

Emergency Bill No. 34-02
Concerning: Building Permits -
Extensions
Revised: 11-26-02 Draft No. 3
Introduced: October 1, 2002
Enacted: November 26, 2002
Executive: December 5, 2002
Effective: December 5, 2002
Sunset Date: ~~[[None]]~~ December 31, 2006
Ch. 35, Laws of Mont. Co. 2002

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President Silverman

AN EMERGENCY ACT to:

- (1) allow building permits in enterprise zones to be extended more than once; and
- (2) repeal obsolete provisions, make stylistic improvements, and generally amend the law regarding issuance and extension of building permits.

By amending

Montgomery County Code
Chapter 8, Buildings
Section 8-25

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<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 8-25 is amended as follows:**

2 **8-25. Permits**

3 * * *

4 (b) *Time limit.*

5 (1) A building permit is invalid if:

6 (A) an approved inspection, as required by this Chapter, is
7 not recorded in the Department's inspection history file
8 within 12 months [from] after the [date of] permit
9 [issuance] is issued and a second approved inspection is
10 not recorded in the Department's inspection history file
11 within 14 months [from] after the [date] permit
12 [issuance] is issued; or

13 (B) the authorized work is suspended or abandoned for a
14 period of 6 months.

15 (2) The Director must extend a permit for 6 months if the permit
16 holder, [prior to the expiration of] before the permit expires,
17 files a written request for an extension and pays an extension
18 fee equivalent to the minimum fee then applicable to the
19 original permit [under executive regulation]. Except as
20 provided in paragraph (3), the Director must not grant more
21 than one extension per permit under this subsection.

22 (3) [For calendar year 1991 and 1992 only, the director must grant
23 an additional extension for 12 months if:

24 (A) the permit will expire in 1991 or during the first 6 months
25 of 1992 after having received an extension in 1991 under
26 paragraph (2);]

27 For any building located in an enterprise zone, the Director may
28 extend a permit for additional 6-month periods if the permit
29 holder:

30 (A) shows good cause for each extension;

31 (B) [the permit holder has requested] requests an extension in
32 writing [prior to the expiration of] before the permit
33 expires; and

34 (C) [the permit holder has paid] pays the fee specified in
35 paragraph (2).

36 [[In extending a permit under this paragraph, the Director may
37 also modify the permit to reflect building code requirements
38 which took effect after the permit was originally issued.]]

39 [(c) *Previous approvals.* Nothing in this chapter shall require changes in
40 the plans, construction or designated use of a building for which a
41 lawful permit has been heretofore issued or otherwise lawfully
42 authorized and the construction of which shall have been actively
43 prosecuted within ninety (90) days after the effective date of this
44 ordinance; and the entire building shall be completed as authorized
45 within two (2) years after the date of approval of the application;
46 provided, that the director may extend the permit for an additional
47 period of one (1) year in the case of a building of unusual magnitude.]

48 *Reserved.*

49 * * *

50 **Sec. 2. Emergency Effective Date.**

51 The Council declares that an emergency exists and that this legislation is
52 necessary for the immediate protection of the public health and safety. This Act
53 takes effect on the date on which it becomes law.

54 **Sec. 3. Expiration.** Section 8-25(b)(3), amended by Section 1 of this Act,
55 expires on December 31, 2006. Any building permit extended under authority of
56 Section 8-25(b)(3) expires on that permit's expiration date.

57 *Approved:*

58	/S/	November 26, 2002
	Steven A. Silverman, President, County Council	Date

59 *Approved:*

60	/S/	December 5, 2002
	Douglas M. Duncan, County Executive	Date

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

62	/S/	December 9, 2002
	Mary A. Edgar, CMC, Clerk of the Council	Date