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

The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. Section 8-25 is amended as follows:

8-25. Permits

* * * * *

(b) Time limit.

(1) A building permit is invalid if:

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

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

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

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

(A) the permit will expire in 1991 or during the first 6 months of 1992 after having received an extension in 1991 under paragraph (2);]
For any building located in an enterprise zone, the Director may extend a permit for additional 6-month periods if the permit holder:

(A) shows good cause for each extension;

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

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

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

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

Reserved.

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Sec. 2. Emergency Effective Date.

The Council declares that an emergency exists and that this legislation is necessary for the immediate protection of the public health and safety. This Act takes effect on the date on which it becomes law.
Sec. 3. Expiration. Section 8-25(b)(3), amended by Section 1 of this Act, expires on December 31, 2006. Any building permit extended under authority of Section 8-25(b)(3) expires on that permit's expiration date.

Approved:

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

Approved:

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

This is a correct copy of Council action.

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