Resolution No. 06-06
Introduced: 2/22/06
Adopted: 4/5/06
Effective Date: 5/5/06

RESOLUTION
OF
TOWN OF CHEVY CHASE

SUBJECT: CODIFY AND ENHANCE THE EXISTING PRACTICES OF: 1) HAVING BUILDING PERMIT APPLICANTS MEET WITH THE TOWN MANAGER TO IDENTIFY ISSUES THAT MAY BE MORE EFFICIENTLY ADDRESSED IF IDENTIFIED PRIOR TO FORMAL SUBMISSION OF A PERMIT APPLICATION; 2) HAVING BUILDING PERMIT APPLICANTS MEET WITH THE TOWN MANAGER TO ADDRESS CONSTRUCTION SITE MANAGEMENT ISSUES AFTER FORMAL SUBMISSION OF A PERMIT APPLICATION AND BEFORE A BUILDING PERMIT IS ISSUED; AND 3) HAVING THE TOWN MANAGER IMPOSE CONDITIONS TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE WHEN ISSUING A BUILDING PERMIT

WHEREAS, Article 23A, Section 2(b)(5) of the Maryland Code, authorizes municipalities in the State of Maryland to make reasonable regulations concerning buildings and signs to be erected within the limits of the municipality, including a building code and the requirement for building permits; and

WHEREAS, Article 23A, Section 2(a) of the Maryland Code, grants to the legislative body of every incorporated municipality in Maryland, including the Town of Chevy Chase, general power to pass such ordinances not contrary to the Constitution of Maryland or public general law as they may deem necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality; and

WHEREAS, Section 301(a) of the Charter of the Town of Chevy Chase authorizes the Council to pass ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter as it may deem necessary for the good government of the Town; for the protection and preservation of the Town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence,

danger or destruction; for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town and for such other police or health matters as it may deem necessary; and

WHEREAS, Section 301(b)9. of the Town Charter authorizes the Town Council to make reasonable regulations in regard to buildings and barns to be erected, constructed, or reconstructed in the Town, and to grant building permits for them; to formulate a building code and a plumbing code and to appoint a building inspector and a plumbing inspector, and to require reasonable charges for permits and inspections; to authorize and require the inspection of all buildings and structures and to authorize the condemnation thereof in whole or in part when dangerous or insecure, and to require that such buildings and structures be made safe or be taken down; and

WHEREAS, the Town's Regulatory Review and Enforcement Subcommittee submitted a Concept Paper explaining the purposes to be served by requiring a pre-permit application consultation; and

WHEREAS, the Town's Regulatory Review and Enforcement Subcommittee submitted a Concept Paper explaining the purposes to be served by requiring a pre-permit meeting to address construction site management issues; and

WHEREAS, the Town Council finds that purposes identified in the aforesaid Concept Papers are valid public purposes and serving those purposes would promote the good government of the Town; protect and preserve the Town's property, rights and privileges; preserve peace and good order; to secure persons and property from violence, danger or destruction; and protect and promote the health, safety, comfort, convenience, welfare and happiness of the residents of the Town; and

WHEREAS, the Town Council finds that the Town has on occasion conducted pre-permit application consultations and these consultations have resulted in better projects and more efficient expenditures of applicants' time, energy and financial resources because issues have been identified and resolved before the applicants have expended unnecessary time, energy and financial resources on projects that must or should be modified; and

WHEREAS, the Town Council finds that the Town has conducted pre-construction meetings and these meetings have resulted in better and safer projects and more efficient expenditures of the Town's

and the applicants' time, energy and financial resources because issues have been identified and resolved before the applicants have expended unnecessary time, energy and financial resources on construction projects that must or should be modified and before the Town expends unnecessary time, energy and financial resources responding to complaints regarding construction site management issues; and

WHEREAS, the Town Council finds that codifying and enhancing the pre-permit application consultation and pre-permit meeting processes would promote the good government of the Town; protect and preserve the Town's property, rights and privileges; preserve peace and good order; to secure persons and property from violence, danger or destruction; and protect and promote the health, safety, comfort, convenience, welfare and happiness of the residents of the Town; and

WHEREAS, the Town Council considered the following ordinance in public session assembled on the 8th day of March, 2006 and the 5th day of April 2006; and

WHEREAS, the Town Council finds that the ordinance as hereinafter set forth is necessary for the good government of the Town; for the protection and preservation of the Town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town.

NOW, THEREFORE, the Town Council of the Town of Chevy Chase does hereby adopt the following ordinance:

AN ORDINANCE TO CODIFY AND ENHANCE THE EXISTING PRACTICES OF: 1) HAVING BUILDING PERMIT APPLICANTS MEET WITH THE TOWN MANAGER TO IDENTIFY ISSUES THAT MAY BE MORE EFFICIENTLY ADDRESSED IF IDENTIFIED PRIOR TO FORMAL SUBMISSION OF A PERMIT APPLICATION; 2) HAVING BUILDING PERMIT APPLICANTS MEET WITH THE TOWN MANAGER TO ADDRESS CONSTRUCTION SITE MANAGEMENT ISSUES AFTER FORMAL SUBMISSION OF A PERMIT APPLICATION AND BEFORE A BUILDING PERMIT IS ISSUED; AND 3) HAVING THE TOWN MANAGER IMPOSE CONDITIONS TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE WHEN ISSUING A BUILDING PERMIT

BE IT ORDAINED AND ORDERED, this 5th day of April, 2006, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the authority granted to it by Article 23A of the Maryland Code, and Section 301 of the Charter of the Town of Chevy Chase, that Section 4-3 of the Town Code is hereby amended to read as follows:

Sec. 4-3. Building permit in general.

(a) It shall be unlawful for any person to erect any building, to make any material structural alterations or additions to a building, to demolish any building (in whole or in part), or to erect any fence or wall without having first obtained a permit from the town manager.

(b) Requirements for a preliminary plan and a pre-permit application consultation prior to filing a building permit application for certain work.

(1) Prior to filing a building permit application for (i) any new building in excess of 500 square feet, or (ii) any one or more addition(s)or alteration(s) to a building that individually or cumulatively increases the square footage of any floor of an existing building, by more than 500 square feet, and/or (iii)demolition of more than fifty (50) percent of the exterior walls(measured in linear feet and including only that area which is entirely above grade) all persons intending to submit such an application shall file, with the Town Manager, a preliminary plan including at least the following:

a. schematic (conceptual) floor plans and elevations for buildings, and for any planned decks, porches, or patios, drawn to scale;

b. a preliminary site plan showing (a) front, back and side setbacks and (b) the location of (i) impacted trees that are regulated by Chapter 29 "Urban Forest"; (ii) existing right-of-ways; (iii) planned walkways, driveways, and other impervious surfaces; (iv) planned retaining walls; and (v) other planned structures;

c. a context sketch, photograph or other image showing the planned structures and front and rear elevations in relation to existing structures on adjoining and confronting lots; and

d. any other documents or information that the town manager may determine are necessary in order to evaluate the scope of the contemplated work.

(2)

a. Whenever a preliminary plan is filed, the town manager shall hold a pre-permit application consultation with the filer of the plan for the purposes of exchanging information, receiving feedback, and making and considering non-binding recommendations. The pre-permit application consultation shall be held prior to filing a building permit application.

b. Each pre-permit application consultation shall be attended by at least one representative of the town government, and shall be open to the public.

(3) At least ten (10) days before the pre-permit application consultation:

a. the applicant shall erect a sign, to be furnished by the town, on the subject property within 10 feet of the boundary line of each public road which abuts the property, facing in such manner as may most readily be seen by the public. The bottom of the sign shall be not less than 2 ½ feet from the ground. The sign shall be of such material, color, height and width as the town shall specify, and shall state the nature of the plan, the file number, the telephone number of the town manager or other official who has custody of the plan and the date, time and location of the consultation.

b. the town manager shall provide written notice of the filing and the consultation (in a manner and format prescribed by the town manager) to owners of adjoining and confronting properties. Failure of the town manager to provide such written notice shall not invalidate any permit which may be issued by the town with respect to such subject property.

c. the town manager shall also post the notice of the filing and consultation on the town's website.

(4) The pre-permit application consultation required by this sub-section 4-3(b) is separate and distinct from the requirement to hold a site management meeting under sub-section 4-3(c).

(5) Subject to the requirements of this sub-section 4-3(b), a town building permit application may be filed at any time; however, no town building permit shall be issued unless and until a County building permit for the same work has been issued and the applicant has held a site management meeting, if required by sub-section 4-3(c).

(c) Requirement for a site management meeting prior to issuing a building permit application for certain work.

(1) Any person required to file a preliminary plan under Section 4-3(b) shall hold a site management meeting with the town manager or the manager's designee for purposes of discussing site management issues and assisting the manager in establishing such site management requirements, as conditions of the building permit, as the manager is authorized to impose under sub-section 4-3(d) to protect the public health, safety and welfare.

(2) At least ten (10) days before the site management meeting required under this sub-section 4-3(c):

a. the town manager shall provide written notice of such meeting to the owners of all adjoining and confronting properties; and

b. the applicant shall amend the sign for the pre-permit application consultation to state the nature, time and place of the site management meeting.

(d) All applications for building permits shall be made to the manager, shall state a date by which the building or alteration shall be finished, and be accompanied by plans and specifications of the work contemplated. The manager shall retain and file a copy of same. The plans and

specifications for new construction shall be accompanied by a survey and a plat of the lot with the location and plan of the building or buildings indicated thereon, which survey and plat shall be verified by a registered surveyor, who shall also stake out the lot where necessary. When said plans and specifications have been approved by the manager, he shall issue a permit therefore signed by him and the mayor of the town council. The manager shall grant such approval if the proposed work will comply with all laws, rules, regulations and ordinances. If the plans and specifications are not approved, they may, together with the application and reasons for requesting a reconsideration, be referred by the applicant to the town council for final decision.

(e) The town manager is authorized to impose conditions to protect the public health, safety and welfare when issuing a building permit. In addition, if, during the course of a construction project, the town manager finds the project is being carried out in a manner which threatens the public health, safety or welfare, the town manager may suspend or revoke the permit, or may impose such additional conditions as he deems necessary to protect the public health, safety or welfare. The condition which the town manager may impose shall include, but are not limited to:

(1) prohibiting or limiting the parking of contractors' or other construction-related vehicles or equipment on sidewalks or in the public right-of way;
(2) limiting the locations upon private property where contractors' or other construction-related vehicles or equipment may be parked;
(3) limiting the locations upon which construction materials may be stored;
(4) limiting the locations upon which portable toilets may be placed and maintained, including prohibiting the placing or maintaining of portable toilets;
(5) limiting the locations upon which construction debris may be stored, whether or not such debris is contained;
(6) such other terms or conditions as may be determined by the town manager to be necessary to protect the public health, safety or welfare.

(f) It shall be unlawful for any person to modify or alter any plans or specifications after they have been submitted and a permit issued thereon without the prior approval in writing of the town manager.

(g) Work on buildings or alterations or additions must be commenced within six (6) months of date the permit therefore is issued and must be completed by the time stated in the application but not later than twelve (12) months from date the permit is issued, or the permit shall be void, unless an extension is granted in writing by the manager and the mayor.

(h) The fee for a permit shall be as established by council resolution. All permit fees shall be payable by check to the town.

ATTEST:

Scott Orbach, Secretary

TOWN OF CHEVY CHASE

William H. Hudnut, III, Mayor
Town of Chevy Chase