

CIVIL CITATIONS



The Division of Construction (the "Department") is charged with the enforcement of the Washington County building codes (the "code") to protect and promote the health, safety and general welfare of its residents. The Code authorizes the County to establish civil penalties for violations of the code in the event a violation is not corrected in a reasonable period of time. The goal of enforcing the code through the issuance of citations is not to generate revenue, but to encourage those in violation to bring their properties into compliance with the building codes.

The following is a summary of the Department's procedures and contains answers to some frequently-asked questions. Should you have any other questions or concerns, you may contact our office at the following numbers:

Division Director/Code Official: Rich Eichelberger 240-313-2480

Chief Building Inspector: Terry Feiser at 240-313-2457

<p>Civil Citations apply only to violations of the Washington County Building, Electrical, Plumbing, and Mechanical Codes.</p> <p>When will a citation be issued?</p> <p>Citations will only be issued for the following violations:</p> <ol style="list-style-type: none"> 1. Work started without proper permit R105 2. Stop work order (unlawful continuance) R114 3. Violation of Unsafe structure posting 115 4. Violation of a Certificate of Occupancy R11a <p>If the Property is found to be in violation of one or more of the above violations, a correction notice will be issued to the owner and/or contractor. If contact is made with the owner or occupant, the notice will be delivered to the individual and the name and relationship to the property will be obtained. The owner and /or contractor will have 14 days from the date of issuance to correct the violation.</p> <p>If the property is still in violation after expiration of the notice period or any extension(s) that may have been granted, a civil citation may be issued, providing for a fine of One Hundred Dollars (\$100.00) per day from the date of issuance of the citation.</p> <p>What does one do if a Civil Citation is issued for their property?</p> <p>After a citation is issued, contact may be made with the Department to discuss the citation. You may also visit the office at 80 West Baltimore St., Hagerstown.</p> <p>One may also contact the Department to discuss an appeal if aggrieved by the issuance of a citation.</p> <p>How much time is allowed for compliance?</p> <p>A compliance date will be issued on the notice. Depending on the nature of the violation, generally 14 days from the date of issuance of the notice will be given.</p>	<p>Can an extension for compliance be granted?</p> <p>The owner of the property may request an extension in writing, stating the reason for the extension and the amount of time needed for compliance. The department will provide a written response within ten (10) days of receipt to the owner's request, either refusing the request for extension or establishing a modified deadline for full compliance.</p> <p>If, after expiration of the notice period, the inspector has performed the compliance inspection and significant progress has been made from the initial inspection or other facts exist that justify such an action, an extension may be granted. The property may be photographed for documentation.</p> <p>What if there are extenuating circumstances?</p> <p>The County understands that there may be unforeseen circumstances that contributed to the violation. You may contact our office at the numbers listed above to discuss your concerns.</p> <p>Can one elect to stand trial after a citation is issued?</p> <p>A person may elect to stand trial in District Court for the offense by filing a notice of intention to stand trial. The person electing to stand trial shall give notice at least 5 days before the date set forth in the citation for the payment of fines. The department shall forward the notice of intention to stand trial to the District Court of Maryland for Washington County with a copy of the citation. For more information you can contact the Department at the numbers listed above.</p> <p>What is the violation fee schedule?</p> <p>Any person who shall violate the above provisions of the code shall be guilty of a misdemeanor and be punishable by a fine of one hundred dollars (\$100) per day. Each day the violation continues shall be deemed a separate offense.</p> <p>Can I appeal the citation?</p> <p>Yes. Appeals may be filed in writing with the appropriate Building, Plumbing/HVAC, or Electrical Boards. Appeals for building citations must be filed with the Building Board, plumbing/HVAC appeals are filed with the Plumbing/HVAC Board, and electrical appeals are filed with the Electrical Board. Contact the department for appeal procedures and Board schedules.</p>	<p>How long do I have to pay the fine?</p> <p>Any person who receives a citation for a building violation that imposes a fine shall pay the fine as set forth on the citation within 15 days after issuance of the citation to:</p> <p style="text-align: center;">Division of Construction 80 West Baltimore Street, Hagerstown, MD 21740.</p> <p>If the fine is not paid within 15 days after the date the citation was issued, such person shall be liable for double the fine that person had failed to pay.</p> <p>Does the property need to be brought into compliance if the fine is paid?</p> <p>Yes. Paying the fine does not relieve that person from correcting the violation to bring the property into compliance with the Code.</p> <p>What if the property is in compliance after the expiration of the notice period?</p> <p>On the day following expiration of the notice period, the inspector will inspect the property to verify compliance. If the property is in compliance, the file will be closed.</p> <p>What if the property comes into violation again?</p> <p>If a violation that had previously been cited within a two-year period occurs on the same property, a new service request will be generated following the procedures for an initial complaint. The inspector will perform an inspection and, if the property is again in violation, a citation may be issued to the owner or occupant in the increased amount of two hundred dollars (\$200.00) per day for each day the property is in violation.</p> <p>What if the property owner does bring the property into compliance after the expiration of the notice period?</p> <p>If the violation has not been brought into compliance by the 31st. day, the inspector will file charges with the District Court. The Court will schedule the case for trial and summon the defendant to appear.</p>
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