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ORDINANCE NO 2026-O-2

AN ORDINANCE TO AMEND CITY CODE CHAPTER 101 BUILDING CONSTRUCTION ARTICLE I BUILDING PERMITS AND CHAPTER 230 CITY ZONING CODE ARTICLE XV ADMINISTRATION AND ENFORCEMENT FOR THE PURPOSE OF CLARIFYING AND MAKING UNIFORM THE TIME LIMITS AND EXPIRATION OF BUILDING AND ZONING APPLICATIONS; TO ESTABLISH TIME LIMITS ON PERMITS THAT ARE NOT KEPT ACTIVE; OR WHEN THEY DEEMED TO HAVE EXPIRED; TO AUTHORIZE THE GRANTING OF TIME EXTENSIONS UPON SHOWING JUSTIFIABLE CAUSE.

WHEREAS, Section 4-201 et. seq., Land Use Article, of the Maryland Annotated Code, provides a Maryland municipality the power to amend zoning regulations and boundaries; and,

WHEREAS, the City Charter Sections c-12 and C-24 authorize the City Council to adopt resolutions and ordinances for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the residents of the City amongst other purposes;

WHEREAS, Chapter 1, Building Construction, Section 101-2 Application procedures, expiration; fees; exceptions B. provides that construction activity can take up to a year to begin upon issuance of a permit and has no reference as to the expiration of a permit;

WHEREAS, Chapter 230 of the Zoning Code, Article XV Administration and Enforcement, Sections 230-101 Zoning Certificates and building permits D. also allows 12 months prior to requiring construction activity to commence before the permit expires;

WHEREAS, builders and owners on occasion have used this extended period of time to avoid necessary repairs;

WHEREAS, current language in both above reference Chapters provide no guidance on when to grant extensions and time limits on extensions.

WHEREAS, there is need to make these aforementioned code changes consistent not only with each Chapter but with language provided by International Code Council, International Building Code and Residential Code as recognized and adopted by the State of Maryland, Department of Labor's Maryland Performance Standards.

WHEREAS, the Planning Commission met on Thursday, July 17, 2025, and conducted a public hearing to receive public input and acted to recommend approval of these code and zoning text amendments.

NOW THEREFORE BE IT RESOLVED to adopt the following code changes;

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City Code

Chapter 101 Building Construction

Article I Building Permits

[Adopted 8-26-1968 as Ch. 6 of the 1968 Code]

§ 101-1 Permit required.

§ 101-2 Application procedure; expiration; fees; exceptions.

§ 101-3 Construction without permit prohibited.

§ 101-4 False statements in application.

§ 101-5 Alterations and extensions.

§ 101-6 Inspections.

§ 101-7 Abatement of nuisances.

§ 101-8 Violations and penalties.

§ 101-1 Permit required. [Amended 1-20-1969 by Ord. No. 213]

No person shall build or erect any house, building or other structure within the City without first having obtained a permit for the erection of such building or structure from the City Manager.

§ 101-2 Application procedure; expiration; fees; exceptions.

[Amended 1-20-1969 by Ord. No. 213; 9-23-1970 by Ord. No. 218]

A. PERMIT REQUIRED. No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure in the applicable jurisdiction, IN ACCORDANCE WITH STATE OF MARYLAND, DEPARTMENT OF LABOR, MARYLAND PERFORMANCE STANDARDS AS MAY BE AMENDED FROM TIME TO TIME, or cause the same to be done, without first obtaining a separate building permit for such buildings or structures from the City Manager. If the City Manager is satisfied that the work described in an application for a permit and the drawings filed therewith conform to the requirements of this Code and other pertinent laws and ordinances, he or she shall issue a permit therefor to the applicant. If the application for a permit and the drawings filed therewith describe work which does not conform to the requirements of this Code or other pertinent laws or ordinances, the City Manager shall not issue a permit but shall return the drawings to the applicant with his or her refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reasons therefor.

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B. TIME LIMIT OF APPLICATION AND EXPIRATION. ~~Construction under all permits must begin within one year from the date of the issuance of said permit by the City Manager or thereafter the same shall be void and invalid.~~ [Amended 6-2-1997 by Ord. No. 349]. AN APPLICATION FOR A PERMIT FOR ANY PROPOSED WORK SHALL BE DEEMED TO HAVE BEEN ABANDONED 180 DAYS AFTER THE DATE OF FILING UNLESS SUCH APPLICATION HAS BEEN PURSUED IN GOOD FAITH OR A PERMIT HAS BEEN ISSUED; EXCEPT THAT THE BUILDING OFFICIAL IS AUTHORIZED TO GRANT ONE OR MORE EXTENSIONS OF TIME FOR ADDITIONAL PERIODS NOT EXCEEDING 180 DAYS EACH. THE EXTENSION SHALL BE REQUESTED IN WRITING AND JUSTIFIABLE CAUSE DEMONSTRATED.

EVERY PERMIT ISSUED SHALL BECOME INVALID UNLESS THE WORK AUTHORIZED BY SUCH PERMIT IS COMMENCED WITHIN 180 DAYS AFTER ITS ISSUANCE OR AFTER COMMENCEMENT OF WORK IF MORE THAN 180 DAYS PASS BETWEEN INSPECTIONS. THE BUILDING OFFICIAL IS AUTHORIZED TO GRANT, IN WRITING, ONE OR MORE EXTENSIONS OF TIME, FOR PERIODS NOT MORE THAN 180 DAYS EACH. THE EXTENSION REQUEST BE REQUESTED IN WRITING AND JUSTIFIABLE CAUSE DEMONSTRATED.

C. When the City Manager issues a permit, he or she shall endorse, in writing, or stamp both sets of plans "Approved." One set of drawings so approved shall be retained by the City Manager and the other set shall be returned to the applicant. The approved drawings shall be kept at the site of work and shall be open to inspection by the City Manager or the City Manager's authorized representative.

D. Fees.

[Amended 11-5-1979 by Ord. No. 258, approved 11-8-1979; 7-7-1980 by Ord. No. 262, approved 7-7-1980]

(1) No permit shall be issued until the prescribed fees shall have been paid, nor shall an amendment to a permit be approved until the additional fee, if any, due to an increase in the estimated cost of the building or structure shall have been paid. The prescribed fees shall be determined by the Council by resolution.[1]

[1] Editor's Note: The current Fees, Charges and Rates Schedule is on file in the City Clerk's office.

(2) A fee, in the amount as shall be determined by the Council by resolution, shall be charged for a permit for the moving or demolition of any building or structure.

E. Exceptions.

(1) Notwithstanding the foregoing provisions of this section, no permit shall be required for the following work, provided that the cost thereof does not exceed \$1,000:

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- (a) Interior painting.
- (b) Exterior painting which does not require the obstruction of pedestrian or vehicular traffic.
- (c) Exterior stairway to above grade level which does not require Fire Department or other safety regulation approvals.
- (d) Construction or placement of utility buildings or equivalent for the storage of garden tools, toys, etc., provided that the distance requirements of Chapter 230, Zoning, are adhered to.
- (e) Construction of outdoor barbecue pits or trash burners which are privately owned and used exclusively by the owner or lessee thereof for noncommercial purposes.
- (f) Replacement of roofing which does not require barricades to divert pedestrian or vehicular traffic.
- (g) Replacement of front or rear porch flooring but not any enclosure of the area affected.
- (h) Replacement of front and rear steps, provided that no greater area than the original construction is involved.
- (i) Replacement of gutter and downspouting, if barricades are not involved.
- (j) Replacement of window, sash and frames and installation of storm windows, if no interference to the general public is involved.
- (k) Replacement of doors, door frames and storm doors, if no inconvenience to the general public is involved.
- (l) Replacement of garage doors, provided that no other alterations are contemplated.
- (m) Replacement of skylights, if no interference to the general public is involved.
- (n) Replacement of original chimneys. Additional chimney construction will be considered on its merits as related to fire, safety and zoning regulations.
- (2) Projects of a like nature as those mentioned above will be considered by the City Manager and may be included in the above categories.

§ 101-3 Construction without permit prohibited.

[Amended 1-20-1969 by Ord. No. 213]

It shall be the duty of every contractor or builder, before beginning the building or erection of any house, building or other structure within the City, to discover whether or not the necessary permission of the Council has been obtained for the building of such house, building or structure, and no person shall build, construct or begin to build or construct any house, building

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or structure, for himself or herself or another, within the City unless a permit therefor has first been obtained as above specified and required.

§ 101-4 False statements in application.

No person shall make, in his or her written application for a building permit under this article, any false or untrue statements as to the location, size, dimensions, material or proposed use of any house, building or other structure with the intention of wrongfully obtaining a permit therefor.

§ 101-5 Alterations and extensions.

The words "house, building or structure," as used in this article, shall be construed to include not only new houses, new buildings or new structures but also all extensions or other changes and repairs to old or existing houses, buildings or structures by which the same are increased in height or other dimensions or where there is a change of any kind of any exterior part of any such house, building or structure or where there is a plan to alter any old building in such a way as to make it available for a use or purpose different from that for which it was before used.

§ 101-6 Inspections.

[Amended 1-20-1969 by Ord. No. 213]

It shall be the duty of the City Manager to inspect all buildings in the course of erection in the City to see that no buildings are erected of materials that are dangerous to human life by reason of unsoundness of materials or dangerous method of construction or other causes. Upon finding any unsafe materials being used or a dangerous method of construction, the City Manager shall notify the person in charge of construction to discontinue the use of such materials and to remove and replace the same by proper and safe materials or to discontinue such dangerous method of construction and to correct such part of the building as may have been constructed by such faulty or dangerous method. The City Manager shall immediately report all the facts and circumstances with relation thereto to the Council for such legal action as the Council may deem appropriate.

§ 101-7 Abatement of nuisances.

[Amended 1-20-1969 by Ord. No. 213]

In addition to the penalties provided for violation of this article, the Council may proceed against any house, building or other structure erected, repaired or altered in violation of this article as a nuisance, if the same shall be in fact a nuisance, and may abate the same, if that course shall seem to it proper.

§ 101-8 Violations and penalties.

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[Amended 6-2-1997 by Ord. No. 349]

Violations of the provisions of this article shall be a municipal infraction and shall be punishable by a fine as set forth in the Fees, Charges and Rates Schedule, as adopted by resolution of the City Council from time to time.[1]

[1]Editor's Note: The current Fees, Charges and Rates Schedule is on file in the City Clerk's office.

Chapter 230

City Zoning Code

Article XV Administration and Enforcement

§ 230-101 Zoning certificates and building permits.

[Amended 6-2-1997 by Ord. No. 349]

A. Except as otherwise provided herein, it shall be unlawful to locate, erect or begin the construction, reconstruction, extension, conversion or structural alteration of any building or structure or to begin the excavation there for or the construction of a well or sewage disposal system, other than the reconstruction, replacement or extension of any existing well or sewage disposal system, without first applying for a zoning certificate there for. Likewise, it shall be unlawful to use or permit the use of any building or land or part thereof hereafter created or erected, wholly or partly, or to change the use or permit the change of use of any building, structure or land until a zoning certificate (together with special use permit, where required) shall have been issued by the Zoning Inspector. Such zoning certificate shall show that the building or other structure or part thereof and the proposed use thereof, or the proposed use of the land or premises, conform to the provisions of this chapter. It shall be the duty of the Zoning Inspector to issue such zoning certificate if he or she finds to his or her satisfaction that the building, structure, premises and proposed use thereof conform to all the requirements herein set forth.

B. Application for a zoning certificate shall be made to the Zoning Inspector coincident with the application for a building permit where such is required. Every application for a zoning certificate, whether in connection with a building permit or not, shall be accompanied by a drawing approximately to scale showing the shape and dimensions of the lot to be used or built upon, the size and location on the lot of every existing building and structure and its driveways, the existing and intended use of the premises and of each building or part thereof and such other information with regard to the lot and its neighboring lots, buildings and uses as may be necessary to determine and provide for the administration and enforcement of this chapter.

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C. Issuance of a zoning certificate shall be withheld until the building or the necessary work thereon has been completed in accordance with the provisions of this chapter. No work shall be commenced, however, before the issuance of a building permit there for showing that application has been made for a zoning certificate and that the building or part thereof and the proposed use thereof conform to the provisions of this chapter. No construction work shall be started before the lot and the location thereon of the projected building or other improvements have been staked out on the ground and have been inspected by the Zoning Inspector.

~~D. A building permit issued in accordance with the provisions of this chapter shall become void 12 months after the date of its issuance if the construction for which it was issued has not been started or has been substantially discontinued. Once the permit becomes void, reapplication must be made.~~ AN APPLICATION FOR A PERMIT FOR ANY PROPOSED WORK SHALL BE DEEMED TO HAVE BEEN ABANDONED 180 DAYS AFTER THE DATE OF FILING UNLESS SUCH APPLICATION HAS BEEN PURSUED IN GOOD FAITH OR A PERMIT HAS BEEN ISSUED; EXCEPT THAT THE ZONING OR BUILDING OFFICIAL IS AUTHORIZED TO GRANT ONE OR MORE EXTENSIONS OF TIME FOR ADDITIONAL PERIODS NOT EXCEEDING 180 DAYS EACH. THE EXTENSION SHALL BE REQUESTED IN WRITING AND JUSTIFIABLE CAUSE DEMONSTRATED.

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E. Upon written request from the owner or tenant, the Zoning Inspector shall issue a zoning certificate for any building or premises lawfully existing at the time of enactment of this chapter certifying, after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the provisions of this chapter. Application for such certificate shall be made within 12 months after the date of enactment of this chapter.

F. A filing fee shall accompany each application for a zoning certificate, in such amount as may be determined by the Mayor and Council.

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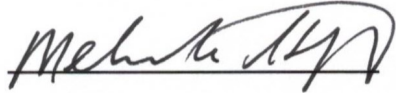
NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Mayor and City Council of Pocomoke City that Chapter 1, Building Construction, Section 101-2 Application procedures, expiration; fees; exceptions B and Chapter 230 of the Zoning Code, Article XV Administration and Enforcement, Sections 230-101 Zoning Certificates and building permits D is amended.

8-11-2025
Date Introduced

9-15-2025
Date Passed


Council Vice President

APPROVED BY ME THIS DAY OF
September 24, 2025



City Clerk



Mayor, Todd J. Nock