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# **Summary of Recommendations of the Code Enforcement Work Group**

September 2008



# Purpose and Make-Up of the Code Enforcement Work Group

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- The County Executive formed the Work Group to address a number of housing and zoning code issues that, in combination or alone, are causing adverse impacts and public safety issues in residential neighborhoods, particularly in small-lot zones
- The Work Group include representatives from DHCA, DPS, DOT, FRS, DEP, MCP, the County Attorney, and the County Council



# Issues Examined by the Code Enforcement Work Group

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- Various community groups throughout the County expressed concerns that:
  - portions of the County Code are outdated
  - code enforcement is uneven
  - too much time passes between issuance of a citation and correction of a code violation
  - there is poor coordination among the various departments responsible for issuing citations



# Issues Examined by the Code Enforcement Work Group (cont'd)

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- Among the specific issues examined by the Work Group were:
  - Unkempt properties
  - Residential code violations enforced by multiple County agencies
  - Overcrowded homes
  - Inoperable or unregistered vehicles
  - Vehicles parked on front lawns
  - Unsafe passage on residential streets resulting from large parked commercial and recreational vehicles
  - Coordination of solid waste enforcement
  - Definition and enforcement of Home Occupations
  - Repeat Violation Offenders
  - Houses occupied or accessory structures used without an approved final inspection
  - Failure to complete construction of residential building projects subject to building permits



# Major Recommendations

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- To address these issues, the Work Group's recommendations fall into three categories:
  - Legislative changes to various chapters of the County Code
  - Business process changes and improved coordination and cross training for DPS, DHCA, MCFRS, and DEP inspectors and MCP
  - Education programs for residents and community associations that inform property owners of their rights and responsibilities



# Proposed Legislative Changes

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- Vehicle related issues:
  - Off-street (on lot) parking restrictions in residential neighborhoods
  - On-street parking restrictions of recreational and heavy commercial vehicles in residential neighborhoods
  - Removal of inoperable or unregistered vehicles
- Clarification and enforcement of home occupation rules
- Requirements related to completion or abandonment of activities requiring building permit



# Vehicle Related Issues – Off-Street Parking

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Issue	Recommendation
Definition of “commercial vehicle” too broad and inconsistent between chapters in County Code	Define “heavy” commercial vehicle – includes all characteristics of existing commercial vehicle plus vehicles 19’ or longer and 8’ or higher, including loads and racks. Define “light” commercial vehicle – any commercial vehicle not a “heavy” commercial vehicle.
Too many heavy commercial vehicles parked on residential lots	Do not permit parking of “heavy” commercial vehicles in residential areas off-street.
Too many commercial vehicles (of any size) parked on residential lots	Limit number of “light” commercial vehicles that can park off-street in residential zones, with a larger number permitted in the large lot zones.



# Vehicle Related Issues – Off-Street Parking (cont'd)

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Issue	Recommendation
Too many vehicles of all types parked on front yards in residential neighborhoods	Require any vehicles parked in front yard to be on surfaced area. Limit maximum size of allowable surface area, with greater percentage allowed in larger zones.
Heavy commercial vehicles parking in residential areas in agriculturally zoned property	Prohibit off-street parking of “heavy” commercial vehicles in certain agricultural zones. Limit parking of other vehicles on smaller residentially developed lots in these zones. (Farm vehicles and machinery are not restricted.)



# Vehicle Related Issues – Off-Street Parking (cont'd)

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- Potential issues created by off-street parking recommendations:
  - Where will “heavy” commercial vehicles park?
  - Will limiting on lot parking of “light” commercial and other vehicles result in more vehicles parking on-street?
  - These restrictions may disproportionately affect certain communities/populations.



# Vehicle Related Issues – On-Street Parking

Issue	Recommendation
Definition of “commercial vehicle” too broad and inconsistent between chapters in County Code	Define “heavy” commercial vehicle – includes all characteristics of existing commercial vehicle plus vehicles 19’ or longer and 8’ or higher, including loads and racks. Define “light” commercial vehicle – any commercial vehicle not a “heavy” commercial vehicle.
Too many heavy commercial vehicles parked on street in residential neighborhoods	Do not permit parking of “heavy” commercial vehicles in residential areas on-street. Heavy commercial vehicles would only be allowed to park on a public road where both sides of the road abut properties zoned exclusively for commercial or industrial use.
Owners storing recreational vehicles on public roadways	Prohibit parking of recreational vehicles on <u>any</u> public road, exception 24 hours for loading/unloading.



# Vehicle Related Issues – On-Street Parking (cont'd)

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- Potential issues created by on-street parking recommendations:
  - Overall impact is unknown.
    - Most commercial vehicles will fall under the category of light commercial vehicles and be allowed to park on-street
    - Will allow MCPD to address most egregious violators
  - Where will “heavy” commercial vehicles park?
    - There are few options: business locations, commercial truck stops, private agreements with commercial lease holders, within industrial/commercial areas
  - Where will recreational vehicles park?
    - Restriction will impact townhouse and apartment complexes the most where there is no opportunity to park off-street.
    - There are few options: off-street on property, private storage facilities



# Vehicle Related Issues – On-Street Parking (cont'd)

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- Differences with Council Bill 27-08

<b>Work Group Recommendations</b>	<b>Bill 27-08</b>
Heavy commercial vehicles would only be allowed to park on a public road where both sides of the road abut properties zoned exclusively for commercial or industrial use.	Heavy commercial vehicles or recreational vehicles would not be allowed to park on any public road if either side of the street abuts a block containing a residence, apartment building, church, school, etc.
Prohibits parking of recreational vehicle on <u>any</u> public road except 24 hours for loading/unloading.	Allows parking of recreational vehicle on any road for 12 hours for loading/unloading.



# Vehicle Related Issues – Inoperable or Unregistered Vehicles

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<b>Issue</b>	<b>Recommendation</b>
Chapter 26 (enforced by DHCA) and Chapter 48 (enforced by DEP) are inconsistent regarding the time for inoperable or unregistered vehicles to be removed after being cited	Make Chapter 26 and Chapter 48 consistent and require removal of inoperable or unregistered vehicles within 30 days of being cited.



# Home Occupation Rules

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<b>Issue</b>	<b>Recommendation</b>
<p>Actions against Home Occupations or Health Practitioners in violation of County Code take too long and are not stringent enough.</p>	<p>If a violation of Chapter 59 is determined:</p> <ul style="list-style-type: none"><li>• a citation (instead of a warning) will be issued</li><li>• the violator has 15 days (rather than 30) to correct the violation</li><li>• the Home Occupation or Health Practitioner's registration can be revoked</li><li>• If violation might be remedied with a special exception, a petition must be filed within 60 business days (rather than 10), but the operation of the Home Occupation may continue only if the violation is corrected before the application is filed.</li></ul>



# Home Occupation Rules (cont'd)

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<b>Issue</b>	<b>Recommendation</b>
Requirement that Home Occupation Operators or Health Practitioners reside in the home for 220 days in year is difficult to enforce.	Require Home Occupation Operators or Health Practitioners to show proof of residency (driver's license, voter registration, tax return, etc.) when requested.
Amount of property used for Home Occupation is greater than originally intended, particularly when additional space is added after Home Occupation is approved.	Clarify definition of eligible area that can be used for Home Occupation, and exclude any addition to a building or accessory building constructed within 18 months of the approval of the Home Occupation.



# Home Occupation Rules (cont'd)

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<b>Issue</b>	<b>Recommendation</b>
Lawn maintenance services run as Home Occupations have too many trucks visiting the site.	Permits the loading and unloading of tools and equipment associated with a lawn maintenance service from not more than one single axle trailer or truck.
There are too many vehicles visiting registered Home Occupations in the R-60 and R-90 zones.	In the R-60 and R-90 zones, not more than one motor vehicle (rather than two) visiting a no-impact home occupation may be parked at the same time on a lot or parcel where a home occupation is conducted



# Completion or Abandonment of Activities Requiring Building Permits

Issue	Recommendation
<p>Work under a building permit for a one-family dwelling or for a building or structure accessory to the residential use is abandoned or not completed for a significant period of time.</p>	<p>DPS must have recorded in the permit file:</p> <ul style="list-style-type: none"><li>• An approved inspection, other than the sign inspection, within 6 months after a building permit is issued</li><li>• An approved inspection of any exterior surface, including windows, wall siding, and roof, installed as part of any renovation, addition or new construction of a dwelling or other building or structure on the premises within one year after the building permit was first issued</li><li>• An approved final inspection within 18 months after the permit is issued</li></ul>



# Proposed Business Process Changes – Information Sharing

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- Expand the use of eReferral, which is used by code enforcement personnel to electronically report potential code violations, allowing the first responding agency to alert other agencies that may have an enforcement role.
- Develop and implement on-line complaint forms on the DHCA, DPS, and FRS websites. (Completed)



# Proposed Business Process Changes – Enforcement

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- Establish a process that requires a property owner who has been issued an abatement order to either (a) make required corrections within the time specified in the abatement order, or (b) pay the costs for the County to use its contractors to make the corrections.
- Establish criteria for increased DHCA inspections of properties and/or property owners with repeat violations or a pattern of violations. Impose higher fines for repeat offenders.
- Clarify the DHCA and DEP responsibilities for solid waste violations in order to improve efficiency and effectiveness in dealing with solid waste on residential properties. (Completed)



# Proposed Business Process Changes – Enforcement (cont'd)

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- Establish a DPS process for imposing increased fines for property owners who make improvements, erect signage, or establish home-based businesses without a permit.
- DPS will ensure that the installed exterior finishing materials match those shown on the approved plans released with the building permit. (Completed)



# Proposed Business Process Changes – Customer Service

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- Reinforce “customer-centric” training in all Departments with enforcement responsibilities.
- Establish common policy and training for all enforcement personnel that encounter members of the public with limited English proficiency.
- Enhance the inspection process through improved Quality Assurance programs.



# Education Programs for Residents and Community Associations

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- Develop an outreach program to share information on DPS and DHCA code requirements – what is and isn't covered, how the requirements are enforced, when permits are required, and how and to whom complaints can be made.
- Work with realtors to encourage them to monitor, and correct as appropriate, the number of bedrooms advertised in listed single-family properties.
- Provide information to new renters so that they better understand the landlord's responsibilities for property maintenance and know how to file a complaint.