

**ORDINANCE NO. 1186**

**AN ORDINANCE OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND AMENDING §§ 4-7 AND 4-12 OF THE CODE OF THE CITY OF CAMBRIDGE, MARYLAND FOR THE PURPOSES OF PROVIDING THAT THE DEPARTMENT OF PUBLIC WORKS SHALL NOT ISSUE PERMITS TO UNLICENSED PERSONS FOR ACTIVITIES FOR WHICH A LICENSE IS REQUIRED OR TO ANY PERSON AGAINST WHOM THERE ARE OUTSTANDING FINES FOR VIOLATIONS OF THE CITY CODE, INCLUSIVE OF THE UNIFIED DEVELOPMENT CODE, UNTIL SUCH FINES ARE PAID IN FULL; PROVIDING THAT THE TITLE OF THIS ORDINANCE SHALL BE DEEMED A FAIR SUMMARY AND GENERALLY RELATING TO BUILDING PERMITS IN THE CITY OF CAMBRIDGE.**

**WHEREAS**, pursuant to Md. Code Ann., Local Gov't § 5-202 and § 3-27(1) of the Charter of the City of Cambridge (the "Charter"), the Commissioners of Cambridge are authorized and empowered to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter as they may deem necessary for the good government of the City of Cambridge (the "City"); for the protection and preservation of the City's property, rights, and privileges; for the preservation of peace and good order; to secure persons and property from danger and destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the City and visitors thereto and sojourners therein; and

**WHEREAS**, pursuant to Md. Code Ann., Local Gov't § 5-205(d)(1)(i), the Commissioners of Cambridge are authorized and empowered to establish and collect reasonable fees and charges for franchises, permits, or licenses granted by the City; and

**WHEREAS**, pursuant to § 3-27(35) of the Charter, the Commissioners of Cambridge are authorized and empowered to generally require permits or licenses to be obtained where necessary for regulatory purposes in the interest of the public health, safety, or morals and to establish and collect fees and charges for all licenses and permits issued under such authority; and

**WHEREAS**, the Commissioners of Cambridge are desirous of amending §§ 4-7 and 4-12 of the City Code for the purposes of providing that the Department of Public Works shall not issue permits to unlicensed persons for activities for which a license is required or to any person against whom there are outstanding fines for violations of the City Code, inclusive of the Unified Development Code, until such fines are paid in full; and

**WHEREAS**, the Commissioners of Cambridge find that the amendments set forth herein are necessary to promote and protect the public health, safety, and welfare.

**NOW, THEREFORE, BE IT ORDAINED** by the Commissioners of Cambridge, that:

**SECTION 1.** Chapter 4 (Buildings and Housing), Article I (Building Code) of the Code of the City of Cambridge, Maryland is hereby amended as follows:

**Sec. 4-7. – Same – Section 105.3, Permit application.**

Section 105.3, entitled “Permit application,” of the International Building Code 2006 is amended to read as follows:

*Section 105.3. Permit application:* An application shall be submitted to the Department of Public Works for the following activities, and these activities shall not commence without a permit being issued in accordance with Section 105.1, except that ordinary repairs as defined in section 105.2.2 herein, which do not involve any violation of this code, shall be exempt from this provision.

1. Construct or alter a structure
2. Construct an addition
3. Demolish a structure
4. Move a structure, either on the same lot or from one location to another
5. Make a change of occupancy or to a prohibited use
6. Install or alter any equipment which is regulated by this code
7. Move a lot line which affects an existing structure

Before any permit may be issued, it must be submitted to and approved by the Department of Public Works, **which shall not issue any permit to a person who is not duly licensed to perform the activity described in the application.** All permits for any proposed work shall expire and become invalid six months after their issuance if the proposed work has not been sufficiently commenced to the satisfaction of the Department of Public Works, or in the case of demolition permits, the demolition has not been completed within thirty (30) days from the date of issuance of the demolition permit. Permits obtained after July 25, 1977 are not transferable.

**SECTION 2.** Chapter 4 (Buildings and Housing), Article I (Building Code) of the Code of the City of Cambridge, Maryland is hereby amended as follows:

**Sec. 4-12. – Same – Section 116.4, Violation penalties.**

Section 116.4, entitled “Violation penalties,” of the BOCA National Building Code is amended to read as follows:

*Section 116.4. Violation penalties:* Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the code official, or of a permit or certificate issued under the provisions of this code, or who shall fail to obey an order or directive, shall be deemed guilty of an infraction, the fine for which shall be \$100.00, and every

day that a violation continues, after due notice has been served in conformity with the terms and provisions of ~~Annotated Code of Maryland article 23A, section 3(b)~~ **Md. Code Ann., Local Gov't § 6-103(b)(1), as may be amended**, shall be deemed a separate offense. **Additionally, the City shall not issue a permit for any activity described in Section 4.7 of this Article to any person against whom there are outstanding fines for a violation of this code, inclusive of the Unified Development Code, until all such fines are paid in full.**

**SECTION 3.** The recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

**SECTION 4.** In this Ordinance, unless a section of the City Code is expressly repealed in its entirety and reenacted, new or added language is underlined and in boldface type, and deleted text is crossed out with a single strikethrough. With respect to the substantive provisions of this Ordinance set forth in Sections 1 and 2, language added after the date of introduction is in bold, italicized font and language deleted after the date of introduction is crossed out with a double strikethrough.

**SECTION 5.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the Commissioners of Cambridge that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

**SECTION 6.** All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 7.** The title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

**AND BE IT FURTHER** enacted and ordained that this Ordinance shall become effective immediately upon passage.

ATTEST:

THE COMMISSIONERS OF CAMBRIDGE

\_\_\_\_\_  
Patrick C. Comiskey, City Manager

By: \_\_\_\_\_  
Andrew Bradshaw, Mayor

**Introduced the 12<sup>th</sup> day of July, 2021**

**Passed the \_\_\_\_ day of \_\_\_\_, 2021**

**Effective the \_\_\_\_ day of \_\_\_\_, 2021**