Laws of Mont. Co. 2002

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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

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**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

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
<del>[Single boldface brackets]</del>	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
<del>[[Double boldface brackets]]</del>	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

1           **Sec. 1. Section 8-8 is repealed and Section 8-27 is amended as follows:**

2   **[8-8. Removal of buildings.]**

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

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

13   **8-27. Demolition or removal of buildings.**

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

19          (a) Notice. The Director must [[deliver]] mail written notice, at least 10  
20          days before the Director issues a permit to remove or demolish a  
21          building or structure, to the owner of each adjacent and confronting lot.  
22          The applicant must give the Department the name and address of the  
23          owner of each adjacent and confronting lot. The notice must [[describe  
24          the proposed demolition]] identify the building or structure to be  
25          demolished or removed, specify the process for issuing the permit and  
26          the time limit to appeal the issuance of a permit to the Board of Appeals,  
27          and include any other information the Director finds useful. The

28 Director need not deliver this notice if unsafe conditions require  
 29 immediate demolition or removal of the building or structure.

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

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

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

51 ~~[[d)]]~~ (e) Permit requirement; conditions. A person must not demolish or  
 52 remove a building or structure unless the Director has issued a permit to  
 53 do so under this Section. Each demolition or removal permit must  
 54 require the applicant to:

- 55 (1) before demolishing or removing a building or structure,  
 56 exterminate any rodents or other pests in it;  
 57 (2) after demolition or removal, clear all construction and demolition  
 58 debris;  
 59 (3) restore the established grade of the surrounding land, unless a  
 60 sediment control permit is otherwise required; and  
 61 ~~[(3)]~~ (4) at all times keep the site free from any unsafe condition.

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

75 (g) Definitions. As used in this Section:

- 76 (1) remove means to move a building or structure substantially intact  
 77 from or within a site; and  
 78 (2) demolish means to tear down or destroy an entire building or  
 79 structure, or all of a building or structure except a single wall or  
 80 façade.

81 *Approved:*

82 /S/ July 31, 2002

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Steven Silverman, President, County Council Date

83 *Approved:*

84 /S/ August 7, 2002

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Douglas M. Duncan, County Executive Date

85 *This is a correct copy of Council action.*

86 /S/ August 9, 2002

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Mary A. Edgar, CMC, Clerk of the Council Date