Chapter 1

GENERAL PROVISIONS

ARTICLE I
Adoption of Code
[Adopted 11-11-2002 by Ord. No. 689[1]]

§ 1-1. Code adopted.

The ordinances of the City of Westminster, Maryland, of a general and permanent nature, adopted by the Mayor and Common Council, which were contained in the 1991 edition of the Code of the City of Westminster, as revised, codified and consolidated into parts, chapters and sections by General Code Publishers Corp. and consisting of Chapters 1 through 173, are hereby approved, adopted, ordained and enacted as the "Code of the City of Westminster, Maryland," dated 2002, hereinafter known and referred to as the "Code."

§ 1-2. Repeal of enactments not included in Code.

All ordinances of a general and permanent nature of the City of Westminster in force on the date of the adoption of this ordinance and not contained in the Code adopted hereby or recognized and continued in force by reference therein are hereby repealed from and after the effective date of this ordinance, except as hereinafter provided in this ordinance.

§ 1-3. Ordinances saved from repeal.

The repeal of ordinances provided for in §1-2 of this ordinance shall not affect the following classes of ordinances, rights and obligations, which are hereby expressly saved from repeal:

A. Any right or liability established, accrued or incurred under any legislative provision of the City of Westminster prior to the effective date of this ordinance, or any action or proceeding brought for the enforcement of such right or liability.

B. An offense or act committed or done before the effective date of this ordinance in violation of any legislative provision of the City of Westminster, or any penalty, punishment or forfeiture which may result therefrom.

C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance brought pursuant to any legislative provision of the City of Westminster.

D. Any franchise, license, right, easement or privilege heretofore granted or conferred by the City of Westminster or any ordinance adopted for purposes which have been consummated.

E. Any ordinance of the City of Westminster providing for the laying out, opening, altering, widening, relocating, straightening, establishing

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1. Editor's Note: This ordinance superseded former Art. I, Adoption of Code, adopted 4-8-1991 by Ord. No. 539.

grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the City of Westminster or any portion thereof.

F. Any ordinance of the City of Westminster appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the City of Westminster or other instruments or evidence of the City's indebtedness.

G. Any ordinance annexing territory to the City.

H. Ordinances authorizing the purchase, sale, lease or transfer of property, or any lawful contract or obligation.

I. The annual tax levy.

J. The levy or imposition of special assessments or charges.

K. Currently effective budget ordinances and tax ordinances.

L. The dedication of property.

M. Any legislation relating to salaries.

N. The Zoning Map of the City of Westminster and all amendments thereto.

O. Any ordinance adopted subsequent to August 12, 2002.

P. Any of the following ordinances or regulations or amendments thereto:

(1) Section 1 of Ordinance No. 253, passed August 27, 1935, which accepted the then completed sanitary sewer system and the sewage treatment plant;

(2) Ordinance No. 249, establishing a Plumbing Code, as amended by Ordinance No. 252;

(3) Rules and regulations governing plumbing and related matters, promulgated pursuant to the provisions of Section 5 of Ordinance No. 249;

(4) Ordinance No. 307, establishing a Building Code, as amended by Ordinance No. 343;

(5) Ordinance No. 309, regulating certain buildings abutting upon alleys; and

(6) Section 3 of Ordinance No. 5 relating to unsafe walls and buildings.

§ 1-4. Changes in previously adopted ordinances.

In compiling and preparing the ordinances of the City of Westminster for adoption and inclusion as part of the Code, certain grammatical changes and other minor changes were made in one or more of said ordinances. It

is the intention of the Mayor and Common Council that all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such.

§ 1-5. Copy of Code on file.

A copy of the Code in a post-bound volume has been filed in the office of the City Clerk and shall remain there for the use of and examination by the public until final action is taken on this ordinance; and if this ordinance shall be adopted, such copy shall be certified to by the City Clerk, and such certified copy shall remain on file in the office of the City Clerk, available to persons desiring to examine the same during all times when said Code is in effect.

§ 1-6. Amendments to Code.

Any and all additions, deletions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intention of the Mayor and Common Council to be a part thereof, shall be understood and intended to include such changes. Whenever such additions, deletions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the post-bound volume containing said Code, as amendments and supplements thereto.

§ 1-7. Code book to be kept up-to-date.

It shall be the duty of the City Clerk or someone authorized and directed by the City Clerk to keep up-to-date the certified copy of the book containing the Code required to be filed in the office of the City Clerk for the use of the public. All changes in said Code and all ordinances adopted by the Mayor and Common Council subsequent to the effective date of this recodification which the Mayor and Common Council shall adopt specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are printed as supplements to said Code book, at which time such supplement shall be inserted therein. Further, the City Clerk shall deposit or cause to be deposited with the State Department of Legislative Reference copies of the Code and amendments thereto, free of charge, as required pursuant to Article 23A, § 17A of the Annotated Code of Maryland.

§ 1-8. Severability.

It is hereby declared to be the intention of the Mayor and Common Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance and the Code hereby adopted are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance or the Code hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining

phrases, clauses, sentences, paragraphs and sections of this ordinance or the Code hereby adopted, since the same would have been enacted by the Mayor and Common Council without the incorporation in this ordinance or the Code of any such unconstitutional section, paragraph, sentence, clause or phrase.

§ 1-9. When effective.

The Mayor and Common Council declares that an emergency exists and that this legislation is necessary for the immediate protection of the public health and safety. This ordinance shall take effect immediately upon adoption, and all provisions of the Code shall be in full force and effect on and after the effective date of this ordinance.

§ 1-10. Inclusion of provisions in Code.

The provisions of this ordinance are hereby made Article I of Chapter 1 of the Code of the City of Westminster, Maryland, and the sections shall be numbered § § 1-1 through 1-10.

ARTICLE II
Provisions Applicable to Entire Code
[Adopted as Ch. 1 of the 1972 Code, as amended through 1990]

§ 1-11. How Code designated and cited.

The ordinances embraced in the following chapters and sections shall constitute and be designated as the "Code of the City of Westminster, Maryland," and may be so cited. The Code may also be cited as "Westminster City Code."

§ 1-12. Definitions and rules of construction.

A. As used in this Code, the following terms shall have the meanings indicated: **[Amended 4-13-1992 by Ord. No. 555; 4-26-2006 by Ord. No. 750]**

CHARTER or CITY CHARTER — The Charter of the City of Westminster, Maryland.

THE CITY, THIS CITY or THE CITY OF WESTMINSTER — The Mayor and Common Council of Westminster, a municipal corporation chartered by that name by the General Assembly of Maryland.

CITY ADMINISTRATOR — The chief administrative officer of the City of Westminster.

CODE — The Code of the City of Westminster.**[Added 11-24-2008 by Ord. No. 791]**

COUNCIL or COMMON COUNCIL — The Common Council of the City of Westminster.

COUNTY — Carroll County, Maryland.

DEPARTMENT OF PLANNING — The Department of Planning, Zoning and Development of the City of Westminster.**[Added 12-6-2007 by Ord. No. 773]**

DEPARTMENT OF PUBLIC WORKS — The Department of Public Works of the City of Westminster.**[Added 12-6-2007 by Ord. No. 773]**

GENERAL FEE ORDINANCE — An ordinance adopted by the Mayor and Common Council of Westminster and amended from time to time establishing certain fees, costs and charges, excluding those established pursuant to Chapters 124 and 160 of the Code.[2]**[Added 11-24-2008 by Ord. No. 791]**

KEEPER and PROPRIETOR — Includes persons, firms, associations, corporations, clubs and copartnerships, whether acting by themselves or a servant, agent or employee.

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2. Editor's Note: See Ch. A175, Fees, Art. I, General Fees.

LEGISLATIVE BODY — The Mayor and Common Council of Westminster, Maryland.

MAYOR — The Mayor of the City of Westminster, Maryland.

MONTH — A calendar month.

OATH — Includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

OWNER — As applied to any property, includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety of the whole or a part of such property.

PERSON — Includes a corporation, firm, partnership, association, organization and any other group acting as a unit, as well as an individual.

PERSONAL PROPERTY — Includes every species of property except real property, as herein defined.

PLANNING DIRECTOR — The Planning Director of the City of Westminster.**[Amended 12-6-2007 by Ord. No. 773]**

POLICE OFFICER — Includes but is not limited to any bailiff or special bailiff of this City and any member of the City Police Department having authority to make arrests.

PRECEDING and FOLLOWING — Next before and next after, respectively

PROPERTY — Includes real and personal property.

PUBLIC WORKS DIRECTOR — The Public Works Director of the City of Westminster.**[Amended 12-6-2007 by Ord. No. 773]**

REAL PROPERTY — Includes lands, tenements and hereditaments.

SIDEWALK — That portion of a street between the curbline, or the lateral lines of a roadway where there is no curb, and the adjacent property line, intended for the use of pedestrians.

SIGNATURE or SUBSCRIPTION — Includes a mark when the person cannot write.

STATE or THIS STATE — The State of Maryland.

STREET — Includes any public way, road, highway, street, avenue, boulevard, parkway, alley, lane, viaduct, bridge and the approaches thereto within the City and shall mean the entire width thereof between abutting property lines. It shall also be construed to include a sidewalk or footpath, unless the contrary is expressed or unless such construction would be inconsistent with the manifest intent of the legislative body.

TENANT or OCCUPANT — As applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.

UTILITY FEE ORDINANCE — An ordinance adopted by the Mayor and Common Council of Westminster and amended from time to time establishing fees, costs and charges relating to utilities provided, pursuant to Chapters 124 and 160 of the Code.[3] **[Added 11-24-2008 by Ord. No. 791]**

WRITING and WRITTEN — Includes printing and any other mode of representing words, letters and figures.

YEAR — A calendar year, except where fiscal year is specifically referred to.

B. In the construction of this Code and of all ordinances, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the Mayor and Common Council.

(1) Computation of time. The time within which an act is to be done shall be computed by excluding the first and including the last day; and if the last day is Sunday or a legal holiday, that shall be excluded.

(2) Gender. Words importing the masculine gender shall include the feminine and neuter.

(3) Joint authority. All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

(4) May. The word "may" is permissive.

(5) Number. Words used in the singular include the plural, and the plural includes the singular number.

(6) Official time standard. Whenever certain hours are named in this Code, they shall mean standard time or daylight saving time, whichever may be in current use in the City.

(7) Or; and. The word "or" may be read "and" may be read "or," where the sense requires it.

(8) Shall. The word "shall" is mandatory.

(9) Time. Words used in the past or present tense include the future as well as the past and present.

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3. Editor's Note: See Ch. A175, Fees, Art. II, Utility Fees.

§ 1-13. Catchlines of sections.

The catchlines of the several sections of this Code are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections nor as any part of such sections nor, unless expressly so provided, shall they be deemed when any of such sections, including the catchlines, are amended or reenacted.

§ 1-14. Effect of repeal of ordinances.

A. The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

B. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect nor any suit, prosecution or proceeding pending at the time of the repeal for an offense committed under the ordinance repealed.

§ 1-15. Code provisions deemed continuation of existing ordinances.

The provisions appearing in this Code, so far as they are the same in substance as ordinances existing at the effective date of this Code, shall be considered as continuations thereof and not as new enactments.

§ 1-16. Severability of Code provisions.

It is hereby declared to be the intention of the legislative body that the sections, paragraphs, sentences, clauses and words of this Code are severable, and if any word, clause, sentence, paragraph or section of this Code shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining words, clauses, sentences, paragraphs and sections of this Code since the same would have been enacted by the legislative body without the incorporation in this Code of any such unconstitutional or invalid word, clause, sentence, paragraph or section.

§ 1-17. City Seal.

A. The Seal heretofore provided and used for the corporate purposes of the Mayor and Common Council of Westminster, being a disc upon the face of which are two concentric circles with the words "Corporation of Westminster" and a star between them and in the center of which is a radiant shield with the figures "1838" thereon shall be, and it is hereby established and declared to have been and now to be, the official and corporate Seal of the Mayor and Common Council of Westminster.

B. The City Clerk shall be the keeper of the Seal of the corporation of Westminster and shall affix or make an impression thereof on all ordinances and papers requiring the corporation Seal.

§ 1-18. Violations and penalties.

A. Unless otherwise provided herein, any person found guilty of violating any provision of this Code, which violation is a misdemeanor as defined herein, shall be subject to a fine not to exceed $1,000 and imprisonment not to exceed six months, or both such fine and imprisonment. Each day such violation continues shall constitute a separate offense.

B. Any person found guilty of violating a provision of this Code, which violation is an infraction as declared herein, shall be subject to a fine not to exceed $400. The fine shall be paid by the offender to the City of Westminster within 20 calendar days of receipt of a citation. Repeat offenders may be assessed a fine not to exceed $400 for each repeat offense. Each day a violation continues shall, unless otherwise provided, constitute a separate or repeat offense.

C. Misdemeanors and infractions; procedures.

(1) Misdemeanor. A "misdemeanor" is:

(a) A criminal offense, not amounting to a felony, arising from a violation of a law of the state, which violation is defined as a misdemeanor; or

(b) Unless otherwise specified, a violation of any section of the Code of the City of Westminster. All violations of this Code shall be treated as misdemeanors unless specifically declared to be infractions.

(2) Infraction. An "infraction" is any violation of this Code, which violation has been specifically declared to be an infraction. For purposes of this Code, an infraction is a civil offense.

(3) Issuance of citation. Those enforcement officials authorized by the Mayor and Common Council to enforce this Code may deliver a citation to any person alleged to be committing an infraction. A copy of the citation shall be retained by the City and shall contain, at a minimum, the following information:

(a) The enforcing official's certification attesting to the truth of the matter set forth in the citation.

(b) The name and address of the person charged.

(c) The nature of the infraction.

(d) The location and time that the infraction occurred.

(e) The amount of the infraction fine assessed.

(f) The manner, location and time in which the fine may be paid to the City.

(g) The person's right to elect to stand trial for the infraction.

(h) The effect of failing to pay the assessed fine or to demand a trial within the prescribed time.

(4) Payment of fine. The fine for an infraction shall be as specified in the Code section violated. The fine is payable by the recipient of the citation to the City of Westminster within 20 calendar days of receipt of the citation.

(5) No formal hearing by City. The City shall not conduct any formal hearing for those persons in receipt of a citation of infraction. Any offender so cited may pay the fine as indicated in the citation or elect to stand trial for the offense. This provision shall not prevent an offender from requesting, either personally or through an attorney, additional information concerning the infraction.

(6) Election to stand trial. A person receiving the citation for an infraction may elect to stand trial for the offense by notifying the City, in writing, of his intention of standing trial. The notice shall be given at least five days prior to the date of payment as set forth in the citation.

(7) Failure to pay fine. If a person receiving a citation for an infraction fails to pay the fine for the infraction by the date of payment set forth on the citation and fails to file a notice of his intention to stand trial for the offense, the person is liable for the assessed fine. The City may double the fine to an amount not to exceed $400 and request adjudication of the case through the District Court, including the filing of a demand for judgment on affidavit. If the person receiving a citation for an infraction shall be found by the District Court to have committed an infraction, the person shall be required to pay the fine determined by the District Court, not to exceed $400. The person shall also be liable for the costs of the proceedings in the District Court, and the Court may permit the City to abate any such condition at the person's expense.

Chapter 4

ADMINISTRATION OF GOVERNMENT

GENERAL REFERENCES

Charter provisions — See §§ 7, 11 through 14 and 44.

Boards and commissions — See Ch. 7.

Elections — See Ch. 14.

Code of Ethics — See Ch. 16.

Department of Finance — See Ch. 19.

Intergovernmental relations — See Ch. 24.

Officers and employees — See Ch. 29.

ARTICLE I
General Provisions
[Adopted as Ch. 2, Art. I, of the 1972 Code, as amended through 1990]

§ 4-1. Bonding of officers.

A. The Chief Administrator, City Clerk-Treasurer, the Assistant City Clerk, the Assistant City Treasurer, the cashier and all other officers, employees and agents of the City who at any time shall have within their possession or custody or under their direction or control any City funds, securities, negotiable instruments or other such liquid assets of the City exceeding $100 in value shall, before entering upon the discharge of their official duties, give a bond payable to the City, in such amounts as may be prescribed in this Code or by other ordinance, resolution or order of the legislative body, conditioned upon the faithful performance of their respective duties and a true accounting to be given for all such assets of the City which may come within their possession or custody or under their direction or control, provided that the legislative body may provide for a blanket bond in lieu of individual bonds, in which case the amount of such blanket bond shall be not less than $25,000 for the Chief Administrator, City Clerk, the City Treasurer and the cashier, and not less than $20,000 for each policeman and not less than $10,000 for other officers and employees; and provided, further, that nothing in this section shall be deemed to preclude such other bonds as may be considered by the legislative body to be desirable in the interests of the City. **[Amended 4-26-2006 by Ord. No. 750]**

B. All bonds required by this section shall have as surety a bonding or casualty company authorized to do business in this state and shall be approved by the legislative body and by the City Attorney.

C. The word "bond" as used in this section shall be construed to include a liability insurance policy.

D. Premiums on bonds required or authorized by this section shall be paid by the City.

§ 4-2. Effect of termination of office, agency or employment.

Upon the termination of office or employment of any City officer, agent or employee, such person shall, without delay, turn over to his successor in office, agency or employment all money, books, papers, accounts and all other things belonging to the City which may then be within his possession, custody, direction or control; and if he has no designated successor, then to the City Clerk-Treasurer.

§ 4-3. Right of entry.

Any officer, employee or agent of the City, while in the lawful discharge of his official duties with regard to the water or sewerage disposal systems of the City or with regard to the inspection of buildings or premises or the inspection therein of electrical, heating or plumbing installations or fire or health hazards or other dangerous or unsanitary conditions, shall have a right of entry into and upon all buildings and premises, at all reasonable hours and after reasonable advance notice to the owners, tenants or occupants thereof and upon compliance with all applicable provisions of law; and it shall be unlawful for any person to offer any restraint or hindrance to any City officer, employee or agent lawfully seeking entry upon or into any premises or building pursuant to the provisions of this section.

§ 4-4. Salaries and compensation.

City officers and employees for whom no definite compensation is prescribed by this Code shall receive such compensation as may from time to time be fixed by the legislative body.

§ 4-5. Social security.

The provisions of §§ 35 through 45 of Article 73B of the Annotated Code of Maryland, 1957,[4] shall be applicable with respect to all eligible officers and employees of the City; and Ordinance No. 311, passed February 9, 1953, as amended and in effect immediately prior to the effective date of this Code, and all agreements entered into by the City pursuant thereto which are in effect immediately prior to the effective date of this Code are hereby continued in full force and effect.[5]

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4. **Editor's Note: Social security provisions are now covered under the State Personnel and Pensions Article of the Annotated Code of Maryland, § 36-101 et seq.**

5. **Editor's Note: Said ordinance and agreement are available for inspection in the City Clerk's office.**

ARTICLE II
Legislative Body
[Adopted as Ch. 2, Art. II, of the 1972 Code, as amended through 1990]

§ 4-6. Authorization; empowerment; membership; elections; terms; qualifications.

A. Pursuant to the provisions of Section 3 of the City Charter, the government of the City shall be vested in and enforced by a Mayor and Common Council of five members who shall be elected by the inhabitants of the City qualified to vote for delegates to the General Assembly, who have actually resided within the corporate limits of the City and whose names shall appear upon the books of registered voters as provided in Sections 3 to 5, inclusive, of the City Charter and in Chapter 14, Elections, of this Code.

B. The Mayor shall be at least 25 years of age and a payer of taxes of the assessed value of at least $1,000 worth of property subject to municipal taxation; the members of the Common Council shall be at least 21 years of age and payers of taxes upon the assessed value of at least $500 worth of property subject to municipal taxation; and the Mayor shall have resided at least two years and the members of the Council at least one year within the City.

C. The qualified voters of the City shall elect three members of the Common Council on the Tuesday following the second Monday of May 2015, and every four years thereafter, and two members of the Common Council and the Mayor on the Tuesday following the second Monday of May 2013, and every four years thereafter. **[Amended 7-11-2011 by Ord. No. 829]**

§ 4-6.1. Filling Council vacancies. [Added 3-27-1995 by Ord. No. 595]

A. Section 6 of the Charter of the City of Westminster provides for the Council to fill vacancies in its membership. This section implements the provisions of the Charter by establishing a procedure under which vacancies shall be filled.

B. At the meeting when the Council is notified of a vacancy, the Council shall set a date to fill the vacancy.

(1) The vacancy may be filled at a regular or special meeting.

(2) The meeting will be held not less than three weeks nor more than six weeks after the Council is notified of the vacancy.

(3) For purposes of this section, "notification of the vacancy" shall be the announcement of:

(a) A death that occurred or resignation that becomes effective prior to the Council's meeting;

(b) Formal notice of a member's intent to resign, made known to the Council and the public generally; or

(c) The impending elevation of the Council President to Mayor, creating a vacancy on the Council.

C. The City Clerk shall publish a notice of vacancy in at least two newspapers of general circulation in the City providing:

(1) Notice of the impending vacancy.

(2) The Council's intention to fill the vacancy at the announced meeting.

(3) The eligibility requirements for a Council member.

(4) An invitation to qualified residents to apply, in writing, on a form supplied by the City Clerk no later than 10 days before the meeting at which the Council will act.

D. At the meeting at which the Council intends to act, the Clerk will read a list of the qualified applicants for the vacancy.

E. All Council members, including the presiding officer, will then cast their vote for any of the candidates on the Clerk's list. A majority of the Council members voting shall be required to fill a vacancy. If no candidate receives a majority of votes, additional ballots shall be taken until the vacancy is filled, provided that said additional ballots must occur no later than the next meeting.

F. If the vacancy is caused by the elevation of the Council President to Mayor, the Council shall wait to elect a new President until the vacancy is filled.

(1) The President Pro Tem shall preside over the selection of the new Council member and may vote on filling the vacancy.

(2) The new Council member shall take the oath of office as promptly as possible and then participate in the election of a new President.

§ 4-7. Salaries and compensation.

A. The Mayor and members of the Common Council shall receive as full compensation for their respective services the sums provided therefor by ordinance. Changes in the salary of the Mayor and members of the Common Council may be made by ordinance, from time to time, but no ordinance effecting any such change shall become effective until it has been submitted to the electorate of the City at a regular or special municipal election and has been approved by the majority of the qualified voters of the City voting thereon at such election.

B. Salaries of the Mayor and members of the Common Council shall be paid in installments or otherwise, as provided by ordinance or resolution of the legislative body.

C. The salary of the Mayor of the City shall be $5,000 per annum. The salary of the President of the Common Council shall be $1,500 per annum. The salary of the members of the Common Council shall be $1,200 per annum.

D. From and after June 1, 1985, the salary of the Mayor of the City of Westminster shall be $10,000 per annum. From and after June 1, 1985, the salary of the President of the Common Council shall be $3,000 per annum. From and after June 1, 1985, the salary of members of the Common Council shall be $2,400 per annum.

§ 4-8. Limitations.

No member of the legislative body, during the term for which he was elected, shall be eligible for appointment to any other City office for which any salary, emolument or other compensation is provided.

§ 4-9. Meetings.

A. The Mayor and Common Council shall, by motion duly passed and entered in the minutes, fix the date and time of regular meetings of the legislative body.

B. Special meetings may be called at any time by the Mayor or by any two members of the Common Council, upon reasonable notice to all members not joining in the call.

C. At 7:00 p.m. on the third Monday in May of each odd-numbered year or, if such third Monday should fall upon a holiday, then the next succeeding business day, the newly elected and holdover members of the legislative body shall meet for the purpose of organizing the City government. The newly elected members shall file with the City Clerk the prescribed oath of office, and the legislative body shall then elect one of the Council members to the office of President of the Council. It shall then adopt such resolutions as provided in Subsection E of this section as it may consider appropriate, but all such then-existing resolutions not amended or repealed at this meeting shall continue in full force and effect. The legislative body shall then take such action as may be considered appropriate with respect to vacancies in City offices, which by law, the City Charter, this Code or other ordinance are required to be filled by the Mayor and Common Council, provided that such appointments shall be made by the Mayor with the approval of the Common Council. **[Amended 7-14-1997 by Ord. No. 619]**

D. All meetings of the legislative body, whether regular, special or biennial, shall be open to the public at all times; but this shall not be construed to prevent the legislative body from holding executive sessions from which

the public is excluded, but no ordinance, resolution, rule or regulation shall be finally adopted or approved at any such executive session.

E. The legislative body may, from time to time, adopt resolutions not inconsistent with state law, the City Charter or this Code providing for the order of business and rules of procedure at meetings, the appointment of standing and special committees and defining the jurisdiction, powers and duties of such committees and the conduct of its members at meetings; and such resolutions may impose penalties for the violation thereof by members and for unexcused absence from or tardiness in attendance at meetings.

§ 4-10. Minutes.

The City Clerk shall keep a correct, official journal or minutes of all proceedings of the legislative body and shall enter therein, among other items, the yeas and nays upon final action on all ordinances, resolutions and questions or at any other time when the entry of yeas and nays is called for by any member. The City Clerk shall maintain a current file of reports, resolutions, ordinances, orders, proclamations and other acts of the Mayor and Common Council and shall certify to or attest to the correctness thereof when required or directed so to do by law, ordinance, regulation or resolution. He shall perform such other duties as the Mayor and Common Council shall, from time to time, require.

§ 4-11. Attendance of other City officers and employees at meetings.

The legislative body may, by resolution or motion duly passed and entered in the journal, require such City officers and employees as may be specified in such resolution or motion to attend any or all meetings of the legislative body, unless excused.

ARTICLE III
Mayor
[Adopted as Ch. 2, Art. III, Div. 2, of the 1972 Code, as amended through 1990]

§ 4-12. General powers and duties. [Amended 5-31-1991 by Ord. No. 547; 4-26-2006 by Ord. No. 750]

A. The Mayor shall be chief executive officer of the City government and shall be responsible for the enforcement of the City Charter, this Code and other ordinances. The Mayor shall be the immediate supervisor of the City Administrator and the City Attorney and have general supervision over all administrative departments and offices of the City government.

B. The Mayor shall sign all ordinances, charter amendments, resolutions and instruments; shall cause to be prepared annually an audited statement of the finances of the City as of the end of the preceding fiscal year; may call upon any officer of the City entrusted with the receipt and expenditure of public money for a statement of the officer's account; shall advocate plans that address demands for municipal services, enhance the quality of life, and strengthen the economic vitality of the City; shall be the principal representative of the City in official and ceremonial matters; shall develop and maintain intergovernmental relationships so as to ensure that the interests, goals and objectives of the City are fulfilled; shall report to the City Council regularly on the Mayor's activities and on the state of the City, its finances and administrative activities; shall see that the actions of the Common Council are duly and faithfully executed; and shall perform such other executive duties as may be prescribed by this charter or required by the ordinances and resolutions of the Common Council not inconsistent with this section or as may be necessarily implied from the powers and duties herein specified.

Chapter 7

BOARDS AND COMMISSIONS

GENERAL REFERENCES

Administration of government — See Ch. 4.

Officers and employees — See Ch. 29.

Zoning and subdivision of land — See Ch. 164.

ARTICLE I

Recreation and Parks Advisory Board [Adopted as Ch. 2, Art. III, Div. 6, of the 1972 Code, as amended through 1990[6]]

§ 7-1. Creation. [Amended 6-11-2007 by Ord. No. 765]

The Recreation and Parks Advisory Board of the City of Westminster is hereby created and hereinafter referred to in this Article as the "Board."

§ 7-2. Powers and duties. [Amended 1-23-2006 by Ord. No. 741; 6-11-2007 by Ord. No. 765]

A. The Board shall be solely advisory in nature to the Mayor and Common Council unless otherwise specified by this article.

B. The duties of the Board shall be to:

(1) Foster continuing planning for recreation and parks activities in the City.

(2) Review periodically municipal, county, state and federal cooperation in the field of recreation.

(3) Seek a greater degree of coordination in the development of recreational and park opportunities.

(4) Work closely with the Department of Recreation and Parks in planning annual budget requests.

(5) Assist the Mayor and Common Council in carrying out the development of the recreation and parks areas within the City.

(6) Inform the citizens by meetings and through news media of the progress of the Board's work.

C. The Director of Recreation and Parks or his/her designee shall serve as an advisor to the Board in matters relating to operation and maintenance of City-owned or City-based facilities which the Director believes to be the proper subject of the Board's study or recommendation.

D. The Board shall consider and evaluate and make recommendations on any matter relating to immediate and long-range recreational programs or policies, rules and regulations as it deems appropriate, provided that notice is given to the Mayor and Common Council for its review and approval through sanction of the Board's minutes.

E. The Board shall not conduct any public hearing unless specifically authorized to do so by the Mayor and Common Council.

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6. Editor's Note: Subsequent amendments are noted where applicable.

F. The Board shall report periodically to the Mayor and Common Council on the progress of its activities and the results of its consideration of any matters referred to it or otherwise taken up by it along with its recommendation, if any.

G. The Board shall cooperate and work with appropriate recreational officials of both the City and the county, recognizing the responsibility of these officials in the area of programs and activities in the field of recreation; and the Board's efforts in this area should be in cooperation with all other organizations dedicated to the propagation of recreation.

H. The Board shall be charged with the responsibility of evaluating and recommending fees and charges for all those properties, programs and activities supervised or controlled by the Department of Recreation and Parks, and these assessments shall be reviewed no less than annually by the Board.

§ 7-3. Membership. [Amended 1-23-2006 by Ord. No. 741; 6-11-2007 by Ord. No. 765]

A. The Board shall be composed of eight members, namely:

(1) One ex officio member consisting of the Director of Recreation and Parks or his/her designee; such ex officio member shall not have the power to vote;

(2) Six citizen members who shall be appointed by the Mayor and Common Council; and

(3) One Council member appointed by the Mayor and Common Council to serve as a voting member of the Board.

B. The Board may be expanded at any time for whatever reason deemed necessary, but the Board may never contain fewer than seven voting members without a revision of this article. Approval of the increase in voting members will be decided by the Mayor and Common Council.

§ 7-4. Terms; vacancies; removal. [Amended 3-22-1993 by Ord. No. 565; 6-11-2007 by Ord. No. 765]

A. The term of office of the citizen membership shall be for two years and shall run from March 1, except as otherwise provided in Subsection B herein.

B. Upon the occurrence of a vacancy by resignation, etc., of a citizen member, the Mayor and Common Council shall appoint a citizen member to fill the unexpired term.

C. The Mayor and Common Council may, from time to time, designate a different one of its members to serve on the Board.

D. The Mayor and Common Council may, by majority vote of its entire membership, remove a citizen member from the Board.

§ 7-5. Compensation.

The members of the Board shall serve without compensation for their services on the Board.

§ 7-6. Officers; secretary.

A. The officers of the Board shall consist of a Chairperson and Vice Chairperson.

   (1) The Chairperson shall be elected by the members of the Board and will hold such office at the pleasure of the Mayor and Common Council.

   (2) The Vice Chairperson shall be elected by the members of the Board and will hold such office at the pleasure of the Mayor and Common Council.

B. The Board shall have use of a secretary from the City staff to take minutes and maintain records.

§ 7-7. Meetings. [Amended 6-11-2007 by Ord. No. 765]

A. The regular meeting of the Board shall be held on a regular date at a specified time as seen fit by the Board.

B. Special meetings shall be called by the Chairperson of the Board or by the Director of Recreation and Parks whenever either deems it necessary.

§ 7-8. Quorum.

A quorum at any meeting of the Board shall be four voting members.

§ 7-9. Bylaws.

The Board shall adopt, subject to the approval of the Mayor and Common Council, bylaws and amendments thereto relating to its rules of operation and the conduct of its meetings.

§ 7-10. Services and supplies. [Amended 1-23-2006 by Ord. No. 741]

The Director of Recreation and Parks shall obtain for the Board all services and supplies as the Board shall direct within the limits of the Board’s appropriate funds and such other services and funds as shall be authorized by the Mayor and Common Council.

§ 7-11. Records.

The Board shall keep records of its official actions, minutes and reports of the Board. These records shall be retained by the secretary as provided for in § 7-6B.

ARTICLE II
Planning and Zoning Commission
[Adopted as Ch. 2, Art. IV, of the 1972 Code, as amended through 1990]

§ 7-12. Creation; territorial jurisdiction.

There is hereby created a Planning and Zoning Commission, the territorial jurisdiction of which shall extend only over the corporate limits of the City.

§ 7-13. Membership; terms.

The Planning and Zoning Commission shall consist of five members, including one Councilman ex officio member, each to serve for five years or until his successor takes office, except that the term of the Councilman named as ex officio member shall correspond to his official tenure; and except that the respective terms of the members first appointed shall be one, two, three, four and five years, and the following named persons shall constitute such first appointed Commission, to hold office for the term designated from the third Monday in May 1967:

A. Paul R. Niswander: for a term of one year.

B. Andrew M. Dietrich: for a term of two years.

C. H. Kenneth Shook: for a term of three years.

D. LeRoy L. Conaway: for a term of four years.

E. Kenneth M. Ecker: for a term of five years.

§ 7-14. Compensation; removal; eligibility for reappointment.

All members shall serve without compensation and may be removed by the Mayor and Common Council for inefficiency, neglect of duty or malfeasance in office. All shall be eligible for reappointment.

§ 7-15. Officers.

The Planning and Zoning Commission shall elect a Chairman from amongst its appointed members for one year, who shall be eligible for reelection and shall fill such other of its offices as it may determine.

§ 7-16. Staff; finances.

The Planning and Zoning Commission may appoint such employees as it may deem necessary for its work. The Commission may also contract with planners, engineers, architects and other consultants for such services as it may require. The expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the legislative body, who shall provide the funds, equipment and accommodations necessary for the Commission's work.

§ 7-17. Powers and duties.

The Planning and Zoning Commission shall have all the powers, functions and duties as provided in §§ 10 through 37 of Article 66B of the Annotated Code of Maryland (1957 Edition), "Planning, Zoning, Sub-division Control, Buildings in Mapped Streets, General Provisions."[7]

7. **Editor's Note: See now § 3.01 et seq. of Art. 66B of the Annotated Code of Maryland.**

ARTICLE III
Environmental Advisory Board
[Adopted 11-8-1993 by Ord. No. 573]

§ 7-18. Findings, goals and authority.

A. In the face of population growth, urbanization and technological change, with their accompanying demands on natural resources, the City finds that the preservation and the improvement of the quality of the natural environment within the City is of increasing and vital importance to the health, welfare and economic well-being of its present and future inhabitants.

B. The City finds that the biological integrity of the natural environment upon which residents are dependent for survival and the natural beauty of the City's surroundings which condition the quality of life experience cannot be protected without the full cooperation and participation of the inhabitants of the City working in partnership with local and state officials and with various public and private institutions, agencies and organizations.

C. The City finds that the establishment of an Environmental Advisory Board will assist The Mayor and Common Council in its efforts to maintain, preserve and improve the quality of the natural environment so that the public health, safety and welfare are enhanced.

D. Article XI-E of the Maryland Constitution, Article 23A of the Annotated Code of Maryland and the City's Charter authorize the City to enact ordinances for the protection and promotion of the public health, safety, morals and welfare.

§ 7-19. Creation.

The Environmental Advisory Board for the City of Westminster, Maryland, is hereby created and hereinafter referred to in this article as the "Environmental Advisory Board."

§ 7-20. Duties and responsibilities.

A. It shall be the responsibility of the Environmental Advisory Board to study, investigate, counsel, develop, advise and recommend to the Mayor and Common Council with respect to the state of the environment within the City and effectiveness of City programs with respect to environmental quality management.

B. It shall be the responsibility of the Environmental Advisory Board to review and report to the Mayor and Common Council regarding the City's water, wastewater and sewer systems, its solid waste programs, including recyclables, its stormwater management policies and any other information necessary for it to review, recommend and advise

regarding the conservation and improvement of the City's natural resources.

C. It shall be the responsibility of the Environmental Advisory Board to recommend to the Mayor and Common Council a plan for the development of a broad policy designated to guide the City's environmental future and to protect its environmental heritage. The matters covered in said plan may include but not be limited to the following environmental matters: air pollution, water quality, groundwater protection, disposal of solid and hazardous waste, loss of biological resources, conservation of the urban forest, open space preservation, soil erosion, drainage and flooding and the need for coordinated environmental management.

D. It shall be the responsibility of the Environmental Advisory Board to advise the Mayor and Common Council of actions which could be undertaken by the City to improve the quality of its environment and also advise as to any circumstances which may threaten that environment.

E. It shall be the responsibility of the Environmental Advisory Board to report to the Mayor and Common Council on or before the 31st day of December of each and every year. Said report may set forth the duties, tasks and responsibilities performed by the Environmental Advisory Board during the previous year and provide such recommendations and suggestions as the Environmental Advisory Board deems appropriate or necessary. The Environmental Advisory Board may provide such additional reports and recommendations as it deems necessary or appropriate to the Mayor and Common Council.

F. The Environmental Advisory Board shall cooperate with local and state officials, as well as other public and private institutions, agencies and organizations, to achieve the goals set forth in § 7-18.

G. The Environmental Advisory Board shall perform any additional duties and responsibilities which may be assigned to it by resolution of the Mayor and Common Council.

§ 7-21. Membership.

The Environmental Advisory Board shall consist of seven voting members and one nonvoting City staff member.

A. The voting members shall be appointed by the Mayor with the approval of the Common Council, and six voting members shall be residents of the City. **[Amended 8-8-1994 by Ord. No. 592]**

B. The voting members shall be qualified by special interest, knowledge and training in such fields as arborists, architects, biologists, botanists, business management, chemists, ecologists, engineers, environmental scientists, planners and other citizens who are interested in the improvement and preservation of the environment.

C. The nonvoting staff member shall be the Director of Planning or the Director's designee. **[Amended 12-6-2007 by Ord. No. 773]**

§ 7-22. Terms of office; vacancies; removal.

A. The term of the seven persons appointed by the Mayor and approved by the Common Council shall be for four years; except that the terms of two members initially appointed shall be for only one year, the terms of two other members shall initially be appointed for two years, and the terms of two other members initially appointed shall be for three years.

B. In the event that a vacancy shall occur during the term of any member, a successor shall be appointed and approved for the unexpired portion of the term.

C. Members may be removed by the Mayor and Common Council for inefficiency, neglect of duty or malfeasance in office.

§ 7-23. Compensation.

Members of the Environmental Advisory Board shall serve without compensation for their services.

§ 7-24. Officers; proceedings; quorum; bylaws.

A. The officers of the Environmental Advisory Board shall consist of a Chairperson, a Vice Chairperson and a Secretary. These officers shall be initially appointed by the Mayor with the approval by the Common Council and thereafter shall be elected by the members of the Board. They will hold their such offices at the pleasure of the Mayor and Common Council.

B. The Environmental Advisory Board shall adopt its own rules of procedure and bylaws, and its Secretary shall keep a journal of its proceedings, including all official actions, minutes and reports.

C. A quorum at any meeting shall be four voting members.

D. A favorable vote of a majority of the members present and voting at a meeting shall be required for the adoption of any action.

§ 7-25. Services and supplies. [Amended 12-6-2007 by Ord. No. 773]

The Director of Planning or the Director's designees shall obtain for the Board all services and supplies as the Environmental Advisory Board shall direct within the limits of its appropriated funds and such other services and funds as shall be authorized by the Mayor and Common Council.

§ 7-26. Meetings.

A. The regular meeting of the Environmental Advisory Board shall be held on a regular date at a specified time as determined by the Environmental Advisory Board to occur not less than once each quarter.

B. Special meetings shall be called by the Chairperson or Vice Chairperson of the Environmental Advisory Board when either deems it necessary.

Chapter 10

CIVIL EMERGENCIES

§ 10-1. Existence of state of emergency.

For the purposes of this chapter, a state of emergency shall be deemed to exist whenever, during times of great public crisis, disaster, rioting, catastrophe or similar public civil emergency, for any reason, municipal public safety authorities are unable to maintain public order or afford adequate protection for lives or property.

§ 10-2. Public proclamation by Mayor.

A. In the event of an existing or threatened state of emergency endangering the lives, safety, health and welfare of the people within the City or threatening damages to or destruction of property, the Mayor is hereby empowered to issue a public proclamation declaring to all persons the existence of such a state of emergency and, in order to more effectively protect the lives and property of people within the City, to place in effect any or all of the prohibitions and restrictions authorized by this chapter.

B. The Mayor is hereby authorized and empowered to limit by such proclamation the application of all or any part of such prohibitions and restrictions to any area specifically designated or described within the City and to specific hours of the day or night and to exempt from all or any part of such prohibitions and restrictions law enforcement officers, firemen and other public officers and employees, doctors, nurses, employees of hospitals and other medical facilities; on-duty military personnel, whether state or federal; on-duty employees of public utilities, public transportation companies and newspaper, magazine, radio broadcasting and television broadcasting corporations operated for profit; and such other classes or persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health and welfare needs of the people within the City.

§ 10-3. Authorized prohibitions and restrictions.

During the existence of a proclaimed state of emergency, the Mayor may impose, by proclamation, any or all of the following prohibitions and restrictions:

A. Prohibit or regulate the possession on one's own premises of explosives, firearms, ammunition or dangerous weapons of any kind, and prohibit the purchase, sale, transfer or other disposition thereof.

B. Prohibit or regulate the buying or selling of beer, wine or intoxicating beverages of any kind and their possession or consumption off one's own premises.

C. Prohibit or regulate any demonstration, parade, march, vigil or participation therein from taking place on any of the public ways or upon any public property.

D. Prohibit or regulate the sale or use of gasoline, kerosene, naphtha or any other explosive or flammable fluids or substances.

E. Prohibit or regulate travel upon any public street or upon any other public property, except by those in search of medical assistance, food or other commodity or service necessary to sustain the well-being of themselves or their families or some member thereof.

F. Prohibit or regulate the participation in or carrying on of any business activity, and prohibit or regulate the keeping open of places of business, places of entertainment and other places of public assembly.

G. Establish hours during which a curfew shall be in effect.

§ 10-4. Extension, alteration and rescission of proclamation.

Any proclamation of emergency promulgated pursuant to this chapter may be extended, altered or rescinded in any particular during the continued or threatened existence of a state of emergency by the issuance of a subsequent proclamation.

§ 10-5. Compliance required.

During the existence of a proclaimed state of emergency, it shall be unlawful for any person to violate any provision of any prohibition or restriction imposed by any proclamation authorized by this chapter.

§ 10-6. Request for state forces; martial law.

If, in the sound discretion of the Mayor, it shall appear that the emergency is or that the threatened emergency is likely to be of such proportions that the means available to the City to maintain law and order within the police jurisdiction of the City are insufficient for such purpose, the Mayor shall, promptly and by the most expeditious means of communication, inform the Governor of the situation and request that the necessary police or military forces of the state be provided promptly; and if, during an actual state of emergency the Mayor shall find that the civil courts within the police jurisdiction of the City are unable to perform their lawful duties and that by reason of widespread lawlessness writs and other process cannot be served or executed, the Mayor shall inform the Governor of his findings and may recommend to him that a state of martial law be proclaimed within the police jurisdiction of the City.

§ 10-7. End of emergency period.

The Mayor shall proclaim the end of such state of emergency or all or any part of the prohibitions and restrictions imposed as soon as circumstances warrant or when directed to do so by the Common Council.

Chapter 14

ELECTIONS

GENERAL REFERENCES

Elections — See §§ 3 through 6 of the City Charter.

Fees — See Ch. A175.

§ 14-1. Declarations of candidacy. [Amended 1-22-2007 by Ord. No. 757]

A. Nominations for the offices of Mayor and member of the Common Council which are filled pursuant to the provisions of Section 3 of the City Charter shall be made as follows: Each candidate for election shall file a declaration of intention of candidacy and shall meet the requirements as set forth in Section 3 of the City Charter as to qualifications.

B. Declarations of intention of candidacy shall be filed under oath with the City Clerk, acting for the Judges of Election of the City, not later than 5:00 p.m. on the Monday which is two weeks or 14 days before the day of the town meeting called for the purpose of nominating candidates for election for offices of Mayor and member of the Common Council, and if this date should occur on a legal holiday, the declarations must be received and filed not later than 5:00 p.m. on the next regular business day which is not a legal holiday.

§ 14-2. Filing fees. [Amended 1-22-2007 by Ord. No. 757; 11-24-2008 by Ord. No. 791

A. Each candidate for nomination for Mayor and member of the Common Council shall pay a filing fee as provided in the General Fee Ordinance.[8] All such payments shall be made to the City Clerk and shall accompany the declaration. These sums shall be retained by the City, and in the event that any candidate who has paid a filing fee shall withdraw his or her declaration of intention of candidacy by 11:00 a.m. 10 days prior to the day of the election or in the event that the name of any candidate who has paid a filing fee shall not appear on the official ballot by reason of death, the candidate's estate shall be entitled to a return of such filing fee.

B. Waiver of filing fee.

(1) A candidate may petition for a waiver of the filing fee in accordance with this subsection.

8. Editor's Note: See Ch. A175, Fees, Art. I, General Fees.

(2) The filing fee required by this section shall be waived if the candidate establishes inability to pay the fee.

(3) A candidate may demonstrate inability to pay the filing fee by attaching to the declaration of intention of candidacy when it is filed a sworn statement on the form prescribed by the Clerk of inability to pay which sets forth:

(a) The nature, extent, and liquidity of the candidate’s assets; and

(b) The candidate’s disposable net income.

(4) At his/her discretion and in order to conduct any investigation of the petition for waiver, the Clerk may request that the candidate provide additional information concerning the candidate’s financial status.

(5) If the Clerk determines that the candidate is unable to pay the required filing fee, the Clerk shall waive the fee.

§ 14-2.1. Campaign finances. [Added 11-8-1993 by Ord. No. 583]

A. Findings and authority. The City finds that requiring candidates for election to City office to provide campaign finance information will promote and enhance the integrity of the election process. The City finds that the campaign finance requirements contained herein will promote the health, safety and general welfare of the City's residents. Article XI-E of the Maryland Constitution, Article 23A of the Annotated Code of Maryland and the City's Charter authorize the City to enact ordinances for the protection and promotion of public safety, health, morals and welfare, including but not limited to matters relating to elections.

B. Definitions. As used in this section, the following terms shall have the meanings indicated: **[Amended 1-22-2007 by Ord. No. 757]**

CAMPAIGN STATEMENT — An itemized report, made according to a form prescribed and supplied by the City Clerk, which, when completed and filed, provides the information required in Subsections C and E.

CANDIDATE — Any individual who files a certificate of candidacy for any elected City office.

CLERK OF THE ELECTION — City Clerk.

CONTRIBUTION — The gift, transfer or promise of a gift or transfer of money or other thing of value to any candidate. The term "contribution" includes the purchase of tickets for events such as dinners, luncheons, rallies and similar fund-raising events, the granting to the candidate of discounts or rebates not available to the general public and payment for the services of any persons serving on behalf of a candidate who are not volunteers.

CONTRIBUTOR — Any person who makes a contribution.

ELECTION — Any general or special election held for any elected City office.

EXPENDITURE — A payment, pledge or promise of payment of money or anything of value or other obligation, whether or not legally enforceable, for goods, materials, services or facilities in aid of or in opposition to the election of one or more candidates.

PERSON — Any individual, partnership, corporation, association, firm, committee, club or other organization or group of persons, however organized.

C. Record of contributions and expenditures.

(1) A candidate shall keep a true and full record of all contributions and expenditures.

(2) The record shall include:

(a) The full name and complete mailing address of every contributor who makes a contribution or contributions which together exceeds $50.

(b) The amount and form of every contribution.

(c) A full record of all disbursements, including the names and addresses of every recipient thereof.

(3) Records kept by the candidate shall be preserved for at least one year after the dates of the election for which the accounts were required. A candidate shall produce those records for examination upon the written request of the City Clerk or the Judges of Elections.

D. Campaign statement filing.

(1) Each candidate shall file a campaign statement during each of the following periods:

(a) From the 25th to 20th day preceding an election in which the candidate is seeking election to an office.

(b) From the 10th to 7th day preceding such election.

(c) Within 35 days following such election or not later than the day preceding the day upon which the candidate takes office, whichever occurs first.

(2) Campaign statements shall be filed with the City Clerk during regular business hours and shall be made available to the public. Upon a showing of practical hardship, the City Clerk may extend the time for filing a campaign statement for up to three days; however, only one extension may be granted for each statement that is required.

E. Campaign statement contents. **[Amended 1-22-2007 by Ord. No. 757]**

(1) Each campaign statement filed pursuant to Subsection D shall contain the following information:

(a) The cumulative total amount of all contributions and expenditures received by the candidate during the calendar year in which the election was held, as well as for the prior calendar year.

(b) The full name and mailing address of any person from whom a contribution or contributions which together exceeds $50 was received and the amount received from that contributor.

(c) A candidate shall verify, in writing, under penalty of perjury, that the candidate has read the campaign statement and that it is true and complete, as far as the candidate knows.

(2) Where goods, materials, services, facilities or anything of value other than money is contributed or expended, the monetary value thereof shall be the fair market value.

(3) Loans of money, property or other things made to a candidate or committee during the period covered by the campaign statement shall be reported separately in the statement with the following information:

(a) The total of all loans received during the period covered by the campaign statement.

(b) For loans of $50 or more in value, the full name and address of each lender, the date of the loan, the interest rate and the amount of the loan remaining unpaid.

(c) The cumulative total value of all loans received.

(d) The total amount of loans remaining unpaid.

(4) If a loan has been forgiven or paid by a third person, it shall be reported.

F. Limitations on campaign contributions. No anonymous contribution shall be accepted by a candidate. Any anonymous contribution shall be given by the candidate to the City Clerk for deposit into the treasury of the City of Westminster.

G. Exceptions to campaign statement. A candidate shall not be required to file a campaign statement if neither the contributions received nor the expenditures made on behalf of the campaign exceeds $50. However, between the 25th and the 20th day preceding the election, and again between the 10th and 7th day preceding the election, such a candidate

shall file a written, notarized declaration attesting that neither contributions nor expenditures of the candidate have exceeded $50.

H. Duties of the City Clerk. The City Clerk shall have the following duties:

(1) Supply appropriate forms for campaign statements to all candidates.

(2) Furnish written instructions explaining the duties of candidates under the provisions of this section, including closing and filing dates for all campaign statements.

(3) Examine all campaign statements filed in the Clerk's office pursuant to this section and check for irregularities that do not meet the requirements of this section. Acceptance of the statement by the City Clerk shall not constitute approval of said statement.

(4) Notify promptly all persons known to have failed to file a statement in the form or at the time required.

(5) Refer all irregularities or failures to file required statements to the Judges of Election for subsequent action.

(6) Maintain a current list of all campaign statements on file in the City Clerk's office.

(7) Make available for public inspection, commencing as soon as practicable, filed campaign statements and preserve each campaign statement for each one year from the date upon which it was required to be filed.

I. Duties of Election Judges. In addition to other duties designated in this chapter and by the City's Charter, the Election Judges shall determine whether the required campaign statements have been properly filed and make a public report to the Mayor and Common Council within 40 days after such election, including but not limited to violations of this section.

J. Effect of nonfiling or late filing. The City Clerk shall not issue any certificate of election to any candidate until the candidate's campaign statements required by Subsection D or, if no campaign statement is required, the written declaration of exemption required under Subsection G has been filed in the form and at the place required.

K. Violations and penalties. In addition to all of the remedies provided by law, any nonfiling of the required campaign statement or any intentional filing of a false statement by a candidate shall be punished as a municipal infraction. The penalty for violation shall be a fine of $400 for each offense. Additionally, the City may institute any appropriate action or proceedings to prevent any violation of this section.

§ 14-3. Lack of declared candidates.

In case of any vacancy which may exist in respect to a declared candidate for the office of Mayor or member of the Common Council, the town meeting called by the Mayor pursuant to this section shall choose a qualified candidate who will consent to nomination for such office.

A. Candidates for the offices of Mayor and member of the Common Council shall be nominated at a town meeting called by the Mayor for such purpose, to be held on the Monday which precedes by 14 days the second Monday in May of each odd-numbered year, provided that if the Monday which precedes by 14 days the second Monday in May is a legal holiday, then the next following regular business day shall be the date for such town meeting.

B. The Mayor shall determine the place and hours for the holding of such town meeting and shall give notice thereof to the public during the period beginning March 15 and ending March 22 by publication in the newspapers published in the City and by such other means as he may elect. Such notice shall state the offices to be filled at the ensuing general City election; the deadline date for the filing of declarations of intention of candidacy and the deposit of filing fees with the City Clerk; the place, date and hours of the town meeting for the nomination of candidates and who is eligible to vote at such meeting; and the place, date and hours of the general City election.

C. The presiding officer at such town meeting shall be a Chairman, who shall be elected by those in attendance who are qualified to vote at the ensuing City election, and all such qualified voters who are present shall be entitled to vote for the nomination of candidates at the meeting. The Chief of Police shall designate two police officers of the City to attend such meeting as Sergeants at Arms to preserve order and decorum.

D. Nominations for the offices of Mayor and member of the Common Council, respectively, shall be made only from among those qualified persons who have duly filed declarations of intention of candidacy and have made timely deposit of the required filing fee, except as provided in this section.

§ 14-4. Election date, time and place; notice. [Amended 6-22-1992 by Ord. No. 550; 7-11-2011 by Ord. No. 829]

Regular City elections shall be held on odd-numbered years on the Tuesday following the second Monday in May between the hours of 7:00 a.m. and 8:00 p.m. at such place or places as shall be designated by the Mayor and Common Council, and notice thereof shall be given as provided in § 14-3B.

§ 14-4.1. Establishment of precincts. [Added 6-22-1992 by Ord. No. 550]

A. In the event that the Mayor and Common Council designates more than one polling place for City elections, the Mayor and Common Council, by resolution, shall subdivide the City into two or more precincts as is deemed expedient for the convenience of the voters. Said precincts shall be established utilizing a written description and a map of their boundaries.

B. Whenever the City is subdivided into two or more precincts as provided in Subsection A, the City Clerk shall provide for and cause to be prepared such additional sets of cards or loose-leaf pages or other forms as may be required for transcribing the names of registered voters transferred to such newly established precinct or polling place and to correct and transfer the registration forms or cards of the registered voters affected thereby.

C. Whenever the City is subdivided into two or more precincts as provided in Subsection A, the City Clerk shall notify or cause to be notified the voters affected by the establishment of precincts by mail within 30 days after such change. A voter's registration may not be invalidated by the establishment of precincts, nor shall the right of any voter be prejudiced by any error in filing or in making out the list of voters and the assignment of said voters to a precinct.

§ 14-5. Judges of Election. [Amended 3-25-1991 by Ord. No. 538; 6-22-1992 by Ord. No. 550]

For each regular and special City election, the Mayor shall designate at least three citizens of the City for each polling place who are qualified and legal voters thereof to serve as Judges, at least 10 days before such election, and shall direct the City Clerk to issue to them a commission authorizing them to conduct such election in the manner herein set forth and requiring a statement of the results thereof to be made and returned by them to the Mayor and Common Council, to which commission shall be annexed an oath, to be taken by the Judges before a person duly authorized to administer oaths, that they will faithfully and honestly discharge the duties of the Judges of Election and shall permit all persons to vote who, in their judgment, shall be qualified according to the law and ordinances and will in all things execute the office of Judges of Election to the best of their knowledge and ability and without favor or partiality.

§ 14-6. Clerk of Election. [Amended 1-22-2007 by Ord. No. 757]

The City Clerk's duty shall be to keep the poll books or lists containing a column headed "Number" and another headed "Names of voters"; all entries therein shall be made in ink, and the name of each person who shall vote shall be entered on each of the poll books by the Clerk having charge thereof, the number of such voter being placed opposite his name in the column headed "Number."

§ 14-7. Ballot box.

As soon as the Judges of Election shall open the polls and immediately before any votes are received by them, they shall examine the ballot box and see that it is empty; and it shall then be locked and the key delivered to one of the Judges and shall not again be opened until the closing of the polls at such election.

§ 14-8. Qualifications of voters.

Each person qualified to vote for delegates to the General Assembly of Maryland and who has resided within the City not less than six months preceding the election and whose name appears upon the books of registered voters as provided in Section 5 of the City Charter shall be entitled to cast one ballot.

§ 14-9. Counting of votes. [Amended 1-22-2007 by Ord. No. 757]

At the hour designated for the closing of the polls, the Judges of Election shall refuse to receive any additional votes and proceed forthwith to canvass the votes cast, which canvass shall not be adjourned or postponed until it shall have been fully completed. Any candidate or challenger for such candidate shall have the right to be present and so near that they can see the Judges and Clerk are faithfully performing their duties.

§ 14-10. Tallying of votes.

When the canvass of the votes shall have been completed, the Clerk shall announce to the Judges the total number of votes received by each candidate and the number for and the number against any proposition that shall be put to the vote of the people; and the Judges shall announce and declare the name of the successful candidate for any office and the success or failure of any proposition submitted to the voters, and such proclamation shall be prima facie evidence of the canvass of such ballots and the results of such election.

§ 14-11. Return statement.

Following their announcement of the results of the election, the Judges of Election shall then forthwith proceed to make up a statement of the results of the election, which statement shall contain the total number of ballots in the ballot box and the number of votes found therein for each and every candidate, designating the office for which they are given. Such statement shall be written or partly written and partly printed, and in case any proposition has been submitted to vote at such election, such statement shall show all votes cast for or against such proposition, and at the end of such statement shall be written a certificate that the same is correct in all respects, which certificate and statement or return shall be subscribed by the Judges and Clerk of Election and returned to the Mayor and Common Council, together with the tally sheets, poll books or lists and the ballots

cast at such election and all papers showing the qualification of such Judges and Clerks.

§ 14-12. Notice to successful candidate.

Immediately following the return of election results to the Mayor and Common Council, the Judges and Clerk of Election shall sign a notice directed to the persons who have been by them declared elected to the office of Mayor or Common Council, informing them of their election, which notice shall be mailed or personally delivered to the successful candidates.

§ 14-13. Time limit for retaining ballots; destruction.

The ballots returned to the Mayor and Common Council shall be by them retained for a period of 60 days, securely sealed, and shall not be opened or examined unless under order of court in a contest relating to such election, and such ballots shall, after the expiration of 60 days, be destroyed.

§ 14-14. Elections called by voters.

If notice of any election shall not be given as required by this chapter or if the Judges of Election shall not be appointed or refuse to act, five or more voters of the City may call an election by notice set up in the most public places in the City, not less than one week previous to such election, therein naming the time and place of holding such election and naming three Judges thereof, who or any two of whom may hold such election and have the same powers in respect thereto as Judges appointed by the Mayor.

§ 14-15. Use of voting machines.

The Judges of Election, in their discretion, may provide for the use of voting machines.

§ 14-16. Prohibited acts.

A. If at any City election any person shall falsely personate any voter or other person and shall attempt to vote in the name of such persons, whether living or dead, or shall knowingly, willfully or fraudulently vote more than once upon any question or for any candidate or candidates for the same office or interfere with or attempt to hinder any qualified voter from executing his right to vote or shall interfere with any Judge or Clerk of Election in performing his duties, he shall, upon conviction thereof, be punished as provided in § 1-18A of this Code.

B. Any Judge or Clerk of Election who shall make, sign or publish any false tally of a City election or any false statement of the result of such election, knowing the same to be false, or who shall willfully exclude any vote tendered, knowing the person offering the same is entitled to vote at such election, or who shall willfully receive a vote from any person whom he knows has no right to vote shall, upon conviction thereof, be punished as provided in § 1-18A of this Code.

§ 14-17. Expenses.

All expenses connected with the conduct of City elections, including the compensation of the Judges and the Clerks serving thereat, shall be paid out of the general funds of the City.

§ 14-18. Effect of State Election Law.

Any matter relating to elections which is not provided for in the City Charter or this Code or another ordinance shall be in conformity, as nearly as may be practicable, with the general election laws of the state,[9] as determined by resolution of the legislative body or by the Mayor if there is insufficient time in which to present such matter to the legislative body.

Chapter 16

ETHICS, CODE OF

GENERAL REFERENCES

Administration of government — See Ch. 4. **Officers and employees — See Ch. 29.**

Boards and commissions — See Ch. 7.

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§ 16-1. Applicability.

The provisions of this chapter apply to all City employees, to appointees to those boards and commissions identified in § 16-6, to City elected officials and, with respect to the disclosure statements required by § 16-5, to candidates for City elective office.

§ 16-2. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings indicated:

BUSINESS or BUSINESS ENTITY — A commercial endeavor, regardless of form, whether or not operated for profit, other than a governmental entity.

COMMISSION — The City Ethics Commission established under § 16-3 of this chapter.

DOING BUSINESS WITH THE CITY — Having or negotiating a contract with the City that involves the commitment, either in a single transaction or a combination of transactions, during the five-year period immediately preceding the filing, of $5,000 or more of City-controlled funds.

ELECTED OFFICIAL — Any individual who holds an elective office of the City.

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9. Editor's Note: See Art. 33 of the Annotated Code of Maryland.

GIFT — A monetary donation, other than a campaign contribution, or other item of more than nominal value received by an official or employee for his or her personal use or for the use of a family member of the official or employee, whether or not the official or employee disposes of the item at any time after receipt but does not include items received or solicited by an official or employee for use by or benefit of the City and that are delivered to the custody of the City Manager directly by the donor or transferred to the custody of the City Manager by the employee or official within seven days of receipt.

IMMEDIATE FAMILY — Spouse and dependent children.

INTEREST —

A. Ownership of:

(1) Any share or portion of real property;

(2) Ownership of securities of any kind representing more than 3% of a publicly traded corporation;

(3) A legal or equitable interest in a business entity other than a publicly traded corporation as a result of which the owner has received within the past three years, is presently receiving, or in the future is entitled to receive, more than $1,000 per year.

B. Interest does not include:

(1) An interest held in the capacity of agent, custodian, fiduciary, personal representative, or trustee, unless the holder has an equitable interest in the subject matter;

(2) An interest in a time or demand deposit in a financial institution;

(3) An interest in an insurance policy, endowment policy, or annuity contract by which an insurer promises to pay a fixed amount of money in a lump sum or periodically for life or a specified period;

(4) A common trust fund or a trust that forms part of a pension or a profit-sharing plan that:

(a) Has more than 25 participants; and

(b) Is determined by the Internal Revenue Service to be a qualified trust or college savings plan under the Internal Revenue Code.

LOBBYIST — Any person who communicates with a City official in the presence of such official for the purpose of influencing any official action of that official or engages in activities with the express purpose of soliciting others to communicate with a City official with the intent to influence an offical action of that official, and is required to register and report expenses related thereto under § 16-7 of this chapter.

NOMINAL VALUE — Having a fair market value of less than $20.

OFFICIAL or OFFICIALS — The Mayor, the members of the Common Council, the City Administrator, City Clerk, the Director of Planning, the Director of Public Works, the Director of Recreation and Parks, the Director of Finance, and the Chief of Police, members of the Planning and Zoning Commission, members of the Board of Zoning Appeals, and members of the City Ethics Commission.

QUALIFIED RELATIVE — A spouse, parent, child, or sibling.

§ 16-3. Ethics Commission.

A. There shall be a City Ethics Commission that shall consist of three members and one alternate member appointed by the Mayor and confirmed by the Common Council. The members of the Commission shall not be employed by the City or hold any position with a board or commission of the City. The Mayor and Common Council may approve a temporary leave of absence for any member of the Ethics Commission, provided that such leave of absence does not extend for a period of time greater than nine months. The alternate member may participate in any action of the Commission to the same extent as a regular member when any regular member is unavailable for any reason, including any temporary leave of absence taken by a regular member. **[Amended 7-13-2015 by Ord. No. 855]**

B. The term of office shall be for five years, or until a member's successor is appointed, whichever later occurs.

C. The Commission shall be advised by the City Attorney or such other counsel as may be designated by the Mayor and Common Council from time to time, and shall be assisted by the City Clerk or such other staff person as the City Administrator shall designate from time to time.

D. The Commission shall have the following responsibilities:

(1) To devise, receive and maintain all forms required by this chapter.

(2) To develop procedures and policies for advisory opinion requests and to provide advisory opinions to persons subject to this chapter as to the applicability of the provisions of this chapter to them.

(3) To develop procedures and policies for processing complaints and to make appropriate determinations as to complaints filed by any person alleging a violation of this chapter.

(4) To certify to the State Ethics Commission on or before October 1 of each year that the City is in compliance with the requirements of Annotated Code of Maryland, General Provisions, Title 5, Subtitle 6, with respect to elected officials.

(5) To consider whether proposed changes to this chapter that are forwarded to the Commission for its review are in compliance with the requirements of Maryland Code Ann., Gen. Provs., Title 5, and

to forward any recommended changes and amendments to the Common Council for its consideration.

E. In the event that a complaint is lodged against any member of the Commission, that member shall be disqualified from participating in any Commission proceedings regarding the complaint against said member. A replacement member shall be appointed by the remaining members to serve on the Commission for the sole purpose of participating in proceedings relating to the complaint. The appointment of a replacement member shall not be effective until the appointment is approved by the Common Council.

F. The Commission may request that the Mayor and Common Council appoint an individual not connected with the City investigate any complaint lodged against a commission member.

§ 16-4. Conflicts of interest.

A. Participation restrictions.

(1) Except as permitted by an opinion of the Commission, City elected officials, officials appointed to those City boards and Commissions identified in § 16-2 and employees of the City shall not:

(a) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision of the matter, participate in any matter in which, to the knowledge of the official or employee, the official or employee, or a qualified relative of the official or employee has an interest.

(b) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision with respect to the matter, participate in any matter in which any of the following is a party:

[1] A business entity in which the official or employee has a direct financial interest of which the official or employee may reasonably be expected to know;

[2] A business entity for which the official, employee, or a qualified relative of the official or employee is an officer, director, trustee, partner, or employee;

[3] A business entity with which the official or employee or, to the knowledge of the official or employee, a qualified relative is negotiating employment or has any arrangement concerning prospective employment.

[4] If the contract reasonably could be expected to result in a conflict between the private interests of the official or employee and the official duties of the official or employee, a business entity that is a party to an existing contract

with the official or employee, or which, to the knowledge of the official or employee, is a party to a contract with a qualified relative;

[5] An entity doing business with the City in which a direct financial interest is owned by another entity in which the official or employee has a direct financial interest, if the official or employee may be reasonably expected to know of both direct financial interests; or

[6] A business entity that:

[a] The official or employee knows is a creditor or obligee of the official or employee or a qualified relative of the official or employee with respect to a thing of economic value; and

[b] As a creditor or obligee, is in a position to directly and substantially affect the interest of the official or employee or a qualified relative of the official or employee.

(2) A person who is disqualified from participating under Subsection A(1) of this section shall disclose the nature and circumstances of the conflict and may participate or act if:

(a) The disqualification leaves a body with less than a quorum capable of acting;

(b) The disqualified official or employee is required by law to act; or

(c) The disqualified official or employee is the only person authorized to act.

(3) The prohibitions of Subsection A(1) of this section do not apply if participation is allowed by regulation or opinion of the Commission.

(4) The prohibitions set forth in this subsection do not apply to:

(a) Subject to other provisions of law, a member of a board or Commission in regard to a financial interest or employment held at the time of appointment, provided the financial interest or employment is publicly disclosed to the appointing authority and the Commission;

(b) An official or employee whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest, as permitted by and in accordance with regulations adopted by the Commission; or

(c) Employment or financial interests allowed by regulation of the Commission if the employment does not create a conflict of interest or the appearance of a conflict of interest or the financial interest is disclosed.

B. Employment and financial interest restrictions.

(1) Except as permitted by regulation of the Commission when the interest is disclosed or when the employment does not create a conflict of interest or appearance of conflict, an official or employee may not:

(a) Be employed by or have a financial interest in any entity that is doing business with the City; or

(b) Hold any other employment relationship that would impair the impartiality or independence of judgment of the official or employee.

C. Post-employment limitations and restrictions.

(1) A former official or employee may not assist or represent any party other than the City for compensation in a case, contract, or other specific matter involving the City if that matter is one in which the former official or employee significantly participated as an official or employee.

(2) Within one year following termination of City service, a former City elected official may not assist or represent another party for compensation in a matter that is the subject of legislative action.

D. Contingent compensation. Except in a judicial or quasi-judicial proceeding, an official or employee may not assist or represent a party for contingent compensation in any matter before or involving the City.

E. Use of prestige of office.

(1) An official or employee may not intentionally use the prestige of office or public position for the private gain of that official or employee or the private gain of another.

(2) This subsection does not prohibit the performance of usual and customary constituent services by an elected local official without additional compensation. For purposes of this subsection, the term "usual and customary constituent services" shall include but not be limited to boosterism or other activities in support of a business entity that is located in or near the City or contributes significantly to the economic well-being of the City, so long as neither the elected official, a qualified relative of the elected official, a business in which the elected official or a qualified relative of the official has an interest, nor a third party with any affiliation to the business entity that is the subject of the constituent services, receives any tangible or quantifiable personal gain or benefit from or in

connection with the transaction, other than items that are permitted by Subsection F(5) of this section.

F. Solicitation and acceptance of gifts.

(1) An official or employee may not solicit any gift for himself or herself or for another person.

(2) An official or employee may not facilitate the solicitation of a gift, on behalf of another person, from a lobbyist.

(3) An official or employee may not knowingly accept a gift, directly or indirectly, from a person that the official or employee knows or has reason to know:

(a) Is doing business with or seeking to do business with the City;

(b) Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the official duties of the official or employee;

(c) Is engaged in an activity regulated or controlled by the City; or

(d) Is a lobbyist.

(4) Subsection F(5) of this section does not apply to a gift:

(a) That would tend to impair the impartiality and the independence of judgment of the official or employee receiving the gift;

(b) Of significant value that would give the appearance of impairing the impartiality and independence of judgment of the official or employee; or

(c) Of significant value that the recipient official or employee believes or has reason to believe is designed to impair the impartiality and independence of judgment of the official or employee.

(5) Notwithstanding Subsection F(3) of this section, an official or employee may accept the following:

(a) Meals and beverages consumed in the presence of the donor or sponsoring entity;

(b) Ceremonial gifts or awards that have insignificant monetary value;

(c) Unsolicited gifts of nominal value or informational items;

(d) Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official or the employee at a meeting

that is given in return for the participation of the official or employee in a panel or speaking engagement at the meeting;

(e) Gifts of tickets or free admission extended to an elected local official to attend a charitable, cultural, or political event, if the purpose of this gift or admission is a courtesy or ceremony extended to the elected official's office;

(f) A specific gift or class of gifts that the Commission exempts from the operation of this subsection upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the City and that the gift is purely personal and private in nature;

(g) Gifts from a person related to the official or employee by blood or marriage, or any other individual who is a member of the household of the official or employee; or

(h) Honoraria for speaking to or participating in a meeting, provided that the offering of the honorarium is not related in any way to the official's or employee's official position.

G. Disclosure of confidential information. Other than in the discharge of official duties, an official or employee may not disclose or use confidential information that the official or employee acquired by reason of the official's or employee's public position and that is not available to the public, for the economic benefit of the official or employee or that of another person.

H. Participation in procurement.

(1) A person who assists the City in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement, or a business entity or person that employs another person who does so, may not submit a bid or proposal for that procurement or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for the procurement.

(2) The Commission may establish exemptions from the requirements of this section for providing descriptive literature, sole source procurements, and written comments solicited by the City.

§ 16-5. Financial disclosure: City elected officials and candidates for City elective office.

A. Financial disclosure statement required.

(1) Except as provided in Subsection B of this section, a City elected official or a candidate for City elective office shall file with the City Clerk a financial disclosure statement on a form provided by the Commission, under oath or affirmation. The City Clerk shall promptly transmit each statement to the Commission for review.

(2) Deadlines for filing statements.

(a) An incumbent City elected official shall file a financial disclosure statement annually no later than the close of business on January 15 of each year for the preceding calendar year, except that if January 15 falls on day on which City offices are closed, the statement shall be filed by the close of business on the next regular business day, except that in calendar year 2015, an incumbent shall file a financial disclosure statement on or before the close of business on April 13.

(b) An individual who is appointed to fill a vacancy in a City elective office and who has not already filed a financial disclosure statement shall file a statement for the preceding calendar year within 30 days after appointment.

(c) An individual who leaves an office for which a statement is required hereunder shall file a statement within 60 days after leaving the office. The period covered by the statement shall include:

[1] The calendar year immediately preceding the year in which the individual left office, unless a statement covering that year has already been filed by the individual; and

[2] The portion of the current calendar year during which the individual held the office.

B. Candidates to be local elected officials.

(1) Except for an official who has filed a financial disclosure statement under another provision of this section for the reporting period, a candidate for City elective office shall file a financial disclosure statement each year beginning with the year in which the certificate of candidacy is filed and continuing through the year of the election.

(2) A candidate for City elective office shall file a statement required under this section:

(a) In the year in which the certificate of nomination is filed, at the time of filing of the certificate of nomination;

(b) If the election for which a certificate of nomination is filed occurs in a year following the year in which the certificate has been filed, on or before the deadline for filing certificates of nomination.

(3) If a candidate fails to file a statement required by this section on or before the deadline for filing certificates of nomination, the City Clerk shall send a notice to the candidate within one week of the deadline advising the candidate that his or her candidacy will be

deemed to be withdrawn if the required statement is not filed by the close of business on the Monday that is 15 days before the election.

(4) The City Clerk may not accept any certificate of nomination unless it is accompanied by a statement in proper form.

C. Public record.

(1) Following review of a financial disclosure statement by the Commission, the City Clerk shall maintain all such statements.

(2) Financial disclosure statements shall be made available in the office of the City Clerk during normal office hours for examination and copying by the public subject to reasonable fees and administrative procedures established by the Commission.

(3) If an individual examines or copies a financial disclosure statement, the City Clerk shall record:

(a) The name and home address of the individual reviewing or copying the statement; and

(b) The name of the person whose financial disclosure statement was examined or copied.

(4) Upon request by the official or employee whose financial disclosure statement was examined or copied, the City Clerk shall provide the official with a copy of the name and home address of the person who reviewed the official's financial disclosure statement.

D. Retention requirements. The City Clerk shall retain financial disclosure statements for four years from the date of receipt.

E. Contents of statement.

(1) Interests in real property.

(a) A statement filed under this section shall include a schedule of all interests in real property located in the City or located elsewhere if acquired from or in conjunction with a person or entity that is regulated by the City or does business with the City or has done business with the City during the preceding five years.

(b) For each interest in real property, the schedule shall state:

[1] The location by street address, mailing address, or legal description of the property;

[2] Whether the property is used for residential or commetical purposes;

[3] Whether the property is held solely by the individual reporting and, if not, the extent of the reporting person's interest in the property;

[4] Whether there are any encumbrances on the interest and, if so, a description of each such encumbrance;

[5] The date on which the interest was acquired;

[6] The identity of the person from whom the interest was acquired;

[7] The nature and amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired;

[8] If any interest was transferred, in whole or in part, at any time during the reporting period, the nature of the interest transferred, the identity of the person to whom the interest was transferred, and if the transferee is a person or business entity that is regulated by or is doing business with the City or has done business with the City in the preceding five years, the amount of the consideration received for the interest (including the value of any nonmonetary consideration received); and

[9] The identity of any other person or entity with an interest in the property and the extent of such interest, if such person or business entity is regulated by or is doing business with the City or has done business with the City in the preceding five years.

(2) Interests in business entities.

(a) A statement filed under this section shall include a schedule of any interest in any business entity that is regulated by the City or doing business with the City or has done business with the City in the preceding five years.

(b) For each interest reported under this subsection, the schedule shall include:

[1] The name and address of the principal office of the business entity;

[2] The nature and amount of the interest held, including any conditions and encumbrances on the interest;

[3] If any interest was transferred, in whole or in part, at any time during the reporting period, the nature of the interest transferred, the identity of the person to whom the interest was transferred, and if the transferee is a person

or business entity that is regulated by or is doing business with the City or has done business with the City in the preceding five years, the amount of the consideration received for the interest (including the value of any nonmonetary consideration received); and

[4] With respect to any interest acquired during the reporting period:

[a] The date on which the interest was acquired and the identity of the person or business entity from whom the interest was acquired; and

[b] The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.

(c) An individual may satisfy the requirement to report the amount of the interest held under Subsection E(2)(b)[2] of this section by reporting, instead of a dollar amount:

[1] For an equity interest in a corporation, the number of shares held and, unless the corporation's stock is publicly traded, the percentage of equity interest held; or

[2] For an equity interest in a partnership, the percentage of equity interest held.

(d) Interests in mutual funds may be excluded from the disclosure of interests in business entities otherwise required by this subsection.

(3) Gifts.

(a) A statement filed under this section shall include a schedule of each gift in excess of $20 in value or a series of gifts totaling $100 or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with or is regulated by the City.

(b) For each gift reported, the schedule shall include:

[1] A description of the nature and value of the gift; and

[2] The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.

(4) Employment by entities doing business with City.

(a) A statement filed under this section shall include a schedule of all offices, directorships, and salaried employment by the individual or member of the immediate family of the individual

held at any time during the reporting period with entities doing business with the City.

(b) For each position reported under this subsection, the schedule shall include:

[1] The name and address of the principal office of the business entity; and

[2] The title and nature of the office, directorship, or salaried employment held and the date it commenced.

(5) Indebtedness to entities doing business with City.

(a) A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons or entities doing business with the City owed at any time during the reporting period:

[1] By the individual; or

[2] By a member of the immediate family of the individual if the individual was involved in the transaction giving rise to the liability.

(b) For each liability reported under this subsection, the schedule shall include:

[1] The identity of the person or business entity to whom the liability was owed and the date the liability was incurred;

[2] The amount of the liability owed as of the end of the reporting period;

[3] The terms of payment of the liability and the extent to which the principal amount of the liability was increased or reduced during the year; and

[4] The security given, if any, for the liability.

(6) Family members. A statement filed under this section shall include a schedule of the immediate family members of the individual employed by the City in any capacity at any time during the reporting period.

(7) Sources of earned income.

(a) A statement filed under this section shall include a schedule of the name and address of each place of employment and each business entity of which the individual or a member of the individual's family was a sole or partial owner and from which the individual or a member of the individual's immediate family received earned income, at any time during the reporting period.

(b) A minor child's employment or business ownership need not be disclosed if the City does not regulate, license, or contract with the place of employment or business entity of the minor child.

(8) Additional information. A statement filed under this section may also include a schedule of additional interests or information that the individual making the statement wishes to disclose.

F. Imputed interests. For the purposes of Subsection E(1) and E(2) of this section, the following interests are considered to be the interests of the individual making the statement:

(1) An interest held by a member of the individual's immediate family, if the interest was, at any time during the reporting period, directly or indirectly controlled by the individual.

(2) An interest held by a business entity in which the individual held a 30% or greater interest at any time during the reporting period.

(3) If the reporting individual exercised or may exercise, directly or indirectly, any control over the holdings or investments of the trust or estate, an interest held by a trust or an estate in which, at any time during the reporting period:

(a) The individual held a reversionary interest or was a beneficiary; or

(b) If a revocable trust, the individual was a settlor.

G. Review and enforcement.

(1) The Commission shall review the financial disclosure statements submitted under this section for compliance with the provisions of this section and shall notify an individual submitting the statement of any omissions or deficiencies.

(2) The Commission may recommend to the Mayor and Common Council that the City take appropriate enforcement action to ensure compliance with this section.

§ 16-6. Financial disclosure: employees and appointed officials.

A. This section only applies to the following appointed officials and employees:

(1) The City Administrator, the City Clerk, the City Attorney, the City Treasurer, the Director of Community Planning and Development, the Director of Public Works, the Director of Recreation and Parks, the Director of Finance and the Chief of Police, members of the Planning and Zoning Commission, members of the Board of Zoning Appeals, and members of the City Ethics Commission.

B. A statement filed under this section shall be filed with the City Clerk under oath or affirmation on forms provided by the Commission. The City Clerk shall promptly transmit statements filed under this section to the Commission, which shall review such statements for compliance with this chapter. Following the Commission's review and approval, the City Clerk shall maintain all such forms.

C. On or before the close of business on the second Monday in April of each year during which an official or employee holds office, an official or employee shall file a statement disclosing:

(1) Gifts received during the preceding calendar year from any person that contracts with or is regulated by the City, including the name of the donor of the gift and the approximate retail value at the time or receipt; and

(2) Employment and interests that raise conflicts of interest or potential conflicts of interest in connection with a specific proposed action by the employee or official sufficiently in advance of the action to provide adequate disclosure to the public.

D. The City Clerk shall maintain all disclosure statements filed under this section as public records available for public inspection and copying as provided in Subsections C and D of § 16-5 of this chapter. The City Clerk shall retain such statements for four years from the date of receipt.

§ 16-7. Lobbying.

A. A person shall file a lobbying registration statement with the Commission if the person:

(1) Personally appears before a City official or employee with the intent to influence that person in the performance of the official duties of the official or employee; and

(2) In connection with the intent to influence, expends or reasonably expects to expend in a given calendar year in excess of $150 on food, entertainment, or other gifts for officials or employees of the City.

B. A person shall file a registration statement required under this section on or before the earlier of January 15 of the calendar year and the date that is five days after the person first performs an act that requires registration in the calendar year.

C. The registration statement referred to in Subsection A shall include complete identification of the registrant and of any other person on whose behalf the registrant acts. It shall also identify the subject matter on which the registrant proposes to make such appearances. The registration statement shall cover a defined registration period not to exceed one calendar year.

D. In addition to the registration statement set forth above, all lobbyists shall file an annual report within 30 days after the end of any calendar year during which they were registered, disclosing the value, date and nature of any food, entertainment or other gift provided to a City official(s) or employee. Where a gift or series of gifts to a single official exceeds $50 in value, the official(s) shall also be identified.

E. All registration statements and annual reports filed under this section shall be retained by the City Clerk for a period of at least four years and shall be open for inspection and copying at the City offices during regular business hours.

§ 16-8. Exemptions and modifications.

The Commission may grant exemptions and modifications to the provisions of §§ 16-4, 16-5, and 16-6 of this chapter when the Commission finds that an exemption or modification would not be contrary to the intent of this chapter to prevent conflicts of interest and self-dealing and to preserve the integrity of City government and that the application of this chapter would:

A. Constitute an unreasonable invasion of privacy; and

B. Significantly reduce the availability of qualified persons for public service.

§ 16-9. Violations and penalties.

A. Enforcement action by the City. The City may, upon the recommendation of the Commission:

(1) Assess a late fee of $2 per day up to a maximum of $250 for a failure to timely file a financial disclosure statement required under § 16-5 or § 16-6 of this chapter;

(2) Assess a late fee of $10 per day up to a maximum of $250 for a failure to file a timely lobbyist registration or lobbyist report required under § 16-7 of this chapter; and

(3) Issue a cease and desist order against any person found to be in violation of this chapter.

B. Enforcement action by the Commission.

(1) Upon a finding of a violation of any provision of this chapter, the Commission may:

(a) Issue an order of compliance directing the respondent to cease and desist from the violation;

(b) Issue a reprimand; or

(c) Recommend to the Mayor and Common Council appropriate discipline of the respondent, including censure or removal if that discipline is authorized by law.

(2) If the Commission finds that a respondent has violated § 16-7 of this chapter, the Commission may:

(a) Require a respondent who is a registered lobbyist to file any additional reports or information that reasonably relates to the information that is required under § 16-7 of this chapter;

(b) Impose a fine of $1,000 for each violation; and

(c) Suspend the registration of an individual registered lobbyist if the Commission finds that the lobbyist has knowingly and willfully violated § 16-7 of this chapter or has been convicted of a criminal offense arising from lobbying activities.

C. Judicial enforcement.

(1) At the direction of the Mayor and Common Council upon the recommendation of the Commission, the City Attorney or another attorney appointed by the Mayor and Common Council may file a petition for injunctive or other relief in a court of appropriate jurisdiction and venue for the purpose of requiring compliance with the provisions of this chapter.

(2) The court may:

(a) Issue an order to cease and desist from the violation;

(b) Except as provided in Subsection B of this section, void an official action taken by an official or employee with a conflict of interest prohibited by this chapter when the action arises from or concerns the subject matter of the conflict and if the legal action is brought within 90 days of the occurrence of the official action, if the court deems voiding the action to be in the best interest of the public; or

(c) Impose a fine of up to $5,000 for any violation of the provisions of this chapter, with each day upon which the violation occurs constituting a separate offense.

(3) A court may not void any official action appropriating public funds, levying taxes, or providing for the issuance of bonds, notes, or other evidences of public obligations.

D. Other disciplinary action, fines and consequences. In addition to any other enforcement provisions in this chapter:

(1) A City official or employee found to have violated this chapter is subject to disciplinary or other appropriate personnel action,

including removal from office, disciplinary action, suspension of salary when authorized by law, or other sanction.

(2) A violation of § 16-7 of this chapter shall be a misdemeanor subject to a fine of up to $1,000 or imprisonment of up to one year.

(3) A finding of a violation of this chapter by the Commission is public information.

Chapter 19

FINANCE, DEPARTMENT OF

GENERAL REFERENCES

City Treasurer — See § 9 of the City Charter and Ch. 29, Art. III.

Fiscal matters — See Ch. 20.

Procurement and contracts — See Ch. 36.

Taxation — See Ch. 143.

§ 19-1. Creation.

The Department of Finance is hereby created.

§ 19-2. Director designated.

The City Treasurer shall be ex officio Director of the Department of Finance.

§ 19-3. Powers and duties of Director.

The Director of the Department of Finance shall be responsible for the general supervision and administration of the Department, including correlation and preparation of the City's budget; collection of taxes, general revenue and other City income; utility billing; internal audit of the City's finances; administrative control of purchases; and the preparation of reports; and he shall cause to be maintained the necessary and proper records in connection with such functions and duties as the legislative body shall prescribe.

§ 19-4. Duties of officers and employees.

All officers and employees of the Department of Finance shall perform such duties not inconsistent with this chapter as the Director of the Department may from time to time assign or prescribe.

§ 19-5. Reports.

The Director of the Department of Finance shall make periodic reports on the financial condition, organization, personnel and other matters affecting or reflecting upon the Department to the legislative body.

§ 19-6. Budget request. [Amended 5-31-1991 by Ord. No. 547; 4-26-2006 by Ord. No. 750]

The Director of the Department of Finance shall, in addition to other requirements of this chapter, prepare a budget request for the activities under his supervision and submit it to the City Administrator for review and correlation with budget requests of other department heads.

§ 19-7. Personnel. [Amended 5-31-1991 by Ord. No. 547]

The Department of Finance shall include the City Treasurer, the Assistant City Treasurer, the Cashier, and such other personnel as the legislative body may authorize from time to time and who shall be hired by the Mayor upon recommendation of the Director of the Department of Finance to fill any vacant position or grade authorized by the legislative body.

§ 19-8. Cashier. [Amended 5-31-1991 by Ord. No. 547; 4-26-2006 by Ord. No. 750]

The Cashier shall be chosen solely on the basis of qualifications to perform the duties of the office. He shall be appointed for an indefinite term as provided in § 29-3.

§ 19-9. Assistant Treasurer. [Amended 4-14-2003 by Ord. No. 699]

A. The duties of the Assistant City Treasurer shall include supervision of the Cashier, the disbursement of budgeted funds for approved purchases, payrolls, services and expenditures and for the recording and posting thereof to the applicable financial records; assisting in the preparation of reports, summaries, balances and other accounting information required by the approved accounting system; verifying daily cash receipts; and performing such other general accounting duties as the City Treasurer may assign.

B. The duties of the Assistant City Treasurer shall include the inspection and administrative control of additions and discontinuance of users of the sanitary sewer service, the verification and administration of the City's accounts payable, the establishment and maintenance of a perpetual inventory of the City's property and materials, the establishment and maintenance of a purchase control system and the performance of such other general administrative and clerical duties as the Director of the Department of Finance may assign.The inventory of property herein referred to shall include a record of rents and revenues therefrom, if any, and a record of insurance thereon and premiums for such insurance..

C. The Assistant City Treasurer shall assume the powers and duties of the Director of the Department of Finance when the Director is absent or disabled, unless otherwise provided by the legislative body.

§ 19-10. City Treasurer. [Amended 3-28-2005 by Ord. No. 730]

The City Treasurer shall pay all bills of the City when such bills have been approved or passed by the Common Council; keep true and just accounts of all receipts and disbursements in such manner as may now or hereinafter be required; and submit his accounts for an auditing and examination to the legislative body as often and at such times as it may require.

A. Collection of sidewalk paving assessments and other assessments and penalties. It shall be the duty of the City Treasurer to collect all money due and owing the City for grading and paving or repairing sidewalks from persons who have refused or neglected to pay such money, and he shall also collect from all persons the amount of benefits assessed against them respectively under and by any ordinance of the City and collect any other money or penalties due the City when required so to do by the legislative body.

B. Collection of delinquent real property taxes. The City Treasurer shall utilize the provisions of Part III, Title 14 of the Tax-Property Article of the Annotated Code of Maryland or as it may be amended to collect delinquent real property taxes.

C. Collection of delinquent personal property taxes by suit and execution. With respect to taxes solely on personal property, the City Treasurer is hereby directed to bring a proper suit for such taxes as soon as may be practical after the expiration of two years from the date such taxes became in arrears and, after securing judgment, to execute on such judgment for the amount thereof.

§ 19-11. Corporate credit card. [Added 4-14-2003 by Ord. No. 699[10]]

A. The City Treasurer shall have the authority to obtain a corporate credit card(s) in the name of the City for carrying out the municipal purposes of the City of Westminster. The obtaining of credit shall constitute a pledge of the full faith and credit of the Mayor and Common Council of Westminster.

B. The use of the corporate credit card shall be for the express purpose of obtaining or procuring goods or services as approved or passed by the Common Council. The City Treasurer shall keep true and just accounts of all receipts and disbursements in such manner as may now or hereinafter be required; submit his accounts for an auditing and examination to the legislative body as often and at such times as it may require. The aggregate amount of such credit at any one time under the authority of this section shall not exceed $60,000. The City Treasurer shall approve the delegation of signature authority, in writing, to other officers or employees of the City, where the City Treasurer deems it appropriate, necessary and in the best interest of the City. The City Treasurer is authorized to adopt such rules and

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10. This ordinance also repealed former § 19-11, Assistant City Treasurer. See now § 19-9.

policies as are necessary to carry out the provisions of this chapter. **[Amended 3-28-2005 by Ord. No. 730]**

§ 19-12. Petty cash. [Amended 4-14-2003 by Ord. No. 699]

Except for such amount of petty cash, not exceeding $2,000 at any one time, as may be authorized by the legislative body to be kept on hand in a secure place within the office of the Department of Finance, all cash and funds of the City shall be maintained on deposit in such lawful depository or depositories as may be designated by the legislative body for such purpose and shall be subject to withdrawal only by checks, debit memorandum or electronic funds transfers, as approved or signed and countersigned by such officers as the legislative body shall from time to time designate by resolution.

Chapter 20

FISCAL MATTERS

GENERAL REFERENCES

Department of Finance — See Ch. 19. **Taxation — See Ch. 143.**

Procurement and contracts — See Ch. 36.

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§ 20-1. Annual budget; fiscal year.

The City shall operate on an annual budget. The fiscal year of the City shall begin on the first day of July of each year and shall end on the last day of June of the following year. Such year shall constitute the tax year, the budget year and the accounting year.

§ 20-2. Preparation of budget; presentation to Common Council.

The City Administrator shall prepare the budget for the Mayor to present to the Common Council at or before the first meeting of the Mayor and Common Council in April of each year. The budget shall provide a financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The total of the anticipated revenues and surplus shall equal or exceed the total of proposed expenditures.

§ 20-3. Budget message.

The Mayor shall present a budget message which explains the budget, both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditure, and revenues together

with the reasons for such changes, summarize the City's debt position and include such other material as deemed pertinent.

§ 20-4. Capital improvement program.

A. The City Administrator shall prepare and submit along with the budget a six-year capital improvement program.

B. The capital improvement program shall include:

(1) A clear summary of its contents;

(2) A list of all capital improvements proposed for the next six fiscal years; and

(3) Cost estimates, funding sources and recommended time schedules for each of the capital projects.

C. The capital improvement program shall be revised and extended each year as the current portion is adopted as part of the operating budget.

D. The capital improvements program will be submitted for review and comment by the Planning and Zoning Commission prior to adoption of the operating budget.

E. The Common Council shall hold a public hearing and, thereafter, adopt the capital improvement program as submitted or amended at the same time as the adoption of the operating budget.

F. The City Administrator shall include in the proposed operating budget those capital projects adopted by the Council for the ensuing fiscal year.

§ 20-5. Action on budget.

A. Notice and hearing. The City shall publish in one or more newspapers of general circulation a notice stating the times and places where copies of the message and budget are available for inspection by the public and the time and place for a public hearing on the budget.

B. Amendment before adoption. After the public hearing, the Common Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income or applied surplus, if any.

C. Adoption. The Common Council shall adopt the budget on or before the 15th day of June of the fiscal year currently ending. As provided in § 143-2, the tax levy shall also be made no later than that date.

§ 20-6. Appropriation action.

Upon adoption of the budget, the Common Council shall appropriate funds for the ensuing fiscal year. Funds shall be appropriated to each of the various departments, offices, agencies or functions in accordance with the adopted budget. The appropriation shall include a summary of estimated income for the ensuing fiscal year in accordance with the adopted budget.

§ 20-7. Appropriations.

No public money may be expended without having been appropriated by the Common Council. From the effective date of the budget, the amounts stated as proposed expenditures shall be appropriated to the several objects and purposes stated in the budget.

§ 20-8. Transfer of funds.

Any transfer of funds between appropriations proposed by the Mayor must be approved by the Common Council before becoming effective.

§ 20-9. Expenditures in excess of appropriations forbidden.

During any budget year, no officer or employee shall expend or contract to expend any money or incur any liability or enter into any contract which involves the expenditure of money for any purpose in excess of the amounts appropriated for or transferred to that general classification of expenditure. Any contract, verbal or written, made in violation of this chapter shall be null and void. Nothing in this section, however, shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor does this section preclude the making contracts of lease or for services for a period exceeding the budget year in which such contract is made, when the contract is permitted by law or an emergency procurement as authorized by § 36-4 of the City Code.

§ 20-10. Lapse of unexpended appropriations.

All appropriations that have not been expended or lawfully encumbered shall lapse at the end of the budget year. Any unexpended and unencumbered funds shall be considered a surplus and shall be included among the anticipated revenues for the next succeeding budget year.

Chapter 21

FIRE DEPARTMENT

GENERAL REFERENCES

Police Department — See Ch. 33. **Fire prevention — See Ch. 78.**

ARTICLE I
General Provisions
[Adopted as Ch. 7, Art. III, of the 1972 Code, as amended through 1990]

§ 21-1. Designation of official fire company.

The Westminster Fire Engine and Hose Company No. 1 of Westminster, Maryland, an incorporated company formed in Westminster for the suppression of fires therein, or its officers or persons having command according to the rules and regulation of such company shall be and are hereby vested with all the necessary power and authority to carry into effect the purposes for which said company was organized, i.e., the suppression and prevention of fires and explosions in the City of Westminster, and to do all acts and things necessary for said purposes, the same not being contrary to law.

§ 21-2. Compliance with fire personnel.[11]

A. The citizens of Westminster are hereby required and enjoined to comply with and aid and assist the authority and directions of the officers of said company or persons authorized as aforesaid.

B. All persons present at the scene of any fire or explosion are hereby required and enjoined to comply with all lawful orders given them by firemen acting in the line of duty and, upon request, to aid and assist firemen in the protection of life, health and property from the hazards of fire and explosion.

§ 21-3. Authority of officers; violations.

It shall be the duty of the President or other officer of the Westminster Fire Engine and Hose Company No. 1, or the person having command according to the regulations of said company, and they shall have full power to preserve order and regularity at all fires in the City, to direct the positions of engines or apparatus of the company and the places from which the supply of water or other necessary material is to be brought and to see that the several divisions of the company and of other persons called on to assist shall act in concert and perform their respective duties at such fires, and they shall have full power and authority to order and force away from the vicinity of such fire any disorderly person. If any person shall refuse to obey or shall resist the authority of the officers of such company or other persons commanding by its authority as aforesaid on such occasions or shall aid, assist or encourage others in such disobedience or resistance, he shall be guilty of an offense against this section.

§ 21-4. Fire Police Corps. [Amended 1-12-2009 by Ord. No. 800]

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11. Editor's Note: See also Ch. 78, Fire Prevention, § 78-1, Prohibited acts, of Art. I of that chapter; and § 106-8, Interference with officers and employees, of Ch. 106, Peace and Good Order, Art. III, City Officers, Employees and Property.

A. The provisions of Ordinance No. 306, Section 1, adopted February 20, 1952, authorizing the establishment of a Fire Police Corps, are hereby continued in full force and effect to the extent that the provisions thereof are not inconsistent with this article.

B. In this section, the following words shall have the meanings indicated:

FIRE CHIEF — The Fire Chief of the Westminster Fire Engine and Hose Co. No. 1.

FIRE COMPANY — The Westminster Fire Engine and Hose Co. No. 1.

FIRE POLICE CHIEF — Chief of the Westminster Fire Police Corps.

POLICE CHIEF — Police Chief of the City of Westminster.

PUBLIC SAFETY ACTIVITY — Includes any event occurring in the City of Westminster and requiring fire or police resources. These activities include, but are not limited to, the following:

(1) Fire emergencies such as traffic collisions, fires, medical emergencies, explosions and chemical hazards.

(2) Police emergencies, such as significant crimes, traffic accidents, power outages and road closures.

(3) Planned events, such as parades, festivals, funerals, demonstrations and public events.

C. The members of the Westminster Fire Police shall be appointed by the President of the Fire Company upon the written request and recommendation of the Fire Police Chief. Said President shall only appoint those applicants who have received a favorable recommendation from the Westminster Police Department based upon a background investigation.

D. Members of the Westminster Fire Police shall have the authority to direct vehicular and pedestrian traffic within a reasonable area surrounding a fire, police or public safety activity occurring in the City.

(1) In instances where there is no police involvement, the Fire Police will operate under the general direction of the Fire Chief or ranking member of the Fire Company in charge of the public safety activity.

(2) In instances where there is police involvement, the Fire Police will operate under the general direction of the Police Chief or ranking member of the Westminster Police Department in charge of the public safety activity.

E. Members of the Westminster Fire Police may perform vehicular and pedestrian control activities, only after the successful completion of a training program approved by the Police Chief or the Chief's designee. This training will be provided by the Westminster Police Department at no cost and will include both initial training and annual recertification training.

F. Members of the Westminster Fire Police will be provided accident, health care and general liability insurance while acting in their official capacity as a Westminster Fire Police officer as follows:

(1) The Fire Company will provide insurance coverage in those instances where Fire Police officers provide service at the scene of a public safety activity under the direction of the Fire Chief or ranking member of the Fire Company.

(2) The City of Westminster will provide insurance coverage in those instances where where Fire Police officers provide service at the scene of a public safety activity under the direction of the Police Chief or ranking member of the Westminster Police Department.

ARTICLE II
False Fire Alarms
[Adopted 5-10-1993 by Ord. No. 564]

§ 21-5. Definitions.

In this article, the following words shall have the meanings indicated:

ALARM SIGNAL OR SIGNALS — The activation of a fire alarm system that requests a response by the Westminster Fire Engine and Hose Company No. 1.

ALARM SYSTEM — A fire alarm system, including an automatic fire alarm system and a system of manual fire alarm stations, that produces an audible signal when activated.

ALARM SYSTEM CONTRACTOR —

A. A person engaged in installing, maintaining, monitoring, altering or servicing fire alarm systems; or

B. An agency that furnishes the services of a person engaged in installing, maintaining, monitoring, altering or servicing fire alarm systems.

C. "Alarm service contractor" does not include a person who only sells or manufactures fire alarm devices unless that person services, installs, monitors or responds to fire alarm systems at protected premises.

ALARM USER —

A. A person in control of an alarm system within, on or around any building, structure, facility or site.

B. Includes the owner or lessee of an alarm system or of the building, structure, facility or site in which an alarm system is operational.

FALSE ALARM — Any request for immediate assistance by the Fire Department regardless of cause that is not in response to an actual emergency situation or threatened emergency situation.

A. "False alarm" includes:

   (1) Negligently or accidentally activated signals.

   (2) Signals that are the result of faulty, malfunctioning or improperly installed or maintained equipment.

   (3) Signals that are purposely activated to summon the Fire Department in nonemergency situations.

B. "False alarm" does not include:

   (1) Signals activated by unusually severe weather conditions or causes beyond the control of the alarm user or alarm system contractor; or

(2) Signals activated during the initial sixty-day period following new installation.

C. An alarm system that is activated a second time within a twelve-hour period when the premises are unoccupied shall be deemed a "false alarm" if:

(1) Access to the building is provided to the alarm system contractor; and

(2) An alarm system contractor or an employee of an alarm system contractor or an employee of the owner or lessee responds.

D. Failure to comply with Subsection C of this section shall result in each subsequent alarm being counted as a false alarm.

FIRE DEPARTMENT — The Westminster Fire Engine and Hose Company No. 1.

§ 21-6. Intentional activation of system.[12]

Any person who intentionally activates an alarm signal for a nonemergency situation is guilty of a municipal infraction. The penalty for violation shall be a fine of $400 for each offense.

§ 21-7. Negligent or accidental activation of system.

A. Except for alarm systems activated by acts of God, weather conditions or causes beyond the control of the alarm user, an alarm system that is negligently or accidentally activated as the result of faulty, malfunctioning or improperly installed or maintained equipment shall be subject to the provisions of Subsections B and C of this section.

B. The City's Code Enforcement Officer may issue a municipal infraction to an alarm user if the number of false alarms to which the Fire Department actually responds exceeds:

(1) Three responses within a thirty-day period; or

(2) Five or more responses within a twelve-month period.

C. The penalty for violation of this section shall be a fine of $100 for each initial false alarm and $200 for each additional false alarm.

§ 21-8. Defective systems.

A. Presumption. In this section an alarm system is deemed a defective alarm system if:

(1) More than three false alarms occur within a thirty-day period; or

(2) Five or more false alarms occur within a twelve-month period.

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12. Editor's Note: See also Ch. 106, Peace and Good Order, § 106-20, False alarms.

B. Notice of condition. The Fire Department that answers false alarms shall provide notice to the alarm user of the defective condition.

C. Actions by alarm user. Upon notice from the Fire Department, an alarm user who has a defective alarm system shall:

(1) Have the system inspected within 30 days by an alarm system contractor or alarm user, if qualified; and

(2) Within 15 days after the inspection file a written report with the Fire Department, with a copy to the City's Code Enforcement Officer.

D. Report. The report shall contain:

(1) The results of the alarm system contractor's or alarm user's inspection;

(2) The probable cause of the false alarms; and

(3) Actions taken or recommendations for eliminating the false alarms.

E. Any alarm user who continues to use a defective alarm system after being notified that the system is defective is guilty of a municipal infraction. The penalty for violation shall be a fine of $400. Each day a violation continues is a separate event.

§ 21-9. Notice of service.

A. An alarm system contractor shall notify the Fire Department by telephone before servicing an alarm system.

B. Violation of this section is declared to be a municipal infraction. The penalty for violation shall be a fine of $100 for each offense.

Chapter 24

INTERGOVERNMENTAL RELATIONS

GENERAL REFERENCES

Animals and fowl — See Ch. 48.

Buildings — See Ch. 56.

Cable television — See Ch. 61.

Floodplain management — See Ch. 83.

§ 24-1. Applicability of county regulations.

A. Except as provided in Subsections A and B of this section, the Mayor and Common Council hereby exempts the City of Westminster, a municipal corporation, from all legislation and regulations heretofore or hereafter enacted by Carroll County, Maryland, relating to any subject or matter upon which the Mayor and Common Council of the City of Westminster has heretofore or is hereafter granted legislative authority.

B. The following ordinances of Carroll County as they now exist or as may hereafter be amended are exceptions to the general exemption set forth in Subsection A above and shall be applicable within the City of Westminster until such time as the Mayor and Common Council shall duly exempt the City from their application: **[Amended 2-22-1993 by Ord. No. 572; 2-28-1994 by Ord. No. 585; 2-13-1995 by Ord. No. 593; 6-26-2000 by Ord. No. 657; 3-26-2001 by Ord. No. 662; 4-26-2006 by Ord. No. 749]**

(1) Animal Control, Chapter 81.

(2) Building Code, Chapter 97.

(3) Cable Television, Ordinance No. 113, Ordinance No. 126 and Ordinance No. 00-4.

(4) Grading and Sediment Control, Chapter 121.

(5) Forest Conservation, Chapter 115.

C. Aside from the specific exceptions to the general exemption from the application and effect of Carroll County legislation and regulations set forth in Subsections A and B, Carroll County laws and regulations shall only apply within the City of Westminster as provided by Maryland law pursuant to Article 23A, § 2B(b), of the Annotated Code of Maryland (1987 Replacement Volume), or as hereinafter amended.

§ 24-2. Interpretation.

A. Nothing contained in this chapter shall limit or otherwise affect the City's authority, whether exercised previously or in the future, to

request the enforcement of City legislation in whole or in part by Carroll County and to enter into agreements providing for the same.

B. Nothing contained in this chapter shall repeal or impair any agreement or authorization previously executed between the City and the county, until and unless done so by consent of the City and county.

C. Nothing contained in this chapter shall repeal any City ordinance which may have specifically adopted or incorporated by reference any county legislation, unless and until so repealed by ordinance of the Mayor and Common Council of the City of Westminster.

D. Nothing contained in this chapter shall limit or otherwise affect the City's authority to adopt by reference any law or regulation of Carroll County as its own law or regulation.

Chapter 29

OFFICERS AND EMPLOYEES

GENERAL REFERENCES

City Clerk and City Treasurer — See § 9 of the City Charter.

Street Commissioner — See § 10 of the City Charter.

Administration of government — See Ch. 4.

Planning and Zoning Commission — See Ch. 7, Art. II.

Code of Ethics — See Ch. 16.

ARTICLE I
General Provisions
[Adopted as Ch. 2, Art. III, Div. 1, of the 1972 Code, as amended through 1990]

§ 29-1. Residency of appointed officers.

Except as may be provided by state law, the City Charter, this Code or other ordinance, appointive officers of the City need not be residents of this City or state at the time of their appointment.

§ 29-2. Holding multiple offices. [Amended 5-31-1991 by Ord. No. 547; 4-26-2006 by Ord. No. 750]

Except as may be provided otherwise by state law, the City Charter, this Code or other ordinance, any nonelective officer of the City may be appointed or designated to fill two or more appointive offices concurrently as provided in § 29-3.

§ 29-3. Vacancies in appointive offices. [Amended 5-31-1991 by Ord. No. 547; 4-26-2006 by Ord. No. 750]

When a vacancy occurs in any appointive City office, whether by reason of death, disability, resignation, failure to qualify or to assume the duties of office or any cause other than expiration of the term of office, the Mayor shall appoint a qualified person to fill such vacancy for the unexpired term, subject to the approval of a majority of the Common Council (3/5 vote) or by 4/5 vote of the Common Council without the Mayor's approval, unless other provision is made for the filling of such vacancy by state law, the City Charter, this Code or another ordinance.

§ 29-4. Removal or suspension of certain City officials. [Amended 5-31-1991 by Ord. No. 547; 4-26-2006 by Ord. No. 750; 5-22-2006 by Ord. No. 755; 12-10-2012 by Ord. No. 837]

The City Administrator, the City Attorney, and any other City department head, including the City Clerk, serve at the pleasure of the Mayor and Common Council and can be removed, reassigned, or temporarily suspended from his or her position or not reappointed to his or her position by the Mayor with the approval of a majority of the Common Council (3/5 vote) or by 4/5 vote of the Common Council without the Mayor's approval. Except with respect to the City Administrator, the City Clerk, and the City Attorney, which offices may be eliminated by ordinance as the Mayor and Common Council see fit, the Mayor and Common Council may reorganize City government and create or eliminate departments, including department head positions, as they deem suitable to the City's best interests, with the approval of a majority of the Common Council (3/5 vote) or by 4/5 vote of the Common Council without the Mayor's approval. In the event that a department is eliminated, any reference in the City Code to such department shall be deemed to be a reference to the office of the City

Administrator, and any reference to the head of such department shall be deemed to be a reference to the City Administrator or his or her designee.

§ 29-5. Acting appointed officers. [Amended 5-31-1991 by Ord. No. 547; 4-26-2006 by Ord. No. 750]

When any appointive City officer is temporarily absent from the City, ill, disabled, under suspension or otherwise unable to discharge the duties of the office under conditions which do not cause a vacancy to occur, the City Administrator, after consultation with the appropriate department head, if available, may appoint a suitable person to discharge the duties of such officer on a temporary basis.

§ 29-6. Deputies and assistants.

Duly appointed or designated deputies and assistants to nonelective City officers shall have such authority and perform such duties as may be prescribed for them by their principals in addition to such authority and duties as may be prescribed for them by state law, the City Charter, this Code or other ordinance, except in any case in which, by law or the City Charter, such delegation of authority or performance of duty is not authorized.

ARTICLE II
City Administrator[13]
[Adopted 4-26-2006 by Ord. No. 750]

§ 29-7. Appointment; compensation; powers and duties; temporary absence or disability.

A. There shall be a City Administrator who shall be the chief administrative officer of the City. The City Administrator shall be the direct subordinate of the Mayor and the immediate supervisor of each department director. The Mayor and Common Council shall select a City Administrator solely on the basis of executive and administrative qualifications in the field of government and public administration, with special reference to actual experience in or knowledge of the operations of municipal government. The City Administrator shall be appointed as provided in § 29-3.

B. The City Administrator shall devote full time to the duties of the office and shall be compensated as provided in § 4-4.

C. The City Administrator shall have the following powers and duties:

(1) To exercise supervisory authority over the department directors and the City Clerk;

(2) To direct the operations of the City government;

(3) To supervise the preparation of the City budget for the Mayor to present to the Common Council;

(4) To assist The Mayor and Common Council in the development of City policy and the implementation of plans to address demands for municipal services, enhance the quality of life and strengthen the economic vitality of the City;

(5) To perform such other duties not inconsistent with this chapter as may be delegated by The Mayor and Common Council.

D. During any temporary absence or disability, after consultation with the City Administrator, the Mayor may designate, by letter filed with the City Clerk, a qualified administrative officer of the City to perform the duties of the office until the return or cessation of disability of the City Administrator.

§ 29-8. (Reserved)

§ 29-9. (Reserved)

§ 29-10. (Reserved)

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13. Editor's Note: Former Art. II, City Manager, adopted as Ch. 2, § 2-21A, of the 1972 Code, as amended through 1990, was repealed 5-31-1991 by Ord. No. 547.

ARTICLE III

City Clerk and City Treasurer

[Adopted as Ch. 2, Art. III, Div. 3, of the 1972 Code; amended in its entirety 4-26-2006 by Ord. No. 750]

§ 29-11. Powers and duties generally.

The City Clerk and the City Treasurer, under the general supervision of the City Administrator shall have the powers and perform the duties prescribed by the City Charter, this Code and other ordinances for the City Clerk and the City Treasurer and as prescribed by state law for city clerks and city treasurers generally.

§ 29-12. Appointments; terms; qualifications.

A. The City Clerk and the City Treasurer shall each be appointed as provided in § 29-3 for indefinite terms.

B. Qualifications.

(1) The City Clerk shall be appointed after consideration of administrative ability and knowledge of municipal procedures, regulations, requirements and practices.

(2) The City Treasurer shall be appointed after consideration of accounting qualifications and knowledge of municipal and utility accounting procedures.

§ 29-13. Specific powers and duties of City Clerk.

The City Clerk shall issue all City licenses and permits not required to be issued by some other officer under any provision of state law, the City Charter, this Code or other ordinance. The City Clerk shall have custody of all oaths of office and official bonds of City officers, employees and agents and all other casualty bonds, insurance policies and other written instruments, books and records for which the custody is not vested in some other City officer.

§ 29-14. Assistant City Clerk.

A. The Assistant City Clerk shall be appointed as provided in § 29-3 for an indefinite term of office, and the appointment shall be solely on the basis of qualifications to perform the duties of the office of Assistant City Clerk as provided in this Code or other ordinances. The Assistant City Clerk shall act for the City Clerk when that officer is absent or disabled, including attendance at meetings of the Common Council and taking the minutes thereof.

B. The Assistant City Clerk shall perform such other duties as may be required by this Code or other ordinance or by the City Clerk.

§ 29-15. Specific powers and duties of City Treasurer.

The City Treasurer shall be responsible for the billing and collection of all taxes, utility and other services furnished by the City and the collection of obligations due to the City. The City Treasurer shall be responsible for maintaining up-to-date accounts and accounting procedures for the City. The City Treasurer shall supervise the issuance of and shall sign all checks or drafts issued by the City and shall sign such other documents as may require the signature of the City Treasurer and shall have such other powers and duties as may be prescribed by the Mayor and Common Council or required in the position of Director of Finance.

§ 29-16. Assistant City Treasurer.

The Assistant City Treasurer shall be appointed as provided in § 29-3, for an indefinite term of office, and the appointment shall be solely on the basis of [his] qualifications to perform the duties of the office of Assistant City Treasurer as provided in this Code or other ordinances. The Assistant City Treasurer shall perform such duties as may required [of him] by this Code or other ordinance or by the City Treasurer.”

ARTICLE IV
City Attorney
[Adopted as Ch. 2, Art. III, Div. 4, of the 1972 Code; amended in its entirety 4-26-2006 by Ord. No. 750]

§ 29-17. Appointment; qualifications; compensation.

A. There shall be appointed as provided in § 29-3 from the members of the Maryland State Bar Association a counselor or attorney for the City to act as its Attorney, with whom the Mayor and Common Council and the officers and department heads may consult as occasion may require.

B. Such counsellor or attorney shall be compensated in such manner as the Mayor and Common Council shall from time to time determine.

§ 29-18. Powers and duties.

It shall be the duty of the counsellor or attorney appointed by virtue of this article to perform such legal services as may from time to time be assigned to or requested of said attorney.

§ 29-19. Attendance at meetings of legislative body.

The counsellor or attorney appointed pursuant to this article shall attend regular and special meetings of the Mayor and Common Council when the City Attorney’s presence is requested by the Mayor or the Common Council.

ARTICLE V

Planning Director

[Adopted as Ch. 2, Art. III, Div. 5, of the 1972 Code; amended in its entirety 12-6-2007 by Ord. No. 773]

§ 29-20. Creation of office.

The office of Planning Director is hereby created.

§ 29-21. Appointment; term; qualifications.

The Planning Director shall be appointed as provided in § 29-3 for an indefinite term. The Planning Director shall be chosen solely on the basis of his/her administrative and planning qualifications and his/her knowledge of City, county, state and federal administrative laws, regulations, requirements and practices, in respect to the duties of his/her office.

§ 29-22. Powers and duties.

The duties of the Planning Director shall be those included in the job description as approved by the Mayor and Common Council and as amended from time to time.

§ 29-23. Reports.

The Planning Director will report to the City Administrator all activities under his/her supervision or administration and, in addition, shall make periodic progress reports to the legislative body.

§ 29-24. Preparation of budget.

The Planning Director shall prepare the budget for the activities under his/her supervision and submit it to the City Administrator for consolidation with budget requests of other department heads.

§ 29-25. Attendance at meetings of legislative body.

The Planning Director shall attend all meetings of the legislative body unless excused therefrom.[14]

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14. Editor's Note: Former Article VI, Public Works Director, adopted as Ch. 2, Art. III, Div. 6.1, of the 1972 Code, as amended, which immediately followed this section, was repealed 4-13-1992 by Ord. No. 555. See now Art. VII, Public Works Director.

ARTICLE VI
Recreation and Parks Director
[Adopted 1-23-2006 by Ord. No. 741]

§ 29-26. Creation of office.

The office of Recreation and Parks Director is hereby created.

§ 29-27. Appointment; term; qualifications. [Amended 4-26-2006 by Ord. No. 750]

The Recreation and Parks Director shall be appointed as provided in § 29-3 for an indefinite term. The Recreation and Parks Director shall be chosen solely on the basis of his/her administrative and recreation and parks qualifications and his/her knowledge of City, county, state and federal administrative laws, regulations, requirements and practices, in respect to the duties of his/her office.

§ 29-28. Powers and duties. [Amended 6-11-2007 by Ord. No. 766]

The duties of the Recreation and Parks Director shall be those included in the job description as approved by the Mayor and Common Council and as amended from time to time. The Director shall also make recommendations to the Mayor and Common Council of Westminster regarding park rules and regulations. The Mayor and Common Council of Westminster is authorized to adopt such park rules and regulations by resolution. Any violation thereof shall constitute a municipal infraction. The penalty for violation shall be a fine of $200 for each offense, which may be doubled in accordance with applicable law.

§ 29-29. Reports.

The Recreation and Parks Director will report to the Mayor all activities under his/her supervision or administration and, in addition, shall make periodic progress reports to the legislative body.

§ 29-30. Preparation of budget. [Amended 4-26-2006 by Ord. No. 750]

The Recreation and Parks Director shall prepare the budget for the activities under his/her supervision and submit it to the City Administrator for consolidation with budget requests of other department heads.

§ 29-31. Attendance at meetings of legislative body.

The Recreation and Parks Director shall attend all meetings of the legislative body unless excused therefrom.

ARTICLE VII
Public Works Director
[Adopted 12-6-2007 by Ord. No. 773]

§ 29-32. Creation of office.

The office of Public Works is hereby created.

§ 29-33. Appointment term; qualifications.

The Public Works Director shall be appointed as provided in § 29-3 for an indefinite term. The Public Works Director shall be chosen solely on the basis of his/her administrative and planning qualifications and his/her knowledge of City, county, state and federal administrative laws, regulations, requirements and practices, in respect to the duties of his/her office.

§ 29-34. Powers and duties.

The duties of the Public Works Director shall be those included in the job description as approved by the Mayor and Common Council and as amended from time to time.

§ 29-35. Reports.

The duties of the Public Works Director shall be those included in the job description as approved by the Mayor and Common Council and as amended from time to time.

§ 29-36. Preparation of budget.

The Public Works Director shall prepare the budget for the activities under his/her supervision and submit it to the City Administrator for consolidation with budget requests of other department heads.

§ 29-37. Attendance at meetings of legislative body.

The Public Works Director shall attend all meetings of the legislative body unless excused therefrom.

Chapter 33

POLICE DEPARTMENT

GENERAL REFERENCES

Charter provisions — See § 8 of the City Charter.

Fire Department — See Ch. 21.

§ 33-1. Department established.

The Police Department of this City is hereby created.

§ 33-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BAILIFF — Includes the Chief of Police, commissioned officers, noncommissioned officers, and all sworn police officers as certified by the Maryland Police Training Commission who, by authority of the governing body, are designated as "bailiffs."

§ 33-3. Powers and duties.

The Police Department shall have general charge and control of the peace and good order of the City. The bailiffs of the Department shall enforce the laws of the state, this Code and other ordinances and perform all such duties appertaining to the office of bailiff as may now or hereinafter be prescribed or may be prescribed by departmental regulations and orders.

§ 33-4. Chief of Police. [Amended 4-26-2006 by Ord. No. 750]

A. The bailiff in charge of the Police Department shall be the Chief of Police, who shall be appointed as provided in § 29-3 for an indefinite term. The Chief of Police shall be chosen on the basis of his or her professional standing as a police officer and ability as a police administrator.

B. The Mayor and Common Council may call upon the services of the state police or other such agencies for advice and for testing of candidates for the position of the Chief of Police. At the time of appointment the Chief need not be a resident of the City or the state, except as may be provided otherwise by state law, the City Charter, this Code or other guidance.

C. The Chief of Police may be removed or temporarily suspended from his or her position or not reappointed to his or her position as provided in § 29-4 of the City Code.

D. The Chief of Police shall be the commanding officer of the Police Department, and the Chief shall have such powers and perform such duties as are prescribed for the Chief by this Code and other ordinances and as may at any time be prescribed for the Chief by the legislative body and department rules and regulations. Among other duties, the Chief of Police shall:

(1) Make periodic reports on matters affecting or reflecting upon the Police Department to the legislative body.

(2) Prepare a budget request for the Police Department and submit it to the City Administrator for review and correlation with budget requests of other departments.

(3) Attend meetings of the legislative body when requested to do so by it.

§ 33-5. Rules and regulations; orders.

A. The Chief of Police shall establish rules and regulations for the administration and discipline of the members of the Police Department, not inconsistent with law. The Chief of Police shall supplement, revise, modify or repeal such rules and regulations as circumstances require and in conformance with approved funding.

B. The Chief of Police is hereby empowered to issue operational orders and special orders including, but not limited to, the disposition of unclaimed, found or lawfully seized personal property, not inconsistent with law, this Code or other ordinances or approved departmental rules and regulations, which shall have the same force and effect as rules and regulations of the governing body.

§ 33-6. Organization.

The Police Department may be organized into shifts, squads, bureaus, divisions and offices, which organization shall be determined by the Chief of Police. The total salaries for such positions shall be consistent with the budget approved by resolution of the legislative body.

§ 33-7. Other personnel.

The Police Department may employ civilian staff who are not bailiffs as approved in the annual operating budget. These employees shall perform such duties as the Chief of Police may from time to time assign or prescribe, including, but not limited to, the issuance of citations for violations of Chapter 155, Vehicles and Traffic, of the Westminster City Code.

§ 33-8. Parking enforcement.

The Chief of Police may authorize certified police officers of law enforcement agencies sharing concurrent jurisdiction with the Westminster Police Department to enforce specific provisions of Chapter 155, entitled

"Vehicles and Traffic," of the Westminster City Code, as well as to issue citations for violations of that chapter. The Chief of Police may also authorize properly trained safety/security representatives of private and public entities within the City to enforce specific provisions of Chapter 155, Vehicles and Traffic, of the Westminster City Code, as well as to issue citations for violations of that chapter.

§ 33-9. Compensation.

The Chief of Police, bailiffs and employees of the Police Department shall receive the compensation provided in the approved City budget for their respective offices, grades or positions.

§ 33-10. Westminster Auxiliary Police.

A. Establishment. The Chief of Police is hereby empowered to establish and maintain an auxiliary police force to be known as the "Westminster Auxiliary Police" to assist the Westminster Police Department in the matters set forth herein.

B. Duties of Westminster Auxiliary Police. The Westminster Auxiliary Police shall perform the following duties under the direction of the Westminster Police Department:

(1) Render assistance as requested in major disasters and emergencies, as determined by the Chief of Police.

(2) Render assistance as requested with regard to directing and controlling vehicular and pedestrian traffic and parking at such functions within the jurisdiction of the Westminster Police Department.

(3) Such other duties as may be directed by the Chief of Police.

C. Powers of Westminster Auxiliary Police. Westminster Auxiliary Police shall have the powers necessary to carry out the functions as directed by the Westminster Police Department as set forth herein. The Westminster Auxiliary Police shall not be deemed "bailiffs" as defined by the City Code and shall not have general arrest and law enforcement powers, shall not carry or use firearms while on duty and shall not have general investigative responsibility.

D. The Chief of Police shall be empowered to promulgate such rules, regulations and orders as the Chief may deem necessary to implement this section.

Chapter 36

PROCUREMENT AND CONTRACTS

GENERAL REFERENCES

Code of Ethics — See Ch. 16. **Fiscal matters — See Ch. 20.**

Department of Finance — See Ch. 19.

§ 36-1. Purpose.

The purposes of this chapter are to provide for the fair and equitable treatment of all persons or firms involved in procurement by the City; to assure that supplies, materials, equipment, construction of public improvements or contractual services are procured efficiently, effectively and at the most favorable prices available to the City; to promote competition in contracting; and to provide safeguards for maintaining a procurement system of quality and integrity.

§ 36-2. Applicability.

The provisions of this chapter shall apply to all contracts for the procurement of supplies, materials, equipment, construction of public improvements or contractual services entered into by the City after the effective date of this chapter.

§ 36-3. Administration. [Amended 7-28-2003 by Ord. No. 708]

The City Treasurer shall administer the system of procurement and contracts established pursuant to the provisions of this chapter. The City Treasurer shall discharge those duties and responsibilities in cooperation with the City's various department heads. The City Treasurer is authorized to adopt such rules and regulations as are necessary to carry out the provisions of this chapter, subject to the approval of the Mayor and Common Council.

§ 36-4. Specific regulations. [Amended 7-28-2003 by Ord. No. 708; 4-26-2006 by Ord. No. 750; 5-23-2011 by Ord. No. 826]

A. Under $25,000. Expenditures, including petty cash, for supplies, materials, equipment, construction of public improvements or contractual services involving less than $25,000 shall be made by either the Mayor, City Clerk, City Treasurer or the City's various department heads, provided that the procurement is for a budgeted item. **[Amended 10-24-2016 by Ord. No. 871]**

B. $25,000 and above. Except as otherwise provided in this section, expenditures for supplies, materials, equipment, construction of public improvements or contractual services involving $25,000 or more shall

be made by written contract, as provided in § 36-5. **[Amended 10-24-2016 by Ord. No. 871]**

C. Sole-source procurement. A contract involving $25,000 or more may be awarded without competition when the City Treasurer determines, after a good-faith review of available sources and the receipt of a written recommendation of the department head, that there is only one source for the required supplies, materials, equipment, construction of public improvements or contractual services. The department head shall conduct negotiations, as appropriate, as to price, delivery and terms. Sole-source procurement shall be approved by the Mayor and Common Council, as provided in § 36-5. **[Amended 10-24-2016 by Ord. No. 871]**

D. Professional services. **[Amended 10-24-2016 by Ord. No. 871]**

(1) Architectural, engineering, land surveying and planning services in amounts in excess of $25,000 shall be procured as provided pursuant to resolution of the Mayor and Common Council. When reasonably possible, at least three proposals shall be submitted to the Mayor and Common Council for its consideration. Services below that amount shall be subject to the provisions of Subsection A.

(2) All contracts for other professional services, such as accounting, auditing, legal and insurance, in excess of $25,000 shall not be subject to the competitive bids provided in this chapter but shall be approved on an individual basis by the Mayor and Common Council. Services below that amount shall be subject to the provisions of Subsection A.

E. Emergency procurements. Upon the request of a department head, the Mayor, the City Administrator, or the City Treasurer may authorize emergency procurements of all required supplies, materials, equipment, construction improvements or contractual services where there exists a threat to public health and safety or welfare. A written determination for the basis for the emergency and for the selection of a particular contractor shall be included in the file with respect to the procurement. The Mayor, the City Administrator or the City Treasurer shall notify the Common Council promptly, in writing, of any emergency procurement exceeding $10,000 or any emergency procurement below that amount if it has not been approved in the budget. In the absence of the Mayor, the City Administrator or the City Treasurer, the Council President may exercise the authority contained herein.

§ 36-5. Written contracts. [Amended 7-28-2003 by Ord. No. 708; 4-26-2006 by Ord. No. 750; 5-23-2011 by Ord. No. 826; 7-8-2013 by Ord. No. 844]

A. All expenditures for supplies, materials, equipment, construction of public improvements or contractual services involving more than

$25,000 shall be made by written contract. **[Amended 10-24-2016 by Ord. No. 871]**

B. The City shall advertise for sealed bids for written contracts which shall be awarded to the bidder who offers the most responsible and responsive bid, taking into account the price, quality of goods and work, time of delivery or completion, responsibility of bidders, and any other factors reasonably deemed relevant by the City. The specifications for such sealed bids shall be prepared under the direction of the City's various department heads and the request for bids advertised in a newspaper of general circulation in the City, which shall mean a publication with a print run of at least [insert number] and need not have paid circulation if no state or federal grant funds are to be used in connection with the purchase or acquisition, and/or on eMaryland Marketplace, where appropriate and required or permitted by law. All sealed bids shall be directed to the City Treasurer. A formal bid-opening process will be conducted by the Mayor or the City Administrator, the City Treasurer and the responsible department head or the department head's designee. Upon the opening of bids, the responsible department head shall promptly review the bids and make a written recommendation. The written recommendation shall include a summary of the bids received and a description of the basis for the department head's recommendation of award, and the recommendation shall then be submitted to the City Clerk for placement on the agenda of the Mayor and Common Council. The Mayor and Common Council may accept and may reject any and all bids, waive technical defects and accept a bid which in its judgment is in the best interest of the City. It may also require the readvertisement of bids.

C. Where the acquisition of sealed bids is impractical, unreasonable or not advantageous to the City, in a manner determined by the City Administrator to be unusual or infrequently occurring, the department head, with the approval of the City Administrator, shall institute an alternate procurement method by utilizing the open market. In that regard, the department head must submit to the City Administrator, in writing, at least three quotations or offers and a recommendation. Upon receipt of the same, the City Clerk shall place a description of the basis for the department head's recommendation of award on the agenda of the Mayor and Common Council. Thereafter, the Mayor and Common Council may accept or reject such quotations or offers that, in its judgment, are in the best interest of the City. **[Amended 10-24-2016 by Ord. No. 871]**

D. In the event that a federal, state, county, municipal corporation or other political subdivision of this state or another state, or an agency or instrumentality of such governmental entity, a quasi-governmental entity, bi-state or bi-county agency, or any affiliation, alliance, consortium or group composed solely of governmental entities that is established for purposes of promoting intergovernmental cooperative purchasing has conducted a competitive bidding process for an item

needed by the City, and if the City Administrator determines that the bid price obtained by such entity is competitive, the City Treasurer may, without soliciting bids, purchase the item in question at the bid price from the successful bidder, provided that such governmental entity or association has adopted procurement regulations that are comparable to those enacted by the City and has awarded a contract authorizing local governments to purchase the bid item at the bid price. The City Clerk shall place the contract for said purchase on the agenda of the Mayor and Common Council for approval. No such single purchase shall exceed $100,000 without a waiver by the Common Council of the bidding process for good cause shown.

E. All written contracts shall be signed by the Mayor or, in the Mayor's absence or unavailability, by the City Administrator and attested by the City Clerk and may be protected by such bonds, penalties and conditions as the Mayor and Common Council may require.

§ 36-6. Additional provisions.

A. Except as provided for in § 36-4E, no elected official, department head, City Clerk or the City Treasurer is authorized to enter into any contract for nonbudgeted items for the City without the approval of the Mayor and Common Council, and the City shall not be liable on any such contract. **[Amended 7-28-2003 by Ord. No. 708]**

B. No elected official shall direct that the City Treasurer or a department head procure goods or services from any designated person or entity. **[Amended 7-28-2003 by Ord. No. 708]**

C. All provisions of Chapter 16, entitled "Ethics, Code of," shall apply to all procurement and contracting conducted pursuant to this chapter. Additionally, except for emergencies, any expenditure for supplies, materials, equipment, construction of public improvements or contractual services shall be let or awarded only on the basis of competitive bidding where any official or employee of the City or members of their immediate family is financially interested. For purposes of this section, "immediate family" means spouse and dependent children. A person who owns less than 5% in any business or business entity shall not be considered financially interested.[15]

Chapter 48

ANIMALS AND FOWL

GENERAL REFERENCES

Intergovernmental relations — See Ch. 24. **Fishing — See Ch. 80.**

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15. Editor's Note: Former Subsection D, regarding cooperative procurement, which subsection immediately followed, was repealed 7-8-2013 by Ord. No. 844.

ARTICLE I
General Provisions

§ 48-1. Keeping of poultry and fowl.

It shall be unlawful for any person to keep or harbor within the City any poultry or fowl except upon property zoned for agricultural or poultry-dressing uses and upon which the keeping or harboring of poultry and fowl is not prohibited. No coop, pen or other enclosure shall be within 10 feet of any street or within 50 feet of any dwelling or other structure frequented by human beings.

§ 48-2. Maintenance of stables and pens.

It shall be the duty of each person who keeps or harbors any animal or fowl within the City to maintain the stable, pen or other enclosure wherein such animal or fowl is kept or harbored in a clean and sanitary condition at all times and in such manner as to prevent offensive odors, liquids or substances to emanate therefrom and so as not to constitute a nuisance.

§ 48-3. Running at large.

A. Animals and fowl running at large within the City to the inconvenience or annoyance of the public or so as to constitute a danger to the health or safety of persons or property are hereby declared to constitute a public nuisance subject to abatement.

B. It shall be unlawful for any person to permit any poultry, fowl or animal owned, kept or harbored by him to run at large within the City, provided that dogs which are subject to rule, regulation or resolution of the County Commissioners of Carroll County shall be excluded from this subsection.

§ 48-4. Impoundment.

Any animal or fowl which constitutes a public nuisance as defined in § 48-3A or which is found running at large in violation of § 48-3B shall be subject to immediate impoundment by any police officer of the City or by any other public officer or employee having proper authority to take up and impound dogs or other animals and fowl, provided that if any animal which is subject to impoundment pursuant to this section is vicious or rabid and cannot safely be taken into custody by the impounding officer, the impounding officer may, if he considers such action to be necessary, forthwith destroy such vicious or rabid animal.

§ 48-5. Notice of impoundment.

The impounding officer, upon taking into custody any fowl or animal other than a dog pursuant to § 48-4, shall take such animal or fowl to a pound or animal shelter designated for such purpose by the legislative body (or by the Mayor or Chief of Police, if the legislative body has not acted on the

premises), and he shall then notify the Chief of Police of all pertinent facts. The Chief of Police shall then notify the owner or keeper of the impounded animal or fowl, if such person's identity is known or can be ascertained without unreasonable effort and he shall then cause to be prepared a notice which described the impounded animal or fowl and states the reason for impoundment, the time and place of taking up the animal or fowl and the place of impoundment and further states that such animal or fowl will be sold at auction by a police officer at a designated place on a designated day and hour, which shall be not less than five nor more than eight days from the date of the notice, unless such animal or fowl is redeemed by its owner or keeper prior to the designated date and hour of sale. Copies of this notice shall be posted promptly on the City Hall bulletin board and at four other public places within the City.

§ 48-6. Redemption.

Any animal or fowl impounded pursuant to this chapter may be redeemed by its owner or keeper at any time prior to its sale or other final disposition upon payment to the Chief of Police of the actual cost of its board, shelter and care during the period of its impoundment and the actual cost, if any, of taking it up and conveying it to the place of impoundment, plus an impoundment fee of $0.50 for a fowl or $1 for an animal other than a horse or other beast of burden or $2 for a horse or other beast of burden, provided that the payment of such costs and impoundment fee shall not be construed as a bar to prosecution for any violation of state law, this Code or other ordinance.

§ 48-7. Sale or other disposition.

A. Any impounded animal or fowl not redeemed by its owner or keeper prior to the date and hour of sale as specified in the notice mentioned in § 48-5 shall be sold by a police officer to the highest bidder at auction sale, as provided in such notice and the officer conducting the sale shall give to the purchaser a quit claim bill of sale therefor, citing this section as authority so to do. The officer conducting the sale shall promptly deliver the proceeds of the sale to the City Treasurer, who shall apply such sum to the payment of all costs incurred by the City for taking up and impounding such animal or fowl and for its board, shelter and care, the costs of the sale and all other costs incurred by the City by reason of such impoundment, and the remainder shall be paid over to the owner or keeper of such animal or fowl, if such person's identity is known, and if not known, such remainder shall credited to the general fund of the City, provided that if such remainder is in excess of $20, the City Treasurer shall post a notice on the City Hall bulletin board and at four other public places within the City which shall give notice of the animal or fowl having been sold and that of the proceeds of such sale there remains in the City Treasury, after payment of all costs, the sum of _____ dollars, which is subject to payment to any person making claim therefor within 30 days of such notice and upon proof of claimant's lawful title to such animal or fowl immediately

prior to its having been sold by a City police officer at auction, and if any claimant proves such lawful title to the satisfaction of the City Treasurer within such thirty-day period, the City Treasurer shall pay over to him such remainder, and otherwise such remainder shall be credited to the general fund of the City upon the expiration of such thirty-day period.

B. If at any auction of an impounded animal or fowl held pursuant to this chapter there is no responsible bidder, the officer conducting the auction shall terminate the proceeding and return the animal or fowl to the place of impoundment In any such case, the Chief of Police may authorize the Poundmaster to hold such animal or fowl for a reasonable period and release it to any responsible person who may desire to have it; and animals and fowl not so disposed of shall be destroyed in a humane manner.

§ 48-8. Exceptions.

A. Nothing in this chapter shall be construed as requiring the sale at auction of any impounded animal or fowl estimated by the Chief of Police and the Poundmaster to have a current market value less than $10, and any such animal or fowl shall be held impounded for 10 days. During the first five days of impoundment, such animal or fowl shall be subject to redemption only by its owner or keeper as provided in § 48-6, and during the second five days, it shall be subject to redemption by its owner or keeper or may be turned over to any responsible person who shall pay the actual costs as provided in § 48-6, or the Chief of Police may waive the payment of such costs in any case deemed by him to be worthy; and any such animal or fowl not disposed of as aforesaid within 10 days shall be destroyed in a humane manner.

B. In case of the impoundment of an animal or fowl having a current market value of less than $10 as provided in Subsection A of this section, the notice mentioned in § 48-5 shall be made to conform to the provisions of Subsection A of this section.

§ 48-9. Leaving horses or other animals.

It shall be unlawful for any person to leave a horse or other beast of burden upon any street or other unenclosed place unless such animal is attended by and under the control of some responsible person or unless such animal is securely tethered in such manner as to prevent such animal from endangering the safety of persons or property.

§ 48-10. Dangerous riding or driving.

It shall be unlawful to ride or drive any animal upon the streets or public places in the City in such manner or at such speed as to endanger the safety of any person or property.

§ 48-11. Cockfights.

It shall be unlawful for any person to match cocks or other fowl in any fight against each other or to attend or wager upon the outcome of any such fight.

§ 48-12. Disposal of carcasses.

Animal and fowl carcasses found upon private property shall be disposed of by the occupant of such property or by the owner if such property has no occupant within eight hours and in a lawful and sanitary manner which does not endanger the health of any person, animal or fowl. Any carcass not so disposed of within eight hours shall be disposed of by the City at the expense of the occupant or owner of the premises upon which such carcass is found, pursuant to regulations or instructions promulgated or given by the Police Department, and carcasses found upon the streets or public places within the City shall be disposed of promptly by the City pursuant to such regulations or instructions.

ARTICLE II
County Regulations

§ 48-13. Adoption of standards by reference.

A. Ordinance No. 26 of the County Commissioners of Carroll County, entitled "Animal Control Ordinance,"[16] and Ordinance No. 26A of the County Commissioners of Carroll County amending said ordinance be and the same are hereby fully adopted to be effective in the City of Westminster, except as hereinafter set forth:

(1) All references to the "County Commissioners of Carroll County" in Section 10, entitled "Public Nuisance Animals and Vicious Animals," of said Ordinance No. 26 are deleted and replaced with the "Mayor and Common Council of Westminster."

B. The County Commissioners of Carroll County, through the appropriately designed agencies, be and the same is hereby granted authority and jurisdiction to license and control animals within the City of Westminster in the same manner and to the same extent as though such activity were being carried on in Carroll County outside of the corporate limits of the City of Westminster.

16. **Editor's Note: See also Ch. 24, Intergovernmental Relations, § 24-1B(1).**

Chapter 56

BUILDINGS

GENERAL REFERENCES

Intergovernmental relations — See Ch. 24.

Fire prevention — See Ch. 78.

Floodplain management — See Ch. 83.

Plumbing — See Ch. 112.

Property maintenance — See Ch. 119.

Streets and sidewalks — See Ch. 139.

Zoning and subdivision of land — See Ch. 164.

ARTICLE I
General Provisions

§ 56-1. Applicability of County Building Code.

Any memorandum of understanding made and entered into by and between the County Commissioners and the Mayor and Common Council which relates to the applicability of the County Building Code within this City and which is in effect immediately prior to the effective date of this City Code shall continue in full force and effect within the City until such time as it may be amended or rescinded by resolution of the legislative body or by the County Commissioners.[17]

§ 56-2. Office of Building Official established.

The office of Building Official is hereby established. The Building Official shall be appointed by the Mayor, with the approval of the Common Council, for no fixed term of office. The Building Official shall administer and enforce the provisions of any building code which may be applicable within the City except as may be provided otherwise by any memorandum of understanding with the county, and he shall have such other powers and duties as may be prescribed for him in this City Code or by other ordinance or resolution of the legislative body. The Building Official may be referred to as the "Building Inspector."

§ 56-3. Fire limits.

The following shall be and are hereby declared to be the fire limits: Beginning at a point in the center of East Main Street opposite to the center of Court Street; thence westerly sixty feet to the center line of Adelsberger Alley and thence with the center line of Adelsberger Alley to the center line of East Green Street; thence with the center line of East Green Street to the center line of Madison Street; thence with the center line of Madison Street to the corporate line and thence with the corporate line to the center of Bond Street; thence with the center line of Bond Street to the center line of West Green Street; thence along the center line of West Green Street to the center line of Norment's Lane (King's Lane) and thence along the center line of said Lane to the center line of West Main Street; thence continuing in the same direction four hundred fifty feet to the center line of Turn Alley; thence with the center line of Turn Alley to the center line of Carroll Street; thence with the center line of Carroll Street to the corporate line and thence with the corporate line to the center line of Longwell Avenue; thence along the center line of Longwell Avenue to the center line of Turn Alley; thence along the center line of Turn Alley to the center line of Court Street; and thence along the center line of Court Street to the place of beginning.

§ 56-4. Streets.

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17. Editor's Note: See also Ch. 24, Intergovernmental Relations, § 24-1B(2).

A. No person shall excavate for or lay the foundation of any structure or erect any wall or fence fronting on any street in the City before having obtained information as to the true line and proper grade of such street. Such information shall be supplied, upon request of the owner or occupant of the property fronting upon such street, by the Director of Public Works, who may cause any necessary survey to be made at the expense of such owner or occupant. **[Amended 12-6-2007 by Ord. No. 773]**

B. It shall be the duty of the Building Official to prevent encroachments upon City streets by any building, wall or fence.

§ 56-5. Demolitions within Westminster Historic District. [Amended 11-11-2002 by Ord. No. 687]

A. Findings, intent and authority.

(1) The City of Westminster contains a wealth of buildings and structures that are historically significant and contribute to the overall historic character of the community.

(2) In June 1980, an application was submitted to the Maryland Historic Trust for inclusion of a portion of the City designated as the "Westminster Historic District" in the National Register of Historic Places.

(3) In September 1980, the application was approved by the Maryland Historic Trust, and the Westminster Historic District was included in the National Register of Historic Places.

(4) The background research for the application required the preparation of a map showing the rating of the historic significance of individual buildings and structures within the Westminster Historic District and the contributions of individual buildings and structures to the overall historic character of the Westminster Historic District.

(5) The inclusion of the Westminster Historic District in the National Register of Historic Places provides certain protections and tax-credit opportunities, but not the additional protections and local control provided by historic district zoning.

(6) On October 12, 1992, the Mayor and Common Council amended the City's Zoning Ordinance to provide for an Historic District Zone and created the Historic District Commission in Article IXA of Chapter 164 of the Westminster City Code. Subsequently, the Mayor and Common Council has rezoned certain properties into the Historic District Zone.

(7) The Mayor and Common Council finds that certain procedures are required to protect buildings and structures that are historically significant or contribute to the overall historic character of the

community from demolition without their owners being advised as to historic tax credits, the value of historic buildings and other related matters.

(8) The purposes of this section are as follows:

(a) To safeguard the heritage of the City of Westminster by preserving sites, structures or districts therein which reflect elements of its cultural, social, economic, political, archeological or architectural history;

(b) To stabilize and approve property values of such sites, structures or districts;

(c) To foster civic beauty;

(d) To strengthen the local economy;

(e) To promote the preservation and appreciation of sites, structures and districts for the educational welfare of the residents of the City of Westminster.

(9) Article XI-E of the Maryland Constitution, Articles 23A and 66B of the Annotated Code of Maryland and § 15 et seq. of the City's Charter authorize the Mayor and Common Council to enact ordinances for the protection and promotion of public safety, health, morals and welfare, including but not limited to matters relating to planning and zoning.

B. Application for permits within the Westminster Historic District and related areas. Any applicant for a building permit to demolish any building or structure which is located within the Westminster Historic District, as entered in the National Register of Historic Places, listed as state or federal registered properties, or nominated for the federal, state or local registry with the consent of the property owner shall disclose such fact on the application. A copy of the boundary map of the Westminster Historic District is available from the office of the Planning Director. **[Amended 12-6-2007 by Ord. No. 773]**

C. Referral to Director of Planning. **[Amended 12-6-2007 by Ord. No. 773]**

(1) Upon receipt of such application from the Carroll County Department of Permits and Regulations, the Zoning Administrator shall promptly forward the same to the Director of Planning ("Director") for processing and approval under the following procedures:

(a) The Director will add a check-off sheet to the permit application requiring the following sign-offs before the Director takes action on the permit:

[1] Town Planner: explanation of historic tax credits, value of historic preservation and related matters;

[2] Administrator of Economic Development: explanation of Neighborhood Business Development Program and other possible financing options for potential uses; and

[3] Rehabilitation Coordinator: explanation of state and local rehabilitation programs, lead paint and related programs.

(b) The applicant must receive a briefing from each of the above three officials before the Director makes any decision on the permit application. If the Director finds that the demolition permit will have an adverse effect on the historical integrity of the City, the Director will refer the permit to the Historic District Commission for its recommendation before taking any final action on the permit request. If the Commission's recommendation is not made within a thirty-day period, the Commission shall be deemed to have no objection to the permit application, unless said period has been extended by the Director.

(c) The applicant shall provide the Historic District Commission with archiving information as to the property under guidelines established by it similar to those adopted by the Maryland Historic Trust.

(d) Once all sign-offs have been received and the Historic District Commission has given its recommendation, if required, the Director will take action on the permit.

(2) The Zoning Administrator shall also forward a notice of any such application for demolition to the Mayor and Common Council and the Historic District Commission for their information contemporaneous with providing the application to the Director.

D. The provisions of this section shall not apply to any properties which are in the Historic District Zone. Applications for any demolition of any site or statue therein shall be reviewed and decided by the Historic District Committee under § 164-51.4.

E. Violations and penalties. Any person who violates a provision of this section or fails to comply with any of the requirements thereof or disobeys or fails to abide by the conditions of a permit shall be subject to punishment for a misdemeanor. The penalty for violation shall be $1,000 for each initial offense and $1,000 for each repeat offense. Each day a violation continues to exist shall constitute a repeat offense. Additionally, the Mayor and Common Council may initiate any appropriate action or proceedings to prevent to permit any violation of this section.

§ 56-5.1. Review of B Business, C-C Commerce, C-B Central Business and D-B Downtown Business Zones and limitations upon building permit, zoning certificate and site plan approvals. [Added 6-14-1999 by Ord. No. 640; amended 9-13-1999 by Ord. No. 642; 11-22-1999 by Ord. No. 646]

A. Findings, intent and authority.

(1) The City of Westminster contains certain properties located within the C-B Central Business and B Business Zones which were previously endorsed by the Mayor and Common Council of Westminster as being "key sites" which remain undeveloped and which are deserving of particular attention and concern with the potential to make significant contributions to the renovation of the City's downtown area.

(2) On November 1, 1994, the Hyett Palma Study was presented to the Mayor and Common Council which it subsequently endorsed. The study recognized certain properties as being key sites with respect to the development and renovation of the downtown area. On September 25, 1995, the Mayor and Common Council again referred to the importance of these key sites and established a policy regarding development. Those properties were: Farmers Supply Co. property located at 12-24 Liberty Street, the Westminster Fire Hall located at 66 East Main Street and the Post Office property located at 83 East Main Street. The Farmers Supply Co. property and the Post Office property remain currently undeveloped (undeveloped key sites).

(3) In 1998 the City began to undertake a review of the above-referenced business zones, including the adoption of a new D-B Downtown Business Zone which would be the subject of a zoning text amendment application which affect the development and use of the undeveloped key sites and surrounding properties.

(4) On June 9, 1999, the City's Committee on Housing and Community Affairs continued the process of studying the above-referenced proposals and is expected to complete its work and make a recommendation to the Mayor and Common Council of Westminster no later than September 15, 1999, and has requested that the City defer processing approval of building permits and/or site plan approvals for said undeveloped key sites until said review has been completed. Due to unexpected circumstances, the City's Committee on Housing and Community Affairs has been unable to complete its review and make a recommendation by the September 15, 1999, date. On September 13, 1999, by Ordinance No. 642, the Mayor and Common Council of Westminster extended the deferral for permits for undeveloped key site properties until November 23, 1999.

(5) On October 11, 1999, the Housing and Community Affairs Committee met and expressed concern as to the desirability of utilizing key sites for noncommercial or business purposes. As a result, it discussed the preparation and consideration of another zone for business and commerce purposes to be designated as the "C-C Central Commerce Zone" which would focus upon uses which were commercial and business-oriented in nature. The Committee indicated its support for a zoning text amendment making revisions to the C-B Central Business Zone and proposing the new D-B Downtown Business Zone and a C-C Central Commerce Zone.

(6) On October 11, 1999, a zoning text amendment in Case No. TA99-3 addressing the Central Business District, the Downtown Business District and the C-C Central Commerce Zone was filed with the Zoning Administrator.

(7) On November 4, 1999, the Planning and Zoning Commission conducted a public hearing on the proposed zoning text amendment in Case No. TA99-3. A public hearing on said proposed zoning text amendment has been scheduled before the Mayor and Common Council of Westminster for December 13, 1999.

(8) The Mayor and Common Council of Westminster find that immediate steps are required to protect the use and development of the undeveloped key sites pending receipt of the recommendation of the Committee on Housing and Community Affairs and action by the Mayor and Common Council on the pending zoning text amendment in Case No. TA99-3. It further finds that the public interest generally requires this temporary deferral. It further finds that said deferral is reasonably necessary to achieve the public goal regarding the systematic and coordinated development and revitalization of the City's downtown area and the encouragement of development in a manner designed to strengthen business and commerce with the City.

(9) Article XI-E of the Maryland Constitution, Articles 23A and 66B of the Annotated Code of Maryland and § 15 et seq. of the City's Charter authorize the Mayor and Common Council of Westminster to enact ordinances for the protection and promotion of public safety, health, morals and welfare, including but not limited to matters relating to planning and zoning.

B. Deferral of applications for permits for undeveloped key site properties. From and after the effective date of this section until February 22, 2000, the City shall not process or approve an application for a building permit, or site plan for any use or development of the undeveloped key site properties in order to allow the Mayor and Common Council of Westminster and its Committee on Housing and Community Affairs to complete its findings with respect to the impact on the use of said undeveloped key site properties resulting from any proposed text

amendment and to take action on the pending zoning text amendment in Case No. TA99-3.

ARTICLE II
Uninhabitable Buildings[18]
[Added 7-14-2008 by Ord. No. 783]

§ 56-6. Purpose; statutory authority.

A. The purpose of this article is to promote the health, safety, morals and general welfare of the community by providing for the vacation, removal, repair or demolition of dangerous buildings which may exist in the City.

B. Article XI-E of the Maryland Constitution, Article 23A of the Annotated Code of Maryland and the City's Charter authorize the Mayor and Common Council to enact ordinances for the protection and promotion of public safety, health, morals and welfare.

§ 56-7. Definitions.

As used in this article, the following terms shall have the meanings indicated:

BUILDING — Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or chattels, including any cabin or mobile house.

DIRECTOR — Director of Planning, Zoning and Development.

UNINHABITABLE BUILDING — Any building which shall be found to have any of the defects set forth in § 56-8 so as to make it uninhabitable for human habitation.

§ 56-8. Finding of building as uninhabitable.

Any building which is found by the Director to have any of the following defects so as to make it uninhabitable for human habitation shall be so designated and placarded by the Director. Said building is uninhabitable if the Director finds that it is:

A. One which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public; or

B. One which lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or of the public;

C. One which because of its general condition or location is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public.

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18. Editor's Note: Former Art. II, Uninhabitable Buildings, added 1-19-1995 by Ord. No. 591, was repealed 3-26-2001 by Ord. No. 662.

§ 56-9. Posting of placard; contents.

A. The Director shall cause to be posted on any building declared by the Director as uninhabitable with a placard reading "Uninhabitable Building." It shall be unlawful for any person to enter such building or structure after the date set forth on the placard to vacate except for the reason of making required repairs or of demolishing the building.

B. The placard shall include the following:

(1) Name of the City;

(2) The chapter and section of the Code under which it is issued;

(3) An order that the building shall be vacated by a stated date and must remain vacant until the order to vacate is withdrawn;

(4) The date the placard is posted;

(5) The statement of the penalty for defacing or removal of the placard; and

(6) A statement stating "This Building Is Declared Uninhabitable and Its Use or Occupancy Has Been Prohibited By The City of Westminster," and the placard shall bear the signature of the Director.

§ 56-10. Removal or defacement of placard or notice.

A. No person shall deface or remove the placard from any building which has been declared or placarded as uninhabitable except by authority in writing from the Director.

B. The Director shall cause to be removed the said placard whenever the defect or defects upon which the declaration and placarding action were based have been eliminated or when the building is demolished.

§ 56-11. Vacating.

Any building declared as uninhabitable and so designated and posted shall be vacated within a reasonable time as ordered by the Director, and it shall be unlawful for any owner or landlord to let any person inhabit or occupy said building which has been declared and posted by the Director as uninhabitable after the date set forth in the placard.

§ 56-12. Notice to owner.

A. Whenever the Director has declared a building as uninhabitable, the Director shall give written notice to the owner. Such notice to the owner shall:

(1) Be in writing;

(2) Include a description of the real estate sufficient for identification;

(3) Include a statement of the reasons why it is being issued;

(4) State the date when the occupants must vacate the building if the defects have not been eliminated and the order to vacate withdrawn;

(5) State the corrections needed to rectify the conditions which form the basis of the finding that the building is uninhabitable:

(6) State if the building's windows and doors are required to be boarded up; and

(7) State the time provided to correct the conditions or to provide for the demolition of the building.

B. Service of notice. Service of notice that a building is uninhabitable and must be vacated is required as follows:

(1) By delivery to the owner personally or by leaving a notice at the usual place of abode of the owner with a person of suitable age and discretion; or

(2) By depositing the notice in the United States post office addressed to the owner at the owner's last known address with postage prepaid thereon; or

(3) By posting a copy of the notice in placard form in a conspicuous place on the premises to be vacated.

§ 56-13. Sealing.

It shall be the responsibility of the owner of the property to remove all unsanitary or flammable material and to board up all windows and doors after a building has been properly determined to be uninhabitable, if such boarding up is determined by the Director to be necessary for reasons of health and safety. In the event that the owner of the property fails to properly seal the building against unlawful entry, the Director shall take action to remove unsanitary or flammable waste material and to board up all windows and doors so as to prevent entrance. The cost of such action shall be a lien on the property and shall be collectable in the same manner as delinquent taxes.

§ 56-14. Demolition.

A. The Director shall order a building to be demolished if it has been designated as uninhabitable, has been posted as such, has been vacated, and has not been put into proper repair as to rescind the designation as uninhabitable and to cause the placard to be removed in the time provided in the notice to the property owner.

B. After the Director has given an order to demolish an uninhabitable building, the following procedures shall be followed:

(1) The owner of any building which has been ordered demolished shall be given notice in the manner provided for service of notice for uninhabitable buildings and shall be given reasonable time not to exceed 90 days to demolish such structure.

(2) If the owner fails, neglects or refuses to demolish an uninhabitable building within the requisite time, the Director may apply to a court of competent jurisdiction for a demolition order to undertake demolition. Before taking that action, the Director shall request a recommendation from the Historic District Commission. Said recommendation shall be made within 45 days from receipt. If a recommendation is not made by the Commission within that time, the request shall be deemed to be approved by it. The Director shall also obtain the approval of the Mayor and Common Council before applying to a court for a demolition order. In seeking that approval, the Director shall provide the Mayor and Common Council with a copy of the recommendation of the Historic District Commission as well as other information that the Director deems appropriate. The cost of the demolition shall be a lien on the property and collected in the same manner as delinquent taxes.

§ 56-15. Emergency action.

Whenever in the judgment of the Director an emergency exists which requires immediate action to protect the public health, safety and welfare, said Director may apply to a court of competent jurisdiction for an order requiring such action as is appropriate to correct or abate the emergency condition.

§ 56-16. Violations and penalties.

Violations of this article shall be deemed a municipal infraction. The penalty for violation shall be $400 for each offense, which may be doubled in accordance with Article 23A of the Annotated Code of Maryland. Each day that the violation continues shall be a separate offense. In addition thereto, the Mayor and Common Council of Westminster may institute an injunction, mandamus, or other appropriate actions or proceedings at law or equity for the enforcement of this article or to correct the violations of it, and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent, injunctions or mandamus or other appropriate forms of remedy or relief.

Chapter 58

BUSINESS REGULATION

GENERAL REFERENCES

Police Department — See Ch. 33.

ARTICLE I

Designation of Primary Law Enforcement Unit [Adopted 7-13-2015 by Res. No. 15-05]

§ 58-1. Westminster Police Department Designated.

The Westminster Police Department is hereby designated in the place and stead of the Carroll County Sheriff as the primary law enforcement unit for the purposes of receipt of records in accordance with Title 12, Title 17, Subtitle 10 and Title 20 of the Business Regulation Article of the Annotated Code of Maryland.

Chapter 61

CABLE TELEVISION

GENERAL REFERENCES

Intergovernmental relations — See Ch. 24.

§ 61-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated below. Words not defined herein shall have the meaning set forth in the Cable Communications Policy Act of 1984, as amended, 47 U.S.C. § 521 et seq., or, if not defined therein, their common and ordinary meanings:

BASIC SERVICE — Any tier of cable service which includes the retransmission of local television broadcast signals or access channels.

BROADCAST SIGNAL — A television or radio signal that is transmitted over the air and is received by a cable television system off the air, by satellite, by microwave or by direct connection to a broadcasting station.

CABLE ACT — The Cable Communications Act of 1984, as amended, 47 U.S.C. § 521 et seq., and as may hereafter be amended.

CABLE SERVICE — Shall have the meaning given it under the Cable Act.

CABLE SYSTEM — Shall have the meaning given it under the Cable Act.

CHANNEL — Shall have the meaning given it under the Cable Act.

COMMERCIAL SUBSCRIBER — A subscriber who receives a service in a place of business, where the service may be utilized in connection with a business, trade or profession or institution.

EDUCATIONAL ACCESS CHANNEL — Any channel where educational authorities are the designated programmers.

FCC — The Federal Communications Commission.

FRANCHISE or FRANCHISE AGREEMENT — The separate agreement by which a franchise is granted to a franchisee, pursuant to this chapter.

FRANCHISEE — Any provider of a cable communications system that receives a franchise pursuant to this chapter.

GROSS REVENUES — All revenues, without any deduction for cost or expense, derived, directly or indirectly, by the franchisee, its affiliates, subsidiaries, parents and any other person in which the franchisee has a financial interest from the franchisee's operation of a cable system in the City to provide cable service.

LOCAL GOVERNMENT ACCESS CHANNEL — Any channel as to which the City or other local governments or agencies are the designated programmers.

PROGRAMMER — Any person, firm, corporation, institution or entity who or which produces or otherwise provides program material for transmission by video, audio, digital or other signals, either live or from recorded tapes or films or by other means, to the subscriber by means of the cable system.

PUBLIC ACCESS CHANNEL — Any channel where any member of the general public may be a programmer on a first-come-first-served nondiscriminatory basis.

PUBLIC STREET — The surface of the space above and below any public street, avenue, highway, boulevard, concourse, driveway, bridge, tunnel, park, parkway, waterway, dock, bulkhead, wharf, pier, alley, right-of-way, public utility easement, public utility and any other public ground or water subject to the jurisdiction and control of the City of Westminster.

RESIDENTIAL SUBSCRIBER — A subscriber who receives a service in an individual dwelling unit, where the service is not to be utilized in connection with a business, trade, profession or institution.

SERVICE AREA — The geographic area in which a franchisee provides cable service.

SUBSCRIBER — Any person, firm, institution, corporation or other entity who or which elects to receive, for any purpose, a service provided by the franchisee by means of or in connection with the cable television system.

SUBSCRIBER SERVICE DROP — Each extension wiring from the franchisee's distribution lines to a subscriber point of use.

§ 61-2. Application procedures.

A. A person may apply, in writing, for a cable franchise. A written application for a franchise submitted to the Council shall contain the following information:

(1) The name, address and form of business of the applicant. If the applicant is a corporation, it shall also state the percentage of ownership and the names, addresses and occupations of its officers, directors and major stockholders (1% or more) and the names and addresses of any parent or subsidiary companies. If the applicant is a corporation controlled by another corporation, the names, addresses and occupations of the officers, directors and major stockholders (owner of 1% or more) of the controlling corporation shall also be stated. If the applicant is a partnership or other unincorporated association, the percentage of ownership and the name and address of each member, whether active or inactive, shall be set forth, and, if one or more partners are corporations, the names, addresses and occupations of such corporation's officers, directors and major stockholders shall also be stated. It shall also specify the names and technical and professional qualifications and

career backgrounds of the persons who will manage the system proposed by the applicant.

(2) A list of all other cable television systems, if any, in which the applicant or any partner or major stockholder of the applicant has a substantial interest (1% or more), stating the location, approximate number of homes served and the name and address of the local franchising body.

(3) A thorough description of the proposed cable television system to be installed and operated, the time schedule for such installation and the manner in which the applicant proposes to conduct, install, maintain and operate the same.

(4) A statement setting forth all agreements and understandings, whether written, oral or implied, existing between the applicant and any person, firm or corporation with respect to the proposed franchise or the proposed cable system operation. If a franchise is granted hereafter to a person, firm or corporation posing as a front or as the representative of another person, firm or corporation, and such information is not disclosed in the original application, such franchise shall be forfeited and the franchisee shall forfeit all revenues and any bond to the City.

(5) A financial statement prepared by a certified public accountant or person otherwise satisfactory to the Council and/or such other financial documents as may be required by the Council, showing the applicant's financial status and its financial ability to construct and operate the proposed cable system.

B. The Council may, at any time, demand, and the applicant shall provide, such supplementary, additional or other information as the Council deems reasonably necessary to show the applicant's true ownership and control and financial, technical and character qualifications.

C. The applicant shall specifically set forth that it will comply with each of the provisions of this chapter and/or City rules and regulations related thereto.

D. The applicant may submit any other information it feels relevant or that will enhance its proposal.

E. The applicant will accompany its application with a check, made payable to the City, in the amount of not less than $1,000 to help defray the administrative costs involved in the processing of applications. No part of this sum shall be refundable. In addition, the successful bidder shall remit to the City the difference between the application deposit received and the actual prefranchise award administrative costs, including attorneys' fees, incurred by the City, if any. Payment must be received by the City prior to its execution of the franchise agreement.

§ 61-3. Public hearing; award of contract.

A. To the extent permitted by law, the Council reserves the right to reject any application. The Council, following the receipt of an application, may hold a public hearing to hear comments on the application, and may give the public 30 days' advance notice of any such hearing by publishing the notice in a newspaper of general circulation in Carroll County. At such public hearing, if any, the applicant shall be requested to make a presentation and answer questions propounded by the public or Council relating to any aspect of its application.

B. Following the public hearing, although not necessarily on the same date, the Council may grant or deny an application or take such action empowered to it by law.

C. By resolution, the Council may grant a franchise for a cable system to any applicant as may appear from its application to be, in the Council's reasonable judgment, appropriately qualified to render safe and efficient cable service to residents in the service area. If favorably considered, the application submitted shall constitute and form part of the franchise agreement, except as otherwise indicated in the franchise agreement.

§ 61-4. Franchise regulations and restrictions.

A. General provisions. Any franchise granted hereunder shall be subject to the right of the Council:

(1) To terminate the same for misuse or failure to comply with any material provisions of this chapter, a franchise agreement, or any federal, state or local laws, ordinances, rules or regulations.

(2) To control and regulate the use of its streets, alleys, bridges and public places and the space above and beneath them. Each franchisee shall pay such part of the cost of improvement or maintenance of streets, alleys, bridges and public places as shall arise from the franchisee's use thereof and shall protect and save the county, City, the Council, their agents, employees and servants harmless from all claims and/or damages arising from said use.

(3) To require joint use of the property and appurtenances of each franchisee located in the streets, alleys and public places of the City by the Council and insofar as such joint use may be reasonable and practicable.

(4) To inspect all construction or installation work performed subject to the provisions of the franchise agreement and this chapter and any amendments, rules or regulations thereunder and make such inspections as it shall feel necessary to ensure compliance therewith. However, the franchisee shall remain primarily responsible for design and installation and for compliance with all requirements.

(5) To require, at the expiration of the term for which this franchise is granted, or upon the termination and cancellation as provided herein, the franchise to remove, at its own expense, any and all portions of the cable system from the public ways within the service area within a reasonable period of time, as established by the Council.

B. Transfer or assignment.

(1) The franchise shall not be transferred or assigned, either in whole or in part, or leased, sublet or mortgaged in any manner, nor shall title thereto, either legal or equitable, or any right, interest or property therein pass to or vest in any person, corporation, association or other entity, either by act of the franchisee or by operation of law, without the written consent of the Council and under such terms and conditions as the Council may require.

(2) A transfer, within the meaning of Subsection B(1), requiring Council consent shall occur where control of more than 25% of the franchise is proposed to be acquired by a person, partnership, association, corporation or group of persons acting in concert, none of whom own or control 25% or more of such right of control, singularly or collectively, at the time the franchise is granted. By its acceptance of a franchise, the franchisee specifically acknowledges and agrees that any such acquisition occurring without prior approval of the Council shall constitute a material violation of a franchise.

C. A franchise shall be for a term not to exceed 15 years. All franchises shall be nonexclusive, and the City specifically reserves the right to grant a similar use of the streets, lanes, avenues, sidewalks, alleys, bridges, rights-of-way, utility poles and other public places to any person at any time during the period of any franchise.

D. Unless a franchise agreement otherwise provides, a franchisee's application for a franchise shall be incorporated by reference in the franchise agreement. The franchise agreement shall contain such further conditions or provisions as may be negotiated by the Council and the franchisee. In case of conflict or ambiguity between any terms or provisions of the franchise agreement and this chapter, the terms of the franchise agreement shall control if otherwise permitted by law.

E. The franchisee shall erect, maintain and operate a cable system on, in, under, over, along, across or upon the streets, lanes, avenues, sidewalks, alleys, bridges, easements, rights-of-way, utility poles and other public places in the City, and subsequent additions thereto, solely in accordance with the laws and regulation of the United States of America, the State of Maryland and the ordinances and regulations of the City. Detailed plans and specifications for the installation of works or improvements authorized herein shall first be approved by the City

and shall be inspected by the City during construction to ensure quality control and compliance to plans, specifications and applicable costs.

F. Public utilities agreements.

(1) A franchisee shall, when and where practicable, lease, rent or in any other lawful manner obtain the use of towers, poles, conduits, lines, cables and other equipment and facilities from present holders of public licenses and franchises within the corporate limits of the City, including the Baltimore Gas and Electric Company, Potomac Edison and Verizon Maryland Inc., and said towers, poles, conduits, lines, cables, and other equipment and facilities on such terms as agreed, subject to all existing and future ordinances and regulations of the county.

(2) Wherever such facilities are not reasonably available from the sources specified in Subsection F(1) hereof, the franchisee shall, subject to the City's consent and conditions, have the right to erect and maintain its own poles, conduits and related facilities as may be necessary for the proper construction and maintenance of its cable television distribution system, subject to applicable laws, ordinances and regulations and restrictions of titles.

G. Facilities erected by franchisee.

(1) All transmission and distribution structures, lines and equipment erected by a franchisee within the City shall be so located as to cause minimum interference with the proper use of streets, alleys, and other public ways and places and to cause minimum interference with the rights of reasonable convenience of property owners who adjoin any of said streets, alleys or other public ways and places. Any opening or obstruction in the streets or other public places made by the franchisee in the course of its operations shall be guarded and protected at all times by the placement of adequate barriers, fences or boardings, the bounds of which, during periods of dusk and darkness, shall be clearly designated by warning lights.

(2) In the event that, at any time during the period of a franchise, the City shall lawfully elect to alter or change the grade of any public street, water main or sewer main, the franchisee, upon reasonable notice by the City, shall remove, relay and relocate its poles, wires, cables, underground conduits, manholes and other telephone fixtures at its own expense.

(3) A franchisee shall not place new poles or other fixtures where the same will interfere with any gas, electric or telephone fixtures, water hydrant or main, sewer main, sewer and water services or other fixtures placed in any street and shall, where practicable, be placed at the outer edge of the sidewalk and inside the curbline, and those placed in alleys shall be placed close to the line of the lot

abutting on said alley and then in such a manner as not to interfere with the usual travel on said public streets.

(4) A franchisee shall, upon the request of any person holding a building moving permit, temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal, raising or lowering of wires shall be paid by the person requesting the same, and the franchisee shall have the authority to require such payment in advance. The franchisee shall be given no less than 48 hours' advance notice to arrange for such temporary wire changes.

(5) A franchisee shall be required to trim trees upon and overhanging streets, alleys, sidewalks and public places of the City so as to prevent the branches of such trees from coming in contact with the wires and cables of the franchisee, all trimming to be done at the expense of the franchisee.

H. The construction and maintenance of a cable system, including house connections, shall be in accordance with the provisions of the National Electrical Safety Code, prepared by the National Bureau of Standards, the National Electrical Code of the National Board of Fire Underwriters and such applicable laws and regulations of the City, county, State of Maryland and of the United States affecting such installations, which may be presently in effect or may be from time to time in the future in effect, including a securing of all permits for such construction and maintenance required by applicable law. All structures, equipment, lines and connections shall be of permanent nature, durable and installed in accordance with good engineering practice and maintained in a safe, suitable and substantial condition in good order and repair, wherever situated or located.

I. Copies of all petitions, applications and communications by or to the franchisee involving the Federal Communications Commission, Securities and Exchange Commission or any other state, county or City regulatory commission, agency or department having jurisdiction in respect to any matters affecting the franchisee shall also be furnished simultaneously to the City by the franchisee.

J. The franchisee or applicant for a franchise shall have all necessary permits and authorizations required in the conduct of its business.

K. Upon granting of any franchise as herein contemplated, the franchisee shall, throughout the life of such franchise, keep the City fully informed with respect to the matters specified below, and the failure to disclose such information during the life of such franchise shall be considered a material violation of the franchise and subject such franchise, at the discretion of the Council, to suspension or termination.

(1) Each franchisee shall allow the City to audit all of its accounting and financial records upon reasonable notice; make available all of its plans, contracts and engineering, statistical, customer and

service records relating to its system and to all other records required to be kept hereunder; and at all times maintain complete and accurate books of accounts, records of its business and operations and all other records required by this specification.

(2) Each franchisee shall file annually with the City a report indicating all persons who, at any time during the preceding year, did control an interest in the franchise of 1% or more, setting forth for each the extent of this interest, and all creditors, secured and unsecured, in excess of $1,000, setting forth for each the amounts owed.

(3) Each franchisee shall annually file a report detailing maintenance, state of the art, improvements, signal strength and signal quality at the subscriber end of the system.

(4) Each franchisee shall also file annually such other information concerning its operating as may be required by the City. The City shall retain, throughout the life of any franchise granted pursuant to this chapter, the right to demand such supplemental, additional or other information as above noted, and, upon proof of the failure to supply such information upon reasonable demand, the franchise under which any applicant may be operating may, at the option of the City, be suspended upon order of the Council until such information is forthcoming.

(5) Each franchisee shall file a plan on an annual basis showing its plans for extending its service to those parts of the service area unserved at that time.

(a) Installation and maintenance of equipment shall be such that video programming signals shall be transmitted with full fidelity to any subscriber receiver. The franchisee shall maintain its service in accordance with such reasonable standards regarding uniformity of transmission, noise levels and channel signal voltages as may, from time to time, be established by the FCC or other body within its lawful authority.

(b) Whenever it is necessary to shut off or interrupt service for the purpose of making repairs, adjustments or installations, the franchisee shall do so at times as will cause the least amount of inconvenience to its customers, and, unless such interruption is unforeseen and immediately necessary, it shall give reasonable notice thereof to its customers.

L. Use of channels.

(1) A franchisee shall provide public, educational, and governmental access channel capacity and facilities as provided in its franchise agreement.

(2) The franchisee is prohibited from censoring any program which is cablecast over public, educational or governmental access channels, except such censoring as is required by FCC or other applicable laws or regulations.

(3) The public, educational and government access channel capacity shall be made available free of charge and placed on the basic service tier. Charges for use of equipment and personnel to produce public access programming may be made, but shall be reasonable and consistent with the goal of affording users a low-cost means of television access. No equipment, personnel or production charges shall be made for live public access programs not exceeding five minutes in length per day.

(4) The system shall be engineered to provide an audio alert system to allow authorized officials, as designated by the City, to automatically override the audio signal on all channels and transmit and report emergency information.

M. State of the art. The franchisee shall continually upgrade its facilities, equipment and service so that its system is as advanced as the current state of technology will allow. Compliance with this provision shall be determined by the City.

N. A franchisee shall provide free installation and basic service to municipal buildings, fire stations, schools, hospitals, jails and libraries to the extent provided in its franchise agreement.

O. Interconnection. The franchisee shall be capable of interconnecting its system, or any part thereof, with any other broadband communications facility operating in the City or county and/or the adjacent jurisdictions. The interconnection shall be made within 60 days of an order by the Council to proceed, unless, for good cause shown by the franchisee, a reasonable time extension is granted by the City.

P. Apartment buildings. No franchisee shall be required to pay any fee to the building owner(s) to provide cable television service to any member of the public in any privately owned buildings that are in the City. Each franchisee shall report to the City any building owner who requests a fee from the franchisee as a condition for allowing the franchisee to install a cable system service in the building owner's building. A franchisee is expressly prohibited from entering into any agreement with an owner of a building containing multiple dwelling units that would increase the rates or increase or decrease services to a subscriber residing in the dwelling, other than with medical organizations or education or charitable institutions; however, this shall not contravene the provision of Subsection N above.

Q. Repair. Any damage caused to the property of building owners, users or any other person by the franchisee shall be repaired by the franchisee.

R. Removal of facilities upon request. Upon termination of service to any subscriber, the franchisee shall promptly remove all its facilities and equipment from the premises of such subscriber upon his written request. The franchisee shall not charge a fee for the same.

§ 61-5. Forfeit or surrender of franchise.

A. General provisions.

(1) Termination and surrender.

(a) A failure of the franchisee to commence to render cable service to the residents of the service area, as contemplated and provided for by its franchise agreement, shall be a material violation of the franchise, and in such a circumstance, the City shall have the right to revoke this franchise and all rights of the franchisee thereunder.

(b) If the franchisee shall fail to comply with any of the provisions of this chapter or default in any of its obligations, except for causes beyond the reasonable control of the franchisee, as heretofore provided, and shall fail, within 30 days after written notice from the City, to correct such default or noncompliance, the City shall consider this as a material violation of the franchise and, therefore, have the right to revoke this franchise and all rights of the franchisee hereunder.

(c) Upon the termination of this franchise or any renewal thereof, the franchisee shall remove its posts, poles and all aboveground equipment from the streets, lanes, sidewalks, highways, alleys, bridges and other public places in the service area and shall restore such streets, lanes, highways, sidewalks, alleys, bridges and other public places to their original condition. Following termination of this franchise, any property owned by the franchisee and not removed from City properties within six months from the termination date will become the property of the City to do with as it may choose. Any cost occurring to the City in removing the franchisee's former possessions from City streets or land will be a claim against the franchisee.

(d) The franchisee may surrender its franchise at any time upon filing with the City a written notice of its intention to do so at least 60 days before the surrender date. On the surrender date specified in such notice, all the rights and privileges and all of the obligations, duties and liabilities of the franchisee under this chapter shall cease and terminate, except that the franchisee shall have an additional six months to remove its plant and equipment from City streets and all other public lands upon which it is located. At the end of said six months, any property owned by the franchisee and not removed from

City properties will become the property of the City to do with as it may choose. Any costs occurring to the City in removing the franchisee's former possessions from City streets or land will be a claim against the franchisee.

(2) In order that the City may exercise its option to take over the facilities and property of the system, as authorized herein, upon expiration or forfeiture or revocation of the rights and privileges of the franchisee, the franchisee shall not make, execute or enter into any deed, deed of trust, mortgage, contract, conditional sales contract or any loan, lease, pledge, sale, gift or any other agreement concerning any of the rights, facilities or property, real or personal, of the system without prior approval of the Council and upon the Council's determination that the transaction proposed by the franchisee will not be harmful to the rights of the City under this franchise; provided, however, that this section shall not apply to the disposition or replacement of worn out or obsolete facilities or personal property in the normal course of carrying on the CATV[19] business or to routine contractual relationships entered into in the ordinary course of the cable business.

B. Any franchise granted hereunder shall, at the option of the Council, cease and terminate upon the appointment of a receiver or receivers or trustee or trustees to take over and conduct the business of the franchisee, whether in a receivership, reorganization, bankruptcy or other similar action or proceeding. In the case of a foreclosure or other judicial sale of the plant, property and equipment of the franchisee or any part thereof, including or excluding this franchise, the Council may serve notice of termination upon the franchisee and the successful bidder at such sale, in which event the franchise herein granted and all rights and privileges of the franchisee hereunder shall cease and terminate 30 days after service of such notice, unless:

(1) The Council shall have approved the transfer of this franchise as and in the manner in this chapter provided; and

(2) Such successful bidder shall have covenanted and agreed with the Council to assume and be bound by all the terms and conditions of this chapter.

§ 61-6. Intervention of City.

A franchisee shall not oppose intervention by the City in any suit or proceeding to which the franchisee is a party.

§ 61-7. Business office; complaint procedure.

A. A franchisee shall maintain, within 20 miles of the service area, a local business office or designated agent for the purpose of receiving and

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19. Editor's Note: "CATV" refers to community antenna television system.

resolving all complaints regarding the quality of service, equipment malfunctions and other similar matters.

B. A franchisee shall provide a toll-free telephone number at which subscribers may contact the franchisee or agent thereof on a twenty-four-hour basis in the case of emergencies and shall list such number in the local telephone directory and shall notify its subscribers of such service.

C. Complaints by any subscriber may be filed with the franchisee, in writing, or delivered to the franchisee orally, in person or by means of the telephone.

D. Any complaints received from subscribers shall be investigated by the franchisee and service restored at least within 48 hours of their receipt. In the event that service is not restored within 48 hours, the subscriber shall be credited with a reduction in his monthly payment for each full day or portion of a day that such service is not restored by determining from the monthly charge the prorated charge for each day's service, then multiplying said daily charge by the number of days during which service was not wholly restored and subtracting the result from the monthly charge.

E. The franchisee shall keep a maintenance service log that will indicate the nature of each complaint, the name of the employee of the franchisee receiving the complaint, the date and time it was received, the disposition of the complaint and the time and date thereof. In said log, the franchisee shall state the specific steps taken by the company to remedy the complaint. This log shall be made available for periodic inspection by the City.

F. The procedure for reporting and resolving complaints shall be stated, in writing, by the franchisee to each subscriber at the time of initial subscription to the cable system.

G. A franchisee shall maintain the staff and facilities needed to handle properly system maintenance and complaints.

H. A franchisee shall maintain a duty roster of qualified technicians to respond to complaints or malfunctions at other than normal office hours.

§ 61-8. Insurance; indemnification.

A. Liability and indemnification of the City and Council. A franchisee shall indemnify and hold harmless the City and Council, its agents, servants, officials and employees at all times, and by entering into franchise agreement, specifically agrees that it will pay all damages and costs which the City or Council or its agents, servants, officials or employees may be legally required to pay arising from the franchise granted herein. Such damages and penalties shall include but not be limited to damages arising out of copyright infringements and other

damages arising out of the installation, operation or maintenance of the cable system authorized, allowed or prohibited by the franchise. In the event that suit shall be filed against the City, Council or its agents, servants, officials or employees, either independently or jointly with the franchisee, to recover for any claim or damages, the franchisee, upon notice to it by the Council, shall defend the Council, City or its agents, servants, officials or employees, as the case may be, against the action, and in the event of a final judgment being obtained against any of them, either independently or jointly with the franchisee by reason of the acts of the franchisee, the franchisee will pay said judgment and all costs and legal fees and hold the City and Council, its agents, servants, officials and employees harmless therefrom.

B. Faithful performance bond. A franchisee shall, concurrently with its acceptance of a franchise, file with the Council, at the franchisee's sole expense, a corporate surety bond with a responsible company approved by the Council and licensed to do business in Maryland, in the amount of not less than $75,000, renewable annually and conditioned upon the faithful performance of the franchisee and upon the further condition that, in the event that the franchisee shall fail to comply with any one or more of the provisions of the franchise agreement or this chapter, there shall be recoverable, jointly and severally from the principal and surety of such bond, any damages or loss suffered by the City or subscribers as a result thereof, including the full amount of any compensation, indemnification or cost of removal or abandonment of any property of the franchisee as prescribed hereby, plus a reasonable allowance for attorney's fees and costs, said condition to be a continuing obligation on the part of the franchisee to the Council that may arise from the acceptance of the franchise or its renewal or from the exercise of any privilege or right herein granted. The bond shall provide that at least 30 days' prior written notice of intention not to renew or to cancel or of any material change shall be given by the surety company by filing the same with the City.

C. Insurance.

(1) A franchisee shall carry insurance in such forms and in such companies as shall be approved by the City, such approval not to be unreasonably withheld, to protect the City, Council, its agents, servants, officials and employees and the franchisee from and against any and all claims, injury or damage. The insurance policies and performance bonds obtained by the franchisee in compliance with this and other sections shall be issued by a company or companies acceptable to the City, and a current certificate or certificates of insurance and bonding, along with written evidence of payment of all required premiums, shall be filed and maintained with the City during the term of the franchise and prior to the commencement of construction. Said policies shall name the City as an additional insured and shall contain a provision that a written notice of cancellation or reduction in coverage of said policy shall

be delivered to the City 30 days in advance of the effective date thereof. The policies shall protect the City, Council, their agents, servants, officials and employees and the franchisee from and against any and all claims, injury or damage to persons or property, both real and personal, caused by the construction, erection, operation or maintenance of the system. The amount of such insurance shall be in the discretion of the Council, but not be less than the following:

(a) General liability insurance:

[1] One person: $300,000.

[2] One accident: $1,000,000.

[3] Property damage: $300,000.

(b) Automobile insurance:

[1] One person: $300,000.

[2] One accident: $500,000.

[3] Property damage: $500,000.

(2) Workers' compensation insurance shall also be provided as required by laws of the State of Maryland.

D. Nonwaiver. Neither the provisions of this section nor any bonds accepted by the Council or City pursuant hereto nor any damage recovered by the City thereunder shall be construed to excuse unfaithful performance by the franchisee or limit the liability of the franchisee under this chapter or the franchise for damages, either to the full amount of the bond or otherwise.

§ 61-9. Franchise area; map.

A. A franchisee shall extend its cable system throughout the service area covered by its franchise as rapidly as practicable, or as directed by the City, but not later than five years following the issuance of the franchise.

B. A franchisee shall file a map and program report with the City at the close of each calendar year, showing the exact area of the City being served by the cable system, the location and identification of major component parts of the system and plans for future service extensions by year.

§ 61-10. Rates and charges.

A. The City reserves the right to regulate a franchisee's rates to the full extent permitted by law.

B. A franchisee shall provide the City and all subscribers with a minimum of 30 days' advance written notice of any change in rates, programming services or channel positions.

§ 61-11. Franchise fees.

A. Annual fee. During the term of any franchise granted pursuant to this chapter, the franchisee shall pay to the City, as compensation for its use of its streets and public ways and other facilities, as well as the City's maintenance, improvements and supervision thereof, an annual franchise fee based upon a percentage of the annual gross revenues derived from the franchisee's operation of a cable system within the City to provide cable service. The percentage amount of the franchise fee shall be set forth in the franchise agreement. The franchise fee shall be in addition to, and not offset against, any other tax or payment owed to the City by the franchisee. In this connection, "franchisee" shall include any person, entity or firm that is a subsidiary of the franchisee or part of a controlled group, as defined by the Internal Revenue Code.

B. Method of computation. Payments due the City under the terms of the franchise shall be computed quarterly and paid within 30 days of the end of each quarter, that is, within 30 days after December 31, March 31, June 30 and September 30, respectively. The City shall be furnished with a statement with each payment, certified as correct by the franchisee, and an annual statement for the entire year, prepared by a certified public accountant. All statements shall reflect the total amount of gross revenues. Statements accompanying payments of the franchise fee shall set forth a detailed computation of the payment. The City reserves the right to reasonable inspection of the books, records, maps, plans and other material of the franchisee.

C. Right of recomputations. No acceptance of any payment shall be construed as a release or as an accord and satisfaction of any claims the City may have for further or additional sums payable as a franchise fee under the franchise agreement or for the performance of any other obligation hereunder.

D. Failure to make required payment. Failure to pay any fees required by this section shall be considered a material violation of the franchise in accordance with the foregoing provisions of this chapter, and shall, at the option of the Council, result in suspension or termination of the franchise granted. Reinstatement of the franchise may, at the option of the Council, be had upon payment of the delinquent fee or fees, plus any interest and/or penalties as may be required by the Council.

§ 61-12. through § 61-13. (Reserved)

§ 61-14. Costs.

Except where otherwise expressly stated herein, all costs incurred by a franchisee in connection with any provision of this chapter shall be borne by the franchisee.

§ 61-15. Violations and penalties.

Any violation of this chapter shall constitute a municipal infraction, subject to the penalties and procedures set forth in § 1-18 of the City Code.

Chapter 68

DISORDERLY HOUSE NUISANCES

GENERAL REFERENCES

Animals and fowl — See Ch. 48.

Nuisances — See Ch. 100.

Peace and good order — See Ch. 106.

Property maintenance — See Ch. 119.

Zoning — See Ch. 164.

§ 68-1. Definitions.

For the purpose of this chapter, the following definitions shall apply:

CITY — The City of Westminster.

CITY CODE — The Code of the City of Westminster.

DIRECTOR — The Director of Planning, Zoning and Development or the Director's designee.**[Amended 12-6-2007 by Ord. No. 773; 7-14-2008 by Ord. No. 784]**

DWELLING — Any building arranged, designed or used in whole or part to provide living facilities for one or more families. Dwelling shall include boarding (lodging) and/or rooming houses. Dwelling shall also include both the enclosed area within a dwelling, as well as the exterior premises of the dwelling, within the boundary lines of any real property on which the dwelling is located.

OCCUPANT — Any person who lives in or has possession of, or holds an occupancy interest in a dwelling; or any person residing in or frequenting the premises of the dwelling with the actual or implied permission of the owner or lessee.

OWNER — Any person, agent, operator, firm or corporation having a legal or equitable interest in the dwelling; or recorded in official governmental records as holding title to the dwelling; or otherwise having control of the dwelling. including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of such property by a court.

§ 68-2. Disorderly house nuisance defined.

A "disorderly house nuisance" is a dwelling as defined in this chapter where any of the following has occurred within a three-hundred-sixty-five-day period:

A. Two or more criminal arrests, criminal citations, criminal indictments, criminal warrants, criminal summonses, civil citations or civil summonses arising out of separate and distinct facts and circumstances (as defined by the statutes of the State of Maryland and/or the ordinances of the City or of Carroll County, Maryland) which occur at a dwelling or on property in close proximity to a dwelling;

B. Two or more violations of Article 2B of the Annotated Code of Maryland relating to alcoholic beverages arising out of separate and distinct facts and circumstances; or

C. Two or more violations of Chapter 48 of the City Code and/or Animal Control Ordinance 26 of Carroll County, Maryland,[20] relating to animals and fowl arising out of separate, and distinct facts and circumstances; or

D. Two or more violations of Chapter 100 of the City Code relating to nuisances arising out of separate, and distinct facts and circumstances; or

E. Two or more violations of Chapter 119 of the City Code relating to property maintenance arising out of separate, and distinct facts and circumstances; or

F. Two or more violations of Chapter 164 of the City Code relating to zoning, arising out of separate, and distinct facts and circumstances; or

G. A combination of two incidents from any of the above categories, arising out of separate, and distinct facts and circumstances.

§ 68-3. Prohibited actions.

A. No owner or occupant of any dwelling shall allow or permit such dwelling to be or become a disorderly house nuisance.

B. An owner and/or occupant, as the case may be, shall be deemed to have allowed or permitted a dwelling to be or become disorderly house nuisance, if:

(1) The owner or occupant has personally committed the acts set forth in § 68-2; or

(2) Such acts were committed by invitees of the occupant or owner; or

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20. Editor's Note: See Ch. 81, Animals, of the Code of Carroll County.

(3) Such acts were committed by persons attending events, or functions, sponsored, permitted or allowed by the occupant or owner; or

(4) Such acts were committed by a combination of Subsection B(1), (2) or (3); or

(5) The owner or occupant has been provided with the written notice of a disorderly house nuisance pursuant to § 68-4, below, the facts alleged therein are true, and the owner or occupant fails or refuses to enter into a nuisance abatement agreement or, after entering into such agreement, fails to comply with its terms.

§ 68-4. Written notice of violation; contents.

A. No person shall be prosecuted for a violation of § 68-3 until the Director shall serve such person with the notice provided herein, and the person has either failed or refused to enter into the nuisance abatement agreement provided for hereinafter or, after entering into such agreement, the person fails to comply with its provisions. Such notice may be served on any person by personal service or, in the case of an occupant, by restricted mail addressed to the address of the dwelling or, in the case of a nonoccupant owner, by restricted mail to his/her last known address or, if none, to the address to which any tax statement is sent to such owner for the dwelling, or by posting of the dwelling, either on the structure or at a location on the exterior premises, or by any other method of service reasonably calculated to give actual notice.

B. Such notice shall contain, at a minimum the following:

(1) That a disorderly house nuisance exists, as defined by § 68-2, at the location specified in the notice.

(2) The date of the commission of the acts which constitute the basis for the disorderly house nuisance, the name(s) of the person(s) committing such acts, if known, and all other facts and circumstances that the City relies upon to allege that such acts form the basis for the disorderly house nuisance.

(3) The date, time and place where the person is to appear, and meet with the Director or the Director's designee, to participate in the nuisance abatement conference.

(4) That failure to appear, or failure to make satisfactory arrangements for an alternative date and time, at the time, place and manner designated in the notice may result in prosecution of a violation of § 68-3 and the imposition of penalties, as prescribed by this chapter.

§ 68-5. Nuisance abatement conference.

At the nuisance abatement conference, the Director and the owner and/or occupant shall discuss the facts constituting the disorderly house nuisance and shall attempt to agree on specific actions that the owner and/or occupant can take to abate said disorderly house nuisance.

§ 68-6. Nuisance abatement agreement.

A. At the conclusion of the nuisance abatement conference, the Director shall submit to the owner and/or occupant a proposed written nuisance abatement agreement. If at the conclusion of the conference, the Director needs more time to draft said proposed agreement, then a follow-up meeting shall be scheduled with the owner and/or occupant, within 10 days of the initial conference, for submittal and review of the completed proposed nuisance abatement agreement.

B. Any nuisance abatement agreement under this chapter shall include a list of specific actions and specific schedule of deadlines for said actions to abate the disorderly house nuisance. It may also include provisions for a periodic reassessment of the agreement's effectiveness, and the procedure for a modification of the agreement. A nuisance abatement agreement or any written modification to said agreement may impose conditions or requirements on the owner and/or occupant for a period of up to 24 months from the date the original agreement is entered into by the owner and/or occupant and the City. A nuisance abatement agreement or any modification may impose one or more of the following conditions or requirements on the owner and/or occupant:

(1) Institution of eviction proceedings against identified individual(s) from the dwelling in question.

(2) Written notification from the owner and/or occupant to an identified individual or individuals that they are prohibited from entering onto the premises of the dwelling.

(3) Utilization of written leases containing a provision or provisions requiring eviction for criminal activity.

(4) The completion of improvements upon the premises of the dwelling which have the impact of mitigating crime including but not limited to the erection of fences, installation of security devices upon the entrances or increased lighting.

(5) The posting of a cash bond in an amount determined by the Director reasonably necessary to ensure compliance with the specific conditions or requirements imposed by the nuisance abatement agreement, including, but not limited to, the completion of improvement under Subsection B(4). **[Added 7-14-2008 by Ord. No. 784[21]]**

(6) Any other reasonable condition or requirement designed to abate the disorderly house nuisance.

C. Once a proposed written nuisance abatement agreement or written modification to nuisance abatement agreement has been submitted to the owner and/or occupant, said owner and/or occupant shall have 48 hours to review it and enter into said agreement by signing it and returning it to the Director.

§ 68-7. Commencement of prosecution.

The Director may commence prosecution alleging a violation of this chapter under the following circumstances:

A. The owner and/or occupant commits a violation described in § 68-3 of this chapter; or

B. The owner and/or occupant does not attend a nuisance abatement conference with the Director within the time period described previously; or

C. The owner and/or occupant fails or refuses to sign a proposed written nuisance abatement agreement or proposed written modification to said agreement within the prescribed time period set forth in § 68-6C; or

D. The owner and/or occupant subsequently fails or refuses to comply with any conditions or requirements set forth in a nuisance abatement agreement, including any prescribed deadlines for taking particular actions.

§ 68-8. Action to abate and obtain other relief. [Amended 7-14-2008 by Ord. No. 784]

In addition to prosecution of the offenses defined in this chapter or to pursuing any other remedies available under this Code, the Director may prosecute an action for equitable relief, in the name of the City, to abate the nuisance, to forfeit the cash bond or a portion thereof which may be imposed under § 68-6B(5), and/or to enjoin any person who shall own, rent, or occupy the dwelling in question from using or permitting its use in violation of the provisions of this chapter.

§ 68-9. Violations and penalties.

A. Any person who shall violate a provision of this chapter, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed separate offense. In addition to other remedies, any violation

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21. Editor's Note: This ordinance also redesignated former Subsection B(5) as Subsection B(6).

may be deemed a municipal infraction and prosecuted as such. The penalty for violation shall be a fine of $400 for each offense, which may be doubled in accordance with applicable law, and/or the issuance of an abatement order.

B. Upon a finding of guilt under this chapter, the court may, in addition to other remedies permitted by law, impose any or all of the following conditions:

(1) The completion of improvements upon the premises of the dwelling which have the impact of mitigating crime and criminal activity, including but not limited to the erection of fences, installation of security devices or increased lighting;

(2) Requirement of a written lease for occupants which includes provisions requiring eviction for criminal activity;

(3) Submitting tenancy lists on a periodic basis to the City.

(4) Imposition of a period of court supervision with the posting of a cash bond of no less than the minimum fine and up to the amount of the maximum fine for the period of court supervision in an interest-bearing account conditioned on successful completion of the conditions imposed by the court under the court supervision and failure to complete successfully shall result in forfeiture of the bond to the City;

(5) The forfeiture of the cash bond or a portion thereof which may be imposed under § 68-6B(5); and **[Added 7-14-2008 by Ord. No. 784[22]]**

(6) Any other condition reasonably related to the objective of abating the disorderly house nuisance.

Chapter 78

FIRE PREVENTION

GENERAL REFERENCES

Fire Department — See Ch. 21. **Fees — See Ch. A175.**

22. Editor's Note: This ordinance also redesignated former Subsection B(5) as Subsection B(6).

ARTICLE I

General Provisions

[Adopted as Ch. 7, Art. I, of the 1972 Code, as amended through 1990]

§ 78-1. Prohibited acts.

It shall be unlawful for any person without proper authority so to do to use, remove, damage, deface, tamper with or render inoperative any property or equipment of the Fire Department, including the fire alarm system thereof, or any fire hydrant of the City or water main supplying water to any fire hydrant or to obstruct access by the Fire Department to any fire hydrant; and it shall be unlawful for any person without proper authority so to do to remove, damage, deface, tamper with, render inoperative or obstruct access to any fire escape or other fire exit from any structure or any fire extinguisher or sprinkler system in any structure.

ARTICLE II
Fire Prevention Code
[Adopted as Ch. 7, Art. II, of the 1972 Code, as amended through 1990]

§ 78-2. Adoption of standards; copies on file; title; applicability.

For the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, there is hereby adopted that certain code known as the "Fire Prevention Code, Abbreviated Edition, 1965," recommended by the American Insurance Association, a copy of which is and shall remain on file in the office of the City Clerk, and such code is hereby incorporated in and made a part of this section as fully as though it were set out at length herein; and the code adopted by this section shall be known and may be cited as the "Fire Prevention Code of the City," and the provisions thereof shall be controlling within the City and as to fire hazard nuisances within 1/2 mile beyond the City.

§ 78-3. Definitions.

As used in this article and the Fire Prevention Code adopted herein, the following terms shall have the meanings indicated:

CHIEF OF THE FIRE DEPARTMENT — The executive officer, as defined in this section.

EXECUTIVE OFFICER — The officer designated by the Mayor, with the approval of the Common Council, to administer and enforce the provisions of the Fire Prevention Code.

MUNICIPALITY — This City.

§ 78-4. Storage of dangerous materials.

The limits referred to in Section 53b of the Fire Prevention Code, in which storage of explosives and blasting agents is prohibited, the limits referred to in Section 74a of that code, in which storage of Class I liquids in outside aboveground tanks is prohibited, and the limits referred to in Section 114 of that code, in which bulk storage of liquefied petroleum gas is restricted, are hereby established as the entire City limits, except as may be provided otherwise in the Zoning Ordinance.[23]

§ 78-5. Permits; fees.

A. The legislative body shall establish reasonable fees for permits required by the Fire Prevention Code in the General Fee Ordinance.[24] No permit for which a fee is required by such ordinance shall be valid until initialed by the City Clerk-Treasurer upon payment of such fee. A copy

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23. Editor's Note: See Ch. 164, Zoning and Subdivision of Land.

24. Editor's Note: See Ch. A175, Fees, Art. I, General Fees.

of such schedule shall be maintained on file in the office of the executive officer. **[Amended 11-24-2008 by Ord. No. 791]**

B. Permits required by the Fire Prevention Code shall be issued by the executive officer and shall be valid for a period of one year from the date of issue, unless a shorter period is specified in any permit, provided that where a license is required in addition to a permit and such license is renewable annually, such permit may be made valid for an indefinite period.

§ 78-6. Modifications to requirements.

The executive officer shall have power to modify any of the provisions of the Fire Prevention Code upon application, in writing, by the owner or lessee of the property thereby affected or his duly authorized agent when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured and substantial justice done. The particulars of such modification when granted or allowed and the decision of the executive officer thereon shall be entered upon the records of the Department, and a signed copy shall be furnished to the applicant.

§ 78-7. Appeals.

Whenever the executive officer shall disapprove an application or refuse to grant a permit applied for or when it is claimed that the provisions of the Fire Prevention Code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the executive officer to the legislative body within 30 days from the date of the decision appealed.

§ 78-8. Violations and penalties.

A. Any person who shall violate any of the provisions of the Fire Prevention Code or fail to comply therewith or who shall violate or fail to comply with any order made thereunder or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder and from which no appeal has been taken or who shall fail to comply with such an order as affirmed or modified by the legislative body or by a court of competent jurisdiction within the time fixed therein shall severally, for each and every such violation and noncompliance, respectively, be guilty of an offense and, upon conviction, shall be punished as provided in § 1-18A, and the imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each 10 days that prohibited conditions are maintained shall constitute a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

§ 78-9. Interpretation.

If, in the case, any provision of the Fire Prevention Code of the City is found to conflict with any applicable provision of the State or County Fire Prevention Code or any rule or regulation of the Fire Prevention Commission or any statute, the provision which is more stringent or imposes a higher standard shall govern.

Chapter 80

FISHING

GENERAL REFERENCES

Animals and fowl — See Ch. 48.

Fees — See Ch. A175.

Licenses — See Ch. 94.

§ 80-1. Licenses, permits and procedures for Raw Water Reservoir. [Amended 11-24-2008 by Ord. No. 791]

The Mayor and Common Council shall have the right to establish and amend from time to time a licensing procedure for fishing at the Raw Water Reservoir and a procedure to issue, suspend and revoke permits to certain persons for such use and the right to establish rules and regulations concerning the use of the reservoir and to establish and collect fees for such permits as provided in the General Fee Ordinance.[25]

§ 80-2. Disposition of fees.

The fees generated from all permits for fishing at the Raw Water Reservoir shall be divided equally between the Westminster City Police Department and the City Water Department.

§ 80-3. Violations and penalties.

The penalties for violation of any provisions of the rules, regulations and procedures established by resolutions of the Mayor and Common Council pursuant to this chapter or the violation of any county, state or federal law or regulation shall be those set forth in § 1-18A of the Code of the City of Westminster, suspension or revocation of the permit to fish, a fine of $20 upon the first offense and $100 for each subsequent offense, or all of the foregoing.

§ 80-4. Rules and regulations.

A true and complete copy of the current rules and regulations then in force shall be maintained in the office of the Director of Public Works and the office of the City Clerk and the City Police Department for inspection by the public.

25.Editor's Note: See Ch. A175, Fees, Art. I, General Fees.

Chapter 83

FLOODPLAIN MANAGEMENT

GENERAL REFERENCES

Planning and Zoning Commission — See Ch. 7, Art. II.

Buildings — See Ch. 56.

Storm sewer systems environmental management — See Ch. 135.

Stormwater management — See Ch. 136.

Streets and sidewalks — See Ch. 139.

Water — See Ch. 160.

Zoning and subdivision of land — See Ch. 164.

Fee Schedule — See Ch. A175.

ARTICLE I
Definitions

§ 83-1. Definitions.

Unless specifically defined below, words or phrases used in these regulations shall be interpreted to have the meanings they have in common usage and to give these regulations the most reasonable application.

ACCESSORY STRUCTURE — A building or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure, used solely for parking of vehicles and limited storage.

AGREEMENT TO SUBMIT AN ELEVATION CERTIFICATE — A form on which the applicant for a permit to construct a building or structure, to construct certain horizontal additions, to place or replace a manufactured home, or to substantially improve a building, structure, or manufactured home agrees to have an elevation certificate prepared by a licensed professional engineer or licensed professional surveyor, as specified by the Floodplain Administrator, and to submit the certificate:

A. Upon placement of the lowest floor and prior to further vertical construction; and

B. Prior to the final inspection and issuance of the certificate of occupancy.

ALTERATION OF A WATERCOURSE — The widening, deepening or relocating of a channel, including excavation or filling, but not including construction of a road, bridge, culvert, dam, or in-stream pond, unless the channel is proposed to be realigned or relocated as part of such construction.

AREA OF SHALLOW FLOODING — A designated Zone AO on the Flood Insurance Rate Map, with a one-percent annual chance or greater of flooding to an average depth of one feet to three feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident; such flooding is characterized by ponding or sheet flow.

BASE BUILDING — The building to which an addition is being added.

BASE FLOOD — The flood having a one-percent chance of being equaled or exceeded in any given year; the base flood also is referred to as the one-percent-annual-chance one-hundred-year flood.

BASE FLOOD ELEVATION — The water surface elevation of the base flood in relation to the datum specified on the City's Flood Insurance Rate Map. In areas of shallow flooding, the base flood elevation is the highest adjacent natural grade elevation plus the depth number specified in feet on the Flood Insurance Rate Map, or at least four feet if the depth number is not specified.

BASEMENT — Any area of the building having its floor subgrade (below ground level) on all sides.

BUILDING CODE(S) — The effective Maryland Building Performance Standards (COMAR 05.02.07), including the building code, residential code, and existing building code.

COMMUNITY — A political subdivision of the state that has authority to adopt and enforce floodplain management regulations within its jurisdictional boundaries.

CRITICAL AND ESSENTIAL FACILITIES — Buildings and other structures that are intended to remain operational in the event of extreme environmental loading from flood, wind, snow or earthquakes. (Note: See Maryland Building Performance Standards, Section 1602 and Table 1604.5.) Critical and essential facilities typically include hospitals, fire stations, police stations, storage of critical records, facilities that handle or store hazardous materials, and similar facilities.

DECLARATION OF LAND RESTRICTION (NONCONVERSION AGREEMENT) — A form signed by the owner to agree not to convert or modify, in any manner that is inconsistent with the terms of the permit and these regulations, certain enclosures below the lowest floor of elevated buildings and certain accessory structures. The form requires the owner to record it on the property deed to inform future owners of the restrictions.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, placement of manufactured homes, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

DIRECTOR — The City's Director of Public Works.

ELEVATION CERTIFICATE — FEMA form on which surveyed elevations and other data pertinent to a property and a building are identified and which shall be completed by a licensed professional land surveyor or a licensed professional engineer, as specified by the Floodplain Administrator. When used to document the height above grade of buildings in special flood hazard areas for which base flood elevation data are not available, the elevation certificate shall be completed in accordance with the instructions issued by FEMA. (Note: FEMA Form 086-0-33 and instructions are available online at http://www.fema.gov/library/viewRecord.do?id=1383.)

ENCLOSURE BELOW THE LOWEST FLOOR — An unfinished or flood-resistant enclosure that is located below an elevated building, is surrounded by walls on all sides, and is usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations. Also see "lowest floor."

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) — The federal agency with the overall responsibility for administering the National Flood Insurance Program.

FLOOD-DAMAGE-RESISTANT MATERIALS — Any construction material that is capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than

cosmetic repair. (Note: See NFIP Technical Bulletin No. 2, Flood-Damage-Resistant Materials Requirements.)

FLOOD INSURANCE RATE MAP (FIRM) — An official map on which the Federal Emergency Management Agency has delineated special flood hazard areas to indicate the magnitude and nature of flood hazards, to designate applicable flood zones, and to delineate floodways, if applicable. FIRMs that have been prepared in digital format or converted to digital format are referred to as "digital FIRMs (DFIRMs)."

FLOOD INSURANCE STUDY (FIS) — Flood Insurance Study for Carroll County, Maryland And Incorporated Areas, dated October 2, 2015, or the most recent revision thereof, which constitutes the official report in which the Federal Emergency Management Agency has provided flood profiles, floodway information, and water surface elevations.

FLOOD OPENING —

A. NONENGINEERED FLOOD OPENING — An opening that is used to meet the prescriptive requirement of one square inch of net open area for every square foot of enclosed area.

B. ENGINEERED FLOOD OPENING — An opening that is designed and certified by a licensed professional engineer or licensed architect as meeting certain performance characteristics, including providing automatic entry and exit of floodwaters; this certification requirement may be satisfied by an individual certification for a specific structure or issuance of an evaluation report by the ICC Evaluation Service, Inc. (Note: See NFIP Technical Bulletin No. 1, Openings in Foundation Walls and Walls of Enclosures.)

FLOOD or FLOODING — A general and temporary condition of partial or complete inundation of normally dry land areas from:

A. The overflow of inland or tidal waters; and/or

B. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPLAIN — Any land area susceptible to being inundated by water from any source.

FLOODPROOFING CERTIFICATE — FEMA form that is to be completed, signed and sealed by a licensed professional engineer or licensed architect to certify that the design of floodproofing and proposed methods of construction are in accordance with the applicable requirements of § 83-35B of these regulations. (Note: FEMA Form 086-0-34 is available online at http://www.fema.gov/library/viewRecord.do?id=1600.)

FLOODPROOFING or FLOODPROOFED — Any combination of structural and nonstructural additions, changes, or adjustments to buildings or structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents, such that the buildings or structures are watertight with walls

substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. [Note: State regulations at COMAR 26.17.04.11(B)(7) do not allow new nonresidential buildings in nontidal waters of the state to be floodproofed.]

FLOOD PROTECTION ELEVATION — The base flood elevation plus two feet of freeboard. Freeboard is a factor of safety that compensates for uncertainty in factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, climate change, and the hydrologic effect of urbanization in a watershed.

FLOOD PROTECTION SETBACK — A distance, measured perpendicular to the top of bank of a watercourse, that delineates an area to be left undisturbed to minimize future flood damage and to recognize the potential for bank erosion. Along nontidal waters of the state, the flood protection setback is:

A. One hundred feet if the watercourse has special flood hazard areas shown on the FIRM, except where the setback extends beyond the boundary of the flood hazard area; or

B. Fifty feet if the watercourse does not have special flood hazard areas shown on the FIRM.

FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to pass the base flood discharge such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. When shown on a FIRM, the floodway is referred to as the "designated floodway."

FLOOD ZONE — A designation for areas that are shown on Flood Insurance Rate Maps:

A. ZONE A — Special flood hazard areas subject to inundation by the one-percent-annual-chance (one-hundred-year) flood; base flood elevations are not determined.

B. ZONE AE and ZONE A1-30 — Special flood hazard areas subject to inundation by the one-percent-annual-chance (one-hundred-year) flood; base flood elevations are determined; floodways may or may not be determined.

C. ZONE AH and ZONE AO — Areas of shallow flooding, with flood depths of one foot to three feet (usually areas of ponding or sheet flow on sloping terrain), with or without BFEs or designated flood depths.

D. ZONE B and ZONE X (SHADED) — Areas subject to inundation by the two-tenths-percent-annual-chance (five-hundred-year) flood; areas subject to the one-percent-annual-chance (one-hundred-year) flood with average depths of less than one foot or with contributing drainage area

less than one square mile; and areas protected from the base flood by levees.

E. ZONE C and ZONE X (UNSHADED) — Areas outside of zones designated A, AE, A1-30, AO, VE, V1-30, B, and X (shaded).

F. ZONE VE and ZONE V1-30 — Special flood hazard areas subject to inundation by the one-percent-annual-chance (one-hundred-year) flood and subject to high-velocity wave action (also see "coastal high-hazard area").

FUNCTIONALLY DEPENDENT USE — A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water; the term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship-repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE — The highest natural elevation of the ground surface, prior to construction, next to the proposed foundation of a structure.

HISTORIC STRUCTURE — Any structure that is:

A. Individually listed on the National Register of Historic Places maintained by the United States Department of the Interior or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or

C. Individually listed on the Maryland Register of Historic Places.

HYDROLOGIC AND HYDRAULIC ENGINEERING ANALYSES — Analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by MDE and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

LETTER OF MAP CHANGE (LOMC) — An official FEMA determination, by letter, that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of map change include:

A. LETTER OF MAP AMENDMENT (LOMA) — An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property or structure is not located in a special flood hazard area.

B. LETTER OF MAP REVISION (LOMR) — A revision based on technical data that may show changes to flood zones, flood elevations, floodplain

and floodway delineations, and planimetric features. A letter of map revision based on fill (LOMR-F), is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the City's floodplain management regulations.

C. CONDITIONAL LETTER OF MAP REVISION (CLOMR) — A formal review and comment as to whether a proposed flood-protection project or other project complies with the minimum NFIP requirements for such project with respect to delineation of special flood hazard areas. A Conditional Letter of Map Revision Based on Fill (CLOMR-F) is a determination that a parcel of land or proposed structure that will be elevated by fill would not be inundated by the base flood if fill is placed on the parcel as proposed or the structure is built as proposed. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a letter of map revision may be issued by FEMA to revise the effective FIRM.

LICENSED — Possessing a license to practice issued by the Maryland Board of Architects, Maryland Board of Professional Engineers, Maryland Board of Professional Land Surveyors, or the Maryland Real Estate Appraisers and Home Inspectors Commission.

LOWEST FLOOR — The lowest floor of the lowest enclosed area (including basement) of a building or structure; the floor of an enclosure below the lowest floor is not the lowest floor, provided that the enclosure is constructed in accordance with these regulations. The lowest floor of a manufactured home is the bottom of the lowest horizontal supporting member (longitudinal chassis frame beam).

MANUFACTURED HOME — A structure, transportable in one or more sections that is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities and not including a recreational vehicle.

MARKET VALUE — The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. For the purposes of these regulations, the market value of a building is determined by a licensed real estate appraiser or the most recent, full phased-in assessment value of the building (improvement) determined by the State Department of Assessments and Taxation.

MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE) — A principal department of the state that is charged with, among other responsibilities, the coordination of the National Flood Insurance Program in Maryland and the administration of regulatory programs for development and construction that occur within the waters of the state, including nontidal wetlands, nontidal waters and floodplains, and state and private tidal

wetlands (tidal wetlands). Unless otherwise specified, "MDE" refers to the Department's Wetlands and Waterways Program.

MIXED-USE STRUCTURE — Any structure that is used or intended for use for a mixture of nonresidential and residential uses in the same structure.

NATIONAL FLOOD INSURANCE PROGRAM (NFIP) — The program authorized by the United States Congress in 42 U.S.C. §§ 4001 - 4129. The NFIP makes flood insurance coverage available in communities that agree to adopt and enforce minimum regulatory requirements for development in areas prone to flooding (see definition of "special flood hazard area").

NEW CONSTRUCTION — Structures, including additions and improvements, and the placement of manufactured homes, for which the start of construction commenced on or after December 1, 1977, the initial effective date of the City of Westminster Flood Insurance Rate Map, including any subsequent improvements, alterations, modifications, and additions to such structures.

NFIP STATE COORDINATOR — The individual designated by the Maryland Department of the Environment to coordinate the National Flood Insurance Program and administer MDE's regulatory programs for development and construction that occur within the waters of the state, including nontidal wetlands, nontidal waters and floodplains, and tidal wetlands.

NONTIDAL WATERS OF THE STATE — Any stream or body of water within the state that is subject to state regulation, including the one-hundred-year-frequency floodplain of free-flowing waters. COMAR 26:17.04 states that "the landward boundaries of any tidal waters shall be deemed coterminous with the wetlands boundary maps adopted pursuant to Environment Article, § 16-301. Annotated Code of Maryland." Therefore, the boundary between the tidal and nontidal waters of the state is the tidal wetlands boundary.

PERSON — An individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.

RECREATIONAL VEHICLE — A vehicle that is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light-duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

SPECIAL FLOOD HAZARD AREA (SFHA) — The land in the floodplain subject to a one-percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency in Flood Insurance Studies and on Flood Insurance Rate Maps as Zones A, AE, AH, AO, A1-30, and A99. The term includes areas shown on other flood maps that are identified in § 83-5.

START OF CONSTRUCTION — The date the building permit was issued, provided that the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The "actual start" means either the first placement

of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For substantial improvements, the "actual start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE — A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE — Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50% of the market value of the building or structure before the damage occurred; also used as "substantially damaged" structures. [Note: See "Substantial Improvement/ Substantial Damage Desk Reference" (FEMA P-758).]

SUBSTANTIAL IMPROVEMENT — Any reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50% of the market value of the building or structure before the start of construction of the improvement. The term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

A. Any project for improvement of a building or structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official prior to submission of an application for a permit and which are the minimum necessary to assure safe living conditions; or

B. Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

TEMPORARY STRUCTURE — A structure installed, used, or erected for a period of less than 180 days.

VARIANCE — A grant of relief from the strict application of one or more requirements of these regulations.

VIOLATION — Any construction or development in a special flood hazard area that is being performed without an issued permit; the failure of a building, structure, or other development for which a permit is issued to be fully compliant with these regulations and the conditions of the issued permit. A building, structure, or other development without the

required design certifications, the elevation certificate, or other evidence of compliance required is presumed to be a violation until such time as the required documentation is provided.

WATERCOURSE — The channel, including channel banks and bed, of nontidal waters of the state.

WATERS OF THE STATE — (See Environment Article, Title 5, Subtitle 1, Annotated Code of Maryland.) Includes:

A. Both surface and underground waters within the boundaries of the state subject to its jurisdiction;

B. That portion of the Atlantic Ocean within the boundaries of the state;

C. The Chesapeake Bay and its tributaries;

D. All ponds, lakes, rivers, streams, public ditches, tax ditches, and public drainage systems within the state, other than those designed and used to collect, convey, or dispose of sanitary sewage; and

E. The floodplain of free-flowing waters determined by MDE on the basis of the one-hundred-year flood frequency.

ARTICLE II
General Provisions

§ 83-2. Findings; compliance required.

A. The Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the City. Special flood hazard areas are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. Structures that are inadequately elevated, improperly floodproofed, or otherwise unprotected from flood damage also contribute to flood losses.

B. The Mayor and Common Council agreed to meet the requirements of the National Flood Insurance Program, and the City was accepted for participation in the program on December 1, 1977. As of that date, all development and new construction, as defined herein, are to be compliant with these regulations.

§ 83-3. Statutory authorization.

It is the policy of the State, as set forth in the Land Use Article, Title 4, of the Annotated Code of Maryland, that the orderly development and use of land and structures requires comprehensive regulation through the implementation of planning and zoning control and that planning and zoning controls shall be implemented by local government in order to, among other purposes, secure the public safety, promote health and general welfare, and promote the conservation of natural resources.

§ 83-4. Statement of purpose.

It is the purpose of these regulations to promote the public health, safety and general welfare and to:

A. Protect human life, health and welfare;

B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future;

C. Minimize flooding of water supply and sanitary sewage disposal systems;

D. Maintain natural drainage;

E. Reduce financial burdens imposed on the City, its governmental units and its residents, by discouraging unwise design and construction of development in areas subject to flooding;

F. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

G. Minimize prolonged business interruptions;

H. Minimize damage to public facilities and other utilities, such as water and gas mains, electric, telephone and sewer lines, streets and bridges;

I. Reinforce that those who build in and occupy special flood hazard areas should assume responsibility for their actions;

J. Minimize the impact of development on adjacent properties within and near flood-prone areas;

K. Provide that the flood storage and conveyance functions of floodplains are maintained;

L. Minimize the impact of development on the natural and beneficial functions of floodplains;

M. Prevent floodplain uses that are either hazardous or environmentally incompatible; and

N. Meet community participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations (CFR) at 44 CFR 59.22.

§ 83-5. Applicability.

These regulations shall apply to all special flood hazard areas within the jurisdiction of the City and identified in § 83-6.

§ 83-6. Basis for establishing special flood hazard areas and base flood elevations.

A. For the purposes of these regulations, the minimum basis for establishing special flood hazard areas and base flood elevations is the FIS and the accompanying FIRMs and all subsequent amendments and revisions to the FIRMs. The FIS and FIRMs are retained on file and available to the public at the City's administrative offices.

B. Where field-surveyed topography or digital topography indicates that ground elevations are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard on the FIRM, the area shall be considered as a special flood hazard area.

C. To establish base flood elevations in special flood hazard areas that do not have such elevations shown on the FIRM, the Floodplain Administrator may provide the best available data for base flood elevations, may require the applicant to obtain available information from federal, state or other sources, or may require the applicant to establish special flood hazard areas and base flood elevations as set forth in §§ 83-4, 83-5 and 83-6 of these regulations.

§ 83-7. Interpretation.

In the interpretation and application of these regulations, all provisions shall be:

A. Considered as minimum requirements;

B. Liberally construed in favor of the City; and

C. Deemed neither to limit nor repeal any other powers granted under state statutes. Where a provision of these regulations may be in conflict with a state or federal law, such state or federal law shall take precedence.

§ 83-8. Warning and disclaimer of liability.

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur, and flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside of the special flood hazard areas or uses that are permitted within such areas will be free from flooding or flood damage.

ARTICLE III
Administration

§ 83-9. Designation of Floodplain Administrator.

The Director is hereby appointed to administer and implement these regulations and is referred to herein as the "Floodplain Administrator." The Floodplain Administrator may;

A. Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees.

B. Enter into a written agreement or written contract with another Maryland community or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the City of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations (CFR) at 44 CFR 59.22.

§ 83-10. Duties and responsibilities of Floodplain Administrator.

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

A. Review applications for permits to determine whether proposed activities will be located in flood hazard areas.

B. Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.

C. Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.

D. Review applications to determine whether all necessary permits have been obtained from the federal, state or local agencies from which prior or concurrent approval is required; in particular, permits from MDE for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, and structures), any alteration of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the one-hundred-year frequency floodplain of free-flowing nontidal waters of the state.

E. Verify that applicants proposing an alteration of a watercourse have notified adjacent communities and the NFIP State Coordinator and have submitted copies of such notifications to FEMA.

F. Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met.

G. Inspect, or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations or to determine if noncompliance has occurred or violations have been committed.

H. Review elevation certificates and require incomplete or deficient certificates to be corrected.

I. Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for the City, within six months after such data and information becomes available if the analyses indicate changes in base flood elevations or boundaries.

J. Maintain and permanently keep records that are necessary for the administration of these regulations, including:

(1) Flood Insurance Studies, Flood Insurance Rate Maps (including historic studies and maps and current effective studies and maps) and letters of map change; and

(2) Documentation supporting issuance and denial of permits, elevation certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been floodproofed, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.

K. Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop-work orders, and require permit holders to take corrective action.

L. Advise the Mayor and Common Council regarding the intent of these regulations and, for each application for a variance, prepare a staff report and recommendation.

M. Administer the requirements related to proposed work on existing buildings, including:

(1) Making determinations as to whether buildings and structures that are located in flood hazard areas and that are damaged by any cause have been substantially damaged; and

(2) Making reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct and prohibit the noncompliant repair of substantially damaged buildings, except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.

N. Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting property owners with documentation necessary to file claims for increased cost of compliance (ICC) coverage under NFIP flood insurance policies.

O. Notify the Federal Emergency Management Agency when the corporate boundaries of the City have been modified and:

(1) Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and

(2) If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements and submit the amendments to the governing body for adoption; such adoption shall take place within six months of the date of annexation, and a copy of the amended regulations shall be provided to the NFIP State Coordinator and FEMA.

P. Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA.

§ 83-11. Use and interpretation of FIRMs.

The Floodplain Administrator shall make interpretations, where needed, as to the exact location of special flood hazard areas, floodplain boundaries, and floodway boundaries. The following shall apply to the use and interpretation of FIRMs and data:

A. Where field-surveyed topography indicates that ground elevations:

(1) Are below the base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as special flood hazard area and subject to the requirements of these regulations;

(2) Are above the base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a letter of

map change that removes the area from the special flood hazard area.

B. In FEMA-identified special flood hazard areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified special flood hazard areas, any other flood hazard data available from a federal, state, or other source shall be reviewed and reasonably used.

C. Base flood elevations and designated floodway boundaries on FIRMs and in FISs shall take precedence over base flood elevations and floodway boundaries by any other sources if such sources show reduced floodway widths and/or lower base flood elevations.

D. Other sources of data shall be reasonably used if such sources show increased base flood elevations and/or larger floodway areas than are shown on FIRMs and in FISs.

E. If a Preliminary Flood Insurance Rate Map and/or a Preliminary Flood Insurance Study has been provided by FEMA:

(1) Upon the issuance of a letter of final determination by FEMA, if the preliminary flood hazard data is more restrictive than the effective data, it shall be used and shall replace the flood hazard data previously provided from FEMA for the purposes of administering these regulations.

(2) Prior to the issuance of a letter of final determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available data pursuant to § 83-6C and used where no base flood elevations and/or floodway areas are provided on the effective FIRM.

(3) Prior to issuance of a letter of final determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations, floodplain or floodway boundaries exceed the base flood elevations and/or designated floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

§ 83-12. Permits required; expiration.

A. It shall be unlawful for any person to begin any development or construction which is wholly within, partially within, or in contact with any flood hazard area established in § 83-6, including but not limited to filling; grading; construction of new structures; the substantial improvement of buildings or structures, including repair of substantial damage; placement or replacement of manufactured homes, including substantial improvement or repair of substantial damage of manufactured homes; erecting or installing a temporary structure; or alteration of a watercourse, until a permit is obtained from the City. No

such permit shall be issued until the requirements of these regulations have been met.

B. In addition to the permit required in Subsection A, applicants for permits in nontidal waters of the state are advised to contact MDE. Unless waived by MDE, pursuant to COMAR 26.17.04, Construction on Nontidal Waters and Floodplains, MDE regulates the one-hundred-year-frequency floodplain of free-flowing waters, also referred to as "nontidal waters of the state." To determine the one-hundred-year-frequency floodplain, hydrologic calculations are based on the ultimate development of the watershed, assuming existing zoning. The resulting flood hazard areas delineated using the results of such calculations may be different from the special flood hazard areas established in § 83-6 of these regulations. A permit from the City is still required in addition to any state requirements.

C. A permit is valid provided that the actual start of work is within 180 days of the date of permit issuance. Requests for extensions shall be submitted in writing. The Floodplain Administrator may grant, in writing, one or more extensions of time, for periods not more than 180 days each.

§ 83-13. Application required; contents.

Application for a permit shall be made by the owner of the property or the owner's authorized agent (herein referred to as the "applicant") prior to the start of any work. The application shall be on a form furnished for that purpose.

A. Application contents. At a minimum, applications shall include:

(1) Site plans, drawn to scale, showing the nature, location, dimensions, and existing and proposed topography of the area in question, and the location of existing and proposed structures, excavation, filling, storage of materials, drainage facilities, and other proposed activities.

(2) Elevation of the existing natural ground where buildings or structures are proposed, referenced to the datum on the FIRM.

(3) Delineation of flood hazard areas, designated floodway boundaries, flood zones, base flood elevations, and flood-protection setbacks. Base flood elevations shall be used to delineate the boundary of flood hazard areas, and such delineations shall prevail over the boundary of SFHAs shown on FIRMs.

(4) Where floodways are not delineated or base flood elevations are not shown on the FIRMs, the Floodplain Administrator has the authority to require the applicant to use information provided by the Floodplain Administrator, information that is available from federal, state, or other sources, or to determine such information using accepted engineering practices or methods approved by the

Floodplain Administrator. [Note: See "Managing Floodplain Development in Approximate Zone A Areas: A Guide for Obtaining and Developing Base (One-Hundred-Year) Flood Elevations" (FEMA 265).]

(5) Determination of the base flood elevations, for development proposals and subdivision proposals, each with at least five lots or at least five acres, whichever is the lesser, in special flood hazard areas where base flood elevations are not shown on the FIRM; if hydrologic and hydraulic engineering analyses are submitted, such analyses shall be performed in accordance with the requirements and specifications of MDE and FEMA.

(6) Hydrologic and hydraulic engineering analyses for proposals in special flood hazard areas where FEMA has provided base flood elevations but has not delineated a floodway; such analyses shall demonstrate that the cumulative effect of proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood by more than one foot or a lower increase if required by MDE.

(7) For encroachments in floodways, an evaluation of alternatives to such encroachments, including different uses of the site or portion of the site within the floodway, and minimization of such encroachment.

(8) If fill is proposed to be placed for a purpose other than to elevate structures, the applicant shall indicate the intended purpose for the fill.

(9) For proposed buildings and structures, including substantial improvement and repair of substantial damage, and placement and replacement of manufactured homes, including substantial improvement and repair of substantial damage:

(a) The proposed elevation of the lowest floor, including basement, referenced to the datum on the FIRM, and a signed agreement to submit an elevation certificate.

(b) The signed declaration of land restriction (nonconversion agreement) that shall be recorded on the property deed prior to issuance of the certificate of occupancy, if the application includes an enclosure below the lowest floor or a crawl/underfloor space that is more than four feet in height.

(c) A written evaluation of alternative methods considered to elevate structures and manufactured homes, if the location is in nontidal waters of the state and fill is proposed to achieve the elevation required in § 83-32A or 83-33A.

(10) For accessory structures that are 250 square feet or larger in area (footprint) and that are below the base flood elevation, a variance is required as set forth in Article VI. If a variance is granted, a signed declaration of land restriction (nonconversion agreement) shall be recorded on the property deed prior to issuance of the certificate of occupancy.

(11) For temporary structures and temporary storage, specification of the duration of the temporary use.

(12) For proposed work on existing buildings, structures, and manufactured homes, including any improvement, addition, repairs, alterations, rehabilitation, or reconstruction, sufficient information to determine if the work constitutes substantial improvement or repair of substantial damage, including but not limited to:

(a) If the existing building or structure was constructed after December 1, 1977, evidence that the work will not alter any aspect of the building or structure that was required for compliance with the floodplain management requirements in effect at the time the building or structure was permitted.

(b) If the proposed work is a horizontal addition, a description of the addition and whether it will be independently supported or structurally connected to the base building and the nature of all other modifications to the base building, if any.

(c) Documentation of the market value of the building or structure before the improvement or, if the work is repair of damage, before the damage occurred.

(d) Documentation of the actual cash value of all proposed work, including the actual cash value of all work necessary to repair and restore damage to the before-damaged condition, regardless of the amount of work that will be performed. The value of work performed by the owner or volunteers shall be valued at market labor rates; the value of donated or discounted materials shall be valued at market rates.

(13) Certifications and/or technical analyses prepared or conducted by a licensed professional engineer or licensed architect, as appropriate, including:

(a) The determination of the base flood elevations or hydrologic and hydraulic engineering analyses, prepared by a licensed professional engineer, that are required by the Floodplain Administrator or are required by these regulations in § 83-18 for certain subdivisions and development; § 83-31A for development in designated floodways; § 83-31C for development in flood hazard areas with base flood elevations

but no designated floodways; and § 83-31E for deliberate alteration or relocation of watercourses.

(b) The floodproofing certificate for nonresidential structures that are floodproofed as required in § 83-33B.

(c) Certification that engineered flood openings are designed to meet the minimum requirements of § 83-32C(3) to automatically equalize hydrostatic flood forces.

(14) For nonresidential structures that are proposed with floodproofing, an operations and maintenance plan as specified in § 83-33B(3).

(15) Such other material and information as may be requested by the Floodplain Administrator and necessary to determine conformance with these regulations.

B. New technical data.

(1) The applicant may seek a letter of map change by submitting new technical data to FEMA, such as base maps, topography, and engineering analyses to support revision of floodplain and floodway boundaries and/or base flood elevations. Such submissions shall be prepared in a format acceptable to FEMA, and any fees shall be the sole responsibility of the applicant. A copy of the submittal shall be attached to the application for a permit.

(2) If the applicant submits new technical data to support any change in floodplain and designated floodway boundaries and/or base flood elevations but has not sought a letter of map change from FEMA, the applicant shall submit such data to FEMA as soon as practicable, but not later than six months after the date such information becomes available. Such submissions shall be prepared in a format acceptable to FEMA, and any fees shall be the sole responsibility of the applicant.

§ 83-14. Review of application.

The Floodplain Administrator shall:

A. Review applications for development in special flood hazard areas to determine the completeness of information submitted. The applicant shall be notified of incompleteness or additional information that is required to support the application.

B. Notify applicants that permits from MDE and the United States Army Corps of Engineers and other state and federal authorities may be required.

C. Review all permit applications to assure that all necessary permits have been received from the federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits, including permits issued by:

(1) The United States Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act;

(2) MDE pursuant to COMAR 26.23 (Nontidal Wetlands) and Section 401 of the Clean Water Act; and

(3) MDE for construction on nontidal waters of the state pursuant to COMAR 26.17.04.

D. Review applications for compliance with these regulations after all information required in § 83-13 of these regulations or identified and required by the Floodplain Administrator has been received.

§ 83-15. Inspections.

The Floodplain Administrator shall make periodic inspections of development permitted in special flood hazard areas at appropriate times throughout the period of construction in order to monitor compliance. Such inspections may include:

A. Stake-out inspection, to determine location on the site relative to the flood hazard area and designated floodway.

B. Foundation inspection, upon placement of the lowest floor and prior to further vertical construction, to collect information or certification of the elevation of the lowest floor.

C. Inspection of enclosures below the lowest floor, including crawl/underfloor spaces, to determine compliance with applicable provisions.

D. Utility inspection, upon installation of specified equipment and appliances, to determine appropriate location with respect to the base flood elevation.

E. Final inspection prior to issuance of the certificate of occupancy.

§ 83-16. Submissions required prior to final inspection.

Pursuant to the agreement to submit an elevation certificate submitted with the application as required in § 83-13A(9), the permittee shall have an elevation certificate prepared and submitted prior to final inspection and issuance of a certificate of occupancy for elevated structures and manufactured homes, including new structures and manufactured homes, substantially improved structures and manufactured homes, and additions to structures and manufactured homes.

ARTICLE IV
Requirements in All Flood Hazard Areas

§ 83-17. Applicability.

The general requirements of this article apply to all development proposed within all special flood hazard areas identified in § 83-6.

§ 83-18. Subdivision proposals and development proposals.

A. In all flood zones:

(1) Subdivision proposals and development proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations.

(2) Subdivision proposals and development proposals shall have utilities and facilities, such as sewer, gas, electrical, and water systems, located and constructed to minimize flood damage.

(3) Subdivision proposals and development proposals shall have adequate drainage paths provided to reduce exposure to flood hazards and to guide floodwaters around and away from proposed structures.

(4) Subdivision proposals and development proposals containing at least five lots or at least five acres, whichever is the lesser, that are wholly or partially in flood hazard areas where base flood elevation data are not provided by the Floodplain Administrator or available from other sources, shall be supported by determinations of base flood elevations as required in § 83-13 of these regulations.

(5) Subdivision access roads shall have the driving surface at or above the base flood elevation.

B. In special flood hazard areas of nontidal waters of the state:

(1) Subdivision proposals shall be laid out such that proposed building pads are located outside of the special flood hazard area and any portion of platted lots that includes land areas that are below the base flood elevation shall be used for other purposes, deed-restricted, or otherwise protected to preserve it as open space.

(2) Subdivision access roads shall have the driving surface at or above the base flood elevation.

§ 83-19. Protection of water supply and sanitary sewage systems.

A. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems.

B. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into systems and discharges from systems into floodwaters.

C. On-site waste disposal systems shall be located to avoid impairment to or contamination from them during conditions of flooding.

§ 83-20. Buildings and structures.

New buildings and structures (including the placement and replacement of manufactured homes) and substantial improvement of existing structures (including manufactured homes) that are located, in whole or in part, in any special flood hazard area shall:

A. Be designed (or modified) and constructed to safely support flood loads. The construction shall provide a complete load path capable of transferring all loads from their point of origin through the load-resisting elements to the foundation. Structures shall be designed, connected and anchored to resist flotation, collapse or permanent lateral movement due to structural loads and stresses, including hydrodynamic and hydrostatic loads and the effects of buoyancy, from flooding equal to the flood-protection elevation or the elevation required by these regulations or the building code, whichever is higher.

B. Be constructed by methods and practices that minimize flood damage.

C. Use flood-damage-resistant materials below the elevation of the lowest floor required in § 83-32A or § 83-33A.

D. Have electrical systems, equipment and components, and mechanical, heating, ventilating, air-conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment located at or above the elevation of the lowest floor required in § 83-32A or § 83-33A. Electrical wiring systems are permitted to be located below the elevation of the lowest floor, provided that they conform to the provisions of the electrical part of the building code for wet locations. If replaced as part of a substantial improvement, electrical systems, equipment and components, and heating, ventilation, air-conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment shall meet the requirements of this article.

E. As an alternative to Subsection D, electrical systems, equipment and components, and heating, ventilating, air-conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment are permitted to be located below the elevation of the lowest floor, provided that they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to that elevation.

F. Have the electric panel board elevated at least three feet above the BFE.

G. Comply with the specific requirements of Article V.

H. Comply with the requirements of the most restrictive designation if located on a site that has more than one flood zone designation (A Zone, designated floodway).

§ 83-21. Placement of fill.

A. Disposal of fill, including but not limited to earthen soils, rock, rubble, construction debris, woody debris, and trash, shall not be permitted in special flood hazard areas.

B. Fill proposed to be placed to elevate structures in flood hazard areas shall comply with the floodways requirements in § 83-31A, B and C and the limitations of § 83-32B.

§ 83-22. Historic structures.

Repair, alteration, addition, rehabilitation, or other improvement of historic structures shall be subject to the requirements of these regulations if the proposed work is determined to be a substantial improvement, unless a determination is made that the proposed work will not preclude the structure's continued designation as an historic structure. The Floodplain Administrator may require documentation of a structure's continued eligibility and designation as an historic structure.

§ 83-23. Manufactured homes.

A. New manufactured homes shall not be placed or installed in floodways.

B. For the purpose of these regulations, the lowest floor of a manufactured home is the bottom of the lowest horizontal supporting member (longitudinal chassis frame beam).

C. New manufactured homes located outside of floodway, replacement manufactured homes in any flood hazard areas, and substantial improvement (including repair of substantial damage) of existing manufactured homes in all flood hazard areas shall:

(1) Be elevated on a permanent, reinforced foundation in accordance with Article V;

(2) Be installed in accordance with the anchor and tie-down requirements of the building code or the manufacturer's written installation instructions and specifications; and

(3) Have enclosures below the lowest floor of the elevated manufactured home, if any, including enclosures that are surrounded by rigid skirting or other material that is attached to the frame or foundation, that comply with the requirements of Article V.

[Note: See "Protecting Manufactured Homes from Floods and Other Hazards: A Multi-Hazard Foundation and Installation Guide" (FEMA P-85).]

§ 83-24. Recreational vehicles.

Recreational vehicles shall:

A. Meet the requirements for manufactured homes in § 83-23;

B. Be fully licensed and ready for highway use; or

C. Be on a site for less than 180 consecutive days.

§ 83-25. Critical and essential facilities.

Critical and essential facilities shall be elevated to the higher of the elevation required by these regulations plus one foot, the elevation required by the building code, or the elevation of the two-tenths-percent-chance (five-hundred-year) flood.

§ 83-26. Temporary structures and temporary storage.

In addition to the application requirements of § 83-13, applications for the placement or erection of temporary structures and the temporary storage of any goods, materials, and equipment shall specify the duration of the temporary use. Temporary structures and temporary storage in floodways shall meet the limitations of § 83-31A of these regulations. In addition:

A. Temporary structures shall:

(1) Be designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic loads and hydrostatic loads during conditions of the base flood;

(2) Have electric service installed in compliance with the electric code; and

(3) Comply with all other requirements of the applicable state and local permit authorities.

B. Temporary storage shall not include hazardous materials.

§ 83-27. Gas or liquid storage tanks.

A. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.

B. Aboveground tanks in flood hazard areas shall be anchored to a supporting structure and elevated to or above the base flood elevation or shall be anchored or otherwise designed and constructed to prevent flotation, collapse, or lateral movement resulting from hydrodynamic

and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.

C. In flood hazard areas, tank inlets, fill openings, outlets and vents shall be:

(1) At or above the base flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the base flood; and

(2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.

§ 83-28. Functionally dependent uses.

Applications for functionally dependent uses that do not conform to the requirements of these regulations shall be approved only by variances issued pursuant to Article VI. If approved, functionally dependent uses shall be protected by methods that minimize flood damage during the base flood, including measures to allow floodwaters to enter and exit, use of flood-damage-resistant materials, and elevation of electric service and equipment to the extent practical given the use of the building.

ARTICLE V
Additional Requirements in Flood Hazard Areas

§ 83-29. General requirements.

In addition to the general requirements of Article IV, the requirements of this article shall:

A. Apply in flood hazard areas, including special flood hazard areas along nontidal waters of the state.

B. Apply to all development, new construction, substantial improvements (including repair of substantial damage), and placement, replacement, and substantial improvement (including repair of substantial damage) of manufactured homes.

§ 83-30. Flood-protection setbacks along nontidal waters.

Within areas defined by flood-protection setbacks along nontidal waters of the state:

A. No new buildings, structures, or other development shall be permitted unless the applicant demonstrates that the site cannot be developed without such encroachment into the flood-protection setback and the encroachment is the minimum necessary after consideration of varying other siting standards such as side, front, and back lot line setbacks.

B. Disturbance of natural vegetation shall be minimized, and any disturbance allowed shall be vegetatively stabilized.

C. Public works and temporary construction may be permitted.

§ 83-31. Development that affects flood-carrying capacity of nontidal waters of the state.

A. Development in designated floodways.

(1) For proposed development that will encroach into a designated floodway, § 83-13A(7) requires the applicant to submit an evaluation of alternatives to such encroachment, including different uses of the site or the portion of the site within the floodway, and minimization of such encroachment. This requirement does not apply to fences that do not block the flow of floodwaters or trap debris.

(2) Proposed development in a designated floodway may be permitted only if the applicant has been issued a permit by MDE; and

(a) The applicant has developed hydrologic and hydraulic engineering analyses and technical data, prepared by a licensed professional engineer, reflecting such changes, and the analyses, which shall be submitted to the Floodplain

Administrator, demonstrate that the proposed activity will not result in any increase in the base flood elevation; or

(b) If the analyses demonstrate that the proposed activities will result in an increase in the base flood elevation, the applicant has obtained a conditional letter of map revision and a letter of map revision from FEMA upon completion of the project. Submittal requirements and fees shall be the responsibility of the applicant.

B. Development that includes the placement of fill in nontidal waters of the state. For proposed development that includes the placement of fill in nontidal waters of the state, other than development that is subject to Subsection D, a hydraulically equivalent volume of excavation is required. Such excavations shall be designed to drain freely.

C. Development in areas with base flood elevations but no designated floodways. For development in special flood hazard areas of nontidal waters of the state with base flood elevations but no designated floodways:

(1) The applicant shall develop hydrologic and hydraulic engineering analyses and technical data reflecting the proposed activity and shall submit such technical data to the Floodplain Administrator as required in § 83-13A(6). The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a conditional letter of map revision and a letter of map revision upon completion of the project. Submittal requirements and fees shall be the responsibility of the applicant.

(2) The proposed development may be permitted if the applicant has received a permit by MDE and if the analyses demonstrate that the cumulative effect of the proposed development, when combined with all other existing and potential flood hazard area encroachments, will not increase the base flood elevation more than one foot at any point.

D. Construction of roads, bridges, culverts, dams and in-stream ponds. Construction of roads, bridges, culverts, dams, and in-stream ponds in nontidal waters of the state shall not be approved unless they comply with this article and the applicant has received a permit from MDE.

E. Alteration of a watercourse.

(1) For any proposed development that involves alteration of a watercourse not subject to Subsection C, unless waived by MDE, the applicant shall develop hydrologic and hydraulic engineering analyses and technical data reflecting such changes, including the floodway analysis required in § 83-13A, and submit such technical data to the Floodplain Administrator and to FEMA. The analyses shall be prepared by a licensed professional engineer in a format required by MDE and by FEMA for a conditional letter of map

revision and a letter of map revision upon completion of the project. Submittal requirements and fees shall be the responsibility of the applicant.

(2) Alteration of a watercourse may be permitted only upon submission, by the applicant, of the following:

(a) A description of the extent to which the watercourse will be altered or relocated;

(b) A certification by a licensed professional engineer that the flood-carrying capacity of the watercourse will not be diminished;

(c) Evidence that adjacent communities, the United States Army Corps of Engineers, and MDE have been notified of the proposal and evidence that such notifications have been submitted to FEMA; and

(d) Evidence that the applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of the watercourse so that the flood-carrying capacity will not be diminished. The Floodplain Administrator may require the applicant to enter into an agreement with the City specifying the maintenance responsibilities; if an agreement is required, the permit shall be conditioned to require that the agreement be recorded on the deed of the property, which shall be binding on future owners.

§ 83-32. Residential structures and residential portions of mixed-use structures.

New residential structures and residential portions of mixed-use structures and substantial improvement (including repair of substantial damage) of existing residential structures and residential portions of mixed-use structures shall comply with the applicable requirements of Article IV and this article. See § 83-34 for requirements for horizontal additions.

A. Elevation requirements.

(1) Lowest floors shall be elevated to or above the flood-protection elevation.

(2) In areas of shallow flooding (Zone AO), the lowest floor (including basement) shall be elevated at least as high above the highest adjacent grade as the depth number specified in feet on the FIRM plus two feet, or at least four feet if a depth number is not specified.

(3) Enclosures below the lowest floor shall meet the requirements of Subsection C.

B. Limitations on use of fill to elevate structures. Unless otherwise restricted by these regulations, especially by the limitations in

§ 83-31A, B and C, fill placed for the purpose of raising the ground level to support a building or structure shall:

(1) Consist of earthen soil or rock materials only.

(2) Extend laterally from the building footprint to provide for adequate access as a function of use. The Floodplain Administrator may seek advice from the State Fire Marshal's office and/or the local fire services agency.

(3) Comply with the requirements of the building code and be placed and compacted to provide for stability under conditions of rising and falling floodwaters and resistance to erosion, scour, and settling.

(4) Be sloped no steeper than one vertical to two horizontal, unless approved by the Floodplain Administrator.

(5) Be protected from erosion associated with expected velocities during the occurrence of the base flood. Unless approved by the Floodplain Administrator, fill slopes shall be protected by vegetation if the expected velocity is less than five feet per second and by other means if the expected velocity is five feet per second or more.

(6) Be designed with provisions for adequate drainage and no adverse effect on adjacent properties.

C. Enclosures below the lowest floor.

(1) Enclosures below the lowest floor shall be used solely for parking of vehicles, building access, crawl/underfloor spaces, or limited storage.

(2) Enclosures below the lowest floor shall be constructed using flood-damage-resistant materials.

(3) Enclosures below the lowest floor shall be provided with flood openings which shall meet the following criteria: (Note: See NFIP Technical Bulletin No. 1, Openings in Foundation Walls and Walls of Enclosures.)

(a) There shall be a minimum of two flood openings on different sides of each enclosed area; if a building has more than one enclosure below the lowest floor, each such enclosure shall have flood openings on exterior walls.

(b) The total net area of all flood openings shall be at least one square inch for each square foot of enclosed area (nonengineered flood openings), or the flood openings shall be engineered flood openings that are designed and certified by a licensed professional engineer to automatically allow entry and exit of floodwaters; the certification requirement may be

satisfied by an individual certification or an evaluation report issued by the ICC Evaluation Service, Inc.

(c) The bottom of each flood opening shall be one foot or less above the higher of the interior floor or grade, or the exterior grade, immediately below the opening.

(d) Any louvers, screens or other covers for the flood openings shall allow the automatic flow of floodwaters into and out of the enclosed area.

(e) If installed in doors, flood openings that meet the requirements of Subsection C(3)(a) through (d) are acceptable; however, doors without installed flood openings do not meet the requirements of this article.

§ 83-33. Nonresidential structures and nonresidential portions of mixed-use structures.

New nonresidential structures and nonresidential portions of mixed-use structures and substantial improvement (including repair of substantial damage) of existing nonresidential structures and nonresidential portions of mixed-use structures shall comply with the applicable requirements of Article IV and the requirements of this article. See § 83-34 for requirements for horizontal additions.

A. Elevation requirements. Elevated structures shall:

(1) Have the lowest floor (including basement) elevated to or above the flood-protection elevation; or

(2) In areas of shallow flooding (Zone AO), have the lowest floor (including basement) elevated at least as high above the highest adjacent grade as the depth number specified in feet on the FIRM plus two feet, or at least four feet if a depth number is not specified; and

(3) Have enclosures below the lowest floor, if any, that comply with the requirements of § 83-32C; or

(4) If proposed to be elevated on fill, meet the limitations on fill in § 83-32B.

B. Floodproofing requirements.

(1) Floodproofing of new nonresidential buildings is not allowed in nontidal waters of the state [COMAR 26.17.04.11(B)(7)].

(2) Floodproofing for substantial improvement of nonresidential buildings is allowed in nontidal waters of the state.

(3) If floodproofing is proposed, structures shall:

(a) Be designed to be dry-floodproofed such that the building or structure is watertight with walls and floors substantially impermeable to the passage of water to the level of the flood-protection elevation plus one foot; or

(b) If located in an area of shallow flooding (Zone AO), be dry-floodproofed at least as high above the highest adjacent grade as the depth number specified on the FIRM plus three feet, or at least five feet if a depth number is not specified; and

(c) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

(d) Have floodproofing measures that are designed taking into consideration the nature of flood-related hazards; frequency, depth and duration of flooding; rate of rise and fall of floodwater; soil characteristics; flood-borne debris; at least 12 hours of flood warning time from a credible source; and time necessary to implement any measures that require human intervention;

(e) Have at least one door above the applicable flood elevation that allows human ingress and egress during conditions of flooding;

(f) Have an operations and maintenance plan that is filed with local emergency management officials and that specifies the owner/occupant's responsibilities to monitor flood potential; the location of any shields, doors, closures, tools, or other goods that are required for implementation; maintenance of such goods; methods of installation; and periodic inspection; and

(g) Be certified by a licensed professional engineer or licensed architect, through execution of a floodproofing certificate that states that the design and methods of construction meet the requirements of this article. The floodproofing certificate shall be submitted with the construction drawings as required in § 83-13A(13).

§ 83-34. Horizontal additions.

A. A horizontal addition proposed for a building or structure that was constructed after the date specified in § 83-2 shall comply with the applicable requirements of Article IV and this article.

B. In nontidal waters of the state that are subject to the regulatory authority of MDE, all horizontal additions shall comply with the applicable requirements of Article IV and this article and:

(1) If the addition is structurally connected to the base building, the requirements of Subsection C apply.

(2) If the addition has an independent foundation and is not structurally connected to the base building and the common wall with the base building is modified by no more than a doorway, the base building is not required to be brought into compliance.

C. For horizontal additions that are structurally connected to the base building:

(1) If the addition combined with other proposed repairs, alterations, or modifications of the base building constitutes substantial improvement, the base building and the addition shall comply with the applicable requirements of Article IV and this article.

(2) If the addition constitutes substantial improvement, the base building and the addition shall comply with all of the applicable requirements of Article IV and this article.

D. For horizontal additions with independent foundations that are not structurally connected to the base building and the common wall with the base building is modified by no more than a doorway, the base building is not required to be brought into compliance.

E. A horizontal addition to a building or structure that is not substantial improvement, and is not located in nontidal waters of the state, is not required to comply with this section.

[Note: See "Substantial Improvement/Substantial Damage Desk Reference" (FEMA P-758).]

§ 83-35. Accessory structures.

A. Accessory structures shall be limited to not more than 250 square feet in total floor area.

B. Accessory structures shall comply with the elevation requirements and other requirements of § 83-32, the floodproofing requirements of § 83-33B, or shall:

(1) Be usable only for parking of vehicles or limited storage;

(2) Be constructed with flood-damage-resistant materials below the base flood elevation;

(3) Be constructed and placed to offer the minimum resistance to the flow of floodwaters;

(4) Be anchored to prevent flotation;

(5) Have electrical service and mechanical equipment elevated to or above the base flood elevation; and

(6) Have flood openings that meet the requirements of § 83-32C.

ARTICLE VI
Variances

§ 83-36. General provisions.

A. The Mayor and Common Council shall have the power to consider and authorize or deny variances from the strict application of the requirements of these regulations. A variance shall be approved only if it is determined to not be contrary to the public interest and where, owing to special conditions of the lot or parcel, by a literal enforcement of the provisions of these regulations, an unnecessary hardship would result.

B. Upon consideration of the purposes of these regulations, the individual circumstances, and the considerations and limitations of this article, the Mayor and Common Council may attach such conditions to variances as it deems necessary to further the purposes of these regulations.

C. The Mayor and Common Council shall notify, in writing, any applicant to whom a variance is granted to construct or substantially improve a building or structure with its lowest floor below the elevation required by these regulations that the variance is to the floodplain management requirements of these regulations only and that the cost of federal flood insurance will be commensurate with the increased risk, with rates up to $25 per $100 of insurance coverage.

D. A record of all variance actions, including justification for issuance, shall be maintained pursuant to § 83-10J of these regulations.

§ 83-37. Application for variance.

A. The owner of property, or the owner's authorized agent, for which a variance is sought shall submit an application for a variance to the Floodplain Administrator.

B. At a minimum, the application shall contain the following information: the name, address, and telephone number of the applicant and property owner; a legal description of the property; a parcel map; a description of the existing use; a description of the proposed use; a site map showing the location of flood hazard areas, designated floodway boundaries, flood zones, base flood elevations, and flood-protection setbacks; a description of the variance sought; and the reason for the variance request. Variance applications shall specifically address each of the considerations in § 83-38.

C. If the application is for a variance to allow the lowest floor of a building or structure below the applicable minimum elevation required by these regulations, the application shall include a statement signed by the owner that, if granted, the conditions of the variance shall be recorded on the deed of the property.

§ 83-38. Considerations for variances.

A. The Floodplain Administrator shall request comments on variance applications from MDE (NFIP State Coordinator) and shall provide such comments to the Mayor and Common Council.

B. In considering variance applications, the Mayor and Common Council shall consider and make findings of fact on all evaluations, all relevant factors, requirements specified in other sections of these regulations, and the following factors:

(1) The danger that materials may be swept onto other lands to the injury of others.

(2) The danger to life and property due to flooding or erosion damage.

(3) The susceptibility of the proposed development and its contents (if applicable) to flood damage and the effect of such damage on the individual owner.

(4) The importance of the services to the City provided by the proposed development.

(5) The availability of alternative locations for the proposed use which are not subject to, or are subject to less, flooding or erosion damage.

(6) The necessity to the facility of a waterfront location, where applicable, or if the facility is a functionally dependent use.

(7) The compatibility of the proposed use with existing and anticipated development.

(8) The relationship of the proposed use to the comprehensive plan and hazard mitigation plan for that area.

(9) The safety of access to the property in times of flood for passenger vehicles and emergency vehicles.

(10) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.

(11) The costs of providing government services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical, and water systems, and streets and bridges.

(12) The comments provided by MDE (NFIP State Coordinator).

§ 83-39. Limitations for granting variances.

The Mayor and Common Council shall make an affirmative decision on a variance request only upon:

A. A showing of good and sufficient cause. Good and sufficient cause deals solely with the physical characteristics of the property and cannot be based on the character of the improvement, the personal characteristics of the owner/inhabitants, or local provision that regulate standards other than health and public safety.

B. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.

C. A determination that the granting of a variance for development within any designated floodway, or flood hazard area with base flood elevations but no designated floodway, will not result in increased flood heights beyond those which are allowed in these regulations.

D. A determination that the granting of a variance will not result in additional threats to public safety; create extraordinary public expense, nuisances, fraud or victimization of the public, or conflict with existing local laws.

E. A determination that the building, structure or other development is protected by methods to minimize flood damages.

F. A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.

ARTICLE VII
Enforcement

§ 83-40. Compliance required.

A. No building, structure or development shall hereafter be located, erected, constructed, reconstructed, improved, repaired, extended, converted, enlarged or altered without full compliance with these regulations and all other applicable regulations.

B. Failure to obtain a permit shall be a violation of these regulations and shall be subject to penalties in accordance with § 83-42.

C. Permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the specific activities set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction of such specific activities that are contrary to that authorization shall be deemed a violation of these regulations.

§ 83-41. Notice of violation and stop-work order.

If the Floodplain Administrator determines that there has been a violation of any provision of these regulations, the Floodplain Administrator shall give notice of such violation to the owner, the owner's authorized agent, and the person responsible for such violation and may issue a stop-work order. The notice of violation or stop-work order shall be in writing and shall:

A. Include a list of violations, referring to the section or sections of these regulations that have been violated;

B. Order remedial action which, if taken, will effect compliance with the provisions of these regulations;

C. Specify a reasonable period of time to correct the violation;

D. Advise the recipients of the right to appeal; and

E. Be served in person; or

F. Be posted in a conspicuous place in or on the property and sent by registered or certified mail to the last known mailing address, residence, or place of business of the recipients.

§ 83-42. Violations and penalties.

A. Any person who shall violate a provision of this chapter, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local law. Each day that a violation continues shall be a separate offense. In addition to other remedies, any violation may be deemed a municipal infraction and prosecuted as such. The penalty for violation shall be a fine of $400 for each offense, which may be doubled in accordance with applicable

law. The total civil penalty may not exceed $10,000. The penalties provided herein are in addition to those provided in § 5-805 of the Environment Article of the Annotated Code of Maryland.

B. The imposition of a fine or penalty for any violation of or noncompliance with this chapter shall not excuse the violation or noncompliance or permit it to continue, and all such persons shall be required to correct or remedy such violations and noncompliances within a reasonable time.

C. Any structure constructed or reconstructed, enlarged, altered, or relocated in noncompliance with this chapter shall be declared by the City to be a public nuisance and abatable as such.

D. Additionally, the City may institute injunctive, mandamus or other appropriate action or proceedings at law or equity for the enforcement of this chapter or to correct violations of this chapter, and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent, injunctions or mandamus or other appropriate forms of remedy or relief.

ARTICLE VIII
Recordkeeping

§ 83-43. Recordkeeping.

A. A record of all approvals, disapprovals, and variances granted under the provisions of this chapter shall be maintained by the Director.

B. The Director shall maintain a record of all floodplain permits granted under this chapter.

C. All records shall be available for inspection upon request and shall contain all documents needed to support any permit action.

ARTICLE IX
Fees

§ 83-44. Fees.

Administrative fees may be charged at the time of application as determined from time to time by resolution of the Mayor and Common Council. Said fees shall be commensurate with those costs incurred in the processing, review and evaluation of a permit application for development in the floodplain district. Such costs may include but are not limited to consultant fees for certification of the as-built condition of structures, floodplain delineations, environmental impact characterizations, staff assignments, attorneys' fees and other related costs. In that connection, the City may engage and/or hire agents, consultants, registered engineers, attorneys and others with regard to the requirements of this chapter and may assess the charges and expenses associated therewith to the applicant as a part of the administrative fees.

Chapter 90

(RESERVED)

Chapter 94

LICENSES

GENERAL REFERENCES

Charter provisions — See § 29 of the City Charter.

ARTICLE I
General Provisions
[Adopted as Ch. 10, Art. I, of the 1972 Code, as amended through 1990]

§ 94-1. Issuing agent; payment of fees.

All licenses and permits required by this chapter shall be issued by the City Clerk; and all license and permit fees imposed by this chapter shall be paid to the City Treasurer prior to the issuance of the licenses or permits for which such fees are payable.

§ 94-2. Applications.

Applications for licenses and permits required by this chapter shall be in writing, on forms provided by the City Clerk, signed by the applicant, and containing such information as the City Clerk may require to enable him to determine whether the license or permit sought by the applicant should be issued, and the following information shall be included in each application:

A. The applicant's name and permanent residence address and residence address within the City, if any and if different from his permanent residence address.

B. The applicant's permanent business address and the place within the City at which he will conduct the business, trade, occupation or activity for which the license or permit would authorize, if issued.

C. The type of license or permit applied for, and a concise summary of the activities proposed to be conducted by authority thereof.

§ 94-3. Form; terms and conditions.

All licenses and permits required by this chapter shall be in writing, on forms prepared by the City Clerk and approved by the governing body. All licenses and permits shall be granted subject to compliance by the grantor with all applicable provisions of law, the City Charter, this Code and other ordinance, and if additional terms or conditions are imposed, they shall be stated in the license or permit.

§ 94-4. Transferability.

Licenses and permits issued pursuant to this chapter shall be valid only for the persons to whom issued and, where applicable, for their agents and employees.

§ 94-5. Term; prorating of fees. [Amended 12-8-2008 by Ord. No. 799]

Except as may be provided otherwise, all licenses and permits issued pursuant to this chapter shall be for one year, from the first day of July in

the year of issuance until the next succeeding 30th day of June and shall be issued originally and subject to renewal upon payment of the prescribed fees as provided in the General Fee Ordinance.[26]

§ 94-6. Display.

Persons having a fixed place of business shall maintain their licenses or permits on conspicuous display therein; and persons having no fixed place of business shall carry their licenses or permits on their person at all times while acting under authority thereof and shall display them to any prospective customer or City officer upon request.

§ 94-7. Revocation.

The City Clerk may revoke any license or permit issued by him for any reason which would have denied the issuance thereof, for any violation of the terms or conditions thereof or for violation of any provision of law, the City Charter, this Code or other ordinance relating thereto or regulating the business, trade, occupation or activity authorized thereby, provided that revocation of any license or permit by the City Clerk shall be subject to the privilege of appeal to the legislative body and a public hearing thereon upon filing notice of such appeal by the person aggrieved with the City Clerk within 10 days from the date of such revocation.

26. Editor's Note: See Ch. A175, Fees, Art. I, General Fees.

ARTICLE II
Activities Requiring Licenses
[Adopted as Ch. 10, Art. II, of the 1972 Code, as amended through 1990]

§ 94-8. Circus parades.[27] [Amended 11-24-2008 by Ord. No. 791]

It shall be unlawful for any person to cause a circus parade to proceed upon any street of the City without having procured a City permit so to do, the fee for which shall be as established in the General Fee Ordinance.[28]

§ 94-9. Circuses and other entertainments.

A. It shall be unlawful for any person to exhibit within the City any circus, puppet show or other exhibition or sideshow without having procured a City license so to do.

B. Fees for such licenses shall be as established in the General Fee Ordinance. **[Amended 11-24-2008 by Ord. No. 791]**

C. Applications for licenses required by this section shall be referred by the City Clerk to the legislative body for action thereon.

D. This section shall not be construed to require a license for any circus, sideshow or similar exhibition given by citizens of this City.

§ 94-10. Distribution of handbills. [Amended 11-24-2008 by Ord. No. 791]

No person or any member of a firm nor any person acting in the capacity of an officer, servant, agent or clerk of any corporation or firm shall at any time distribute or cause to be distributed by hand within the limits of the City any handbills, circulars, pamphlets or letters, excepting the delivery of the United States mail, without first having procured a license thereupon and paying to the City Clerk a fee as provided in the General Fee Ordinance;[29] and in such distribution, no such handbill, circular, pamphlet or letter shall be placed in any mailbox or letter slot and no more than one handbill, circular, pamphlet or letter shall be distributed or left at any one mailing address.

§ 94-11. Peddling and soliciting. [Amended 10-28-1991 by Ord. No. 537]

A. It shall be unlawful for any person to hawk, peddle or sell any goods, wares or merchandise of any descriptions upon the streets or parking areas of the City or from any rooms or halls in motels, hotels and other lodging houses on a transient basis or to go from house to house to

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27. Editor's Note: See also Ch. 109, Picketing and Parades.

28. Editor's Note: See Ch. A175, Fees, Art. I, General Fees.

29. Editor's Note: See Ch. A175, Fees, Art. I, General Fees.

sell any goods, wares or merchandise, either by sample or otherwise, without having procured a license to do so, the fee for which shall be established in the General Fee Ordinance.[30] A license shall be required for each and every person to hawk, peddle or sell under this section. **[Amended 11-24-2008 by Ord. No. 791]**

B. Subsection A of this section shall not apply to the following:

(1) Any persons selling fresh farm or garden products raised by the seller.

(2) Sales made under judicial process.

(3) Sales made by auctioneers.

(4) Sales made by any duly qualified nonprofit corporation, organization or society for charitable, religious or civic purposes.

(5) Mere solicitation orders for the future delivery of goods, wares or merchandise in interstate commerce.

(6) Sales at residential premises pursuant to an invitation by an owner or occupant of the residential premises.

30. Editor's Note: See Ch. A175, Fees, Art. I, General Fees.

Chapter 100

NUISANCES

GENERAL REFERENCES

Charter provisions — See § 27 of the City Charter.

Animals and fowl — See Ch. 48.

Peace and good order — See Ch. 106.

ARTICLE I
General Provisions

§ 100-1. Intent; enforcement. [Amended 10-12-1998 by Ord. No. 632]

Various nuisances are defined and prohibited in other chapters of this Code, and it is the intent of the legislative body in enacting this chapter to make it supplemental to those other chapters in which nuisances are defined and prohibited; and the provisions of this chapter relating to the abatement of nuisances shall be regarded as alternative methods and procedures for the abatement of nuisances in those instances where other methods and procedures for abatement are provided. This chapter shall be administered and enforced by the Director of Planning and Public Works or other official designated by the Mayor and Common Council.

§ 100-2. Prohibition; territorial applicability.

It shall be unlawful for any person to cause, harbor, commit or maintain or to suffer to be caused, harbored, committed or maintained any nuisance, as defined by the statute or common law of this state or as defined by this Code or other ordinance of the City, at any place within the City or at any place within the area surrounding the City and within 1/2 mile of the City limits.

§ 100-3. Partial enumeration of nuisances.

A. The following acts when committed or conditions when existing within the City or within the area surrounding the City and within 1/2 mile of the City limits are hereby defined and declared to be nuisances: **[Amended 10-12-1998 by Ord. No. 632]**

(1) An act done or committed or aided or assisted to be done or committed by any person or any substance, being or thing kept, maintained, placed or found in or upon any public or private place which is injurious or dangerous to the public health or safety.

(2) All buildings, bridges or other structures of whatever character kept or maintained or which are permitted by any person owning or having control thereof to be kept or maintained in a condition unsafe, dangerous, unhealthy, injurious or annoying to the public, including but not limited to the emission of dust, fumes, gas, smoke, odor, noise, vibration or other noxious disturbances.

(3) All trees and other appendages of or to realty kept or maintained or which are permitted by any person owning or having control thereof to be kept or maintained in a condition unsafe, dangerous, unhealthy, injurious or annoying to the public.

(4) All ponds or pools of stagnant water and all foul or dirty water or liquid when discharged through any drain, pipe or spout or

thrown into or upon any street, public place or lot to the injury or annoyance of the public.

(5) All obstructions caused or permitted on any street or sidewalk to the danger or annoyance of the public, and all stones, rubbish, dirt, filth, slops, vegetable matter or other article thrown or placed by any person on or in any street, sidewalk or other public place which in any way may cause injury or annoyance of the public.

(6) All sidewalks, gutters or curbstones permitted to remain in an unsafe condition or out of repair.

(7) All stables, cattle yards, hog, sheep or cow pens or yards for poultry permitted by the owner thereof or the person responsible therefor to be in such a condition as to become offensive, annoying or injurious to the public.

(8) All houses or buildings used for special storage of powder, dynamite or other explosive substances, except those maintained pursuant to a permit issued by competent authority.

(9) All abandoned or discarded iceboxes, refrigerators or freezer cabinets which are uncrated and have a door or lock which cannot be released for opening from the inside thereof and which are placed outside of a building or dwelling in a place accessible to children.

B. The nuisances described in this section shall not be construed as exclusive, and any act of commission or omission and any condition which constitutes a nuisance by statute or common law of the state, when committed, omitted or existing within the City or within the area surrounding the City and within 1/2 mile of the City limits, is hereby declared to constitute a nuisance.

§ 100-4. Property maintenance.[31]

No person owning or in possession of any lot, house, building or enclosure shall allow or suffer to exist in or upon such premises any stagnant water, animal or vegetable matter or other substance liable to become putrid, offensive, annoying or unhealthy. Person owning or in possession of any real estate shall provide proper and adequate drainage therefor so that no offensive, baneful or disagreeable liquids shall flow or seep into any street. Any violation of this section is hereby declared to be a nuisance.

31. Editor's Note: See also Ch. 119, Property Maintenance.

ARTICLE II
Abatement

§ 100-5. Inspections. [Amended 10-12-1998 by Ord. No. 632; 12-6-2007 by Ord. No. 773]

It shall be the duty of the Director of Planning or other official designated to cause inspections to be made from time to time of all portions of the City and the area surrounding the City and within 1/2 mile of the City limits to determine whether any condition exists or activity is being practiced which constitutes a nuisance; and he shall cause an investigation to be made upon complaint made by any responsible person.

§ 100-6. Right of entry. [Amended 10-12-1998 by Ord. No. 632; 12-6-2007 by Ord. No. 773]

The Director of Planning or other official designated shall have right to enter upon private premises for the purposes specified in § 100-5 upon compliance with all applicable provisions of law. Unless it appears probable that advance warning would defeat the purpose of such entry, occupants of premises to be entered shall be given reasonable notice in advance, and, in any case, it shall be unlawful for any owner or occupant to prevent such entry which is sought to be made in compliance with law.

§ 100-7. Notice to cease and desist. [Amended 10-12-1998 by Ord. No. 632; 12-6-2007 by Ord. No. 773]

If at any time the Director of Planning or other official designated shall find that an activity or practice which constitutes a nuisance is occurring within the City or within the area surrounding the City and within 1/2 mile of the City limits, he shall promptly and by the most expeditious means notify the violator to cease and desist forthwith.

§ 100-8. Notice to abate. [Amended 10-12-1998 by Ord. No. 632]

A. If at any time the Director of Planning or other official designated shall find that a condition which constitutes a nuisance exists within the City or within the area surrounding the City and within 1/2 mile of the City limits, he shall give notice, in writing, to the owner, occupant or person in charge of the premises upon which such condition exists, stating therein the condition which constitutes a nuisance and directing such addressee to remedy the condition within the time stated in such notice, which shall be not more than 10 days; and it shall be unlawful for any such owner, occupant or person in charge to fail to comply with the terms of such notice. **[Amended 12-6-2007 by Ord. No. 773]**

B. Recourse of City when notice to abate nuisance is ignored.

   (1) Upon the failure of any person to whom notice has been given pursuant to Subsection A to comply with the terms of such notice or with the terms imposed by the legislative body on appeal, as

the case may be, the Director of Planning and Public Works or other official designated shall forthwith direct the appropriate City officer to remedy the condition which is the subject of such notice, and the expense incurred by the City in so doing shall be charged to the addressee of such notice, to be collected as City taxes; and such expenses shall constitute a lien upon the premises where such condition occurred, to be collected as City taxes are collected if not otherwise first paid to the City.

(2) Abatement by the City of any condition which constitutes a nuisance and reimbursement to the City of expenses incurred thereby shall not bar prosecution for maintenance of a nuisance.

§ 100-9. Additional remedies.

Nothing in this article shall be construed to prohibit any police officer from arresting any person for committing or maintaining a nuisance when such arrest is made pursuant to law.

ARTICLE III
Enforcement

§ 100-10. Violations and penalties. [Amended 10-12-1998 by Ord. No. 632]

Any violation of this chapter is declared to be an infraction. The penalty for violation shall be $100 for each initial offense and $200 for each repeat offense.

Chapter 103

PAWNBROKERS AND SECONDHAND DEALERS

§ 103-1. Purpose; objectives.

The purpose of this chapter is to protect the safety and welfare of the citizens of the City of Westminster by regulating pawnshops and secondhand dealers in order to prevent the disposition of stolen property, to identify stolen property, and to return stolen property to its owners.

§ 103-2. Definitions.

In this chapter the following terms have the meanings indicated. Any term not defined in this chapter shall have the meaning as defined in any chapter of the Code. Any term not defined in the Code in any chapter shall have its generally accepted meaning.

ANTIQUE DEALER — A person whose primary retail trade is buying and selling objects made in, or typical of, an earlier period of time that either have special value because of their age or are examples of works of art or handicrafts.**[Amended 2-10-2014 by Ord. No. 848]**

DEPARTMENT — The Police Department of the City of Westminster.

ITEM — Tangible personal property including, but not limited to, a household appliance, fur, musical instrument, personal computer, compact disc player, digital video disc player, power tool, camera, firearm, radio, television set, MP3 player, cellular telephone, personal digital assistant (PDA), video game system, video game accessory or component, or audio or stereo equipment.

PAWNBROKER — A person who engages in pawnbroker transactions.

PAWNBROKER OR SECONDHAND DEALER ESTABLISHMENT — A person with a fixed place of business where pawnbroker or secondhand dealer transactions occur. A pawnbroker or secondhand dealer establishment includes both the person and its fixed place of business.

PAWNBROKER TRANSACTION — Engaging in the act of:

A. Lending money on the deposit or pledge of tangible personal property or other valuable things other than secondhand precious metal objects, coins, or numismatic items; or

B. Purchasing tangible personal property or other valuable things, other than secondhand precious metal objects, coins, or numismatic items, on the condition of reselling the property to the seller at a stipulated price.

PERSON — An individual, corporation, partnership, business trust, limited liability company, or any other type of business entity.

SECONDHAND DEALER — A person who, or a machine or kiosk or other electronic or mechanical device that, engages in secondhand dealer

transactions. "Secondhand dealer" does not include:**[Amended 2-10-2014 by Ord. No. 848]**

A. A charitable, religious, or nonprofit organization, if the exchange of items for consideration is incidental to the organization's primary activity;

B. An antique show, trade show, convention, or auction;

C. A flea market;

D. A person whose primary retail trade is new and unused video game components, video game systems, video games, or video game accessories;

E. An antique dealer; or

F. Whether on consignment or otherwise, a seller or reseller of used (post-consumer) clothing or used (post-consumer) nonelectronic sporting equipment.

SECONDHAND DEALER TRANSACTION — The receipt by a secondhand dealer, as defined in this section, of used (post-consumer) tangible personal property, other than secondhand precious metal objects, coins, or numismatic items, and offering or holding or retaining with the intent to offer the tangible personal property to the public for sale, trade, barter, or other consideration, or to transfer the tangible personal property to a third party for such purpose, whether such sale or trade to or barter or other exchange with the public occurs within City limits or elsewhere.**[Amended 2-10-2014 by Ord. No. 848]**

USED or POST-CONSUMER — Tangible personal property that has been previously purchased at retail, whether or not the box or packaging has been opened or broken, by any person or entity, except tangible personal property accepted for return by the original retail seller in accordance with the seller's ordinary and customary return policies.**[Added 2-10-2014 by Ord. No. 848]**

§ 103-3. Operating requirements.

A. A pawnbroker or secondhand dealer establishment may be open to the public only between the hours of 7:00 a.m. and 10:00 p.m. and shall not conduct pawnbroker or secondhand dealer transactions with the public at any other time. A pawnbroker or secondhand dealer may submit a written request to the Department to be open different hours for holidays or special events, which request shall be promptly reviewed.

B. A pawnbroker or secondhand dealer shall not conduct business through the use of a drive-up window or other practice, service, or device that enables an individual to conduct business from a motor vehicle without leaving the motor vehicle.

§ 103-4. Trading with minors.

A pawnbroker or secondhand dealer shall not engage in pawnbroker or secondhand dealer transactions with an individual who is under the age of 18.

§ 103-5. Recordkeeping requirements.

A. A pawnbroker or secondhand dealer shall maintain a record of each item purchased, bartered, exchanged, or received in the course of business, including a record of the disposition of the item.

B. The record shall be signed by the seller and the pawnbroker or secondhand dealer or an agent or employee of the pawnbroker or secondhand dealer and shall include:

(1) The date, time, and place of the transaction;

(2) The name and address of the principal, if the transaction is conducted by an agent;

(3) A comprehensive description of the item, including any visible identification, such as initials, name of manufacturer, model and serial number, owner applied identification numbers, and whether the item appears to be new or in its original box or packaging;

(4) The consideration received;

(5) For each individual from whom the pawnbroker or secondhand dealer acquires an item:

(a) The name, address, telephone number, date of birth, and driver's license number of the individual; or

(b) Identification information about the individual that:

[1] Identifies the individual from at least two forms of identification, which may include an age of majority card, military identification, or passport; and

[2] Provides a physical description of the individual, including the gender, race, any distinguishing features, and approximate age, height, weight, and hair and eye color of the individual.

C. The pawnbroker or secondhand dealer shall:

(1) Maintain the original record for at least three years from the date of the transaction;

(2) Retain information from the record in an electronic data storage medium specified by the Department; and

(3) Submit a copy of the record information to the Department by electronically transmitting the record by 10:00 a.m. on the next business day after the transaction.

§ 103-6. Holding periods.

A. A pawnbroker or secondhand dealer shall hold each item purchased or received in the course of business for 10 calendar days after electronically submitting a copy of the record of the transaction to the Department.

B. A pawnbroker or secondhand dealer may submit to the Department a written request for a shorter holding period for a specific item.

(1) Within 96 hours after receiving the request, the Department shall approve or deny the request.

(2) If the Department does not respond to the request within 120 hours, the request is deemed to be approved.

C. During the holding period for an item, the pawnbroker or secondhand dealer:

(1) Shall tag the item in accordance with Department requirements;

(2) Shall store the item in a secure location on the premises that is separate from other items;

(3) Shall not remove the item from the pawnbroker or secondhand dealer's licensed location of business; and

(4) Shall not offer the item for sale until the ten-day holding period has expired.

D. The holding period required by this section does not apply to a pawned item that is redeemed with the original pawn ticket.

§ 103-7. Release of stolen property.

A pawnbroker or secondhand dealer is subject to the provisions of the Business Regulation Article, § 12-401, of the Annotated Code of Maryland in regard to the release of stolen property to the Department.

§ 103-8. Inspections; right of entry.

A. A pawnbroker or secondhand dealer shall allow an authorized member of the Department to enter the pawnbroker or secondhand dealer establishment at any reasonable time for the purpose of enforcing this chapter.

B. If a pawnbroker or secondhand dealer refuses to allow entry, the Department may seek a court order allowing entry.

C. An authorized member of the Department shall have the right to enter a building, structure, or premises without the prior consent of the owner or occupant where there is evidence that a violation of this chapter exists which threatens or may threaten the public health and safety for the purpose of enforcing the provisions of this chapter. The authorized member of the Department shall produce proof of identity prior to entry.

D. This section does not prohibit the Department from seeking a search warrant for the investigation of any criminal violation, including a violation of this chapter.

§ 103-9. Notice of violation.

A. Except as provided in Subsection C of this section, if a violation of this chapter is found, the Department shall inform the City Attorney, and the City Attorney shall provide a written notice that describes the violation, specifies the action necessary to correct the violation, and sets forth the time to correct the violation.

B. The City Attorney shall serve a notice of violation by certified mail, restricted delivery or by personal service. If service cannot be obtained by certified mail, restricted delivery or personal service, the notice may be posted in a conspicuous location on the pawnbroker or secondhand dealer establishment.

C. A notice of violation shall not be required if the pawnbroker or secondhand dealer violates the same provision of this chapter for which it had received one notice of violation within a twelve-month period.

§ 103-10. Civil penalties.

A. The City Attorney may institute any action at law or equity, including injunction or mandamus, to enforce the provisions of this chapter.

B. Alternatively, and in addition to and concurrent with all other remedies, the City Attorney may enforce the provisions of this chapter with civil penalties.

C. Each day that a violation continues is a separate offense, subject to a fine not exceeding $1,000 per day for each offense.

§ 103-11. Criminal penalties.

A person who violates any provision of this chapter is guilty of a misdemeanor and, upon conviction, is subject to a fine not exceeding $1,000 or imprisonment not exceeding six months, or both.

§ 103-12. Severability.

If any part of this chapter is held invalid, the invalidity shall not affect the other parts.

Chapter 106

PEACE AND GOOD ORDER

GENERAL REFERENCES

Charter provisions — See § 27 of the City Charter.

Violations and penalties — See Ch. 1, § 1-18.

Civil emergencies — See Ch. 10.

Disorderly house nuisances — See Ch. 68.

Nuisances — See Ch. 100.

Picketing and parades — See Ch. 109.

ARTICLE I
General Provisions

§ 106-1. General prohibitions.

A. It shall be unlawful for any person to attempt to commit any act which is prohibited by this Code or other ordinance or by any rule, regulation, order or notice duly promulgated or given pursuant to authority thereof; and it shall be unlawful for any person to aid or abet the commission or attempted commission of any act which is prohibited by this Code or other ordinance or by any rule, regulation, order or notice duly promulgated or given pursuant to authority thereof.

B. It shall be unlawful for any person to attempt to avoid the doing of any act which is required by this Code or other ordinance or by any rule, regulation, order or notice duly promulgated or given pursuant to authority thereof; and it shall be unlawful for any person to aid or abet the avoidance or attempted avoidance of any act which is required by this Code or other ordinance or by any rule, regulation, order or notice duly promulgated or given pursuant to authority thereof.

ARTICLE II
Curfew

§ 106-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

CHILD — Any person under the age of 16 years.

CHILDREN — Persons under the age of 16 years.

§ 106-3. Imposition; exceptions; signal.

A. It shall be unlawful for any child to be in or upon or to enter or remain in or upon any street, park or other public place within the City at any time during the period from 10:00 p.m. until 1/2 hour before sunrise of the next succeeding day, unless such child is accompanied by a parent, guardian or other person having the legal custody of such child.

B. As a warning, a bell, siren or other warning shall be sounded at 9:45 p.m. each day, to be known as the "curfew signal," after which all children shall be required to be at home or off the streets, parks or other public places, except as herein provided for.

§ 106-4. Parental responsibility.

It shall be unlawful for any parent, guardian or other person having the legal custody of any child to allow or permit such child to go or be in or upon any street, park or other public place within the City during the period prohibited in § 106-3, except as therein provided.

§ 106-5. Violations and penalties.

Any child found in and upon any of the streets, parks or other public places within the City in violation of § 106-3 shall be taken into custody by the City police and delivered to his parent, guardian or person having the legal custody of such child and a report thereof made to the Chief of Police, who shall make a record thereof in a book kept for that purpose, and if such parent, guardian or person having the legal custody of such child shall again allow him to be in or upon said streets, parks or other public places in violation of § 106-3 such parent, guardian or person having the legal custody of such child so offending shall, upon conviction, be punished as provided in § 1-18A, and a like penalty shall be imposed on any person aiding or abetting in the violation of the intent and purpose of §§ 106-3 and 106-4.

§ 106-6. Effect of multiple violations.

Any child who shall violate the provisions of § 106-3 more than three times shall be reported by the Chief of Police to the City Attorney for such action

as he may deem proper under the provisions of § 92 of Article 26 of the Annotated Code of Maryland, 1957.[32]

§ 106-7. Determination of age.

City police officers, in taking children into custody under the provisions of § 106-5, shall use their discretion in determining age, and in doubtful cases may require positive proof, and until such proof is furnished the officer's judgment shall prevail.

32. Editor's Note: Said section was apparently deleted during revision of the Annotated Code of Maryland. For current statutory provisions regarding juvenile causes, see § 3-801 et seq. of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland.

ARTICLE III
City Officers, Employees and Property

§ 106-8. Interference with officers and employees.[33]

No person shall carelessly or willfully interfere with, hinder or obstruct any officer or employee of the City who is engaged in, en route to or returning from, the performance of official duty, whether such interference, hindrance or obstruction be by threat, assault or otherwise.

§ 106-9. Impersonating officers or employees.

No person shall falsely represent himself to be an officer or employee of the City or without proper authority wear or display any uniform, insignia or credential which identifies any City officer or employee; nor shall any person without proper authority assume to act as an officer or employee of the City, whether to gain access to premises, obtain information, perpetrate a fraud or for any other purpose, provided, that nothing in this section shall be construed to prevent a private citizen from making a lawful citizen's arrest for felony or breach of the peace committed in his presence.

§ 106-10. Conduct by and due to officers and employees.

A. City officers and employees shall be courteous in their official transactions with the public, and they shall conduct themselves in the performance of their official duties so as to not knowingly deprive any person, at the time and under the circumstances then and there existing, of any lawful right or benefit to which such person may be entitled. Any person who feels aggrieved by the conduct of any City officer or employee in violation of this subsection is hereby invited to bring such matter to the attention of such officer's or employee's department head or to the Mayor, without prejudice to any other recourse to which such aggrieved person may be entitled.

B. Members of the public, in turn, should be courteous in their transactions with City officers and employees, and it shall be unlawful for any person to knowingly taunt, deride, jeer or otherwise debase or insult, whether by act, word or gesture, any City officer or employee at any time or place while such City officer or employee is lawfully engaged in the performance of official duty.

§ 106-11. Tampering with City property.[34]

No person shall, without proper authority, knowingly use, tamper with, render inoperative, destroy, damage, remove, deface, molest or otherwise interfere with any books, records, furniture, equipment, gear, apparatus,

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33. Editor's Note: See also § 21-2, Compliance with fire personnel, of Ch. 21, Fire Department, Art. I, General Provisions.

34. Editor's Note: See also § 78-1, Prohibited acts, of Ch. 78, Fire Prevention, Art. I, General Provisions.

tools or other items of personal property belonging to, leased to or used by the City or any agency thereof.

§ 106-12. Damaging and trespassing on City property.

No person shall, without proper authority, knowingly trespass upon or damage, deface, molest or otherwise interfere with any real property belonging to, leased to or used by the City or any agency thereof.

§ 106-12.1. Violation of park banning notice. [Added 6-9-2008 by Ord. No. 779]

It shall be unlawful for any person to enter upon or remain upon any City park in violation of any banning notice issued to said person by an authorized City representative for violation of the rules and regulations of the Department of Recreation and Parks. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than $500 or imprisonment not exceeding six months, or both, for each and every violation. Additionally, the Mayor and Common Council may institute injunctive, mandamus, or other appropriate action or proceeding at law or equity for the enforcement of this section or to correct violations of it, and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent, injunctions or mandamus or other appropriate forms of remedy or relief.

ARTICLE IV
Weapons

§ 106-13. Concealment.

It shall be unlawful for any person, except while on his own premises, to carry concealed upon his person any firearms, razor, metallic knuckles, dirk, switchblade knife or other weapon or instrument commonly used for the purpose of infliction of personal injury, provided that this section shall not apply to law enforcement officers while engaged in the exercise of their duties as such officers, nor shall it apply to persons duly licensed pursuant to law to carry concealed firearms. Any weapon or instrument found on any person in violation of this section shall be subject to confiscation by the Westminster City Police Department.

§ 106-14. Discharge. [Amended 2-27-1995 by Ord. No. 594]

It shall be unlawful for any person to discharge a firearm, air rifle, slingshot or other weapon or instrument which discharges a projectile capable of inflicting bodily injury except in the lawful defense of person or property and except in the performance of a lawful duty, provided that this section shall not apply to the use of blank ammunition at athletic events, military funerals and other functions at which the use of blank ammunition is appropriate, nor shall it apply to the use of ball ammunition or arrows on authorized target ranges when such activity is conducted under competent supervision, nor shall it apply to the discharge or use of firearms or archery equipment in accordance with generally accepted range safety procedures at and within any indoor shooting range which has been duly authorized by the grant of a special exception under § 164-54 of the Westminster City Code. Any weapon or instrument so discharged in violation of this section shall be subject to confiscation by the Westminster City Police Department.

§ 106-15. Stun guns.

A. For the purpose of this section, the following words and phrases shall have the meanings as defined by this section:

   PERSON — Any individual, firm, partnership, association or corporation.

   STUN GUNS — An electronic device which is specifically designed to temporarily incapacitate a person with a nonlethal electric shock caused by direct contact or projectile but shall not include any device, such as cattle prods or nerve stimulators, specifically designed for and used in the medical or agricultural field.

B. It shall be unlawful for any person to sell, give away, lend, rent or in any manner transfer a stun gun to any person.

C. It shall be unlawful for any person to possess, use, fire or discharge a stun gun.

D. Nothing in this section shall be held to apply to any law enforcement officer while in performance of official duty.

ARTICLE V
Miscellaneous Offenses
[Amended 2-10-2003 by Ord. No. 696; 9-14-2009 by Ord. No. 808; 4-23-2012 by Ord. No. 832]

§ 106-16. Disorderly conduct.

A. The term "disorderly conduct" shall mean:

(1) Violent or rowdy behavior that endangers the life, limb, health or property of another or puts another person in reasonable fear of such injury to his or her person or property.

(2) Acts of violence, angry threats and/or abusive conduct that deters or is intended to deter another person from engaging in lawful conduct or pursuit of a lawful occupation.

(3) Actions that cause, provoke or may foreseeably tend to cause or provoke a fight, brawl or other riotous conduct that endangers the life, limb, health or property of another.

(4) Assembling or congregating with another person or persons for the purpose of causing, provoking or engaging in any fight or brawl.

(5) Jostling or roughly crowding or pushing any person in any public place, when such conduct is avoidable in the exercise of due care.

(6) Frequenting any public place with intent to obtain money from another by a fraudulent scheme, trick, artifice or device.

(7) Assembling with another person or persons or in crowds for unlawful purposes, including but not limited to the intent to engage in gaming, or to engage in any fraudulent scheme, device or trick to obtain any valuable thing, or to do bodily harm to another.

(8) Intentionally breaking jars, bottles or other glass items in or upon the streets, alleys, sidewalks or other public ways of the City or upon public property.

(9) Being present within a dwelling or place of business while gaming or the illegal sale or possession of alcoholic beverages or unlawful drugs is conducted, allowed or tolerated.

(10) Congregating with another or others in or on any public way so as to halt the flow of vehicular or pedestrian traffic and refusing to clear such public way when ordered to do so by a law enforcement officer; provided, however, that persons congregating in or on a public way pursuant to a valid permit issued pursuant to Chapter 109 of the City Code shall not be deemed to be loitering.

B. A person may not engage in disorderly conduct.

C. A violation of this section shall be a municipal infraction punishable by a fine of $150.

§ 106-17. Disturbing the peace.

A. It shall be unlawful for any person to disturb the peace by:

(1) Uttering, in a public place, including in or on the premises of any place of business open to the general public, any lewd or obscene words or epithets in the presence or hearing of another to whom such conduct is offensive or unwelcome;

(2) Shouting or making other vocalizations, projecting amplified sound, or creating other loud and raucous noise between the hours of 10:00 p.m. and 8:00 a.m. on Saturday or Sunday or on a state or federal holiday or between the hours of 8:00 p.m. and 7:00 a.m. on other days that is:

(a) Audible beyond the property line if generated on private property;

(b) Audible for a distance of more than 10 feet if generated on public property.

(c) Intended to disturb any service in a place of worship or any public meeting or of the assemblage of people to witness a lawful public speech or performance.

B. Noise generated by police, fire, emergency medical, or other governmental emergency personnel, or public utility workers, and noise generated by private persons for the purpose of protecting persons or property from injury or damage shall not be deemed to be disturbing the peace.

C. A violation of Subsection A of this section shall be a municipal infraction punishable by a fine of $150.

§ 106-18. Alcoholic beverage offenses.

A. It shall be unlawful for any person to consume any alcoholic beverage as defined in Article 2B, § 1-102(a), of the Annotated Code of Maryland, or to possess an open receptacle containing any such alcoholic beverage, upon any of the streets, highways, sidewalks or public places of the City, or upon any private property without the consent of the property owner or a tenant of the property owner.

B. Notwithstanding the provisions of Subsection A of this section, the consumption or possession of alcoholic beverages is permitted pursuant to a valid permit or license issued by the Carroll County Liquor Board:

(1) On City-owned property during City-authorized events; or

(2) With the consent of the Carroll County Arts Council, Inc., on premises leased by said organization and located at 91 West Main Street, Westminster, Maryland, so long as said lease is in effect.

C. Any person violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than $100 or imprisonment for not more than 90 days, or both fine and imprisonment in the discretion of the court.

§ 106-19. Loitering.

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

LOITER — To stand around or remain, including to remain within a motor vehicle, or to collect, gather, congregate, or to be a member of a group or a crowd of people, in any public place or place open to the public, and to:

(1) Interfere with, impede, or hinder the free passage of pedestrian or vehicular traffic;

(2) Interfere with, obstruct, harass, curse at, or do or threaten to do physical harm to any person; or

(3) By words, acts, or other conduct:

(a) Cause a breach of the peace;

(b) Engage in disorderly conduct, as that term is defined in § 106-16 of this chapter;

(c) Disturb the peace, as that term is defined in § 106-17 of this chapter; or

(d) Engage in any conduct that violates local or state criminal laws.

PLACE OPEN TO THE PUBLIC — Any place to which members of the general public ordinarily have free access and any place to which members of the general public are invited, including but not limited to a privately owned place of business open to the general public; a public parking lot, a private commercial parking lot; a place of worship, cemetery, or place of amusement and entertainment, whether or not a charge of admission or entry thereto is made; and the elevator, lobby, halls, corridors, and areas open to the public of any store, office, or apartment building.

PUBLIC PLACE — Any public street, road, or highway, alley, lane, sidewalk, crosswalk, or other public way, or any public resort, place of amusement, park, playground, public building or grounds appurtenant thereto, public parking lot, or any vacant lot.

B. Prohibited conduct. It shall be unlawful for a person who is loitering to fail to obey the direction of a uniformed or otherwise properly identified police officer to cease such conduct or to move on; provided, however, that nothing herein shall be construed to prohibit orderly picketing or other lawful assembly, and provided further that a person shall be deemed to have complied with an order to move on if such person removes himself or herself to a location:

(1) Upon private property;

(2) Within a structure in which he has permission or a lawful right to be and remain; or

(3) At least 1,500 linear feet from the location from which he or she has been ordered to move.

C. Penalties. Any person violating Subsection B of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than $100 or imprisonment for not more than 90 days, or both fine and imprisonment in the discretion of the court; provided, however, that no person shall be charged with a violation of this section unless and until the charging officer has first warned the person of the violation and the person has failed or refused to stop the violation.

§ 106-20. Panhandling.

A. As used in this section, the term "panhandling" means any solicitation, made in person upon any sidewalk, public place or park in the City, in which a person requests an immediate donation of money or other gratuity from another person and includes but is not limited to seeking donations:

(1) By vocal appeal or in exchange for observing a musical, singing, or other street performance; or

(2) Where the person being solicited receives an item of little or no monetary value in exchange for a donation, under circumstances where a reasonable person would understand that the transaction is, in substance, a donation.

B. Notwithstanding the provisions of Subsection A of this section, the term "panhandling" shall not include passively standing or sitting, or performing music, singing or engaging in other street performance with a sign or other indication that a donation is being sought, without any vocal request other than in response to an inquiry by another person.

C. It shall be unlawful to engage in an act of panhandling on any day after sunset or before sunrise.

D. It shall be unlawful at all times to engage in an act of panhandling when either the panhandler or the person being solicited is located:

(1) At a bus stop;

(2) In any public transportation vehicle or public transportation facility;

(3) In a vehicle that is parked or stopped on a public street or alley;

(4) In a sidewalk cafe; or

(5) Within 20 feet in any direction from an automatic teller machine or entrance to a bank.

E. It shall be unlawful at all times to engage in an act of panhandling in an aggressive manner, including any of the following actions:

(1) Touching the solicited person without the solicited person's consent.

(2) Soliciting a person while such person is standing in line or waiting to be admitted to a commercial establishment;

(3) Blocking the path or the vehicle of a person being solicited or the entrance to any building or vehicle;

(4) Following behind, ahead or alongside a person who walks away from the panhandler after being solicited;

(5) Using profane or abusive language, either during the solicitation or following a refusal to make a donation, or making any statement, gesture, or other communication which would cause a reasonable person to be fearful or feel compelled; or

(6) Panhandling in a group of two or more persons.

F. Each act of panhandling prohibited by this section shall constitute a public nuisance, and each individual solicitation of each individual person shall constitute a separate violation.

G. A violation of Subsection B, C, or D of this section shall constitute a municipal infraction subject to a fine of $150.

§ 106-21. Urinating or defecating in public prohibited.

A. No person shall urinate or defecate in, from or upon any street, highway, sidewalk, alley, plaza, park, public building, public property, private parking lot, or in any place open to the public or exposed to public view. This section shall not apply to urination or defecation utilizing appropriate fixtures in any rest room or other facility designed for the sanitary disposal of human waste.

B. Violation of this section shall be a misdemeanor and shall be punishable by a fine of $250 or imprisonment for a period not exceeding six months, or both.

Chapter 109

PICKETING AND PARADES

GENERAL REFERENCES

Permit for circus parades — See Ch. 94, Art. II.

Nuisances — See Ch. 100.

Peace and good order — See Ch. 106.

Streets and sidewalks — See Ch. 139.

ARTICLE I
Picketing

§ 109-1. Permit required.

No persons shall boycott, picket, molest or interfere with any other person who is acting in a lawful manner by standing, sitting, lying or congregating with others in any manner in any public place, street or sidewalk or any portion thereof within the City; nor shall any person obstruct any entrance of any building, storeroom, factory or other place of business by parading in or around such premises for the purpose of preventing the full lawful use of such entrance by any person desiring to use the entrance or for the purpose of picketing or boycotting the premises, provided that the Mayor is hereby authorized to issue permits to persons applying therefor, subject to the limitations and regulations of this article, for permit holders to peacefully picket theaters, restaurants, stores, factories or other places of business.

§ 109-2. Procedure for obtaining permit.

The Mayor shall issue permits to persons applying therefor to peacefully picket any place, as hereinafter designated in this article, upon the following terms and conditions and no others:

A. Applications shall be made, in writing, for a permit to picket.

   (1) Said application shall be filed at least 10 business days prior to the beginning of the period for which the application is sought.

   (2) The application shall state the name and address of the applicant and shall be accompanied by such identification as may be required to verify the identity of the applicant.

   (3) Such application shall state the connection of the applicant with the labor dispute or strike or with the subject of the protest or controversy.

B. In case of a labor dispute or strike, such applicant must have been employed by the owner or operator of the place sought to be picketed when the strike or labor dispute arose.

§ 109-3. Conditions of permit.

A. Each picket permit shall be for a certain designated place and the area to be picketed shall be designated therein in detail, and such permit shall be good for the area described only.

B. Each picket permit shall be issued for use during certain hours to be designated therein, so that not more than the number of pickets as authorized by this article may be present at any one time, and such permit shall be valid for such periods as are designated only and shall not be transferable.

C. The provisions of this article shall be deemed to be a part of each picket permit, whether or not so stated in the permit.

§ 109-4. Number of permits limited.

A. Not more than six picket permits shall be issued for each gate or entrance to any building, storeroom, factory or other place of business for use during any prescribed period.

B. Not more than one picket permit shall be issued for each public entrance to any retail, wholesale or other business place or theater, for use during any prescribed period.

§ 109-5. Restrictions on actions.

A. Each person holding a picket permit shall, while picketing, constantly pace to and fro upon the sidewalks as near the curb as may be practicable at all times within the area designated by the permit, and if no sidewalk is available, such permit shall designate the limits within which such picket shall walk.

B. No picket shall carry any instrument, device or weapon of any kind except a sign or banner, the dimensions of which shall not exceed a width of 24 inches or a height of 36 inches and shall not contain any scurrilous or obscene words, language or illustration calculated to arouse public hatred or anger or tending to any breach of the public peace.

§ 109-6. Revocation of permit.

Picket permits may be revoked at any time by the Mayor for any disorderly conduct or participation in any unlawful act upon the part of the holder thereof or for interference in any manner with any person using the area picketed for any lawful purpose or for any conduct tending to a breach of the public peace.

§ 109-7. Interference prohibited.

No persons shall hinder, molest, insult or harass any picket lawfully picketing pursuant to a permit issued under the provisions of this article.

ARTICLE II

Parades and Demonstrations

[Amended 10-26-1992 by Ord. No. 567; 5-8-1995 by Ord. No. 597; 7-28-2003 by Ord. No. 704]

§ 109-8. Findings.

The legislative body finds that it is necessary for the good government and the peace, health and welfare of the City and the inhabitants thereof, as well as to maintain law and order, to prohibit parades and demonstrations of more than 25 persons within the City unless a City permit to use the City streets, sidewalks and public places for such purposes has first been granted.

§ 109-9. Permit required; exceptions.

It shall be unlawful for any person to organize, direct, lead or participate in any parade or demonstration upon any street or sidewalk or upon or in any public place within the City of more than 25 persons unless a City permit has been granted to hold such parade or demonstration, provided that this article shall not apply to parades, processions or convoys of any component of the Armed Forces of the United States or this state or to any governmental organization or to any funeral procession.

§ 109-10. Procedure for requesting permit. [Amended 11-24-2008 by Ord. No. 791]

Any person desiring to promote, organize, direct or lead a parade or demonstration upon any street or sidewalk or upon or in any public place of more than 25 persons within the City shall file an application for a parade or demonstration permit with the City Clerk and pay a fee as provided in the General Fee Ordinance.[35] An application for a parade permit shall be filed at least 14 days and an application for a demonstration permit shall be filed at least two days prior to the date or period for which the permit is sought with a provision that an application for a demonstration permit for exigent circumstances will be filed and acted upon within 24 hours, and in such application shall be set forth:

A. The date and hour for the assembling of the participants in such parade or demonstration and the expected duration thereof.

B. The streets, sidewalks and public places over and upon which the parade or demonstration is to take place.

C. Whether the parade or demonstration is to be conducted on foot or with animals or vehicles, or any combination thereof, and the number of persons, vehicles and animals expected to participate.

D. The purpose of the parade or demonstration.

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35. Editor's Note: See Ch. A175, Fees, Art. I, General Fees.

E. [36]The name and address of the person who shall be in charge of such parade or demonstration.

§ 109-11. Issuance or denial of permit. [Amended 1-23-2006 by Ord. No. 741]

A. Upon the filing of an application for a permit, the City Clerk shall promptly transmit copies to the Chief of Police, the Director of Recreation and Parks, the Director of Public Works and the Director of Planning. The City Clerk will review and act upon applications in a content and viewpoint neutral manner. The City Clerk may not deny an application based upon political, social or religious grounds or based upon the content of the speech or views to be expressed. **[Amended 12-6-2007 by Ord. No. 773]**

B. The City Clerk may deny an application on any of the following grounds:

(1) The application is not fully completed and executed;

(2) The application contains a material falsehood or misrepresentation;

(3) A fully executed prior application for a permit for the same time and place has been received, and a permit has been or will be granted to a prior applicant authorizing a parade or demonstration which does not reasonably permit multiple occupancy of the particular public place, street, or sidewalk;

(4) The use or activity intended by the applicant will present an unreasonable danger to the health or safety of the applicant or other users of the public place, street or sidewalk;

(5) The use or activity intended by the applicant is prohibited by any applicable federal, state, county or City law.

C. Upon the issuance of a permit, the City Clerk shall provide a copy to the Chief of Police, the Director of Recreation and Parks, the Director of Public Works and the Director of the Department of Planning. **[Amended 12-6-2007 by Ord. No. 773]**

§ 109-12. Contents of permit.

A. In each permit the City Clerk shall specify (as applicable or necessary):

(1) The assembly area and time therefor;

(2) The starting time;

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36. Editor's Note: Former Subsection E, which required that the names and addresses of the sponsors and the organization or organizations of which participants are members be included on the application, was repealed 7-13-2009 by Ord. No. 805. This ordinance also redesignated former Subsection F as Subsection E and repealed former Subsection G, which provided for the inclusion on the application of such other information as the City Clerk may deem reasonably necessary.

(3) The minimum and maximum speeds;

(4) The route of the parade;

(5) What portions of streets or sidewalks to be traversed may be occupied by such parade or demonstration;

(6) The maximum number of platoons or units and the maximum and minimum intervals of space to be maintained between the units of such a parade;

(7) The maximum length of such parade in miles or fractions thereof;

(8) The disbanding area, and disbanding time;

(9) The number of persons required to monitor the parade or demonstration;

(10) The number and type of vehicles, if any;

(11) The material and maximum size of any sign, banner, placard or carrying device therefor;

(12) The materials used in the construction of floats used in any parade shall be of fire-retardant materials and shall be subject to such requirements concerning fire safety;

(13) That the applicant advise all participants in the parade or demonstration, either orally or by written notice, of the terms and conditions of the permit, prior to the commencement of such parade or demonstration;

(14) That the amplification of sound permitted to be emitted from sound trucks, or bull horns, be fixed, not variable, and be in accordance with law;

(15) That the parade continue to move at a fixed rate of speed and that any willful delay or willful stopping of said parade, except when reasonably required for the safe and orderly conduct of the parade, shall constitute a violation of the permit; and

(16) Such other requirements as are found by the City Clerk to be reasonably necessary for the protection of persons or property.

B. All conditions of the permit shall be complied with so far as reasonably practicable.

§ 109-13. Conditions of permit.

A. In granting a permit pursuant to this article, the City Clerk may include therein such prohibitions, conditions, restrictions and limitations as the City Clerk may consider necessary, under the general police powers of the City, to safeguard the good government and the health and welfare of the City and its inhabitants and for the preservation of law and

order and acceptable traffic conditions within the City, and it shall be unlawful for any person covered by the permit to violate or fail to comply with any such prohibition, condition, restriction or limitation.

B. The provisions of this article shall be deemed to be a part of each parade or demonstration permit, whether or not so stated in the permit.

§ 109-14. Appeals.

Upon a denial of an application made pursuant to § 109-10, an applicant may appeal from the determination of the City Clerk within 30 days to the Circuit Court for Carroll County. Such appeal shall be taken in accordance with § 7-201 et seq. of the Maryland Rules of Procedure. The City will cooperate with judicial review on an expedited basis.

§ 109-15. Revocation of permit.

A permit issued for a parade or demonstration is revocable by the City Clerk upon a ground for which an application would be subject to denial under § 109-11B. Any such revocation prior to the conduct of a parade or demonstration shall be in writing.

§ 109-15.1. Restrictions on actions.

A. No person parading or demonstrating pursuant to a permit issued under the provisions of this article shall carry any dangerous weapons, provided that the City Clerk may, in the exercise of sound discretion, include in such permit such variations from this subsection as the City Clerk may consider appropriate for members of color guards, drill teams, lodges and other persons by whom the display of weapons upon the occasion of such parade or demonstration would not arouse anxiety on the part of spectators or constitute a threat to the maintenance of law and order and the preservation of the public peace.

B. No person parading or demonstrating pursuant to a permit issued under the provisions of this article shall cause or suffer to be caused any vicious or apparently vicious animal to participate in or accompany such parade or demonstration, provided that the City Clerk may, in the exercise of sound discretion, include in such permit such variations from this subsection as it may consider appropriate for circus parades and similar events.

§ 109-15.2. Dispersal.

Parades and demonstrations held pursuant to a permit issued under the provisions of this article which become a riot, rout or unlawful assembly shall be dispersed forthwith by the City police, and paraders and demonstrators who are commanded by any police officer to disperse shall promptly obey such command and peacefully disengage themselves from such parade or demonstration and leave the scene thereof, and persons who fail to obey such command shall be subject to immediate arrest.

ARTICLE III
Enforcement

§ 109-16. Violations and penalties.

Any violation of this chapter is declared to be an infraction. The penalty for violation shall be $25 for each initial offense and $50 for each repeat offense.

Chapter 112

PLUMBING

GENERAL REFERENCES

Intergovernmental relations — See Ch. 24.

Buildings — See Ch. 56.

Sewers and sewage — See Ch. 124.

Chapter 119

PROPERTY MAINTENANCE

GENERAL REFERENCES

Charter provisions on redevelopment and urban renewal — See Article 2 of the City Charter.

Buildings — See Ch. 56.

Disorderly house nuisances — See Ch. 68.

Fire prevention — See Ch. 78.

Nuisances — See Ch. 100.

Sewers and sewage — See Ch. 124.

Solid waste — See Ch. 130.

Urban renewal — See Ch. 150.

Fee Schedule — See Ch. A175.

§ 119-1. Adoption of standards by reference. [Amended 11-11-2013 by Ord. No. 847]

The 2012 Edition of the International Property Maintenance Code, as amended from time to time, as published by the International Code Council, Inc., which is kept and maintained by the Code Official, shall be and is hereby adopted as the City of Westminster Property Maintenance Code (sometimes hereinafter referred to as the "Property Maintenance Code"). All of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code are hereby referred to, adopted and made a part hereof as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in § 119-2 of this chapter.

§ 119-2. Amendments. [Amended 11-11-2013 by Ord. No. 847]

The following sections of the International Property Maintenance Code are hereby amended and revised as set forth in this section. Unless otherwise noted, the sections enumerated below are intended to replace in their entirety the corresponding sections of the 2012 International Property Maintenance Code.[37]

37. Editor's Note: Revisions to the International Property Maintenance Code are included as an attachment to this chapter.

§ 119-3. Copies on file.

The Code Official of the City of Westminster shall maintain two copies of the Property Maintenance Code on file in the City Office.

§ 119-4. Licensing and inspection of rental dwellings. [Added 2-11-2013 by Ord. No. 839]

A. Rental license. It shall be unlawful for any person to rent, let or lease any dwelling, dwelling unit or portion thereof within the City, including rooming houses ("rental dwelling"), without first obtaining a license to do so as hereinafter provided. A dwelling or dwelling unit shall be subject to the prohibition contained in this subsection if it is occupied by any person other than the property owner in exchange for any compensation or monetary remuneration.

B. Resident agent. If no owner of record resides at the property address or within 50 miles of the property, the owner(s) of record shall designate on the application for the rental license the name, address, and telephone number of a local agent residing within 50 miles of the City who is authorized by the property owner(s) to receive notices, telephone calls in the event of an emergency, and correspondence regarding violations pertaining to the property, other than citations or other legal process. The property owners shall ensure that the information required by this subsection is current at all times.

C. License application. The owner of record of a rental dwelling shall make written application to the City for a rental unit license on or before June 1, 2013, upon such form or forms as the City shall from time to time designate. Such application shall be submitted to the City together with a nonrefundable rental license fee as established from time to time by the Mayor and Common Council in the City's General Fee Ordinance.[38] A person who initially rents, lets or leases any rental dwelling after June 1, 2013, shall make written application to the City for a rental unit license prior to allowing such property to be occupied by a tenant.

D. Length of validity of license; fees. **[Amended 5-23-2016 by Ord. No. 864]**

   (1) Rental unit licenses issued on or before July 1, 2017, shall be valid for a period of one year, commencing June 1, and terminating on the last day of May following the issuance of the license. Any license issued after March 1 of any year shall only be valid through the last day of May following its issuance, except that rental licenses issued for the period on or after June 1, 2016, but before July 1, 2017, shall be valid through June 30, 2017.

38. Editor's Note: See Ch. A175, Fees, Art. I, General Fees.

(2) Rental unit licenses issued on or after July 1, 2017, shall be valid through June 30 of the City's fiscal year in which the license was issued.

(3) The rental license fee shall not be prorated based upon submission of an application after the beginning of any rental licensing year. Rental unit licenses shall be renewed annually at the fees specified in the City of Westminster General Fee Ordinance.[39]

E. Inspections. All rental dwellings shall be subject to inspection to determine whether they are in conformance with the Property Maintenance Code in the event of a complaint filed with the City concerning an alleged violation of said code. For purposes of this section, a complaint includes any statement made by an individual or a federal, state, county or City department, agency or code enforcement official, received by the City in any manner, including but not limited to via telephone or mail, including electronic mail. Upon receipt of a complaint, the Code Official or his designee shall inspect the premises. Subject to the right of the owner or occupant to require the City to obtain a judicial warrant as set forth in Subsection G below, the Code Official or his designee is hereby authorized, upon presentation of proper credentials, to enter, examine and survey at all reasonable times all rental dwellings and premises in response to a complaint or to conduct an inspection if the Code Official believes that a violation of City Code Chapter 119119 has occurred.

F. Reinspection. Whenever the Code Official or his designee observes a violation, he shall reinspect the premises to confirm that the violation has been corrected.

G. Administrative warrant. Permission for inspections and reinspections is a condition of any license, and the owner or occupant of every rental dwelling or the person in charge thereof shall give the Code Official or his designee unfettered access to such rental dwelling and its premises at all reasonable times for the purpose of such inspection, examination and survey. Failure to allow entry for an inspection or reinspection will result in the City seeking an administrative warrant. Failure of the owner to allow entry or the owner requiring any tenant to deny entry for such inspection upon an administrative warrant shall constitute a municipal infraction subject to a fine as set forth in 119 Attachment 1, Section 106, Violations, and shall further constitute sufficient reason for the denial or revocation of the rental license.

H. Onus to provide access. Every occupant of a rental dwelling shall give the owner thereof or his/her agent or employee access to any part of such dwelling or its premises at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter.

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39. Editor's Note: See Ch. A175, Fees, Art. I, General Fees.

I. Revocation or denial of license/injunction. A license may be revoked or denied by the Code Official if the owner, after notice from the City, fails to correct violations of City Code Chapter 119119. Revocation or denial of a license shall be in addition to, and not in substitution for, such other penalties as may be provided for said violations elsewhere in this Code. A license also may be revoked or denied if the City determines that the applicant for the license provided false or misleading information in his/her application. If a license is revoked or denied, the owner of the property in question shall immediately provide tenants notice that they must vacate the property within 60 days of the notice and any security deposit shall be returned to the tenants in accordance with the Real Property Article of the Annotated Code of Maryland.

J. Display of licenses. Licenses issued under this section shall be produced by a landlord on the demand of a tenant or prospective tenant and shall be available at reasonable times for examination by an authorized agent of the City.

K. Appeals. Appeals of a notice of violation or an action or determination of the Code Official other than the issuance of a municipal infraction citation may be appealed to the Board of Housing Appeals as set forth in Attachment 1 to this chapter, Section 301.2.2. see City Code § 119-2.

§ 119-5. Notice of violation; penalties.

A. Whenever the Code Official or his designee determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter, he shall give notice of such alleged violation to the person or persons responsible therefor, as hereinafter provided. Such notice shall:

(1) Be in writing.

(2) Include a statement of the reason(s) it has been issued.

(3) Include a statement of the remedial action necessary to effect compliance with the provisions of this chapter and the time frame within which such action(s) must be taken.

(4) Allow a reasonable time for the performance of any act it requires.

(5) State that the violation must be fully corrected within the time frame stated therein, and state that, in the event that the owner and/or occupant, as the case may be, fails to do so within the time frame provided, a citation shall be delivered to him/her in accordance with the provisions of the City Code advising him/her of the imposition of a fine.

(6) Contain a statement that the notice constitutes the only notice the person will receive regarding a violation of the applicable section for the twelve-month period following the date that the notice is issued and that a citation shall issue immediately for any repeat

violation during that twelve-month period. In the event that there is a repeat violation on the same property during the twelve-month period following the first violation, the fines for the repeat violation shall be as set forth in 119 Attachment 1, Section 106, Violations.

(7) Be served upon the owner or his/her agent or the occupant, as the case may require, provided that such notice shall be deemed to be properly served upon such owner or agent or upon such occupant if a copy thereof is served upon such person personally, or if a copy thereof is sent by regular mail to his/her last known address, or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice, or if the owner and/or occupant, as the case may be, is served with such notice by any other method authorized or required under the laws of this state.

B. Violations of § 119-4 are municipal infractions subject to the fines and penalties set forth in 119 Attachment 1, Section 106, violations.

C. In the event of a conflict between the provisions of this section and those of the International Property Maintenance Code, the provisions of this section shall govern.

§ 119-6. Property maintenance habitual offender.

A. This section applies to owners of rental dwelling units in the City who violate provisions of the Property Maintenance Code repetitively in a twelve-month period.

B. As used in this section "habitual offender" means any person owning a rental dwelling unit who has paid a fine assessed by the City or is found guilty of violating the provisions of City Code Chapter 119119 on three separate occasions within a twelve-month period.

(1) Once a person is deemed to be an habitual offender, he or she will retain the status of habitual offender until such time as 12 months from the last fine paid or finding of guilt entered passes without another fine being paid or finding of guilt.

(2) A person who has been deemed an habitual offender may not lose such designation by transferring the property regarding which he or she has been deemed an habitual offender to an individual, partnership, corporation or any other entity in which the habitual offender has any interest.

C. After an owner of a rental dwelling unit becomes an habitual offender, all fines levied under City Code Chapter 119119 for that dwelling unit shall be tripled until the habitual offender designation is removed, provided that the maximum fine shall not exceed the maximum fine allowed under Maryland Annotated Code, Art. 23A.

D. The rental license fee for a rental dwelling unit that is the subject of the habitual offender designation shall be as set forth in the General Fee Ordinance.[40]

§ 119-7. Rental licensing program expiration date.

The rental licensing program set forth in § 119-4 above shall expire and be null and void at 11:59 p.m. on May 31, 2016. The effectiveness of and the necessity for the continuation of the rental licensing program beyond May 31, 2016, will be reviewed by the Mayor and City Council prior to March 30, 2016.

Chapter 124

SEWERS AND SEWAGE

GENERAL REFERENCES

Charter provisions — See § 27.1 of the City Charter.

Buildings — See Ch. 56.

Plumbing — See Ch. 112.

Special capital benefit assessment — See Ch. 133.

Stormwater management — See Ch. 136.

Water — See Ch. 160.

40. Editor's Note: See Ch. A175, Fees, Art. I, General Fees.

ARTICLE I
General Provisions

§ 124-1. Definitions and word usage.

A. Unless the context specifically indicates otherwise, the meanings of terms used in this chapter shall be as follows:

BOD (denoting "biochemical oxygen demand") — The quantity of oxygen utilized in the biochemical oxidation of organic matter in five days at 20º C., expressed in milligrams per liter, as determined in accordance with the latest issue of Standard Methods or by a method acceptable to and approved by the State Department of Health and other agencies having jurisdiction.

BUILDING DRAIN — That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER — The extension from the building drain to the public sewer or other place of disposal; also called "house connection."

COMBINED SEWER — A sewer intended to receive both wastewater and storm- or surface water.

DEPARTMENT — The Department of Planning and Public Works of the City of Westminster.

DIRECTOR — The Director of the Public Works or the Director's designee.**[Amended 12-6-2007 by Ord. No. 773]**

FLOATABLE OIL — Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

GARBAGE — Solid wastes and residue from the preparation, cooking and dispensing of food and from the handling, storage and sale of food products and produce.

HAZARDOUS WASTE — Any waste or combination of waste that poses substantial danger to human beings, plants and animals. Specifically, a waste shall be considered hazardous if it poses one or more of the following characteristics: ignitability, corrosivity, reactivity, toxicity and radioactivity.

INDUSTRIAL WASTES — Waterborne solids, liquids or gaseous wastes resulting from, discharged, permitted to flow or escaping from any industrial, manufacturing or food processing operation or processes or from the development of any natural resource, or any mixture of these with water or domestic sewage as distinct from normal domestic sewage.

INTERFERENCE —

(1) An inhibition or disruption of the wastewater treatment works or wastewater treatment plant operations or its processes or sludge processes use or disposal which causes either a violation of any requirement of the wastewater treatment works discharge permit or prevents sewage sludge use or disposal by the wastewater treatment works in accordance with any and all applicable statutory provisions and regulations or permits issued under them including:

(a) Section 405 of the Clean Water Act.

(b) The Solid Waste Disposal Act (SWDA) (including Title II, commonly referred to as the "Resource Conservation and Recovery Act (RCRA)" and any state regulation contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA.)

(c) The Clean Air Act.

(d) The Toxic Substances Control Act.

(2) Damage to sewer systems and threats to wastewater treatment works' workers and public health, safety and comfort.

LEACHATE — Wastewater produced by the percolation of water through a municipal solid waste landfill.

NATURAL OUTLET — Any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface or ground water.

PARTS PER MILLION — A weight-to-weight ratio; in wastewater, parts per million value multiplied by the factor of 8.345 shall be equivalent to pounds per million gallons of water; or a weight-to-volume ratio; as one milligram per liter is equal to one part per million in wastewater.

PASS-THROUGH — Discharge of pollutants through the wastewater treatment works into waters of the state in quantities or concentrations which cause a violation of any requirement of the wastewater treatment works discharge permit and/or violation of any other state or federal regulation.

PERSON — Any individual, firm, partnership, company, association, society, corporation, group or entity.

pH — The logarithm of the reciprocal of the hydrogen ion concentration expressed in moles per liter. It shall be determined by one of the procedures outlined in Standard Methods.

PRETREATMENT — Treatment of wastewaters from sources before introduction into the wastewater treatment works.

PROPERLY SHREDDED GARBAGE — The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions

normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

POTW — Publicly owned treatment plant.

PUBLIC SEWER — A common sewer controlled by a governmental agency or public utility.

QUALIFIED ANALYST —

(1) Any person holding an undergraduate degree in chemistry or in a closely allied field (e.g., biology, sanitary engineering); or

(2) Any other person who has demonstrated competency in wastewater analysis by having analyzed satisfactorily a minimum of three reference wastewater samples as supplied upon request by the approving authority.

SANITARY SEWER — A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

SEPTAGE — The liquid and solid material produced in individual on-site wastewater disposal systems, principally septic tanks and cesspools.

SEWER — A pipe or conduit which carries wastewater or drainage water.

SEWERAGE SYSTEM — See "wastewater facilities."

SIGNIFICANT INDUSTRIAL USER —

(1) Any industrial user who:

(a) Is subject to national categorical standards; or

(b) Discharges total flows equal to greater than 25,000 gallons per day (gpd); or

(c) Contributes a process waste stream that makes up 5% or more of the hydraulic or organic capacity of the POTW; or

(d) Is found by the City, state or EPA to have significant impact, either slightly or in combination with other contributing industries, to the POTW, the quality of the sludge, the POTW's effluent quality or air emissions generated by the system.

(2) Upon finding an industrial user meeting the above criteria of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with 40 CFR 403, determine that such industrial user is not a significant industrial user.

SLUDGE — Solid or semisolid materials removed from the liquid wastewater stream or wastewater or water treatment plant.

SLUG — Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds, for any period of duration longer than 15 minutes, more than five times the average twenty-four-hour concentration or flow during normal operation or which shall adversely affect the collection system and/or performance of the wastewater treatment works.

STANDARD METHODS — The examination and analytical procedures set forth in the latest edition of Standard Methods for the Examination of Water and Wastewater, as prepared, approved and published jointly by the American Public Health Association and the American Water Works Association.

STORM DRAIN (sometimes termed "storm sewer") — A sewer or drain for conveying water, groundwater, subsurface water or unpolluted water from any source.

SUSPENDED SOLIDS (SS) — Total suspended matter that either floats on the surface of or is in suspension in water, sewage or other liquids and which is removable by laboratory filtering under standard laboratory procedure as described in Standard Methods.

TOTAL KJEDAHL NITROGEN (TKN) — The sum of free ammonia and organic nitrogen compounds as determined in Standard Methods.

WASTEWATER — The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and stormwater that may be present.

WASTEWATER FACILITIES — The structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and discharge the effluent and treat, utilize or dispose of sludges resulting from collection and treatment of these wastes.

WASTEWATER TREATMENT WORKS — An arrangement of devices and structures for treating wastewater and sludge.

WATERCOURSE — A natural or artificial channel in which flow of water occurs, either continuously or intermittently.

B. The term "shall" is mandatory; "may" is permissive.

ARTICLE II
Use of Public Sewers

§ 124-2. Use of public sewers required.

A. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the service area of the City's public sewer system or in any area under the jurisdiction of the City any human or animal excrement, garbage or other objectionable waste.

B. It shall be unlawful to discharge to any watercourse within the service area of the City's public sewer system or in any area under the jurisdiction of the City any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this chapter.

C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage within the service area of the City's public sewer system or in any area under the jurisdiction of the City.

D. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the service area of the City's public sewer system, as defined by the County Water and Sewer Master Plan, is hereby required at the owner's own expense to install suitable toilet facilities therein and shall connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 90 days after the date of official notice to do so.

E. All privies, privy vaults, cesspools, septic tanks and drains on properties connected with a sanitary sewer shall be abandoned as soon as possible, and in no case later than 30 days after the connection of such properties to such sanitary sewer, and left in such way that they cannot again be used or injuriously affect the public health; and all wells that are found by the City or any public health authority having jurisdiction to be polluted or a menace to health shall likewise be abandoned and closed.

F. Privies, privy vaults, cesspools, septic tanks, drains and polluted wells abandoned and closed pursuant to this section shall be subject to inspection by the Director and by any public health authority having jurisdiction, and the owner of the property upon which any such abandoned and closed facility is located shall take such remedial action as may be prescribed by such inspector to assure that such closed and abandoned facility will not constitute a hazard to the public health or safety.

§ 124-3. Building sewers and connections.

A. No authorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City.

B. There shall be three classes of sewer permits: for residential use, for commercial use and for service to establishments producing industrial wastewater. In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the City.

C. All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

D. Each mobile home and/or trailer unit used for residential or commercial purposes and having domestic water and/or sanitary facilities therein shall be considered a separate and independent building and, as such, shall have its own separate and independent building drain and building sewer.

E. Where existing building sewers connected to a public sanitary sewer or public storm sewer are to be abandoned by reason of demolition of buildings and structures or for any other reason, they shall be disconnected and permanently sealed at the curbline or at the public sewer as directed by the approving authority. Existing building sewers may be used in connection with new buildings only when they are found, on examination and test by the City, to meet all the requirements of this chapter.

F. The size, slope, alignment and materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the Carroll County Plumbing Code and/or all other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing Materials and Water Environment Federation Manual of Practice No. 9 shall apply.

G. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. Exceptions to this requirement shall be requested in writing and approved by the Plumbing Inspector of the City.

H. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff

or groundwater to a building drain or building sewer which in turn is connected directly or indirectly to a public sanitary sewer.

I. The connection of the building drain to the building sewer or the building sewer into the public sewer shall conform to the requirements of the Carroll County Plumbing Code and/or all other applicable rules and regulations of the City or the procedure set forth in appropriate specifications of the American Society for Testing Materials and Water Environment Federation Manual of Practice No. 9. All such connections shall be made gastight and watertight. All connections of building sewers to the public sewer shall be performed by persons authorized by the City. The prescribed procedures and materials must be approved by the City before installation.

J. The owner of any improved property shall maintain and repair the building drain and lateral at the owner's own expense and shall remove all trees, tree roots and other obstructions of the building drain and lateral. Where such maintenance or repairs are neglected by the owner, the City may, 10 days after mailing written notice to the owner, make or cause to be made such maintenance or repairs as may be necessary and charge the owner of said improved property for the cost thereof.

K. The applicant for the building sewer permit shall notify the City when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made in the presence of and under the supervision of the City or its representatives, who shall be notified 24 hours before time of backfilling.

L. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

§ 124-3.1. Application for service. [Added 2-11-2002 by Ord. No. 678]

A. All applications for a permit for sewer service must be made, in writing, on a form provided by the City. Applications for service must be made by the property owner or the owner’s agent or representative and shall be accompanied by a fee as provided in the Utility Fee Ordinance.[41] **[Amended 11-24-2008 by Ord. No. 793]**

B. No contract for service will be entered into by the City with any applicant until all arrears and charges due by the applicant at any premises now or heretofore occupied by him shall have been paid or satisfactory arrangements made in regard thereto.

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41. Editor’s Note: See Ch. A175, Fees, Art. II, Utility Fees.

C. An accepted application by the City shall constitute a contract between the City and applicant, obligating the applicant to pay to the City its rates as established or as may be established from time to time. The applicant also shall comply with the City's rules and regulations.

D. Applications for service installations will be accepted subject to there being an existing and adequate main in a street or right-of-way abutting the premises to be served. The contract shall in no way obligate the City to extend its mains to service the premises under consideration.

E. When a prospective customer has made application for a new service or has applied for the reinstatement of an existing service, it is assumed that the piping and fixtures which the service will supply are in order to receive the same, and the City will not be liable in any case for any accident, breaks or leakage arising in any way in connection with the supply of sewer service or failure to supply the same or the freezing of water pipes or fixtures of the customer nor for any damage to the property which may result from the usage or nonusage of the sewer service supplied to the premises.

F. After review of the completed application and the payment of all fees and charges required under this chapter and the Utility Fee Ordinance, the City may accept the application, provided that the property to be served is identified as S-1 or S-3 on the Carroll County Master Plan for Water and Sewerage. Additionally, the development of the property must be consistent with the current City/county agreement unless the Mayor and Common Council grants a waiver for good cause[42] for which the applicant shall pay a fee as provided in the Utility Fee Ordinance.[43] **[Amended 11-24-2008 by Ord. No. 793]**

§ 124-4. Use of public sewers.

A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

B. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the City. Industrial cooling water or unpolluted process water may be discharged to a storm sewer or natural outlet on approval of the City and upon acquiring a national point discharge elimination system permit (NPDES permit).

C. No person shall discharge or cause to be discharged any of the following described substances, materials, waters or wastes to any public sewers:

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42. Editor's Note: Ordinance No. 678 provided that the Director of the Department of Planning and Public Works shall adopt regulations for the consideration of "good cause" waivers pursuant to this subsection.

43. Editor's Note: See Ch. A175, Fees, Art. II, Utility Fees.

(1) Any gasoline, benzene, naphtha, fuel oil, engine oil, fuel additives, paint products, organic solvents or other flammable or explosive liquid, solid or gas.

(2) Any waters or wastes containing toxic, poisonous or in any way harmful solids, liquids or gases in sufficient quantity which, either singly or by interaction with other wastes, pass through or interfere with the wastewater treatment works.

(3) Any waters or wastes having a pH lower than 6.5 or higher than 8.5 or having any other corrosive or scale-forming property capable of causing damage or hazard to structures, equipment and personnel of the wastewater facilities and wastewater treatment works or hindering and/or reducing the normal microbiological action, sludge treatment, utilization and/or disposal capabilities of or by the wastewater treatment works.

(4) Solid or viscous substances in quantities or of such characteristics as to be capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works, such as but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, styrofoam, foam rubber, sanitary napkins, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, bones, paper dishes, cups, milk containers, bentonite, lye, building materials, rubber, leather, porcelain, china, ceramic wastes, lime slurry, lime, residues, slops, chemical residues, paint residues, bulk solids, etc., either whole or ground by garbage grinders.

(5) Any waters or wastes prohibited by any permit issued by the City, county, state and federal government agencies.

D. The following described substances, materials, waters or wastes shall be limited to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream and/or will not otherwise endanger lives, limb, public property or constitute a nuisance. The Director may set limitations lower than the limitations established in the following if, in the Director's opinion, such action is necessary. The Director will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, the capacity of the wastewater treatment plant, the degree of treatability of the waste in the wastewater treatment plant and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Director of the Department of Public Works are as follows:

(1) Any liquid or vapor having a temperature higher than 104º F. (40º C.) or less than 32º F.

(2) Wastewater containing more than 100 milligrams per liter of oil of an animal or vegetable origin or 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils or other oil of mineral origin.

(3) Wastewater from industrial plants containing floatable oils, fat or grease.

(4) Any garbage that has not been properly shredded. (see § 124-1). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.

(5) Any waters or wastes containing substances that are limited by the National Categorical Pretreatment Standards. Standards may be set by the City when the national standard is determined to be insufficient to protect the wastewater facility from adverse effects or when the national standard has not been promulgated. Upon promulgation of National Categorical Pretreatment Standards for a particular subcategory, the national standards, if more stringent than the limitations imposed by the City for sources in the subcategory, shall immediately supersede the limitations imposed by the City. The Director of the Department of Public Works shall so notify all affected industrial waste dischargers, who shall thereafter be subject to the reporting requirements of 40 CFR 403.

(6) Any waters or wastes containing phenols or any other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the City as necessary to meet the requirements of the state, federal or other public agencies of jurisdiction.

(7) Any radioactive substances and/or isotopes of such half-life or concentration as may exceed limits established by the City in compliance with applicable state and federal regulations.

(8) Quantities of flow, concentration, or both, which constitute a "slug" as defined herein.

(9) Waters and wastes containing substances not amenable to treatment or reduction by the wastewater treatment processes employed or which are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of any and all agencies having jurisdiction over discharge to the receiving waters or over treatment, utilization and disposal of sludges produced at the wastewater treatment works.

(10) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system or

create a condition deleterious to structures and treatment processes.

(11) Any waters or wastes containing at any time total solids (as determined by methods described in Standard Methods) greater than 1,250 milligrams per liter or of such character and quantity that unusual attention or expense is required to handle such materials in the sewerage facility.

(12) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

(13) Any waters or wastes having an average daily chlorine demand (as determined by methods described in Standard Methods) in excess of 12 milligrams per liter at a detention time of 20 minutes.

(14) Industrial wastewater having an average daily five-day BOD (as determined by methods described in Standard Methods) greater than 220 milligrams per liter.

(15) Industrial wastewater having an average daily content of suspended solids greater than 250 milligrams per liter.

(16) Industrial waste slugs having an average daily flow greater than 5% of the average daily sewage flow at the wastewater treatment works.

(17) Septage. Septage must be taken to the County Septage Facility.

(18) Leachate. Leachate must be taken to the County Septage Facility.

(19) Hazardous waste.

(20) Sludge. Sludge must be taken to the County Septage Facility.

(21) Any waters or wastes which contain wax, grease or oil, plastic or any other substance that will solidify or become discernibly viscous at temperatures between 32º F. and 150º F.

(22) Any garbage that has not been properly comminuted or shredded. If properly comminuted or shredded, then it may be accepted under provisions established in this chapter.

(23) Any wastes or waters containing suspended or dissolved solids of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment works.

(24) Any cyanide greater than one part per million, as CN.

(25) Any hexavalent chromium greater than one part per million.

(26) Except in quantities or concentrations or with provisions as stipulated in this section, no person shall discharge waters or wastes to the sanitary sewer containing free or emulsified oil and grease exceeding, on analysis, an average of 100 parts per million (i.e., 833 pounds per million gallons) of either or both or combinations of free or emulsified oil and grease, if, in the opinion of the Director, it appears probable that such wastes:

(a) Can deposit grease or oil in the sewer lines in such manner as to clog the sewers.

(b) Can overload skimming and grease-handling equipment.

(c) Are not amenable to bacterial action and will, therefore, pass to receiving waters without being affected by normal sewage treatment processes.

(d) Can have deleterious effects on the treatment process due to the excessive quantities.

(27) Cyanides or cyanogen compounds capable of liberating hydrocyanic gas on acidification in excess of one-half per million by weight as CN in the wastes from any outlet into the public sewers.

(28) Materials which exert or cause:

(a) Unusual concentrations of solids or compositions; as, for example, in total suspended solids of inert nature, such as fuller's earth, or in total dissolved solids, such as sodium chloride or sodium sulfate.

(b) Excessive discoloration.

(c) Unusual biochemical oxygen demand or an immediate oxygen demand.

(29) High hydrogen sulfide content.

(30) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140º F. (60º C.) using the test methods specified in 40 CFR 261.

(31) Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin, in all amounts that will cause interference or pass-through.

(32) Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(33) Trucked or hauled pollutants, except at discharge points designated by the Director in accordance with this chapter.

(34) Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water and unpolluted wastewater, unless specifically authorized by the Director.

(35) Sludges, screenings or other residues from the pretreatment of industrial wastes or industrial wastewater.

(36) Medical wastes, except as specifically authorized by the Director in a wastewater discharge permit.

(37) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.

(38) Detergents, surface-active agents or other substances which may cause excessive foaming in the POTW.

(39) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Federal Water Pollution Control Act, also known as the "Clean Water Act," as amended, any criteria, guidelines or regulations affecting sludge or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act or state criteria applicable to the sludge management method being used.

(40) Specific pollutant limitations. No person shall discharge wastewater containing in excess of:

Substance	**Total Amount (mg/l)**
BOD5*	220*
TKN*	20*
TP (total phosphorus)	5.0*
TSS*	250
TPH (total petroleum hydrocarbons)*	
Total oil and grease	100*
Arsenic	5.0*
Cadmium	0.3*
Chromium	0.50*
Copper	3.0*
Lead	0.5

Substance	Total Amount (mg/l)
Mercury	10
Nickel	4.0*
Silver	0.03*
Zinc	4.8*

NOTES:

* The Director may impose alternative mass limitations on user(s) not meeting applicable pretreatment standards or requirements or in other cases as necessary, where the imposition of mass and/or concentration limitations are considered appropriate. Alternative limitations shall be based on plant design and available plant capacity.

E. Effect of discharge.

(1) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Subsection D and which, in the judgment of the City, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters or sludge management or which otherwise create a hazard to life or constitute a public nuisance, the City may, upon giving official notice to the discharger:

(a) Reject the wastes;

(b) Require pretreatment according to the pretreatment standards as adopted by the City to an acceptable condition for discharge to the public sewers;

(c) Require control over the quantities and rates of discharge;

(d) Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Subsection L; and/or

(e) Require immediate discontinuance of the waste discharge until such time as it meets the requirements of these regulations.

(2) Any person so notified shall immediately stop or eliminate the discharge. In the event that the discharger shall fail to comply with the notice, the approving authority shall take such actions as are deemed reasonably necessary to prevent or minimize damage to the sewerage system or danger to persons or property, including, where in the opinion of the approving authority the danger is clear, present and substantial, immediate severance of the discharger's sewer connection to the sewerage system.

(3) If the City permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the City and subject to the requirements of all applicable codes, ordinances, regulations and laws.

F. Grease, oil and sand interceptors shall be provided when, in the opinion of the City, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the City and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owners shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the City. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by currently licensed waste disposal firms.

G. Where pretreatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's own expense.

H. When required by the City, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control structure, together with necessary meters and other appurtenances in the control structure to facilitate observation, sampling and measurement of the wastes. Such structure, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the City. The structure shall be installed by the owner at the owner's own expense and shall be maintained by the owner so as to be safe and accessible at all times.

I. The City may require a user of sewer services to provide information needed to determine compliance with this chapter. The City may review and copy records to obtain the required information. These requirements may include:

(1) Wastewater discharge peak rate and volume over a specified time period.

(2) Chemical analyses of wastewaters.

(3) Information on raw materials, processes and products affecting wastewater volume and quality.

(4) Quantity and disposition of specific liquid, sludge, oil, solvent or other material important to sewer use control.

(5) A plot plan of sewers of the user's property showing sewer and pretreatment facility locations.

(6) Details of wastewater pretreatment facilities.

(7) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

(8) Any other information required by the flow measurement, sampling, analysis and monitoring standards as adopted by the City Council.

J. All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of Standard Methods and shall be determined by or under the direct supervision of a qualified analyst at the control structure provided and upon suitable samples taken at said control structure. In the event that no special structure has been required, the control structure shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling methods, locations, times, durations and frequencies are to be determined on an individual basis by the Director of the Department of Public Works.

K. Sample collection.

(1) Except as modified in Subsection K(2) below, the user must collect wastewater samples using flow-proportional composite collection techniques. In the event that flow-proportional sampling is infeasible, the Director may authorize the use of time-proportional sampling or a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

(2) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides and volatile organic compounds must be obtained using grab collection techniques.

L. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefor, by the industrial concern. Any National Categorical Pretreatment Standards or state standards will not be waived by a special agreement.

§ 124-5. Discharge to storm sewers prohibited.

Discharge of wastewater into storm sewers shall not be permitted.

§ 124-6. State requirements.

The state pretreatment standards and requirements found in COMAR, Title 26, as it currently exists or as it may be subsequently amended, are hereby incorporated.

§ 124-7. City's right of revision.

The City reserves the right to establish more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives of this chapter.

§ 124-8. Excessive discharge.

No user shall ever increase the use of process water or, in any way, attempt to dilute or blend a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, or in any other pollutant-specific limitation developed by the City or state.

§ 124-9. Accidental discharges.

Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own costs and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review and shall be approved by the City before construction of the facility. No user who commences contribution to the wastewater treatment works after the effective date of this chapter shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the City. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility at the user's own expense as necessary to meet the requirements of this chapter. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the Director of the incident. The notifications shall include location of discharge, type of waste, concentration and volume and corrective actions.

§ 124-10. Written notice.

Within five days following an accidental discharge, the user shall submit to the Director a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the wastewater treatment works, fish kills or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this chapter or other applicable law.

§ 124-11. Notice to employees.

A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. A copy of the notice and emergency notification procedure shall be provided to the Director upon adoption and as they may be modified from time to time.

ARTICLE III
Industrial Wastewater

§ 124-12. Industrial waste discharge permit.

A. At least 60 days prior to discharging or continuing the discharge of any industrial waste to the sewerage system, the owner of the property from which such discharge is proposed to be made shall apply to the City, in writing, for a permit to make such discharge.

B. Application.

(1) Application shall be made on discharge permit application forms furnished by the City, which forms shall contain all pertinent data, including but not limited to the estimated quantity of flow, the character of the waste, the maximum rate of discharge and the pretreatment facilities, together with any other information considered pertinent in the judgment of the City and other approving authorities. This information must include:

(a) Name, address and location (if different from the address).

(b) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended (if applicable).

(c) Wastewater constituents and characteristics, including, but not limited to, those mentioned in § 124-4D of this chapter as determined by a certified analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Federal Water Pollution Control Act and contained in 40 CFR Part 136, as amended.

(d) Time and duration of contribution.

(e) Average daily and three-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any.

(f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by the size, location and elevation.

(g) Description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged.

(h) Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is

required for the user to meet applicable pretreatment standards.

(i) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:

[1] The schedule shall contain increments of progress in the form of date for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

[2] No increment referred to in Subsection B(1)(i)[1] shall exceed nine months.

[3] Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Director, including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the operations manager.

(j) Each product produced by type, amount, process or processes and rate of production.

(k) Type and amount of raw materials processed (average and maximum per day).

(l) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system.

(m) Any other information as may be deemed by the City to be necessary to evaluate the permit application.

(2) The City will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the City may issue a wastewater contribution permit subject to terms and conditions provided herein.

C. Wastewater discharge permit contents. A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Director to prevent pass-through or interference, protect the quality of the waterbody receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal and protect against damage to the wastewater treatment works. Wastewater discharge permits must contain:

(1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five years;

(2) A statement that the wastewater discharge permit is nontransferable without prior notification to the City and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

(3) Limits on the average and maximum wastewater constituents and characteristics;

(4) Self-monitoring, sampling, reporting, notification and recordkeeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency and sample type based on federal, state and local law; and

(5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state or local law.

D. A fee shall be charged for issuance of a discharge permit as provided in the Utility Fee Ordinance.[44] **[Amended 11-24-2008 by Ord. No. 793]**

E. A permit may be issued for a period of less than a year or may be stated to expire on a specific date. The discharger shall apply for permit reissuance a minimum of 180 days prior to the expiration of the discharger's existing permit. The terms and conditions of the permit shall be subject to modification by the City during the term of the permit as discharge limitations or requirements as identified in § 124-4 are modified or other just cause exists. The discharger shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

F. Within nine months of the promulgation of a National Categorical Pretreatment Standard, the industrial waste discharge permit of dischargers subject to such standards shall be revised to require and impose conditions to ensure compliance with such standard within the time frame prescribed by such standard. Where a discharger, subject

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44. Editor's Note: See Ch. A175, Fees, Art. II, Utility Fees.

to a National Categorical Pretreatment Standard, has not previously submitted an application for an industrial waste discharge permit as required by this section, the discharger shall apply for an industrial waste discharge permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standards. In addition, a discharger with an existing industrial waste discharge permit shall submit to the approving authority within 180 days after the promulgation of an applicable National Categorical Pretreatment Standard, on forms to be provided by him, the information required by 40 CFR 403 and the compliance schedule required by 40 CFR 103. Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new discharger, following commencement of discharge to the sewage system, any discharger of industrial waste subject to pretreatment standards shall submit a report to the approving authority, upon forms to be provided by him, containing the information required by 40 CFR 403 and thereafter, semiannually in the months of June and December, the report required by 40 CFR 403.

G. Industrial waste discharge permits will contain as applicable the following special permit conditions:

(1) Any exception to the discharge standards set forth in § 124-4.

(2) Limits on the average and maximum rate and time of discharge or requirements for flow regulations and equalization.

(3) Requirements for the installation and maintenance of inspection and sampling facilities.

(4) Compliance schedules.

(5) Requirements for the submission of discharge reports.

(6) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the approving authority and affording access by the City thereto for reviewing and copying the plant records.

(7) Requirements for the notification of the City of any new introduction of wastewater constituents or any substantial change in volume or character of the wastewater constituents being introduced into the wastewater treatment system.

(8) Requirements for the notification of slug discharges.

(9) Other conditions as deemed appropriate by the approving authority to ensure compliance with this chapter.

H. Notice of violation/repeat sampling and reporting. If sampling performed by a user indicates a violation, the user must notify the Director within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of

the repeat analysis to the Director within 30 days after becoming aware of the violation. The user is not required to resample if the Director monitors at the user's facility at least once a month, or if the Director samples between the user's initial sampling and when the user receives the results of this sampling.

I. Notification of the discharge of hazardous waste.

(1) Any user who commences the discharge of hazardous waste shall notify the wastewater treatment works, the Director, the EPA Regional Waste Management Division Director and state hazardous waste authorities, in writing, of any discharge into the wastewater treatment works of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number and the type of discharge (continuous, batch or other). If the user discharges more than 100 kilograms of such waste per calendar month to the wastewater treatment works, the notification also shall contain the following information to the extent that such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month and an estimation of the mass of constituents in the waste stream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this subsection needs to be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of this chapter.

(2) Dischargers are exempt from the requirements of Subsection A, above, during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(3) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Director, the EPA Regional Waste Management Waste Division Director and state hazardous waste authorities of the

discharge of such substance within 90 days of the effective date of such regulations.

(4) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(5) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, a permit issued thereunder or any applicable federal or state law.

§ 124-13. Industrial waste.

A. Ten days prior to the first day of March, June, September and December, each significant industrial user shall file with the City a report on the quality and quantity of their discharge. The report forms shall be supplied by the City.

B. All significant industrial users shall provide the certification statement shown below with all reports submitted to the City: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations." This statement shall accompany all reports requested by the City or required by 40 CFR 403 and shall be signed by an authorized representative user of the owner.

§ 124-14. Confidential information.

Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes or methods of production entitled to protection, such as trade secrets of the user. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, the national pollutant discharge elimination system (NPDES) permit, state disposal system permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the

report. Wastewater constituents and characteristics will not be recognized as confidential information.

§ 124-15. Accidental discharge/slug control plans.

A. At least once every two years, the Director shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The Director may require any user to develop, submit for approval and implement such a plan. Alternatively, the Director may develop such a plan for any user.

B. An accidental discharge/slug control plan shall address, at a minimum, the following:

(1) Description of discharge practices, including nonroutine batch discharges.

(2) Description of stored chemicals.

(3) Procedures for immediately notifying the Director of any accidental or slug discharge.

(4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

§ 124-16. Bypass not violating applicable pretreatment standards or requirements.

A. An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Subsections A and B of this section.

B. Notice.

(1) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the Director, if possible at least 10 days before the date of the bypass.

(2) An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the control authority within 24 hours of the time the industrial user becomes aware of the bypass. A written submission shall also be provided within five days of the time the industrial user becomes aware of the bypass. The written submission shall contain a

description of the bypass and its cause; the duration of the bypass, including exact dates and times and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

C. Prohibition of bypass.

(1) Bypass is prohibited, and the Director may take enforcement action against an industrial user for a bypass unless:

(a) Bypass was unavoidable to prevent loss of life, personal injury or severe property damage;

(b) There were not feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The industrial user submitted notices as required under Subsection B of this section.

(2) The Director may approve an anticipated bypass, after considering its adverse effects, if the control authority determines that it will meet the three conditions listed in Subsection C(1) of this section.

§ 124-17. Upset provision and notification.

A. An "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance or careless or improper operation.

B. An upset can be used as an affirmative defense to an action brought for noncompliance with categorical pretreatment standards, provided that the industrial user meets certain conditions. An industrial user who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

(1) An upset occurred and the industrial user can identify the cause or causes;

(2) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;

(3) The industrial user has submitted the following information to the City within 24 hours of becoming aware of the upset (If this information is provided orally, a written submission must follow within five days.):

(a) A description of the indirect discharge and cause of noncompliance.

(b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue.

(c) Steps being taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance.

(4) In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.

(5) Industrial users will have the opportunity for judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(6) The industrial user shall control production or all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

§ 124-18. Extra jurisdictional industrial users.

A. New significant industrial users located beyond the corporate limits of the City shall submit such application to the City 90 days prior to any proposed discharge into the wastewater treatment works.

B. The City may enter into an agreement with the neighboring jurisdiction in which the significant industrial user is located to provide for the implementation and enforcement of pretreatment program requirements against said industrial user.

C. In the event that another municipality contributes all or a portion of its wastewater to the wastewater treatment works, the City may require such municipality to apply for and obtain a municipal wastewater contribution permit.

(1) A municipal wastewater contribution permit application shall include:

(a) A description of the quality and volume of the wastewater at the point where it enters the wastewater treatment works.

(b) An inventory of all industrial users discharging to the municipality.

(c) Such other information as may be required by the Director.

(2) A municipal wastewater contribution permit shall contain the following conditions:

(a) A requirement for the municipal user to adopt a sewer use ordinance which is at least as stringent as this chapter and local limits which are at least as stringent as those set out in this chapter.

(b) A requirement for the municipal user to submit a revised industrial user inventory on at least an annual basis.

(c) A requirement for the municipal user to:

[1] Conduct pretreatment implementation activities, including industrial user permit issuance, inspection and sampling and enforcement; or

[2] Authorize the Director to take or conduct such activities on its behalf.

(d) A requirement for the municipal user to provide the City with access to all information that the municipal user obtains as part of its pretreatment activities.

(e) Limits on the nature, quality and volume of the municipal user's wastewater at the point where it discharges to the POTW.

(f) Requirements for monitoring the municipal user's discharge.

(3) Violation of the terms and conditions of the municipal user's wastewater discharge permit subjects the municipal user to the sanctions set out in § 124-36.

§ 124-19. Special agreements with industrial users.

No provisions contained in this chapter shall be deemed to prevent any special agreement or arrangement between the City and any person whereby wastewater of unusual strength or characteristic may be accepted by the City for treatment which will not violate or cause the City and/or the user to violate federal or state pretreatment requirements or standards or to violate discharge standards and which will not be harmful to the system. Under no circumstances shall federal or state pretreatment requirements or standards be waived.

ARTICLE IV
Miscellaneous Regulations

§ 124-20. Swimming pool drainage.

Drain lines from all swimming pools in the City may be connected to storm sewers, and filter backwash lines shall be discharged to the sanitary sewerage system as follows:

A. Sand filter backwash shall be discharged to the sanitary sewer, subject to the provisions set forth in § 124-4F.

B. Diatomaceous earth filter backwash shall be connected to the sanitary sewer through settling tanks with three months' storage capacity of spent diatomaceous earth, which tanks shall be readily accessible for removing solid waste for disposal.

§ 124-21. Removal, transportation and disposal of septage, leachate and industrial wastes.

A. This section is intended for any owner using a tank truck or any equipment in the transportation and disposal of septage, leachate and industrial wastewaters. The equipment and tank truck shall conform to the following requirements:

   (1) The container shall be watertight.

   (2) Tanks, containers or other equipment shall be so constructed that every position of the interior and exterior can be easily cleaned and shall be kept in a clean and sanitary condition.

   (3) Piping, valves and permanent or flexible connections shall be accessible and easily disconnected for cleaning purposes.

   (4) The inlet opening or the opening to every container shall be so constructed that the material will not spill outside during filling, transfer or transport.

   (5) The outlet connections shall be so constructed that no material will leak out, run out to other than the point of discharge and shall be of a design and type suitable for the material handled and capable of controlling the flow or discharge without spillage, undue spray or flooding immediate surroundings while in use.

   (6) No connection shall be made at any time between a tap or outlet furnishing potable water on any premises and any container or equipment holding material by any means other than an open connection.

B. The septage, leachate or wastes discharged by the tank trucks at the wastewater treatment works shall not contain industrial waste, chemicals or other matter, with or without pretreatment, that does not conform to the requirements of § 124-4 of this chapter.

C. Any septage, leachate and industrial waste to be discharged from tank trucks within the City shall be disposed at the location designated by the City at the City's wastewater treatment works at the time or times and at a rate or rates of discharge fixed by the City.

D. Any hauler, operator, person or persons cleaning cesspools, septic tanks, privies or any other container governed by this section shall be licensed by the appropriate jurisdiction before cleaning such containers and hauling the material to the designated place of disposal within the City.

ARTICLE V
Allocations and Extensions

§ 124-22. Allocation plan.

A. The Mayor and Common Council is authorized to establish, by resolution, an allocation policy regarding the issuance of additional sewer connections. **[Amended 4-13-2015 by Ord. No. 853]**

B. Commercial, industrial and residential projects that have received final plat or site plan approvals by the respective city or county planning body prior to June 15, 1989, shall not be subject to any allocation policy.

C. The Mayor and Common Council is also authorized to establish, by resolution, a contingency plan to prohibit, restrict and allocate the issuance of sewer connections in the event of major operational problems at the wastewater treatment plant, the achievement of maximum plant capacity or as a result of state directive. **[Amended 4-13-2015 by Ord. No. 853]**

D. No sewer connection shall be approved which is not in accordance with any allocation policy adopted by the Mayor and Common Council. However, this subsection does not apply to projects described in Subsection B.

E. Notwithstanding anything contained in this section to the contrary, wastewater allocation for any development application submitted for approval shall be subject to the additional procedures and regulations set forth in Subsection K of § 164-193 and Subsection J of § 164-211 of this Code. **[Added 4-13-2015 by Ord. No. 853]**

§ 124-23. Sewer extensions.

A. The City shall be solely responsible for any and all sewer extensions. No extension will be made except upon the written request of a property owner which shall be accompanied by a fee as provided in the Utility Fee Ordinance.[45] **[Amended 11-24-2008 by Ord. No. 793]**

B. The owner or owners applying for such sewer extension shall be responsible for the cost of making such an extension. Title to the sewer will be vested in the City, and the sewer shall at all times remain the sole property of the City and shall not be trespassed upon or interfered with in any respect. This property shall be maintained by the City and may be used as the City deems fit.

C. When sewer facilities are to be constructed, the owner will furnish plans for review by the City and all other agencies having jurisdiction. These plans will denote location, profile and any other pertinent details required by agencies having jurisdiction. The City will also require a

45. **Editor's Note: See Ch. A175, Fees, Art. II, Utility Fees.**

public works agreement spelling out the conditions by which a sewer will be extended.

D. Before an extension of a sewer is made by the City, the owner or applicant shall post security for the estimated cost of the sewer extension. Final adjustments will be made upon the receipt of all bills and expenses that may be incurred in the extension of a sewer. Any surplus security will be returned to the owner. Any deficit held by the City will be billed to the owner upon final accounting.

E. The City will not be required to make any reimbursement to the owner for additional connections to such sewers or enter into any type of buy-back agreements.

F. The Mayor and Common Council shall adopt and, from time to time, amend the imposition of fees as it deems necessary for the preparation, review and approval of construction drawings, plans and other related documents for all sewer extensions. Said fee shall be based upon the costs of providing such services and shall be in addition to the costs for which the owner is responsible under Subsection B.

ARTICLE VI
Special Assessments

§ 124-24. Basic schedule of charges. [Amended 1-27-2003 by Ord. No. 693; 6-14-2004 by Ord. No. 715; 12-6-2007 by Ord. No. 773; 11-24-2008 by Ord. No. 793]

A. From and after the effective date of this section, in any instance in which the City shall furnish sewage service to any building, dwelling, apartment, living unit or other building or structure, as herein set forth, a special benefit assessment is hereby levied and imposed, payable prior to the issuance of a building permit, upon the owner of such property or properties to be served in the amount or amounts as provided in the Utility Fee Ordinance.[46]

B. In any instance in which an existing structure is altered to convert to additional dwelling units, commercial units or business offices, there shall be imposed a special benefit assessment as provided in the Utility Fee Ordinance. However, in no event shall the cumulative assessment for said alterations exceed 75% of the assessment for new construction.

C. In any instance in which an industrial or commercial structure is altered to add additional square footage, there shall be imposed a special benefit assessment in accordance with the schedules as provided in the Utility Fee Ordinance. Expansion of existing structures shall be allowed credit for previously paid special benefit assessments in all types of uses, except dwellings and dwelling units and planned unit development.

D. In any instance in which a school or college expands existing structures or constructs new buildings for nonresident use, there shall be imposed a special benefit assessment in accordance with the schedule section of the Utility Fee Ordinance entitled “Industrial Warehousing.” In the instance where a school or college adds or expands its residential buildings, a benefit assessment shall be imposed in accordance with the section of the Utility Fee Ordinance entitled “Dwellings and Dwelling Units,” or, in the event of construction of dormitories, the schedule entitled “Schools and Colleges, Including Dormitories” shall be applicable.

E. In any instance in which a continuing-care facility licensed by the State Department of Aging provides three levels of care for individuals 60 years of age or older, “independent living,” “assisted living,” and “comprehensive care” as those terms are defined by Maryland law, and also owns and maintains substantial on-site infrastructure, there shall be imposed a special benefit assessment in the following amounts. For independent-living units (single-family dwelling units or apartments or multifamily units) there shall be imposed a special benefit assessment in the amount of 65% of the amount of assessment set forth for said

46. Editor’s Note: See Ch. A175, Fees, Art. II, Utility Fees.

uses in the Utility Fee Ordinance. For assisted-living units and/or comprehensive-care units the amount of assessment shall be the same as set forth in the Utility Fee Ordinance for hospitals, care homes and nursing homes.

F. In situations where no specified category is provided for in this section, the Director of Planning shall determine the applicable special benefit assessment to be charged, but in no case shall such charges exceed those existing in the Utility Fee Ordinance.

G. The Director of Planning may waive or modify special benefit assessments for the construction or rehabilitation of lower-income housing units as authorized under § 21-101 of Article 24 of the Annotated Code of Maryland.

§ 124-25. Notice; penalty.

A. It shall be the duty of the Director to notify, in writing, each property owner whose property reasonably can be served by a newly installed sewer line and who is not connected thereto that such owner shall have a period of one year in which to connect to such sewer and to pay the applicable special benefit assessment therefor, without the imposition of any penalty.

B. It shall be the duty of the Director to notify, in writing, each property owner whose property reasonably can be served by a then-existing sewer line and who is not connected thereto that such owner shall have a period of six months in which to connect to such sewer and to pay the connection charge and applicable special benefit assessment therefor without the imposition of any penalty.

C. After the expiration of one year from the date of the notice provided for in Subsection A of this section or upon the expiration of six months from the date of notice provided for in Subsection B of this section, any property owner so notified who has not then paid the connection charge and special benefit assessment applicable to his property shall pay a penalty of 1% of such charge or assessment, or both, for each month or fraction thereof that such charge or assessment remains unpaid.

§ 124-26. Avondale Sewer Service Area.

A. From and after July 1, 1976, in any instance in which the City shall supply sewer service to any building, dwelling, apartment, living unit or structure located on any industrially zoned land as approved or as may be approved from time to time by the County Planning Commission and as shown on approved Zoning Maps and recorded among the land records of the county or any lands lying within the area delineated on a plat prepared by J.B. Ferguson Engineering, Inc., and designated "Exhibit A, Avondale Sewer Service Area, City of Westminster, Carroll County, Maryland," which plat is hereby adopted by reference, a special benefit assessment is hereby levied and imposed upon the owner of

such property to be served, payable prior to the issuance of a building permit of an amount double the special benefit assessments or charges provided in § 124-24 of this chapter.

B. Special acreage assessment charges. From and after July 1, 1976, in any instance in which the City shall supply sewer service to any building, dwelling, apartment, living unit or other structure lying within the area delineated on a plat prepared by J.B. Ferguson Engineering, Inc., and designated “Exhibit A, Service Area, City of Westminster, Carroll County, Maryland,” which plat is hereby adopted by reference, a special acreage assessment is hereby levied upon the owner of the land so served, in addition to all other charges and assessments levied thereon, as provided in the Utility Fee Ordinance.[47] **[Amended 11-24-2008 by Ord. No. 793]**

C. The Director of Finance of the City is hereby directed to account separately for all sums received from the double special benefit assessment, as provided in Subsection A, and the special acreage assessment, as provided in Subsection B, over and above all other charges or assessments provided in this chapter. At such time as the excess sums collected under Subsections A and B shall equal the cost of all transmission lines, mains, pumping stations, land rights, appurtenances and other costs and expenses, exclusive of administrative services, incurred by the City for the purpose of extending sewer service to the area delineated on the plat, hereby adopted by reference, or to the buildings, dwellings, apartment units or other structures erected thereupon, then the provisions of Subsections A and B shall be and become void and of no further effect. Any residential dwelling existing on April 5, 1976, located within the specially designated service area, shall be exempt from the special acre assessment charges in Subsection B and the Utility Fee Ordinance. **[Amended 11-24-2008 by Ord. No. 793]**

§ 124-27. Air Business Center Drainage Area.

A. From and after April 30, 1980, in any instance in which the City shall supply sewer service to any building, dwelling, apartment, living unit or structure located on any industrially zoned land, as approved or as may be approved from time to time by the Carroll County Planning Commission and as shown on approved Zoning Maps and recorded among the land records of Carroll County or any lands lying within the area delineated "Limits of Drainage Area" on a plat attached hereto and made a part hereof as Exhibit A, prepared by the Bureau of Planning and Engineering, Department of Public Works, dated January 1980, and entitled "Drainage Area Map for Air Business Center Sewage System," a special benefit assessment is hereby levied and imposed upon the owner or owners of such property or properties to be served, payable prior to the issuance of a building permit, of an amount calculated to be

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47. Editor’s Note: See Ch. A175, Fees, Art. II, Utility Fees.

150% the normal benefit assessments or charges provided in § 124-24 of this chapter, such charge to be in lieu of the standard special benefit charge.

B. Special acreage assessment charges. From and after April 30, 1980, in any instance in which the City shall supply sewer service to any building, dwelling, apartment, living unit or other structure lying within the area delineated “Limits of Drainage Area” on a plat attached hereto and made a part hereof as “Exhibit A” prepared by the Bureau of Planning and Engineering, Department of Public Works, dated January 1980, and entitled “Drainage Area Map for Air Business Center Sewage System,” a special acreage assessment is hereby levied upon the owner or owners of the land so served, in addition to all other charges and assessments levied thereon, as provided in the Utility Fee Ordinance. **[Amended 11-24-2008 by Ord. No. 793[48]]**

C. The City has entered into a public works agreement dated March 24, 1980, with the Commissioners of Carroll County, (hereinafter referred to as the "county"), which public works agreement is on file with the Director of Public Works of the City, providing for, among other things, credits to the City against the loan due the county for construction costs of the project in consideration of satisfaction or partial satisfaction of the charges established in Subsections A and B hereof for certain lands within the drainage area for the Air Business Center Sewage System, which public works agreement is hereby ratified and adopted herein.

D. Accounting and termination.

(1) The Director of Finance of the City is hereby directed to account separately for all sums received from the Air Business Center drainage area special benefit assessment charge, as provided in Subsection A, and the special acreage assessment, as provided in Subsection B, over and above all other charges or assessments provided in this chapter. At such time as the sums collected under Subsections A and B shall equal the City's cost of purchase of all transmission lines, mains, pumping stations, land rights, appurtenances and other costs and expenses, exclusive of administrative services, incurred by the City for the extension of sewer service to the area delineated on the plat attached hereto or to the buildings, dwellings, apartment units or other structures erected thereupon, then the provisions of Subsections A and B shall become void and of no further effect.

(2) Payments by the City to the county of special assessments as provided for in the aforesaid public works agreement dated March 24, 1980, shall be limited only to monies received by the City from the special assessments collected under provisions of Subsections A, B and the Utility Fee Ordinance. **[Amended 11-24-2008 by Ord. No. 793]**

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48. Editor’s Note: See Ch. A175, Fees, Art. II, Utility Fees.

ARTICLE VII
Charges

§ 124-28. Connection charges.

A. A charge shall be made for all sewer connections to the City's sewer system as provided in the Utility Fee Ordinance. **[Amended 11-24-2008 by Ord. No. 793]**

B. In any instance in which any owner or developer of land shall extend any of the City's sewer mains, the connection charge will be waived if the owner or developer installs the service line as part of the main extension contract. A public works agreement shall be executed between the City and the owner or developer, with all costs of main extensions and service connections to be paid by the owner or developer.

C. The charge shall be collected at the time the building sewer permit application is filed.

§ 124-29. Sewer charges.

A. On and after July 1, 2009, a charge, rate or fee is hereby established to be paid by the owners of all buildings, dwellings, apartments, living units or other structures, which charge, rate or fee shall be based upon the amount of metered water used or consumed during each quarter year in or about such buildings, apartments, living units or other structures, as provided in the Utility Fee Ordinance.[49] **[Amended 5-8-2006 by Ord. No. 753; 4-13-2009 by Ord. No. 801]**

B. The source of water for every building, dwelling, apartment, living unit or other structure discharging waste, water, sewage or other liquid or fluid substances into the City's sanitary sewer system shall be metered.

C. The owner of any building, dwelling, apartment, living unit or other structure who can reasonably demonstrate that he uses a substantial amount of water that is not discharged into the City's sanitary sewage system shall have the privilege of applying to the City for permission to install a separate water meter to measure the water not discharged into the sanitary sewer system. For all such water, the owner shall not be charged a sewer rate as established in Subsection A and the Utility Fee Ordinance. All costs and expenses relating to the installation of such a separate water meter shall be paid by the property owner. **[Amended 4-13-2009 by Ord. No. 801]**

D. The charge, rate, fee or assessment levied or imposed by Subsection A and the Utility Fee Ordinance may be collected in the same manner as provided for the collection of taxes imposed by the City upon the assessable property therein. If any charge, rate or fee is not paid within

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49. Editor's Note: See Ch. A175, Fees, Art. II, Utility Fees.

30 days from the date of billing, a penalty of 5% shall be charged, and the City shall have the right to disconnect water service to the property after five days' written notice. **[Amended 4-13-2009 by Ord. No. 801]**

E. The City shall review the sewer charges annually and revise them periodically, if necessary, to meet operation and maintenance expenses. The City shall maintain all the records as are necessary to document compliance with the federal regulations.

§ 124-30. Additional charges. [Amended 11-24-2008 by Ord. No. 793]

The Mayor and Common Council may adopt in the Utility Fee Ordinance charges and fees which may include:

A. Fees for reimbursement of costs of setting up and operating the City's pretreatment program.

B. Fees for monitoring inspections and surveillance procedures.

C. Fees for reviewing accidental discharge procedures and construction.

D. Fees for permit applications.

E. Fees for filing appeals.

F. Surcharge fees to be charged to user(s) discharging wastewater with average daily pollutant concentrations exceeding one or more of the specific pollutant levels set forth below:

Substance	Amount (mg/l)
BOD5	220
TKN	20
TSS	250
TP	5

G. Other fees as the City may deem necessary to carry out the requirement contained herein.

ARTICLE VIII
Administration and Enforcement

§ 124-31. Protection from damage.

It shall be unlawful for any person to maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any violation of this section is declared to be a misdemeanor and shall, upon conviction, be punishable by a fine of $1,000 or by imprisonment for not more than six months, or both.

§ 124-31.1. Toilet replacement rebate. [Added 7-27-2009 by Ord. No. 806]

A. Findings, intent and authority.

(1) The Mayor and Common Council of Westminster operates a water production, supply and distribution system and a wastewater collection treatment system serving the City of Westminster and certain surrounding areas. It is and has constantly been the City's policy and intent to encourage water conservation by the users of its systems.

(2) The Mayor and Common Council of Westminster finds that the efficient use of water, energy, water distribution, and wastewater collection systems is in the best interest of the City and the users of its systems, as well as in the well-being of the environment generally.

(3) Article XI-E of the Maryland Constitution, Articles 23A and the Environment Article of the Annotated Code of Maryland and Section 15, et seq. of the City's Charter authorize the Mayor and Common Council of Westminster to enact ordinances for the protection and promotion of public safety, health, morals and welfare.

B. In order to promote resource conservation, the Mayor and Common Council of Westminster hereby adopts a program to provide incentives in the form of rebates to encourage replacement of inefficient toilets in existing facilities. The Director of Public Works shall adopt the criteria and regulations regarding the administration of this program which shall be approved by resolution of the Mayor and Common Council of Westminster.

§ 124-32. Powers and authority of inspectors.

A. The Director and other duly authorized employees or representatives of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection,

observation, measurement, sampling and testing in accordance with the provisions of this chapter.

B. The Director or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

C. While performing the necessary work on private properties referred to in Subsection A above, the Director or duly authorized employees or representatives of the City shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the City employees or representatives, and the City shall indemnify the company against loss or damage to its property by City employees or representatives and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operations, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 124-4H.

D. The Director and other duly authorized employees or representatives of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private properties involved.

§ 124-33. Suspension of service.

In any instance in which the owner of any building, dwelling, apartment, living unit or other structure desires to suspend his water and sewer services for a period exceeding 60 days, he may do so by written application made at least five days prior to the cutoff date. In the event of such suspension of service, the owner will be charged a turnoff fee in accordance with the appropriate section of Chapter 160, Water.

§ 124-34. Annual financial statement.

The Director of Finance shall prepare annually and submit to the Mayor and Common Council a statement showing all income derived by the City from the sewer rates and charges herein levied and imposed, together with a statement of all costs and expenses incurred by or attributable to the operation of the City's sewerage system, which statements shall be reviewed by the Mayor and Common Council for the purpose of determining

what revision, if any, to the rates and charges herein levied and imposed may be required.

§ 124-35. Falsifying information.

It shall be unlawful for any person to knowingly make any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater contribution permit, or to falsify, tamper with or knowingly render inaccurately any monitoring device or method required under this chapter. Any violation of this section is declared to be a misdemeanor and shall, upon conviction, be punishable by a fine of $1,000 or by imprisonment for not more than six months, or by both.

§ 124-36. Violations and penalties.

A. Any person found to be violating any provision of this chapter, except §§ 124-31 and 124-35, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. In the event that the violation has caused or can potentially cause physical damage to the sewerage works and/or degradation of the treatment plant effluent to the degree that it does not meet the current requirements of appropriate state or federal regulatory agencies, the City shall require immediate correction of the violation or denial of service until satisfactory corrections are made.

B. Civil penalties. The violation of any of the provisions of this chapter, except §§ 124-31 and 124-35, is declared to be a municipal infraction punishable by a fine of $500 per day if the violation is a first offense and a fine of $1,000 per day if the violation is a repeat offense. If the assessed fine is not paid within the period set forth in the citation and no notice of intention to stand trial for the offense is filed, the City may double the fine, not to exceed a total amount of $1,000, pursuant to provisions of Article 23A of the Annotated Code of Maryland. Each day a violation continues shall constitute a separate offense.

C. Criminal prosecution.

(1) Any user that willfully violates any provision of this chapter, any orders or wastewater discharge permits, issued hereunder, or any other pretreatment requirements shall, upon a conviction, be guilty of a misdemeanor, punishable by a fine of not more than $1,000 per violation per day or imprisonment for not more than six months, or both.

(2) Any user that willfully introduces any substance into the wastewater treatment works which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least $1,000 and/or

be subject to imprisonment for six months. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

D. Any person violating any of the provisions of this chapter shall become liable to the City for any expenses, loss or damage occasioned the City by reason of such violation.[50]

50. Editor's Note: The Sewer Rate Schedule, as amended, that was included at the end of this chapter, was repealed 4-13-2009 by Ord. No. 801. Ordinance No. 801 also provided that said schedule was to be used to calculate rates for services rendered before July 1, 2009. For current sewer rates, see Appendix B at the end of Chapter 1, General Provisions

Chapter 130

SOLID WASTE

GENERAL REFERENCES

Property maintenance — See Ch. 119. **Sewers and sewage — See Ch. 124.**

§ 130-1. Purpose and authority.

A. The purpose of this chapter is to protect, maintain and enhance the public health, safety and general welfare by establishing requirements and procedures relating to the collection and disposal of solid waste in the City of Westminster. Proper collection and disposal of solid waste will minimize damage to the health of the residents of the City, enhance the protection of the environment and maintain the high standards of cleanliness which have been a long-standing attribute of the City.

B. Prior to the enactment of this chapter, the Solid Waste Management Committee of the Mayor and Common Council undertook a detailed review and analysis of information relating to the collection and disposal of solid waste and issued a report and recommendation which was adopted by the Mayor and Common Council on February 12, 1990.

C. Article XI-E of the Maryland Constitution, Article 23A of the Annotated Code of Maryland and the City's Charter authorize the City to enact ordinances for the protection and promotion of public safety, health, morals and welfare.

§ 130-2. Definitions. [Amended 7-27-1992 by Ord. No. 562]

As used in this chapter, the following terms shall have the meanings indicated:

BULKY WASTES — Large items of refuse, including but not limited to appliances, furniture, large auto parts, trees, branches and stumps and construction and remodeling waste which cannot be handled by normal municipal waste processing, collection or disposal methods.

CHIEF OF POLICE — The Chief of Police for the City of Westminster, Maryland.

CITY — The City of Westminster, Maryland.

CITY BUILDINGS — Buildings and facilities owned or leased by the City of Westminster.

CLERK — The Clerk for the City of Westminster, Maryland.

COMMERCIAL ESTABLISHMENT — An establishment engaged in nonmanufacturing or nonprocessing business, including but not limited

to stores, markets, office buildings, restaurants, shopping centers and theaters.

CONTAINER — A portable device in which solid waste is held for storage or transportation.

DIRECTOR — The Director of Public Works for the City of Westminster, Maryland.**[Amended 12-6-2007 by Ord. No. 773]**

DISPOSAL — The deposition, injection, dumping, spilling, leaking or placing of solid waste into or on the land or water in a manner that the solid waste or a constituent of the solid waste enters the environment, is emitted into the air or is discharged to the waters.

GARBAGE — Waste resulting from animal, grain, fruit or vegetable matter.

INCINERATOR — An enclosed device using controlled combustion for the primary purpose of thermally destructing solid waste.

INSTITUTIONAL ESTABLISHMENT — An establishment engaged in service, including but not limited to hospitals, nursing homes, life-care communities, care homes, orphanages, schools and universities.

MULTIFAMILY UNITS — A building containing four or more dwelling units, not including a four-unit building in which one unit is owner-occupied as the principal residence.**[Amended 3-10-2008 by Ord. No. 778]**

MUNICIPAL WASTE — Garbage, refuse and other discarded materials, including solid, liquid, semisolid or contained gaseous materials resulting from residential and municipal activities.

MUNICIPAL WASTE DISPOSAL OR PROCESSING FACILITY — A facility using land for disposing or processing of municipal waste. The facility includes land affected during the lifetime of operations, including but not limited to areas where disposal or processing activities actually occur, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated on-site or contiguous collection, transportation and storage facilities, closure and post-closure care and maintenance activities and other activities in which the natural land surface has been disturbed as a result of or incidental to operation of the facility.

POLLUTION — Contamination of air, water, land or other natural resources which will create or is likely to create a public nuisance or to render such air, water, land or other natural resources harmful, detrimental or injurious to public health, safety or welfare or to domestic, municipal, commercial, industrial, agricultural, recreational or other legitimate beneficial uses or to livestock, wild animals, birds, fish or other life.

PROCESSING — Technology used for the purpose of reducing the volume or bulk of municipal or residual waste or technology used to convert part or all of the waste materials for off-site reuse. Processing facilities include but are not limited to transfer facilities, composting facilities, incinerators and resource recovery facilities.

RECYCLABLES — Source-separated materials that are authorized by the Director to be separated from the municipal waste for the purpose of recycling. Recyclables include but are not limited to metal, glass and plastic consumer product containers or packaging, newsprint and cardboard.

RECYCLING — The collection, separation, recovery and sale or reuse of metals, glass, paper, plastics and other materials which would otherwise be disposed of or processed as municipal waste.

REFUSE — All materials which are discarded as useless. Such materials may include but are not limited to shrub cuttings, grass clippings, leaves, cardboard, paper, bottles, cans, clothing, plastic containers, gutter and down spouting, lumber scraps, paint cans, screens and storm windows, rug scraps, tires, Christmas trees, newspapers, telephone books and magazines which can be handled by normal municipal waste processing, collection or disposal methods.

RESIDENTIAL UNITS — Single-family detached, single-family semidetached and single-family attached residential housing units and apartments with three or fewer units.

RESIDUE — Solid and semisolid refuse, such as but not limited to ash, ceramics, glass, metal and organic substances, remaining after incineration or combustion processing.

SALVAGING — The controlled removal or recycling of material from a solid waste processing or disposal facility.

SANITARY LANDFILL — A land site on which engineering principles are utilized to bury deposits of municipal waste without creating public health or safety hazards, nuisances or pollution.

SOLID WASTE — Garbage, refuse and other discarded materials, including but not limited to solid, semisolid, liquid and contained gaseous materials resulting from municipal, industrial, commercial, agriculture and residential activities.

SOLID WASTE MANAGEMENT — The entire process or a part thereof of storage, collection, transportation, processing, treatment and disposal of solid wastes by a person engaging in the process.

SOURCE-SEPARATED RECYCLABLE MATERIALS — Materials that are separated from municipal waste at the point of origin for the purpose of recycling.

STORAGE — The containment of waste on a temporary basis which does not constitute disposal of the waste.

TRANSFER — A facility which receives and temporarily stores solid waste at a location other than the generation site and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal.

WASTE — A material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed. The term does not include source-separated recyclable materials.

§ 130-3. Administration of chapter; violation of regulations. [Amended 7-27-1992 by Ord. No. 562; 2-8-1993 by Ord. No. 569]

This chapter shall be administered by the Director. The Director, subject to approval of the Mayor and Common Council, may establish regulations regarding the collection or disposal of solid waste, including recyclables. Upon approval by resolution of the Mayor and Common Council, any such regulation shall have the force and effect of law, and any violation thereof is declared to be a municipal infraction. The penalty for violation shall be a fine of $25 for each offense. These regulations may include, among other subjects, the days and hours and routes for collection of solid waste, including recyclables; the specifications for solid waste containers and recyclables bins, and the times and manner in which they shall be set out for pickup of the contents thereof by the collectors and removal of such containers after they have been emptied; preventing the mixture of certain types of solid waste in any one container; limiting the amount of solid waste or the number of containers that may be set out for any one premises at any one time; the imposition of reasonable fees to cover the costs of the administration of the chapter, including the cost of licensing and inspection; and such other matters as may be deemed appropriate. Copies of any such regulations shall be maintained in the office of the Director at City Hall and are available for inspection during regular hours of business.

§ 130-4. Permit required to collect or dispose of solid waste; fee; penalty for violations.

A. It shall be unlawful for any person to engage in the business of collecting or disposing of solid waste within the confines of the City unless such person shall have obtained a permit from the Clerk for collection and any other permits required by federal, state and county law.

B. It shall be unlawful for any person to operate as a collector or hauler of solid waste within the City except as provided in this chapter. This subsection shall not be construed to prevent a person from disposing of his own solid waste at a municipal waste disposal or processing facility, provided that it is transported in a manner to prevent spillage.

C. The Clerk is authorized to issue permits under this section upon the filing of an application for a permit. Such application shall be filed on forms furnished by the Clerk and contain such information as he shall prescribe. The application shall be accompanied by a permit fee as provided in the General Fee Ordinance.[51] An initial permit shall be valid for a period of one year. Thereafter, the permit shall be renewed annually upon submission of a renewal application and payment of a permit fee as provided in the General Fee Ordinance. **[Amended 11-24-2008 by Ord. No. 791]**

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51. Editor's Note: See Ch. A175, Fees, Art. I, General Fees.

D. Any violation of any subsection of this section is declared to be a municipal infraction. The penalty for violation shall be a fine of $400 for each offense.

§ 130-5. Residential collection. [Amended 7-27-1992 by Ord. No. 562]

A. The City shall provide for the collection and disposal of solid waste, including recyclables, for residential units within the City. The Mayor and Common Council are authorized to enter into a contract or contracts with permitted collectors to perform all or part of such collection and disposal.

B. Regular collection service shall not include removal of items such as tires, crates, refrigerators, stoves, air conditioners, chairs, pipe, auto parts, mufflers, trees and other like items. Owners or occupants of any premises shall have these items removed as provided in § 130-7.

C. Owners and occupants of any premises provided solid waste disposal services by the City shall separate recyclables from their other solid waste and shall place such recyclables in a recyclables bin or as otherwise provided by the Director pursuant to regulations promulgated under § 130-3 of this chapter.

§ 130-6. Nonresidential collection.

The collection and disposal of solid waste from nonresidential units shall be at the cost and expense of the owner of the property. Such units include but are not limited to multifamily units, industrial uses, commercial uses, mixed units of a commercial/residential use, institutional establishment uses or any combination thereof. Such premises shall have on-site containers as required by this chapter and by regulation of the Director. Additionally, the owner of said premises shall cause solid waste to be removed from the premises at regular intervals as determined by regulation of the Director.

§ 130-7. Bulk pickup. [Amended 11-24-2008 by Ord. No. 791]

A. The Mayor and Common Council is authorized to establish in the General Fee Ordinance a service charge by the City for bulk pickup of large items, including but not limited to appliances and furniture, to be implemented by a sticker purchase system or by such other means as designated by said ordinance.

B. Upon request by the owner or occupant of any premises served by the City’s garbage and trash collection service and subject to the availability of vehicles and personnel, the Director may authorize removal of solid waste from such premises when the amount to be removed is greater than that which is normally collected or at a time other than the regular collection day for such premises, upon such terms and conditions and upon the payment of such fee as may be

provided by the Mayor and Common Council in the General Fee Ordinance.

§ 130-8. Maintenance of premises; penalty for violations.

A. Owners and occupants of occupied premises and owners and persons in charge of unoccupied premises, including vacant lots, within the City are hereby charged with the duty of maintaining such premises at all times in a sanitary, clean and tidy condition and so as to prevent the accumulation thereof of solid waste which constitutes a nuisance or a fire hazard.

B. Owners and occupants of occupied premises and owners and persons in charge of unoccupied premises, including vacant lots, within the City are hereby charged with the duty of maintaining any grass on such premises at a height of not more than six inches and the further duty of maintaining such premises free of noxious weeds and dense underbrush.

C. A violation of this section is declared to be a municipal infraction. The penalty for violation shall be a fine of $100 for each offense.

§ 130-9. Performance of work by City.

A. If, at any time, the maintenance of any premises within the City is found by the Chief of Police or other official designated by the Mayor and Common Council to be in violation of § 130-8 or 130-10, he shall give notice, in writing, to the owner, occupant or person in charge of such premises, stating therein the condition which constitutes such violation and directing the addressee to remedy such condition within seven days for a first offense and within three days for any subsequent offense, and it shall be unlawful for any such owner, occupant or person in charge to fail to comply with the terms of such written notice, provided that any owner, occupant or person in charge of premises to whom such notice is addressed may, within two days from receipt thereof, appeal to the legislative body, in which case the terms of such notice shall be stayed pending action of the legislative body, which shall be final, and provided further that if the Chief of Police or other designated official shall state in such notice that the conditions stated therein are such as to constitute an imminent hazard to the public health, safety or welfare, the addressee shall comply with the terms of such notice and no appeal shall lie to the legislative body. **[Amended 8-9-1993 by Ord. No. 580]**

B. Upon the failure of any person to whom notice has been given pursuant to Subsection A of this section to comply with the terms of such notice or with the terms imposed by the legislative body on appeal, as the case may be, the Chief of Police or other designated official shall forthwith direct the appropriate city officer to remedy the condition which is the subject of such notice, and the expenses incurred by the City in so doing shall be charged to the addressee of such notice, to be collectible as city taxes; and such expenses shall constitute a lien upon the premises

upon which such condition occurred, to be collected as city taxes are collected, if not otherwise first paid to the City.

C. Abatement by the City of conditions in violation of this chapter and reimbursement to the City of expenses incurred thereby shall not bar the issuance of a municipal infraction and the prosecution for such violation.

§ 130-10. Responsibility of owners and occupants; penalty for violations. [Amended 2-8-1993 by Ord. No. 569]

A. Residential units. It shall be the joint and severable responsibility of the owner and occupant to provide a sufficient number of approved containers for storage of solid waste to prevent overflow between times of collection in residential units and to maintain the premises in accordance with the standards of this chapter. It shall be unlawful for the owner or occupant of such private property to fail to provide such containers.

B. Multifamily units. It shall be the responsibility of the owner and not the occupants of multifamily units to provide a sufficient number of approved containers for the storage of solid waste to prevent overflow between times of collection and to maintain the premises in accordance with the standards of this chapter. It shall be unlawful for the owner of such multifamily unit property to fail to provide such containers.

C. Institutional establishments. It shall be the responsibility of the owner and not the occupant of institutional establishments to provide a sufficient number of approved containers for the storage of solid waste to prevent overflow between times of collection and to maintain the premises in accordance with the standards of this chapter. It shall be unlawful for the owner of such institutional establishment to fail to provide such containers.

D. Commercial and industrial land or buildings. It shall be the joint and severable responsibility of the owner and occupant of commercial and industrial land or buildings to provide a sufficient number of approved containers for the storage of solid waste to prevent overflow between times of collection and to maintain the premises in accordance with the standards of this chapter. It shall be unlawful for the owner and occupant of such commercial and industrial land or buildings to fail to provide such containers.

E. Shopping centers. In addition to the responsibilities provided in Subsection D hereof, the owner and occupants of all shopping centers within the limits of the City are hereby required to install and maintain trash receptacles on the edge of the pedestrian walkway areas within such shopping centers. They shall be of a type and size and placed at such location as may be required and approved by the Director and clearly designated as receptacles for solid waste.

F. Vacant land. It shall be the responsibility of the owner of all vacant land to keep his property free of solid waste.

G. Any owner who leases a residential unit located within the City shall provide a copy of a synopsis prepared by the Director of the regulations adopted pursuant to § 130-3 to the tenant contemporaneous with the execution of the lease for said premises.

H. In the event that an owner leases a residential unit located within the City without a written lease, the owner shall furnish a copy of the synopsis prepared by the Director of the regulations adopted pursuant to § 130-3 to the tenant promptly after occupancy.

I. Deficiencies observed in violation of the standards of this chapter shall constitute prima facie evidence that the required maintenance is not adequate. The Chief of Police may proceed to rectify such deficiencies as provided in § 130-9.

J. Violation of this section is declared to be a municipal infraction. The penalty for violation shall be a fine of $100 for each offense, except that the penalties for violation of Subsection G or H shall be a fine of $25 for each offense.

§ 130-11. Containers. [Amended 7-27-1992 by Ord. No. 562]

A. All containers for the storage of solid waste, except bins for the storage of bulky rubbish, shall be vermin-proof and waterproof, of noncorrodible material or similar material, and shall be equipped with tight-fitting lids at all times.

B. All solid waste shall be placed in containers as provided herein and shall be placed at convenient outdoor pickup locations on the premises as may be designated by the Director.

C. Receptacles used for storage of solid waste with respect to residential units shall meet one of the following specifications:

(1) Trash cans of a durable grade of galvanized metal or other suitable material approved by the Director, from 20 to 32 gallons' capacity. They should be provided with two lifting handles on opposite sides and a tightly fitting cover with a lifting handle. The can should be without inside protrusions, and the solid waste should be loosely packed so that the contents shall discharge freely when the receptacle is inverted.

(2) Refuse bags made of heavy, multi-ply paper or polyethylene or ethylene copolymer resin and designed for outdoor storage of refuse. Bags must be securely tied or sealed to prevent emission of odors, be of a material so liquids and greases will not be able to penetrate through the material and be of sufficient thickness and strength to contain the solid waste enclosed without tearing or ripping under normal handling.

(3) Recyclables bins made of durable plastic approximately 18 gallons in size and provided by the City or its designee.

§ 130-12. Maintenance of containers; penalty for violations.

A. It shall be the responsibility of the persons providing containers pursuant to § 130-10 to ensure that containers are properly maintained.

B. The presence of solid waste in places other than inside proper containers, the presence of sour odors or the presence of insects, rodents or other vermin or evidence of their presence shall constitute improper maintenance or lack of maintenance. The lack of maintenance of containers constitutes a violation of this section and is declared to be a municipal infraction. The penalty for violation shall be a fine of $100 for each offense.

§ 130-13. Interference with containers; penalty for violations.

A. It shall be unlawful for any unauthorized person to remove the cover from any container which has been set out for collection of the contents thereof or to upset, remove or in any way tamper with any such container.

B. Any violation of this section is declared to be a municipal infraction. The penalty for violation shall be a fine of $400 for each offense.

§ 130-14. Matter not to be placed in containers; penalty for violations.

A. The following matter shall not be placed in receptacles used for regular solid waste collection service:

(1) Dead animals.

(2) Feces.

(3) Materials impregnated with urine (except disposable diapers).

(4) Poisons.

(5) Explosives.

(6) Dangerous or corrosive chemicals.

(7) Clothing taken from persons with infectious diseases.

(8) Heavy metals or metal parts.

(9) Lumber.

(10) Dirt.

(11) Rocks.

(12) Bricks.

(13) Concrete blocks.

(14) Tires.

(15) Automobile or machine oil.

(16) Crates.

(17) Other refuse from construction or remodeling.

B. Violation of this section is declared to be a municipal infraction. The penalty for violation shall be a fine of $100 for each offense.

§ 130-15. Separation of solid waste. [Amended 7-27-1992 by Ord. No. 562]

The Director is authorized to provide by regulation for the implementation of § 130-5C, including each class of solid waste to be collected by the City to be separated, and the Director may require the use of separate containers for items to be recycled, including but not limited to metal, glass, paper, cardboard and plastics.

§ 130-16. Storage and removal; penalty for violations.

A. It shall be unlawful for any person to store or accumulate any solid waste within the City except as provided in this chapter and regulations promulgated pursuant thereto. "Store or accumulate" shall mean to exist outside of an approved container for a period of time in excess of 15 days. The provisions of this section shall apply to any land or premises where solid waste accumulates or is stored, be it residential, commercial or industrial, including vacant property.

B. Violation of this section is declared to be a municipal infraction. The penalty for violation shall be a fine of $100 for each offense.

§ 130-17. Littering prohibited; penalty for violations.

A. Definitions. As used in this section, unless the context clearly requires otherwise, the following words or phrases shall have the following meanings:

LITTER — All rubbish, solid waste, refuse, garbage, trash, debris, dead animals or other discarded materials of every kind and description.

PUBLIC OR PRIVATE PROPERTY — The right-of-way of any road or highway; any body of water or watercourse or the shores or beaches thereof; any park, parking facility, playground, building, refuge or conservation or recreation area; any residential or farm properties, timberlands or forest.

B. Unlawful activities.

(1) It shall be unlawful for any person or persons to dump, deposit, throw or leave or to cause or permit the dumping, depositing, placing, throwing or leaving of litter on any public or private property in this city or any waters in this city unless:

(a) Such property is designated by the City or by any of its agencies for the disposal of such litter and such person is authorized by the proper public authority to use such property.

(b) Such litter is placed into a litter receptacle or container installed on such property.

(c) Such person is the owner or tenant in lawful possession of such property or has first obtained consent of the owner or tenant in lawful possession or the act is done under the personal direction of said owner or tenant, all in a manner consistent with the public welfare.

(2) It shall be unlawful for any person or persons to throw, dump or deposit any trash, junk or other refuse upon any highway or to perform any act which constitutes a violation of the vehicle laws of the City of the State of Maryland relative to putting trash, glass and other prohibited substances on highways.

C. Presumption of responsibility for violation; suspension of licenses. Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle, beat, airplane or other conveyance in violation of Subsection B of this section and if the vehicle, boat, airplane or other conveyance has two or more occupants and it cannot be determined which occupant is the violator, the owner of the vehicle, boat, airplane or other conveyance, if present, shall be presumed to be responsible for the violation; in the absence of the owner of the vehicle, boat, airplane or other conveyance, the operator shall be presumed to be responsible for the violation. Furthermore, licenses to operate such conveyances may be suspended for a period not to exceed seven days together with or in lieu of penalties provided in Subsection E of this section.

D. Receptacles to be provided; notice of provisions or section. The Director is authorized and empowered to establish and maintain receptacles for the deposit of litter at appropriate locations where such property is frequented by the public and to post signs directing persons to such receptacles and serving notice of the provisions of this section and to otherwise publicize the availability of litter receptacles and requirements of this section.

E. Any violation of this section is declared to be a municipal infraction. The penalty for violation shall be a fine of $250.

§ 130-18. Dumping solid waste on land of another or into another container or upon any public highway; penalty for violations.

A. It shall be unlawful for any person to throw, dump or deposit any solid waste upon the land or property of another without written consent first having been obtained from the owner of the property.

B. Violation of this section is declared to be a municipal infraction. The penalty for violation shall be a fine of $400 for each offense.

§ 130-19. On-site disposal by burial or by burning; penalty for violations.

A. On-site disposal of solid waste by burial in a pit or trench or by burning is prohibited.

B. Violation of this section is declared to be a municipal infraction. The penalty for violation shall be a fine of $100 for each offense.

§ 130-20. Feeding of garbage to swine; penalty for violations.

A. It shall be unlawful for any person to dispose of garbage within the City by feeding the same to swine.

B. Violation of this section is declared to be a municipal infraction. The penalty for violation shall be a fine of $100 for each offense.

§ 130-21. Protection of wells, springs and watercourses; penalty for violations.

A. It shall be unlawful for any person to deposit any solid waste in or to knowingly pollute or contaminate any watercourse, body of water, spring, well or other source of water in the City.

B. Violation of this section is declared to be a municipal infraction. The penalty for violation shall be a fine of $400 for each offense.

§ 130-22. Violations and penalties.

In addition to all other remedies provided by law, any violation of this chapter, unless otherwise provided for in the applicable section, shall be punished as a municipal infraction. The penalty for violation shall be a fine of $100 for each offense. Each day a violation continues to exist shall constitute a separate offense. Additionally, the City may institute any appropriate action or proceedings to prevent any violation of this chapter.

Chapter 133

SPECIAL CAPITAL BENEFIT ASSESSMENT

GENERAL REFERENCES

Special taxes and other charges — See §§ 24 and 25 of the City Charter.

Buildings — See Ch. 56.

Special sewer benefit assessments — See Ch. 124, Art VI.

Water — See Ch. 160.

Zoning — See Ch. 164.

Fees — See Ch. A175.

§ 133-1. Findings, intent and authority.

A. New development and growth in the City can add to and help maintain the quality of life in the City under a balanced growth management program.

B. New development and growth require the provision of increased public facilities, including additional or expanded public works, improvements and equipment adequate to serve said new growth.

C. The City, in exercise of its governmental functions, must assure the availability of additional or expanded public works, improvements, facilities and equipment and desires to do so without undue hardship on the existing fiscal budget.

D. The City has determined that new residential, commercial, industrial and related development should assume a fair share of the capital costs of providing additional or expanded public works, improvements, facilities and equipment.

E. The City finds that requiring new development to pay its proportionate fair share of the costs of providing additional or expanded public works, improvements, facilities and equipment necessary due to new development promotes the health, safety and general welfare of the City's residents.

F. The City finds that the establishment of a special capital benefit assessment and resulting fees is an equitable and appropriate method to help provide for additional or expanded public works, improvements, facilities and equipment necessary due to new development.

G. The City finds that the establishment of a special capital benefit assessment will ensure and coordinate the provision of adequate public works, improvements, facilities and equipment with new developments so that the public health, safety and welfare are enhanced, congestion is lessened, accessibility and use is improved and economic development is promoted.

H. The City finds that the establishment of a special capital benefit assessment promotes the purposes of the City's Comprehensive Plan adopted March 25, 1985, its capital improvements budget and the master plan of highways and promotes consistency between adopted plans and zoning, subdivision and building regulations.

I. Article XI-E of the Maryland Constitution, Article 23A of the Annotated Code of Maryland and the City's Charter authorize the City to enact ordinances for the protection and promotion of public safety, health, morals and welfare, including but not limited to matters relating to planning and zoning.

§ 133-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BUILDING PERMIT — A written statement issued by the Carroll County Department of Permits and Inspection authorizing buildings and structures in accordance with the provisions of the Building Code of the jurisdiction.

CITY — The Mayor and Common Council of Westminster.**[Amended 7-13-1992 by Ord. No. 556]**

DEVELOPMENT — Any activity, other than normal agricultural activity, which materially affects the existing condition or use of any land or structure so as to result in the construction, establishment or placement of residential, commercial, industrial or related units.

DIRECTOR OF FINANCE — The Director of Finance of the City of Westminster.

DWELLING and DWELLING UNIT — The definitions given to those terms by § 164-3 of the Code.

PLANNING DIRECTOR — The Planning Director of the City of Westminster.

PUBLIC WORKS DIRECTOR — The Public Works Director of the City of Westminster.

STRUCTURE — The definition given to that term by § 164-3 of the Code.

§ 133-3. Schedule of special capital benefit assessment charges. [Amended 12-11-1995 by Ord. No. 606; 11-27-2000 by Ord. No. 661; 11-22-1999 by Ord. No. 645; 7-22-2002 by Ord. No. 682; 1-27-2003 by Ord. No. 694; 6-14-2004 by Ord. No. 716; 12-6-2007 by Ord. No. 773; 11-24-2008 by Ord. No. 791]

A. From and after the effective date of this chapter, in any instance in which the City approves a building permit for any building, dwelling, apartment, living unit or other structure within the corporate limits of the City, as herein set forth, a special benefit assessment is hereby levied and imposed upon the affected real property, to be paid by

its owner in the amount or amounts as provided in the General Fee Ordinance.[52]

B. In any instance in which an existing structure is altered to add additional dwelling units, commercial units or business offices, there shall be imposed a special benefit assessment as provided in the General Fee Ordinance. However, in no event shall the cumulative assessments for said alterations exceed 75% of the assessment for new construction.

C. In any instance in which an industrial or commercial structure is altered to add additional square footage, there shall be imposed a special benefit assessment in accordance with the General Fee Ordinance. Expansion of existing structures shall be allowed credit for previously paid special benefit assessments in all types of uses except dwellings and dwelling units and planned unit developments.

D. In any instance in which a school or college expands existing structures or constructs new buildings for nonresident use, there shall be imposed a special capital benefit assessment in accordance with the schedule entitled “Industrial Warehousing” in the General Fee Ordinance. In the instance where a school or college adds or expands its residential buildings, a special capital benefit assessment shall be imposed in accordance with the schedule entitled “Dwellings and Dwelling Units” in the General Fee Ordinance or, in the event of construction of dormitories, the schedule entitled “Schools and Colleges, Including Dormitories” in the General Fee Ordinance shall be applicable.

E. In an instance in which a continuing-care facility licensed by the State Department of Aging provides three levels of care for individuals 60 years of age or older, independent living, assisted living, and comprehensive care as those terms are defined by Maryland law, and also owns and maintains substantial on-site infrastructure, there shall be imposed a special benefit assessment in the following amounts. For independent-living units (single-family dwelling units or apartments or multifamily units) there shall be imposed a special benefit assessment in the amount of 65% of the amount of assessment set forth for said uses in the General Fee Ordinance. For assisted-living units and/or comprehensive-care units the amount of assessment shall be the same as set forth in the General Fee Ordinance for hospitals, care homes and nursing homes.

F. In situations where no specified category is provided for in this section, the Director of Planning shall determine the applicable special capital benefit assessment to be charged, but in no case shall such charges exceed those existing in Subsection A of this section.

G. The Director of Planning may waive or modify special benefit assessments for the construction or rehabilitation of lower-income

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52. Editor’s Note: See Ch. A175, Fees, Art. I, General Fees.

housing units as authorized under § 21-101 of Article 24 of the Annotated Code of Maryland.

§ 133-4. Payment of fees. [Amended 7-13-1992 by Ord. No. 556]

A. The special capital benefit assessment shall be paid by the owner to the City, prior to the issuance of a building permit, for any improvement to real property or substantial change of use in accordance with the schedule set forth in § 133-3. The amount of the special capital benefit assessment shall be set as of the date of application for the building permit. A building permit shall not be issued until any applicable special capital benefit assessment fee has been paid.

B. For commercial and industrial structures, the special capital benefit assessment shall be paid for the initial building permit for the primary structure. Subsequent building permits for tenant improvements shall not be subject to the special capital benefit assessment unless the land use type for which the tenant improvement permit is sought is subject to a higher special capital benefit assessment than the land use type indicated when the initial permit was obtained. Any tenant improvement subject to a higher special capital benefit assessment shall pay only the difference between the higher amount and the amount for the original use.

C. Special capital benefit assessment fees are a lien against the real property and shall be levied, collected and enforced in the same manner as are city real property taxes and shall have the same priority and bear the same interest and penalties as city real property taxes for lien purposes.

D. The special capital benefit assessment schedule of fees set forth in § 133-3 may be modified by the Mayor and Common Council from time to time as required to meet the purposes of this chapter. The Mayor and Common Council may review the schedule of fees contemporaneous with the approval of the six-year program for capital improvements and the capital budget provided for in Chapter 20 of the Code.

E. The special capital benefit assessment fees imposed by this chapter are separate from and in addition to any other fees which may be imposed by any federal, state or county governmental agency.

§ 133-5. Creation of account.

A. The City shall establish an account within its general fund for the special capital benefit assessment fees levied in accordance with this chapter. A separate bank account is not required. Interest shall be credited to the special capital benefit assessment account monthly, based on the average balance in the account monthly and the average percent of interest realized by the City during the month.

B. Special capital benefit assessment fees collected under this chapter shall be deposited in the special capital benefit assessment account to assure that the fees and all interest accruing to the account are designated for the capital costs of additional or expanded public works, improvements, facilities and equipment reasonably required to accommodate and/or benefit new construction, growth or development.

C. It shall be the duty of the Director of Finance to account for such funds and establish the necessary audits and other records to ensure that all collections of special capital benefit assessment fees are in accordance with the issuance of building permits set forth in § 133-4 hereof.

§ 133-6. Use of funds.

A. The Mayor and Common Council for the City of Westminster shall have the sole power to appropriate funds from the special capital benefit assessment account created in accordance with § 133-5 hereof.

B. All special capital benefit assessment fees collected under this chapter shall be used solely for financing, in whole or in part, the capital costs of additional or expanded public works improvements, facilities and equipment required to accommodate and/or benefit growth, construction or development, with the purpose that new growth, construction and development pay a proportionate fair share of the costs and expenses. Such fees may be used for funding capital improvements for the City's six-year program approved by the Mayor and Common Council pursuant to § 20-2 of the Code. **[Amended 7-13-1992 by Ord. No. 556]**

C. Special capital benefit assessment funds collected under this chapter shall not be utilized for water and/or sewer projects of any type.

D. Special capital benefit assessment fees collected under this chapter shall not be used for replacement, maintenance or operating expenses.

E. Nothing in this chapter shall release, relieve or in any way decrease a developer's obligation for assuming sole responsibility for financing the construction of all on-site and off-site improvements that are determined by the City to be directly attributable to the development and are required by the City or other applicable governmental authority to be constructed in accordance with approved plans, public works agreements and related documents.

F. Nothing in this chapter shall release, relieve or in any way decrease a developer's obligation to the City for full payment of any and all other required fees and assessments, mandatory conveyances of land, execution of documents and for meeting any and all other requirements that are specified in the Code.

G. Nothing in this chapter shall preclude the use of funds by the City from other sources to supplement or augment any special capital benefit assessment fees collected under this chapter.

§ 133-7. Adjustments.

A. If special capital benefit assessment fees have not been expended or encumbered by the end of the fifth year following collection, the City shall consider lowering or eliminating the special capital benefit assessment fee.

B. Should the need for the special capital benefit assessment be eliminated due to action by the federal, state or county governments, the balance in the special capital benefit assessment account shall revert to the unappropriated surplus of the City.

§ 133-8. Applicability. [Amended 7-13-1992 by Ord. No. 556]

This chapter shall apply to all building permits for improvements or change of use for which an application is filed from and after August 8, 1988.

Chapter 135

STORM SEWER SYSTEMS ENVIRONMENTAL MANAGEMENT

GENERAL REFERENCES

Floodplain management — See Ch. 83.

Sewers and sewage — See Ch. 124.

Stormwater management — See Ch. 136.

ARTICLE I
General Provisions

§ 135-1. Purpose; objectives.

A. The purpose of this chapter is to provide for the public health, safety, and general welfare of the residents of the City of Westminster, Carroll County, the Chesapeake Bay Region, and the state through the regulation of nonstormwater discharges to the storm drainage system. This chapter establishes methods for controlling the introduction of illicit discharges or pollutants into the City's separate storm sewer system (MS4) in order to comply with requirements of the NPDES permit process.

B. The objectives of this chapter include:

(1) Regulation of the contribution of pollutants to the MS4 by stormwater discharges by any user; and

(2) Prohibition of illicit connections and discharges to the MS4.

§ 135-2. Definitions.

In this chapter the following terms have the meanings indicated. Any term not defined in this chapter shall have the meaning as defined in any chapter of the Code or the Natural Resource Article, § 8-1201, et seq., Annotated Code of Maryland, or any subsequent amendments. Any term not defined as above shall have its generally accepted meaning.

BEST MANAGEMENT PRACTICES or BMPS — Conservation practices or systems of practices and management measures that minimize adverse impacts to the environment, including surface water, groundwater flow and circulation patterns, and to the chemical, physical, and biological characteristics. BMPs include schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

CITY — The City of Westminster.

CITY SEPARATE STORM SEWER SYSTEM or MS4 — A separate storm sewer system that is owned or maintained by the City and designed to convey stormwater runoff to a point of managed discharge.

CLEAN WATER ACT — The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments.

CODE — Code of the City of Westminster.

COMAR — Code of Maryland Regulations.

CONSTRUCTION ACTIVITY — An activity subject to NPDES construction permits, including a construction project resulting in land disturbance of one acre or more, clearing, grubbing, grading, excavating, and demolition.

COUNTY — The Board of Commissioners of Carroll County.

DEPARTMENT — The Department of Public Works of the City of Westminster.**[Amended 12-6-2007 by Ord. No. 773]**

DIRECTOR — The Director of the Department of Public Works or the Director's written designee.**[Amended 12-6-2007 by Ord. No. 773]**

DRAINAGE BASIN — An area drained by an ordered stream system and classified by the highest order stream that forms its discharge.

ENHANCEMENT — An action performed to provide additional protection to create or improve the function of an ecosystem.

FACILITY — Any structure or complex of structures where runoff is discharged into a MS4.

HAZARDOUS MATERIALS — Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

ILLICIT CONNECTION — A surface or subsurface drain or conveyance which allows an illicit discharge to enter the storm drain system, including, but not limited to:

A. A conveyance which allows a nonstormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system or a connection to the storm drain system from an indoor drain or sink, regardless of whether the drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or

B. A drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

ILLICIT DISCHARGE — Any discharge to any MS4 that is not composed entirely of stormwater runoff except discharges resulting from common residential stormwater runoff, fire-fighting activities or from any legally permitted discharge. The direct discharge of any sanitary discharge, including domestic sewage or other pollutants into any MS4, is considered an illicit discharge.

INDUSTRIAL ACTIVITY — An activity subject to NPDES industrial permits as defined in 40 CFR § 122.26(b)(14) or any subsequent amendment.

NPDES — National pollutant discharge elimination system.

NPDES STORMWATER DISCHARGE PERMIT — A permit issued by the Environmental Protection Agency or the state that authorizes the discharge of pollutants to waters of the United States.

OUTFALL — The point where a storm sewer system discharges.

PERSON — Includes the federal government, the state, any county, municipal corporation, or other political subdivision of the state, or any of their units, or an individual, receiver, trustee, guardian, executor, administrator, fiduciary, or representative of any kind, or any partnership, firm, association, public or private corporation, or any other entity.

POLLUTANT —

A. A contaminant that may result in any alteration of the physical, chemical, or biological properties of groundwater or surface water, including any change in temperature, taste, color, turbidity, or odor of the receiving waters or discharge or deposit of any organic matter, harmful organism, or liquid, gaseous, solid, radioactive, or other substance into groundwater or surface water that may render the waters harmful, or detrimental to the public health or welfare, to any domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial use of the water, to any livestock, wild animals, birds, fish or other aquatic species that may use the water; or

B. Any substance that may cause or contribute to pollution, including, but not limited to, paints, varnishes, and solvents; oil; petroleum; automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse; rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

SEPARATE STORM SEWER SYSTEM — The equivalent of a municipal separate storm sewer system (MS4) as defined in 40 CFR 122.26. A conveyance or system of conveyances including, but not limited to, drainage systems, public streets, catch basins, curbs, gutters, ditches, swales, constructed channels, storm drains, associated underground piping and any on-site stormwater management facilities that are:

A. Designed or used for the collection and conveyance of stormwater runoff (either immediate or delayed) from any form of precipitation event:

B. Not any part of a combined sewer system; and

C. Not part of or discharging into any publicly owned treatment works (POTW) as defined in 40 CFR 122.2.

SIGNIFICANT MATERIALS — Includes, but is not limited to, raw materials, petroleum derivative products; any controlled hazardous substances

pursuant to COMAR 26.13; industrial waste pursuant to COMAR 26.08.01.01; infectious waste pursuant to COMAR 26.04.07.02; materials such as solvents or detergents; finished materials such as metallic products; raw materials used in food processing or production; fertilizers; pesticides; waste products such as ashes, slag and sludge or any other material that could result in pollution of waters of the state as a constituent in stormwater discharge.

STORM DRAINAGE SYSTEM — Any facilities by which stormwater is collected or conveyed, including but not limited to any roads with drainage systems, streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and man-made or altered drainage channels, reservoirs, and other drainage structures.

STORMWATER — Any surface flow, runoff, and drainage consisting entirely of water resulting from any form of natural precipitation.

STRUCTURE — Anything constructed, the use of which requires fixed location on the ground or which is attached to something having a fixed location.

WATERCOURSE — Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash, in and including any adjacent area that is subject to inundation from overflow or floodwaters and their associated wetlands.

§ 135-3. Discharges.

A. No new connection to an MS4 may be effected without prior written approval of the Director.

B. No person may:

(1) Discharge any significant materials or pollutant into any component of any MS4 that would constitute an illicit discharge:

(2) Continue any illicit discharge to any MS4;

(3) Create any condition that may result in an illicit discharge or pollution of stormwater conveyed and discharged from any outfall of those systems;

(4) Cause or contribute to any type of illicit discharge into an MS4 or watercourse that may result in an potential for adverse impact;

(5) Alter or create an obstruction to flow of an MS4 or watercourse that reduces its capacity or ability to provide its intended design capacity or natural function; or

(6) Create a new connection or maintain a connection that may introduce any discharge other than unpolluted water into any MS4 or watercourse.

C. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

§ 135-4. Exemptions.

The following discharges are exempt from the prohibitions established by this chapter:

A. Potable water sources.

B. Landscape irrigation or lawn watering.

C. Permitted diverted stream flows.

D. Rising groundwater.

E. Groundwater infiltration to storm drains.

F. Uncontaminated pumped groundwater.

G. Uncontaminated discharge from foundation drains or pumps.

H. Air conditioning condensation.

I. Springs.

J. Noncommercial washing of vehicles.

K. Natural riparian habitat or wetland flows.

L. Fire-fighting activities.

M. Any water source not containing pollutants.

N. Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.

O. Dye testing with prior verbal notification to the authorized enforcement agency.

P. Any nonstormwater discharge legally permitted under an NPDES permit issued by the Maryland Department of the Environment, provided that the discharger is in full compliance with all requirements of the issued permit and with all other applicable laws and regulations and with prior written approval of discharge to the MS4.

ARTICLE II
Storm Sewer Protection

§ 135-5. Maintenance.

Any person in control of any part of a storm sewer system, including any stormwater management facility or any surface or subsurface stormwater conveyance system, shall maintain those components in good and workable condition. The owner shall promptly repair and restore the systems or components when conditions warrant.

§ 135-6. Suspensions; terminations.

A. The Director may, without prior notice, suspend any approved discharge access to an MS4 by a person, when suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, to public health or welfare, or to any system, watercourse, or designated sensitive resource. If a person fails to comply with a suspension order, the City may take steps to prevent or minimize damage to any stormwater system, watercourse, or sensitive resource or to minimize an identified danger or hazard to the general health and welfare.

B. A person discharging to an MS4 or watercourse in violation of this chapter may have the system access terminated if such termination would abate, reduce, or eliminate an illicit discharge. The Director shall notify a violator in writing of the proposed termination of system access. The violator may petition to the Director for reconsideration. Reinstatement of a discharge, connection, or access which has been terminated pursuant to this section without the Director's approval constitutes a violation of this chapter.

§ 135-7. Compliance required.

A person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of the permit. Proof of compliance with the permit shall be submitted in a form acceptable to the Director prior to allowing any discharge to the MS4.

§ 135-8. Inspections.

This section applies to all facilities that have stormwater discharges, including construction activity or any other discharge to any MS4.

A. The Director may, upon notification, enter and inspect the source of any discharge, including those under an individual or general NPDES permit, that are subject to this chapter when necessary to determine compliance. Failure to cooperate with an inspection constitutes a violation of this chapter.

B. To determine compliance, the Director may inspect, sample, examine, and investigate the source of any discharge to an MS4. In support of any investigation, the Director may review and copy any records maintained pursuant to the conditions of any discharge permit or this chapter.

C. The Director may require the discharger to install monitoring equipment if the Director determines that the nature of the discharge warrants it. The facility's sampling and monitoring equipment shall be maintained in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure accuracy.

§ 135-9. Control of illicit discharges.

A. The owner of any property shall prevent accidental discharge of prohibited materials or pollutants into MS4 or watercourses through the use of structural and nonstructural BMP's.

B. Any person who is the source of an illicit discharge may be required to implement, at the person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to any MS4. Compliance with the terms and conditions of a valid NPDES permit authorizing the discharge of stormwater constitutes compliance with this section.

§ 135-10. Watercourse protection.

A. The owner of property through which a watercourse passes shall keep and maintain that part of the watercourse within the property generally free of man-made obstructions or sources of pollutants.

B. The owner shall maintain existing privately owned structures within or adjacent to a watercourse so that the structures will not become a hazard to the use, function, or physical integrity of the watercourse.

§ 135-11. Notification of spills or accidental discharges.

A. Notwithstanding other requirements of law, any person responsible for a site who has information of an illicit discharge of pollutants into stormwater, the storm sewer system, or watercourse, shall immediately contain and clean up the release. Said person shall also give notification as provided in this section.

B. Time.

(1) For a release of hazardous materials, the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services.

(2) For a release of nonhazardous materials, the person shall notify the Director in person or by telephone or facsimile no later than the next business day.

(3) Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Director within three business days of the notice by telephone.

C. If the discharge of prohibited materials emanates from a commercial or industrial use, the owner or operator shall retain an on-site written record of the discharge and the actions taken to prevent its recurrence.

§ 135-12. Guaranty.

The Director may require a surety, cash bond, irrevocable letter of credit, or other means of security acceptable to the Director as a guaranty under certain requirements of this chapter. In cases when a guaranty is required, the amount required shall be no less than the total estimated cost of the action required. The guaranty shall include forfeiture provisions for failure to complete the required activity within the time specified. The guaranty may not be released prior to final inspection which verifies compliance with this chapter. No partial releases may be made. In the event that the guarantor fails to perform or complete the required activity, the Director may use the guaranty to complete the work.

§ 135-13. Enforcement.

A. Whenever the Director finds that a person has violated this chapter, the Director shall issue a notice of violation.

B. If abatement of a violation or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration shall be completed. The notice shall state that should the violator fail to remediate or restore within the established deadline, the work will be contracted for completion by the City and the costs shall be charged to the violator. Such costs shall constitute a lien upon the premises upon which the condition occurred, to be collected as City taxes are collected, if not otherwise first paid to the City. Abatement by the City of conditions in violation of this chapter and reimbursement to the City of costs incurred thereby shall not bar the issuance of a municipal infraction and the prosecution for such violation.

C. If a person has violated or continues to violate the provisions of this chapter, the Director may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

§ 135-14. Civil penalty.

A. Any person who shall violate a provision of this chapter or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local law. Each day that a violation continues shall be a separate offense. In addition to other remedies, any violation may be deemed a municipal infraction and prosecuted as such. The penalty for violation shall be a fine of $400 for each offense, which may be doubled in accordance with applicable law.

B. The imposition of a fine or penalty for any violation of or noncompliance with this chapter shall not excuse the violation or noncompliance or permit it to continue, and also the person shall be required to correct or remedy such violations and noncompliance with any reasonable time.

C. Additionally, the Mayor and Common Council may institute injunctive, mandamus or other appropriate action or proceedings in law or equity for the enforcement of this chapter or to correct violations of this chapter and any court of competent jurisdiction shall have the right to issue restraining order, temporary or permanent injunctions or mandamus or other appropriate forms of remedy or relief.

Chapter 136

STORMWATER MANAGEMENT

GENERAL REFERENCES

Planning and Zoning Commission — See Ch. 7, Art. II.

Environmental Advisory Board — See Ch. 7, Art. III.

Buildings — See Ch. 56.

Floodplain management — See Ch. 83.

Sewers and sewage — See Ch. 124.

Storm sewer systems environmental management — See Ch. 135.

Streets and sidewalks — See Ch. 139.

Water — See Ch. 160.

Zoning and subdivision of land — See Ch. 164.

Fee Schedule — See Ch. A175.

§ 136-1. Purpose; authority.

A. The purpose of this chapter is to protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures that control the adverse impacts associated with increased stormwater runoff. The goal is to manage stormwater by using environmental site design (ESD) to the maximum extent practicable (MEP) to maintain after development, as nearly as possible, the predevelopment runoff characteristics, and to reduce stream channel erosion, pollution, siltation and sedimentation, and local flooding, and to use appropriate structural best management practices (BMPs) only when necessary. This will restore, enhance, and maintain the chemical, physical, and biological integrity of streams, minimize damage to public and private property, and reduce the impacts of land development.

B. This chapter is adopted pursuant to the Environment Article, Title 4, Subtitle 2, of the Annotated Code of Maryland, Article 23A of the Annotated Code of Maryland, and the City Charter and shall apply to all development occurring within the City of Westminster. The application of this chapter shall be the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other powers granted by state statute. The City of Westminster Department of Public Works shall be responsible for the coordination and enforcement of this chapter. The City may engage and/or hire agents, consultants, registered engineers, attorneys and others with regard to the requirements of this chapter and may assess the charges and expenses associated therewith to the applicant. This chapter applies to all new and redevelopment projects that have not received final approval for erosion and sediment control and stormwater management plans by May 4, 2010.

§ 136-2. Incorporation of documents by reference.

For the purpose of this chapter, the following documents are incorporated by reference:

A. The 2000 Maryland Stormwater Design Manual, Volumes I and II (Maryland Department of the Environment, April 2000), and the Carroll County supplement to the 2000 Maryland Stormwater Design Manual (August 2010), and all subsequent revisions, are incorporated by reference and shall serve as the official guide for stormwater principles, methods, and practices.

B. USDA Natural Resources Conservation Service, Maryland Conservation Practice Standard Pond Code 378 (January 2000).

§ 136-3. Definitions.

In this chapter, the following terms have the meanings indicated. Any term not defined in this chapter shall have the meaning as defined in any chapter of the Code. Any term not defined in the Code in any chapter shall have its generally accepted meaning.

ADMINISTRATION — The Maryland Department of the Environment (MDE), Water Management Administration (WMA).

ADVERSE IMPACT — Any deleterious effect on waters or wetlands, including the quality, quantity, surface area, species composition, aesthetics or usefulness for human or natural uses, which is or may potentially be harmful or injurious to human health, welfare, safety or property or to biological productivity, diversity, or stability or which unreasonably interferes with the enjoyment of life or property, including outdoor recreation.

AGRICULTURAL LAND MANAGEMENT PRACTICES — Those methods and procedures used in the cultivation of land in order to further crop and livestock production and conservation of related soil and water resources.

APPLICANT — Any person, firm, or governmental agency that executes the necessary forms to procure official approval of a project or a permit to carry out construction of a project.

AQUIFER — A porous water-bearing geologic formation generally restricted to materials capable of yielding an appreciable supply of water.

BEST MANAGEMENT PRACTICES or BMPs — A structural device or nonstructural practice designed to temporarily store or treat stormwater runoff in order to mitigate flooding, reduce pollution, and provide other amenities.

CFR — The Code of Federal Regulations.

CHANNEL PROTECTION STORAGE VOLUME (CPV) — The volume used to design structural management practices to control stream channel erosion. Methods for calculating the CPV are specified in the 2000 Maryland Stormwater Design Manual.

CITY — The City of Westminster.

CLEARING — The removal of trees and brush from the land, but shall not include the ordinary mowing of grass.

CODE — The Code of the City of Westminster.

COMAR — The Code of Maryland Regulations.

COMMISSION — The City of Westminster Planning and Zoning Commission.

CONCEPT PLAN — The first of three required plan approvals that includes the information necessary to allow an initial evaluation of a proposed project.

COUNTY — The Board of Commissioners of Carroll County.

DAM BREACH INUNDATION AREA — The area potentially inundated by a sudden dam failure.

DEPARTMENT — The Department of Public Works of the City of Westminster.

DESIGN MANUAL — The 2000 Maryland Stormwater Design Manual and all subsequent revisions, together with the Carroll County supplement to the 2000 Maryland Stormwater Design Manual (August 2010), which collectively serve as the official guide for stormwater management principles, methods, and practices.

DETENTION STRUCTURE — A permanent structure for the temporary storage of runoff, which is designed so as not to create a permanent pool of water.

DEVELOP LAND — To change the runoff characteristics of a parcel of land in conjunction with residential, commercial, industrial, or institutional construction or alteration.

DEVELOPER — A person who engages in development or who owns property upon which a development is proposed or accomplished.

DEVELOPMENT — Any change to improved or unimproved real estate, including but not limited to buildings and other structures, grading, dredging, filling, paving, clearing, excavation, dumping, extraction or storage of soil or minerals, and the storage of equipment or material; and the subdivision of land, including off-conveyances.

DIRECTOR — The Director of the Department of Public Works of the City of Westminster.

DRAINAGE AREA — That area contributing runoff to a single point, measured in a horizontal plane, which is enclosed by a ridgeline.

EASEMENT — A grant or reservation by the owner of land for the use of such land by others for a specific purpose or purposes, and which must be included in the conveyance of land affected by such easement.

ENGINEER — A professional engineer licensed in the State of Maryland, proficient in stormwater management design.

ENVIRONMENTAL SITE DESIGN (ESD) — Using small-scale stormwater management practices, nonstructural techniques, and better site planning to mimic natural hydrologic runoff characteristics and minimize the impact of land development on water resources. Methods for designing ESD practices are specified in the Design Manual.

EXEMPTION — Those land development activities that are not subject to the stormwater management requirements contained in this chapter.

EXTREME FLOOD VOLUME (QF) — The storage volume required to control those infrequent but large storm events in which overbank flows reach or exceed the boundaries of the one-hundred-year floodplain.

FINAL STORMWATER MANAGEMENT PLAN — The last of three required plan approvals that includes the information necessary to allow all approvals and permits to be issued by the Department.

FLOODPLAIN — That land adjacent to a body of water or stream inundated by the base flood.

FLOW ATTENUATION — Prolonging the flow time of runoff to reduce the peak discharge.

GRADING — Any act by which soil is cleared, stripped, stockpiled, excavated, scarified, filled or any combination thereof.

IMPERVIOUS AREA — Any surface that does not allow stormwater to infiltrate into the ground.

INFILTRATION — The passage or movement of water into the soil surface.

LAND SURVEYOR — A professional land surveyor registered in the State of Maryland, proficient in drainage design.

MAXIMUM EXTENT PRACTICABLE (MEP) — Designing stormwater management systems so that all reasonable opportunities for using ESD planning techniques and treatment practices are exhausted and only where absolutely necessary a structural BMP is implemented.

OFF-SITE STORMWATER MANAGEMENT — The design and construction of a facility necessary to control stormwater from more than one development.

ON-SITE STORMWATER MANAGEMENT — The design and construction of systems necessary to control stormwater within an immediate development.

OVERBANK FLOOD PROTECTION VOLUME (Qp) — The volume controlled by structural practices to prevent an increase in the frequency of out-of-bank flooding generated by development. Methods for calculating the overbank flood protection volume are specified in the Design Manual.

PERSON — Includes the federal government, the state, any county, municipal corporation, or other political subdivision of the state, or any of their units, or an individual, receiver, trustee, guardian, executor, administrator, fiduciary, or representative of any kind, or any partnership, firm, association, public or private corporation, or any other entity.

PLANNING TECHNIQUES — A combination of strategies employed early in project design to reduce the impact from development and to incorporate natural features into a stormwater management plan.

RECHARGE VOLUME (Rev) — That portion of the water quality volume used to maintain groundwater recharge rates at development sites. Methods for calculating the recharge volume are specified in the Design Manual.

REDEVELOPMENT — Any construction, alteration, or improvement performed on sites where existing land use is commercial, industrial, institutional, or multifamily residential and existing site impervious area exceeds 40%.

RETENTION STRUCTURE — A permanent structure that provides for the storage of runoff by means of a permanent pool of water.

RETROFITTING — The implementation of ESD practices, the construction of a structural BMP, or the modification of an existing structural BMP in a previously developed area to improve water quality over current conditions.

SCD — The Carroll County Soil Conservation District.

SEDIMENT — Soils or other surficial materials transported or deposited by the action of wind, water, ice or gravity as a product of erosion.

SITE — Any tract, lot, or parcel of land, or combination of tracts, lots, or parcels of land that are in one ownership, or are contiguous and in diverse ownership, where development is to be performed as part of a unit, subdivision, or project.

SITE DEVELOPMENT (PRELIMINARY) PLAN — The second of three required plan approvals that includes the information necessary to allow a detailed evaluation of a proposed project.

STABILIZATION — The prevention of soil movement by any of various vegetative or structural means.

STORMWATER — Water that originates from a precipitation event.

STORMWATER MANAGEMENT SYSTEM — Natural areas, ESD practices, stormwater management measures, and any other structure through which stormwater flows, infiltrates, or discharges from a site.

STRIPPING — Any activity that removes the vegetative surface cover, including tree removal, clearing, grubbing and storage or removal of topsoil.

VARIANCE — The modification of the minimum stormwater management requirements for specific circumstances such that strict adherence to the requirements would result in unnecessary hardship and not fulfill the intent of this chapter.

WAIVER — The reduction of stormwater management requirements by the Department for a specific development on a case-by-case review basis.

WATERCOURSE — Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash, in and including any adjacent area that is subject to inundation from overflow or floodwater.

WATER QUALITY VOLUME (WQv) — The volume needed to capture and treat 90% of the average annual rainfall events at a development site. Methods for calculating the water quality volume are specified in the Design Manual.

WATERSHED — The total drainage area contributing runoff to a single point.

WETLAND — An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as "hydrophytic vegetation." A wetland area is delineated according to the 1987 United States Army Corps of Engineers Wetlands Delineation Manual.

§ 136-3.1. Grandfathering.

A. In this section, the following terms have the meanings indicated:

ADMINISTRATIVE WAIVER — A decision by the City pursuant to this chapter to allow the construction of a development to be governed by the Stormwater Management Ordinance in effect as of May 4, 2010, but does not include a waiver granted pursuant to § 136-7 of this chapter.

APPROVAL — A determination, documented in writing, by the City that the materials submitted by or on behalf of the property owner in support of the property owner's request for approval of a development plan, including a stormwater management plan, comply with the requirements of a specified stage in the City's development review process; a mere acknowledgement by the City that submitted material has been received for review does not constitute an approval.

FINAL PROJECT APPROVAL — Approval of the final stormwater management plan and erosion and sediment control plan required to construct a project's stormwater management facilities.

PRELIMINARY PROJECT APPROVAL — An approval as part of the City's preliminary development or planning review process.

B. Preliminary project approval will not be granted until the property owner has submitted information to the City that includes, at a minimum:

(1) The number of planned dwelling units or lots;

(2) The proposed project density;

(3) The proposed size and location of all land uses for the project; and

(4) Any other information required by the City, including but not limited to:

(a) The proposed alignment, location, and construction type and standard for all roads, accessways, and areas of vehicular traffic;

(b) A demonstration that the methods by which the development will be supplied with water and wastewater service are adequate; and

(c) The size, type, and general location of all proposed wastewater and water system infrastructure.

C. A project will not be deemed to have obtained a final project approval until the property owner has secured bonding and/or financing for final development plans if either is required by law or by agreement between the City and the property owner.

D. The City may grant an administrative waiver to a development that received a preliminary project approval prior to May 4, 2010.

E. Except as provided for in Subsection H of this section, an administrative waiver shall expire on:

(1) May 4, 2013, if the development does not receive final project approval prior to that date; or

(2) May 4, 2017, if the development receives final project approval prior to May 4, 2013.

F. All construction authorized pursuant to an administrative waiver must be completed by May 4, 2017, or, if the waiver is extended as provided in Subsection G of this section, by the expiration date of the waiver extension.

G. An administrative waiver shall only be extended if, by May 4, 2010, the development:

(1) Has received a preliminary project approval; and

(2) Was subject to a development rights and responsibilities agreement, a tax increment financing approval, or an annexation agreement that provides a date for completion of development that is after the date on which the administrative waiver would otherwise expire.

H. Administrative waivers extended pursuant to Subsection G of this section shall expire upon the date set forth for completion of the development in the development rights and responsibilities agreement, the tax increment financing approval, or the annexation agreement.

§ 136-4. Scope.

No person shall develop any land for residential, commercial, industrial, or institutional uses without providing stormwater management measures that control or manage runoff from such developments, except as provided within this section. Stormwater management measures must be designed consistent with the Design Manual, and constructed according to an approved plan, for new development or the policies stated in § 136-8 of this chapter for redevelopment, as appropriate.

§ 136-5. Exemptions.

The following development activities are exempt from the provisions of this chapter and the requirements of providing stormwater management:

A. Agricultural land management practices.

B. Additions or modifications to existing single-family detached residential structures if they comply with Subsection C of this section.

C. Any developments that do not disturb over 5,000 square feet of land area.

D. Land development activities that the Administration determines will be regulated under specific state laws which provide for managing stormwater runoff.

§ 136-6. Application for exemption.

A person may apply to the Department for a stormwater management exemption by providing a written explanation which describes how the proposed development qualifies for an exemption.

§ 136-7. Waivers; watershed management plans.

A. The Department may grant stormwater management quantitative control waivers only to those projects within areas where watershed management plans have been developed consistent with Subsection E of this section. Written requests for quantitative stormwater management waivers shall be submitted that contain sufficient descriptions, drawings, and any other information that is necessary to demonstrate that ESD has been implemented to the MEP. A separate written waiver request shall be required in accordance with the provisions of this section if there are subsequent additions, extensions, or modifications to a development receiving a waiver.

B. If watershed management plans consistent with Subsection E of this section have not been developed, stormwater management quantitative control waivers may be granted to the following projects, provided that it has been demonstrated that ESD has been implemented to the MEP when the Department determines that circumstances exist that prevent the reasonable implementation of quantity control practices.

C. Stormwater management qualitative control waivers apply only to:

(1) Infill development projects where ESD has been implemented to the MEP and it has been demonstrated that other BMPs are not feasible;

(2) Redevelopment projects if the requirements of § 136-8 of this chapter are satisfied; or

(3) Sites where the approving agency determines that circumstances exist that prevent the reasonable implementation of ESD to the MEP.

D. Waivers shall only be granted when it has been demonstrated that ESD has been implemented to the MEP and must:

(1) Be on a case-by-case basis;

(2) Consider the cumulative effects of the Department's waiver policy; and

(3) Reasonably ensure the development will not adversely impact stream quality.

E. A watershed management plan developed for the purpose of implementing different stormwater management policies for waivers and redevelopment shall:

(1) Include detailed hydrologic and hydraulic analyses to determine hydrograph timing;

(2) Evaluate both quantity and quality management and opportunities for ESD implementation;

(3) Include a cumulative impact assessment of current and proposed watershed development;

(4) Identify existing flooding and receiving stream channel conditions;

(5) Be conducted at a reasonable scale;

(6) Specify where on-site or off-site quantitative and qualitative stormwater management practices are to be implemented;

(7) Be consistent with the General Performance Standards for Stormwater Management in Maryland found in the Design Manual; and

(8) Be approved by the Administration.

F. Stormwater management quantitative and qualitative control waivers may be granted for phased development projects if a system designed to meet the state's 2000 Regulatory Requirements for Multiple Phases has been constructed by May 4, 2010. The applicant shall demonstrate

that it has made all reasonable efforts to incorporate ESD for future phases.

§ 136-8. Redevelopment.

A. Stormwater management plans for development shall provide ESD to the MEP consistent with the Design Manual and the supplement. Overbank flood-protection volume requirements do not apply unless required by the Department in uncommon situations, such as historic flooding, or extreme erosion where more stormwater control than the minimum required may be necessary.

B. All redevelopment project designs shall reduce those existing site impervious areas within the limit of disturbance (LOD) built in accordance with an approved site plan by at least 50% below conditions existing on the date of the most-recent Carroll County geographic information system orthophotography or as depicted on the original approved site plan. Where site conditions prevent the reduction of impervious area, then stormwater management practices shall implement ESD to the MEP for at least 50% of the site's impervious area. When a combination of impervious area reduction and ESD is used, the combined reduced and treated area shall equal no less than 50% of the site's impervious area within the LOD. Where existing site impervious areas were constructed after July 1, 1984, without an approved stormwater management plan, stormwater management shall be provided in accordance with § 136-10 of this chapter for all impervious surfaces on the parcel.

C. Alternative stormwater management measures may be used to meet the requirements in Subsection B if the owner or developer satisfactorily demonstrates to the Department that impervious area reduction has been maximized and ESD has been implemented to the MEP. Alternative stormwater management measures include but are not limited to:

(1) An on-site structural BMP;

(2) An off-site structural BMP to provide water quality treatment for an impervious area equal to or greater than 70% of the existing impervious area;

(3) A combination of impervious area reduction, ESD implementation, and an on-site structural BMP for an area equal to or greater than 50% of the existing site impervious area within the LOD; or

(4) A combination of impervious area reduction, ESD implementation and an off-site structural BMPs for an area equal to or greater than 70% of the existing site impervious area within the LOD.

D. The Department's policies for providing stormwater runoff treatment for redevelopment projects if it is proven to the City's satisfaction that

the requirements of Subsections A, B, and C cannot be met are as follows:

(1) Retrofitting of existing on-site or off-site BMPs that provide inadequate stormwater treatment for the impervious areas draining to them to bring them up to current standards in accordance with the Design Manual and the supplement. The retrofitted facilities must treat drainage from impervious areas that requires additional treatment greater than that required for all site imperviousness within the LOD; or

(2) Fees paid into a stormwater management fund as established by the City and set forth in the supplement that are dedicated exclusively to provide stormwater management in the City and are in addition to the review fees established by § 136-17 of this chapter.

§ 136-9. Variances.

The Department may grant a written variance from any technical requirement of this chapter if there are exceptional circumstances applicable to the site such that strict adherence will result in unnecessary hardship and not fulfill the intent of this chapter. A written request, with adequate supporting documentation, for a variance shall be provided to the Department and shall state the specific variances sought and reasons for their granting. The Department shall not grant a variance unless and until sufficient justification is provided by the person developing land that the implementation of ESD to the MEP has been investigated thoroughly, when a variance is granted. The property owner must provide compensatory stormwater management provided in accordance with § 136-8D of this chapter.

§ 136-10. Minimum control requirements.

A. The minimum control requirements established in this section and the Design Manual are as follows:

(1) The Department shall require that the planning techniques, nonstructural practices, and design methods specified in the Design Manual be used to implement ESD to the MEP. The use of ESD planning techniques and treatment practices must be exhausted before any structural BMP is implemented. Stormwater management plans for development projects subject to this chapter shall be designed using ESD sizing criteria, recharge volume, water quality volume, and channel protection storage volume criteria according to the Design Manual. The MEP standard is met when channel stability is maintained, predevelopment groundwater recharge is replicated, nonpoint-source pollution is minimized, and structural stormwater management practices are used only if determined to be absolutely necessary.

(2) Control of the two-year- and ten-year-frequency storm event is required according to the Design Manual and all subsequent revisions if the Department determines that additional stormwater management is necessary because historical flooding problems exist and downstream floodplain development and conveyance system design cannot be controlled.

(3) The Department may require more than the minimum control requirements specified in this chapter if hydrologic or topographic conditions warrant or if flooding, stream channel erosion, or water quality problems exist downstream from a proposed project.

B. Alternate minimum control requirements may be adopted subject to Administration approval. The Administration shall require a demonstration that alternative requirements will implement ESD to the MEP and control flood damages, accelerated stream erosion, water quality, and sedimentation. Comprehensive watershed studies may also be required.

C. Stormwater management and development plans, where applicable, shall be consistent with adopted and approved watershed management plans or flood management plans as approved by the Maryland Department of the Environment in accordance with the Flood Hazard Management Act of 1976.

§ 136-11. Stormwater management measures.

The ESD planning techniques and practices and structural stormwater management measures established in this chapter and the Design Manual shall be used, either alone or in combination in a stormwater management plan. A developer shall demonstrate that ESD has been implemented to the MEP before the use of a structural BMP is considered in developing the stormwater management plan.

A. ESD planning techniques and practices.

(1) The following planning techniques shall be applied according to the Design Manual to satisfy the applicable minimum control requirements established in § 136-10 of this chapter:

(a) Preserving and protecting natural resources;

(b) Conserving natural drainage patterns;

(c) Minimizing impervious area;

(d) Reducing runoff volume;

(e) Using ESD practices to maintain 100% of the annual predevelopment groundwater recharge volume;

(f) Using green roofs, permeable pavement, reinforced turf, and other alternative surfaces;

(g) Limiting soil disturbance, mass grading, and compaction;

(h) Clustering development; and

(i) Any practices approved by the Administration.

(2) The following ESD treatment practices shall be designed according to the Design Manual to satisfy the applicable minimum control requirements established in § 136-10 of this chapter:

(a) Disconnection of rooftop runoff;

(b) Disconnection of nonrooftop runoff;

(c) Sheet flow to conservation areas;

(d) Rainwater harvesting;

(e) Submerged gravel wetlands;

(f) Landscape infiltration;

(g) Infiltration berms;

(h) Dry wells;

(i) Microbioretention;

(j) Rain gardens;

(k) Swales;

(l) Enhanced filters; and

(m) Any practices approved by the Administration.

(3) The use of ESD planning techniques and treatment practices specified in this section shall not conflict with existing state or City law. The City shall modify planning and zoning ordinances and public works codes to eliminate any impediments to implementing ESD to the MEP according to the Design Manual.

B. Structural stormwater management measures.

(1) The following structural stormwater management practices shall be designed according to the Design Manual to satisfy the applicable minimum control requirements established in § 136-10 of this chapter:

(a) Stormwater management ponds;

(b) Stormwater management wetlands;

(c) Stormwater management infiltration;

(d) Stormwater management filtering systems; and

(e) Stormwater management open channel systems.

(2) The performance criteria specified in the Design Manual with regard to general feasibility, conveyance, pretreatment, treatment and geometry, environment and landscaping, and maintenance shall be considered when selecting structural stormwater management practices.

(3) Structural stormwater management practices shall be selected to accommodate the unique hydrologic or geologic regions of the City.

(4) All barrel pipes and risers in ponds shall be concrete pipe with a minimum fifteen-inch diameter. Inlet and outlet structures shall be made of concrete with a metal inlet or grate.

(5) A nonerosive flow velocity shall be provided at the principal spillway.

(6) All low-flow pipes shall have minimum twelve-inch-diameter orifices, which shall be located inside the outlet structure.

(7) All publicly maintained surface stormwater management facilities shall be designed with slopes no steeper than 4:1.

(8) All publicly maintained facilities shall have an in-fee access from the bottom of the facility to a public right-of-way, unless an alternative access is approved by the Department. This access shall be a minimum of 20 feet in width, containing a twelve-foot-wide paved access road constructed to minimum use-in-common drive standards. The access road shall have a maximum slope of 17% with a maximum cross slope of 3% and a maximum side slope of 4:1.

(9) In areas of public maintenance, no loose riprap may be left permanently exposed.

(10) Concentrated flows shall enter surface stormwater management facilities through drop structures and pipes. Riprap inflow ditches down facility slopes may not be allowed.

(11) Pipes shall outfall at the facility bottom. End treatment shall be headwalls.

(12) All pipe outfalls shall have underdrained plunge pools or forebays.

(13) All surface stormwater management facilities shall be underdrained.

(14) Structural stormwater management practices for multi-lot residential developments shall be deeded to the City in fee simple. For all other developments containing structural measures, the measures shall be protected by easement recorded in the Land Records of Carroll County and remain unaltered by subsequent

property owners. Prior approval shall be obtained from the Department before structural stormwater measures are altered.

C. ESD planning techniques and treatment practices and structural stormwater management measures used to satisfy the minimum requirements in § 136-10 of this chapter must be recorded in the Land Records of Carroll County and remain unaltered by subsequent property owners. Prior written approval from the Department shall be obtained before any stormwater management practice is altered.

D. Alternative ESD planning techniques and treatment practices and structural stormwater measures may be used for new development runoff control if they meet the performance criteria established in the Design Manual and all subsequent revisions and are approved by the Administration. Practices used for redevelopment projects shall be approved by the Department.

E. For the purposes of modifying the minimum control requirements or design criteria, the owner/developer shall submit to the Department an analysis of the impacts of stormwater flows downstream in the watershed. The analysis shall include hydrologic and hydraulic calculations necessary to determine the impact of hydrograph timing modifications of the proposed development upon a dam, highway, structure, or natural point of restricted stream flow. The point of investigation is to be established with the concurrence of the Department, downstream of the first downstream tributary whose drainage area equals or exceeds the contributing area to the project or stormwater management facility.

§ 136-12. Specific design criteria.

The basic design criteria, methodologies, and construction specifications, subject to the approval of the Department and the Administration, shall be in accordance with the Design Manual.

§ 136-13. Review and approval of plans.

A. For any proposed development, the owner/developer shall submit a stormwater management plan or waiver application to the Department for review and approval. At a minimum, plans shall be submitted for the concept, preliminary and final stormwater management construction phases of project design. Each plan submittal shall include the minimum content specified in § 136-14 of this chapter and meet the requirements of the Design Manual and §§ 136-10 and 136-11 of this chapter.

B. The Department shall perform a comprehensive review of the stormwater management plans for each phase of site design. Coordinated comments will be provided for each plan phase that reflect input from all appropriate agencies, including but not limited to the Soil Conservation District (SCD) and the Westminster Department of

Planning, Zoning, and Development. All comments from those agencies shall be addressed and approval received at each phase of project design before subsequent submissions.

§ 136-14. Contents and submission of stormwater management plans.

A. The developer shall submit a stormwater management plan that meet the design requirements of this chapter. The plan shall include a concept plan that provides sufficient information for an initial assessment of the proposed project and whether stormwater management can be provided according to this chapter and the Design Manual and the supplement. Plans submitted for concept approval shall include but are not limited to:

(1) A map, at a scale specified by the Department, showing site location, existing natural features, water and other sensitive resources, topography, and natural drainage patterns;

(2) The anticipated location of all proposed impervious areas, buildings, roadways, parking, sidewalks, utilities, and other site improvements;

(3) The location of the proposed limit of disturbance, erodible soils, steep slopes, and areas to be protected during construction;

(4) Preliminary estimates of stormwater management requirements, the selection and location of ESD practices to be used, and the location of all points of discharge from the site;

(5) A narrative that supports the concept design and describes how ESD will be implemented to the MEP; and

(6) Any other information required by the Department.

B. Following concept plan approval by the Department, the owner/developer shall submit site development (preliminary) plans that reflect comments received during the previous review phase. Plans submitted for site development (preliminary) approval shall be of sufficient detail to allow site development to be reviewed and shall include but are not limited to:

(1) All information provided during the concept plan review phase;

(2) Final site layout, exact impervious area locations and acreages, proposed topography, delineated drainage areas at all points of discharge from the site, and stormwater volume computations for ESD practices and quantity control structures;

(3) A proposed erosion and sediment control plan that contains the construction sequence, any phasing necessary to limit earth disturbances and impacts to natural resources, and an overlay plan

showing the types and locations of ESD and erosion and sediment control practices to be used;

(4) A narrative that supports the site development design, describes how ESD will be used to meet the minimum control requirements, and justifies any proposed structural stormwater management measure;

(5) Geotechnical investigations, including soil maps, borings, site-specific recommendations, and any additional information necessary for the final stormwater management design; and

(6) Any other information required by the Department.

C. Following site development approval by the Department, the owner/developer shall submit final erosion and sediment control and stormwater management plans that reflect the comments received during the previous review phase. Plans submitted for final approval shall be of sufficient detail to allow all approvals and permits to be issued according to the following:

(1) Final erosion and sediment control plans shall be submitted according to COMAR 26.17.01.05; and

(2) Final stormwater management plans shall be submitted for approval in the form of construction drawings and be accompanied by a report that includes sufficient information to evaluate the effectiveness of the proposed runoff control design.

D. Reports submitted for final stormwater management plan approval shall include but are not limited to:

(1) Drainage area maps depicting predevelopment and post-development runoff flow path segmentation and land use;

(2) Hydrologic computations of the applicable ESD and unified sizing criteria according to the Design Manual for all points of discharge from the site;

(3) Hydraulic and structural computations for all ESD practices and structural stormwater management measures to be used;

(4) A narrative that supports the final stormwater management design; and

(5) Any other information required by the Department.

E. Construction drawings submitted for final stormwater management plan approval shall include but are not limited to:

(1) A vicinity map;

(2) Existing and proposed topography and proposed drainage areas, including areas necessary to determine downstream analysis for proposed stormwater management facilities;

(3) Any proposed improvements, including location of buildings or other structures, impervious surfaces, storm drainage facilities, and all grading;

(4) The location of existing and proposed structures and utilities;

(5) Any easements and rights-of-way;

(6) The delineation, if applicable, of the one-hundred-year floodplain and any on-site wetlands;

(7) Structural and construction details, including representative cross sections for all components of the proposed drainage system or systems, and stormwater management facilities;

(8) All necessary construction specifications;

(9) A sequence of construction;

(10) Data for total site area, disturbed area, new impervious area, and total impervious area;

(11) A table showing the ESD and unified sizing criteria volumes required in the Design Manual;

(12) A table of materials to be used for stormwater management facility planting;

(13) All soil boring logs and locations;

(14) An inspection and maintenance schedule;

(15) Certification by the owner/developer that all stormwater management construction will be done according to this plan;

(16) An as-built certification signature block to be executed after project completion; and

(17) Any other information required by the Department.

F. If a stormwater management plan involves direction of some or all runoff off of the site, it is the responsibility of the developer to obtain from adjacent property owners any easements or other necessary property interests concerning flowage of water. Approval of a stormwater management plan does not create or affect any right to direct runoff onto adjacent property without that property owner's permission.

§ 136-15. Preparation of stormwater management plans.

A. The design of stormwater management plans shall be prepared by a land surveyor or engineer licensed in the State of Maryland.

B. If a stormwater BMP requires a dam safety permit from the Administration or small pond approval from the SCD, the design shall be prepared by an engineer.

§ 136-16. Permit requirements.

A. A grading or building permit may not be issued for any parcel or lot unless final sediment control and stormwater management plans have been approved as meeting all of the requirements of the Design Manual and this chapter or exempted by the Department. Where appropriate, a building permit may not be issued without:

(1) Either:

(a) For all stormwater management facilities other than facilities serving multiple lots in residential subdivisions, recorded easements for the stormwater management facility and recorded easements to provide adequate access for inspection and maintenance from a public right-of-way; or

(b) For stormwater management facilities serving multiple lots in residential subdivisions, a dedication to public use of the parcel upon which such facilities are located and an agreement to execute a deed transferring fee-simple ownership of such parcel and facilities to the City upon satisfactory completion of construction of such facilities in accordance with the Design Manual and acceptance of the construction by the City and before any grading or building permit may be issued for any lot served by the facilities; and

(2) A recorded stormwater management maintenance agreement as described in § 136-25 of this chapter; and

(3) A performance bond as described in § 136-20 of this chapter.

B. If applicable, a building permit may not be issued without permission from adjacent property owners to discharge outside of existing drainage courses. These discharge ways shall be protected by easement and recorded in the Land Records of Carroll County.

C. If applicable, a building permit may not be issued without a dam breach inundation area protection easement which covers on- and off-site areas and is recorded in the Land Records of Carroll County.

§ 136-17. Fees.

Nonrefundable review fees will be collected for the cost of plan review, administration, and management of the permitting process, for all projects subject to this chapter and for inspection of all projects subject to this

chapter, as well as inspection and maintenance of City-owned facilities. A permit fee schedule shall be established by the City based upon the relative complexity of the project and long-term maintenance obligations and may be amended from time to time.

§ 136-18. Permit suspension and revocation.

Any grading or building permit issued by the Department may be suspended or revoked after written notice is given to the permittee for any of the following reasons:

A. Any violation(s) of the conditions of the stormwater management plan approval;

B. Changes in site runoff characteristics upon which an approval or waiver was granted;

C. Construction is not in accordance with the approved plan;

D. Noncompliance with a correction notice(s) or stop-work order(s) issued for the construction of the stormwater management practice; or

E. Immediate danger exists in a downstream area in the opinion of the Department.

§ 136-19. Permit conditions.

In granting an approval for any phase of site development, the Department may impose such conditions that it deems necessary to ensure compliance with the provisions of this chapter and the preservation of public health and safety.

§ 136-20. Bond or other security; contents; release.

The Department shall require from the applicant a surety or cash bond, irrevocable letter of credit or other means of security acceptable to the Department prior to the issuance of any building and/or grading permit for construction of a development requiring stormwater management. The amount of security shall not be less than the total estimated construction cost of all stormwater management facilities. The bond required in this section shall include provisions relative to forfeiture for failure to complete work specified in the approved stormwater management plan, compliance with all of the provisions of this chapter and other applicable laws and regulations and any time limitations. The bond shall not be fully released without a final inspection of completed work by the Department or its authorized agent, submission of as-built plans and a certification of completion by the Department that all stormwater facilities comply with the approved plan and the provisions of this chapter. A procedure may be used to release parts of the bond held by the Department after various stages of construction have been completed and accepted by the Department. The procedures used for partially releasing performance bonds must be

specified by the Department in writing prior to stormwater management plan approval.

§ 136-21. Required plan certifications.

All plans submitted for approval pursuant to this chapter shall bear the engineer's title block required by Title 9, Subtitle 23, Chapter 3, of the Code of Maryland Regulations and the certifications required by the supplement.

§ 136-22. Inspection schedule and reports.

A. The developer shall notify the Department at least 48 hours before commencing any work in conjunction with site development or the stormwater management plan and upon completion of the project.

B. Regular inspections shall be made and documented for each ESD planning technique and practice, at the stages of construction specified in the Design Manual, by the Department, its authorized representative, or certified by an engineer or land surveyor, as appropriate. At a minimum, all ESD and other nonstructural practices shall be inspected upon completion of final grading, the establishment of permanent stabilization, and before issuance of use and occupancy approval.

C. Written inspection reports shall include:

(1) The date and location of the inspection;

(2) Whether construction was in compliance with the approved stormwater management plan;

(3) Any variations from the approved construction specifications; and

(4) Any violations that exist.

D. The owner/developer and on-site personnel shall be notified in writing when violations are observed. Written notification shall describe the nature of the violation and the required corrective action.

E. No work shall proceed on the next phase of development until an engineer or land surveyor, as appropriate, has inspected and approved the work previously completed. The developer or property owner shall furnish the City with the results of the inspection reports as soon as possible after completion of each required inspection, and no further permits or approvals shall be issued until such reports have been provided to the City.

§ 136-23. Inspection requirements during construction; violations; enforcement.

A. At a minimum, regular inspections shall be made and documented at the following specified stages of construction:

(1) For ponds:

(a) Upon completion of excavation to subfoundation and, when required, installation of structural supports or reinforcement for structures, including but not limited to:

[1] Core trenches for structural embankments;

[2] Inlet and outlet structures, anti-seep collars or diaphragms, and watertight connectors on pipes; and

[3] Trenches for enclosed storm drainage facilities.

(b) During placement of structural fill, concrete, and installation of piping and catch basins;

(c) During backfill of foundations and trenches;

(d) During embankment construction; and

(e) Upon completion of final grading and establishment of permanent stabilization.

(2) For wetlands: at the stages specified for pond construction in § 136-23A(1) of this section, during and after wetland reservoir area planting, and during the second growing season to verify a vegetation survival rate of at least 50%.

(3) For infiltration trenches:

(a) During excavation to subgrade;

(b) During placement and backfill of underdrain systems and observation wells;

(c) During placement of geotextiles and all filter media;

(d) During construction of appurtenant conveyance systems such as diversion structures, prefilters and filters, inlets, outlets, and flow-distribution structures; and

(e) Upon completion of final grading and establishment of permanent stabilization.

(4) For infiltration basins:

(a) At the stages specified for pond construction in § 136-23A(1); and

(b) During placement and backfill of underdrain systems.

(5) For filtering systems:

(a) During excavation to subgrade;

(b) During placement and backfill of underdrain systems;

(c) During placement of geotextiles and all filter media;

(d) During construction of appurtenant conveyance systems, such as flow-diversion structures, prefilters and filters, inlets, outlets, orifices, and flow-distribution structures; and

(e) Upon completion of final grading and establishment of permanent stabilization.

(6) For open channel systems:

(a) During excavation to subgrade;

(b) During placement and backfill of underdrain systems for dry swales;

(c) During installation of diaphragms, check dams, or weirs; and

(d) Upon completion of final grading and establishment of permanent stabilization.

B. The Department may, for enforcement purposes, use any one or a combination of the following actions:

(1) A notice of violation shall be issued specifying the need for corrective action if stormwater management plan noncompliance is identified;

(2) A stop-work order shall be issued for the site by the Department if a violation persists;

(3) Bonds or securities shall be withheld or the case may be referred for legal action if reasonable efforts to correct the violation have not been undertaken; or

(4) In addition to any other sanctions, a civil action or criminal prosecution may be brought against any person in violation of the Stormwater Management Subtitle, the Design Manual, or this chapter.

C. Any step in the enforcement process may be taken at any time, depending on the severity of the violation.

D. Within 30 days of completion of construction, as-built plan certification shall be submitted by either a professional engineer or professional land surveyor licensed in the State of Maryland to ensure that ESD planning techniques, treatment practices, and structural stormwater management measures and conveyance systems comply with the specifications contained in the approved plans. At a minimum, as-built certification shall include a set of drawings comparing the approved stormwater management plan with what was constructed. The Department may require additional information as it determines necessary to comply with this chapter.

E. The Department shall submit notice of construction completion to the Administration on a form supplied by the Administration for each structural stormwater management practice within 45 days of construction completion. The type, number, total drainage area, and total impervious area treated by all ESD techniques and practices shall be reported to the Administration on a site-by-site basis. If BMPs requiring SCD approval are constructed, notice of construction completion shall also be submitted to the appropriate SCD.

§ 136-24. Maintenance inspections; correction of deficiencies.

A. The Department shall ensure that preventative maintenance is performed by inspecting all ESD treatment systems and structural stormwater management measures. Inspection shall occur during the first year of operation and at least once every three years thereafter. In addition, a maintenance agreement between the owner and the Department shall be executed for privately-owned ESD treatment systems and structural stormwater management measures as described in § 136-25 of this chapter.

B. Inspection reports shall be maintained by the Department for all ESD treatment practices and structural stormwater management measures.

C. Inspection reports for ESD treatment systems and structural stormwater management measures shall include the following:

(1) The date of inspection;

(2) The name of the inspector;

(3) An assessment of the quality of the stormwater management system related to ESD treatment practice efficiency and the control of runoff to the MEP;

(4) The condition of:

(a) Vegetation or filter media;

(b) Fences or other safety devices;

(c) Spillways, valves, or other control structures;

(d) Embankments, slopes, and safety benches;

(e) Reservoir or treatment areas;

(f) Inlet and outlet channels or structures;

(g) Underground drainage;

(h) Sediment and debris accumulation in storage and forebay areas;

(i) Any nonstructural practices, to the extent practicable; and

(j) Any other item that could affect the proper function of the stormwater management system.

(5) A description of needed maintenance.

D. Upon notifying an owner of the inspection results, the owner shall have 30 days, or other time frame mutually agreed to between the Department and the owner, to correct the deficiencies discovered. The Department shall conduct a subsequent inspection to ensure completion of the repairs.

E. If repairs are not properly undertaken and completed, enforcement procedures following § 136-25C of this chapter shall be followed by the Department.

F. If, after an inspection by the Department, the condition of a stormwater management facility is determined to present an immediate danger to public health or safety because of an unsafe condition, improper construction, or poor maintenance, the Department shall take such action as may be necessary to protect the public and make the facility safe. Any cost incurred by the Department shall be assessed against the owner(s), as provided in § 136-25C of this chapter.

§ 136-25. Inspection and maintenance agreement; maintenance bond.

A. Prior to the issuance of any building permit for which stormwater management is required, the Department shall require the applicant or owner to execute an inspection and maintenance agreement binding on all subsequent owners of land served by a private stormwater management facility. Such agreement shall provide for access to the facility at reasonable times for regular inspections by the Department or its authorized representative to ensure that the facility is maintained in proper working condition to meet design standards.

B. The agreement shall be recorded by the applicant or owner in the Land Records of Carroll County.

C. The agreement shall also provide that, if, after notice by the Department to correct a violation requiring maintenance work, satisfactory corrections are not made by the owner(s) within a reasonable period of time (30 days maximum), the Department may perform all necessary work to place the facility in proper working condition. The owner(s) of the facility shall be assessed the cost of the work and any penalties. This may be accomplished by placing a lien on the property, which may be placed on the tax bill and collected as ordinary taxes.

D. For stormwater management facilities required by this chapter to be transferred to the City upon completion, the agreement shall also provide for a maintenance bond to assure proper maintenance prior to acceptance. The maintenance bond shall be in an amount prescribed

by the Department and shall be posted at the time of completion of such stormwater management facility. In the event that the City incurs any cost or expense with regard to maintenance of such stormwater management facility as a result of the failure of the developer to so maintain such facility, all such costs and expenses shall be repaid to the City prior to the City accepting such stormwater management facility. In addition, the City may deny the issuing of any building permits and use and occupancy permits within the development upon default of the developer under this subsection.

§ 136-26. Maintenance responsibility.

A. The owner of a property that contains private stormwater management facilities installed pursuant to this chapter, or any other person or agent in control of such property, shall maintain in good condition and promptly repair and restore all ESD practices, grade surfaces, walls, drains, dams and structures, vegetation, erosion and sediment control measures, and other protective devices in perpetuity. Such repairs or restoration and maintenance shall be in accordance with previously approved or newly submitted plans.

B. A maintenance schedule shall be developed for the life of any privately owned structural stormwater management facility or system of ESD practices and shall state the maintenance to be completed, the time period for completion, and the responsible party that will perform the maintenance. This maintenance schedule shall be printed on the approved stormwater management plan.

C. Stormwater management facilities serving multiple lots in residential subdivisions shall be accepted by the City in accordance with the following procedures and requirements:

(1) Facilities may be accepted one year after all of the houses in the development are completed but no sooner than two years after completion of the stormwater management facilities. At the end of this interim period and prior to acceptance, the Department shall certify that the facilities remain in proper operating condition and meet all applicable governmental requirements in effect at the time of initial construction.

(2) A deed to the Mayor and Common Council of Westminster, its successors and assigns, shall be executed and delivered to the City, which shall convey the stormwater management facilities and an adequate access road to the City in fee simple (or by such easement acceptable to the City) and shall include a perpetual easement or right-of-way for sufficient access to and from the facilities and a state, county or city street or road. The deed shall include a sufficient maintenance and access area surrounding the structures and facilities as determined by the Department.

(3) The property owner shall be responsible for all maintenance of stormwater management facilities as required by the City prior to acceptance by the City.

(4) Prior to final acceptance by the City of the stormwater management facility and appurtenant easements as set forth in this subsection, the property owner shall pay the inspection and maintenance fee required by § 136-17 of this chapter. Until the fee is paid, no building permits or use and occupancy permits shall be issued for the last 20% of the total number of residential lots shown on the subdivision plat of the area served by the particular stormwater management facility.

§ 136-27. Notice of violation; stop-work orders; denial of permits.

A. When the Department determines that a violation of the approved stormwater management plan has occurred, it shall notify the developer, in writing, of the violation, describe the required corrective action and specify the time period in which to have the violation corrected.

B. If the violation persists after the date specified for corrective action in the notice of violation, the Department shall stop work on the site. The Department shall determine the extent to which work must be stopped, which may include all work on the site except that work necessary to correct the violation.

C. If reasonable efforts to correct the violation are not undertaken by the developer, the Department shall refer the violation for legal action. The City may also perform the remedial work and make claim against the bond for its expenses and costs.

D. The City may deny the issuance of any permits for any project or property to an applicant when it determines that the applicant is not in compliance with the provisions of any building or grading permit or approved stormwater management or erosion and sediment control plan, or has failed to comply with any other provisions of this chapter.

E. If a person is working without stormwater management approval, the Department shall stop work on the site except activity necessary to provide erosion and sediment control. The stop-work order shall remain in effect until the approval is obtained.

§ 136-28. Violations and penalties; forms of relief.

Any person convicted of violating the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than $5,000 or imprisonment not exceeding one year, or both, for each and every violation, with costs imposed in the discretion of the court and not to exceed $50,000. Each day that the violation continues shall be a separate offense. In addition thereto, the Mayor and Common

Council may institute injunctive, mandamus or other appropriate action or proceedings at law or equity for the enforcement of this chapter or to correct violations of this chapter, and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent, injunctions or mandamus or other appropriate forms of remedy or relief.

§ 136-29. Right to appeal; filing.

Any person aggrieved by the action of any official charged with the enforcement of this chapter, as the result of the disapproval of a properly filed application for a permit, the issuance of a written notice of violation, or an alleged failure to properly enforce this chapter in regard to a specific application, shall have the right to appeal the action to the Circuit Court for Carroll County. Such should be taken according to the Maryland Rules of Procedure as set forth in Title 7, Chapter 200.

Chapter 139

STREETS AND SIDEWALKS

GENERAL REFERENCES

Charter provisions — See §§ 34 through 39 of the City Charter.

Public Works Director — See Ch. 29, Art. VII

Trees — See Ch. 148.

Zoning and subdivision of land — See Ch. 164.

Fees — See Ch. A175.

ARTICLE I
General Provisions

§ 139-1. Powers and duties of Street Commissioner.

The Street Commissioner shall have the powers and perform the duties prescribed for him by the City Charter, this Code and other ordinances and as may, from time to time, be prescribed by the legislative body.

§ 139-2. Specifications and standards. [Amended 12-6-2007 by Ord. No. 773]

The Street Commissioner shall prepare specifications and standards, not inconsistent with law, the City Charter, this Code or other ordinances, for the grading, construction, maintenance and repair of streets, sidewalks, curbs and gutters and shall submit such specifications and standards to the legislative body. Upon approval thereof by the legislative body and filing thereof in the office of the Public Works Director, such specifications and standards shall have the effect of rules and regulations of the legislative body. The Street Commissioner may, from time to time, recommend amendments thereof to the legislative body; and such amendments, when approved by the legislative body and placed on file in the office of the Public Works Director, shall likewise have the effect of rules and regulations of the legislative body.

§ 139-3. Obstructions prohibited.

It shall be unlawful for any person to stand, sit, lounge or be or place any chairs, wood, coal or other obstacles on any sidewalks or streets in the City so as to block up or bar such sidewalks or streets unnecessarily or materially hinder or impede the free and uninterrupted passage thereof by all persons or vehicles having occasion to pass or park thereon.

§ 139-4. Keeping sidewalks and gutters clean.

A. Owners and occupants of premises fronting upon any street with a paved sidewalk shall keep such sidewalk free and clean of all filth, dirt, earth or any other obstruction of any kind whatsoever at all times of the year and, during the months of May, June, July, August and September, clear and clean of all grass or any other foreign substances growing therein.

B. Owners and occupants of premises fronting upon any street with paved sidewalks shall remove snow and ice from the traveled portions of the sidewalk to a width of at least 30 inches within 24 hours after any snow or ice ceases to fall.

C. It shall be unlawful to remove or deposit such obstructions, filth, dirt, earth, snow, ice and grass as set forth above in Subsections A and B in such a manner that results in the obstruction or impediment of the

natural drainage flow of water through any gutters or to discharge or place such materials on the traveled portion of any public streets.

§ 139-5. Use of sidewalks by merchants and contractors.

A. Sections 139-3 and 139-4 shall not be construed to prohibit the Director of Public Works, upon application therefor, from granting permits to merchants to use portions of the sidewalks in front of their places of business for the display of merchandise or for temporary advertising displays or to construction contractors to use portions of streets and sidewalks for the storage of materials or for necessary work relating to construction projects. The applicant shall also pay the fee provided in the General Fee Ordinance.[53] The Director of Public Works is authorized to establish policies for the implementation of this subsection subject to approval by resolution of the Mayor and Common Council. **[Amended 10-1-1993 by Ord. No. 582; 12-6-2007 by Ord. No. 773; 11-24-2008 by Ord. No. 791]**

B. No permit shall authorize any interruption or impediment to the flow of water in any gutter or drain. Such permits shall be for not longer than 30 days, but they may be renewed at the discretion of the Public Works Director. No such permit for the display of merchandise shall authorize the use of more than four feet of the width of any sidewalk, and all such permits for the storage of construction materials or for work on a construction project shall contain a condition that ample space be provided for the passage of pedestrians and vehicular traffic and that adequate safeguards be installed and maintained for the protection of persons and property, as may be specified by the Public Works Director. **[Amended 12-6-2007 by Ord. No. 773]**

C. All merchants and/or contractors shall keep all streets and pavements free and clean of all debris, filth, dirt, earth, stones, snow, ice or any other obstruction of any kind whatsoever which accumulates or is deposited on the streets or pavements as a result of the merchants' and/or contractors' activities, vehicles, equipment or machinery.

§ 139-6. Level of fixtures in sidewalks.

No owner or occupant of any premises shall install or maintain or suffer to be installed or maintained upon any sidewalk in front of his premises any water box, pipe or other fixture which extends above the surface of such sidewalk, and all such fixtures shall be flush with the surface of the sidewalk, provided that this section shall not apply to fire hydrants, parking meters or other fixtures installed or maintained by any governmental authority.

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53. Editor's Note: See Ch. A175, Fees, Art. I, General Fees.

§ 139-7. Tree trimming.

The owners and occupants of premises fronting on any of the streets of the City shall trim and keep trimmed the trees on such lots and the trees growing along the curbs of the pavement of such lots in such manner that the boughs of such trees shall not interfere with lamps or lampposts or obstruct, delay or hinder the free passage of any pedestrian or vehicular traffic along any street. It shall be the duty of the Street Commissioner to notify all persons who may refuse or neglect to comply with this section to so comply within five days, and, in case of continued neglect or failure to comply at the end of five days from such notification, the Street Commissioner shall then trim or cause to be trimmed or cropped or cut down said trees in such manner that the boughs thereof will no longer obstruct, hinder or delay any pedestrian or vehicular traffic or interfere with lamps or lampposts as aforesaid; and the owner or person in charge of such lot whereon or before which said trees grow shall forfeit and pay to the City the cost of trimming said trees, and such cost shall be a lien upon the property upon which such trees are located, to be collected in the same manner as city taxes are collected, and the payment thereof shall not bar prosecution for violation of this section.

§ 139-8. Prohibited acts.

A. No person shall push, drive or pull any wheelbarrow, cart, truck or other wagon or vehicle along, on or over any pavement or sidewalk of the City except in cases of necessity and then only across such pavements or sidewalks at places maintained therefor, provided that this section shall not apply to vehicles or carriages used for the carriage or transportation of infants or young children or vehicles used by small children under seven years of age in play or to wheelchairs for persons who are crippled or infirm.

B. It shall be unlawful for any person to cast or deposit upon any street, sidewalk or gutter any broken glass, nails, tacks or other substances liable to injure the feet of animals or damage the pneumatic tires of vehicles.

C. It shall be unlawful for any person to tear down, remove or interfere with any sign, barrier, rope or other object placed on or across any street, lane or alley within the City which shows or is intended to show that a portion of any such street, lane or alley is closed and not open to public travel or traffic.

D. No person, without authority from the Street Commissioner, shall willfully tear up or deface any street, sidewalk, curb or gutter or move or carry away any stone, dirt or other substance therefrom.

ARTICLE II
Streets

§ 139-9. Initiation of project.

Whenever the legislative body, of its own volition, shall propose to lay out, open, widen or extend any street in the City or whenever any responsible citizen thereof or person holding real or leasehold property therein shall apply to the legislative body by petition for the same purpose, the legislative body shall cause notice thereof to be published for at least two weeks in one or more of the newspapers published in the City, in which shall be stated the object proposed, where the same is to be located, its extent, what and whose property is likely to be affected thereby, also the time and place fixed for the hearing and determination of the matter and warning all persons interested who may desire to oppose the project to file their objection, in writing, with the City Clerk on or before the day fixed for such hearing; and at the time appointed, the legislative body shall take the whole subject matter into consideration and from the petition, objections and such other testimony as may be produced before them, shall determine whether, in its judgment, the public welfare or convenience requires that such street or alley should be laid out, opened, widened or extended as proposed. And should any such petition be rejected, the petitioners therein shall be required to pay the costs incurred thereby.

§ 139-10. Apportionment of costs.

Should the legislative body decide that the public convenience or welfare requires that any street or alley shall be laid out, opened, widened or extended as provided in § 139-9, they shall immediately determine whether the damages and expenses thereof shall be levied upon the entire assessable property of the City and paid out of the City treasury or shall be paid by the owners of property specially benefited thereby or whether such damages and expenses shall be paid in part by the City and in part by the owners of property specially benefited, and the proportion to be paid by either; and they shall also cause an accurate survey and plat to be made by a competent surveyor of the ground and premises proposed to be taken to lay out, open, widen or extend the street or alley, on which plat shall be located and shown the particular property and quantity thereof, included in the proposed improvement belonging to each owner of said ground and premises.

ARTICLE III
Sidewalks and Curbs

§ 139-11. Duty of property owners.

A. Each owner, and a tenant for 99 years or for 99 years renewable forever or the executor or administrator of such tenant or the guardian of an infant owner or a mortgagor in possession shall be deemed and taken as such owner, of a lot within the City and fronting on any street shall make or cause to be made a sidewalk and curb in front of such lot or premises in conformity with the grade and curbline as shall be established by the Street Commissioner. Such sidewalks and curbs shall be made of such material and in such manner as the legislative body shall by resolution prescribe, and it shall be the duty of such owner to keep such sidewalk and curb in good and substantial repair.

B. Before any owner of any lot or premises fronting upon any street within the City process to pave or repair any sidewalk or curb in front of any such lot or premises, he shall first apply to the Street Commissioner, in writing, for the grade and curbline of such sidewalk or curb.

§ 139-12. Specifications and standards.

Sidewalks and curbs shall be constructed, maintained and repaired in conformity with the specifications and standards prescribed by the Street Commissioner and approved by the legislative body, as provided in § 139-2.

§ 139-13. Notice to property owners.

Whenever, in the judgment of the legislative body, it may be necessary to fill up or dig down to the proper grade or pave or repair or relay the sidewalks or curbs in front of any lot or premises fronting upon any street within the City, the legislative body shall pass an order or resolution requiring the owner of any such lot or premises to fill up or dig down to the proper grade or pave or repair or relay the sidewalk or curb within 30 days from the time when such owner shall have been notified of such order by the Street Commissioner, such notice to be served upon any lot owner residing within the City, but in the event of any such lot owner being a nonresident of the City, then the notice may be served personally or the Street Commissioner shall publish it in some newspaper published in the City not less than four consecutive times, and the notice of 30 days to be reckoned from the second publication; if any owner of any such lot or premises fronting on any street in the City shall neglect to fill up, dig down, pave or repair or relay the sidewalk or curb within 30 days when notice shall have been given as aforesaid, the legislative body may immediately thereafter direct the Street Commissioner to cause the work to be done at the expense of the owner of said lot, which expense, together with an addition thereto of 10% for the expense of collection, shall be a lien on such property until paid and shall be collected in the same manner that ordinary taxes are collected or in the same manner as other debts of like amount are recovered pursuant

to state law, provided that the additional 10% for the expense of collection hereinbefore specified shall not be charged except in cases wherein the City is obliged to resort to legal proceedings to make such collection.

ARTICLE IV
Closing Streets

§ 139-14. Petition to close. [Added 11-24-2008 by Ord. No. 791]

Any citizen of the City may apply by petition to the legislative body for the closing of any street, alley or avenue in the City, in whole or in part, but before filing such application the citizen shall give 30 days' notice thereof in at least one newspaper published in the City. The citizen shall also pay to the City a fee as provided in the General Fee Ordinance.[54]

§ 139-15. Action on petition.

Upon receipt of a citizen's petition to close, in whole or in part, any street, alley or avenue in the City, the legislative body shall take into consideration the reasons contained in the petition and in any counterpetition which may be filed and such other testimony as may come before it and determine the case as, in its opinion, shall seem right and proper.

§ 139-16. Examiners.

A. Whenever the legislative body shall decide that it is expedient that any street, alley or avenue, in whole or in part, be closed, it shall appoint three examiners, who shall be freeholders of the City and not interested in or holding lands adjacent to the street, alley or avenue or part thereof proposed to be closed, who, before they proceed to act as such, shall take an oath to execute the trust reposed in them by the Commission to them issued faithfully and without favor, affection or partiality and which oath shall be endorsed on the Commission and returned therewith.

B. The examiners or a majority of them shall value and ascertain the damages that may be sustained by each person adjacent to the street, alley or avenue or that part thereof sought to be closed, and they shall make such ascertainment a part of their return to the legislative body; and such ascertainment, with the rest of the proceedings of the examiners, shall be subject to ratification, rejection or alteration by the legislative body in such manner as in its judgment shall be just

§ 139-17. Apportionment of costs.

The legislative body shall determine whether the damages adjudged by the examiners shall be paid by the persons petitioning for the closing of any street, alley or avenue or any part thereof or levied on the City, or may direct that the same be paid by the petitioners and the City, in such proportion as it may deem just, and that damages shall in all cases be paid to the respective parties or their guardians, agents or attorneys before the alley, street or avenue shall be closed, and in case of the death of any party concerned, after the valuation made by the examiners or a majority

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54. Editor's Note: See Ch. A175, Fees, Art. I, General Fees.

of them, the damages finally adjudged to him shall be paid to his personal representatives.

§ 139-18. Report by examiners.

The examiners appointed pursuant to this article or a majority of them, after the giving of 30 days' notice thereof in at least one newspaper published in the City, shall meet on the premises and proceed to examine and determine whether the public convenience requires that the street, alley or avenue or part thereof shall be closed, and they shall cause a plat of the street, alley or avenue or that part thereof to be closed to be made out and shall return the same, together with a full report of their proceedings under their hands, to the legislative body, together with their recommendations as to the closing or continuing open of the street, alley or avenue or part thereof in question and the reasons upon which such recommendations are based.

§ 139-19. Action on report.

If objection is made to the return of the examiners at the meeting of the legislative body next succeeding the meeting at which such return was made, the legislative body may proceed to pass judgment thereon and affirm or reject the same or order it to be amended in its discretion, or may continue over the proceedings of its next meeting and so on from time to time, so long as it may think proper.

§ 139-20. Compensation of examiners.

The examiners shall be entitled to such compensation for their services as may be prescribed by the legislative body, which, with all charges arising from the survey or attendance of witnesses or other expenses, shall be, in the discretion of the legislative body, paid by the petitioners or levied, collected and paid by the City or apportioned between the petitioners and the City as the legislative body shall determine.

ARTICLE V
Projections Over Sidewalks

§ 139-21. Permit required. [Added 11-24-2008 by Ord. No. 791]

No outdoor display sign or display structure shall be erected over any pavement or sidewalk area by attachment to, suspension from or support on a building or structure until a permit for the same has been issued by the Mayor and Common Council, for which permit there shall be paid a fee as provided in the General Fee Ordinance.[55] Each such application shall be in writing, and the applicant shall state therein the location, legend, size and material of the proposed sign, the method of attaching the sign to the building or structure and the height of the sign from the pavement or sidewalk. No permit shall be granted for the erection of a sign that would extend over the pavement or sidewalk more than 12 inches from any building or structure, nor shall any permit be granted for the erection of a sign without its height, length, legend and design also being approved by the Mayor and Common Council.

§ 139-22. Limit of projection; penalty for violations.

A. From and after September 1, 1972, it shall be unlawful for the owner or occupant of any building or structure within the City to keep or maintain any sign or advertising structure of any nature that shall extend more than one foot over any pavement or sidewalk.

B. From and after September 1, 1972, no person, firm or corporation shall erect or maintain on any sidewalk or pavement any sign or advertising structure or device of any nature.

C. Any person, firm or corporation violating any of the provisions of this section shall be subject to a fine of not less than $25, and each and every day any such sign or structure shall remain in violation hereof shall be construed to be a separate offense.

§ 139-23. Awnings. [Amended 12-6-2007 by Ord. No. 773; 11-24-2008 by Ord. No. 791]

No awning shall be erected over any pavement or sidewalk until a permit to do so has been issued by the Public Works Director for which permit there shall be a fee as provided in the General Fee Ordinance.[56] Each application for such a permit shall be in writing, and the applicant shall state therein the location, Size and material of the proposed awning, the method of attaching the awning to the building or structure and the height of the awning from the pavement or sidewalk. No permit shall be granted for the erection of an awning that would be within seven feet of a pavement or sidewalk, nor shall any permit be granted for the erection of a permanent type awning.

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55. Editor’s Note: See Ch. A175, Fees, Art. I, General Fees.

56. Editor's Note: See Ch. A175, Fees, Art. I, General Fees.

§ 139-24. Nuisances.

All porches, porticoes or other elevated structures one or more stories high over any pavement or sidewalk of the City in front of any building or lot and which are supported by posts or pillars stationed inside of eight feet clear from the front of the houses or lots on any street or which may have a roof or cover less than eight feet clear from the sidewalk or pavement and all doorsteps, stoops or porticoes in front of any dwelling or other houses in the City fronting on any street thereof, which extend more than four feet over the pavements or sidewalks of any street or which do not leave at least five feet of such sidewalks for free and unobstructed passage in front thereof, be and the same are hereby declared to be public nuisances; and the Planning and Public Works Director, when so directed by the legislative body in any case, shall give notice to the owners of any such porches, porticoes or elevated structures aforesaid or of such doorsteps, stoops or porticoes declared in this section to be nuisances or to the tenant of the premises to which they are attached and belong for the removal of such posts, pillars, porches, porticoes, doorsteps or other obstructions above mentioned or the modification thereof in such manner as the legislative body may direct so as to abate or remove the nuisance within 20 days from the delivery of such notice; and if the same are not removed or modified in accordance with such notice at the end of such 20 days, the owner of such building or premises to which the nuisance is attached or who owns such nuisance shall be subject to prosecution for violation of this section, and such nuisance shall be subject to abatement by the Planning and Public Works Director at the cost of the owner thereof and in case of his refusal to pay such costs shall constitute a lien upon the property in favor of the City to be collected in the same manner as city taxes are collected.

ARTICLE VI
Excavations
[Amended 8-11-2003 by Ord. No. 705; 12-6-2007 by Ord. No. 773; 11-24-2008 by Ord. No. 791; 8-22-2016 by Ord. No. 868]

§ 139-25. Permit required.

It shall be unlawful for any person to dig up, underbore, install any facilities or structure, or otherwise occupy any area within, above or below any part of the public streets, sidewalks or other rights-of-way or public places of the City for the purpose of putting down, laying or installing gas or water pipes, cellar or other drains, fiber optic conduit or cabling, wireless facilities or support structures, or any other utility or communications facilities, without first having applied for and obtained a permit from the Public Works Director for that purpose. Any such person shall pay to the City a permit fee in the amount provided in the General Fee Ordinance.[57] Nothing in this article shall affect or limit the City's right to charge a separate fee for access to or the use of City-owned property or facilities.

§ 139-26. Permit limitations.

Any permit granted pursuant to this article shall be in addition to, and not in lieu of, any fee, rent, lease, license or franchise required to occupy, or place facilities on or to attach to, City property, facilities or rights-of-way.

§ 139-27. Construction plan.

An applicant for a permit under this article shall provide information specified by the Director, demonstrating the intended scope of the installation and the expected placement of facilities addressed under this article.

§ 139-27.1. Filling and restoring surface.

Each holder of a permit issued pursuant to this article shall, within the period of time specified in such permit or, if no time limit is specified therein, within 10 days after completion of the work authorized by the permit, adequately refill with the same type of material as had been removed or with other materials approved by the Public Works Director, without disturbing or damaging existing City infrastructure, and restore the surface of the place so excavated to as good condition as it was before such excavation was made, and upon failure to do so within the time required, such person shall be guilty of a municipal infraction subject to a fine of $1,000.

§ 139-27.2. Bond or deposit.

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57. Editor's Note: See Ch. A175, Fees, Art. I, General Fees.

A. Prior to the issuance of any permit required by this article, the Public Works Director may require the applicant to give bond with corporate surety, payable to the City, in such amount as may be considered by the Public Works Director to be adequate to cover the costs and expenses of filling the authorized excavation and restoration of the surface of the place excavated to as good condition as it was prior to the excavation and conditioned upon the applicant's compliance with § 139-27.1, but in lieu of such bond, a cash deposit with the City Treasurer for such purpose shall be acceptable.

B. Notwithstanding the provisions of Subsection A of this section, in the case of any application to excavate, underbore or otherwise disturb any City street, sidewalk or right-of-way in which any City-owned utilities, fiber, or conduit are located, the applicant shall post a bond in the amount of 110% of the cost of the work that is the subject of the permit to repair any direct, indirect, or incidental damage to City facilities or infrastructure, to fill any excavation, and to restore the surface of the disturbed area. The posting of such bond shall not excuse the permit holder from liability for the entire cost of any such necessary repairs or restoration and shall be in addition to permit fee imposed by the City pursuant to § 139-25 of this article.

§ 139-27.3. Safety measures during construction.

From the time any installation or excavation is begun pursuant to a permit required by this article until completion of the work and restoration of the area where the installation or excavation took place, the permit holder shall be responsible for the installation and maintenance of adequate safeguards to protect persons, animals and property from the dangers directly or indirectly arising from all work done with respect to such installation or excavation, and the following safeguards, among others, which may be necessary or appropriate, shall be mandatory: warning signs, adequate illumination at night and during other periods of darkness or poor visibility and enclosure of the place of excavation or installation by barricades, rope or other suitable fixtures.

§ 139-28.1. Wireless facilities and support structures.

A. The installation of wireless facilities and support structures in the City rights-of-way shall require a permit under this article. No permit shall be issued with respect to the installation of wireless facilities and support structures in or on any City street, sidewalk, or right-of-way unless and until the permit applicant and the City parties have negotiated and executed a franchise or right-of-way use agreement setting forth the terms and conditions, including providing for fair compensation to the City for the applicant's use of its rights-of-way, and where applicable, lease payments for the use of any City-owned poles or facilities.

B. An applicant for such a permit shall submit the following information pertaining to particular sites or a proposed deployment:

(1) A technical description of the proposed facilities, along with detailed diagrams accurately depicting all proposed facilities and support structures;

(2) A detailed deployment plan describing construction planned for the twelve-month period following the permit, and a description of the completed deployment;

(3) An engineering certification relating to the proposed construction;

(4) A statement relating to co-location;

(5) A statement demonstrating the permittee's duty to comply with applicable safety standards for the proposed activities in the City rights-of-way;

(6) In the case of a proposed attachment to a City-owned facility located in the City rights-of-way, an executed attachment agreement with the City;

(7) In the case of a proposed attachment to an investor-owned utility pole in the rights-of-way, proof of the existence of an executed attachment agreement with the utility pole owner, setting forth, at a minimum, the title, date and term of the agreement and signed by the pole owner or authorized representative thereof; and

(8) Such other information as the Director may require.

§ 139-28.2. Wireless facilities requirements and findings.

A. Wireless facilities and support structures proposed to be located on City streets, sidewalks or other rights-of-way shall meet the following requirements:

(1) Absent a special finding by the Director, wireless facilities may only be installed on existing utility poles or light poles, and only entities certificated by the Maryland Public Service Commission pursuant to the Annotated Code of Maryland, Public Services and Utilities, Division I, Title 7 or Title 8,[58] may erect new poles in the City's rights-of-way.

(2) Any new pole installed in City rights-of-way to support wireless facilities shall:

(a) Comply with all structural and safety standards specified by the Director;

(b) Not obstruct pedestrian or vehicular traffic flow or sight lines;

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58. Editor's Note: See §§ 7-101 et seq. and 8-101 et seq. of the Public Utilities Article of the Annotated Code of Maryland.

(c) Not exceed 60 feet in height;

(d) Shall be designed to accommodate the co-location of at least three different wireless providers' antennas and related equipment;

(e) If metal, be treated or painted with nonreflective paint, and in a way to conform to or blend into the surroundings; and

(f) Comply with such other requirements and conditions as the Director may conclude are appropriate to impose.

(3) Any wireless facilities installed on a pole or any other structure in the rights-of-way shall:

(a) Have an equipment box or boxes no greater in collective size than 24 cubic feet in volume, provided that neither the width nor the depth of any box may exceed two linear feet;

(b) Have panel antennas no greater than two feet in height, and omni/dome antennas no more than four feet in height, and no wider than the 16 inches in diameter;

(c) Have no more than three panel antennas per pole, and no more than one omni/dome antenna per pole;

(d) Have microwave dishes no greater than two feet in diameter, with no more than three microwave dishes per pole;

(e) Be treated or painted with nonreflective paint, and in a way to conform to or blend into the pole or the surroundings; and

(f) Comply with such other requirements and conditions as the Director may conclude are appropriate to impose.

B. Wireless facilities and support structures proposed to be located on City streets, sidewalks or other rights-of-way may be permitted upon a finding by the Director that:

(1) The application complies with all standards and requirements set forth in Subsection A;

(2) The location selected in the application is not in an area where there is an overconcentration of poles or other facilities in, on or over the streets, sidewalks or other rights-of-way; and

(3) The location selected, and scale and appearance of the wireless facilities and support structures to be installed, are consistent with the principles and goals of Chapter 164 of the Code.

§ 139-29. Exceptions.

A. No City permit shall be 139-29 required under this article to excavate any portion of a street that is a part of the state highway system and for

which a state permit is required under the provisions of the Annotated Code of Maryland, Transportation, § 8-646 (2015).[59]

B. No permit shall be issued with respect to any City street, sidewalk, or right-of-way where, in the judgment of the Public Works Director, sufficient capacity no longer exists for additional facilities to be placed in the proposed location without jeopardizing the physical integrity of utilities or other facilities already present in the proposed location or the safe and efficient vehicular or pedestrian use of the street, sidewalk, or right-of-way.

59. Editor's Note: See § 8-646 of the Transportation Article of the Annotated Code of Maryland.

ARTICLE VIA
Underground Facilities
[Added 7-14-2008 by Ord. No. 785]

§ 139-29.1. Marking.

A. The City is authorized to mark the location of any of its underground facilities wherever located in accordance with the provisions of with Subtitle 1 of Title 12 of the Public Utility Companies Article of the Annotated Code of Maryland (Article). For the purposes of this section, the term “underground facilities” has the meaning defined in § 12-101 of that Article.

B. Any person who requests or obtains any such markings shall pay to the City a fee for reimbursement of expenses of the amount adopted from time to time by resolution of the Mayor and Common Council. Any such fee shall not exceed the amount allowed under § 12-111 of the Article.

C. The Director of the Department of Public Works is authorized to adopt regulations for the implementation of this section and for the collection of the fees.

ARTICLE VII
Enforcement

§ 139-30. Violations and penalties. [Amended 8-11-2003 by Ord. No. 705]

Any violation of this chapter is declared to be an infraction. The penalty for violation shall be $250 for each offense.

Chapter 143

TAXATION

GENERAL REFERENCES

Charter provisions — See §§ 28 and 41 of the City Charter.

Special assessments — See Ch. 124, Art VI, and Ch. 133.

Department of Finance — See Ch. 19.

§ 143-1. Fiscal and tax years designated.

Beginning July 1, 1964, the fiscal year of the City shall be the period beginning July 1 in each year and ending June 30 in the following year; beginning July 1, 1964, the taxable year shall be the period beginning July 1 in each year and ending June 30 in the following year; and from and after July 1, 1964, the dates of finality shall be January 1 and July 1 of each year.

§ 143-2. Deadline for tax levy. [Amended 2-23-2009 by Ord. No. 797]

The tax levy hereafter shall be made not later than the 15th of June of each year.

§ 143-3. Due date; interest; penalty; semiannual payments. [Amended 4-22-1996 by Ord. No. 607[60]]

A. From and after July 1, 1964, and except as provided in Subsection B, all taxes for the taxable year beginning on July 1 in each year and ending on June 30 in the following year shall be due and payable on July 1 of the year in which levied and shall be subject to interest beginning October 1 at the rate of 2/3 of 1% for each month or fraction thereof until paid. Additionally, there is hereby imposed a tax penalty of 1/2 of 1% on unpaid taxes for each month or fraction thereof beginning October 1 until paid.

B. From and after July 1, 2000, the owner(s) of owner-occupied residential property has(have) been afforded the right to pay property taxes for such property due on owner-occupied residential property on a semiannual payment schedule under the provisions of § 10-204.3 of the Tax Property Article of the Annotated Code of Maryland. Owner(s) who pay real property taxes on a semiannual basis shall also pay a service charge as authorized by that section and as established by the Mayor and Common Council in its ordinance providing for the levy of taxes. Nothing herein shall preclude the owner(s) of owner-occupied residential property from paying property taxes on an annual basis. **[Amended 5-22-2000 by Ord. No. 652]**

60. Editor's Note: This ordinance provided an effective date of 7-1-1996.

C. A payment under a semiannual schedule is due: **[Amended 5-22-2000 by Ord. No. 652]**

(1) For the first installment:

(a) On July 1 of the tax year;

(b) May be paid without interest on or before September 30 of the tax year; and

(c) If not paid on or before September 30 of the tax year, shall bear interest beginning October 1 at the rate of 2/3 of 1% for each month or fraction thereof until paid, and a tax penalty of 1/2 of 1% on the unpaid first installment for each month or fraction thereof beginning October 1 until paid.

(2) For the second installment:

(a) On December 1 of the tax year.

(b) Except for the service charge, may be paid without interest on or before December 31 of the tax year.

(c) If not paid on or before December 31 of the tax year, shall bear the service charge provided in Subsection B and shall bear interest beginning January 1 at the rate of 2/3 of 1% for each month or fraction thereof until paid, and a tax penalty of 1/2 of 1% on the unpaid second installment for each month or fraction thereof beginning January 1 until paid.

(d) May be prepaid without the service charge or interest on or before September 30 of the tax year.

D. The City is authorized to enter into such agreements with other governmental units as it deems necessary to collect real property taxes, including, but not limited to, those collected on a semiannual basis.

§ 143-4. Assessment and levy.

The legislative body shall have power to select as the subjects of city taxation such classes of personal property, of land or improvements on land, assessable under Article 81 of the Annotated Code of Maryland, 1957,[61] as it may deem wise, and to levy such special or limited rates of city taxation as it may deem wise on any class of property so selected as a subject of city taxation for which a fixed or limited rate of city taxation is not prescribed by the aforesaid Article 81 or by the City Charter, provided that all such city taxes shall be levied upon assessments made pursuant to the aforesaid Article 81 by the County Commissioners of Carroll County or by the State Department of Assessments and Taxation, except that the Director of the City Department of Finance shall have the right and authority to provide for

61. Editor's Note: See now the Tax-General and Tax-Property Articles of the Annotated Code of Maryland.

the assessment of any escaped taxable property in the City which shall be subject to the regular tax rate of the City on the assessment thus made until such property has been assessed by the appropriate assessing authorities under the aforesaid Article 81. There shall be the same right of appeal in cases of such assessments as is provided by law for assessments made by the County Commissioners.

§ 143-5. Historic tax credit: historically valuable, architecturally valuable or architecturally compatible structures. [Added 4-24-2000 by Ord. No. 647; amended 4-23-2001 by Ord. No. 667]

A. Establishment of historic tax credit program for qualified expenses. In accordance with § 9-204 of the Tax-Property Article of the Annotated Code of Maryland, there is hereby established a City of Westminster real property tax credit in the amount of 10% of the qualified expenses for the restoration and preservation of an eligible historic property, and 5% of the qualified expenses for the construction of an architecturally compatible new structure on an eligible historic property.

B. Definitions. In this section, the following terms have the meanings indicated: **[Amended 1-9-2006 by Ord. No. 740]**

CERTIFICATE OF ELIGIBILITY — A document issued by the Commission to the owner of an eligible property, which authorizes the Department of Finance to apply an historic tax credit to the eligible property under this section.

COMMISSION — The Historic District Commission created under § 164-51.3 of the City Code.

CONTRIBUTING PROPERTY — Property included in the 1977 Survey of Historic Structures in Westminster, described in the Building of Westminster by Christopher Weeks, or in the updated 1998 edition, Index Map Historic Survey of 1977 prepared by the Maryland Historic Trust listed in Categories A, B, C, D and F, or in receipt of a Certification of Significance from the Maryland Historic Trust.

ELIGIBLE PROPERTY —

(1) Properties located within the City's Local Historic District;

(2) Properties listed individually in the National Register of Historic Places; or

(3) Contributing properties located within a National Registered District.

ELIGIBLE WORK —

(1) Work done on an eligible property:

(a) In compliance with regulations approved by the Commission;

(b) After the owner receives initial approval of an application for a certificate of eligibility; and

(c) In conformity with the application for which approval was given.

(d) In conformity with the Secretary of the Interior's "Standards for the Treatment of Historic Buildings" (1995).

(2) "Eligible work" includes:

(a) The repair or replacement of exterior features of an existing structure;

(b) Work that is necessary to maintain the physical integrity of an existing structure with regard to safety, durability or weatherproofing; or

(c) Maintenance of the exterior of an existing structure, including routine maintenance;

(d) New construction of an architecturally compatible structure; or

(e) Interior restorations necessary to restore or maintain the historic integrity and efficient or safe functioning of an eligible property, excluding elective and/or cosmetic renovations.

(3) "Eligible work" does not include landscape maintenance or new landscape plants.

QUALIFIED EXPENSES —

(1) The amount of money paid by the owner of an eligible property to a licensed contractor for eligible work or for materials used to do eligible work by the owner.

(2) In order to be eligible for a tax credit under this section, qualified expenses must be $5,000 or greater. **[Amended 11-26-2007 by Ord. No. 772]**

C. Procedures.

(1) The owner of an eligible property may apply to the Commission for an historic tax credit for qualified expenses. The application shall be in the form and accompanied by additional information that the Commission may require by regulation.

(2) The Commission shall give preliminary approval of a certificate of eligibility if it determines the property to be an eligible property and if it determines that the proposed work is eligible work.

(3) All eligible work shall be completed within 24 months after the Commission has given preliminary approval of a certificate of

eligibility. Upon written request, and at its discretion, the Commission may grant an extension of time for the completion of eligible work for an additional period not to exceed 12 months.

(4) Upon completion of the work, the owner shall submit to the Commission documentation that the work was done in accordance with the preliminary approval of the certificate of eligibility and shall document all qualified expenses.

(5) Review.

(a) The Commission shall review the application, the preliminary approval and the documentation. If the Commission is satisfied with this information, it may give final approval of the certificate of eligibility and shall determine:

[1] What work is eligible work; and

[2] The dollar amount of qualified expenses for the work.

(b) The dollar amount of qualified expenses and the amount of the tax credit, if any, shall be entered on the certificate of eligibility.

(6) If the Commission is not satisfied with the information, it may deny approval of the certificate of eligibility.

(7) An owner who is denied all or part of a tax credit by the Commission may appeal the denial to the Circuit Court for Carroll County in accordance with the provisions of Chapter 200 of Title 7 of the Maryland Rules of Procedure.

(8) After final approval by the Commission, it shall forward the certificate of eligibility to the Department of Finance.

(9) The Department of Finance shall grant the historic tax credit in the form of a rebate, which shall not exceed the amount of the City of Westminster real property tax which has been previously paid in the year the credit is issued.

(10) If the amount of the historic tax credit under this section exceeds the amount of the City of Westminster real property tax, any unused portion of the tax credit shall be carried forward for up to five tax years.

(11) A certificate of eligibility runs with the property, and change of ownership does not result in the lapse of a tax credit granted under this section.

(12) If, for any reason, eligible property granted a tax credit under this section ceases to qualify for the credit, any unused tax credit shall lapse.

(13) During the period in which the tax credit is used, a property owner cannot make any changes to the approved work in the certificate of eligibility without first having obtained the express written approval of the Commission.

§ 143-6. Historic tax credit for increase in assessed value due to restoration or rehabilitation of historic properties. [Added 4-24-2000 by Ord. No. 648; amended 4-23-2001 by Ord. No. 668]

A. Establishment of historic tax credit program for increase in assessed value. In accordance with § 9-204.1 of the Tax-Property Article of the Annotated Code of Maryland, there is hereby established a City of Westminster real property tax credit in an amount equal to the difference between:

(1) The City of Westminster real property tax that, but for the tax credit, would be payable on the assessed value of an eligible historic property after the completion of eligible work; and

(2) The City of Westminster real property tax that would be payable on the assessed value of the property if the eligible work was not done.

B. Definitions. In this section, the following terms have the meanings indicated: **[Amended 1-9-2006 by Ord. No. 740]**

CERTIFICATE OF ELIGIBILITY — A document issued by the Commission to the owner of an eligible property, which authorizes the Department of Finance to apply an historic tax credit to the eligible property under this section.

COMMISSION — The Historic District Commission created under § 164-51.3 of the City Code.

CONTRIBUTING PROPERTY — Property included in the 1977 Survey of Historic Structures in Westminster, described in the Building of Westminster by Christopher Weeks, or in the updated 1998 edition, Index Map Historic Survey of 1977 prepared by the Maryland Historic Trust listed in Categories A, B, C, D and F, or in receipt of a Certification of Significance from the Maryland Historic Trust.

ELIGIBLE PROPERTY —

(1) Properties located within the City's Local Historic District;

(2) Properties listed individually in the National Register of Historic Places; or

(3) Contributing properties located within a National Registered District.

ELIGIBLE WORK —

(1) Work done on an eligible property:

(a) In compliance with regulations approved by the Commission;

(b) After the owner receives initial approval of an application for a certificate of eligibility;

(c) In conformity with the application for which approval was given; and

(d) In conformity with the Secretary of the Interior's Standards for the Treatment of Historic Buildings (1995).

(2) "Eligible work" includes:

(a) The repair or replacement of exterior features of an existing structure;

(b) Work that is necessary to maintain the physical integrity of an existing structure with regard to safety, durability or weatherproofing;

(c) Maintenance of the exterior of an existing structure, including routine maintenance;

(d) New construction of an architecturally compatible structure; or

(e) Interior restorations necessary to restore or maintain the historic integrity and efficient or safe functioning, of an eligible property, excluding elective and/or cosmetic renovations.

(3) "Eligible work" does not include landscape maintenance or new landscape plantings.

QUALIFIED EXPENSES —

(1) The amount of money paid by the owner of an eligible property to a licensed contractor for eligible work or for materials used to do eligible work by the owner.

(2) In order to be eligible for a tax credit under this section, qualified expenses must be $5,000 or greater. **[Amended 11-26-2007 by Ord. No. 772]**

C. Procedures.

(1) The owner of an eligible property may apply to the Commission for an historic tax credit for the increase in assessed value due to the restoration or rehabilitation of historic properties. The application shall be in the form and accompanied by additional information that the Commission may require by regulation.

(2) The Commission shall give preliminary approval of a certificate of eligibility if it determines the property to be an eligible property and if it determines that the proposed work is eligible work.

(3) All eligible work shall be completed within 24 months after the Commission has given preliminary approval of a certificate of eligibility. Upon written request, and at its discretion, the Commission may grant an extension of time for the completion of eligible work for an additional period not to exceed 12 months.

(4) Upon completion of the work, the owner shall submit to the Commission documentation that the work was done in accordance with the preliminary approval of the certificate of eligibility and shall document all qualified expenses in such form as the Commission may require by regulation.

(5) Review.

(a) The Commission shall review the application, the preliminary approval and the documentation. If the Commission is satisfied with this information, it may give final approval of the certificate of eligibility and shall determine:

[1] What work is eligible work; and

[2] The dollar amount of qualified expenses for the work.

(b) The dollar amount of qualified expenses and the amount of the tax credit, if any, shall be entered on the certificate of eligibility.

(6) If the Commission is not satisfied with the information, it may deny approval of the certificate of eligibility.

(7) An owner who is denied all or part of a tax credit by the Commission may appeal the denial to the Circuit Court for Carroll County in accordance with the provisions of Chapter 200 of Title 7 of the Maryland Rules of Procedure.

(8) After final approval by the Commission, it shall forward the certificate of eligibility to the owner, with a copy to the Department of Finance.

(9) The owner of an eligible property may file an application with the Department of Finance for a tax credit under this section if:

(a) A certificate of eligibility meeting the requirements of this section for work done on the property has been given final approval by the Commission; and

(b) The assessed value of the property has increased after a valuation or revaluation under § 8-104 of the Tax-Property Article of the Annotated Code of Maryland.

(10) The application shall be in a form as required by the Director of Finance and shall be accompanied by the certificate of eligibility.

(11) Upon receipt of an application under this section, the Department of Finance shall forward a copy of the certificate of eligibility to the State Department of Assessments and Taxation, which shall determine what portion, if any, of the increase in assessment is due to the eligible work.

(12) After the determination by the Department of Assessments and Taxation, the Department of Finance shall grant the City of Westminster real property historic tax credit under this section in the form of a rebate beginning with the first tax year in which the real property tax would increase as a result of the assessment.

(a) A tax credit under this section is granted annually for a term of 10 years, provided that no eligible work is altered without the prior approval of the Commission.

(b) If eligible work is altered without the prior approval of the Commission, the tax credit under this section shall lapse, beginning with the tax year immediately following the year in which notification is received by the Department of Finance.

(13) A certificate of eligibility runs with the property, and change of ownership does not result in the lapse of a tax credit granted under this section.

(14) If, for any reason, eligible property granted a tax credit under this section ceases to qualify for the credit, any unused tax credit shall lapse.

(15) During the period in which the tax credit is used, a property owner cannot make changes to the approved work in the certificate of eligibility without first having obtained the express written approval of the Commission.

§ 143-7. Homestead tax credit percentage. [Added 11-14-2005 by Ord. No. 738]

Pursuant to § 9-105(e) of the Tax-Property Article of the Annotated Code of Maryland, the homestead tax credit percentage for the City, effective for the taxable year beginning July 1, 2006, and subsequent tax years, shall be 107%.

§ 143-8. Job creation tax credit. [Added 6-13-2011 by Ord. No. 828]

A. Definitions. In this section, the following words and phrases have the meanings indicated:

AFFILIATE — A person:

(1) That directly or indirectly owns at least 80% of a business entity; or

(2) Eighty percent of which is owned, directly or indirectly, by a business entity.

AVERAGE COUNTY WEEKLY WAGE — The average weekly wage paid to a Carroll County worker as determined by the Maryland Department of Labor, Licensing and Regulation, or succeeding agency, with respect to total employment (private and public sector combined).

BUSINESS ENTITY — A person conducting a trade or business in the State of Maryland that is subject to the Maryland individual or corporate income tax, insurance premiums tax, financial institution franchise tax, or public service company franchise tax.

FULL-TIME POSITION — A position requiring at least 840 hours of an individual's time during at least 24 weeks in a six-month period.

(1) "New permanent full-time position" means a position that is:

(a) A full-time position of indefinite duration;

(b) Located in Maryland;

(c) Newly created as a result of the establishment or expansion of a business facility in the state; and

(d) Filled.

(2) "New permanent full-time position" does not include a position that is:

(a) Created when an employment function is shifted from an existing business facility of the business entity or its affiliates located in Maryland to another business facility of the same business entity or its affiliates, if the position does not represent a net new job in the state;

(b) Created through a change in ownership of a trade or business;

(c) Created through a consolidation, merger, or restructuring of a business entity or its affiliates, if the position does not represent a net new job in the state;

(d) Created when an employment function is contractually shifted from an existing business entity or its affiliates, located in the state to another business entity or its affiliates, if the position does not represent a net new job in the state; or

(e) Filled for a period of less than 12 months.

NEW OR EXPANDED PREMISES — Real property, including a building or part of a building that has not been previously occupied, where a business entity or its affiliates locate to conduct business.

B. Property tax credit established; conditions.

(1) There is hereby established a property tax credit against the City property tax imposed on real property owned or leased by business entities that meet the requirements specified in this section and on

personal property owned by said business entities and located on the premises for which the real property tax credit is granted.

(2) A tax credit may not be granted under this section if:

(a) The business entity or any of its affiliates has moved its operations to Westminster from another county in the state; or

(b) The new or expanded premises has otherwise been granted a tax credit or exemption under the Maryland Code Annotated Tax Property Article for the taxable year.

(3) To qualify for a tax credit under this section against personal property tax imposed by the City, a business entity must certify, on a form prescribed by the City, that the personal property is located on the premises that qualify for a property tax credit.

(4) To qualify for a tax credit under this section, before it obtains the new or expanded premises or hires employees to fill the new permanent full-time positions at the new or expanded premises, a business entity must provide written notification to the City of:

(a) Its intention to claim the property tax credit;

(b) The dates on which it expects to obtain the new or expanded premises and to hire the required number of employees in the new permanent full-time positions.

C. If a business entity meets the requirements for a tax credit under this section, the City will certify to the State Department of Assessments and Taxation and the Maryland Department of Business and Economic Development that the business entity has met the requirements for the tax credit for the taxable year that follows the date on which it met the requirements.

D. Qualifications for tax credit.

(1) To qualify for a property tax credit under this section, a business entity must:

(a) Obtain, during the twelve-month period preceding the first day of the taxable year for which the business entity first claims the tax credit established by this section, at least 5,000 square feet of new or expanded premises by purchasing or leasing newly constructed premises or by constructing new premises or causing new premises to be constructed; and

(b) Employ at least 25 individuals in new permanent full-time positions at the new or expanded premises during a twenty-four-month period beginning on or after the date that is 24 months before the first day of the taxable year for which the business entity first claims the tax credit established under this section and ending on or before the last day of the first year

for which the business entity claims the tax credit established under this section, 50% of which positions must pay at least 125% of the average county weekly wage.

E. Amount of tax credit. If a business entity meets the conditions and requirements of Subsections B and D of this section, the credit granted under this section shall equal a percentage of the property tax imposed as follows:

(1) Fifty-two percent for the first and second taxable years;

(2) Thirty-nine percent in the third and fourth taxable years;

(3) Twenty-six percent in the fifth and sixth taxable years; and

(4) Zero percent for each taxable year thereafter.

F. Reduction of taxes liable under lease agreements. The lessor of real property eligible for property tax credits under this section shall reduce by the amount of the property tax credits computed under this section the amount of taxes for which the eligible business entity is contractually liable under the lease agreement.

G. Recapture of claimed credits. All credits claimed under this section for a taxable year shall be recaptured if, during the three taxable years succeeding the taxable year in which a credit was claimed, the business entity's employment level or the square footage occupied by the business entity at the premises falls below the applicable thresholds required to qualify for the property tax credit under this section.

H. Annual report. On October 1 of each year, the City shall report to the State Department of Assessments and Taxation, the Maryland Department of Business and Economic Development, and the State Comptroller:

(1) The amount of each credit granted for that year; and

(2) Whether the business entity is in compliance with the requirements for the tax credit.

I. Entitlement to claim credit.

(1) After a business entity has complied with all the requirements provided in this section, the business entity shall be entitled to claim the tax credit for the term provided in this section.

(2) No abrogation of this law or law hereinafter enacted that eliminates or reduces the tax credits available under this section shall apply to any business entity or affiliate of a business entity that qualified for the tax credits before the effective date of such law or abrogation.

Chapter 145

TAXICABS

GENERAL REFERENCES

Charter provisions — See §§ 45 through 47 of the City Charter.

Licenses — See Ch. 94.

Vehicles and traffic — See Ch. 155.

ARTICLE I
General Provisions

§ 145-1. Definitions. [Amended 2-25-1991 by Ord. No. 535]

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

OWNER — The person in whose name the taxicab vehicle is registered with the State Motor Vehicle Administration, or a person who has a written agreement with the registered owner of the vehicle providing for the use of said vehicle as a taxicab for the person's benefit.

TAXICAB — Includes any motor vehicle for hire designated to carry seven persons or less, including the driver, operated upon any street in the City or on call or demand accepting or soliciting passengers indiscriminately for transportation for hire between such points along the streets in the City, as may be directed by the passenger or passengers so being transported, provided that nothing in this section shall be construed to include as a taxicab any motor vehicle used as a hearse or ambulance or a motor vehicle operated, with the approval of the Public Service Commission of Maryland, on fixed routes and schedules.

§ 145-2. Licenses required.

No person shall engage in the business of operating a taxicab upon the streets of the City without having first obtained a license therefor for each of such taxicabs as provided in this chapter, and each taxicab driver shall obtain a license as provided in this chapter.

§ 145-3. Applicability.

A taxicab having no Westminster City license may bring passengers into the City but may not pick up any passenger or accept any business within the City for any destination within the City or any destination outside the City.

ARTICLE II
Owners' Licenses

§ 145-4. Application; issuance; criteria for denial. [Amended 2-25-1991 by Ord. No. 535]

A. Application for a taxicab license to operate one or more taxicabs shall be made in writing to the City Clerk upon forms furnished by him and shall state the business name, the address from which the business is conducted, the name of the owner and, if owned by a corporation, the names of the principal officers thereof, the make, ownership, engine number and license number of each vehicle to be operated and its seating capacity. **[Amended 4-13-1992 by Ord. No. 554]**

B. In the event that the applicant is not the owner of any vehicle which is to be operated as a taxicab, then the application shall be accompanied by a copy of the written agreement authorizing said vehicle's use as a taxicab.

C. The application shall be submitted by the City Clerk to the legislative body at its next regular meeting. The legislative body may approve such application if it is determined that public convenience and necessity require the operation of the taxicab as proposed in the application. In determining such public convenience and necessity, the legislative body shall consider the number of taxicabs then operating in the City and whether the demands of the public require additional taxicab service; the financial responsibility of the applicant; the number, kind, type and equipment of those taxicabs for which licenses are asked; the traffic conditions in the City; whether the additional taxicab service will result in a greater hazard to the public; and such other relevant facts as the legislative body may deem advisable or necessary.

§ 145-5. Fee; term.

A. Before a taxicab owner's license shall be issued as in this chapter provided, each applicant shall pay an annual fee as provided in the General Fee Ordinance.[62] **[Amended 4-13-1992 by Ord. No. 554; 5-4-1992 by Ord. No. 560; 11-24-2008 by Ord. No. 791]**

B. The license shall expire on the first day of May after the date of issuance thereof, unless sooner revoked as provided in this chapter.

§ 145-6. Insurance.

Before any owner's license for a taxicab shall be issued, the owner shall file with the City Clerk an insurance policy issued by an insurance company licensed to do business in the state, which shall be approved by the Mayor and the City Attorney, providing insurance coverage for each and every taxicab owned, operated or leased by the applicant. This policy of insurance

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62. Editor's Note: See Ch. A175, Fees, Art. I, General Fees.

shall be in the sum of at least $50,000 for the injury or death of one person in any one accident and $100,000 for the injury or death of more than one person in any one accident, and $20,000 for damage to property of others in any one accident through the operation of the taxicab of the applicant. Such policy of insurance shall contain a provision for a continuing liability thereunder to the full amount thereof, notwithstanding any recovery thereon, and that until the policy is revoked as herein provided, the insurance company will not be relieved from liability on account of nonpayment of premium, failure to renew the license at the end of the year or any act or omission of the named insured. Any insurance company whose policy has been so filed pursuant to this section may file a notice with the legislative body of its intention to terminate and cancel such policy and give notice thereof to the named licensee; whereupon, after 10 days after such filing, such licensee or owner shall cease to operate or cause to be operated within the City such taxicab for hire, and the license issued therefor shall be automatically revoked and liability on such policy shall cease and terminate, provided that the liability of the insurance company thereon for any act or omission of the licensee or owner occurring prior to the effective date of cancellation shall not be thereby discharged or impaired.

§ 145-7. Transferability.

A. Any owner-licensee, with the approval of the legislative body, may transfer the ownership of his taxicab or taxicabs to another licensed owner. In no event, however, shall any transfer be made unless and until the transfer in all respects complies with the terms and provisions of this chapter. For every transfer of license, a fee shall be paid for each taxicab so transferred as provided in the General Fee Ordinance.[63] **[Amended 12-6-2007 by Ord. No. 773]**

B. Any owner-licensee, with the approval of the legislative body, may transfer the taxicab license from the vehicle described therein to another vehicle. Notice of such transfer shall be endorsed upon the license theretofore issued. Any vehicle substituted under the provisions of this section shall be fully covered by insurance as provided in § 145-6.

§ 145-8. Effect of grant of license. [Amended 4-13-1992 by Ord. No. 554]

All owner-licensees shall make the taxicab business their principal occupation and shall on all secular days, unless good cause shall be shown therefor, furnish regularly scheduled service, it being the purpose of this provision to ensure to the City the operation of taxicabs by licensees who will make the operation of taxicabs their principal occupation and to prevent the operation of taxicabs by persons who operate taxicabs as a sideline or additional occupation to their chief occupation. All owner-

63. Editor's Note: See Ch. A175, Fees, Art. I, General Fees.

licensees shall permit examination of their employment and work records when necessary for any investigation.

§ 145-9. Taxi stands.

A. Any owner-licensee making written application for and being allocated a taxicab stand in any of the metered areas of the City shall pay an annual fee for each regular parking space allocated. One taxicab space may be allocated to each owner-licensee as provided for in the General Fee Ordinance.[64] **[Amended 4-13-1992 by Ord. No. 554; 11-24-2008 by Ord. No. 791]**

B. The license shall expire on the first day of May after the date of issuance thereof, unless sooner revoked as in this chapter provided. The City shall have the power to cancel any taxicab stand licensee at any time. **[Amended 4-13-1992 by Ord. No. 554; 11-24-2008 by Ord. No. 791]**

C. It shall be unlawful for any vehicle to occupy any regularly established taxicab stand unless such vehicle is a taxicab being operated by the owner-licensee to which such taxicab stand has been allocated as herein provided.

D. No telephone shall be installed on the public right-of-way at any taxicab stand.

64. Editor's Note: See Ch. A175, Fees, Art. I, General Fees.

ARTICLE III
Vehicles

§ 145-10. Identification.

A. The legislative body shall have the power to designate distinctive colors or other insignia to be used on the taxicabs of each licensee. A license may be refused to any applicant or revoked if the color scheme, trade name or insignia imitates that of any other licensee in such manner as to deceive the public.

B. Each taxicab shall be conspicuously marked on the right and left side with the word "TAXICAB" and the name of the licensee, such letters and numbers not to be less than two inches in height and of a light color on a dark background or dark color on a light background. **[Amended 4-13-1992 by Ord. No. 554]**

C. No person owning or operating a taxicab shall permit any banner or other advertising matter to be affixed to such taxicab unless prior thereto, said person has obtained the approval of the Chief of Police or his designee as to size, dimension and location on the taxicab so that any such banner or advertising matter should not affect the safety of the taxicab. **[Amended 3-9-1992 by Ord. No. 536]**

§ 145-11. Equipment.

A. Every vehicle proposed for use as a taxicab shall be of the closed type, having at least one door on each side for the entrance and exit of passengers, in addition to the door or doors which give access to the driver's seat.

B. Every vehicle proposed for use as a taxicab, in addition to the outside lights prescribed by law, shall be equipped with a dome light within the passenger compartment of the vehicle capable of being lighted or extinguished by the passenger or controlled by the operation of the doors.

§ 145-12. Maintenance; inspections.

A. No vehicle shall be licensed as a taxicab until it has been inspected as to the security of the parts and the condition of the equipment thereof, as provided in § 145-24, and after such license shall be issued, the vehicle shall be kept in a good condition of repair and in good mechanical order and when so operated shall be kept free from all unnecessary odor, noise or debris. **[Amended 4-13-1992 by Ord. No. 554]**

B. All vehicles so operated shall at all times be kept in a clean, wholesome and sanitary and tidy condition.

ARTICLE IV
Drivers' Licenses

§ 145-13. Application; criteria for issuance or denial. [Amended 4-13-1992 by Ord. No. 554]

In addition to the owner's license as in this chapter provided, each person driving a taxicab shall be licensed by the City, in addition to the licensing regulations of the Motor Vehicle Administration of the state or the State Public Service Commission.

A. Each applicant for a driver's license must:

(1) Be of the age of 21 years or over.

(2) Possess a valid Maryland driver's license.

(3) Furnish a health certificate from a physician residing in the City certifying that the applicant is of sound physique, is not addicted to the use of intoxicating liquors or drugs, has good eyesight and hearing, is not subject to heart disease, vertigo, epilepsy or any disease which might affect the operation of a motor vehicle and is not affected with any infectious disease or with any venereal disease in a communicable form.

(4) Be able to speak, read and write the English language.

(5) Produce certificates of his good character from two reputable local citizens who have known him at least one year.

(6) Fill out, upon a form to be provided by the City, a statement, giving his full name, the number of his driver's license, his place of residence for five years previous to moving to his present address, age, height, color of eyes and hair, place of birth, length of time he has resided in the City, place of previous employment, marital status, whether he has ever been convicted of a felony or misdemeanor, whether he has ever been previously licensed as a driver or chauffeur and if so, when and where and whether his license has ever been revoked and for what cause, which statement shall be signed and sworn to by the applicant and filed with the City as a permanent record, together with the payment of a nonrefundable application fee of $30.

B. No such license shall be issued to any person who has been convicted of any felony or who has been convicted of driving a vehicle upon the highway while under the influence of intoxicating liquors or narcotics unless five years have elapsed since his date of conviction or discharge from a penal institution, whichever is later, or who has three times been convicted of a misdemeanor within a period of one year previous to the date of such application, nor shall a license be issued to any person who is not a person of good moral character.

C. Any applicant who gives any false information pertaining to such applicant's police record shall be deemed guilty of the crime of perjury, and complaint may be made in the manner provided by law for punishment of such cases.

§ 145-14. Identification. [Amended 4-13-1992 by Ord. No. 554]

Each applicant for a driver's license shall file with his application two recent photographs of himself not less than two inches square, one of which shall be attached to the license when issued and the other which shall be filed, together with the application, with the Police Department of the City. The photograph shall be stapled to the license so that it cannot be removed and another photograph substituted without detection.

§ 145-15. Issuance; term; fee. [Amended 4-13-1992 by Ord. No. 554; 5-4-1992 by Ord. No. 560; 1-12-1998 by Ord. No. 625]

A. Upon satisfactory fulfillment of the requirements of §§ 145-13 and 145-14, there shall be issued to the applicant a license which shall be in such form as to permit attaching the photograph and signature of the licensee. Any licensee who defaces, removes or obliterates any official entry made upon his license shall, in addition to any other penalty imposed by this chapter, have his license revoked.

B. Drivers' licenses shall expire the first day of May of each year unless sooner revoked as in this chapter provided.

C. A driver's license may be granted to the applicant upon application conforming to the foregoing requirements and paying an annual fee of $25.

§ 145-16. Display; transferability.

A. Every licensed driver shall have his license, to which shall be attached his photograph, conspicuously displayed so that it may be easily seen both in the day and nighttime by occupants of the taxicab.

B. No driver-licensee may loan his license or permit another person to use it, subject to revocation of his license.

C. A driver’s license may be granted to the applicant upon application conforming to the foregoing requirements and paying an annual fee as provided in the General Fee Ordinance.[65] **[Amended 11-24-2008 by Ord. No. 791]**

§ 145-17. Badge.

There shall be delivered to each licensed driver of a taxicab a badge of such form and style as the legislative body may prescribe, with his license number thereon, which shall, under penalty of revocation of the

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65. Editor's Note: See Ch. A175, Fees, Art. I, General Fees.

license, be constantly and conspicuously displayed when he is engaged in his employment on the outside of the driver's coat or cap.

§ 145-18. Duties of drivers.

A. It shall be the duty of every driver-licensee to be courteous and gentlemanly; to refrain from swearing, loud talking and boisterous conduct; to refrain from the unnecessary use of the horn or other signal and to give audible warning with his horn only when reasonably necessary to ensure safe operation and he shall not use the horn or other signal to announce his arrival at a location to which he has been called; to drive his motor vehicle carefully and in full compliance with all traffic laws, ordinances and regulations of the state and city and all orders of the Police Department of the City; to promptly answer all court notices, traffic violation notices or police notices; and to deal honestly with the public and with his employer.

B. It shall be the duty of every driver-licensee to report to the Police Department within 12 hours after its occurrence any accident resulting in any injury to persons or damage to property wherein a taxicab driven by him was involved.

C. No taxicab shall stand in any metered area in any public street or place other than upon the stand assigned to it, in accordance with this chapter, and such taxicab after discharging any passenger shall return to its designated stand, except that a taxicab may take on any passenger while returning as aforesaid, but no driver of a taxicab shall seek employment by repeatedly and persistently driving his taxicab to and fro in a short space or by otherwise interfering with the proper and orderly access to or egress from any theater, hall, hotel, bus depot, railroad station or other place of public gathering or in any other manner obstructing or impeding traffic; but any taxicab may solicit employment by driving through any public street or place without stops other than those due to obstruction of traffic and at such speed as not to interfere with or impede traffic and may pass and repass before any theater, hall, hotel, bus depot, railway station or other place of gathering, provided that after passing such public place he shall not turn and repass until he shall have gone a distance of two blocks beyond such place.

ARTICLE V
Regulations

§ 145-19. Prohibited acts.

A. No person shall drive or operate a taxicab:

(1) For any purpose personal to the driver within the City, including social or recreational purposes, excepting when a sign bearing the legend "NOT ON DUTY" shall be displayed in the lower right section of the windshield of the vehicle in such manner so as not to interfere with the safe operation of the vehicle.

(2) For the purpose of securing passengers while cruising, except as permitted under § 145-18C.

(3) For the purpose of providing transportation for a person engaged in an unlawful undertaking.

(4) For the purpose of transporting a passenger other than in taxicab service, and no passenger shall be allowed to ride in the front seat with the driver unless the rear seat of the taxicab shall be completely occupied.

(5) For more than 12 hours out of every 24 hours.

B. A driver shall be deemed to be operating a taxicab within the terms of this section whenever he is in charge of a taxicab and holding himself in readiness to convey passengers.

C. No owner, taxicab driver or other person representing the owner may refuse to carry orderly passengers to or from any part of the City with reasonable promptness nor refuse to deliver any orderly passenger to any destination within the City reasonably accessible by automobile, unless previously engaged.

§ 145-20. Property left in vehicles.

Every driver of a taxicab, immediately after the termination of any hiring or employment, shall carefully search such taxicab for any property lost or left therein, and any such property, unless sooner claimed or delivered to the owner, shall be taken to the City Hall and deposited with the Police Department or the City Clerk within 12 hours after the finding thereof, with brief particulars to enable the Police Department to identify the owner of the property.

§ 145-21. Duty of taxi owner.

No owner-licensee shall permit any person who is not licensed by the City or any person whose license has been suspended or revoked to operate any taxicab within the City.

§ 145-22. Defective taxicabs.

No owner-licensee or driver of a taxicab shall cause it to be operated in the City when such taxicab is mechanically defective or does not comply with all of the requirements of this chapter, and any such defective taxicab may be impounded as provided in § 145-25.

§ 145-23. Fares and rates. [Amended 1-12-1998 by Ord. No. 625]

A. The governing body shall establish a schedule of fares in the General Fee Ordinance to be charged by the owners and operators of taxicabs licensed to do business under this chapter, and such schedule may be amended from time to time by resolution. **[Amended 11-24-2008 by Ord. No. 791**

B. Excess rates; luggage and occupancy privileges; posting of regulations; payment of fare.

(1) No person owning, operating or controlling any motor vehicle used as a taxicab within the limits of the City shall charge any rate except in accordance with the schedule mentioned in Subsection A.

(2) No fare in excess of nor less than the rate of fares and in accordance with the above shall be charged by any taxi driver. No charge shall be made for any package, bag, suitcase or ordinary traveling bag. All drivers of taxicabs shall give to the passenger the exclusive right to the use and occupancy of such motor vehicle, and additional passengers shall not be carried without the consent of the first occupant.

(3) A printed copy of this section and the schedule of fares as established by the governing body shall be placed in each taxicab so as to be plainly visible to all passengers.

(4) It shall be unlawful for any person to refuse to pay the regular fare for a taxicab after having hired it.

ARTICLE VI
Administration and Enforcement

§ 145-24. Inspections. [Amended 4-13-1992 by Ord. No. 554]

The Chief of Police shall cause to be inspected all taxicabs from time to time or on the complaint of any citizen or as often as may be necessary. The inspection shall be made by any garage in the City, and the cost thereof shall be paid by the owner-licensee and shall be evidenced by a certificate of examination and sufficiency, which certificate shall be filed with the Chief of Police.

§ 145-25. Impoundment. [Amended 4-13-1992 by Ord. No. 554; 11-24-2008 by Ord. No. 791]

Any taxicab being operated in violation of any of the provisions of this chapter or rules adopted under this chapter may be impounded by the Police Department. A service charge as provided in the General Fee Ordinance shall be paid to the City before the vehicle is released from impoundment. The payment of such service charge shall not release the owner or driver of such vehicle from penalties imposed for violations of provisions of this chapter nor from the payment of any additional expense which may be incurred by the City in effecting such impoundment.

§ 145-26. Suspension and revocation of licenses. [Amended 1-12-1998 by Ord. No. 625]

A. The Chief of Police may suspend or revoke any owner's license or a driver's license, as appropriate, if, after notice and opportunity for a hearing, the Chief of Police finds:

(1) Facts existing prior or subsequent to the issuance of an owner's license or a driver's license which would be cause under this chapter for refusal to issue or renew the license;

(2) Any violation of this chapter or of any other federal, state or local law by the owner or driver;

(3) Conviction of an owner or driver of any felony or any other crime of moral turpitude, including crimes of violence, sex offense or violation of the controlled dangerous substance or gaming laws;

(4) Procurement or attempted procurement of a license by fraud, misrepresentation, false or misleading statement or omission of material facts;

(5) The operation, or the allowing of a taxicab to be operated, in a manner that endangers the public health, safety or welfare; or

(6) The suspension or revocation of a driver's license by the Motor Vehicle Administration.

B. In addition to those reasons specified in Subsection A, the Chief of Police may revoke or suspend an owner's license or a driver's license if:

(1) A consistent pattern of reasonably verified complaints against the owner or driver is received by the Police Department within any twelve-month period or when a reasonably verified complaint involving a threat to the public health, safety or welfare is received by the Department;

(2) The owner or driver has been convicted for operating a motor vehicle under the influence of or while intoxicated with alcohol or controlled dangerous substance or for reckless driving; or

(3) The owner or driver has been convicted of failure to stop after involvement in an accident or has a traffic record which indicates an unsafe driving pattern or disregard for the motor vehicle laws of this state.

C. This section is in addition to any other provision of this chapter that establishes cause for the suspension or revocation of an owner's license or a driver's license.

§ 145-27. Notice and opportunity for hearing. [Added 1-12-1998 by Ord. No. 625[66]]

A. Prior to revoking or suspending an owner's license or driver's license the Chief of Police must:

(1) Notify the holder of the license of the proposed action and the basis therefor in writing sent to the latest address on file with the Police Department;

(2) State the reasons for the proposed action; and

(3) Provide an opportunity for a hearing to contest the proposed action under this section.

B. Any hearing must be held before the Chief of Police.

C. Time limit to request hearing; acceleration.

(1) The Chief of Police's proposed action on a revocation or suspension is final if a hearing is not requested within 10 days of notification of that opportunity.

(2) If the Chief of Police reasonably believes that the public health, welfare or safety is threatened by continued operation of a taxicab by a licensee or operator, the Chief of Police may accelerate any time requirements of this section so long as reasonable due process is afforded.

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66. Editor's Note: This ordinance also provided for the renumbering of former § 145-27, Violations and penalties, as § 145-30.

D. After conducting a hearing, the Chief of Police shall issue a written decision within 10 days.

E. Notification by personal service or certified letter to the last address on file with the Police Department is sufficient notice under this section.

F. Failure to appear at a hearing, after notice, is a waiver of the right to a hearing.

§ 145-28. When effective, surrender of license. [Added 1-12-1998 by Ord. No. 625]

A. A revocation or suspension of an owner's license or driver's license is effective immediately upon personal service or the mailing of notification of the Chief's written decision.

B. Upon receipt of notice of a revocation or suspension, the licensee or driver must, within 24 hours:

(1) Place the license in the mail, postage prepaid, addressed to the Police Department; or

(2) Physically deliver the license to the Police Department.

§ 145-29. Appeal from denial, suspension or revocation. [Added 1-12-1998 by Ord. No. 625]

Any person aggrieved by the denial, suspension or revocation of any owner's license or driver's license may appeal a final decision to the Circuit Court for Carroll County. Such appeal shall be taken in accordance with the Maryland Rules of Procedure as set forth in Title 7, Chapter 200.

§ 145-30. Violation and penalties. [Amended 1-12-1998 by Ord. No. 625]

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be punished by fine of not more than $250 for each offense. In addition, any license issued pursuant to this chapter may, upon proof of any violation of this chapter, be revoked or suspended as provided in §§ 145-26, 145-27 and 145-28.

Chapter 148

TREES

GENERAL REFERENCES

Trimming of street trees — See Ch. 139, § 139-7.

§ 148-1. Definitions. [Amended 12-14-1992 by Ord. No. 561]

For the purposes of this chapter, certain words and phrases used herein are defined as follows:

CUTTING BACK — Pruning designed to reduce the crown of a tree or individual branch, sometimes referred to as heading back, drop crotch pruning, natural pruning, lateral pruning or directional pruning. It is distinctly different from topping in that an effort is made to keep the symmetry of the tree on the sides as well as the top.

DEPARTMENT — The State Department of Natural Resources.

DIRECTOR — The Director of Planning.**[Amended 12-6-2007 by Ord. No. 773]**

PARK TREES — Trees, shrubs, bushes and all other woody vegetation in public parks having individual names or to which the public has free access as a park, plus in all facilities, parking lots, open spaces and all other areas owned by the City.

PERSON — Any individual, corporation, association, firm or partnership or any governmental agency, including the City, or the like, singular or plural.

ROADSIDE TREES — Any trees or shrubs growing with the right-of-way of any public road within the City.

TOPPING — The severe reduction of branches without consideration of the specifications for cutting back. (This is generally considered to be an undesirable practice.)

§ 148-2. Creation and composition of Tree Commission.

A. There is hereby created and established a City Tree Commission for the City of Westminster, Maryland.

B. The Commission shall consist of six voting members and two nonvoting City staff members.

   (1) The voting members shall be appointed by the Mayor with the approval of the Common Council and shall be residents of Carroll County.

(2) At least one of the voting members shall have a background in horticulture, arboriculture, forestry or a related field.

(3) The nonvoting staff members shall be the Director of Planning and Public Works or his designees.

§ 148-3. Term of office; vacancies; removal. [Amended 3-22-1993 by Ord. No. 566]

A. The terms of the six persons to be appointed by the Mayor and approved by the Common Council shall be three years, except that the terms of two of the members initially appointed shall be for only one year, and the terms of two other members initially appointed shall be for two years.

B. In the event that a vacancy shall occur during the term of any member, a successor shall be appointed and approved for the unexpired portion of the term.

C. Members may be removed by the Mayor and Common Council for inefficiency, neglect of duty or malfeasance in office.

§ 148-4. Compensation.

Members of the City Tree Commission shall serve without compensation for their services.

§ 148-5. Officers; proceedings; quorum.

A. The officers of the Commission shall consist of a Chairman and a Vice Chairman. Both the Chairman and the Vice Chairman shall be elected by the members of the Commission and will hold such offices at the pleasure of the Mayor and Common Council.

B. The Commission shall adopt its own rules of procedure and keep a journal of the proceedings.

C. A quorum at any meeting shall be three voting members.

§ 148-6. Duties and responsibilities.

A. It shall be the responsibility of the City Tree Commission to study, investigate, counsel, develop and/or update annually and recommend to the Mayor and Common Council a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the Mayor and Common Council. Upon its review, the Mayor and Common Council may modify and amend such proposed plan and adopt it by resolution as the official comprehensive City tree plan.

B. Upon the request of the Mayor and Common Council, the Commission shall consider, investigate and make findings, reports and recommendations upon any special matter or question coming within the scope of its responsibilities.

C. The Commission shall also perform the various duties and responsibilities assigned to it in this chapter.

§ 148-7. Permissible roadside tree species. [Amended 12-14-1992 by Ord. No. 561]

A. This subsection constitutes the official list of permissible roadside tree species for the City of Westminster.

Official Roadside Tree List for the City of Westminster, Maryland

Common Name	Botanical Name
Small Trees	
Amur maple	Acer ginnala
Hornbeam maple	Acer carpinifolium
Tatarian maple	Acer tataricum
Purpleblow maple	Acer trunacatum
European Hornbeam cvs. "Fastigata"	Carpinus betulus
American dogwood	Cornus florida
Kousa dogwood	Cornus kousa
Cornelian cherry	Cornus mas
Goldenrain tree	Koelreuteria paniculata
Purple-leaved plum	Prunus cerasifera
Oriental cherry	Prunus serrulata
Ironwood	Ostrya virginiana
Japanese snowbell	Styrax japonica
Amur Maackia	Maackia amurensis
Medium Trees	
Hedge maple	Acer campestre
Red maple cvs. "Autumn Flame," "Autumn Glory," "Bowhall," "Gerling," "OctoberGlory," "Red Sunset," "Tilford"	Acer rubrum
American Yellowwood	Cladrastis lutea
Thornless honey locust cvs. "Imperial," "Moraine," "Shademaster," "Skyline"	Gleditsia triacanthos

Official Roadside Tree List for the City of Westminster, Maryland

Common Name	Botanical Name
Carolina silverbell	Halesia carolina
Callery pear cvs. "Aristocrat," "Bradford," "Fauriel," "Chanticleer," "Redspire"	Pyrus calleryana
Sargent cherry	Prunus sargenti
Littleleaf Linden cvs. "Greenspire"	Tilia cordata
Chinese elm	Ulmus parvifolia
Zelkova	Zelkova serrata

B. Large tree species which have a mature height of 50 feet or more are not considered suitable as roadside trees under most circumstances. However, the Commission may approve their use upon an express written determination that such trees will not adversely impair the integrity of the comprehensive City tree plan and that said trees will not create an unreasonable risk of danger to person or property.

C. The following species are not considered suitable under any circumstances and may not be approved by the Commission:

Common Name	Botanical Name
Mimosa	Albizia julibrissin
Tree-of-heaven	Ailianthus altissima
Silver maple	Acer saccharinum
Catalpa	Caltalpa speciosa
Black walnut	Juglans nigra
Paulownia	Paulownia tormentosa
Hybrid poplar	Populus nigra
Lombardy poplar	Populus nigra
Siberian elm	Ulmus pumila
Ginkgo (female only)	Ginkgo biloba

§ 148-8. (Reserved)[67]

67. **Editor's Note: Former § 148-8, Spacing, was repealed 12-14-1992 by Ord. No. 561.**

§ 148-9. Distance from street corners and fire hydrants. [Amended 12-14-1992 by Ord. No. 561]

No roadside tree shall be planted closer than 35 feet to any street corner, measured from the point of nearest intersecting curbs or curblines. No roadside tree shall be planted closer than 10 feet to any fire hydrant.

§ 148-10. Utilities. [Amended 12-14-1992 by Ord. No. 561]

No roadside trees other than those species listed as small or medium trees in § 148-7 shall be planted under or within 10 linear feet of any overhead utility wire, or over or within five linear feet of any underground waterline, gas line, sewer line, transmission or other utility.

§ 148-11. Public tree care. [Amended 12-14-1992 by Ord. No. 561]

A. All persons are subject to the provisions of Subtitle 4 of Title V of the Natural Resources Article of the Annotated Code of Maryland, or as it may be subsequently amended, and must obtain a permit from the Department to plant, prune, remove, root prune and treat trees and shrubs existing in the right-of-way of any road within the City. The City may remove a tree without a permit if the tree is uprooted or determined to be an immediate danger to persons or property, provided that it shall notify the Department within 24 hours.

B. This section does not prohibit the planting of roadside trees by adjacent property owners, provided that the selection and location of said trees is in accordance with §§ 148-7 through 148-10 of this chapter.

C. Nothing contained in this section shall relieve the owners and occupants of premises from complying with the provisions of § 139-7 of the Westminster City Code.

§ 148-12. Tree topping. [Amended 12-14-1992 by Ord. No. 561]

A. It shall be unlawful for any person, firm or entity to top any park tree or other tree located on public property without prior written approval of the Director.

B. After payment of a fee as provided in the General Fee Ordinance,[68] the Director may grant written approval to allow topping of a park tree or other tree located on City property in cases where a tree has been severely damaged by storms or other causes or when a tree creates a dangerous condition relating to utility wires or other obstructions. Prior to granting any such approval, the Director shall obtain a recommendation from the Commission, except in emergency circumstances in which the Director is authorized to act immediately. **[Amended 11-24-2008 by Ord. No. 791]**

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68. Editor's Note: See Ch. A175, Fees, Art. I, General Fees.

C. The City may not top any roadside tree without a permit issued by the Department.

D. No person or firm engaged in the business or occupation of pruning, treating or removing trees shall engage in the practice of tree topping within the City except:

(1) As provided for in § 148-12B; or

(2) In cases where a tree has been severely damaged by storms or other causes, when a tree creates a dangerous condition relating to utility wires or other obstructions or for other valid circumstances. In such instances, the person or firm shall file a written request seeking approval of the Director, who shall obtain a recommendation from the Commission, except in emergency conditions in which the Director is authorized to act immediately. If the Director fails to act upon the written request within seven working days, it shall be deemed to be approved.

§ 148-13. Removal of dead or diseased trees from private property.

The City shall have the right to cause the removal of any dead or diseased tree on private property within the City when such tree constitutes a hazard to life and property or harbors insects or disease which constitutes a potential threat to other trees within the City. The City will notify, in writing, the owners of such trees. Removal shall be done by said owners at their own expense within 60 days after the date of service of notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal to the property owner. Said cost shall be a lien on the property upon which the tree is located and may be collected in the same manner as the collection of delinquent taxes.

§ 148-14. Removal of stumps.

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground unless the Commission authorizes an alternative method of removal.

§ 148-15. Tree experts. [Amended 12-14-1992 by Ord. No. 561]

A. No person or firm shall engage in the business or occupation of pruning or treating trees within the City without having a tree expert license issued by the Department.

B. A public service company which desires to prune, root prune, remove or treat a roadside tree in any way must obtain a permit from the State Department of Natural Resources for the desired treatment. Any treatment of a roadside tree, except removal, must be performed by a tree expert licensed by the Department.

C. The City must obtain a permit from the Department to remove, prune, root prune or treat a roadside tree. Such treatment, except removals, must be performed by a licensed tree expert unless the work done by City crews is supervised by the Department's Forestry Division in accordance with its schedule of charges. The City may obtain conditional permits to perform limited work on roadside trees by its employees if said employees are trained to perform the work and supervised by a City employee who has passed the tree expert exam administered by the Department and agrees to be responsible for the quality of the work performed. The designated City supervisor is not required to have the necessary three years' experience to obtain a tree expert's license, but must exhibit the ability to cause the trimming to be done to accepted standards. Supervision of tree trimming will be limited to roadside trees within the City and trees on City-owned property.

§ 148-16. Violations and penalties. [Amended 12-14-1992 by Ord. No. 561]

Any violation of §§ 148-9, 148-10, 148-12, 148-13, 148-14 and 148-15 is declared to be a municipal infraction. The penalty for violations shall be a fine of $250 for each offense and $400 for each repeat offense.

§ 148-17. Appeals.

Any applicant seeking Commission approval under §§ 148-7B, 148-12 and 148-14 may appeal an unfavorable decision of the Commission to the Mayor and Common Council within 10 days after receipt of the Commission's decision. After its review, the Mayor and Common Council may affirm, reverse or modify the Commission's decision by resolution within a sixty-day period from the date of the appeal. The decision of the Mayor and Common Council shall be final.

Chapter 150

URBAN RENEWAL

GENERAL REFERENCES

Charter provisions — See §§ 48 through 58 of the City Charter.

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§ 150-1. Findings.

The Common Council of the City hereby finds that:

A. Blighted area: general description. There exists in the City a blighted area, as hereinafter defined geographically, in which area a majority of the buildings have declined in productivity by reason of obsolescence,

depreciation and other causes to an extent that the buildings no longer justify fundamental repairs or adequate maintenance.

B. Boundaries. The blighted area is found to be the area bounded by a line drawn as follows:

Beginning at the intersection of the southeast side of Longwell Avenue and the northeast side of East Main Street and running along the southeast side of Longwell Avenue in a northeasterly direction to the southwest side of Willis Street; then northwesterly, crossing Longwell Avenue to the northwest side thereof at the corner of the southwest side of Willis Street; then crossing Willis Street in a northeasterly direction to the northeast side thereof; then proceeding westerly along the northeast side of Willis Street, more commonly known as "City Hall Drive," to the southeast side of Locust Street; then crossing City Hall Drive to the southeast corner of City Hall Drive and Locust Street; then continuing in a westerly direction along the southwest side of Willis Street, more commonly known as "Sherwood Avenue," to the northwest side of Railroad Avenue, Maryland Route 27, northeasterly along Railroad Avenue for a distance of forty-five feet, more or less; then continuing in a westerly direction by a line parallel to the northeast side of Sherwood Avenue, if extended, a distance of one hundred eighty feet, more or less, to the bed of the Western Maryland Railroad tracks there situate; then southwesterly along the Western

Maryland Railroad bed of the railroad tracks to the southwest side of Winter's Street; then westerly along the southwest side of Winter's Street a distance of six hundred forty-five feet, more or less; then southwesterly at a right angle to Winter's Street to the northeast side of West Main Street, including within this line the Penney building; then easterly forty-five feet, more or less, to a point which would intersect with a prolongation of the northwest side of John Street, if extended; then crossing West Main Street southwesterly and proceeding along the northwest side of Bond Street for a distance of two hundred fifty-five feet, more or less, to the northeast side of an alleyway known as "Union Alley" there situate; then easterly by a line parallel to and a distance of two hundred twenty feet from the southwest side of West Main Street including the outbuildings of the property fronting on West Main Street, and proceeding along the northeast side of Union Alley for part of the distance, four hundred ninety-five feet more or less, to the end of Union Alley; then, crossing Union Alley in a southerly direction for a distance of thirty feet, more or less; then by a line parallel to the last line mentioned above, proceeding easterly seventy-five feet, more or less, and crossing Liberty Street, Maryland Route 27, to the southeast side thereof; then, along the southeast side of Liberty Street, Maryland Route 27, in a southwesterly direction for a distance of fifty-five feet, more or less; then proceeding in an easterly direction at right angles to Liberty Street and following the property line between a building at 11 Liberty Street owned by Albaugh-Babylon Grocery Company and the adjoining property, the Yingling General Tire Company, for a distance of two hundred thirty feet, more or less, to a point crossing the Western Maryland Railroad tracks to a point on the rear line of the former Saint John's School and Church property situate; and proceeding along the southwest side of a driveway there situate; then continuing easterly along the northeast boundary of the Saint John's Cemetery property and the rear lot lines of the properties fronting onto the southwest side of East Main Street, crossing Longwell Avenue to the southeast side thereof, then proceeding northeasterly along the southeast side of Longwell Avenue to the southwest side of East Main Street; then easterly on the southwest side of East Main Street forty-three feet, more or less, to a point which would be formed by the southwest side of East Main Street out the southeast side of Longwell Avenue, first herein mentioned if extended southerly, then northeasterly, crossing East Main Street northeast side thereof and to the point of beginning.

All as shown on a plat titled "Downtown Renewal District Plan," prepared for the City of Westminster by Gaudreau, Inc. and Land Design/Research, Inc., dated December 1976, which plan, for purposes of defining the renewal area and the blighted area herein mentioned, is directed to be displayed for public inspection in a prominent space in City Hall pending any hearing held pursuant to or in consequence of the passage of this chapter.

C. Need for renewal established. The rehabilitation and redevelopment or conservation of such area or combination thereof is necessary in the interest of the public health, safety, morals and welfare of the residents of the City.

§ 150-2. Plan projected.

The Mayor, by agents appointed by him, shall cause to be prepared a plan for urban renewal of the area defined in § 150-1 and shall exercise, on behalf of the City, the powers conferred on the City by the Acts of the General Assembly 1961, Chapter 341, relative to the preparation of a plan for an urban renewal project.

Chapter 155

VEHICLES AND TRAFFIC

GENERAL REFERENCES

Streets and sidewalks — See Ch. 139. **Taxicabs — See Ch. 145.**

ARTICLE I
General Provisions

§ 155-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings indicated, except when such meanings would be inconsistent with the manifest intent of the Mayor and Common Council:

BUS —

A. A motor vehicle that is designed to carry more than 10 passengers and is used to carry people.

B. Any other motor vehicle that is designed and used to carry people for compensation, except for a taxicab.

BUSINESS DISTRICT — The territory contiguous to and including a street or highway when 50% or more of the frontage thereon for a distance of 300 feet or more is occupied by buildings in use for business

DRIVE — To drive, operate, move or be in actual physical control of a vehicle, including the exercise of control over or the steering of a vehicle being towed by a motor vehicle.

DRIVER — Any individual who drives a vehicle.

HIGHWAY — The entire width between the boundary lines of any way or thoroughfare of which any part is used by the public for vehicular travel, whether or not the way or thoroughfare has been dedicated to the public within the City and accepted by any proper authority.

MUNICIPAL PARKING LOTS — Includes the following: North Longwell Avenue Municipal Lot, Longwell Avenue Municipal Lot Annex (formerly known as "Key Street Municipal Lot"), south end of the LeRoy L. Conaway Municipal Lot (formerly known as "Railroad Municipal Lot") and the north end of the LeRoy L. Conaway Lot, Chapel Municipal Lot, Albion Municipal Lot. Winter's Municipal Lot, Eugene A. Bauerlien Municipal Lot, Longwell Avenue Municipal Parking Garage and the Westminster Square Municipal Parking Garage.**[Added 3-24-2003 by Ord. No. 698]**

OPERATE — As used in reference to a vehicle, to drive, as defined in this section.

OPERATOR — As used in reference to a vehicle, driver, as defined in this section.

OWNER — As used in reference to a vehicle:

A. A person who has the property in or title to the vehicle.

B. Includes a person who, subject to a security interest in another person, is entitled to the use and possession of the vehicle.

PARK — To halt a vehicle, whether or not it is occupied, other than temporarily:

A. When necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic control device.

B. For the purpose of and while actually engaged in loading or unloading property or passengers.

PARKING METER — A device which shall indicate thereon the length of time during which a vehicle may be parked in a particular place, which shall have as a part thereof a receptacle or chamber for receiving and storing coins of the United States or city-approved tokens, a slot or place in which such coins may be deposited, a timing mechanism to indicate the passage of the interval of time during which parking is permissible and which shall also display an appropriate signal when the aforesaid interval of time shall have elapsed and brief instructions as to its operation and the length of time of parking allowed upon the deposit of the required coin or coins. The term "parking meter" shall also include the mechanisms and equipment used by the City to measure time and impose charges for the Longwell Avenue Municipal Parking Garage and the Westminster Square Municipal Parking Garage.**[Amended 3-24-2003 by Ord. No. 698]**

PARKING SPACE — A portion of the surface of the street of sufficient length and depth from the sidewalk curb to accommodate a vehicle to be parked, as shall be specified and marked off by authority of the Mayor and Common Council.

POLICE OFFICER — Any member of the City Police Department who has the authority to make arrests and also includes any officer authorized to direct or regulate traffic or to make arrests for violations of any of the provisions of the City Code and the Maryland Vehicle Law or of local or any other traffic laws or regulations.

RESIDENTIAL DISTRICT — The territory contiguous to and including a street or highway not comprising a business district when over 50% of the frontage on such highway for a distance of 300 feet or more is improved with individual residences or building uses for residential purposes.

SNOW TIRES — Those tires that are in a good state of repair and that:

A. Are normally designated by their manufacturer as "snow tires."

B. Are approved by the Administrator as meeting the standards of effectiveness required of normally designated "snow tires."

C. Have antiskid patterns cut into the treaded surfaces to form bars, buttons or blocks specially designed to give effective traction on snow- or ice-covered highways.

STAND — To halt a vehicle, whether or not it is occupied, other than temporarily:

A. When necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic control device.

B. For the purposes of and while actually engaged in receiving or discharging passengers.

STOP —

A. Where used in a mandatory sense, the complete cessation from movement.

B. Where used in a prohibitory sense, to halt even momentarily a vehicle, whether or not it is occupied, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic control device.

STREET — Includes any public way, road, highway, street, avenue, boulevard, parkway, alley, lane, viaduct, bridge and the approaches thereto within the City used by the public, whether actually dedicated to the public and accepted by the proper public authority or otherwise. It also means the entire width thereof between abutting property lines and includes roads and driveways of the state.

TRAFFIC CONTROL DEVICE — Any sign, signal, marking or device not inconsistent with the Maryland Transportation Article, placed or erected by authority of the Mayor and Common Council or other public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

TRAFFIC CONTROL SIGNAL — Any device, whether manually, electrically or mechanically operated, by which traffic is alternatively directed to stop and permitted to proceed.

VEHICLE — Every self-propelled device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks or propelled by electric power obtained from overhead trolley wires but not operated upon rails or tracks.

§ 155-2. Traffic control devices.

A. The Mayor and Common Council has the authority to provide for the placement and maintenance upon streets under its jurisdiction of such traffic control devices as it may deem necessary to carry out the provisions of this chapter, the Transportation Article of the Annotated Code of Maryland, and to control, regulate, warn or guide traffic. All such traffic control devices shall conform to the state's "Manual on Uniform Traffic Control Devices for Streets and Highways" with regard to design, color, size and placement.

B. Unless the contrary is established by competent evidence, if a traffic control device is placed in a position approximately meeting the requirements of this article and the requisites of the state, the device is presumed to have been placed by the official act or direction of lawful authority.

C. Unless the contrary is established by competent evidence, if a traffic control device is placed in accordance with this article and the

requisites of the state and purports to meet the lawful requirements governing these devices, the device is presumed to meet all of the requirements of law.

D. No driver of a vehicle shall disobey the instructions of any traffic control device placed in accordance with this section, unless at the time otherwise directed by a police officer or other person having authority to direct traffic.

E. Any violation of Subsection D hereof is declared to be a municipal infraction. The penalty for violation shall be a fine of $35 for each offense.

§ 155-3. Compliance with officers, signs, signals and markings.

A. It shall be unlawful for any person to:

(1) Fail, neglect or refuse to comply with any instruction, direction or warning of any police officer of the City controlling or directing the flow of vehicular or pedestrian traffic on the streets, roads, alleys or parking lots within the City.

(2) Fail, neglect or refuse to comply with any warning, direction, speed limitation or prohibition of any sign, standard or other device erected or maintained for the purpose of controlling or directing vehicular traffic on the streets, roads, alleys or parking lots within the City.

(3) Fail, neglect or refuse to obey the signal of any traffic control signal, whether manually, electrically or mechanically operated.

(4) Fail, neglect or refuse to keep a vehicle within a proper traffic lane as designated by lines, marks or arrows painted upon any street, road, alley or parking lot within the City.

(5) Park, stand or stop any vehicle within an area or zone that is reserved for handicapped parking in accordance with the criteria provided in the Transportation Article. For purposes of this section, a vehicle may park, stand or stop in a handicapped parking zone only if the vehicle displays the special registration plates for disabled persons issued by the Maryland Motor Vehicle Administration or registration plates issued under a similar provision of any other state or the District of Columbia or unless the vehicle displays a valid permit issued by the Motor Vehicle Administration or any other state or the District of Columbia.

(6) Remove, deface or cover any sign, standard or other device or any painted line, arrow or mark relating to vehicular speed or control or to the parking of vehicles.

B. Any violation of Subsection A hereof is declared to be a municipal infraction. The penalty for violation of Subsection A(1), (2), (3), (4) and

(6) shall be a fine of $35 for each offense. The penalty for violation of Subsection A(5) shall be a fine of $100 for each offense. **[Amended 11-24-2008 by Ord. No. 791]**

§ 155-4. Cruising.

A. Legislative findings. The Mayor and Common Council finds that, with consistency, a threat to the public health, safety and welfare arises from the congestion and traffic hazards created by repetitive, unnecessary driving of motor vehicles within the City of Westminster. The purpose of this section is to reduce the dangerous traffic congestion as well as the excessive noise, littering and pollution resulting from such unnecessary repetitive driving, to provide for the safety of drivers and pedestrians and to ensure sufficient access for emergency vehicles to and through the City now hampered by this repetitive driving of motor vehicles.

B. Definitions. For the purpose of this section, the following definitions shall apply:

AREA DESIGNATED — An area of property within the City designated by the Mayor and Common Council by resolution as an area where cruising is prohibited. Any owner, lessee or management agent of any area may request that the Mayor and Common Council designate its property as an area where cruising is prohibited.

CRUISING —

(1) Driving a motor vehicle on a street or posted private property past a traffic control point, as determined by the City Police Department, more than twice in any two-hour period between the hours of 7:00 p.m. and 5:00 a.m. in an area designated by the Mayor and Common Council. The passing of a designated control point a third time under the aforesaid conditions shall constitute cruising except as provided in Subsection B(2) hereof.

(2) Does not apply to any municipal, emergency, police, fire, ambulance or other governmental vehicle when the same is being operated in its official capacity. It also does not apply to any duly licensed public transportation vehicle nor to any vehicles utilized for business or commercial purposes.

TRAFFIC CONTROL POINT — A clearly identified reference point in an area designated, as determined and marked from time to time, by the City Police Department.

C. Posting. Every area designated as an area where cruising is prohibited shall be posted with a sign to provide notice of the prohibition which shall state "No Cruising." All areas designated by the Mayor and Common Council shall be so posted at the property owner's expense.

D. Cruising prohibited. No person shall cruise. For the purposes of this section, the person operating the vehicle and the person having care, custody or control of a motor vehicle shall be considered the person

cruising. For the purposes of this section, the person having "care, custody or control of a motor vehicle" shall mean either the owner of said vehicle, if present in the vehicle at the time of violation or, if the owner is not so present, the person or persons having the owner's authority to use the vehicle.

E. Penalty as infraction. Any violation of this section is declared to be an infraction. The penalty for violation shall be a fine of $25 for each offense.

§ 155-5. Use of closed streets; damaging construction equipment.

A. It shall be unlawful for any person to drive upon, pass over or use any vehicle on any new street or newly repaired street before it is opened to traffic.

B. A person may not willfully improve or damage any street, including a street under construction, or any work, material or structure used in connection with the construction of a street.

C. It shall be unlawful for any person to drive upon, pass over or use any vehicle on any street or portion of street which is undergoing repair or which for any other reason has been closed to traffic by authority of the Mayor and Common Council or its agents whenever signs have been erected or barricades installed so as to show that such street or portion thereof has been closed to traffic.

D. Any violation of any subsection hereof is declared to be a municipal infraction. The penalty for violation shall be a fine of $25 for each offense.

§ 155-6. Interference with traffic control devices and railroad signs and signals.

A. Alteration. It shall be unlawful for any person to willfully alter any traffic control device or any railroad sign or signal, including any inscription, shield or insignia on it.

B. Defacing. It shall be unlawful for any person to willfully deface any traffic control device or any railroad sign or signal, including any inscription, shield or insignia on it.

C. Injuring. It shall be unlawful for any person to willfully injure any traffic control device or any railroad sign or signal, including any inscription, shield or insignia on it.

D. Knocking down. It shall be unlawful for any person to willfully knock down any traffic control device or any railroad sign or signal, including any inscription, shield or insignia on it.

E. Changing directions. It shall be unlawful for any person to willfully change the direction of any traffic control device or any railroad sign or signal, including any inscription, shield or insignia on it.

F. Twisting. It shall be unlawful for any person to willfully twist, any traffic control device or any railroad sign or signal, including any inscription, shield or insignia on it.

G. Removing any part of it It shall be unlawful for any person to willfully remove any traffic control device or any railroad sign or signal, including any inscription, shield or insignia on it.

H. Lines or markings. It shall be unlawful for any person to willfully deface, remove, screen from view, tamper or otherwise interfere with any lines or markings painted by authority of the Mayor and Common Council on any pavement, curb or roadway for the direction of traffic or the parking of vehicles.

I. Any violation of any subsection hereof is declared to be municipal infraction. The penalty for violation shall be a fine of $50 for each offense.

§ 155-7. Display of unauthorized signs; commercial advertising.

A. General prohibition. It shall be unlawful for any person to place, maintain or display on or in view of any street any unauthorized sign, signal, marking or device that purports to be, is an imitation of or resembles a traffic control device or a railroad sign or signal or paint on the curb, pavement or roadway any marks or lines similar to those adopted by authority of the Mayor and Common Council to direct, control or restrict traffic or the parking of vehicles.

B. Signs, etc., directing movement of traffic. It shall be unlawful for any person to place, maintain or display on or in view of any street any unauthorized sign, signal, marking or device that attempts to direct the movement of traffic.

C. Signs, etc., interfering with effectiveness of traffic control devices or railroad signs. It shall be unlawful for any person to place, maintain or display on or in view of any street any unauthorized sign, signal, marking or device that hides or interferes with the effectiveness of a traffic control device or a railroad sign or signal.

D. Placing signs, etc., except as otherwise permitted by law. It shall be unlawful for any person to place, maintain or display on or in view of any street any unauthorized sign, signal, marking or device that, except as otherwise permitted by law, contains:

(1) Any of the following words: "stop," "curve," "warning," "slow," "danger," "listen," "look" or "school."

(2) Any other word used in directing the movement of traffic.

E. Commercial advertising prohibited. A person may not place or maintain on any street nor may any public authority permit on any street any traffic sign or signal that has any commercial advertising on it.

F. Prohibited signs, etc., a public nuisance. Each sign, signal, marking or device prohibited by this section is a public nuisance, and the City may remove it without notice.

G. Any violation of any subsection hereof is declared to be a municipal infraction. The penalty for violation shall be a fine of $50 for each offense.

§ 155-8. Applicability to police officers. [Amended 5-8-1995 by Ord. No. 598]

This chapter shall have no application to the operation and parking of a vehicle or bicycle by a police officer when on duty or conducting official police business.

§ 155-9. Bicycles, tricycles and skateboards.

A. It shall be unlawful for any person to ride a bicycle or skateboard upon any sidewalk in any business district, and it shall be unlawful for any person above the age of 14 years to ride a bicycle or tricycle upon any sidewalk in any residential district, and it shall be unlawful for any person to ride a skateboard on any street or public right-of-way unless otherwise specifically designated.

B. It shall be unlawful for any person to ride a skateboard at any time within the Westminster Municipal Playground or parks, unless otherwise specifically designated.

C. Any violation of any subsection hereof is declared to be a municipal infraction. The penalty for violation shall be a fine of $25 for each offense.

§ 155-10. Removal, towing and impounding of vehicles.

A. Whenever any vehicle is parked or stopped at a location where parking or stopping is prohibited or is otherwise parked so as to constitute a hazard to public safety or is so parked, stopped or standing so as to impede or obstruct the normal movement of traffic or pedestrians, the officer who discovers the vehicle illegally parked shall deliver a citation to the operator or, if the vehicle is unattended, attach a citation to the vehicle in a conspicuous place. In the absence of the operator, the registered owner of the vehicle shall be presumed to be the person parking or stopping the vehicle. In addition, if the vehicle is unattended, the Police Department may proceed immediately to have the vehicle removed, towed and impounded. The cost of the removal, towing and storage of any vehicle, together with any unpaid fines and administrative expenses, shall be paid prior to the release of the

vehicle, and such vehicle shall only be released to the registered owner thereof or a person specifically designated by the owner.

B. In cases of parking violations not covered by Subsection A hereof, the officer who discovers the vehicle illegally parked shall deliver a citation to the operator or, if the vehicle is unattended, attach a citation to the vehicle in a conspicuous place. In the absence of the operator, the registered owner of the vehicle shall be presumed to be the person parking the vehicle. If the parking violation exists continuously for a period of three hours or more, the Police Department may proceed to have the vehicle removed, towed and impounded. The cost of the removal, towing and storage of any vehicle, together with any unpaid fines and administrative expenses, shall be paid prior to the release of the vehicle, and such vehicle shall only be released to the registered owner thereof or a person specifically designated by the owner.

C. The costs of the removal, towing, impoundment and storage of vehicles may include the amounts charged by any independent contractor engaged by the City for such services as well as the daily storage charges as established by resolution of the Mayor and Common Council.

D. The City of Westminster or any agent, employee or independent contractor thereof, including but not limited to the Westminster City Police Department and any officer or agent thereof, shall not in any way be liable to the owner or any other person or entity having a right to possession of any vehicle or any other person or entity having or claiming any interest whatsoever in a vehicle which is removed, towed, impounded and stored under the provisions of any section under this article.

E. The procedures set forth in § 155-13 shall also be utilized for any impoundment under this section.

§ 155-11. Liability of owner; unsatisfied citations; impounding or immobilization.

A. When any unattended motor vehicle is found parked at any time upon any street of the City of Westminster against which there are two or more unsatisfied citations for parking violations and when a period of 30 days or more has elapsed since the second unsatisfied citation, the Westminster City Police Department is authorized to cause such vehicle, either by towing or otherwise, to be removed or conveyed to and impounded in any place designated by the Chief of Police or immobilized in such a manner as to prevent its operation, except that no such vehicle shall be immobilized by members of the Police Department by any means other than by the use of a device or other mechanism which will cause no damage to such vehicle unless said vehicle is moved while such device or mechanism is in place. **[Amended 7-14-1997 by Ord. No. 620]**

B. In any case involving immobilization pursuant to this section, such police officer shall cause to be placed on such vehicle in a conspicuous manner notice sufficient to warn any individual to the effect that such vehicle has been immobilized and that any attempt to move such vehicle might result in damage to such vehicle. Said notice shall further advise the owner or operator that the vehicle has been immobilized by the City for failure to satisfy citations for parking violations; that the owner has the right to contest the immobilization by submitting a written request to the City Police Department within 10 days from the date of the immobilization or said right shall be deemed to have been waived; and that release of the vehicle may be obtained upon payment of the booting fee and other amount specified in this section.

C. The owner of an immobilized vehicle shall be permitted to secure release of the vehicle upon payment of a booting fee of $100 and all charges which have accrued thereon by virtue of its immobilization, together with any unpaid fines and administrative expenses. **[Amended 11-24-2008 by Ord. No. 791]**

D. The owner of an impounded vehicle shall be permitted to secure release of the vehicle upon payment of the costs of the removal, towing, impoundment and storage of said vehicle, together with any unpaid fines and administrative expenses, prior to the release of the vehicle.

E. The procedures set forth in § 155-13 shall also be utilized for any impoundment or immobilization under this section.

§ 155-12. Interference with immobilization.

A. It shall be unlawful for any person to tamper with or remove or attempt to remove the immobilization device without authorization from the Westminster Police Department.

B. It shall be unlawful for any person other than the owner or operator or a person authorized by either of them to remove the warning notice regarding immobilization.

C. Any violation of any subsection hereof is declared to be a municipal infraction. The penalty for violation shall be a fine of $100 for each offense.

§ 155-13. Hearing relating to impoundment and immobilization.

A. Unless the owner of a vehicle impounded or immobilized under the provisions of § 155-10 appears to secure a release of the vehicle within 24 hours after the vehicle has been immobilized, said owner shall be given written notice by certified mail within 48 hours after the vehicle has been impounded or immobilized by the Westminster City Police Department that said owner has the right to contest the validity of the impoundment or immobilization at a hearing which will be held

within 72 hours, excluding Saturdays, Sundays and holidays, from the submission of a written request for a hearing.

B. The notice shall further advise that said owner's right to a hearing shall be deemed to have been waived if said owner fails to make a written request for a hearing within 10 days from the receipt of the certified mail notice sent to said owner or if said owner executes a written waiver when releasing the impounded or immobilized vehicle.

C. Requests for a hearing contesting the validity of an impoundment or immobilization shall be referred to a hearing officer appointed by the Mayor and Common Council. Said hearing officer shall conduct the hearing pursuant to the procedures established by regulation of the Westminster City Police Department. The hearing officer shall consider such facts and circumstances as the officer deems necessary in making a determination as to the validity of the impoundment or immobilization. The determination of the hearing officer shall be final. It shall have no bearing on the fine, penalty or charges which might be imposed by the District Court of Maryland for municipal infractions.

D. If the hearing officer determines that a vehicle should not have been impounded, the owner shall not be required to pay the impoundment costs imposed therefor, or if they have been paid, a refund shall be made to the owner who made said payment. The hearing officer shall have no authority to modify any fines or administrative charges.

E. If the hearing officer determines that a vehicle should not have been immobilized, the owner shall not be required to pay the booting fee and all charges which have accrued by virtue of the vehicle immobilization, or if said fees have been paid, a refund shall be made to the owner who made said payment. The hearing officer shall have no authority to modify any fines or administrative charges.

F. If, following trial in the District Court of Maryland or other tribunal, a decision is entered in favor of the owner upon all of the parking violations charged against the vehicle immobilized or impounded, notwithstanding the ruling of the hearing officer with respect to the immobilization or impoundment of the vehicle, all charges advanced as having accrued upon the vehicle by virtue of its immobilization or impoundment shall be returned to the person who advanced such sums upon presentation of the official receipt issued at the time said vehicle was released.

§ 155-14. Abandoned vehicles.

In dealing with abandoned vehicles, the Westminster City Police Department is authorized to utilize the procedures set forth in Subtitle 2 of Title 25 of the Transportation Article of the Annotated Code of Maryland as it is presently codified or as it may be subsequently amended. Further, any vehicle impounded under §§ 155-10 and 155-11 shall be deemed to be an

abandoned vehicle if it is not reclaimed by its owner within 48 hours after impoundment.

ARTICLE II
Stopping, Standing and Parking

§ 155-15. Continuous parking.

A. No vehicle shall be permitted to remain parked continuously upon any street for more than 48 hours except where a lesser time is provided by this article and except where such vehicle is parked in front of a property owned, leased or occupied by the driver of the vehicle or where such parking is permitted with the permission of the owner, lessee or occupant of the property.

B. No commercial truck, bus, tractor, trailer, semitrailer or house trailer shall be permitted to park or stand longer than one hour continuously on any street within the City, provided that the provisions of this section shall not apply to commercial trucks which are parked for the purpose of doing any public or private work for or on behalf of any person, institution or governmental entity within a radius of one block from the place of such work.

C. Any violation of any subsection hereof is declared to be a municipal infraction. The penalty for violation shall be $40 for each offense. **[Amended 11-24-2008 by Ord. No. 791]**

§ 155-16. Unattended motor vehicles.

A. A person driving or otherwise in charge of a motor vehicle may not leave it unattended until the engine is stopped, the ignition locked, the key removed and the brake effectively set.

B. A person driving or otherwise in charge of a motor vehicle may not leave the motor vehicle unattended until, if the vehicle is on a grade, the front wheels are turned to the curb or side of the highway.

C. Any violation of any subsection hereof is declared to be a municipal infraction. The penalty for violation shall be $25 for each offense.

§ 155-17. Obstruction of traffic.

A. No person shall park a vehicle on any street in such a manner that such vehicle shall constitute an obstruction to the free flow of traffic upon the street,

B. Any violation of Subsection A hereof is declared to be a municipal infraction. The penalty for violation shall be $25 for each offense.

§ 155-18. Buses and other vehicles operating over fixed routes.

A. No bus or other vehicle operating over a fixed route in or through the City and carrying paid passengers or cargo shall stop for the reception or discharge of passengers or cargo or park at any place other than a bus stop or other place designated for such a purpose by authority of

the legislative body and then only pursuant to a permit granted by the legislative body.

B. No bus or other vehicle operating over a fixed route in or through the City and carrying paid passengers or cargo shall stop or remain standing on any street except as provided in Subsection A of this section and except as may be necessary to avoid collision or other danger or to comply with traffic regulations and except in case of mechanical failure or other emergency.

C. Any violation of any subsection hereof is declared to be a municipal infraction. The penalty for violation shall be $25 for each offense.

§ 155-19. Certain vehicles prohibited in municipal parking lots.

A. No bus, tractor, trailer, semitrailer, house trailer, mobile home, camper or truck over 3/4 ton shall be permitted to park or stand on any municipal parking lot This section does not prohibit the parking of trucks (3/4 ton or less) with shell campers or cabs over the bed of the truck.

B. Any violation of Subsection A hereof is declared to be a municipal infraction. The penalty for violation shall be a fine of $25 for each offense.

§ 155-19.1. Parking regulations for municipal parking lots. [Added 3-24-2003 by Ord. No. 698]

A. Except temporarily for the purpose of and while actually engaged in loading or unloading passengers or for emergency repairs when the vehicle cannot be driven, no person shall park any vehicle on a municipal parking lot:

(1) In violation of an official sign.

(2) In a no-parking zone when posted by sign or indicated by yellow painted curb or yellow painted lines on the parking surface.

(3) In any place that is not designed as a parking space by painted lines.

(4) In or on driving aisles, driveways, sidewalks. landscaped areas, islands. or devices for channeling traffic.

(5) In an area where parking is temporarily prohibited when marked off by temporary signs or barricades or when an official cover or hood is placed over a parking meter.

(6) So as to prevent another vehicle already stopped or otherwise legally parked in a designated parking space, from moving away.

(7) For a period longer than 24 hours, except for permit holders.

(8) When such vehicle is unregistered or inoperative or otherwise not capable of being operated legally or safely upon the highways, roads and streets of the City, county or state.

(9) By backing said vehicle into a parking space when posted by front-in-only signs.

(10) In such a manner as to cause said vehicle to straddle the painted lines marking a parking space or otherwise cause the vehicle to be parked not wholly within the area of one designated parking space.

(11) By leaving vehicle unattended without first stopping the engine, locking the ignition, removing the key and effectively setting the brake thereon.

(12) In such a manner so as to impede or obstruct the free flow of traffic or to cause a hazard to public safety.

B. Any violation of this section is declared to be a municipal infraction. The penalty for violation shall be $25 for each offense.

§ 155-20. Use of streets for commercial storage or display.

A. No person shall use any portion of any street within the City for the commercial storage, parking or placing of any motor vehicle, tractor, motor home, recreational vehicle, boat, trailer or equipment The term "commercial storage" shall mean the use of any portion of a street for the storage, parking or placing of any motor vehicle, tractor, motor home, recreational vehicle, boat, trailer or equipment for the purpose of exhibition or display of for the purpose of storage.

B. Any violation of Subsection A hereof is declared to be a municipal infraction. The penalty for violation shall be a fine of $25 for each offense.

§ 155-21. General manner of parking.

A. Vehicles shall be parked with right wheels parallel to the edge of the curb or roadway and not more than 12 inches therefrom and not less than four feet behind or ahead of any vehicle already parked. Vehicles parked on the left side of one-way streets, where permitted, shall be subject to the same distance limitations. These limitations shall not apply at places designated for angular parking by appropriate signs or markings placed by authority of the legislative body, in which instances vehicles shall be parked in conformity with such signs or markings. These limitations shall also not apply to vehicles parked within the radii area of culs-de-sac which do not have center islands unless they are otherwise posted by the City. **[Amended 7-26-2004 by Ord. No. 717]**

B. Any violation of Subsection A hereof is declared to be a municipal infraction. The penalty for violation shall be a fine of $25 for each offense. **[Amended 11-24-2008 by Ord. No. 791]**

§ 155-22. Use of street for vehicle repair.

A. No vehicle shall be repaired in any street except in case of emergency and then only so as not to block or obstruct any street or sidewalk, nor shall the motor of any such vehicle be tested while it is parked or standing on any street except when unavoidable.

B. Any violation of Subsection A hereof is declared to be a municipal infraction. The penalty for violation shall be a fine of $25 for each offense.

§ 155-23. Stopping, standing or parking prohibited in certain places. [Amended 11-24-2008 by Ord. No. 791]

A. It shall be unlawful for any person to stop, stand or park a vehicle:

(1) In an intersection.

(2) On a crosswalk.

(3) On a sidewalk.

(4) Within an area where yellow lines have been painted upon a curb.

(5) Where signs have been erected prohibiting vehicular stopping, standing or parking, including, but not limited to, fire lanes.

(6) Across a driveway providing access to private property, without the permission of the owner, lessee or occupant of the property.

B. Any violation of this section is declared to be a municipal infraction. The penalty for violation of Subsection A(1), (2), (3), (4) and (6) of § 155-23 shall be a fine of $25 for each offense. The penalty for violations of Subsection A(5) shall be a fine of $50.

§ 155-24. Stopping to discharge or take on gasoline or oil.

A. No motor vehicle shall stop, stand or remain on any street for the purpose of discharging gasoline or oil or being supplied with gasoline or oil for a longer period than is reasonably necessary for that purpose.

B. Any violation of Subsection A hereof is declared to be a municipal infraction. The penalty for violation shall be a fine of $25 for each offense.

§ 155-25. Glass, injurious substances or refuse on street.

A. A person may not drop, throw or place on a street any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle on the street.

B. Any person who drops, throws or places or permits to be dropped, thrown or placed on a street any destructive, hazardous or injurious material immediately shall remove it or cause it to be removed.

C. Any person removing a wrecked or damaged vehicle from a street also shall remove from the street any glass or other injurious substance dropped from the vehicle.

D. A person may not throw, dump, discharge or deposit any trash, junk or other refuse on any street.

E. The owner of the vehicle, if present in the vehicle, or, in his absence, the driver of the vehicle is presumed to be responsible for any violation of this section if:

(1) The violation is caused by an occupant of the vehicle;

(2) The vehicle has two or more occupants; and

(3) It cannot be determined which occupant is the violator.

F. Any violation of any subsection hereof is declared to be a municipal infraction. The penalty for violation shall be a fine of $25 for each offense.

§ 155-26. Parking within lines or markers.

A. Where white lines have been painted or markers have been been installed upon any street or city parking lot indicating parking spaces, no vehicle shall be parked except wholly within a parking space as indicated by such white lines or markers.

B. No vehicle shall be parked at any place where yellow lines have been painted to indicate a nonparking zone.

C. Any violation of this section hereof is declared to be a municipal infraction. The penalty for violation shall be a fine of $25 for each offense.

§ 155-26.1. Fire hydrants. [Added 11-24-2008 by Ord. No. 791]

A. No person shall stop, park, or leave standing any motor vehicle within 15 feet of a fire hydrant, except for vehicles owned or operated by a fire department which are clearly marked as fire department vehicles.

B. Any violation of this section is declared to be a municipal infraction. The penalty for violation shall be a fine of $50 for each offense.

§ 155-27. Improper display of registration plates.

A. A person may not allow any motor vehicle, trailer or semitrailer to remain on public or private property within the corporate limits of the City for more than 24 hours if said motor vehicle, trailer or semitrailer

is not displaying currently valid registration plates or is displaying registration plates of another vehicle.

B. Any violation of Subsection A hereof is declared to be a municipal infraction. The penalty for violation shall be a fine of $25 for each offense.

§ 155-28. Time limits within parking meter zones.

The time limits for parking as established by this article shall not be applicable within any parking meter zone during any period in which the parking meters are in operation as provided in this chapter.

§ 155-29. Business districts.

A. Except as otherwise provided in Subsection B of this section, no vehicle shall be allowed to stand within any business district designated by the Mayor and Common Council for a longer period than two hours in any one place continuously between the hours of 7:00 a.m. and 6:00 p.m. on any day, Sundays or legal holidays excepted, nor shall any vehicle within any business district be permitted to stand longer than actually necessary to take on or discharge passengers, freight or merchandise in front of any building where loading zone or no-parking spaces have been established by authority of the legislative body and designated by proper signs or markings or where cars are parked on both sides of the street.

B. The Mayor and Common Council may, in its discretion, in the interests of orderly control of traffic within any business district, provide that a vehicle may be allowed to stand for a lesser period than two hours at certain points, as designated by appropriate signs giving notice of the maximum time allowed for parking.

C. Any violation of Subsection A hereof is declared to be a municipal infraction. The penalty for violation shall be $25 for each offense.

§ 155-30. Parking permits.

A. Any person or persons, as designated or defined by the Mayor and Common Council by resolution, may apply to the City for a parking permit to park his or her passenger vehicle in any area, lot, zone or parking space designated by the Mayor and Common Council by resolution. Said permit shall entitle any vehicle lawfully displaying the permit to park without further charge in that area, lot, zone or space for a period of time as designated by the Mayor and Common Council by resolution.

B. The Mayor and Common Council shall designate the period for which each permit or class of permit shall be valid and the amount of the fee to be charged therefor in the General Fee Ordinance.[69] **[Amended 11-24-2008 by Ord. No. 791]**

C. Any vehicle not lawfully displaying a valid permit and which is parked in that area, lot, zone or space which is designated for permit parking only shall be issued a citation for said violation, and the Westminster City Police Department is authorized to cause such vehicle, either by towing or otherwise, to be removed or conveyed to and impounded in a place designated by the Mayor and Common Council by resolution.

D. The owner of any such vehicle shall have the right to contest the validity of the impoundment by requesting a hearing as provided in § 155-13. Notice of the right to a hearing shall be given and the hearing, should one be requested, shall be conducted in accordance with the procedures specified in § 155-13. The owner of any vehicle so impounded may appear to claim the vehicle and elect to secure immediate release of the impounded vehicle by payment of all charges which have accrued thereon, including the amount of any fine and the cost of towing said vehicle.

E. Any violation of Subsection C hereof is declared to be a municipal infraction. The penalty for violation shall be $25 for each offense.

69. Editor's Note: See Ch. A175, Fees, Art. I, General Fees.

ARTICLE III
Metered Parking

§ 155-31. Establishment of zones and charges. [Amended 11-24-2008 by Ord. No. 791]

A. Parking meter zones heretofore established by the Mayor and Common Council and in which parking meters are in place immediately prior to the effective date of this chapter are hereby continued in full force and effect until altered or discontinued by the Mayor and Common Council as provided in the General Fee Ordinance.

B. Parking meter zones and the amounts to be charged for parking in such zones may be established, altered or discontinued by the Mayor and Common Council as provided in the General Fee Ordinance.

§ 155-32. Location, adjustment and operation of meters; legend.

Parking meters installed in the parking meter zones established as provided in this article shall be placed upon the curb immediately adjacent to the individual parking spaces. Each parking meter shall be placed or set in such a manner as to show or display by a signal that the parking space adjacent to such meter is or is not legally in use. Each parking meter installed shall indicate by a proper legend the legal parking time established by the Mayor and Common Council. When operated, such meter shall indicate on and by its dial and pointer the duration of the period of legal parking, and on the expiration of such period, the meter, by a red indicator, shall indicate illegal or overtime parking.

§ 155-33. Marking of spaces; parking within spaces.

A. The Director of Public Works may have lines or markings painted or placed upon the curb or upon the street adjacent to each parking meter, or at both such places, for the purpose of designating the parking space for which the meter is to be used, and each vehicle parked adjacent or next to any parking meter shall park within the lines or markings so established. It shall be unlawful to park any vehicle across any such line or marking or to park in such position that the vehicle shall not be entirely within the area so designated by such lines or markings. Any vehicle parked in such parking space shall be parked so that the foremost part of such vehicle shall be nearest to the parking meter.

B. Any violation of Subsection A hereof is declared to be a municipal infraction. The penalty for violation shall be a fine of $25 for each offense.

§ 155-34. Display of parking time upon deposit of coins.

Each parking meter shall be set so as to display a signal showing legal parking upon the deposit of a coin or coins. Each meter shall, by its device,

clearly set out and continue in operation from the time of the deposit of one or more coins, as may be desired, until the expiration of the time paid.

§ 155-35. Hours of operation of meters. [Amended 8-28-1996 by Ord. No. 613]

Parking meters shall be in operation each day of the week, except for Saturdays, Sundays and designated holidays, between the hours established by resolution of the Mayor and Common Council and displayed on the parking meter or on signs which are situate within or near a designated parking area. The Mayor and Common Council may also designate other special dates or time periods in which parking meters shall not be in operation. Any person desiring to utilize a parking space for the parking of a vehicle while the parking meter for such space is in operation may do so by depositing in such meter the required coin or coins of the United States. No charge shall be made for parking while the parking meter is not in operation.

§ 155-36. Operator to deposit coins.

When any vehicle shall be parked in any parking space, the operator shall, upon entering such space, deposit or cause to be deposited in the parking meter for such parking space a coin or coins of the United States, depending on the length of time such operator intends to utilize such parking space for parking and in accordance with the schedule established by the Mayor and Common Council and displayed on the parking meter. Upon the making of such deposit, the operator shall be entitled to utilize the parking space for the parking of such vehicle for the length of time specified in such schedule for the amount so deposited and as indicated by the signal upon the parking meter.

§ 155-37. Display of signal upon expiration of time; overtime parking.

If any vehicle shall remain parked in any parking space beyond the period of time paid for by the operator, the parking meter shall indicate such illegal parking by a visible red indicator, and in that event, such vehicle shall be considered as parked overtime and beyond the limit of legal parking time in violation of the provisions of this article.

§ 155-38. Owners and operators not to permit overtime parking. [Amended 3-24-2003 by 698]

A. It shall be unlawful for any owner or operator to cause, allow, permit or suffer a vehicle to be parked overtime, whether occupied or not, in any parking space provided for by this article during the hours stated on the meter when the adjacent meter indicates by mechanical device that the time paid for by the deposit of a coin or coins has expired. No vehicle shall be parked in violation of this section.

B. Any violation of Subsection A hereof is declared to be a municipal infraction. The penalty for violation for a first offense shall be a warning. The penalty for a second offense shall be a fine of $15. The penalty for a third offense shall be a fine of $25. The penalty for a fourth offense or more shall be a fine of $50.[70]

§ 155-38.1. Causing or permitting vehicles to be parked beyond duration of parking meter. [Added 3-24-2003 by Ord. No. 698]

A. Except during times other than stated on the parking meter as operating hours, it shall be unlawfully for any owner or operator to causes allow, permit or suffer any vehicle to be parked, whether occupied or not, in any parking space provided for by this article, beyond the period of time established by the duration of the parking meter, or by any notice on the parking meter limiting the period of time a vehicle may remain parked in such a space. The insertion of additional coins after such time has elapsed does not extend the allowable time a vehicle may remain parked in the same space

B. Any violation of this section is declared to be a municipal infraction. The penalty for violation shall be $25 for each offense.

§ 155-39. Protection of meters.

A. It shall be unlawful for any person to deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this article.

B. Any violation of Subsection A hereof is declared to be a municipal infraction. The penalty for violation shall be a fine of $200 for each offense.

§ 155-40. Deposit of slugs.

A. It shall be unlawful for any person to deposit or cause to be deposited in any parking meter any slug, device, substance or any other substitute for a coin of the United States of America.

B. Any violation of Subsection A hereof is declared to be a municipal infraction. The penalty for violation shall be a fine of $100 for each offense.

§ 155-41. Unauthorized removal of coins.

A. It shall be unlawful for any person, without proper authority, to remove any coins from any parking meter.

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70. This ordinance also provided that for purposes of calculating the number of violations set forth in § l55-38B, the City shall reset to zero the number of violations of an owner or operator on January 1 of each calendar-year period.

B. Any violation of Subsection A hereof is declared to be a municipal infraction. The penalty for violation shall be a fine of $400 for each offense.

§ 155-42. Use of spaces by commercial vehicles when loading and unloading.

Nothing contained in this article shall be construed to prohibit commercial vehicles from using on-street public parking spaces, as provided in this article, when such commercial vehicles are actually engaged in the loading or unloading of merchandise, provided that such commercial vehicles shall not use said parking spaces for any longer period of time than is actually necessary for such loading or unloading, not to exceed 15 minutes. In such cases, the operators of said vehicles shall not be required to make any deposit of coins in such parking meters so long as such loading and unloading is actively and obviously in progress. In all other cases, such vehicles are subject to all of the provisions and regulations of this chapter.

§ 155-43. Use by vehicles working in public right-of-way.

Nothing contained in this article shall be construed to prohibit commercial or public utility vehicles from using or occupying on-street public parking spaces, as provided in this article, when such vehicles are actually engaged in authorized construction, maintenance or service activities to the highway, highway equipment or public utilities and such work is totally within the right-of-way of said highway, and provided that such spaces are not otherwise lawfully occupied. In such cases, the operators of said vehicles shall not be required to make any deposit of coins in such parking meters so long as such construction, maintenance and service work is actively and obviously in progress. In all other cases, such vehicles are subject to all of the provisions and regulations of this chapter.

ARTICLE IV
Snow Emergencies

§ 155-44. Designation of snow emergency streets; declaration of emergency.

A. The Mayor and Common Council may, by resolution from time to time, designate streets or portions of streets to be known as "snow emergency streets" for the purpose of removal of snow thereon.

B. Whenever snow has accumulated to a depth of two inches in the City, the Director of Public Works may, in his discretion, declare a snow emergency. Upon such declaration, all vehicles on streets designated as snow emergency streets shall be removed immediately in order to facilitate the removal of snow. The snow emergency shall continue in effect until the Director of Public Works declares it to be no longer necessary.

§ 155-45. Marking of streets.

All streets designated pursuant to § 155-44 as snow emergency streets shall be marked by appropriate no-parking signs during any period of snow emergency. Permanent signs which give the warning "no parking or standing during snow emergency" may be posted at the beginning and end of each block on such streets.

§ 155-46. Operation of vehicles restricted.

A. A person may not drive or attempt to drive a motor vehicle, other than a motorcycle, on any highway that is designated and appropriately signposted as a snow emergency route and for which a snow emergency has been declared and is in effect unless at least two power wheels of such vehicle are equipped with snow tires or tire chains in a good state of repair.

B. Any violation of Subsection A hereof is declared to be a municipal infraction. The penalty for violation shall be a fine of $25 for each offense.

§ 155-47. Parking during declared emergency; impoundment.

A. It shall be unlawful for any vehicle to be parked and left unattended within the right-of-way of any snow emergency route two hours or later after a snow emergency has been declared by the Director of Public Works.

B. Any violation of Subsection A hereof is declared to be a municipal infraction. The penalty for violation shall be a fine of $25 for each offense.

C. Any vehicle parked and left unattended on a snow emergency street in violation of this section may be impounded and removed by the Police

Department, and all costs of towing, storage or impounding shall be charged to the owner of the vehicle. All such charges, including any fine or penalty, shall be paid to the City before the owner may reclaim the vehicle under the procedure contained in § 155-13.

ARTICLE V
Payment of Fines and Election to Stand Trial

§ 155-48. Payment of fines, charges, fees and costs.

Fines, administrative charges, fees and costs imposed for any violation of the provisions of this chapter which are municipal' infractions shall be paid to the Westminster City Police Department or its designee within 20 calendar days of receipt of the citation.

§ 155-49. Election to stand trial.

A person receiving a citation for a municipal infraction under this chapter may elect to stand trial for the offense by notifying the City Police Department, in writing, of his intention of standing trial. The notice shall be given at least five days prior to the date of payment as set forth in the citation. Upon receipt of the notice of the intention to stand trial, the City shall ford to the District Court a copy of the notice from the person who received the citation indicating his intention to stand trial. Upon receipt of the citation, the District Court shall schedule the case for trial and notify the defendant of the trial date. All fines, penalties or forfeitures collected by the District Court for violations of municipal infractions shall be remitted to the City.

§ 155-50. Presumption in reference to violation.

In any trial charging a violation of any provision of this chapter governing the standing or parking of a vehicle, proof that the particular vehicle described in the notice of violation was parked in violation of such provision, together with proof that the defendant named in the notice of violation was at the time of such parking the registered owner of such vehicle shall constitute in evidence prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where and for the time during which such violation occurred.

§ 155-51. Failure to pay fine or stand trial.

A. If a person receiving a citation for an infraction fails to pay the fine for the infraction by the date of payment set forth on the citation and fails to file a notice of intention to stand trial for the offense in a timely fashion, the person is liable for the assessed fine. The City may double the fine to an amount not to exceed $400 and request adjudication of the case through the District Court, including the filing of a demand for judgment on affidavit. The District Court shall promptly schedule the case for trial and summon the defendant to appear. The defendant's failure to respond to such summons shall result in the entry of judgment against the defendant in favor of the City in the amount then due if a proper demand for judgment on affidavit has been filed. If the person receiving a citation for an infraction shall be found by the District Court to have committed an infraction, the person shall be required to pay a

fine determined by the District Court, not to exceed $400. The person shall also be liable for the costs of the proceedings in the District Court, and the Court may permit the City to abate any such condition at the person's expense.

B. In the event of failure to pay the fine imposed within 30 days of the date of the violation and when no timely request to stand trial has been made and after one notice sent by ordinary mail, postage prepaid, the person receiving the citation shall pay double the initial fine, plus an administrative charge in the amount of $10.

C. In the event of failure to pay the fine imposed by the District Court within 30 days after the adjudication of a municipal infraction and after one notice sent by ordinary mail, the person receiving the fine shall pay it, plus an administrative charge in the amount of $10. In addition, the City may refer the violation to the Motor Vehicle Administration as provided by the Transportation Article of the Annotated Code of Maryland, as amended.

§ 155-52. Traffic control signal monitoring system offenses; failure to pay fine or request trial; failure to pay judgment. [Added 10-10-2011 by Ord. No. 830]

A. If a person receiving a civil citation for failure to obey a traffic control device as detected by a traffic control signal monitoring system defined by § 21-202.1 of the Transportation Article of the Annotated Code of Maryland fails to pay such citation within 45 days of the issuance thereof and fails to elect to stand trial at least five days prior to the due date of the citation, the City shall impose an administrative charge in the amount of $10.

B. If a person receiving a civil citation for the offense described in Subsection A of this section has failed to pay the citation or timely elect to stand trial as set forth in Subsection A of this section and fails to pay the citation within 75 days of the issuance of the citation, the City shall impose a second administrative charge in the amount of $10.

C. If a person receiving a civil citation for the offense described in Subsection A of this section timely elects to stand trial, the City shall request adjudication of the case through the District Court.

D. If a person receiving a civil citation for the offense described in Subsection A of this section fails to pay the judgment imposed by the District Court within 10 days after the adjudication of the civil offense, the defendant shall pay to the City an administrative charge in the amount of $10.

E. If a person receiving a civil citation for the offense described in Subsection A of this section fails to pay the judgment imposed by the District Court within 40 days after the adjudication of the civil offense,

the defendant shall pay to the City a second administrative charge in the amount of $10.

F. If the defendant fails to pay a citation for the offense described in Subsection A of this section within 105 days of the issuance thereof or, having timely elected to stand trial, fails to pay the judgment imposed by the District Court within 70 days, the City shall refer the violation to the Motor Vehicle Administration as provided by the Transportation Article of the Annotated Code of Maryland.

Chapter 160

WATER

GENERAL REFERENCES

Charter provisions — See §§ 33.1 and 42.1 of the City Charter.

Plumbing — See Ch. 112.

Sewers and sewage — See Ch. 124.

Fees — See Ch. A175.

ARTICLE I
Potable Water
[Adopted as Ch. 20A of the 1972 Code, as amended through 1990]

§ 160-1. Effective date of rates. [Amended 5-11-1992 by Ord. No. 558; 5-10-1993 by Ord. No. 575; 5-13-1996 by Ord. No. 610; 5-22-2000 by Ord. No. 654; 5-8-2006 by Ord. No. 752; 4-13-2009 by Ord. No. 801]

The rates for metered service established in the Utility Fee Ordinance[71] shall be and become effective on and after July 1, 2009.

§ 160-2. Metered service. [Amended 5-11-1992 by Ord. No. 558; 5-10-1993 by Ord. No. 575; 5-13-1996 by Ord. No. 610; 5-22-2000 by Ord. No. 654; 5-8-2006 by Ord. No. 752; 4-13-2009 by Ord. No. 801]

From and after July 1, 2009, metered rates shall be as provided in the Utility Fee Ordinance.

§ 160-3. Fire protection service. [Amended 1-10-1994 by Ord. No. 584; 11-24-2008 by Ord. No. 793]

A. Private.

(1) The rates for private fire service, including sprinkler systems and hydrants located on private property shall be as provided in the Utility Fee Ordinance,[72] and are subject to the rules and regulations of the City. All water sold at these rates shall be used for fire purposes only.

(2) These rates shall not be imposed upon single-family attached, single-family detached and single-family semidetached dwellings.

B. Sprinkler systems. Connection charges shall be made for each connection to the City's water system for private, commercial or industrial sprinkler systems as provided in the Utility Fee Ordinance. In addition, each such customer shall pay for all costs of installation from the main to the protected premises. These rates shall not be imposed upon single-family attached, single-family detached and single-family semidetached dwellings.

§ 160-4. Flat-rate service and tank truck sales. [Amended 11-24-2008 by Ord. No. 793]

All unlisted or special water customers not included in the aforegoing sections shall pay for water used or consumed according to the rates established for metered water service. Any water sold and dispensed by truck or tank from a metered location to be designated by the City shall

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71. Editor's Note: See Ch. A175, Fees, Art. II, Utility Fees.

72. Editor's Note: See Ch. A175, Fees, Art. II, Utility Fees.

be at the prevailing out-of-city minimum charge and rate schedule for each premises served as provided in the Utility Fee Ordinance.

§ 160-5. Billing; interest.

A. All bills will be rendered quarterly to the property owners. Bills will not be rendered to tenants of property owners except upon request, in writing, by the property owner.

B. Bills are due and payable upon receipt thereof and, if not paid within 30 days of the mailing date, service may be discontinued as provided in state law. **[Amended 11-24-2008 by Ord. No. 793]**

C. A penalty charge of 5% will be imposed on all past due accounts.

§ 160-6. Application for service.

A. All applications for water service must be made, in writing, on a form provided by the City. Applications for service must be made by the property owner or his agent or representative and shall be accompanied by a fee as provided in the Utility Fee Ordinance.[73] **[Amended 11-24-2008 by Ord. No. 793]**

B. No contract for service will be entered into by the City with any applicant until all arrears and charges due by the applicant at any premises now or heretofore occupied by him shall have been paid or satisfactory arrangements made in regard thereto.

C. An accepted application by the City shall constitute a contract between the City and applicant, obligating the applicant to pay to the City its rates as established or as may be established from time to time. The applicant also shall comply with the City's rules and regulations.

D. Applications for service installations will be accepted subject to there being an existing and adequate main in a street or right-of-way abutting the premises to be served. The contract shall in no way obligate the City to extend its mains to service the premises under consideration.

E. When a prospective customer has made application for a new service or has applied for the reinstatement of an existing service, it is assumed that the piping and fixtures which the service will supply are in order to receive the same, and the City will not be liable in any case for any accident, breaks or leakage arising in any way in connection with the supply of water or failure to supply the same or the freezing of water pipes or fixtures of the customer nor for any damage to the property which may result from the usage or nonusage of water supplied to the premises.

F. After review of the completed application and the payment of all fees and charges required under this article and the Utility Fee Ordinance,

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73. Editor's Note: See Ch. A175, Fees, Art. II, Utility Fees.

the City may accept the application, provided that the property to be served is identified as W-1 or W-3 on the Carroll County Master Plan for Water and Sewerage. Additionally, the development of the property must be consistent with the current City/county agreement unless the Mayor and Common Council grants a waiver for good cause[74] for which the applicant shall pay a fee as provided in the Utility Fee Ordinance. **[Added 2-11-2002 by Ord. No. 677; amended 11-24-2008 by Ord. No. 793]**

§ 160-7. Service connections. [Amended 5-13-1996 by Ord. No. 610; 12-6-2007 by Ord. No. 773; 11-24-2008 by Ord. No. 793]

A. The Utility Fee Ordinance shall establish connection charges for each connection to the City’s water system.

B. A property owner will be assessed the actual cost of the meter only, in cases where a service connection already exists and no connection charge is levied.

C. Connections will be made upon proper application whenever such connections are within a reasonable distance of existing and adequate mains and lines of the City's water system.

D. Between November 15 and March 15, the City may, in its discretion, defer making connections until weather and ground conditions will reasonably permit such connections.

E. The City shall not be required to make any connection which it may deem not to be economically feasible or which may constitute an undue burden upon the City's physical water plant or system.

F. The service connection from the main to the property line will be installed by the City. Title to all services from the main to the property line, meters and meter installations are vested in and the same shall at all times remain the sole property of the City and shall not be trespassed upon or interfered with in any respect. This property shall be maintained by the City and may be removed or changed by it at any time.

G. The City will furnish and install the following equipment: corporation stop, service pipe to the property line, curb stop and curb box and remote reading unit. The meter and meter box shall be installed at the expense of the customer.

H. All service pipes shall not be less in size than three-fourths-inch inside diameter.

I. Curb stops are not to be used by the customer or his agent for turning on or shutting off the water supply. The control of the water supply by

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74. Editor's Note: Ordinance No. 677 provided that the Director of the Department of Planning and Public Works shall adopt regulations for the consideration of "good cause" waivers pursuant to this subsection.

the customer shall be by means of a separate stop located just inside the building wall. Curb stops are for the exclusive use of the City.

J. Every service pipe must be provided with a stop and waste cock on the inside of the cellar or foundation wall adjacent to the location where the pipe passes through it, easily accessible and fully protected from freezing, and all pipes in the building must be laid in such way that they can be fully drained by that waste cock.

K. The service pipe from the property line to the premises shall be installed at the expense of the owner. For this installation the owner or applicant shall employ a competent registered plumber, satisfactory to the City, to do the work and comply with national or prevailing plumbing codes in the area. The minimum size and cover shall be the same as that used from the main to the property line. The materials and method of construction shall be approved by the City, and if the service has not been installed in accordance with the City's requirements, water service will not be turned on until such defects have been remedied. The service pipes between the property line and the premises and all piping and fixtures on or in the premises of the owner or applicant shall be maintained by him and the work performed by a competent registered plumber in a manner satisfactory to the City.

L. In all future installations or reinstallations of service lines, only one premises will be supplied through one service pipe and under the control of one curb stop. Any violation of this article by any customer shall be deemed a violation by all customers involved, and the City may take such action as could be taken against a single owner, except that such action shall not be taken until an innocent owner, who is not in violation of the City's rules, has been given a reasonable opportunity to attach his pipe to a separately controlled service connection.

M. In the event that any service line between the curb box and the meter is improperly maintained or is damaged, the City shall have the right to discontinue service to such premises upon written notice to the customer. Service shall not be restored until satisfactory repairs have been made.

§ 160-8. Special water benefit assessment charges. [Amended 12-11-1995 by Ord. No. 604; 11-22-1999 by Ord. No. 643; 11-27-2000 by Ord. No. 659; 1-27-2003 by Ord. No. 695; 6-14-2004 by Ord. No. 714; 11-24-2008 by Ord. No. 793]

A. From and after the effective date of this article, in any instance in which the City shall supply water to any building, dwelling, apartment, living unit or other structure, a special benefit assessment is hereby levied and imposed, payable prior to the issuance of a building permit, upon the owner or owners of such property or properties to be served in the amount or amounts as provided in the Utility Fee Ordinance.[75]

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75. Editor's Note: See Ch. A175, Fees, Art. II, Utility Fees.

B. In any instance in which an existing structure is altered to convert to additional dwelling units, commercial units or business offices, there shall be imposed a special benefit assessment as provided in the Utility Fee Ordinance. However, in no event shall the cumulative assessments for said alterations exceed 75% of the assessment for new construction.

C. In any instance in which an industrial or commercial structure is altered to add additional square footage, there shall be imposed a special benefit assessment in accordance with the schedules hereinbefore set forth in the Utility Fee Ordinance. Expansion of existing structures shall be allowed credit for previously paid special benefit assessments in all types of uses except dwellings and dwelling units.

D. In any instance in which a school or college expands existing structures or constructs new buildings for nonresident use, there shall be imposed a special benefit assessment as provided in the subsection of the Utility Fee Ordinance entitled “Industrial Warehousing.” In the instance where a school or college adds or expands its residential buildings, a benefit assessment shall be imposed in accordance with the subsection of the Utility Fee Ordinance entitled “Dwellings and Dwelling Units,” or, in the event of construction of dormitories, the schedule entitled “Schools and Colleges, Including Dormitories” shall be applicable.

E. In any instance in which a continuing-care facility licensed by the State Department of Aging provides three levels of care for individuals 60 years of age or older, “independent living,” “assisted living,” and “comprehensive care” as those terms are defined by Maryland law, and also owns and maintains substantial on-site infrastructure, there shall be imposed a special benefit assessment in the following amounts. For independent-living units (single-family dwelling units or apartments or multifamily units) there shall be imposed a special benefit assessment in the amount of 65% of the amount of assessment set forth for said uses in the Utility Fee Ordinance. For assisted-living units and/or comprehensive-care units the amount of assessment shall be the same as set forth in the Utility Fee Ordinance for hospitals, care homes and nursing homes.

F. In situations where no specified category is provided for in this article, the Director of Planning shall determine the applicable special benefit assessment to be charged, but in no case shall such charges exceed those existing in the Utility Fee Ordinance.

G. The Director of Planning may waive or modify special benefit assessments for the construction or rehabilitation of lower-income housing units as authorized under § 21-101 of Article 24 of the Annotated Code of Maryland.

§ 160-9. (Reserved)[76]

§ 160-10. Main extensions.

A. The City shall be solely responsible for any and all main extensions. No extension will be made except upon the written request of a property owner.

B. The owner or owners applying for such water main extension shall be responsible for the cost of making such an extension. Title to the main will be vested in the City, and the main shall at all times remain the sole property of the City and shall not be trespassed upon or interfered with in any respect. This property shall be maintained by the City and may be used as the City deems fit.

C. When water facilities are to be constructed, the owner will furnish plans for review by the City and all other agencies having jurisdiction. These plans will denote location, profile and any other pertinent details required by agencies having jurisdiction. The City will also require a public works agreement spelling out the conditions by which a main will be extended.

D. Before an extension of a main is made by the City, the owner or applicant shall post security for the estimated cost of the water main extension. Final adjustments will be made upon the receipt of all bills and expenses that may be incurred in the extension of a main. Any surplus security will be returned to the owner. Any deficit held by the City will be billed to the owner upon final accounting.

E. The City will not be required to make any reimbursement to the owner for additional connections to such mains or enter into any type of buy-back agreements.

F. The Mayor and Common Council shall adopt and, from time to time, amend the Utility Fee Ordinance as to the imposition of fees as it deems necessary for the preparation, review and approval of construction drawings, plans and other related documents for all main extensions. Said fee shall be based upon the costs of providing such services and shall be in addition to the costs for which the owner is responsible under Subsection B. **[Amended 11-24-2008 by Ord. No. 793]**

§ 160-11. Meters.

A. All meters will be furnished by and remain the property of the City, which reserves the right to stipulate the size, type and make of meter to be used as well as the location of the setting. Minimum meter size shall be a five-eighths-inch meter with fees as provided in the Utility Fee Ordinance.[77] **[Amended 11-24-2008 by Ord. No. 793]**

B. When possible, the meter will be set in the basement in a convenient place or in a meter box at the curb or property line to control the entire supply, the location to be provided and maintained by the owner. In the

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76. Editor's Note: Former § 160-9, Double special benefit charges, was repealed 11-24-2008 by Ord. No. 793.

77. Editor's Note: See Ch. A175, Fees, Art. II, Utility Fees.

event that the customer desires any change in the location or position of the meter box or vault, such change in location shall be made by the City at the cost and expense of the owner.

C. All meters shall be maintained by and at the expense of the City insofar as ordinary wear and tear are concerned, but the owner will be held responsible for damages as a result of freezing, hot water or other external causes when such damage results directly or indirectly from the negligence of the customer. When such damage occurs, the City will furnish and set another meter to replace the one frozen or otherwise damaged, and the cost of such repairs, including replaced parts, labor and transportation charges, shall be paid for by the owner.

D. Any owner may be required to install a suitable check valve and relief valve in the service line on the outlet side of the meter in such a manner as to prevent the return of hot water to the meter and shall pay the cost of all repairs necessitated by failure to do so.

E. The quantity recorded by the meter shall be taken to be the amount of water passing through the meter, which amount shall be accepted as conclusive by both the owner and the City, except when the meter has been found to be registering inaccurately or has ceased to register. In such cases the quantity may be determined by the average registration of the meter in a corresponding past period when in order or by the average registration of the new meter, whichever method is representative, in the opinion of the City, of the conditions existing during the period in question.

F. The City reserves the right to remove and to test any meter at any time and to substitute another meter in its place. In the case of a disputed account involving the question of accuracy of the meter, such meter will be tested by the City upon the written request of the applicant for a fee as provided in the Utility Fee Ordinance, provided that the meter in question has not been tested either by the City or the Public Service Commission. **[Amended 11-24-2008 by Ord. No. 793]**

G. If a meter is found to be inaccurate, it shall be replaced at the City's expense and the testing fee shall be returned to the applicant. However, if a meter is found to be accurate, the owner will bear all costs of replacement and related expense. **[Amended 11-24-2008 by Ord. No. 793]**

H. The owners shall permit no one, except an agent of the City or another otherwise lawfully authorized to do so, to remove, inspect or tamper with the meter or other property of the City on his premises. The customer shall notify the City, as soon as it comes to his knowledge, of any injury to or any cessation in registration of the meter.

§ 160-12. Discontinuance of service. [Amended 1-10-1994 by Ord. No. 584; 7-8-2002 by Ord. No. 683]

A. Whenever the owner desires to have his service contract terminated or his water service discontinued, he shall so notify the City in writing. Until such notice is received by the City, the owner shall be responsible for the payment of all service rendered by the City, including charges for meter repairs caused by damage by hot water or freezing. A reasonable time after the receipt of such notice shall be allowed the City to take a final reading of the meter or meters and to discontinue service.

B. Service may be discontinued for any one of the following reasons:

(1) Use of water for purposes other than for consumption on the premises served.

(2) Misrepresentation in application.

(3) Willful waste of water.

(4) Molesting or tampering with City property or seals on appliances.

(5) Vacancy.

(6) Nonpayment of water or sewer bills, or both , when due.

(7) Cross-connection of the City's water service pipe with any other water supply source.

(8) Refusal of reasonable access to property.

(9) Violation of § 160-13 of this article, or violation of any order issued by the Mayor and Common Council, any drought management plan adopted by resolution, or any order issued by the Mayor pursuant thereto.

C. A charge will be made for restoring service when water has been turned off for any of the above reasons except vacancy as provided in the Utility Fee Ordinance. **[Amended 11-24-2008 by Ord. No. 793]**

D. The Director of Public Works is authorized to adopt rules and regulations, subject to approval by resolution of the Mayor and Common Council, to implement procedures for the administration of this section. Such procedures may contain procedures relating to final readings of water meters. **[Amended 12-6-2007 by Ord. No. 773; 11-24-2008 by Ord. No. 793]**

§ 160-13. Water conservation. [Amended 8-23-1999 by Ord. No. 641; 7-8-2002 by Ord. No. 683]

A. The Mayor and Common Council shall exercise control of the water supply at all times and, in case of shortage of water or for any other reason, the Mayor and Common Council, in the exercise of its discretion, may determine that the water supply should be conserved.

B. Any user or consumer of water, upon notice from the City, its agents or employees or upon notice published for two consecutive days in one newspaper of general circulation in Carroll County, shall comply with any order passed by the Mayor and Common Council, any drought management plan it has adopted pursuant to this section or any order issued by the Mayor pursuant to said drought management plan to conserve the water supply.

C. In exercising its authority under this section, the Mayor and Common Council is authorized to adopt by resolution drought management plans which may result in the issuance of an order by the Mayor imposing mandatory water use restrictions.

D. Any violation of any order of the Mayor and Common Council under this section or of any drought plan or order issued by the Mayor pursuant to it is declared to be an infraction. The penalty for violation shall be $200 for each initial offense and $400 for each repeat offense. In addition to any other penalty provided herein, the City may, at any time and without further notice, discontinue the water service of any person violating any order of the Mayor and Common Council or of any drought plan or order issued by the Mayor pursuant to it under this section.

§ 160-14. Allocation policy. [Amended 4-9-2007 by Ord. No. 763; 9-23-2002 by Ord. No. 686; 11-24-2008 by Ord. No. 793; 4-13-2015 by Ord. No. 853]

A. Establishment of allocation policy; application fees.

(1) In order to better manage the capacity and capability of the City's water supply system to supply the reasonably anticipated demands and needs of the community, the Mayor and Common Council is authorized to establish, by resolution, an allocation policy regarding the issuance of additional water service connections.

(2) Any application for an allocation shall be accompanied by a fee as provided in the Utility Fee Ordinance.[78]

B. Commercial, industrial and residential projects that have received development plan, preliminary plan, final plat or site plan approvals by the respective City or county planning body prior to September 1, 2002, projects that require less than 150 gallons per day of water capacity and projects in connection with which the property owner or developer provides additional water capacity to the City's water supply in an amount at least sufficient to cover the water allocation needs of the project shall not be subject to any allocation policy.

C. The Mayor and Common Council is also authorized to establish, by resolution, a contingency plan to prohibit, restrict and allocate the issuance of water service connections in the event of major operational

78. **Editor's Note: See Ch. A175, Fees, Art. II, Utility Fees.**

problems, supply interruption, drought or other unanticipated and significant water shortage due to any cause, or contamination of the City's water supply resources or as a result of state directive.

D. The Director of Community Planning and Development shall maintain a ledger, in such form as the Director deems appropriate, identifying the development projects to which water has been allocated, the amount of water allocated for each such project, and whether such allocation is tentative or final, and showing a running balance of the annual water capacity allotment.

E. Notwithstanding anything contained in this Code to the contrary, no water capacity shall be allocated at any time when the City's wastewater treatment plant lacks sufficient capacity to treat and discharge wastewater that would be generated by additional development.

F. Notwithstanding anything contained in this section to the contrary, water allocation for any development application submitted for approval shall be subject to the additional procedures and regulations set forth in Subsection K of § 164-193 and Subsection J of § 164-211 of this Code.

§ 160-15. Right of entry.

The authorized agents of the City, presenting proper credentials, shall have the right of access at all reasonable hours to the premises supplied with water for the purpose of reading meters, examining fixtures and pipes, observing the manner of using water and for any other purpose which is proper and necessary in the conduct of the water system.

§ 160-16. Rights of city.

As necessity may arise in case of main breaks, emergency or other unavoidable cause, the City shall have the right to temporarily cut off the water supply in order to make necessary repairs, connections, improvements, etc., but the City will use all reasonable and practicable measures to notify the customer in advance of such discontinuance of service. In any case, the City shall not be liable for any damage or inconvenience suffered by the customer nor for any claim against it at any time for interruption in service, lessening of supply, inadequate pressure, quality of water or any cause beyond its control. All customers having boilers upon their premises depending upon the pressure of the water in the City's pipes to keep them supplied are cautioned against danger of collapse, and any such damage shall be borne exclusively by the owner. The City shall have the right to reserve a sufficient supply of water at all times in its reservoirs to provide for fire or any other emergencies and may restrict or regulate the quantity of water used by its customers in case of scarcity or whenever the public welfare may require it. Any owner requiring reduced water pressure shall do so through pressure-reducing valves, to

be furnished and installed at the owner's expense, on the outlet side of the meter ahead of the stop and drain valve.

§ 160-17. Mingling of waters.

No water will be furnished to any premises where any possibility exists of the mingling of the water furnished by the City with water from any other source nor will the City permit its mains or service pipes to be connected in any way to any piping, tank, vat or other apparatus containing liquids, chemicals or any other matter which may flow back or have cross-connection into the City's service pipes or mains or any other water facilities or units and consequently endanger or adversely affect the water supply. An exception may be made to this rule at the option of the City, provided that proper safeguards are installed which shall be inspected and have the approval of the City.

§ 160-18. Hydrants.

A. Water from hydrants or other fire protection systems shall be used only in case of fires, except that water from public fire hydrants may be used in a reasonable amount and at such times and places as the City may permit. The testing of hydrants and fire-fighting apparatus by any fire company may be permitted upon request by an authorized agent or employee. No pumps will be permitted to be connected with water pipes so as to draw water directly from the main or service pipe, except for fire purposes, without specific permission from the City.

B. The opening or closing of any fire hydrant or plug, except in case of fire, without the written permission of the City shall be deemed a tampering with the appliances of the City.

§ 160-19. Tampering with system; violations and penalties.

It shall be unlawful for any person or persons to wrongfully connect, disconnect, tap or interfere or tamper with any of the canals, springs, reservoirs, tunnels, mounds, dams, plugs, mains, pipes, conduits, connections, taps, engines and machinery or other appliance of the City for the purpose of wasting or using such water or to in anywise tamper with any meters used to register the water consumed, unless such person or persons will be duly authorized by or be in the employ of the City. Violation of this section is declared to be an infraction. The penalty for violation shall be $400 for each initial offense and $400 for each repeat offense.

§ 160-20. Construal.

The presentation or nonprescription of a bill shall not be held to be a waiver of any of the above rules.

§ 160-21. Delinquent bills become lien.

All delinquent water bills shall be and become liens upon the premises served, which liens may be collected in the same manner as the collection of delinquent taxes.[79]

79. **Editor's Note: The Water Rate Schedule, as amended, formerly included at the end of this article, was repealed 4-13-2009 by Ord. No. 801. Ordinance No. 801 also provided that said schedule be used to calculate rates for services rendered before July 1, 2009. For current water rates, see Ch. A175, Fees, Art. II, Utility Fees.**

ARTICLE II
Reclaimed Water
[Adopted 1-9-2012 by Ord. No. 831]

§ 160-22. Purpose and intent; objectives.

A. This article sets forth the requirements for the City's reclaimed water system. The reclaimed water system provides an alternative water source for nonpotable water demands. It is the City's policy to provide reclaimed water to meet nonpotable water demands when it is feasible to do so. It is the City's purpose and intent to establish a reclaimed water system and to extend such system to certain areas of the City where the Common Council determines that the extension of reclaimed water is practical and economical. The reclaimed water distribution system will be constructed in sections and phases to provide reclaimed water service to designated areas as determined by the Common Council from time to time and pursuant to the terms and conditions set forth herein.

B. The objectives of this article are:

(1) To reduce potable water demand.

(2) To reduce wastewater discharges into local watersheds.

(3) To help meet nutrient-reduction goals for the Chesapeake Bay.

§ 160-23. Definitions.

In this article, the following terms shall have the meanings provided in this section unless the context clearly indicates otherwise:

AVAILABLE — A reclaimed water distribution main is or will be located at a property line of a property on which an irrigation system is installed or proposed or a property proposed to be serviced with reclaimed water.

CROSS-CONNECTION — Any unprotected actual or potential physical connection whereby the public water supply is connected with any other water supply system, whether public or private, either inside or outside of any building or buildings, in such a manner that a flow of water into the public water supply is possible either through the manipulation of valves or because of ineffective check or back-pressure valves or because of any other arrangement. This includes any unauthorized taps, whether or not adequate protection is provided.

DEPARTMENT — The City of Westminster's Department of Public Works.

DIRECTOR — The Director of Public Works or his or her designee.

DRY LINE — A pipe installed underground for the purpose of transporting water but which is not connected to a water system.

IRRIGATION SYSTEM — A system of devices to provide for the application of water typically to any outdoor planted material by means of a permanent

piping system under pressure and that is manually, semiautomatically or automatically operated. Major reclaimed water line shall mean those reclaimed water lines that are eight inches in diameter or greater.

MDE — The Maryland Department of the Environment.

PERMIT — Written permission granted by the City to install and/or use reclaimed water lines and/or systems.

POTABLE WATER — Water provided by the City via the City's water distribution system or by a privately owned water system for public consumption that meets the state's potable drinking water standards, or water provided by a private source for consumption (drinking, cooking, bathing, etc.) by the applicant.

RECLAIMED DISTRIBUTION MAIN — Those conduits used to supply reclaimed water to service lines from transmission mains.

RECLAIMED WATER DISTRIBUTION SYSTEM — Any plant, well, pipe, tank, reservoir, facility, property or combination thereof, and associated hardware and other appurtenances, including meters, extending to the customer's reclaimed water meter, that is used for or has the capacity for use for supplying reclaimed or reuse water.

RECLAIMED WATER or REUSE WATER — Water provided by the City via the City's reclaimed water distribution system that has been treated to and meets the state's reclaimed water standards and is permitted to be used for certain nonpotable (e.g., nondrinking, noncooking, nonbathing) purposes.

RECLAIMED WATER SERVICE AREA — Any portion of the City's water sewer service area that is within the City's reclaimed water distribution system.

RECLAIMED WATER SERVICE STUBS — Those portions of reclaimed water service pipes that extend from the City's reclaimed water mains to the boundaries of public easements and/or rights-of-way but are not connected to a user's facilities.

SERVICE LINE — That conduit for reclaimed water from the reclaimed water distribution main to the property line.

TRANSMISSION MAINS — Those utility lines used to supply reclaimed water from the City's pumping stations or treatment facilities to the City's reclaimed water distribution system.

UTILITY SYSTEM or UTILITY LINES — Reclaimed water pipelines, water pipelines, and sewer pipelines (any or all as determined by the context), and all pipes, valves, valve boxes, hydrants, and other fixtures, equipment, and apparatus connected to and forming a part of the reclaimed water, potable water, or sewer pipelines and systems, or all, and all appliances necessary and convenient thereto. The utility lines dedicated to the City shall include only main transmission or distribution lines, valves, hydrants and other apparatus, fixtures and equipment forming a part of the lines laid in public streets, roads, highways and alleys or across City utility or sanitary sewer easements on private property and shall not include lines leading from the

mains at the property boundary to the building on private property and shall not include the reclaimed water, potable water, or sewer lines within any residences or other privately owned building.

WATER SERVICE AREA — The areas served or programmed to be served by the City's water treatment plant as shown on the Carroll County Master Plan map.

§ 160-24. Adoption of governing authorities.

A. Rules and regulations relating to waste not discharged to surface waters contained in the Maryland Annotated Code and/or the Code of Maryland Regulations (COMAR) and/or any permit issued to the City by MDE or other state agency governing or relating to the use of reclaimed or recycled water, as these may be amended from time to time, are hereby adopted by reference and incorporated into this article as though fully set forth within this article.

B. In the event of any variation between the provisions of the this article and those of the Maryland Annotated Code, COMAR, and/or any permit issued to the City governing or relating to the use of reclaimed or recycled water, the more strict provision shall prevail.

C. Subject to the direction of the City Administrator, the Director shall have the authority to implement administrative programs that may be required to adhere to federal or state law, adhere to the conditions of any permits from federal or state agencies, or provide efficient operation of the reclaimed water system. Such programs may include, but are not limited to, an application program to approve new users, a connection inspection program, followup inspection program, compliance and enforcement program, spill prevention, control and notification program, and educational program to advise the public of the proper and safe use of reclaimed water.

§ 160-25. Rates, fees and charges.

The rates, fees and charges for the reclaimed water system are set forth in the Utility Fee Ordinance, Chapter A175, Article II, of this Code. Fees and charges incurred by any user of the reclaimed water system are subject to the collection provisions of Article I of this chapter applicable to the distribution of potable water.

§ 160-26. Conditions for suspension or termination of service; right of entry.

A. The City may terminate, discontinue, or suspend reclaimed water service in accordance with this article and the City's policies and procedures in the event of:

(1) A violation of this article or City regulations, policies or procedures;

(2) Failure to pay bills by the due date;

(3) Tampering with any utility service;

(4) The existence of plumbing cross-connections with another water source; or

(5) Any customer condition or action that may be detrimental to the City's potable water system, its reclaimed water system, or its wastewater collection and treatment system.

B. The City may, at its option, suspend service until the condition is corrected and all costs due the City are paid. These costs may include delinquent billings, connection charges, and payment for any damages caused to the potable water, reclaimed water, or wastewater collection or water distribution system.

C. In addition to any authority to enter private property contained elsewhere in this Code, the Director or his or her designee may enter any premises upon such notice that is reasonable under the circumstances to determine the presence of any cross-connections or other potential hazards to the City's potable water system. Each customer of reclaimed water service shall, by completing the reclaimed water application, give written consent to such entry upon the customer's premises.

§ 160-27. Authority of City to refuse, suspend or terminate service.

The City makes no guarantees that reclaimed water service will be provided or, once provided, continued. The City may, at any time, and from time to time, refuse to extend, or suspend or terminate, service on the basis of a use detrimental to the system, an inadequate supply of reclaimed water, the failure to pay required fees, or for any other reason which, in the judgment of the Director, will cause the extension not to be to the benefit of the City.

§ 160-28. Maintenance responsibility; emergency discontinuation of service; repairs.

A. The City shall have responsibility for maintaining and repairing reclaimed water service stubs in the public right-of-way or easement. The repair of all pipes and fixtures on private property shall be the responsibility of the property owner.

B. The City shall have the right to suspend or terminate reclaimed water service to any property when, in the judgment of the Director, a leak or other deficiency in the facilities is of sufficient magnitude or has continued for a sufficient period of time to cause harm to the system or to the public interest.

§ 160-29. Enforcement procedure.

A. It shall be a municipal infraction subject to a penalty of $500 for any person to violate any of the provisions of this article, or any regulation, standard, rule, or order duly adopted in furtherance of this article, or to

continue any alteration, extension or construction of the utility system or part thereof without first obtaining a permit or written permission or to undertake or continue any alteration, extension, or construction of the utility system or part thereof, except in conformity with the terms, conditions, requirements, and provisions of an approved application, plan, or both. Every day the violation continues shall be a separate offense.

B. Whenever the City has reasonable cause to believe that any person is violating or threatening to violate any of the provisions of this article or any standards, regulation, rule or order duly adopted in furtherance of this article, or is undertaking or continuing any alteration, extension and construction of the utility system without first obtaining a permit or written permission, or is undertaking or continuing any alterations, extension, or construction of the utility system or part thereof, except in conformity with the terms, conditions, requirements and provisions of an approved application, plan, or both, the City may, either before or after the institution of any other action or proceeding authorized by this Code, institute a civil action in the name of the City for injunctive relief to restrain the violation or threatened violation. The institution of an action for injunctive relief under this subsection shall not relieve any party to such proceeding from any civil or criminal penalty prescribed for violations of this Code.

§ 160-30. Reclaimed water user permit.

A. No reclaimed water may be used for any purpose, either upon initial installation, or upon change of use or change of property ownership, until the user has obtained a reclaimed water permit from the City. Applications for reclaimed water service shall be made and will be accepted in the same manner as applications for water and sewer service, subject to the provisions of this article.

B. All applicants for reclaimed water, at the applicant's own cost and expense, shall apply for, obtain and meet all requirements of all necessary permits, licenses, conditions, and approvals for the initial construction and the operation of the on-site reclaimed water facilities and the use of reclaimed water.

C. At the time of application, a user seeking a new connection to the reclaimed water supply system shall enter into a public works agreement that shall contain those provisions the Director deems necessary to protect the public interest, including, but not limited to, provisions relating to:

(1) The design and construction of all facilities through which reclaimed water shall pass;

(2) The posting of bonds or other security for performance of the work;

(3) Permission for the City through its officials, employees and/or agents to enter upon the property for inspection, upon reasonable notice under the circumstances, and to perform necessary repairs; and

(4) The dedication to and conditions for acceptance by the City of any portions of the facilities that are to become part of the City's system.

§ 160-31. Allowable uses of reclaimed water.

A. Except as set forth in Subsection B hereof, reclaimed water shall only be used for the following purposes:

(1) Irrigation of farmland, golf courses, athletic fields, turf, and/or landscaping; and

(2) Any other use that the Director considers appropriate and is approved by MDE.

B. Irrigation systems using reclaimed water shall be designed to keep all spray on the user's property. The Director shall enforce buffers from the edge of the spray influence to the following features:

(1) Surface waters, including intermittent streams, perennial streams, perennial water bodies and wetlands, up to 100 feet;

(2) Residential structures, up to 25 feet;

(3) Schools and playgrounds, up to 50 feet;

(4) Public roads and residential property lines, up to 25 feet;

(5) Potable wells, up to 100 feet.

C. Irrigation and other systems using reclaimed water shall not generate runoff that flows into the natural waterways or into the buffer areas. Runoff shall not enter a storm sewer or drainage ditch that connects to waters of the state.

D. Any and all new or replacement reclaimed water supply systems within flood-prone areas shall be designed and constructed to minimize and eliminate discharges from such systems into floodwaters.

§ 160-32. Conservation of water resources.

A. The use of reclaimed water is intended to reduce demands on the potable water supply, and consequently restrictions that the City may impose from time to time upon reclaimed water usage may be less stringent than those imposed upon potable water users.

B. The availability of reclaimed water is directly related to the volume of wastewater and treatment thereof. The City may, upon just cause and for the purpose of the protection of public health, place temporary

and special limitations upon reclaimed water users due to conditions, upsets, or other acts which interfere with the production or transmission of reclaimed water.

§ 160-33. Connecting with reclaimed water pipes.

It shall be unlawful for any person to connect any pipe or take by any means reclaimed water from, or interfere with the pipes of the reclaimed water system of, the City without authorization from the Director.

§ 160-34. Replacement of reclaimed water service stubs.

In the event of the paying or widening of streets, or the raising or lowering of the grade of a street, or in the installation of curbs or gutters and/or sidewalks, or in the case of the installation of new reclaimed water lines initiated by the public, all reclaimed water service stubs may be replaced so as to meet the standards prescribed by the City Plumbing Code.[80] There shall be no charge for such replacements.

§ 160-35. Responsibility for making connections.

All reclaimed water services shall be installed, extended, replaced or repaired by City forces from the City's main to the property line unless otherwise permitted by the Director, provided that no such permission shall be granted for work within the corporate limits in public street rights-of-way except by licensed utility contractors. All reclaimed water connections in new developments shall be the responsibility of the developer and at his expense in accordance with City standards and specifications.

§ 160-36. Meter requirements; placement of meters.

A. A separate reclaimed water metered connection is required for each lot at the time of connection with reclaimed water service.

B. All such meters shall be placed in the street right-of-way at such locations as the Director shall determine. Reclaimed water meters shall be placed within five feet of the potable water meter serving the property. All meters shall conform to the standards and material specifications of the City. All reclaimed water meters shall be installed in accordance with the City's standards and fee schedule.

§ 160-37. Maintenance by customer.

The property owner and/or customer shall be responsible for the maintenance of all reclaimed water lines and appurtenances on the customer's property, in conformance with state and local regulations. The City reserves the right to disconnect the service to any property when the reclaimed water system and appurtenances are not properly maintained. In addition, should the customer require reclaimed water at different

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80. Editor's Note: See Ch. 112, Plumbing.

pressures, or different quality, or in any way different from that normally supplied by the City, the customer shall be responsible for the necessary devices to make adjustments and for obtaining approval from the Director.

§ 160-38. Access to and obstruction of appurtenances, structures or easements.

A. No person shall open, enter into, place, or allow anything to be placed in a manhole, vault, or valve box of the City's reclaimed water system without written approval from the Director or his or her designee.

B. No person shall damage, obstruct, or cover a manhole, vault, or valve box of the City's reclaimed water system.

C. No person shall plant trees, shrubs, or other plants within a reclaimed water easement without prior written approval from the Director.

D. No person shall place any part of a structure or any permanent equipment within a reclaimed water easement without prior written approval from the Director.

§ 160-39. Removal, damage to or interference with system.

It shall be unlawful for any person to remove, damage, or interfere with any reclaimed water pipes belonging to the City or to remove, break, or injure any portion of any manhole or any part of the reclaimed water of the utility system.

§ 160-40. Ownership by City.

All reclaimed water facilities and appurtenances within dedicated public easements, when constructed or accepted by the City, shall become and remain the property of the City. No person shall, by payment of any charges provided herein or by causing any construction of facilities accepted by the City, acquire any interest or right in any of these facilities or any portion thereof, other than the privilege of having his or her property connected thereto for reclaimed water service in accordance with this article and any amendments thereof.

Chapter 164

ZONING AND SUBDIVISION OF LAND

GENERAL REFERENCES

Charter provisions — See §§ 15 through 23 of the City Charter.

Planning and Zoning Commission — See Ch. 7, Art. II.

Planning Director — See Ch. 29, Art. V.

Buildings — See Ch. 56.

Floodplain management — See Ch. 83.

Nuisances — See Ch. 100.

Sewers and sewage — See Ch. 124.

Stormwater management — See Ch. 136.

Water — See Ch. 160.

Fee Schedule — See Ch. A175.

ARTICLE I
General Provisions

§ 164-1. Title.

This chapter shall be known and may be cited as the "Zoning Ordinance of the City of Westminster, Maryland." It is referred to in this chapter as the "Zoning Ordinance" or "this chapter."

§ 164-2. Purpose.

A. Purpose of chapter.

(1) The purpose of this chapter is to promote the health, safety, morals and general welfare of the community by regulating and restricting the height, number of stories and size of buildings and other structures, the percentage of a lot that may be occupied, the density of population, the size of lots, yards, courts and other open spaces and the location and use of buildings, structures and land for retail, industrial, residential and other purposes; to provide for adequate light and air; to regulate off-street parking to prevent vehicular and pedestrian congestion and undue crowding of land; to secure safety from fire, panic and other danger; and to conserve the value of property.

(2) This chapter has also been enacted to control safety; to promote the conservation of natural resources; to prevent environmental pollution; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, recreation, parks and other public requirements. It also provides reasonable consideration, among other things, to the character of the districts and, considerably for particular users, with a view to conserving the value of buildings and encouraging the orderly development and most appropriate use of land throughout the City.

B. Conservation, agricultural and residential zones generally. The purpose of conservation, agricultural and residential zones is to promote a suitable environment for family life at various densities through the provision of recreational, religious and educational facilities as basic elements of a balanced neighborhood, to stabilize and protect the essential characteristics of existing residential development and to foster development compatible with the topography and other natural characteristics of the area.

C. Business zones generally. The purpose of the business zones is to provide a range of retail uses and services and commercial activities. In order to protect the abutting or surrounding residential zones, the regulations for these zones establish standards, including parking requirements, to ensure that said uses will be operated in a manner least objectionable to said residential areas.

D. Industrial zones. The purpose of the industrial zones is to provide space for certain industrial uses and activities and for particular wholesaling and retailing facilities for commodities appropriate in an industrial zone.

§ 164-3. Definitions and word usage.

A. For the purpose of this chapter, certain words and phrases used herein are defined as follows:

ACCESS — A means of approach or admission.

ACCESSORY BUILDING — A building subordinate to and located on the same lot with a main building, the use of which is clearly incidental to that of the main building or to the use of the land and which is not attached by any part of a common wall or common roof to the main building.

ACCESSORY USE — A use of a building or lot or portion thereof which is customarily incidental and subordinate to the principal use of the main building or lot.

ADULT ENTERTAINMENT ACTIVITY **[Amended 3-22-1993 by Ord. No. 571]** — Any commercial activity, whether conducted intermittently or full-time, which involves:

(1) Any building, room, place or establishment where there is the sale, display, exhibition or viewing of books, magazines, films, photographs or other materials distinguished or characterized by an emphasis on matter depicting, describing or relating to human sex acts or by an emphasis on male or female genitals, buttocks or female breasts;

(2) Any building, room, place or establishment where manipulated massage or manipulated exercises are practiced for pay upon the human body by anyone not a duly licensed physician, osteopath, chiropractor, registered nurse and practical nurse operating under a physician's directions, registered speech pathologist and physical or occupational therapist who treat only patients recommended by a licensed physician and operate only under such physician's direction, whether with or without the use of mechanical, therapeutic or bathing devices, and shall include Turkish bathhouses. The term shall not include a regularly licensed hospital, medical clinic or nursing home, duly licensed beauty parlors or barbershops;

(3) Any building, room, place or establishment which provides topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers; or

(4) Any building, room, place or establishment which provides for off-track betting, telephone betting or parimutual satellite simulcast betting for wagering, betting or gambling purposes.

AGRICULTURE or AGRICULTURAL PURPOSES — The use of land for the raising of farm products for use or sale, including animal or poultry husbandry; the growing of crops such as grain, vegetables, fruit, grass for pasture or sod, trees, shrubs, flowers and similar products of the soil; and the necessary accessory uses for packing, treating or storing the produce thereof, provided that such accessory use is secondary to normal agricultural activities.

AIRPORT (including "airpark" and "airfield") — A place where aircraft may take off and land, discharge cargo or passengers, be repaired, take on fuel or be stored.

ALLEY — A right-of-way which provides a secondary means of access to abutting lots and is not intended for general traffic circulation.

AMUSEMENT CENTER — A commercially operated facility containing such enterprises as a bowling alley, pool hall, skating rink, billiard parlor or one providing more than two coin-operated amusement devices suitable for participation by people of any age, including but not limited to television games, electronic novelty games, electromechanical and electronic target games, driving games, pinball machines, small kiddy rides and other similar devices.

ARTIST LIVE/WORK SPACE — A structure containing one residential dwelling unit associated with and forming an integral part of an art studio.**[Added 1-12-2004 by Ord. No. 710]**

ART STUDIO — A structure with a minimum and maximum floor area of 500 and 1,500 square feet, respectively, used for the production of paintings, drawings, prints and print-plates, pottery, puppetry, sculpture, stained glass, ceramics video, moving or still photography, creative writing, dance or music, none of which involves amplified sound. Metalworking, woodworking except for carving with hand tools, the firing of pottery in kilns, and the use of fiberglass is prohibited. Art studios must provide for the ventilation of fumes directly to the rear exterior of the structure. Art studios must not share any portion of forced-air heating or cooling system with dwelling units unassociated with the art studio. Users must abide by all applicable local, state, and federal requirements for storage, use, ventilation, and disposal of materials, fluids and chemicals used in any of the processes listed in this definition.**[Added 1-12-2004 by Ord. No. 710]**

BASEMENT — A portion of a building located partly underground, but having more than 1/2 of its floor to ceiling height above the average grade of the adjoining ground.

BOARD — The Board of Zoning Appeals of the City of Westminster.

BOARDING (LODGING) OR ROOMING HOUSES — A dwelling or part thereof where meals and/or lodgings are provided in exchange for compensation for nontransient persons.

BUILDING — Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of

persons, animals or chattels and any cabin or mobile house. When any portion thereof is completely separated from all other portions by a division wall from the ground up through the roof and without any door or other openings, such portion shall be considered a separate building.

BUILDING, HEIGHT OF — The vertical distance from the average finished grade adjoining the building wall to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height level between eaves and ridge for gable, hip and gambrel roofs.

BUILDING LINE — The line established by law beyond which a building shall not extend as determined by front, side and rear yards herein.

BUILDING, MAIN — A building in which is conducted the principal use of the lot on which it is situated. In any residential zone, any dwelling shall be deemed to be a main building on the lot on which the same is located if the lot is used primarily for residential purposes.

CARE HOMES — See "retirement homes/care homes."**[Added 9-24-2001 by Ord. No. 672]**

CELLAR — A portion of a building located partly or wholly underground and having less than 1/2 of its floor to ceiling height above the average grade of the adjoining ground.

CITY — The City of Westminster.

COFFEE HOUSE — An establishment where coffee, tea, and other nonalcoholic beverages and light refreshments are served for predominantly on-site customers and providing a place for the interchange of ideas and opinions of individuals or groups, and which may include entertainment without amplification. A coffee house is not a convenience food and beverage store and is not a restaurant or cafe.**[Added 1-12-2004 by Ord. No. 710]**

COMMISSION — The Planning and Zoning Commission of the City of Westminster.

COMPREHENSIVE DEVELOPMENT PLAN — A plan for the desirable use of land, as officially adopted and as amended from time to time by the Planning Commission or the Common Council, which is intended to guide the physical development of the City of Westminster, including private and public land use, transportation and community facilities, and to provide both a foundation and guide for decisions regarding zoning, subdivision regulations, community needs and acquisition of sites for public facilities, such as streets, parks and public buildings.

CONSTRUCTION STARTED — Construction will be deemed to have begun when all of the necessary excavation and piers and/or footings of one or more buildings or structures covered by the permit have been completed.

DAY-CARE FACILITY — A place used for the reception or care for compensation of a child or children under 18 years of age or elderly

persons over the age of 60 years of age for any part of a twenty-four-hour period.

DEVELOPER — The legal or beneficial owner(s) of all of the land proposed to be included in a given development, the authorized agent thereof, the holder of an option or contract to purchase, a lessee having a remaining term of not less than 30 years or other persons having an enforceable proprietary interest in such land.

DEVELOPMENT — Any activity, other than normal agricultural activity, which materially affects the existing condition or use of any land or structure.

DWELLING —

(1) Any building arranged, designed or used, in whole or part, to provide living facilities for one or more families, but not including a tent, cabin, trailer or mobile home or a room in a hotel or motel.

(2) A dwelling shall contain the following minimum actual square feet of living space, excluding common areas:

   (a) Efficiency unit, single-room living area, consisting of kitchen, bathroom and a combination living room, dining space and bedroom: 400 square feet.

   (b) One-bedroom unit: 500 square feet.

   (c) Two-bedroom unit: 600 square feet.

   (d) Three-bedroom unit: 700 square feet.

   (e) In the event of rehabilitation or conversion of existing structures, a ten-percent reduction may be allowed.

DWELLING, CONVERSION — A building existing at the time of enactment of this chapter which may be converted or altered to accommodate two or more families, as a rental facility, condominium or cooperative, subject to regulations prescribed by § 164-150. Conversions shall not be defined to include additions to or expansions of existing units where not proposed in conjunction with the creation of additional units to accommodate families.

DWELLING, MULTIPLE-FAMILY — A building containing three or more dwelling units separated.

DWELLING, MULTIPLE-FAMILY HOUSING FOR OLDER PERSONS **[Added 9-24-2001 by Ord. No. 672]** —

(1) Dwelling units exclusively inhabited by older persons, as defined below, that live independent of any services provided by a nursing home or a retirement home/care home;

(2) Intended for, and solely occupied by, persons 62 years of age or older; or

(3) Intended and operated for occupancy by persons 55 years of age or older and:

(a) At least 80% of the occupied units are occupied by at least one person who is 55 years of age or older;

(b) The housing facility or community publishes and adheres to policies and procedures that demonstrate the intent required under 42 U.S.C. § 3607; and

(c) The housing facility or community complies with rules issued by the United States Secretary of Housing and Urban Development for verification of occupancy.

DWELLING, SINGLE-FAMILY ATTACHED — A group of at least three dwelling units separated by fire walls, each having separate ground floor entrances from the outside and with no unit directly above or below another unit.

DWELLING, SINGLE-FAMILY DETACHED — A building designed or used exclusively for residential purposes by one family or one dwelling unit and not attached to any other dwelling units.

DWELLING, SINGLE-FAMILY SEMIDETACHED — A group of two single-family dwelling units which are joined to one another by a common party wall and/or an attached permanent structure, such as a garage, whether or not such dwelling units are located on a single parcel of ground or on adjoining individual lots.

DWELLING UNIT — A building or portion thereof arranged or designed for occupancy by not more than one family for living purposes.

EXPLOSIVE — Any chemical compound, mixture or device, the primary or common purpose of which is to create explosions.

EXTRACTIVE OPERATIONS — The extracting or mining of sand, gravel, limestone, soapstone or building stone.

FAMILY — An individual or two or more persons related by blood or marriage or a group of not more than five persons not related by blood or marriage living together as a single housekeeping group in a dwelling unit.

FARM — A parcel of land or lot used for agricultural purposes which is intended to provide a source of income for the occupant or owner.

FINAL PLAT — A drawing of the subdivision showing lots, streets and other information which may be required in this chapter, which is desired to be made of official record in the office of the Clerk of the Circuit Court and which may be all or a portion of a preliminary plan. A preliminary plan shall be a master drawing of a subdivision prepared for the overall planning of a property desired to be subdivided and which is in accordance with this chapter. A concept is an optional plan which establishes in concept or sketch form the layout for the subdivision of land. The purpose of this plan is to provide a basis for

the informal evaluation of plans and to foster a more efficient review process.

FLOODPLAIN —

(1) A relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation.

(2) An area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

FRONT YARD — A yard extending across the full width of the lot and lying between the front lot line or the proposed front street line and the nearest line of the building or any enclosed portion thereof.

GARAGE **[Amended 8-10-1998 by Ord. No. 629]** —

(1) RESIDENTIAL GARAGE — An accessory building, portion of a main building or building attached thereto used for the storage of private motor vehicles, 50% of which may be for the storage of a commercial vehicle.

(2) SERVICE GARAGE — A garage, other than a residential garage, where motor vehicles, trailers or other types of equipment are stored, equipped for operation, repaired or kept for hire or sale.

(3) PARKING GARAGE — A garage, other than a residential garage or service garage, where parking is provided for motor vehicles on a temporary basis.

HEALTH DEPARTMENT — The Maryland State Department of Health and Mental Hygiene.

HOME OCCUPATION — Any occupation or profession carried on by a member of the immediate family residing on the premises, provided that:

(1) There is no commodity sold upon the premises.

(2) No person is employed other than a member of the immediate family residing on the premises.

(3) No mechanical or electrical equipment is used except such as is permissible for purely domestic or household purposes.

HOSPITAL — An institution receiving inpatients and rendering medical, surgical or obstetrical care. Such terms shall include general hospitals and institutions in which services are limited to special fields such as cardiac, eye, ear, nose and throat, pediatrics, orthopedic, skin, cancer, mental, tuberculosis, chronic disease and obstetrics. The term "hospital" shall also include sanitariums and sanatoriums, including those wherein mental patients, epileptics, alcoholics or drug addicts are treated or receive care.

ILLUMINATED ELECTRONIC DISPLAY — An audio and video message display used primarily at drive-through facilities, service stations and

other similar auto-themed establishments.**[Added 9-28-2015 by Ord. No. 860[81]]**

JUNKYARD — Any area where waste and discarded or salvaged materials are bought, sold, exchanged, baled, packed, stored, disassembled, handled or abandoned, including the salvaging, storing and wrecking of automobiles or other vehicles and machinery or parts thereof, housewrecking yards, used lumberyards and places for storage of salvaged building or structural steel materials and equipment. An unenclosed residential area used for the storage of any automobile which does not have current license plates issued by the Motor Vehicle Administration shall be deemed to be a junkyard. Not included are pawnshops, used car sale lots and commercial establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition and salvaged machinery and the processing of used, discarded or salvaged materials as a part of the manufacturing operations.

KENNEL — Any building or structure and/or land used, designed or arranged for housing, boarding, breeding or care of more than three adult dogs kept or bred for hunting, sale, exhibition or domestic use or other domestic animals for profit, but not including those animals raised for agricultural purposes.

LANDSCAPING — The improvement of a lot with grass, shrubs, trees, ground covers, vines, flowers, other vegetation and other ornamental objects. Landscaping may include pedestrian walks, flower beds, ornamental objects such as sculpture, fountains, statues and similar natural and man-made objects designed and arranged to produce an aesthetically pleasing effect.

LOT —

(1) A piece or parcel of land occupied or intended to be occupied by a principal building and its accessory buildings to be used, developed or built upon as a unit under single ownership, including all open spaces required by this chapter.

(2) A defined portion of a subdivision or parcel of land which may be intended for building development, immediate or future, by one or more owners.

LOT, CORNER — A lot abutting on two or more streets at their intersection, where the interior angle of the intersection does not exceed 135º.

LOT, INTERIOR — Any lot, including a through lot other than a corner lot.

LOT LINE, FRONT — The line separating the lot from the street right-of-way line upon which it fronts or, where a lot does not abut a street,

81. Editor's Note: This ordinance provided that it would be effective retroactively to 2-23-2012, except to the extent that it would impair a vested right of a property owner.

that lot line which faces the principal entrance or approach to the main building.

LOT LINE, REAR — The lot line most distant and most nearly parallel to the front lot line.

LOT LINE, SIDE — Any lot line other than a front or rear lot line.

LOT MEASUREMENTS —

(1) DEPTH — The average horizontal distance between the front lot line and the rear lot line.

(2) WIDTH — The horizontal distance between side lot lines, measured at right angles to the lot center line at the front setback line. On irregular-shaped lots, the width shall be the average distance between the side lot lines, with the average distance to be measured at ten-foot intervals beginning at the front lot line.

LOT OF RECORD — A lot which is part of a subdivision recorded in the office of the Clerk of the Circuit Court of Carroll County or a lot or parcel described by metes and bounds, the description of which has been so recorded.

MEDICAL CANNABIS DISPENSARY — A person or entity licensed by the state that acquires, possesses, transfers, sells, dispenses, or distributes products containing medical cannabis and related supplies and products at a state-licensed dispensary pursuant to COMAR 10.62.01 to 10.62.35.**[Added 10-26-2015 by Ord. No. 859]**

MEDICAL CANNABIS GROWER — A person or entity licensed by the state that cultivates, manufactures, grows, packages or distributes medical cannabis to a licensed processor or a registered, independent medical testing laboratory pursuant to COMAR 10.62.01 to 10.62.35.**[Added 10-26-2015 by Ord. No. 859]**

MEDICAL CANNABIS GROWER FACILITY — A location or facility at which a licensed medical cannabis grower operates.**[Added 10-26-2015 by Ord. No. 859]**

MEDICAL CANNABIS PROCESSOR — A person or entity licensed by the state that transforms medical cannabis into another product or extract, and packages and labels medical cannabis and transfers its product to a licensed dispensary pursuant to COMAR 10.62.01 to 10.62.35.**[Added 10-26-2015 by Ord. No. 859]**

MEDICAL CANNABIS PROCESSOR FACILITY — A facility at which a licensed medical cannabis processor operates.**[Added 10-26-2015 by Ord. No. 859]**

MINOR SUBDIVISION — A subdivision of fewer than three lots.

MOBILE HOME — Any vehicle or preassembled structure so constructed and located, regardless of its foundation, as to permit occupancy thereof for living or sleeping or for the conducting of any business and so designed that it may be moved or transported on

roads by means of attached wheels or hauled on a separate conveyance or may be propelled or drawn by its own motor power; included are automobile trailers, truck trailers, trailer coaches, trailer homes, mobile homes, buses, streetcars and all similar devices.

MONOPOLE — A single, freestanding pole-type structure, tapering from base to top and supporting one or more antennas. For purposes of this chapter, a monopole is not a tower.**[Added 10-26-1998 by Ord. No. 631]**

NONCONFORMING USE — The use of a building, structure or land which was lawful when established and legally continued, but which no longer conforms to the requirements of the zone in which it is located because of the adoption or amendment of this chapter or the Zoning Map.

NURSING HOME — Any rest home, convalescent home or home for the aged and any place devoted primarily to the maintenance and operation of facilities for the treatment and care of any persons suffering from illnesses, diseases, deformities or injuries who do not require the extensive or intensive care that is normally provided in a general hospital or other specialized hospital but who do require care in excess of room and board and who need medical, nursing, convalescent or chronic care. It also includes the following:

(1) An extended care, intermediate care or personal care facility as defined within Maryland State Health Department regulations and as may hereinafter be amended.

(2) A domiciliary care facility as further defined within Maryland State Health Department regulations and as hereinafter amended.

(3) A treatment facility for emotionally disturbed children and for adolescents as defined within the Maryland State Health Department regulations and as hereinafter amended.

OFFICE, PROFESSIONAL, BUSINESS-NONRESIDENTIAL — Offices and/or buildings used for office purposes by recognized professions, including doctors, dentists, lawyers, accountants, engineers, veterinarians, or other such similar professions, including medical or dental clinics or veterinary clinics.**[Added 11-25-2013 by Ord. No. 848-A]**

OFFICE, PROFESSIONAL, RESIDENTIAL — Rooms and/or buildings used for office purposes by not more than one member of any recognized profession, including doctors, dentists, lawyers, accountants, engineers, veterinarians, etc., but not including medical or dental clinics or veterinary clinics, provided that such use shall be incidental to and subordinate to residential use and not involving a commercial enterprise.

OPEN SPACE — Land provided and deemed necessary and desirable for present and future residents and citizens of the area, including such

land in stream valleys, natural woods, areas of unusual natural scenic beauty, local play lots, recreational walkways, pathways and planting areas in residential subdivisions, but not to include streets, off-street parking or utility easements.

OPEN SPACE, ENVIRONMENTAL — Land provided for the use of residents and citizens of an area which possesses such characteristics as natural woods, stream valleys, floodplains, areas of unusual scenic beauty or environmental constraints.

OPEN SPACE, RECREATIONAL — Common open space provided and deemed necessary and desirable for active, recreational purposes.

PERSON — Any individual, corporation, association, firm or partnership or any governmental agency, except the City, or the like, singular or plural.

PLANNED BUSINESS CENTER — Three or more retail stores or service establishments designed as a single unit and primarily served by common accessories such as signs, parking lots, arcades, and walkways.**[Added 9-9-2013 by Ord. No. 846]**

PLANNING DIRECTOR — The Planning Director of the City of Westminster.**[Amended 1-28-2008 by Ord. No. 774]**

PRIVATE INDOOR RECREATIONAL FACILITIES — Rooms and/or buildings that are designed for recreational use as sports facilities and operated by a private nongovernmental entity such as for-profit commercial business or private nonprofit. Such facilities do not include outdoor uses and are not included in the accounting for any required environmental open space and/or recreational open space.**[Added 12-14-2015 by Ord. No. 861]**

RANGE, INDOOR SHOOTING — An enclosed building where the discharge of projectile weaponry such as a rifle, pistol and archery is practiced, which may include, as accessory thereto, the sale, on-site rental and/or repair of firearms, ammunition, archery equipment and the like in accordance with and subject to all applicable laws, ordinance and regulation.**[Added 2-27-1995 by Ord. No. 594]**

REAR YARD — A yard extending across the full width of the lot and lying between the rear lot line and the nearest line of the building.

RETIREMENT HOMES/CARE HOMES — Specifically designed multi-dwelling-unit buildings consisting of dwelling units to which occupancy is restricted to housing for older persons or handicapped persons and organized with a specific program of adequate supportive services for the particular clientele.**[Amended 9-24-2001 by Ord. No. 672]**

RIDING STABLE — Any building or structure used or designed for the boarding, breeding or care of horses, other than horses used for farming or agricultural purposes.

SANITARY FILL — Any premises used primarily for disposal by abandonment, discarding, dumping, reduction, burial, incineration or

any other means and for whatever purpose of garbage, trash, refuse, dead animals, waste material of any kind, junk, discarded machinery or vehicles or parts thereof, but not sewage or animal waste.

SATELLITE TELEVISION ANTENNA — Any device used or designated for receiving radio or electromagnetic signals from one or more orbitally based satellites and is external to or is attached to the exterior of any building.**[Added 10-26-1998 by Ord. No. 631]**

SCHOOL SITE — A site of at least 30 acres used by a public or private school, college or university as part of its educational campus.**[Added 3-25-2013 by Ord. No. 842]**

SELF-SERVICE STORAGE FACILITIES — Any building or portion thereof containing individual, compartmentalized and controlled-access units for the storage of personal property by lease or rent.

SERVICE STATION — Any area of land, including buildings and other structures, that is used to dispense motor vehicle fuels, oil and accessories at retail, where minor repair service is incidental and where no storage or parking space is offered for rent.

SETBACK — The required minimum horizontal distance between the building line, as defined herein, and the related front, side or rear property line. [82]

SIDE YARD — A yard between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard.

SIGN — A name, identification, description or display illustrating the form of any letter, word, model, banner, flag, device or representation which is affixed or represented, directly or indirectly, upon a building, structure or land and which directs attention to a product, place, activity, person, institution or business.

SIGN, BUSINESS — A sign which directs attention to a business or profession or to a commodity, service or entertainment sold or offered upon the premises where the sign is located.

SIGN, OUTDOOR ADVERTISING — A sign structure which directs attention to a business, commodity, service or entertainment not necessarily conducted, sold or offered upon the premises where such sign is located.

SIGN, VARIABLE ELECTRONIC MESSAGE (VEMS) — An illuminated variable message sign that utilizes computer-generated text or some other electronic means of changing its message and display.**[Added 9-28-2015 by Ord. No. 860[83]]**

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82. Editor’s Note: The definition of “sewage disposal plant,” which originally followed this definition, was repealed 4-24-2017 by Ord. No. 878. See now the definition of “wastewater treatment plant.”

83. Editor's Note: This ordinance provided that it would be effective retroactively to 2-23-2012, except to the extent that it would impair a vested right of a property owner.

STORY — That portion of a building, other than a cellar as defined herein, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, the space between the floor and the ceiling next above it.

STORY, GROUND — The lowest story, ground story or first story of any building, the floor of which is not more than 3 1/2 feet below the average contact ground level at the exterior walls of the building, except that any basement used as a separate dwelling by other than a janitor or caretaker or his family shall be deemed a ground story or first story.

STORY, HALF — A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story; provided, however, that any partial story used as a separate dwelling, other than for a janitor or caretaker and his family, shall be deemed a full story.

STREET — A private, public or dedicated way or a public proposed right-of-way, widening or extension of an existing street or public way shown on any plan approved by the Commission. The word "street" shall also mean road, highway, boulevard, avenue, lane or court.

STREET LINE — A line defining the edge of a street right-of-way and separating the street from abutting property or lots. If, on a Master Plan of streets and highways duly adopted by the Commission, a street is scheduled for future widening, the proposed right-of-way line shown on the Master Plan shall be the street line.

STREET, MAJOR — A street or highway designated as a major street or expressway on the Official Major Street Plan of the City of Westminster.

STRUCTURAL ALTERATION — Any change in the structural members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

STRUCTURE — Anything constructed, the use of which requires a fixed location on the ground or which is attached to something having such location, but not including fences, power, gas, water, sewage or communication lines or poles, towers or pole structures, sidewalks, driveways or curbs.

SUBDIVIDER — An individual, partnership, firm or corporation or agent therefor that undertakes or participates in the activities covered by this chapter.

SUBDIVISION — The division or redivision of any lot, tract or parcel of land into two or more lots, plats, parcels, sites or other divisions of land, whether for immediate or future sale, lease or building development. If a new street is involved, subdivision shall mean any division of a tract or parcel of land. The sale or exchange of parcels of land between owners of adjoining properties for the purpose of small adjustments in boundaries shall not be considered a subdivision, provided that

additional lots are not thereby created and that the original lots are not reduced below the minimum sizes required by this chapter.

SUBDIVISION, RESIDENTIAL CLUSTER — An alternate method of subdivision permitted under § 164-197.1 for single-family detached units developed in the R-10,000 Residential and R-20,000 Residential Zones.**[Added 7-9-2001 by Ord. No. 664]**

TELECOMMUNICATIONS FACILITY — A facility, excluding a satellite television dish antenna, established for the purpose of providing wireless voice, data and image transmission within a designated service area. Telecommunications facilities must not be staffed. Telecommunications facilities consist of one or more antennas attached to a support structure and related equipment. Antennas are limited to the following types and dimensions: omnidirectional (whip) antennas not exceeding 15 feet in height and three inches in diameter; directional or panel antennas not exceeding eight feet in height and two feet in width. An antenna may be mounted to a building, a building rooftop or a freestanding monopole in accordance with § 164-139.1. Equipment may be located within a building, an equipment cabinet or an equipment room within a building.**[Added 10-26-1998 by Ord. No. 631; amended 3-25-2013 by Ord. No. 842]**

TEMPORARY USE — Any use which has been authorized under the provisions of this chapter which is limited as to the time in which such use shall legally continue.

TOURIST HOMES (BED/BREAKFAST) — A dwelling, occupied as such, in which, for compensation, rooms and/or meals are offered to transient persons under the management of the occupants of that dwelling.

TOWER — A freestanding lattice-type structure, supporting antennas used for radio, television broadcasting or wireless transmission or reception.**[Added 10-26-1998 by Ord. No. 631]**

VARIANCE — A relaxation of the terms of this chapter as to density, bulk or area requirements as provided in § 164-161.

WASTEWATER TREATMENT PLANT — A facility designed and constructed to receive, treat, and store sewage or sewage combined with other waterborne waste and which is owned by the state, or a political subdivision or municipal corporation of this state or owned by another public entity incorporated for the purpose of treating sewage under the Annotated Code of Maryland, the Environmental Article, § 9-601 et seq.**[Added 4-24-2017 by Ord. No. 878]**

YARD — An open space on the same lot with a building or a group of buildings lying between the building or outer building of a group and the nearest lot or street line and open and unoccupied from the ground up.

ZONING CERTIFICATE — A written statement issued by the Zoning Administrator authorizing buildings, structures or uses in accordance with the provisions of the Westminster City Code. The statement may

also contain requirements as to any fees, costs or benefit assessments imposed by said Code.**[Amended 11-24-2008 by Ord. No. 792]**

B. Word usage. The singular number shall include the plural, and the plural the singular; the word "structure" shall include the word "building"; the word "used" shall include "arranged," "designed," "constructed," "altered," "converted," "rented," "leased" or "intended to be used"; and the word "shall" is mandatory and not directory. Words used in the present tense include the future tense; the word "may" is permissive; "now" shall mean at the time of the adoption of this chapter; "hereinafter" shall mean after the adoption of this chapter.

§ 164-4. Interpretation.

A. In interpreting and applying this chapter, the requirements contained herein are declared to be the minimum requirements for the protection of health, morals, safety or welfare.

B. This chapter shall not be deemed to interfere with or abrogate or annul or otherwise affect in any manner whatsoever any ordinances, rules, regulations or permits or easements, covenants or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or larger open spaces than is imposed or required by other ordinances, rules, regulations or permits or by easements, covenants or agreements between parties, the provisions of this chapter shall prevail.

§ 164-5. Effective date; territorial applicability.

This chapter shall take effect on November 6, 1979, and shall apply to all land, buildings, properties and their uses within the territorial limits of the City of Westminster. Should the territorial limits be expanded by annexation, the Zoning Maps applicable under the Carroll County Zoning Ordinance shall be immediately effective in the City of Westminster upon such annexation unless and until otherwise changed pursuant to this chapter.

§ 164-6. Zoning of annexed lands.

Whenever a joint petition for annexation and zoning is filed with the City and there shall be introduced before the Mayor and Council a resolution to enlarge the corporate boundaries of the City in accordance with the requirements of applicable law, the Mayor and Council shall also consider, as appropriate, an application for a local or sectional Zoning Map amendment for the territory proposed to be incorporated into the City by the resolution.

A. The City Clerk shall transmit copies of said resolution and zoning application to the Planning Commission of the City.

B. Thereafter, the Planning Commission shall study the territory proposed to be annexed and prepare a preliminary report recommending the action to be taken as to the zoning application, explicitly making a recommendation as to the zoning classification or classifications for the territory that would be appropriate if it were to be annexed.

C. The Planning Commission shall then hold at least one public hearing on such preliminary report on at least 15 days' notice of the time and place of it, which shall be published in a paper of general circulation in the City.

D. Following such hearing, the Planning Commission shall submit to the Mayor and Council its final report which shall recommend the action the Mayor and Council should take as to the zoning application, and the Mayor and Council shall hold a public hearing on the recommendation of the Planning Commission simultaneously with its hearing on the proposed annexation.

E. Public notice of such public hearing on the final report shall be given in accordance with the requirements of Article 66B of the Annotated Code of Maryland, as now constituted and as it may hereafter be amended from time to time.

F. Following such public hearing, the Mayor and Council may adopt an ordinance amending the Zoning Map to include such territory and the zoning classification or classifications thereof simultaneously with adoption of a resolution enlarging the corporate boundaries of the City to include such territory. Such ordinance shall be effective on the date that such annexation becomes final.

G. The provisions of §§ 164-176 through 164-186 of this chapter shall not apply to procedures under this section, but the provisions of §§ 164-187 through 164-190 shall apply, except that a specific finding that there was a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification in the county shall not be necessary.

§ 164-7. Copy on file.

A certified copy of the Zoning Ordinance of the City of Westminster, Maryland, as may be amended from time to time, shall be filed in the office of the Zoning Administrator of the City of Westminster, Maryland.

ARTICLE II
Zoning Districts

§ 164-8. Establishment. [Amended 10-12-1992 by Ord. No. 551; 12-20-1999 by Ord. No. 649; 9-25-2000 by Ord. No. 638]

A. For the purpose of this chapter, the area of Westminster is hereby divided into districts or zones as follows: **[Amended 1-12-2004 by Ord. No. 710]**

C	Conservation Zone
A	Agricultural Residential Zone
R-20,000	Residential Zone
R-10,000	Residential Zone
R-7,500	Residential Zone
B	Business Zone
C-C	Central Commerce Zone
D-B	Downtown Business Zone
NP	Neighborhood Preservation Overlay Zone **[Added 11-8-2010 by Ord. No. 816]**
C-B	Central Business Zone
HOP	Housing for Older Persons Zone **[Added 1-10-2005 by Ord. No. 723]**
I-R	Restricted Industrial Zone
I-G	General Industrial Zone
MUI	Mixed Use Infill Zone
N-C	Neighborhood Commercial Zone
P-I	Planned Industrial Zone (floating zone)
PD-4	Planned Development-4 Zone (floating zone)
PD-9	Planned Development-9 Zone (floating zone)
PRSC	Planned Regional Shopping Center Zone

B. Said districts or zones shall be of the number, size and shape with appropriate symbols, legends and explanatory matter thereon as shown on the Zoning Maps of Westminster.

C. In addition to placement in one of the foregoing zones, certain areas of the City may also be placed in the Compatible Neighborhood Overlay Zone, the Historic District Zone, or the Arts and Culture Overlay District. **[Amended 7-10-2006 by Ord. No. 745; 11-8-2010 by Ord. No. 815]**

§ 164-9. Zoning District Map. [Amended 7-9-2001 by Ord. No. 665; 6-12-2006 by Ord. No. 754]

The map entitled "City of Westminster Zoning Map," dated July 1, 2006, is hereby adopted as the Zoning District Map for the City and made a part of this chapter. Said map as adopted and as henceforth amended shall henceforth be known as the "Zoning Map of the City of Westminster, Maryland." Said map and its sections, notations, dimensions, designations, references and other data shown thereon is hereby made a part of this chapter to the same extent as if the information set forth on said map were fully described and incorporated herein. After map amendment actions are taken by the Common Council, the Zoning Administrator shall update the map from time to time to reflect the Common Council's actions. As evidence of authenticity, said map and any amendments thereof shall be signed by the Zoning Administrator upon adoption.

§ 164-10. Interpretation of boundaries.

Where uncertainty exists as to the boundaries of any of the zones established in this chapter as shown on the Zoning Map, the following rules shall apply:

A. Zoning boundary lines are intended to follow street, alley or lot lines or lines parallel or perpendicular thereto, unless such zone boundary lines are otherwise identified on the Zoning Map.

B. Boundaries indicated as approximately following the center line of streets, highways, alleys or streams shall be construed to follow such center lines.

C. Boundaries indicated as approximately following property lines or platted lot lines shall be construed as following such lot lines.

D. Boundaries indicated as approximately following City limits shall be construed as following City limits.

E. In unsubdivided property or where a zone boundary divides a lot, the location of any such boundary, unless the same is indicated by dimensions shown on such maps, shall be determined by the use of the map scale shown thereon and scaled to the nearest foot.

F. If all or any portion of any public street, alley, right-of-way, easement or land which is not included in any zone shall ever revert to or come into private ownership or shall ever be used for any purpose other than a public purpose, at such time the land and any buildings or other structures which are included within such public street, alley, right-of-way, easement or land or portion thereof shall be subject to all of these regulations which apply within the zone immediately adjacent thereto or within the most restricted of the immediately adjacent zones, if there is more than one.

ARTICLE III
C Conservation Zone

§ 164-11. General provisions.

The following regulations shall apply in all C Conservation Zones.

§ 164-12. Uses permitted.

No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained, except for one or more of the following uses:

A. Accessory uses and buildings customarily incidental to any permitted use in this section.

B. Agriculture, as defined in § 164-3, except that woodland intended to be cleared for cultivation or pasturing shall be subject to review by the Board of Appeals, and provided that any greenhouse heating plant or any building or feeding pens in which farm animals are kept shall comply with the distance requirements specified in § 164-140.

C. Dwelling, single-family detached.

D. Forests, forestation and wildlife preserves.

E. Publicly owned or government-operated buildings and uses.

F. Publicly owned or private parks of a nonprofit nature, including campgrounds, golf courses, riding trails, summer or winter resort areas, hunting, fishing or country clubs, game preserves and similar uses for the purpose of preserving and enjoying the natural resources of the property.

G. Schools and colleges, subject to the approval of a site development plan by the Commission.

H. Water supply works, flood control or watershed protection works and fish and game hatcheries.

§ 164-13. Special exceptions. [Amended 10-26-1998 by Ord. No. 631]

The following uses may be permitted as special exceptions in accordance with the provisions of Article XXII:

A. Antique shops.

B. Home occupations.

C. Public utility structures, other than essential utility equipment as enumerated in § 164-139.

D. Riding stables, as defined in § 164-3, which are noncommercial and private in use and are located in a rear yard subject to the distance requirements specified in § 164-140.

E. Telecommunications facilities, subject to the requirements of § 164-139.1.

F. Trap, skeet, rifle or archery ranges, including gun clubs, provided that such use shall be five times the distance requirement specified in § 164-140.

G. Veterinary clinics, animal hospitals or kennels, with or without runways, provided that the minimum area is 10 acres for any of the aforesaid uses, and provided that any structure or area used for such purposes shall be subject to twice the distance requirements as specified in § 164-140. In any event, such structure or use shall not be located closer than 200 feet from any property line of the subject property.

H. Tourist homes (bed/breakfast).

§ 164-14. Dimensional requirements.

A. Net lot area. Each single-family detached dwelling hereafter erected, together with its accessory buildings, shall be located on a lot or tract of land having an area of at least three acres. All other uses, including together principal structures and accessory buildings, shall be located on a lot or tract of land having an area of at least five acres.

B. Percentage of lot coverage. Not more than 25% of the net area of the lot or tract of land may be covered by buildings, including accessory buildings.

C. Lot width and yard requirements.

(1) The following minimum requirements shall be observed:

Use	Lot Width at Building Line (feet)	Front Yard Depth (feet)	Side Yard Width (each) (feet)	Rear Yard Depth (feet)
Single-family detached	300	50	50	0
All other uses, except as otherwise provided in this section	300	50	50	50

(2) A corner lot shall have a minimum width of 300 feet measured at the building line along each street front and shall have two front yards.

§ 164-15. Building height.

No principal structure shall exceed 2 1/2 stories or 35 feet in height, and no accessory building shall exceed two stories or 20 feet in length, except in the case of agricultural buildings, which shall have no height limitations.

§ 164-16. Off-street parking.

Off-street parking shall be provided in accordance with Article XVI of this chapter.

§ 164-17. Signs.

Signs shall be permitted subject to the provisions of Article XVII of this chapter.

ARTICLE IV
A Agricultural Residential Zone

§ 164-18. General provisions.

The following regulations shall apply in all A Agricultural Residential Zones.

§ 164-19. Uses permitted.

No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained, except for one or more of the following uses:

A. Accessory uses and buildings customarily incidental to any permitted use in this section.

B. Agriculture, as defined in § 164-3, including commercial or noncommercial nurseries and greenhouses, provided that any greenhouse heating plant or any building or feeding pens in which farm animals are kept shall comply with the distance requirements specified in § 164-140.

C. Circuses, carnivals or similar transient enterprises, provided that such use shall not exceed 10 days at any one time and involves no permanent structure.

D. Dwellings, single-family detached.

E. Day-care facilities for not more than six children or elderly persons.

F. Farm tenant houses.

G. Game, wildlife and nature study preserves and reservations.

H. Recreation facilities and centers (public or private noncommercial), including country clubs, swimming pools, golf courses and summer camps.

I. Riding stables, subject to the distance requirements specified in § 164-140.

J. Utilities, pipelines, electric power and energy transmission and distribution lines, telephone and telegraph lines and railroad tracks, but not a railroad yard, except overhead electric power and energy transmission and distribution lines suspended from multilegged structures, aboveground pipelines and accessory structures.

§ 164-20. Special exceptions. [Amended 10-12-1998 by Ord. No. 632]

The following uses may be permitted as special exceptions in accordance with the provisions of Article XXII:

A. Antique and arts and crafts shops.

B. Airparks, airports or landing fields, public or private.

C. Beauty parlors or barbershops.

D. Boarding- (lodging) or rooming houses.

E. Cemeteries, mausoleums or memorial gardens, churches, convents, monasteries, parish houses and other places of worship.

F. Dairy products or milk plants.

G. Eleemosynary and philanthropic institutions.

H. Funeral homes and mortuaries.

I. Home occupations.

J. Hospitals and nursing and care homes.

K. Libraries, museums and similar institutions of a noncommercial nature.

L. Medical and dental clinics.

M. Noncommercial research institutions.

N. Offices to conduct mail order and catalog-type operations where operated by a resident of the property, provided that no inventory or merchandise is kept on the premises for sale, except samples and the like, and provided that there are no more than two nonresident employees.

O. The professional office of a resident realtor, attorney, accountant, insurance agent or other similar professional office of the resident, provided that there are no more than two nonresident employees.

P. Public buildings, structures and properties of the cultural, educational, administrative and public-service type, including fire, ambulance or rescue service.

Q. Telecommunications facilities, subject to the requirements of § 164-139.1.

R. Recreational year-round campground or recreational establishments of a commercial nature.

S. Rifle, pistol or skeet-shooting ranges.

T. Roadside stands which do not operate in excess of six months per year for the sale of fresh fruits, vegetables and other farm produce in season.

U. Schools and colleges, including nursery schools or day-care facilities for up to eight children or elderly persons.

V. Theaters, outdoor.

W. Tourist homes (bed/breakfast).

§ 164-21. Dimensional requirements.

A. Net lot area. Each single-family detached dwelling hereafter erected, together with its accessory buildings, shall be located on a lot having an area of at least five acres.

B. Percentage of lot coverage. Not more than 25% of the net area of the lot may be covered by buildings, including accessory buildings.

C. Lot width and yard requirements.

(1) The following minimum requirements shall be observed:

Use	Lot Width at Building Line (feet)	Front Yard Depth (feet)	Side Yard Width (each) (feet)	Rear Yard Depth (feet)
Principal structures	100	40	20	50

(2) A corner lot shall have a minimum width of 125 feet, measured at the building line along each street front, and shall have two front yards.

(3) An accessory building or any enclosure, coop or run or any part thereof used for housing, shelter or sale of animals or fowl shall be located at least 50 feet from any building used for dwelling purposes and shall conform to the rear and side yard requirements set forth in Subsection C(1) above.

§ 164-22. Building height.

No principal structure shall exceed 2 1/2 stories or a height of 35 feet, except in the case of agricultural buildings, which shall have no height limitations.

ARTICLE V
R-20,000 Residential Zone

§ 164-23. General provisions.

The following regulations shall apply in all R-20,000 Residential Zones.

§ 164-24. Uses permitted.

No building, structure or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged or maintained, except for one or more of the following uses:

A. Accessory uses and buildings customarily incidental to any permitted use in this section.

B. Dwellings, single-family detached, including accessory buildings incidental to the permitted use.

C. Agriculture and accessory buildings, provided that no building for housing animals or fowl, except household pets, shall be erected nor any manure stored within 100 feet of any dwelling, and in no case in the front or side setbacks of a dwelling or within 25 feet of the side lines of a lot, and provided further that no animals or fowl, except household pets, shall be permitted on a lot of less than two acres.

D. Day-care facilities for not more than six children or elderly persons.

§ 164-25. Special exceptions.

The following uses may be permitted as special exceptions in accordance with the provisions of Article XXII:

A. Churches, convents, monasteries, parish houses and all other places of worship.

B. Home occupations.

C. Hospitals and nursing and care homes.

D. Public buildings, structures and properties of the recreational, cultural, educational, administrative or public-service type, including fire, ambulance or rescue service.

E. Public utility buildings, structures or uses not considered essential utility equipment, as enumerated in § 164-139.

F. Recreational areas and centers (public or private noncommercial), including country clubs, swimming pools, golf courses and summer camps.

G. Schools and colleges, including nursery schools or day-care facilities for up to eight children or elderly persons.

H. Telecommunications facilities, if located on a school site. **[Added 3-25-2013 by Ord. No. 842[84]]**

I. Tourist homes (bed/breakfast).

§ 164-26. Dimensional requirements.

A. Net lot area. Each single-family detached dwelling unit or special exception use hereafter erected, together with its accessory buildings, shall be located on a lot having an area of at least 20,000 square feet. Each special exception shall be located on a lot having an area of at least two acres.

B. Percentage of lot coverage. Not more than 25% of the net lot area may be covered by buildings, including accessory buildings.

C. Lot width and yard requirements.

(1) The following per unit minimum requirements shall be observed:

Use	Lot Width at Building Line (feet)	Front Yard Depth (feet)	Side Yard Width (each) (feet)	Rear Yard Depth (feet)
Principal structures	100	40	20	50

(2) A corner lot shall have a minimum width of 125 feet, measured at the building line along each street front, and shall have two front yards.

§ 164-27. Building height.

No principal structure shall exceed 2 1/2 stories or 35 feet in height, and no accessory building shall exceed two stories or 20 feet in height.

84. Editor's Note: This ordinance also redesignated former Subsection H as Subsection I.

ARTICLE VI
R-10,000 Residential Zone

§ 164-28. General provisions.

The following regulations shall apply in all R-10,000 Residential Zones.

§ 164-29. Uses permitted.

No building, structure or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged or maintained, except for one or more of the following uses:

A. Accessory uses and buildings customarily incidental to any permitted use in this section.

B. Dwellings, single-family detached, including accessory buildings incidental to the permitted use.

C. Agriculture and accessory buildings, provided that no building for housing animals or fowl, except household pets, shall be erected nor any manure stored within 100 feet of any dwelling, and in no case in the front or side setbacks of a dwelling or within 25 feet of the side lines of a lot, and provided further that no animals or fowl, except household pets, shall be permitted on a lot of less than two acres.

D. Colleges and universities.

E. Day-care facilities for not more than six children or elderly persons.

§ 164-30. Special exceptions. [Amended 4-10-2000 by Ord. No. 650]

The following uses may be permitted as special exceptions in accordance with the provisions of Article XXII:

A. Boarding- (lodging) or rooming houses.

B. Churches, convents, monasteries, parish houses and all other places of worship.

C. Dwellings, single-family semidetached, provided that on parcels of land in excess of five acres no more than 20% of the net buildable land area may be devoted to semidetached single-family dwellings.

D. Home occupations.

E. Hospitals and nursing and care homes.

F. Off-street parking for churches, convents, monasteries, parish houses and all other places of worship.

G. Schools, including nursery schools but not including colleges or universities, and day-care facilities for up to eight children or elderly persons.

H. Social clubs, fraternal organizations and community meeting halls.

I. Public buildings, structures and properties of the recreational, cultural, educational, institutional, administrative and public-service type, including fire, ambulance or rescue squad.

J. Telecommunications facilities, if located on a school site. **[Added 3-25-2013 by Ord. No. 842[85]]**

K. Tourist homes (bed/breakfast).

§ 164-31. Dimensional requirements.

A. Net lot area. Each single-family detached dwelling unit or special exception use hereafter erected, together with its accessory buildings, shall be located on a lot having an area of at least 10,000 square feet. Each semidetached building shall be located on a lot having an area of at least 10,000 square feet.

B. Percentage of lot coverage. Not more than 30% of the net lot area may be covered by buildings, including accessory buildings.

C. Lot width and yard requirements.

(1) The following per family unit minimum requirements shall be observed.

Use	Lot Width (feet)	Lot Area Per Family (square feet)	Front Yard (feet)	Least Side Yard (feet)	Sum of Side Yards (feet)	Rear Yard (feet)
Single-family detached	80	10,000	35	10	30	25
Semidetached dwelling, per family	40	5,000	35	10	10	25
All other principal structures	100	—	40	20	40	50

(2) A corner lot for a single-family detached dwelling shall have a minimum width of 100 feet, measured at the building line along each street front, and shall have two front yards.

(3) A corner lot for a single-family semidetached dwelling shall have a minimum width of 50 feet for each dwelling unit, measured at the building line along each street front, and shall have two front yards.

85. **Editor's Note: This ordinance also redesignated former Subsection J as Subsection K.**

§ 164-32. Building height. [Amended 12-8-1997 by Ord. No. 624]

Except as provided in § 164-146B, no principal structure shall exceed 2 1/2 stories or 35 feet in height, and no accessory building shall exceed two stories or 25 feet in height.

§ 164-33. Reclassification.

All R-10,000 Residential Zones are eligible for consideration for reclassification to the PD-4 Zone.

ARTICLE VII
R-7,500 Residential Zone

§ 164-34. General provisions.

The following regulations shall apply in all R-7,500 Residential Zones.

§ 164-35. Uses permitted. [Amended 10-25-1999 by Ord. No. 639; 9-24-2001 by Ord. No. 672; 9-13-2004 by Ord. No. 722]

No building, structure or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged or maintained, except for one or more of the following uses:

A. All uses listed in § 164-29.

B. Dwellings, single-family semidetached, including accessory buildings incidental to the permitted uses.

C. Day-care facilities for not more than six children or elderly persons.

D. The replacement of any multiple-family dwelling existing prior to July 1, 1999, by a new multiple-family dwelling with an increased bonus density of 20% subject to the provisions of § 164-153.1. However, an historically significant structure may be replaced under this subsection only if said structure was destroyed by fire, windstorm, flood, explosion, any cause of nature or any other cause not attributable to the negligence or misconduct of its owner. For purposes of this subsection, an "historically significant structure" is defined as any structure that is:

   (1) Included in the survey of historic structures for Westminster;

   (2) Described in The Building of Westminster by Christopher Weeks;

   (3) Located in the local Historic District;

   (4) Listed individually in the National Register of Historic Places;

   (5) Is a contributing structure in the Westminster National Register District.

E. Medical and dental offices which were legal nonconforming uses as of July 1, 2003, as certified by the Zoning Administrator and which are located in an area designated by the Common Council of Westminster.

§ 164-36. Special exceptions.

The following uses may be permitted as special exceptions in accordance with the provisions of Article XXII:

A. All uses listed in § 164-30.

B. Conversion dwellings subject to the requirements of § 164-150 and the County Health Department.

C. Public buildings, structures and properties of the recreational, cultural, institutional, educational, administrative or public-service type, including fire, ambulance or rescue squad.

D. Housing for older persons and other customary accessory uses and structures, which are clearly incidental to the principal structure and use, subject to the requirements of § 164-153.2. **[Added 9-24-2001 by Ord. No. 672]**

§ 164-37. Dimensional requirements.

A. Net lot area.

(1) Single-family detached dwelling. Each single-family detached dwelling hereafter erected, together with its accessory buildings, shall be located on a lot having a net area of at least 7,500 square feet.

(2) Single-family semidetached dwelling. Each single-family semidetached dwelling hereafter erected, together with its accessory buildings, shall be located on a lot having a net area of at least 3,500 square feet per dwelling.

B. Lot coverage. No more than 40% of the net area of a lot may be covered by buildings, including accessory buildings.

C. Lot width and yard requirements.

(1) The following per family unit minimum requirements shall be observed:

Use	Lot Width (feet)	Lot Area Per Family (square feet)	Front Yard (feet)	Least Side Yard (feet)	Sum of Side Yards (feet)	Rear Yard (feet)
Single-family detached	70	7,500	30	8	16	25
Semidetached dwelling per family	35	3,500	30	8	8	25
All other principal structures	100	—	40	20	40	50

(2) A corner lot for a single-family detached dwelling shall have a minimum width of 90 feet, measured at the building line along each street front, and shall have two front yards.

(3) A corner lot for a single-family semidetached dwelling shall have a minimum width of 45 feet for each dwelling unit, measured at the building line along each street front, and shall have two front yards.

§ 164-38. Building height.

No principal structure shall exceed 2 1/2 stories or 35 feet in height, and no accessory building shall exceed two stories or 25 feet in height.

§ 164-39. Reclassification.

All R-7,500 Residential Zones are eligible for consideration for reclassification to the PD-4 and PD-9 Zones.

ARTICLE VIIA
Mixed Use Infill Zone
[Added 1-12-2004 by Ord. No. 710]

§ 164-39.1. Purpose.

A. It is the purpose of this zone to provide a method for the orderly development of commercial, office, and residential uses on properties located proximate to the intersection of two major streets located in the following zones: B Business, N-C Neighborhood Commercial, C-B Central Business, and/or D-B Downtown Business. The zone is intended to provide suitable sites for the development of integrated commercial, office, and residential facilities, while at the same time maintaining reasonable limitations upon their design, size, and operation. Said suitable sites are intended to allow for appropriate development in a convenient location without adversely affecting the physical development pattern of neighboring uses. **[Amended 2-11-2013 by Ord. No. 840]**

B. The following objectives are sought in providing for the Mixed Use Infill Zone:

(1) To provide a more attractive and varied commercial, office, and residential environment than would be possible through the strict application of Euclidean zonal district requirements.

(2) To encourage developers to use a more creative approach in the development of land.

(3) To encourage the development and redevelopment of land located within or near the downtown area through the provision of integrated and compatible commercial, office, and residential uses. **[Amended 2-11-2013 by Ord. No. 840]**

(4) To encourage combined trips for shopping and employment.

(5) To encourage pedestrian and bicycle trips.

(6) To foster the development and continuance of mixed uses with special development standards designed to protect residential use within and adjoining developments from any possible adverse effect from nonresidential uses.

C. The fact that an application complies with all specific requirements and purposes set forth herein shall not be deemed to create a presumption that the application is, in fact, compatible with surrounding land uses and, in itself, shall not be sufficient to require the granting of any application.

D. The following regulations shall apply in all Mixed Use Infill Zones.

§ 164-39.2. Uses permitted.

A. No building, structure, or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged or maintained, except for one or more of the uses listed in this Subsection A of this section and one or more of the uses listed in Subsection B of this section.

(1) Accessory uses and buildings customarily incidental to any permitted uses in this section.

(2) Antique/collectible shops and arts and craft shops.

(3) Art galleries/studios.

(4) Auto accessory stores.

(5) Bakery shops.

(6) Banks and savings and loan institutions without drive-through service.

(7) Beauty parlors or barbershops.

(8) Bed-and-breakfast establishments.

(9) Bookstores.

(10) Candy stores.

(11) Clothing stores.

(12) Coffee houses.

(13) Custom printing and reproduction shops.

(14) Dairy product stores.

(15) Day-care facilities.

(16) Department stores of 25,000 square feet or less.

(17) Dress or millinery shops.

(18) Drugstores.

(19) Dry goods or variety shops.

(20) Florist shops.

(21) Food and grocery stores containing 25,000 square feet or less.

(22) Furniture stores.

(23) Gift or jewelry shops.

(24) Hardware stores.

(25) Home occupations.

(26) Laundry or dry-cleaning establishments without drive-through service.

(27) Meat markets.

(28) Photographic studios and photographic supply stores.

(29) Physical fitness facilities.

(30) Public buildings, structures and properties.

(31) Radio and television repair shops.

(32) Restaurants and lunchrooms, without drive-through service.

(33) Dance or music studios.

(34) Shoe repair shops.

(35) Signs, with the exception of outdoor advertising signs, subject to the provisions of Article XVII.

(36) Specialty shops.

(37) Sporting goods or hobby shops.

(38) Stationery stores.

(39) Tailor establishments.

(40) Taverns and nightclubs.

(41) Theaters and private assembly halls.

(42) Upholstery shops.

(43) Video rental establishments, with the exception of adult entertainment.

B. In addition to at least one use listed in Subsection A of this section, at least one office or residential use conforming to the following requirements shall be required.

(1) Professional, business and medical offices are permitted.

(2) Residential uses permitted. Multifamily dwellings are permitted with a maximum density of 25 units per acre. The Planning Commission may approve an increase in density of no more than 20% of the maximum permitted density upon finding that such an increase is consistent with the goals of the Comprehensive Plan and that adequate public facilities exist to service the proposed development.

(3) Radio and television studios.

(4) Artist live/work space.

C. Uses listed in Subsection B of this section may occupy the street-level floor of any structure with the approval of the Planning and Zoning Commission. **[Amended 2-11-2013 by Ord. No. 840]**

D. The buying, selling or trading of firearms shall not be allowed under any of the uses permitted under this section.

E. Automated vending devices and automated teller machines shall not count towards the two-use minimum requirement in Subsection A of this section.

F. Uses reasonably related to the primary use, such as a rental office for on-site dwelling units, shall not count towards the two-use minimum requirement in Subsection A of this section.

§ 164-39.3. Special exceptions.

A. The following uses may be permitted as special exceptions in accordance with the provisions of Article XXII.

(1) Banks and savings and loan institutions with drive-through service existing on or before July 1, 2003, provided the applicant proves the use will not adversely affect pedestrian travel.

(2) Department stores of greater than 25,000 square feet.

(3) Hotels.

(4) Microbreweries and pub breweries licensed under Article 2B of the Annotated Code of Maryland.

(5) Pet shops.

(6) Social clubs, fraternal organizations and community meeting halls.

(7) Visitor's centers.

§ 164-39.4. Conditions for uses.

A. Goods shall consist primarily of new or reconditioned merchandise or bona fide antiques.

B. Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke cinders gas, fumes, noise, vibration, refuse matter or water-carried waste or otherwise create a nuisance under the provisions of Chapter 100, Nuisances, of the Code of Westminster.

§ 164-39.5. Design standards.

A. For the purposes of this section, any side of the building(s) facing a public street, public access easement, or residential property is defined as a facade. All facades of a building that are visible from adjoining

properties and/or public streets shall contribute to the community integration by featuring characteristics that reflect the architectural style of the buildings within a one-half-mile radius of the subject site and shall include the following:

(1) Facades greater than 20 feet in length must incorporate recesses and projections along at least 20% of the length of the facade.

(2) Facades must include windows totaling at least 80% of the first floor of the structure and 30% of each additional floor. Credit may be given for up to 20% of this requirement for awnings or arcades. No portion of the facade shall be of highly reflective glass with a reflectance factor of 0.25 or greater.

(3) Facade color must be of low-reflective, subtle, neutral or earth-tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors is prohibited.

(4) Building trim may feature brighter colors, but neon tubing is not permitted as an accent material.

(5) Facade building materials must include brick, wood, native stone or tinted/textured concrete masonry units. Smooth-faced concrete block, wood or vinyl siding, tilt-up concrete panels or prefabricated steel or metal panels are prohibited for exterior facades.

B. Architectural character shall be incorporated into the building(s) by use of a repeating pattern of change in color, texture and material modules, and at least one of these elements shall repeat at intervals of no more than 30 feet, either horizontally or vertically.

C. Variations in rooflines must be incorporated at intervals of 20 feet or at each break in retail frontage, whichever is less. Rooftop mechanical equipment must be fully screened from view, including the view from above. Variations should incorporate roofline elements similar in character to nearby structures.

D. Solid or permanently enclosed or covered storefronts will not be permitted, and all elements of the storefront, including awnings, signs, show windows, etc., shall be located within the area between the pavement and the second-story window-sill line.

E. Awnings shall be soft, retractable, and flame-proofed. Awnings shall not interfere with street trees, lamp posts, etc., and shall terminate against the building at a height not higher than one inch below the second-floor window sill.

F. Signs.

(1) All flashing, fluttering, undulating, swinging, rotating, or otherwise moving signs, and pennants, banners and streamers or other decorations are prohibited.

(2) All other provisions of Article XVII shall apply, except that to the extent that there are any discrepancies between this section and Article XVII, the provisions of this section shall control.

G. Each principal building must have a clearly defined and highly visible customer entrance with features such as canopies or porticos, arcades, wing walls and integral planters.

H. Loading docks, trash collections, outdoor storage and similar facilities and functions shall be incorporated into the overall design of the building(s) and layout of the site so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets. Use of screening materials that are different from or inferior to the principal materials of the building and landscape is prohibited. Trash removal is prohibited after 5:00 p.m. and before 7:00 a.m.

I. Weather-protection features, such as awnings, shall be provided as appropriate and practical near all customer entrances.

J. (Reserved)

K. Lighting fixtures used on the exterior of buildings, signs, parking areas, and pedestrian walkways shall be architecturally compatible with the style, materials, colors, and detail of the building.

L. Utilities. Existing utilities shall be relocated to the rear of the structure. All new utility lines shall be placed underground.

M. Interparcel access. Where topographic and other conditions are reasonably usable, provisions shall be made for travelway connections to adjoining lots of similar existing or potential use when such driveway connection will facilitate vehicular access between sites without the need to travel upon a public street.

N. Pedestrian accommodations. Pedestrian walkways and connections must be provided to any trail or other pedestrian paths, such as sidewalks, from adjoining areas.

O. Parking. Off-street parking shall be provided in accordance with Article XVI of this chapter, with the following modifications:

(1) No off-street parking shall be permitted between the front facade of the principle building and the primary abutting street. One row of parallel parking spaces is permitted between one side facade of the principle building and a secondary abutting public street, provided that a sidewalk is constructed between the parking spaces and the building.

(2) The benefit assessment charge and annual maintenance fee provided for in § 164-111C is available for application in this zone.

(3) Sharing of facilities.

(a) Upon approval of the Planning Director, development incorporating one or more residential uses and one or more office uses may, in a common parking facility, share up to 50% of the parking spaces required for the use with the smallest base requirement in accordance with the following example: **[Amended 1-28-2008 by Ord. No. 774]**

[1] Twelve multifamily units: 18 required spaces.

[2] Four offices (one doctor's office): 12 required spaces.

[3] Base requirement: 30 required spaces.

[4] Fifty percent smallest base (office): credit six spaces.

[5] Requirement with shared spaces: 24 required spaces.

(b) Parking lots created under this subsection may not contain spaces designated as reserved for a specific use.

(4) Every off-street parking area, except where the public street is the approved drive aisle, for more than five vehicles shall be located at least three feet from any public walkway, five feet from any street or curb and five feet from every residential lot line.

(5) The Planning Director may approve compact parking spaces in accordance with the standards outlined in § 164-115F for up to 50% of the total required spaces for residential uses. **[Amended 1-28-2008 by Ord. No. 774]**

P. Bicycle parking shall be provided in accordance with the following standards:

(1) At least five bicycle parking spaces or 10% of the required off-street parking spaces, whichever is greater.

(2) Bicycle parking facilities shall provide for storage and locking of bicycles in which both the bicycle frame and the wheels may be locked by the user; be designed so as not to cause damage to the bicycle; facilitate easy locking without interference from or to adjacent bicycles; and consist of racks or lockers anchored so that they cannot be easily removed and of solid construction, resistant to rust, corrosion, hammers and saws.

(3) Bicycle parking facilities shall be consistent with the site in color and design and be incorporated whenever possible into building or street furniture designs.

(4) Bicycle parking facilities shall be located in convenient, highly visible, active, well-lighted areas but shall not interfere with pedestrian or vehicular movements.

Q. Modifications to design standards.

(1) The standards contained in this section are intended to foster development of integrated commercial and shopping facilities while at the same time maintaining reasonable limitations upon their design, size and operation. Conditions may arise when full compliance with the design standards is impractical, impossible or under circumstances where maximum achievement of the City's objectives can only be obtained through modified requirements. In specific cases, modification of these standards may be permitted by the Director, subject to the approval of the Council, upon a finding that such modification more fully achieves the objectives of this zone and that any such modification would not have an adverse impact upon adjoining properties or the general character of the proposed development plan.

(2) All requests for modifications must be submitted to the Director in writing and shall be accompanied by sufficient explanation and justification, written and/or graphic, to allow appropriate evaluation and decision by the Director, subject to the approval of the Council.

(3) Modification to design standards shall be limited to the specific project under consideration and shall not establish any precedent for use or approval in any other application.

§ 164-39.6. Operating standards.

A. Illumination. All outdoor illumination shall meet the following conditions:

(1) All outdoor lighting shall be aimed, located, designed, fitted and maintained so as not to present a disabling glare hazard to drivers or pedestrians or a nuisance glaze concern to neighboring properties.

(2) Lighting fixtures shall not be mounted in excess of 20 feet above grade unless the fixture illuminates the structure to which the fixture has been installed.

(3) All facades facing a public right-of-way shall incorporate adequate lighting to provide for the safety of pedestrians and to discourage vandalism. Such lighting shall be directed toward the face of the building rather than the area around it and shall not exceed five footcandles.

(4) No outdoor illumination may be used in any manner that could interfere with the safe movement of motor vehicles on public streets, including a fixture that may be confused with or construed as a traffic control device.

(5) Blinking, flashing, or changing intensity lights, except for temporary holiday displays which are permitted between November 15 and January 7, are prohibited.

(6) No person shall install, illuminate or maintain an beacon or searchlight.

B. Maintenance following project completion. All design standards approved as part of the site plan by the Planning Commission shall run with the land and shall be maintained in good repair and condition all subsequent owners of the property. Substantive changes shall require approval by the Commission.

§ 164-39.7. Building height.

No structure shall exceed five stories in height, and no structure shall be less than three stories in height.

§ 164-39.8. Dimensional requirements.

The following requirements shall be observed. Special fire-resistance-rated construction practices may be required for setbacks of less than five feet.

A. (Reserved)[86]

B. Building or use setback.

(1) Front. No front yard setback is required. The maximum front yard setback permitted is five feet. The sidewalk shall be constructed to be continuous and contiguous from the public street to the front facade of the structure along the entire length of the facade. Landscaping pits may be included along the facade for a distance not to exceed 50% of the length of the facade.

(2) Side. Where the side line is along an alley or public right-of-way, the maximum side yard setback permitted is five feet or equal to the setbacks of the immediately adjacent buildings, whichever is less, but in no instance shall adequate site distances be encroached upon. Side yards not located along an alley or public right-of-way shall have a maximum permitted setback of three feet. Where neither side line is located along an alley or public right-of-way, at least one side yard setback must be equal to zero feet.

(3) Rear: a minimum setback of five feet.

(4) For parking lots: a minimum setback of one foot from the right-of-way or adjacent lots subject to the provisions contained in § 164-39.5O.

(5) From the R-20,000, R-10,000, R-7,500, PD-4, PD-9, PD-15 residential districts, or similar residential districts that may hereafter be adopted: a minimum setback of 10 feet.

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86. Editor's Note: Former Subsection A, Location requirement, was repealed 2-11-2013 by Ord. No. 840.

§ 164-39.9. Compatibility with adjacent uses; procedure for designation as floating zone. [Amended 2-11-2013 by Ord. No. 840]

A. The owner of a property located in an area eligible to be designated as a Mixed Used Infill Zone but not so designated on the City's Comprehensive Zoning Map may make application for the application of the Mixed Used Infill Zone to the subject property as a floating zone.

B. All uses permitted and special exceptions shall achieve the purposes set forth in § 164-39.1 and be compatible with other uses existing or proposed adjacent to and in the vicinity of the area covered by the proposed development.

C. An application for the application of the Mixed Use Infill Zone as a floating zone must be accompanied by a site development plan prepared in accord with the provisions of § 164-188 of this chapter.

D. In addition to all other standards and criteria, when considering an application for the designation of a floating Mixed Use Infill Zone, the Common Council shall also consider the adequacy of schools, streets and highways, the availability of public water and wastewater systems, and the adequacy of all other public facilities intended to serve the project.

E. All floating Mixed Use Infill Zone projects shall be subject to site plan approval as provided in Article XXV.

ARTICLE VIII
B Business Zone

§ 164-40. General provisions.

The following regulations shall apply in all B Business Zones.

§ 164-41. Uses permitted.

A. No building, structure or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged or maintained, except for local retail business or service shops, including:

(1) Accessory uses and buildings customarily incidental to any permitted use in this section, including one-dwelling units incidental to any permitted business use in this section.

(2) Alcoholic beverage package stores.

(3) Animal hospitals, veterinary clinics and kennels without exterior runways.

(4) Antique and arts and crafts shops.

(5) Appliance stores.

(6) Art, trade, business or nursery schools.

(7) Automobile, trailer and implement sales and services, except automobile car washes and including motorcycle shops and auto accessory stores.

(8) Bakery shops.

(9) Banks and savings and loan institutions.

(10) Beauty parlors or barbershops.

(11) Building materials sales and storage yards which are enclosed.

(12) Candy stores.

(13) Carpentering shops containing 500 square feet or less.

(14) Churches, convents, monasteries, parish houses and all other places of worship.

(15) Clothing stores.

(16) Commercial parking lots.

(17) Custom printing and reproduction shops.

(18) Dairy product stores.

(19) Day-care facilities.

(20) Department stores.

(21) Dress or millinery shops.

(22) Drugstores.

(23) Dry-goods or variety shops.

(24) Florist or garden shops.

(25) Food and grocery stores.

(26) Fruit or vegetable stores.

(27) Furniture and upholstering stores.

(28) Gift or jewelry shops.

(29) Hardware stores.

(30) Home occupations.

(31) Hotels and motels.

(32) Laundromats.

(33) Laundry or dry-cleaning establishments and pickup stations.

(34) Meat markets.

(35) Newspaper publishing establishments.

(36) Offices, professional and business.

(37) Pet shops.

(38) Photographic studios.

(39) Public buildings, structures and properties of the recreational, cultural, institutional, educational, administrative or public-service type, including fire, ambulance or rescue squad.

(40) Radio and television studios.

(41) Radio and television repair shops.

(42) Restaurants and lunchrooms.

(43) Retirement, nursing or boarding homes.

(44) Schools: business, dancing, music, trade or others of a commercial nature.

(45) Sheet metal shops containing 500 square feet or less.

(46) Shoe repair shops.

(47) Sign-painting shops.

(48) Signs and outdoor advertising, subject to the provisions of Article XVII.

(49) Single-family attached dwellings and multiple-family dwellings for four or fewer dwelling units.

(50) Social clubs, fraternal organizations and community meeting halls.

(51) Specialty shops.

(52) Sporting goods or hobby shops.

(53) Stationery stores.

(54) Tailor establishments.

(55) Taverns and nightclubs.

(56) Taxi stations.

(57) Telephone central offices or service centers.

(58) Theaters and private assembly halls.

(59) Tourist homes.

§ 164-42. Special exceptions. [Amended 10-26-1998 by Ord. No. 631; 12-10-2001 by Ord. No. 673]

The following uses may be permitted as special exceptions in accordance with the provisions of Article XXII:

A. All uses authorized as permitted uses or special exceptions in this zone which are to be located within structures in excess of three stories but not in excess of six stories.

B. All other uses of the same general character as uses permitted under § 164-41.

C. Adult entertainment activities.

D. Amusement centers.

E. Animal hospitals, veterinary clinics and kennels, with runways.

F. Automobile car washes.

G. Building materials sales and storage yards which are unenclosed.

H. Circuses, carnivals or similar transient enterprises, provided that such uses shall not exceed 10 days at any one time and involve no permanent structure.

I. Drive-in eating establishments.

J. Conversion dwellings, subject to the requirements of § 164-150 and the County Health Department.

K. Feed and grain sales, milling and/or storage shall be screened when adjoining a residential use of zone.

L. Funeral homes and mortuaries.

M. Golf driving ranges.

N. Mobile home sales.

O. Housing for older persons and other customary accessory uses and structures, which are clearly incidental to the principal structure and use subject to the requirements of § 164-153.2 and which is located on three acres of land or less.

P. Multiple-family dwellings, subject to the provisions of § 164-153.

Q. Outdoor drive-in theaters.

R. Public utility buildings, structures or uses, including radio, television and other communication facilities not considered essential utility equipment, as enumerated in § 164-139.

S. Service stations, subject to the provisions of § 164-149.

T. Single-family detached dwellings and single-family semidetached dwellings, subject to the provisions of § 164-154.

U. Swimming pools, parks and recreation areas, provided that such uses shall be two times the distance requirements for residential uses as specified in§ 164-140.

V. Telecommunications facilities, subject to the requirements of § 164-139.1.

§ 164-43. Conditions.

A. Goods shall consist primarily of new or reconditioned merchandise or bona fide antiques.

B. Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste or otherwise create a nuisance under the provisions of Chapter 100, Nuisances, of the Code of Westminster.

§ 164-44. Building height.

No structure shall exceed the height of three stories or the height of an adjacent structure on the block, whichever is the greater.

§ 164-45. Dimensional requirements.

For all uses in the B Business Zone, the following requirements shall apply:

A. The following maximum limitations shall apply:

(1) Floor area ratio: 2.0. The total building floor area cannot be greater than twice the total area of the lot.

B. The following minimum requirements shall be observed:

(1) Building or use setback:

(a) Front: 30 feet or equal to the setbacks of immediately adjacent buildings, whichever is less, from the public street.

(b) Side: where the side line is along an alley or public right-of-way, 10 feet or equal to the setbacks of immediately adjacent buildings, whichever is less.

(c) For parking uses: five feet from the right-of-way or adjacent lots.

(d) From residential districts: 30 feet.

ARTICLE VIIIA
C-C Central Commerce Zone
[Added 12-20-1999 by Ord. No. 649]

§ 164-45.1. General provisions.

The following regulations shall apply in all C-C Central Commerce Zones.

§ 164-45.2. Uses permitted. [Amended 2-12-2007 by Ord. No. 758]

A. No building, structure or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged or maintained, except for one or more of the following uses:

(1) Antique and arts and crafts shops.

(2) Bakery shops.

(3) Banks and savings and loan institutions without drive-through service.

(4) Beauty parlors or barbershops.

(5) Candy stores.

(6) Clothing stores.

(7) Commercial parking lots.

(8) Custom printing and reproduction shops.

(9) Dairy product stores.

(10) Dress or millinery shops.

(11) Drugstores.

(12) Dry goods or variety shops.

(13) Florist shops.

(14) Food and grocery stores containing 5,000 square feet or less.

(15) Fruit or vegetable stores.

(16) Furniture stores.

(17) Gift or jewelry shops.

(18) Laundry or dry-cleaning establishments without drive-through service.

(19) Meat markets.

(20) Offices, professional and business.

(21) Photographic studios.

(22) Public buildings.

(23) Radio and television studios.

(24) Radio and television repair shops.

(25) Restaurants and lunchrooms, without drive-through service.

(26) Shoe repair shops.

(27) Signs, with the exception of outdoor advertising signs, subject to the provisions of Article XVII.

(28) Sporting goods or hobby shops.

(29) Stationery stores.

(30) Tailor establishments.

(31) Telephone central offices or service centers.

B. The buying, selling or trading of firearms shall not be allowed under any of the uses permitted under this section.

C. Tattoo parlors shall not be allowed under any of the uses permitted under this section.

§ 164-45.3. Special exceptions. [Amended 2-12-2007 by Ord. No. 758]

A. The following uses may be permitted as special exceptions in accordance with the provisions of Article XXII:

(1) Department stores.

(2) Hotels.

(3) Microbreweries and pub breweries licensed under Article 2B of the Annotated Code of Maryland.

(4) Pet shops.

(5) Public utility buildings, structures or uses, including radio, television and other communication facilities not considered essential utility equipment, as enumerated in § 164-139.

B. The buying, selling or trading of firearms shall not be allowed under any of the special exceptions permitted under this section.

C. Tattoo parlors shall not be allowed under any of the special exceptions permitted under this section.

§ 164-45.4. Building height.

No structure shall exceed an elevation of 800 feet in height based on United States Geological Survey datum as shown on Carroll County photogrammatic maps, but in no event shall any structure exceed eight stories in height. No structure shall be less than two stories in height.

§ 164-45.5. Dimensional requirements.

The following requirements shall be observed. Special fire-resistance-rated construction practices may be required for setbacks of less than five feet.

A. Building or use setback:

(1) Front: no front yard setback is required. The maximum front yard setback permitted is five feet.

(2) Side: where the side line is along an alley or public right-of-way, 10 feet or equal to the setbacks of the immediately adjacent buildings or as provided in § 164-145, whichever is less, but in no instance shall adequate site distances be encroached upon. Where neither side line is located along an alley or public right-of-way, at least one side yard setback must be equal to zero feet. No setback is required for the second side yard; however, if a side yard is provided, the setback must be no less than three feet and no greater than 10 feet.

(3) Rear: a minimum setback of five feet.

(4) For parking lots: a minimum setback of five feet from the right-of-way or adjacent lots. Private parking lots are permitted only in rear yards.

(5) From residential districts: a minimum setback of 20 feet.

§ 164-45.6. Conditions.

A. Goods shall consist primarily of new or reconditioned merchandise or bona fide antiques.

B. Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste or otherwise create a nuisance under the provisions of Chapter 100, Nuisances, of the Code of Westminster.

C. The front facades of new and remodeled buildings shall be designed with windows on all stories. The size and placement of the windows shall be compatible with the size, scale and character of the facade.

ARTICLE VIIIB
D-B Downtown Business Zone
[Added 12-20-1999 by Ord. No. 649]

§ 164-45.7. General provisions.

The following regulations shall apply in all D-B Downtown Business Zones.

§ 164-45.8. Uses permitted. [Amended 2-12-2007 by Ord. No. 758]

A. No building, structure or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged or maintained, except for one or more of the following uses:

(1) Accessory uses and buildings customarily incidental to any permitted use in this section.

(2) Antique and arts and crafts shops.

(3) Art, trade, business or nursery schools.

(4) Auto accessory stores.

(5) Bakery shops.

(6) Banks and savings and loan institutions without drive-through service.

(7) Beauty parlors or barbershops.

(8) Bed-and-breakfast establishments.

(9) Candy stores.

(10) Churches, convents, monasteries, parish houses and all other places of worship.

(11) Clothing stores.

(12) Commercial parking lots.

(13) Custom printing and reproduction shops.

(14) Dairy product stores.

(15) Day-care facilities.

(16) Dress and millinery shops.

(17) Drugstores.

(18) Dry goods or variety shops.

(19) Florist or garden shops.

(20) Food and grocery stores containing 5,000 square feet or less.

(21) Fruit or vegetable stores.

(22) Funeral homes and mortuaries.

(23) Furniture stores.

(24) Gift or jewelry shops.

(25) Hardware stores.

(26) Home occupations.

(27) Laundry or dry-cleaning establishments without drive-through service.

(28) Meat markets.

(29) Offices, professional and business.

(30) Photographic studios.

(31) Physical fitness facilities.

(32) Public buildings, structures and properties of the recreational, cultural, institutional, educational, administrative or public-service type, including fire, ambulance or rescue squad.

(33) Radio and television studios.

(34) Radio and television repair shops.

(35) Restaurants and lunchrooms, without drive-through service.

(36) Retirement, nursing or boarding homes.

(37) Schools: business, dancing, music, trade or others of a commercial nature.

(38) Shoe repair shops.

(39) Sign-painting shops.

(40) Signs, with the exception of outdoor advertising signs, subject to the provisions of Article XVII.

(41) Single-family attached dwellings and multiple-family dwellings for four or fewer dwelling units.

(42) Social clubs, fraternal organizations and community meeting halls.

(43) Sporting goods or hobby shops.

(44) Stationery stores.

(45) Tailor establishments.

(46) Taverns and nightclubs.

(47) Taxi stations, for the pick up and discharge of customers.

(48) Telephone central offices or service centers.

(49) Theaters and private assembly halls.

(50) Tourist homes.

(51) Upholstery shops.

(52) Video rental establishments, with the exception of adult entertainment.

B. The buying, selling or trading of firearms shall not be allowed under any of the uses permitted under this section.

C. Tattoo parlors shall not be allowed under any of the uses permitted under this section.

§ 164-45.9. Special exceptions. [Amended 2-12-2007 by Ord. No. 758]

A. The following uses may be permitted as special exceptions in accordance with the provisions of Article XXII:

(1) All uses authorized as permitted uses or special exceptions in this zone which are to be located within structures in excess of three stories but not in excess of six stories.

(2) All other uses of the same general character of uses permitted under § 164-45.2.

(3) Alcoholic beverage package stores.

(4) Amusement centers.

(5) Appliance stores.

(6) Automobile, trailer and implement sales and services, except automobile car washes and including motorcycle shops.

(7) Banks and savings and loan institutions with drive-through service, provided that the applicant proves that the use will not adversely affect pedestrian travel.

(8) Carpentering shops containing 500 square feet or less.

(9) Department stores.

(10) Conversion dwellings, subject to the requirements of § 164-150 and the County Health Department.

(11) Hotels and motels.

(12) Laundromats.

(13) Laundry or dry-cleaning establishments with drive-through service, provided that the applicant proves that the use will not adversely affect pedestrian travel.

(14) Microbreweries and pub breweries licensed under Article 2B of the Annotated Code of Maryland.

(15) Multiple-family dwellings, subject to the provisions of § 164-153.

(16) Newspaper publishing establishments.

(17) Pet shops.

(18) Public utility buildings, structures or uses, including radio, television and other communication facilities not considered essential utility equipment, as enumerated in § 164-139.

(19) Service stations, subject to the provisions of § 164-149.

(20) Sheet metal shops containing 500 square feet or less.

(21) Single-family detached dwellings and single-family semidetached dwellings, subject to the provisions of § 164-154.

(22) Swimming pools, parks and recreation areas, provided that such uses shall be two times the distance requirements for residential uses as specified in § 164-140.

B. The buying, selling or trading of firearms shall not be allowed under any of the special exceptions permitted under this section.

C. Tattoo parlors shall not be allowed under any of the special exceptions permitted under this section.

§ 164-45.10. Building height.

No structure shall exceed the height of three stories or the height of an adjacent structure on the block, whichever is greater, nor shall any building be less than two stories in height.

§ 164-45.11. Dimensional requirements.

The following requirements shall be observed. Special fire-resistance-rated construction practices may be required for setbacks of less than five feet.

A. Building or use setback:

(1) Front: no front yard setback is required. The maximum front yard setback permitted is five feet.

(2) Side: where the side line is along an alley or public right-of-way, 10 feet or equal to the setbacks of the immediately adjacent buildings or provided in § 164-145, whichever is less, but in no instance shall adequate site distances be encroached upon. Where neither side

line is located along an alley or public right-of-way, at least one side yard setback must be equal to zero feet. No setback is required for the second side yard; however, if a side yard is provided, the setback must be no less than three feet and no greater than 10 feet.

(3) Rear: a minimum setback of five feet.

(4) For parking lots: a minimum setback of five feet from the right-of-way or adjacent lots. Private parking lots are permitted only in rear yards.

(5) From residential districts: a minimum setback of 20 feet.

§ 164-45.12. Conditions.

A. Goods shall consist primarily of new or reconditioned merchandise or bona fide antiques.

B. Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste or otherwise create a nuisance under the provisions of Chapter 100, Nuisances, of the Code of Westminster.

C. The front facades of new and remodeled buildings shall be designed with windows on all stories. The size and placement of the windows shall be compatible with the size, scale and character of the facade.

ARTICLE VIIIC
Compatible Neighborhood Overlay Zone
[Added 7-10-2006 by Ord. No. 745]

§ 164-45.13. Introduction.

The Compatible Neighborhood Overlay Zone (CN Zone) is intended to provide for the infill development of land in certain older neighborhoods and to afford flexibility to allow property owners to take advantage of the unique development opportunities which are presented in those neighborhoods. The CN Zone is a mapped zone which is superimposed over the R-7,500 Residential Zone in certain older neighborhoods that provides some alternative requirements for development within that underlying zone. Once property is placed in this zone, applicants may request that development therein be subject to the approval of the Commission and the Planning Director in accordance with the standards and procedures of this article. The CN Zone provides a flexible basis for development which could not occur under the requisites of the underlying zone.

§ 164-45.14. Purpose.

It is the purpose of the CN Zone to provide suitable sites for infill development within certain older neighborhoods and to allow new and redevelopment projects which are integrated with the existing character, land use pattern and infrastructure networks of those older neighborhoods.

A. The following objectives are sought in providing for this zone:

(1) To encourage developers to use a more creative approach in the development of land in older neighborhoods;

(2) To encourage more efficient allocation and maintenance of common open space when providing such housing through private initiative;

(3) To encourage variety in the physical development of patterns of such housing;

(4) To encourage creativity in the site design, create housing that is highly accessible to goods and services, and increase consumer choice in housing by providing for a mix of housing types and lot sizes;

(5) To create a process which overcomes deficiencies in ordinary planning processes and removes obstacles not addressed in those processes;

(6) To minimize the cost of extending or expanding public services and facilities by encouraging appropriate development in certain older neighborhoods;

(7) To attract an appropriate mix of land uses;

(8) To encourage development which complements and enhances the character of the area, including its historic resources;

(9) To ensure the developments within this zone possess a desired urban design relationship with one another and adjoining areas;

(10) To provide flexibility in the design and the layout of building structures and to promote a coordinated and integrated development scheme; and

(11) To provide a wide range of houses available to all socioeconomic groups.

B. The fact that an application complies with all specific requirements and purposes set forth herein shall not be deemed to create a presumption that the application is, in fact, compatible with surrounding land uses and, in itself, shall not be sufficient to require the approval of a detailed site plan.

§ 164-45.15. Relationship to underlying zone.

The CN Zone shall be placed only over property located in the City's R-7,500 Residential Zone. The requisites of the underlying zone are modified and superseded by those contained in this article at the request of the applicant and approval of a detailed site plan by the Commission and the Planning Director. In the event of any conflict, the provisions of this article shall control.

§ 164-45.16. (Reserved)

§ 164-45.17. Uses permitted.

Under this section, no building, structure or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged or maintained, except for one or more of the following uses:

A. Accessory uses and buildings customarily incidental to any permitted use in this section.

B. Dwellings, single-family detached.

C. Dwellings, single-family semidetached.

D. Dwellings, single-family attached.

E. Dwellings, multiple-family.

§ 164-45.18. Buildings, landscaping and other improvements.

A. The location, size, height, setback and lot coverage of all structural improvements, as well as open spaces and green areas shown on an approved detailed site plan shall constitute the regulations for these improvements and areas in the CN Zone. The detailed site plan shall

explicitly specify maximum values for heights, setbacks, and lot coverages. The corresponding regulations of the underlying zone do not apply to property developed under the provisions of the CN Zone unless so specified elsewhere in this chapter.

B. Landscaping and screening of development within the CN Zone shall be provided pursuant to the provisions of the City's Landscape Manual. Additional buffering and screening may be required to satisfy the purposes of the CN Zone and to protect the unique character of that zone from adjoining land uses.

§ 164-45.19. Compatibility.

All uses permitted and developments proposed shall achieve the purposes set forth in § 164-45.14 and be compatible with other uses existing or proposed adjacent to and in the vicinity of the area covered by the proposed development.

§ 164-45.20. Procedure.

A. An application for zonal classification to the CN Zone may be made by a sectional or comprehensive amendment.

B. Applicants seeking approval of a detailed site plan in the CN Zone shall submit a conceptual plan to the Planning Director for review and comment before acceptance of a detailed site plan for the project. The conceptual plan should be submitted prior to the completion of detailed engineering work.

C. Applicants shall be required to obtain approval of the detailed site plan from the Planning Director and Commission and comply with the requisites of Article XXV of this chapter. Approval of the detailed site plan shall also be subject to the provisions of § 164-198E, and a detailed site plan shall serve as a preliminary plan.

D. All proposed developments requiring a subdivision shall be required to obtain final plat approval in accordance with §§ 164-199 and 164-200.

E. For the purposes of this article, a detailed site plan shall contain all of the information required for a site plan as provided in § 164-208, as well as any other information required in procedures adopted by the Planning Director and approved by resolution of the Mayor and Common Council. Those procedures may also contain guidelines to assist applicants in developing properties under the requirements of this zone.

§ 164-45.21. Criteria for approval.

Submission of a detailed site plan commits the applicant to a greater degree of authority by the Commission and Planning Director. In considering such an application, the Commission and the Planning Director shall take into account the extent to which the following goals are met:

A. The optimal density and mix of housing types for the neighborhood is provided. In considering this criteria, the Commission and Planning Director shall consider the following factors when determining the appropriate permitted density:

(1) The specific location of the property in relation to the distribution of existing density and housing types in the area.

(2) The current and maximum potential capacity of the local roadway, water, sewer, and storm drain networks.

(3) The unique character of the property in regard to topography, sight lines, access, valuable environmental features, and the underlying zoning district, and any other factor deemed relevant by the Commission or the Planning Director.

B. The configuration of lots, lot widths, lot coverages, and setbacks are compatible with the character of the neighborhood.

C. The height, orientation, and architectural character of structures are compatible with the neighborhood's housing stock. The Commission and Planning Director shall approve architectural elevation drawings of all street-facing facades as part of the application. The Commission and Planning Director may require certain materials, architectural treatment, and locations of windows and doors for these facades in accordance with the established architectural vernacular in the neighborhood.

D. The development is served with safe, efficient, and adequate pedestrian and vehicular networks.

(1) The existing pedestrian and vehicular networks shall be seamlessly extended through the site whenever possible. The widths and corner radii of streets, alleys, sidewalks, and paths shall be specified by the Commission or the Planning Director.

(2) The number of parking spaces required and the locations, dimensions, and setbacks of parking areas shall be determined by the Commission and the Planning Director. In all cases there shall be a minimum of one parking space per dwelling unit. The Commission or Planning Director may require parking to be satisfied through any combination of on-site parking, on-street parking, and off-site parking guaranteed through long-term lease agreements or easements. In no case shall the number of parking spaces required exceed the requirements specified in § 164-111.

(3) If the Planning Director determines that the size, configuration or other physical characteristic of the site of the planned use makes it impossible for the user to provide adequate on-site parking thereby creating a hardship, the Planning Director may, in the Planning Director's discretion, upon application from the applicant, allow a reduction in the number of spaces; provided, however, that the

applicant shall pay the City a one-time benefit assessment charge as provided in the General Fee Ordinance.[87] **[Amended 11-24-2008 by Ord. No. 792]**

E. The project accounts for and implements the recommendations of adopted comprehensive and neighborhood plans.

§ 164-45.22. Action and findings.

A. The Commission and Planning Director shall approve, subject to conditions, or disapprove the application for a detailed site plan and notify the applicant in writing.

B. In considering an application for a detailed site plan, the Commission and Planning Director shall consider whether the application and the detailed site plan fulfill the purposes and requisites set forth in this article. In doing so, the Commission and Planning Director shall make the following specific findings, in addition to any other findings which may be found to be necessary and appropriate to the evaluation of a proposed detailed site plan:

(1) That the proposed development would comply with the purposes, standards and regulations of the CN Zone, would provide the maximum safety, convenience and amenity to the residents of the development and would be compatible with adjacent development. In making that determination, the Commission and Planning Director shall consider the location, size and design of buildings, signs, other structures, open spaces, landscaping, pedestrian and vehicular circulation systems, parking and loading areas.

(2) Each structure and use, in the manner proposed, is compatible with other structures and uses in the proposed development and with existing and proposed adjacent development.

§ 164-45.23. Validity and amendments.

A. An approved detailed site plan or amendment thereof shall remain valid for a period of one year from final plat approval. An applicant may petition the Planning Director and Commission for up to a four-to-six-month extension with a showing of extraordinary circumstances.

B. An approved detailed site plan may be amended upon application by the developer, the property owner, the Commission or the Planning Director. Any application for an amendment to an approved detailed site plan shall be filed with the Planning Director and subject to all of the procedures and requirements contained in this chapter pertaining to the CN Zone, except as provided in Subsection C. The Commission and the Planning Director shall approve, approve with modifications or

87. **Editor's Note: See Ch. A175, Fees, Art.II, General Fees.**

disapprove the application for amendment of an approved detailed site plan.

C. The Planning Director is authorized to approve applications for minor amendments to a detailed site plan to allow for the construction of decks, porches or other small additions. The Planning Director, in the Planning Director's discretion, may determine that the application requires the review and approvals provided in Subsection B.

D. The Commission and Planning Director may modify the requisites for minimum street and right-of-way widths provided in § 164-194 where they determine that there are extraordinary circumstances relating to the proposed development.

§ 164-45.24. Appeals.

Any person aggrieved by any decision of the Commission or Planning Director, or any taxpayer or any officer, department head, board or bureau of the City may appeal the same to the Circuit Court for Carroll County. Such appeal shall be taken in accordance with applicable provisions of the Maryland Rules that are in effect at that time.

ARTICLE VIIID
Neighborhood Preservation Overlay Zone (NP Zone)
[Added 11-8-2010 by Ord. No. 816]

§ 164-45.25. Introduction.

The Neighborhood Preservation Overlay Zone is intended to provide for the preservation of the historic character and physical setting of the City's traditional neighborhoods by promoting residential uses and directing more-intense uses to other suitable locations. The Neighborhood Preservation Overlay Zone is a mapped zone which is superimposed over properties included in the R-7,500 Residential Zone and R-10,000 Residential Zone in certain traditional residential neighborhoods. Once properties are included in the Neighborhood Preservation Overlay Zone, any development or use of such properties is subject to its provisions.

§ 164-45.26. Purpose; objectives.

A. It is the purpose of the Neighborhood Preservation Overlay Zone to protect the historical and architectural character of the City's traditional residential neighborhood by promoting the use of land and development that is compatible with Westminster's heritage and is in keeping with the spirit and intent of Westminster's Comprehensive Plan.

B. The objectives of the Neighborhood Preservation Overlay Zone are:

(1) To preserve and promote the use of land that is respectful of the residential character of the City's traditional neighborhoods;

(2) To promote the preservation of neighborhood identity and visual character;

(3) To guide the use of land and development to reflect Westminster's heritage and to foster a sense of community pride;

(4) To protect Westminster's quality of life, community character and City identity;

(5) To use the historic character of Westminster as a tool to unify the community;

(6) To encourage more-intensive use of land on sites in other suitable locations in the City;

(7) To create a "sense of place" in which the residential character of the City's traditional neighborhoods is enhanced and encouraged;

(8) To ensure the use of land and development is compatible with the neighborhood's vision for the future; and

(9) To recognize the importance of a positive community image and quality community design to assist the City in instilling a sense of pride and well-being in the community.

§ 164-45.27. District designated.

The Neighborhood Preservation Overlay Zone shall apply to all properties included in the zone as designated on the City of Westminster Zoning Map as "Neighborhood Preservation Overlay Zone."

§ 164-45.28. Relationship to underlying zones.

The Neighborhood Preservation Overlay Zone shall be placed over property located in either the R-7,500 Residential Zone or R-10,000 Residential Zone only. The permitted uses and special exception uses authorized in the underlying zones are modified and superseded by those contained in this article. All other provisions of the underlying zones shall apply and remain in force and effect. In the event of any conflict, the provisions of this article shall control.

§ 164-45.29. Uses permitted.

A. For properties with an underlying zone of R-7,500 Residential Zone:

(1) Uses permitted. No building, structure or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged or maintained, except for one or more of the following uses:

(a) Dwellings, single-family detached, including accessory buildings incidental to the permitted use.

(b) Dwellings, single-family semidetached, including accessory buildings incidental to the permitted use.

(2) Special exceptions. The following uses may be permitted as a special exception in accordance with the provisions of Article XXII:

(a) Churches, convents, monasteries, parish houses and all other places of worship.

(b) Public buildings and structures.

B. For properties with an underlying zone of R-10,000 Residential Zone:

(1) Uses permitted. No building, structure or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged or maintained, except for one or more of the following uses:

(a) Dwellings, single-family detached, including accessory buildings incidental to the permitted use.

(2) Special exceptions. The following uses may be permitted as a special exception in accordance with the provisions of Article XXII:

(a) Dwellings, single-family semidetached, provided that on parcels of land in excess of five acres no more than 20% of the net buildable land may be devoted to semidetached single-family dwellings.

(b) Churches, conventions, monasteries, parish houses and all other places of worship.

(c) Public buildings and structures.

§ 164-45.30. Reclassification.

Notwithstanding any provisions in the underlying zones to the contrary, properties included in the Neighborhood Preservation Overlay Zone are not eligible for consideration for reclassification to either the PD-4 Planned Development 4 Zone or the PD-9 Planned Development 9 Zone, as provided for in the underlying zones.

§ 164-45.31. Procedure for classification.

An application for zonal classification in the Neighborhood Preservation Overlay Zone may be made only by a sectional map amendment.

§ 164-45.32. Inclusion of additional neighborhoods.

The City will partner with its Historic District Commission and other boards and commissions of the City, the Historical Society of Carroll County, and other state, county and local organizations and groups to identify additional traditional residential neighborhoods for potential inclusion in the Neighborhood Preservation Overlay Zone as an integral component of an overall preservation plan for Westminster. This important work not only helps to implement the City's Comprehensive Plan by focusing attention on the preservation and improvement of the City's traditional residential neighborhood but also by initiating a dialog among City government and its residents about the look, feel and character of Westminster.

ARTICLE IX

C-B Central Business Zone

[Amended 9-25-1995 by Ord. No. 602; 1-27-1997 by Ord. No. 615; 12-20-1999 by Ord. No. 649]

§ 164-46. General provisions.

The following regulations shall apply in the C-B Central Business Zones.

§ 164-47. Uses permitted. [Amended 2-12-2007 by Ord. No. 758]

A. No building, structure or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged or maintained except for one or more of the following uses:

(1) Accessory uses and buildings customarily incidental to any permitted use in this section.

(2) Antique and arts and crafts shop.

(3) Appliance stores.

(4) Art, trade, business or nursery schools.

(5) Bakery shops.

(6) Banks and savings and loan institutions without drive-through service.

(7) Beauty parlors or barbershops.

(8) Bed-and-breakfast establishments.

(9) Building materials sales and storage yards which are enclosed.

(10) Candy stores.

(11) Churches, convents, monasteries, parish houses and all other places of worship.

(12) Clothing stores.

(13) Commercial parking lots.

(14) Custom printing and reproduction shops.

(15) Dairy product stores.

(16) Day-care facilities.

(17) Department stores.

(18) Dress or millinery shops.

(19) Drugstores.

(20) Dry goods or variety shops.

(21) Florist or garden shops.

(22) Food and grocery stores containing 5,000 square feet or less.

(23) Fruit or vegetable stores.

(24) Furniture stores.

(25) Gift or jewelry shops.

(26) Hardware stores.

(27) Home occupations.

(28) Hotels and motels.

(29) Laundromats.

(30) Laundry or dry-cleaning establishments without drive-through service.

(31) Meat markets.

(32) Multiple-family dwellings not in excess of seven stories.

(33) Offices, professional and business.

(34) Pet shops.

(35) Photographic studios.

(36) Physical fitness facilities.

(37) Public buildings, structures and properties of the recreational, cultural, institutional, education, administrative or public-service type, including fire, ambulance or rescue squad.

(38) Radio and television studios.

(39) Radio and television repair shops.

(40) Restaurants and lunchrooms, without drive-through service.

(41) Retirement, nursing or boarding homes.

(42) Schools: business, dancing, music, trade or others of a commercial nature.

(43) Shoe repair shops.

(44) Sign-painting shops.

(45) Signs, with the exception of outdoor advertising signs, subject to the provisions of Article XVII.

(46) Single-family attached dwellings and multiple-family dwellings for four or fewer dwelling units.

(47) Social clubs, fraternal organizations and community meetings halls.

(48) Sporting goods or hobby shops.

(49) Stationery stores.

(50) Tailor establishments.

(51) Taverns and nightclubs.

(52) Taxi stations, for pick up and discharge of passengers.

(53) Telephone central offices or service centers.

(54) Theaters and private assembly halls.

(55) Tourist homes.

(56) Upholstery shops.

(57) Video rental establishments, with the exception of adult entertainment.

B. The buying, selling or trading of firearms shall not be allowed under any of the uses permitted under this section.

C. Tattoo parlors shall not be allowed under any of the uses permitted under this section.

§ 164-48. Special exceptions. [Amended 2-12-2007 by Ord. No. 758]

A. The following uses may be permitted as a special exception in accordance with the provisions of Article XXII:

(1) All other uses of the same general character of uses permitted under § 164-47.

(2) Banks and savings and loan institutions with drive-through service, provided that the applicant proves that the use will not adversely affect pedestrian travel.

(3) Building materials sales and storage yards which are unenclosed.

(4) Conversion dwellings, subject to the requirements of § 164-150 and the County Health Department.

(5) Laundry or dry-cleaning establishments with drive-through service, provided that the applicant proves that the use will not adversely affect pedestrian travel.

(6) Microbreweries and pub breweries licensed under Article 2B of the Annotated Code of Maryland.

(7) Multiple-family dwellings, subject to the provisions of § 164-153.

(8) Newspaper publishing establishments.

(9) Public utility buildings, structures or uses, including radio, television and other communication facilities not considered essential utility equipment, as enumerated in § 164-139.

(10) Single-family semidetached dwellings, subject to the provisions of § 164-154.

B. The buying, selling or trading of firearms shall not be allowed under any of the special exceptions permitted under this section.

C. Tattoo parlors shall not be allowed under any of the special exceptions permitted under this section.

§ 164-49. Building height.

No structure shall exceed an elevation of 800 feet in height based on United States Geological Survey datum as shown on Carroll County photogrammatic maps, but in no event shall any structure exceed eight stories in height nor shall any building be less than two stories in height.

§ 164-50. Dimensional requirements.

Lot area, lot width and yard requirements shall be observed. Special fire-resistance-rated construction practices may be required for setbacks of less than five feet.

A. Building or use setback:

(1) Front: no front yard setback is required. The maximum front yard setback permitted is five feet.

(2) Side: where the side line is along an alley or public right-of-way, 10 feet or equal to the setbacks of the immediately adjacent buildings or as provided in § 164-145, whichever is less, but in no instance shall adequate site distances be encroached upon. Where neither side line is located along an alley or public right-of-way, at least one side yard setback must be equal to zero feet. No setback is required for the second side yard; however, if a side yard is provided, the setback must be no less than three feet and no greater than 10 feet.

(3) Rear: a minimum setback of five feet.

(4) For parking lots: a minimum setback of five feet from the right-of-way or adjacent lots. Private parking lots are permitted only in rear yards.

(5) From residential districts: a minimum setback of 20 feet.

§ 164-51. Conditions.

A. Goods shall consist primarily of new or reconditioned merchandise or bona fide antiques.

B. Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes or noise.

C. The front facades of new and remodeled buildings shall be designed with windows on all stories. The size and placement of the windows shall be compatible with the size, scale and character of the facade.

ARTICLE IXA
Historic District Zone
[Added 10-12-1992 by Ord. No. 551; amended 1-27-1997 by Ord. No. 614]

§ 164-51.1. Purpose; construal of provisions.

A. The preservation of sites, structures and districts of historic, archeological and architectural value, together with their appurtenances and environmental settings, is declared by the Mayor and Common Council to be a public purpose in the City.

B. The purposes of this article are as follows:

(1) To safeguard the heritage of the City of Westminster by preserving sites, structures or districts therein which reflect elements of its cultural, social, economic, political, archeological or architectural history.

(2) To stabilize and improve property values of such sites, structures or districts.

(3) To foster civic beauty.

(4) To strengthen the local economy.

(5) To promote the preservation and appreciation of the sites, structures and districts for the education and welfare of the residents of the City of Westminster.

C. This article is adopted pursuant to Article XI-E of the Maryland Constitution, Article 66B, § 8.01 et seq. of the Annotated Code of Maryland (1995 Replacement Vol.), Art. 23A of the Annotated Code of Maryland (1994 Replacement Vol.), and § 15 et seq. of the City's Charter.

D. In this article, "structure" means a combination of material to form a construction that is stable; including, among other things, buildings, stadiums, reviewing stands, platforms, stagings, observation towers, radio towers, water tanks and towers, trestles, piers, paving, bulkheads, wharves, sheds, coal bins, shelters, fences and display signs visible or intended to be visible from a public way. The term also includes natural land formations and appurtenances and environmental settings. The term shall be construed as if followed by the words "or part thereof." "Appurtenances" and "'environmental settings" include walkways and driveways (whether paved or not), trees, landscaping, pastures, croplands, waterways and rocks. In this article, "demolition" includes any willful neglect in maintenance and repair of a structure, not including any appurtenances and environmental settings, held or used in a trade or business or for the production of income, that does not result from financial inability to maintain and repair the structure

and that threatens to result in any substantial deterioration of the exterior features of the structure.

E. In this article, "district" means a significant concentration, linkage or continuity of sites, structures or objects united historically or aesthetically by plan or physical development. "Site" means the location of an event of historical significance or a structure, whether standing or ruined, which possesses historical, archeological or cultural significance.

F. In this article, "routine maintenance" means work that does not alter the exterior fabric or features of a site or structure and has no material effect on the historical, archeological or architectural significance of the historical site or structure.

§ 164-51.2. District designated.

The Westminster Historic District shall include the area as shown on the Zoning Maps adopted by the Mayor and Common Council of Westminster in accordance with the provisions of this chapter.

§ 164-51.3. Creation and composition of Historic District Commission; appointment and term of members; vacancies.

A. The Historic District Commission is hereby created. It shall consist of seven members, all of whom are qualified by special interest, knowledge or training in such fields as history, architecture, architectural history, planning, archeology, anthropology, curation, conservation, landscape architecture, historic preservation, urban design or related disciplines. The members shall be appointed by the Mayor subject to confirmation by the Common Council. At least four of the members of the Historic District Commission shall be residents of the City. The remainder of the members may be nonresidents, but any members who are not residents of the City shall be the owners of real property in the City. Members shall be appointed for a term of three years. Members shall be eligible for reappointment. Any vacancy on the Historic District Commission shall be filled as set forth herein for the remainder of the unexpired term. The Mayor and Common Council may consult private societies or agencies to request the names of possible members for the Historic District Commission. **[Amended 9-15-2010 by Ord. No. 814; 12-10-2012 by Ord. No. 836]**

B. The Historic District Commission may designate the Maryland Historic Trust to make an analysis of and recommendation concerning the preservation of sites, structures or districts of historic, archeological, architectural or cultural significance within the area served by the Historic District Commission. Such report may include proposed boundaries of sites, structures and districts as well as make recommendations for the identification and designation of particular sites, structures or districts to be preserved.

C. The Historic District Commission shall have the right to accept and use gifts for the exercise of its functions as approved by the Mayor and Common Council.

§ 164-51.4. Application procedure; duties of Historic District Commission.

A. Before the construction, alteration, reconstruction, moving or demolition of any site or structure is made within an historic district, if any exterior changes are involved which affect the historic, archeological or architectural significance of a site or structure within a designated district, any portion of which is visible or intended to be visible from a public way, the person, individual, firm or corporation proposing to make the construction or change shall file with the Zoning Administrator an application for permission to construct, alter, reconstruct, move or demolish the site or structure. Every such application shall be referred to and considered by the Historic District Commission and accepted or rejected by the Commission. An application which is identical to a rejected application shall not be resubmitted within a period of one year after the rejection. No permit for any such change may be granted until the Historic District Commission has acted thereon as hereinafter provided.

B. In reviewing the plans for any such construction or change, the Historic District Commission shall give consideration to:

(1) The historic, archeological or architectural value and significance of the site or structure and its relationship to the historic, archeological or architectural significance of the surrounding area.

(2) The relationship of the exterior architectural features of a structure to the remainder of the structure and to the surrounding area.

(3) The general compatibility of exterior design, scale, proportion, arrangement, texture and materials proposed to be used.

(4) The economic impact of compliance.

(5) Any other factors, including aesthetic factors, which the Historic District Commission deems to be pertinent.

C. The Historic District Commission shall consider only exterior features of a structure and shall not consider any interior arrangements. Also, the Historic District Commission shall not disapprove an application except with respect to the several factors specified in Subsection B of this section.

D. The Historic District Commission shall be strict in its judgment of plans for sites or structures determined by research to be of historic, archeological or architectural significance. The Historic District Commission shall be lenient in its judgment of plans for sites or structures of little historic value or for plans involving new

construction, unless such plans would seriously impair the historic, archeological or architectural value of the surrounding site or structure. The Historic District Commission is not required to limit construction, reconstruction or alteration to the architectural style of any one period.

E. If an application is submitted for construction, reconstruction or alterations affecting the site or the exterior of a structure or for the moving or demolition of a structure, the preservation of which the Historic District Commission deems of unusual importance to the City or the county or of unusual importance to the entire state or nation, the Historic District Commission shall attempt, with the owner of the structure, to formulate an economically feasible plan for the preservation of the site or structure. Unless in these circumstances the Historic District Commission is satisfied that the proposed construction, alteration or reconstruction will not materially impair the historic, archeological or architectural significance of the site or structure, the Historic District Commission shall reject the application for reconstruction or alteration, filing a copy of its rejection with the Zoning Administrator, stating the specific reasons therefor.

F. If an application is submitted for construction, reconstruction, alteration or for moving or demolition of a site or structure that the Historic District Commission deems of unusual importance and no economically feasible plan can be formulated, the Historic District Commission shall have 90 days from the time it concludes that no economically feasible plan can be formulated to negotiate with the owner and other parties in an effort to find a means of preserving the site or structure.

G. In the case of a site or structure deemed to be valuable for its historic, archeological or architectural significance, the Historic District Commission may approve the proposed construction, reconstruction, alteration, moving or demolition despite the fact that the changes come within the provisions of Subsection E of this section if:

(1) The site or structure is a deterrent to a major improvement program which will be of substantial benefit to the City or county;

(2) Retention of the site or structure would cause undue financial hardship to the owner;

(3) The retention of the site or structure would not be to the best interests of a majority of persons in the community; or

(4) The structure has been condemned because of a health or fire hazard or a building code violation.

§ 164-51.5. Design guidelines.

The Historic District Commission shall adopt rehabilitation and new construction or design guidelines for designated sites, structures and

districts which are consistent with those generally recognized by the Maryland Historic Trust, which may include design characteristics intended to meet the needs of particular types of sites, structures and districts and may identify categories of changes that are so minimal in nature that they do not affect historic, archeological or architectural significance and require no review by the Historic District Commission. These guidelines shall be utilized by the Historic District Commission in its review of applications. These guidelines are subject to review and approval by resolution of the Mayor and Common Council of Westminster.

§ 164-51.6. Meetings of Historic District Commission.

A. The Historic District Commission shall be organized and its rules shall be adopted in accordance with the provisions of this chapter. Meetings of the Historic District Commission shall be held at the call of the Chairman and at such other times as the Historic District Commission may determine. The Chairman or, in his absence, the Acting Chairman may administer oaths and preside at meetings.

B. All meetings of the Historic District Commission shall be open to the public. Any interested person or a representative of an interested party is entitled to appear and be heard by the Historic District Commission before it reaches a decision on any matter. The Historic District Commission shall keep a record of its resolutions, proceedings and actions which shall be kept available for public inspection at the office of the Director of Planning and Public Works during reasonable business hours.

§ 164-51.7. Action of Historic District Commission upon applications.

The Historic District Commission shall file with the Zoning Administrator a certificate of its approval, modification or rejection of all applications and plans submitted to it for review. Work shall not be commenced on any such project until such a certificate of approval has been filed, and the Zoning Administrator and the Director of Planning shall not sign off on the building permit for such change or construction unless and until the Zoning Administrator has received such a certificate of approval. If the Historic District Commission rejects any applications or plans, it shall forthwith notify the applicant, stating its reasons for so doing. The Historic District Commission shall so advise the applicant of any proposed modifications. If the applicant so desires, the applicant may make the suggested modifications, and the Historic District Commission shall thereupon approve them and file a certificate of approval with the Zoning Administrator. The failure of the Historic District Commission to act upon a completed application within 45 days from the date the completed application was filed shall be deemed to constitute automatic approval of the proposed changes unless an extension of this forty-five-day period is agreed upon mutually by the applicant and the Historic District Commission or the application has been withdrawn. An application is deemed to be

completed when it has been accepted as such by the Historic District Commission at a meeting.

§ 164-51.8. Activities not prohibited in districts.

Nothing in this article shall be taken or construed to prevent routine maintenance, painting, customary farming operations or landscaping which will have no material effect on the historic, archeological or architectural significance of a designated site, structure or district. Nothing in this article affects the right to complete any work covered by a permit or authorization issued prior to January 1, 1997.

§ 164-51.9. Architectural easements.

The Historic District Commission may acquire easements in connection with individual sites or structures or with sites or structures located in or adjacent to a locally designated Historic District subject to approval by the Mayor and Common Council. Such easement shall grant to the City, the Historic District Commission, the residents of the Historic District and the general public the right to ensure that any site or structure and surrounding property upon which it is applied is protected in perpetuity from changes which would affect its historic, archeological or architectural significance.

§ 164-51.10. Appeal from Historic District Commission decision.

Any person aggrieved by any decision of the Historic District Commission on an application or any officer, department or board of the City may appeal the same to the Circuit Court for Carroll County. Any such appeal shall be taken in accordance with the Maryland Rules of Procedure as set forth in Chapter 200 of Title 7.

ARTICLE IXB
Housing for Older Persons Zone
[Added 1-10-2005 by Ord. No. 723]

§ 164-51.11. Purpose.

It is the purpose of the Housing for Older Persons Zone to provide suitable sites for multiple-family housing for older persons within certain areas of the City which would permit the optimum amount of freedom and variety in the design and layout of such type of use.

A. The following objectives are sought in providing for this zone:

   (1) To provide a more attractive and varied living environment for housing for older persons than would be possible through the strict application of residential Euclidean zonal district requirements.

   (2) To encourage developers to use a more creative approach in the development of land for housing for older persons.

   (3) To encourage more efficient allocation and maintenance of common open space in providing such housing through private initiative.

   (4) To encourage variety in the physical development patterns of such housing.

   (5) To encourage developers to create an independent, self-reliant and pleasant living atmosphere for older persons.

B. The fact that an application complies with all specific requirements and purposes set forth herein shall not be deemed to create a presumption that the application is, in fact, compatible with surrounding land uses and, in itself, shall not be sufficient to require the granting of any application.

C. The following regulations shall apply in all housing for older persons zones.

§ 164-51.12. Uses permitted.

The following uses are permitted in the Housing for Older Persons Zone:

A. Accessory uses and buildings customarily incidental to any permitted use in this section.

B. Multiple-family housing for older persons as defined in § 164-3.

C. Places of public assembly, recreational buildings and accessory buildings, if included in an approved development plan wherein it has been deemed that they are advantageous for the purpose of serving the development and the local community.

§ 164-51.13. Location and dimensional requirements.

A. Sites eligible for consideration for the Housing for Older Persons Zone must be recommended for such zone in the City's Comprehensive Plan.

B. Sites eligible for consideration for the Housing for Older Persons Zone shall be for a tract of land of not more than ten acres, classified in the R-7,500 Zone or B-Business Zone prior to reclassification to the Housing for Older Persons Zone.

C. Density.

(1) Residential density shall be approved generally on the capabilities of the existing and/or planned utilities and such other standards and requirements as enumerated in this chapter, but in no case shall the density exceed 16 dwelling units per net acre, prior to any dedications.

(2) Calculation of net acreage shall include all land within the project, except floodplain areas and slopes in excess of 25%.

D. The following minimum requirements shall apply:

Dwelling Type	Lot Width At Building (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
All principal and accessory structures	100	40	20	50

E. For the purpose of administering this Article, any room other than a living room, kitchen, dinette or dining room, bathroom and closet shall be construed as a bedroom.

§ 164-51.14. Building height.

No principal structure shall exceed three stories or 40 feet in height, and no accessory building shall exceed two stories or 20 feet in height.

§ 164-51.15. Open space.

At least 10% of the site shall be kept for open space.

§ 164-51.16. Off-street parking.

Spaces for off-street parking and for loading and unloading shall be provided in accordance with requisites of Article XVI, except that standard perpendicular or angled parking spaces shall be a rectangle, having minimum dimensions of 10 feet by 18 feet.

§ 164-51.17. Signs.

Signs shall be permitted subject to the provisions of Article XVII of this chapter.

§ 164-51.18. Architectural design.

The architectural design of all buildings shall be consistent with the creation of an independent, self-reliant and pleasant living atmosphere for a group of older persons requiring indoor and outdoor privacy participation in social and community activities and who may have limited mobility.

§ 164-51.19. Dedication of land.

Such land as may be required for public streets, parks, schools and other public uses shall be dedicated in accordance with the requirements of the laws of the city and the adopted general plan and Master Plans and other plans as may be applicable. The land to be dedicated shall be so identified upon development plans and site plans required under the provisions of this chapter and any other laws of the city.

§ 164-51.20. Compatibility.

All permitted uses shall achieve the purposes set forth in § 164-51.11 and be compatible with the other uses existing or proposed adjacent to and in the vicinity of the area covered by the proposed development. Further, the applicant shall demonstrate that the proposed use is compatible with any abutting dissimilar land uses which may include provisions to mitigate impacts upon adjacent properties.

§ 164-51.21. Procedure.

A. An application for zonal classification in the Housing for Older Persons Zone shall be accompanied by a development plan prepared in accordance with the provisions of § 164-188 of this chapter.

B. In addition to all other standards and criteria, in considering an application for the Housing for Older Persons Zone, the Common Council shall also consider the present or potential adequacy of the street or road system, highway and road access, the availability and capability of existing water and sewage systems and the availability and capability of all other public facilities.

C. All housing for olderpersons projects shall be subject to site plan approval as provided in Article XXV of this chapter.

ARTICLE IXC
Arts and Culture Overlay District
[Added 11-8-2010 by Ord. No. 815]

§ 164-51.22. Purpose.

A. The purpose of the Arts and Culture Overlay District is to facilitate improvements to land and structures within the district and to encourage artistic, cultural and creative resources therein.

B. For uses not otherwise permitted in the underlying zone in which a property is located, this article imposes requirements in addition to those imposed by this chapter upon uses in the underlying zone.

C. The overlay district is designed to achieve the following goals:

(1) To promote development and interest in the district.

(2) To allow a mix of artistic, cultural and creative uses.

(3) To allow flexibility of uses and development standards.

(4) To implement and complement the goals of the 2009 Tri-Street Area Advisory Committee Report.

§ 164-51.23. District designated.

The Arts and Culture Overlay District shall apply to all properties located within the district as designated on the City of Westminster Zoning Map as "Arts and Cultural Overlay District."

§ 164-51.24. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ARTIST LIVE/WORK SPACE — A single-family dwelling unit in which up to 50% of the floor area is used by the resident for the production, showing, and sale of art.

ARTIST or ARTISAN — A person regularly engaged in the creation of art.

ART or ARTISTIC WORKS — Works of beauty or other special aesthetic significance produced by means of the exercise of human creative skill, including:

A. Written works, such books, poetry, journalism, plays or screenplays.

B. Multimedia images generated through the use of computers, software and applications to combine text, high-quality sound, graphics and animation or video.

C. Images, forms or sounds generated for aesthetic reasons rather than solely for commercial or functional use, including drawings, paintings,

printmaking or sculpture, using materials such as paper, plaster, stone, glass, clay, wood, metal, or textile.

D. The application of aesthetic designs to everyday functional objects, including works in photography, industrial design, graphic design, fashion design or interior design.

E. Performance art in traditional varieties, such as theater, music, and ballet.

F. New media and contemporary forms of expression, such as assemblage, collage, conceptual, as well as photography and film-based images.

§ 164-51.25. Artisan workshop and/or gallery requirements.

A workshop for the production of art or for art instruction and/or a gallery for the performance, display and/or sale of art is permitted in the Arts and Culture Overlay Zone, provided that:

A. The gross floor area of the workshop or gallery does not exceed 50% of the total square footage of the principal dwelling unit;

B. Works of art displayed, performed or sold have been written, composed, created or executed for limited production and not for industry-oriented distribution;

C. Instruction in the creation of works of art or in music, dance, and other forms of performance art shall be limited to a maximum of six students at a time (including the number of persons waiting on the property to receive such instruction);

D. The work displayed, performed or sold has been written, composed, created or executed or the instruction given in art, music, dance or other forms of performance art is provided by a person whose primary residence is in the premises; and

E. Signage for the workshop or gallery meets the following restrictions:

(1) The premises may have no more than:

(a) One hanging sign, which may not exceed three square feet in area; or

(b) One ground sign, which may not exceed four square feet in area and may not exceed 36 inches in height.

(2) All signage must be approved by the Zoning Administrator. In determining whether or not to approve a sign application, the Zoning Administrator shall find that the proposed sign will achieve a maximum degree of compatibility with the neighborhood and will further the interests of efficiency and attractiveness to the greatest practicable extent, in consideration of the following factors:

(a) Traffic and pedestrian safety;

(b) Size, configuration, elevation and location of the property;

(c) Existing signs on neighboring properties;

(d) Aesthetics; and

(e) Any other factors relating to the location, design, composition and specific character of the proposed sign deemed appropriate by the Zoning Administrator.

ARTICLE X
I-R Restricted Industrial Zone

§ 164-52. General provisions.

The following regulations shall apply in the I-R Restricted Industrial Zones.

§ 164-53. Uses permitted. [Amended 8-9-1993 by Ord. No. 579]

No building, structure or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged or maintained, except for uses of a light industrial nature, including but not limited to the following:

A. Manufacture and assembly of aircraft, automobiles, house trailers or other vehicles.

B. Manufacture and assembly of electrical appliances, electronics and communication equipment, professional, scientific and controlling instruments and photographic or optical products.

C. Manufacturing, compounding, assembling or treatment of articles or merchandise from previously prepared materials, such as but not limited to bone, cloth, fur, cork, fiber, canvas, leather, cellophane, paper, glass, plastics, stone, shells, tobacco, other light metal, light metal mesh, pipe, rods, shapes, strips, wire or similar component parts.

D. Manufacturing, compounding, processing, packaging or treatment of cosmetics, pharmaceuticals and food products, except rendering or refining of fats and oils.

E. Manufacturing of musical instruments, novelties and molded rubber products, including tire manufacture, recapping and treading.

F. Manufacture of pottery or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.

G. Laboratories: chemical, physical and biological.

H. Clothing and shoe manufacture.

I. Carpet and rug cleaning plants.

J. Blacksmith, welding, machine or similar shops.

K. Heliports, subject to standards recommended or required by the Federal Aviation Agency.

L. Self-service storage facilities, subject to the provisions of § 164-155.

M. Truck or motor freight terminals or warehouses.

N. Aircraft storage, service and repair hangars on parcels abutting any publicly owned airport. **[Added 1-24-2005 by Ord. No. 727[88]]**

O. Office, professional, business-nonresidential. **[Added 11-25-2013 by Ord. No. 848-A[89]]**

P. Accessory buildings or uses customarily incidental to any permitted use in this section.

§ 164-54. Special exceptions. [Amended 2-27-1995 by Ord. No. 594; 10-26-1998 by Ord. No. 631]

The following uses may be permitted as a special exception in accordance with the provisions of Article XXII:

A. Any use permitted in § 164-41A(7), (9), (11), (17), (19), (33), (35), (39), (40), (41), (42), (45), (47) and (48). **[Amended 10-13-2003 by Ord. No. 706; 11-25-2013 by Ord. No. 848-A]**

B. Concrete and concrete products manufacture, including ready-mixed concrete plants.

C. Contractor's equipment and storage yards.

D. Petroleum products storage tanks above ground, provided also that there is compliance with all state and federal laws, as well as the National Fire Underwriters' Codes.

E. Sawmills, commercial.

F. Indoor shooting ranges, subject to the provisions of § 164-155.1 of this chapter, and including, as accessory thereto, the sale, on-site rental and/or repair of firearms, ammunition, archery equipment and the like in accordance with and subject to all applicable laws, ordinances and regulations.

G. Nontrade schools for which an application for a special exception has been filed on or before October 1, 2003. **[Added 10-13-2003 by Ord. No. 706[90]]**

H. Telecommunications facilities, subject to the requirements of § 164-139.1.

I. Trade schools. **[Added 10-13-2003 by Ord. No. 706]**

J. Funeral homes and mortuaries. **[Added 5-23-2011 by Ord. No. 824]**

K. Private indoor recreational facilities, subject to the requirements of § 164-155.2. **[Added 12-14-2015 by Ord. No. 861]**

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88. Editor's Note: This ordinance also provided for the redesignation of former Subsection N as Subsection O.

89. Editor's Note: This ordinance also provided for the redesignation of former Subsection O as Subsection P.

90. Editor's Note: This ordinance also redesignated former Subsection G as Subsection H.

§ 164-55. Dimensional requirements.

The following minimum requirements shall be observed:

Use	Front Yard Depth (feet)	Side Yard Width (each) (feet)	Rear Yard Depth (each)
All buildings	50	30	30

§ 164-56. Building height.

No structure shall exceed 50 feet in height.

§ 164-57. Landscaping.

Landscaping shall meet the following minimum requirements. A thirty-foot-wide minimum landscaped edge shall be required along any residential district or external right-of-way, to be planted with a minimum of two-and-one-half-inch caliper trees at a minimum of 30 feet on center and a similarly landscaped earth mound at least three feet high between the parking area and any adjacent residential district or public right-of-way.

§ 164-58. Additional distance requirements. [Amended 2-27-1995 by Ord. No. 594]

All special exception uses except those provided in § 164-54A must be located three times the distance requirements specified in § 164-140; provided, however, that indoor shooting ranges must be located five times the distance requirements specified in § 164-140. All other uses are subject to the provisions of § 164-140.

§ 164-59. Signs.

Signs shall be permitted subject to the provisions of Article XVII of this chapter.

ARTICLE XI
I-G General Industrial Zone

§ 164-60. General provisions.

The following regulations shall apply in all I-G General Industrial Zones.

§ 164-61. Uses permitted.

Uses of a heavy industrial nature, including but not limited to the following:

A. Manufacture and assembly of aircraft, automobiles, house trailers or other vehicles.

B. Manufacture and bottling of alcoholic beverages.

C. Machine shops and structural steel fabricating.

D. Coal yards.

E. Copper works. **[Amended 4-24-2017 by Ord. No. 878]**

F. Crematories.

G. Manufacture or processing of chemicals, except sulfuric, nitric or other corrosive or offensive acids.

H. Manufacture of dyes or dyestuffs and printing ink.

I. Electric generating or steam power plants.

J. Flour mills, grain milling or drying.

K. Manufacture of felt, shoddy, hair products, feathers, emery cloth, sandpaper or sand blasting and/or products therefrom.

L. Enameling, japanning, lacquering, galvanizing and plating.

M. Manufacture or processing of meat or food products, except slaughterhouses.

N. Manufacture of paper, pulp or cloth.

O. Petroleum products storage underground, except at retail service stations.

P. Manufacture of pickle, sauerkraut, vinegar, yeast, soda or soda compounds.

Q. Manufacture of rayon or similar products.

R. Manufacture of starch, glucose, dextrin or spice.

S. Manufacture of soap, oil, paints or turpentine.

T. Manufacture of wire or wire products.

U. Agriculture, provided that any building or feeding pens in which farm animals are kept shall comply with the distance requirements of § 164-140.

V. Solid waste and street maintenance facilities and other associated public facilities and uses. **[Amended 4-24-2017 by Ord. No. 878]**

W. Wastewater treatment plants and other associated public facilities and uses. **[Amended 4-24-2017 by Ord. No. 878]**

X. Water treatment plants and other associated public facilities and uses. **[Added 4-24-2017 by Ord. No. 878]**

Y. Accessory uses customarily incidental to any permitted use in this section. **[Added 4-24-2017 by Ord. No. 878]**

Z. Any governmental use and its associated facilities and uses. **[Added 4-24-2017 by Ord. No. 878]**

§ 164-62. Special exceptions. [Amended 10-26-1998 by Ord. No. 631]

The following uses may be permitted as a special exception in accordance with the provisions of Article XXII, provided that the location of such uses shall not be less than 1,000 feet from any residential zone and 100 feet from all other zones:

A. Abattoirs, slaughterhouses and stockyards.

B. Acid or heavy chemical manufacture, processing or storage.

C. Blast furnace or boiler works.

D. Manufacture of rubber or rubber products.

E. Bituminous concrete mixing plants.

F. Manufacture of perfume.

G. Cement, lime gypsum or plaster of paris manufacturing.

H. Distillation of bones, fat rendering, grease, lard or tallow manufacturing or processing.

I. Explosive manufacture or storage.

J. Extractive-type industry.

K. Fertilizer, potash, insecticide, glue, size or gelatin manufacture.

L. Foundries.

M. Garbage, offal or dead animal reduction.

N. Gas manufacture or storage for heat or illumination.

O. Junkyards, provided that the area shall not exceed five acres, shall be totally enclosed with adequate fencing and that no operations, including storage or sale of parts, shall be closer than 300 feet to any public highway. Junkyards are subject to further restrictions and regulations as outlined in § 164-151.

P. Petroleum products refining or storage above ground, provided also that there is compliance with state and federal laws and National Fire Underwriters' Codes.

Q. Telecommunications facilities, subject to the requirements of § 164-139.1.

§ 164-63. Dimensional requirements. [Amended 4-24-2017 by Ord. No. 878]

The following minimum requirements shall be observed:

Use	Front Yard Depth (feet)	Side Yard Width (feet)	Rear Yard Depth (feet)
Buildings and structures	10	0	5
Parking and vehicle storage	0	0	0
Storage open and outdoor	0	0	0

§ 164-64. Building height. [Amended 4-24-2017 by Ord. No. 878]

No structure shall exceed 60 feet in height, except that ventilating towers and any other mechanical equipment required for the operation of water or wastewater treatment plants or any facility operated by a governmental entity shall be excepted from the height restriction.

ARTICLE XIA
N-C Neighborhood Commercial Zone
[Added 9-25-2000 by Ord. No. 638]

§ 164-64.1. Purpose.

A. It is the purpose of this zone to provide a method for the orderly grouping and spacing of limited commercial development on properties outside of the City's downtown with design and operating standards that require larger land areas. It is intended to provide suitable sites for development of integrated commercial and shopping facilities while at the same time maintaining reasonable limitations upon their design, size and operation. Said suitable sites are intended to allow for appropriate commercial development in a convenient location without adversely affecting the physical development pattern of nearby residential areas.

B. The following objectives are sought in providing for the N-C Neighborhood Commercial Zone:

(1) To provide a more attractive and varied commercial environment than would be possible through the strict application of commercial Euclidean zonal district requirements.

(2) To encourage developers to use a more creative approach in the development of land.

(3) To encourage small or local businesses designed to serve the surrounding neighborhood to locate in these areas.

(4) To encourage shopping by pedestrian and bicycle access.

C. The fact that an application complies with all specific requirements and purposes set forth herein shall not be deemed to create a presumption that the application is, in fact, compatible with surrounding land uses and, in itself, shall not be sufficient to require the granting of any application.

D. The following regulations shall apply in all N-C Neighborhood Commercial Zones.

§ 164-64.2. Uses permitted. [Amended 3-12-2007 by Ord. No. 762]

A. No building, structure or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged or maintained, except for one or more of the following uses. Drive-through facilities are prohibited in this zone except as provided in § 164-64.3B and D.

(1) Accessory uses and buildings customarily incidental to any permitted use in this section.

(2) Alcoholic beverage package stores.

(3) Animal hospitals, veterinary clinics and accessory kennels without exterior runways.

(4) Antique and crafts shops.

(5) Art shops, art galleries and/or art and craft supplies.

(6) Household appliance and equipment and home electronic sales, lease and service containing 10,000 gross square feet or less.

(7) Art, trade and business schools.

(8) Auto accessory stores containing 10,000 gross square feet or less.

(9) Bakery shops.

(10) Banks, savings and loan and financial institutions.

(11) Beauty parlors, barbershops and tanning, toning and nail salons.

(12) Bed-and-breakfast establishments and/or tourist homes containing 10 rooms or fewer.

(13) Bicycle sales, lease and services, including sale of bicycling accessories.

(14) Bookstores.

(15) Cafeterias, lunchrooms, snack bars and automats.

(16) Candy stores.

(17) Card, stationery and related paper products supply stores.

(18) Carpet or flooring material retail sales.

(19) Carpentering shops containing 500 gross square feet or less.

(20) Catalog sales center, without showrooms.

(21) Catering sales and commercial kitchen for off-premises service.

(22) China and glassware stores.

(23) Clock shops, sales and repairs.

(24) Clothing apparel stores.

(25) Commercial artist studios.

(26) Computer stores.

(27) Custom printing, reproduction and copy shops containing 5,000 gross square feet or less.

(28) Cultural arts centers.

(29) Dancing, gymnastics instruction and exercise studios.

(30) Data and computer services.

(31) Day-care facilities for adults or children and nursery schools.

(32) Dress or millinery shops.

(33) Drugstores or pharmacies.

(34) Dry cleaners.

(35) Fabric stores.

(36) Florist or garden shops with no exterior storage.

(37) Food and grocery stores.

(38) Furniture stores, including ancillary upholstery service.

(39) Furriers.

(40) Gift or jewelry shops, including engraving and repairs.

(41) Hardware stores with no exterior storage.

(42) Health clubs.

(43) Hobby or craft shops and supplies.

(44) Institutes for special education and training.

(45) Interior design and decorating shops.

(46) Locksmith shops.

(47) Magazine, comic books and periodicals shops, which shall not include adult entertainment activities.

(48) Medical or dental offices and clinics, including ancillary laboratories.

(49) Medical supply sales.

(50) Music stores, including sales of records, tapes, and instruments, instrument repairs and musical and voice instruction.

(51) Newsstands.

(52) Offices, professional and business.

(53) Office supplies, equipment sales, lease and service.

(54) Optical and eye care facilities.

(55) Package, telecommunications and courier service.

(56) Paint and wallpaper supply sales.

(57) Pet grooming service that does not include on-site boarding.

(58) Picture framing shops.

(59) Photography studios, retail sales of photographic equipment and supplies and film processing laboratory service.

(60) Public buildings, structures and properties of the recreational, cultural, institutional, educational, administrative or public-service type, including fire, ambulance or rescue squad.

(61) Radio and television sales and repair.

(62) Restaurants and lunchrooms, which may include live entertainment and dancing, provided that it is interior to a building and does not constitute adult entertainment activities.

(63) Shoe sales and repair shops.

(64) Social clubs, fraternal organizations and community meeting halls.

(65) Sporting goods and related outdoor hobby shops with the exception of firearms.

(66) Stamp, coin and other collectibles stores.

(67) Tack and leather goods stores.

(68) Tailor and seamstress establishments.

(69) Theaters for movies and performing arts, containing three screens or fewer.

(70) Tobacconists.

(71) Toy stores.

(72) Travel agencies.

(73) Video rental establishments with the exception of adult entertainment activities.

§ 164-64.3. Special exceptions. [Amended 3-12-2007 by Ord. No. 762]

The following uses may be permitted as special exceptions in accordance with the provisions of Article XXII, and provided that no individual use and/or tenant space in a project shall occupy more than 15,000 square feet of gross floor area. Drive-through facilities are prohibited except as provided in Subsection B.

A. Amusement centers, excluding bowling alleys and the sale of alcoholic beverages.

B. Banks, savings and loan and financial institutions with drive-through service.

C. Microbreweries and pub breweries licensed under Article 2B of the Annotated Code of Maryland.

D. Drugstores or pharmacies with drive-through service.

E. Sign-painting shops.

F. Swimming pools, parks and recreation areas, provided that such uses shall be two times the distance requirements for residential uses as specified in § 164-140.

G. Telecommunications facilities, subject to the requirements of § 164-139.1.

§ 164-64.4. Conditions.

A. Goods shall consist primarily of new or reconditioned merchandise or bona fide antiques.

B. Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste or otherwise create a nuisance under the provisions of Chapter 100, Nuisances, of the Code of Westminster.

§ 164-64.5. Design standards.

A. For the purposes of this section, any side of the building(s) facing a public street or residential property is defined as a facade. All facades of a building that are visible from adjoining properties and/or public streets shall contribute to the community integration by featuring characteristics that reflect the architectural style of the buildings within a one-half-mile radius of the subject site and shall include the following:

(1) Facades greater than 100 feet in length must incorporate recesses and projections along at least 20% of the length of the facade.

(2) Facades must include windows, awnings and arcades which total at least 60% of the facade; however, no portion of the facade shall be of highly reflective glass with a reflectance factor of 0.25 or greater.

(3) Facade color must be of low-reflective, subtle, neutral or earth-tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors is prohibited.

(4) Building trim may feature brighter colors, but neon tubing is not permitted as an accent material.

(5) Facade building materials must include brick, wood, native stone or tinted/textured concrete masonry units. Smooth-faced concrete block, tilt-up concrete panels or prefabricated steel or metal panels are prohibited for exterior facades.

B. Architectural character shall be incorporated into the building(s) by use of a repeating pattern of change in color, texture and material modules: and at least one of these elements shall repeat horizontally, and shall repeat at intervals of no more than 30 feet, either horizontally or vertically.

C. Variations in rooflines must be incorporated and include features such as overhanging eaves, sloped roofs and three or more roof slope planes. Rooftop mechanical equipment must be completely and fully screened from view, including the view from above.

D. All sides of a principal building that directly face an abutting public street shall feature at least one customer entrance. Where a principle building directly faces more than two abutting public streets, this requirement shall apply only to two sides of the building.

E. Each principal building must have a clearly defined and highly visible customer entrance with features such as canopies or porticos, arcades, wing walls and integral planters.

F. Loading docks, trash collections, outdoor storage and similar facilities and functions shall be incorporated into the overall design of the building(s) and layout of the site so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets. Use of screening materials that are different from or inferior to the principal materials of the building and landscape is prohibited. Trash removal is prohibited after 9:00 p.m. and before 7:00 a.m.

G. Weather-protection features, such as awnings, shall be provided as appropriate and practical near all customer entrances.

H. Internal pedestrian walkways must be distinguished from driving surfaces through the use of special pavers, bricks or scored concrete to enhance pedestrian safety and the attractiveness of the walkways.

I. Lighting fixtures used on the exterior of buildings, signs, parking areas and pedestrian walkways shall be architecturally compatible with the style, materials, colors and detail of the building.

J. Utilities. All new utility lines shall be placed underground.

K. Buffer requirement.

(1) Along a side or rear property line abutting residential or public property other than a public street, a vegetated buffer shall be provided, 50 feet in width, containing hedges, evergreens and shrubbery. or suitable vegetation of sufficient planted density to

produce total year-round visual screening consistent with the topography, the existing vegetation and the use of the adjacent land. Wherever possible, every effort shall be made to protect and retain the existing natural vegetation.

(2) Where the facade faces adjacent residential uses, provide an earthen berm of at least six feet in height that will be planted with evergreen trees at intervals of 20 feet on center, or in clusters.

L. Signs. An integrated sign program shall be submitted for approval by the Commission, which shall address materials, colors, shapes, sizes and compatibility with architecture. Individual signs shall be reviewed for conformity with the approved sign program.

(1) Materials, colors and shapes of proposed signs shall be compatible with the related building.

(2) Every individual sign shall be designed as an integral architectural element of the building and site to which it principally relates.

(3) Each sign shall be compatible with other signs on the site and shall not compete for attention.

(4) All flashing, fluttering, undulating, swinging, rotating, or otherwise moving signs, and pennants, banners and streamers or other decorations are prohibited.

(5) All other provisions of Article XVII shall apply, except that to the extent that there are any discrepancies between this section and Article XVII, the provisions of this section shall control.

M. Interparcel access. Where topographic and other conditions are reasonably usable, provision shall be made for travelway connections to adjoining lots of similar existing or potential use when such driveway connection will facilitate vehicular access between sites without the need to travel upon a public street.

N. Pedestrian accommodations. Pedestrian walkways and connections shall be provided to any trail or other pedestrian paths such as sidewalks from the adjoining areas.

O. Parking. Off-street parking shall be provided in accordance with Article XVI of this chapter, together with the following requirements:

(1) No more than 50% of the off-street parking area for the entire project shall be located between the front facade of the principle building and the primary abutting street.

(2) Parking lot landscape islands shall equal at least 10% of the total area of the parking lot. All other requirements of the Landscape Manual shall apply, except that to the extent that there are any discrepancies between this section and the Manual, the provisions of this section shall control.

P. Bicycle parking shall be provided in accordance with the following standards:

(1) At least three bicycle parking spaces or 10% of the required off-street parking spaces, whichever is greater. After the first 50 bicycle parking spaces are provided, the required number of additional bicycle parking spaces is 5% of the required off-street parking spaces.

(2) Bicycle parking facilities shall provided for storage and locking of bicycles in which both the bicycle frame and the wheels may be locked by the user; be designed so as not to cause damage to the bicycle: facilitate easy locking without interference from or to adjacent bicycles; and consist of racks or lockers anchored so that they cannot be easily removed and of solid construction, resistant to rust, corrosion, hammers and saws.

(3) Bicycle parking facilities shall be consistent with the site in color and design and be incorporated whenever possible into building or street furniture designs.

(4) Bicycle parking facilities shall be located in convenient, highly visible, active, well-lighted areas but shall not interfere with pedestrian or vehicular movements.

Q. Modifications to design standards.

(1) The standards contained in this section are intended to foster development of integrated commercial and shopping facilities while at the same time maintaining reasonable limitations upon their design, size and operation. Conditions may arise when full compliance with the design standards is impractical, impossible or under circumstances where maximum achievement of the City's objectives can only be obtained through modified requirements. In specific cases, modification of these standards may be permitted by the Planning Director, subject to the approval of the Council, upon a finding that such modification more fully achieves the objectives of this zone and that any such modification would not have an adverse impact upon adjoining properties or the general character of the proposed development plan. **[Amended 1-28-2008 by Ord. No. 774]**

(2) All requests for modifications must be submitted to the Planning Director in writing and shall be accompanied by sufficient explanation and justification, written and/or graphic, to allow appropriate evaluation and decision by the Planning Director, subject to the approval of the Council. **[Amended 1-28-2008 by Ord. No. 774]**

(3) Modification to design standards shall be limited to the specific project under consideration and shall not establish any precedent for use or approval in any other application.

§ 164-64.6. Operating standards.

A. Illumination. All outdoor illumination shall meet the following conditions:

(1) Unless otherwise permitted, lighting shall be controlled by automatic switching devices, such as timers, motion detectors and/or photocells, to extinguish offending sources between 10:00 p.m., or one hour after the end of the business hours of the business served, whichever is later and dawn, to mitigate glare and sky-lighting consequences.

(2) All outdoor lighting shall be aimed, located, designed, fitted and maintained so as not to present a disabling glare hazard to drivers or pedestrians or a nuisance glare concern to neighboring properties. All exterior lighting shall be hooded and/or screened so as not to permit the source of illumination or lenses to be seen from off the premises.

(3) The amount of illumination projected onto a neighboring residential use shall not exceed 0.1 vertical footcandle at the property line.

(4) Lighting fixtures shall not be mounted in excess of 20 feet above grade.

(5) Exterior lighting of a building and/or grounds for security surveillance purposes is permitted. Such lighting shall be arranged and of sufficient illumination to enable the detection of suspicious movement rather than the recognition of definitive detail. For security lighting of grounds and parking lots, the level of illumination shall not exceed one footcandle. Security lighting for buildings/structures shall be directed toward the face of the building/structure rather than the area around it and shall not exceed five footcandles.

(6) No outdoor illumination may be used in any manner that could interfere with the safe movement of motor vehicles on public streets, including any fixture that may be confused with or construed as a traffic control device.

(7) Blinking, flashing or changing intensity lights, except for temporary holiday displays which are permitted between November 15 and January 7, are prohibited.

(8) No person shall install, illuminate or maintain any beacon or searchlight.

B. Maintenance following project completion. All design standards approved as part of the site plan by the Commission shall run with the land and shall be maintained in good repair and condition by all

subsequent owners of the property. Substantive changes shall require approval by the Commission.

§ 164-64.7. Building height.

No structure shall exceed the height of three stories.

§ 164-64.8. Area, size and dimensional requirements.

For all uses in the N-C Neighborhood Commercial Zone, the following requirements shall apply:

A. A site eligible for consideration as a N-C Neighborhood Commercial Zone development shall meet and comply with one of the two requirements and limitations:

(1) A tract of land not more than five acres, provided that no individual use and/or tenant space in a project shall occupy more than 15,000 square feet of gross floor area, unless otherwise limited to a lesser amount in § 164-64.2.

(2) A tract of land more than five acres, and less than 15 acres, provided that no more than one individual use and/or tenant space in a project shall occupy more than 55,000 square feet of gross floor area, and all other uses shall not exceed 15,000 square feet of gross floor area, unless otherwise limited to a lesser amount in § 164-64.2.

B. The following minimum limitations shall be observed:

(1) Lot size and width:

(a) Lot size: one acre.

(b) Lot width: 200 feet.

(2) Building or use setback:

(a) Front: 30 feet.

(b) Side or rear: 15 feet.

(c) For parking use: 10 feet from the right-of-way or adjacent lots.

(d) From residential districts: 50 feet, if adjoining.

(3) Direct access to state roads is not permitted unless the property has an existing access prior to the adoption of this chapter. **[Amended 12-8-2014 by Ord. No. 851]**

§ 164-64.9. Compatibility.

All uses permitted and special exceptions shall achieve the purposes set forth in § 164-64.1 and be compatible with the other uses proposed for the

planned development and with other uses existing or proposed adjacent to and in the vicinity of the area covered by the proposed planned development.

§ 164-64.10. Procedure.

A. An application for zoning classification in the N-C Neighborhood Commercial Zone shall be accompanied by a development plan prepared in accordance with the provisions of § 164-188 of this chapter.

B. In addition to all other standards and criteria in considering an application for the N-C Neighborhood Commercial Zone, the Common Council shall also consider the present or potential capability of the street or road system, highway and road access and the availability, capability of existing water and sewage systems and the availability and capability of all other public facilities.

C. All N-C Neighborhood Commercial Zone projects shall be subject to site plan approval as provided in Article XXV.

D. No property rezoned into the Neighborhood Commercial Zone shall be subdivided or resubdivided except as shown on an approved development plan or an amendment thereof.

ARTICLE XII
P-I Planned Industrial Zone

§ 164-65. Purpose.

It is the purpose of the P-I Planned Industrial Zone to provide a parklike setting for a community of industries wishing to mutually maintain aesthetically pleasing appearances and operations having no nuisance factors as a means of protecting investments within the zone and reducing the impact of industrial uses on surrounding zones. Tracts within the district are to be planned, promoted and developed for industries within the protection of performance standards herein provided

A. The following objectives are sought in providing for the one or more types of industrial zoning in the Planned Industrial Zone:

   (1) To provide a more attractive and varied showcase location on tracts of land generally open to constant and extensive public viewing in the City than would be possible through the strict applications of industrial Euclidean zonal district requirements.

   (2) To encourage developers to use a more creative approach in the development of land.

   (3) To encourage more efficient allocation and maintenance of common open space in industrial areas through private initiative.

   (4) To encourage variety in the physical development patterns of industrial areas.

B. The fact that an application complies with all specific requirements and purposes set forth herein shall not be deemed to create a presumption that the application is, in fact, compatible with surrounding land uses and, in itself, shall not be sufficient to require the granting of any application.

§ 164-66. Uses permitted. [Amended 7-8-1996 by Ord. No. 612]

The following uses are permitted in the Planned Industrial Zone:

A. All of the uses permitted in §§ 164-53 and 164-61, except:

   (1) All residential and retail commercial uses.

   (2) The manufacture, testing, distribution or other use of explosives.

   (3) Wholesale distribution of fuels, such as but not limited to coal, coke, gasoline, diesel fuel and propane.

   (4) Truck or motor freight terminals or warehouses.

   (5) Brickyards, manufacture of pottery, tile, terra cotta or clay products.

(6) Electric or steam generating plants.

(7) Extractive uses.

(8) Flour mills, grain or feed drying or processing.

(9) Sawmills.

(10) Signs and billboards, except as authorized herein.

B. Office buildings for governmental agencies, regional and home corporate offices. These may include offices of insurance companies, investment concerns, trade associations, manufacturing companies and engineers, but do not include any kind of retail facilities, except as provided in Subsections F and G herein.

C. Research, experimental and testing laboratories.

D. Warehousing and wholesale distribution centers.

E. Any use of an industrial nature not prohibited in this section that can meet the performance standards and other guides and limitations set forth in this section.

F. Retail sales of the products or processes engaged in on the property, provided that not more than 10% of the gross floor area is devoted to such use.

G. Motor inns, motels, restaurants and service stations.

H. Banks and savings and loan institutions with or without drive-through facilities. **[Amended 9-9-2013 by Ord. No. 846]**

I. Indoor and outdoor recreational facilities, cafeterias, clinics, libraries, schools, meeting rooms and display rooms incidental or subordinate to a principal use of the main building or related to or primarily restricted to the industries located in the Planned Industrial Zone.

J. Accessory uses and buildings customarily incidental to any permitted use in this subsection.

K. Trade schools. **[Added 9-9-2013 by Ord. No. 846]**

§ 164-66.1. Special exceptions. [Added 7-8-1996 by Ord. No. 612; amended 10-26-1998 by Ord. No. 631; 9-9-2013 by Ord. No. 846]

The following uses may be permitted as a special exception in accordance with the provisions of Article XXII:

A. Telecommunications facilities, subject to the requirements of § 164-139.1.

§ 164-67. Performance standards.

It is the intent of these regulations to prevent land or buildings from being used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazardous condition, noise or vibration, smoke, dust, odor or other form of air pollution, electrical or other disturbances, glare or heat, liquid or solid refuse or wastes, condition conducive to the breeding of rodent or insects or other substances, condition or elements (all referred to herein as "dangerous or objectionable elements") in a manner or amount so as to adversely affect the surrounding area.

§ 164-68. Building height. [Amended 7-8-1996 by Ord. No. 612]

The height of buildings or structures shall not exceed 20 feet, plus 2/3 of the horizontal distance (d) from the structure to the lot line (height = 20 feet + 2/3d).

§ 164-69. Dimensional requirements.

A. Area requirements. Sites eligible for consideration for the Planned Industrial Zone shall consist of a tract of land at least 10 acres in size and classified in either the I-R or I-G Zone prior to reclassification to the Planned Industrial Zone.

B. Yard, landscaping and distance requirements.

(1) Each lot shall have a minimum frontage of 150 feet on a street or private way, provided that the Commission may approve a lesser frontage to a minimum of 50 feet for lots located on culs-de-sac or on street curves or having other extraordinary characteristics. The Commission shall give due consideration to permitting access from such sites only to major roadways.

(2) The maximum ground area coverage of any lot by a principal building or buildings shall not exceed 40% of the total lot area.

(3) The yard, landscape and distance requirements shall be the same as those contained in §§ 164-55, 164-57 and 164-58.

(4) Any portion of a lot in a Planned Industrial Zone not used for driveways, walkways, parking, loading or storage areas shall be planted in grass or other suitable ground cover.

§ 164-70. Off-street parking.

A. Off-street parking shall be provided in accordance with Article XVI, except that for an industrial or manufacturing establishment or warehouse or similar use, the minimum requirement shall be one parking space for each 1 1/2 employees or one for each two employees on combined major and second shifts, and in addition one visitor parking space for every 10 employees; except that the Commission

may authorize fewer visitor parking spaces if it finds that a fewer number will be sufficient for the operation anticipated. In addition to the foregoing, one parking space shall be provided for each company-owned or leased truck, passenger car or other vehicle located or principally based on the premises. No parking spaces may be located within required yards; except that an area equivalent to not more than 5% of the total area of all required parking spaces may be located within a required yard for use as parking spaces for visitors, selected personnel and minor deliveries. Off-street parking spaces may be grouped in facilities serving more than one lot or establishment.

B. When the lot on which parking spaces are located abuts the rear or side lot line of or is across the street from any land in a residential zone other than publicly owned land, a wall, fence or evergreen planting shall be maintained so as to screen substantially the parking lot from view from the nearest property in the residential zone. The screening shall be maintained in good condition at all times. In parking lots of one acre or more, at least 5% of the area of the parking lot shall be devoted to landscaping within the interior of the parking area. Luminaries on parking lots shall be subject to approval by the Commission.

§ 164-71. Access and loading.

A. Vehicular access to Planned Industrial Zones shall be permitted only from a City- , county- or state-maintained highway and not directly with any residential street.

B. Road access to a Planned Industrial Zone may be at points prescribed by the appropriate agency of jurisdiction and may be dedicated to public use if constructed in accordance with City standards.

C. Off-street loading berths shall be provided for all buildings in accordance with the following schedule:

(1) For a building with a floor area of 10,000 to 25,000 square feet: one berth.

(2) For each additional 25,000 square feet or fraction thereof up to 100,000 square feet: one berth.

(3) For each additional 50,000 square feet: one berth.

D. Such loading berths shall be at least 14 feet wide, 48 feet long and 14 feet in height, unless the Planning Commission shall find that only smaller trucks requiring less space will be used for a period of 10 years, and may be located either within a building or in the open, but not within required yards. If such berths are not enclosed, they shall be located not less than 300 feet from any residence zone boundary and effectively screened therefrom as in the case of parking areas above. All access roads to loading berths shall be at least 14 feet wide; except that if tractor-trailers would be accommodated, then the roads shall be 14 feet wide for one-way traffic and 22 feet wide for two-way traffic.

§ 164-72. Storage.

A. No outdoor storage shall be permitted in the front yard.

B. All permitted uses and accessory activities shall be confined within completely enclosed buildings, with the exception of off-street parking spaces, screened outdoor storage areas, off-street loading berths, employee recreational facilities and those exceptions made elsewhere within this section.

§ 164-73. Utilities.

All utilities shall be placed underground. Utilities shall include but are not limited to gas mains, telephone lines and electrical lines.

§ 164-74. Signs.

Signs shall be permitted subject to the provisions of Article XVII of this chapter.

§ 164-75. Procedures.

A. An application for zonal classification in the Planned Industrial Zone shall be accompanied by a development plan prepared in accordance with the provisions of § 164-188 of this chapter.

B. In addition to all other standards and criteria, in considering an application for the Planned Industrial Zone the Common Council shall also consider the capability of the street or road system, highway and road access and the availability and capability of existing water and sewage systems.

C. All Planned Industrial Zone projects shall be subject to site plan approvals provided in Article XXV.

D. A person may apply, either as part of an original application for zoning classification or as an amendment to a previously approved development plan, to designate a certain area of the Planned Industrial Zone for retail and commercial uses as part of the development plan, subject to the conditions and restrictions delineated below: **[Added 9-9-2013 by Ord. No. 846]**

(1) The gross acreage of such uses does not exceed 15% of the acreage of the Planned Industrial Zone project.

(a) The area of the retail uses shall be considered to include the building area containing the retail uses and the supporting parking lot area, but not required yard setbacks and open space.

(b) No variance to the acreage limitation of 15% may be granted.

(c) Uses allowed either as of right or by special exception in the P-I Planned Industrial Zone shall not be included in the acreage limitation of 15%.

(2) The size of any individual retail or commercial use may not exceed a maximum of 6,000 square feet, except for day-care centers and health clubs, which may not exceed a maximum of 12,000 square feet. The area of a canopy over gasoline pumps shall not be included in the size limitation of 6,000 square feet for a convenience store with gasoline pumps.

(3) The development of the retail or commercial space shall be phased in with the development of the industrial uses such that the ratio of retail or commercial space to industrial space that has been constructed and for which a use and occupancy permit has been issued may not exceed 25% at any time until the business park is complete.

(4) A retail or commercial use may not be approved under this section if it would constitute a substantial change in the character of the neighborhood.

(5) The retail and commercial uses allowed under this subsection are limited to the following uses:

(a) Local retail business or service shops, including:

Alcoholic beverage package stores

Bakery shops

Banks, savings and loan institutions

Beauty shops and barbershops

Candy stores

Cellular or phone (wireless) sales and service

Clothing stores

Computer sales and repair shops

Convenience stores with or without gasoline pumps

Day-care facility

Dress or millinery shops

Drugstores

Dry cleaners

Dry goods or variety stores

Florist or garden shops

Food and grocery stores

Fruit or vegetable stores

Fuel stations

Furniture and upholstering stores

Gift or jewelry shops

Hardware stores

Health clubs

Laundromats

Laundry or dry-cleaning establishments and pickup stations

Office supply stores

Pharmacies with or without drive-throughs

Photographic studios

Planned business center

Radio and television studios or repair shops

Restaurants and lunch rooms with or without drive-throughs (including fast food)

Shoe repair shops

Specialty shops

Sporting goods or hobby shops

Tailor establishments

Taverns

Video production facilities

§ 164-76. Conflicts.

Wherever any requirement or performance standard contained in this zone is in conflict with any applicable state or federal requirement or performance standard, the state or federal requirement or performance standard shall control and supersede the provisions of this zone.

ARTICLE XIII
PD-4 Planned Development - 4 Zone

§ 164-77. Purpose.

It is the purpose of the PD-4 Planned Development - 4 Zone to provide suitable sites for relatively low density types of residential structures around the edge of the City which would permit the optimum amount of freedom and variety in the design and layout of such varying types of use of those public and nonpublic facilities required in connection with new residential development.

A. The following objectives are sought in providing for the planned development:

   (1) To provide a more attractive and varied living environment than would be possible through the strict application of residential Euclidean zonal district requirements.

   (2) To encourage developers to use a more creative approach in the development of land.

   (3) To encourage more efficient allocation and maintenance of common open space in residential areas through private initiative.

   (4) To encourage variety in the physical development patterns of residential areas.

B. The fact that an application complies with all specific requirements and purposes set forth herein shall not be deemed to create a presumption that the application is, in fact, compatible with surrounding land uses and, in itself, shall not be sufficient to require the granting of any application.

§ 164-78. Uses permitted.

The following uses are permitted in the Planned Development - 4 Zone:

A. Accessory uses and buildings customarily incidental to any permitted use in this section.

B. Agriculture, as limited in § 164-24C of this chapter.

C. Day-care facilities for not more than six children or elderly persons.

D. Multiple-family dwellings up to three stories in height.

E. Places of public assembly, recreational buildings and accessory buildings, if included in an approved development plan wherein it has been deemed that they are advantageous for the purpose of serving the planned unit development and the local community.

F. Single-family attached dwellings.

G. Single-family detached dwellings.

H. Single-family semidetached dwellings.

I. Retirement homes, if included in the approved development plan, and provided that they are adequately located near necessary convenient services. The Commission may evaluate each retirement home unit as 1/2 of a dwelling unit in the calculation of the total density where the applicant can adequately demonstrate that such units require fewer services per unit than an ordinary residential dwelling unit.

§ 164-79. Special exceptions.

The following uses may be permitted as special exceptions in accordance with the provisions of Article XXII of this chapter:

A. All uses listed in § 164-30.

B. Multiple-family dwellings four stories in height and subject to all other pertinent provisions of this chapter.

§ 164-80. Dimensional requirements.

A. Sites eligible for consideration as a Planned Development - 4 Zone shall be for a tract of land of at least two acres and not more than 50 acres in size, classified in the R-10,000 Zone or the R-7,500 Zone prior to reclassification to the PD-4 Zone.

B. Density.

(1) Residential density shall be approved generally on the capabilities of the existing and/or planned utilities and such other standards and requirements as enumerated in this chapter, but in no case shall the density exceed four dwelling units per net acre.

(2) Calculation of net acreage shall include all land within the PD-4 Zone project, except floodplain areas and slopes in excess of 25%.

C. Lot area, lot width and yard requirements.

(1) The following minimum per unit requirements shall apply:

Dwelling Type	Lot Width at Building Line (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
Single-family detached	70	30	8	25
Single-family semidetached	35	25	8	25

Dwelling Type	Lot Width at Building Line (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
Single-family attached	20	25	15	40
Multiple-family	70	25	15	40

(2) Single-family attached and multiple-family dwellings must have a common access or easement to the front and rear of the lot from a public right-of-way.

(3) There shall not be more than six single-family attached dwellings in any one attached row. In any one row of single-family attached dwellings there shall be no more than three continuous single-family attached dwellings with the same building line, and the variations in building line must be at least two feet.

(4) A maximum of 12 multiple-family dwellings shall be contained in one building structure. Building structures containing multiple-family dwellings may be attached to each other, but not more than three such structures may be connected in a group.

(5) Single-family detached dwellings, in all events, shall be on lots with a minimum lot area of 7,000 square feet.

§ 164-81. Building height.

The maximum principal building height shall be three stories, but not to exceed 40 feet in height. No accessory structure shall exceed two stories or 20 feet in height.

§ 164-82. Open space.

In order that open space and sites for public use may be properly located and preserved as the community develops and in order that the cost of providing the open space and recreation sites necessary to serve the additional families brought into the community by residential developments may be most equitably apportioned on the basis of the additional need created by residential development, the following provisions are established:

A. Twenty percent of the net project area shall be dedicated and deeded without charge to the City for common open space. The City may waive the right to such dedication to it and instead may require the open space areas be deeded to, improved, operated and maintained by a property owners' association consisting of the residents of a PD-4 Zone project. Land designated for this purpose shall be deeded to the property owners' association or to the City, and recording references

to the Articles of Incorporation with respect to such property owners' association or to the City shall be noted in the final plat prior to recording. The City Attorney shall review, at the applicant's cost, and approve any covenants relating to ownership and maintenance of such lands prior to recording of the final plat.

B. When the required open space is deemed by the Planning Commission to be inappropriate for the planned development based upon the size of the development or other factors unique to the proposed development, the dedication required by Subsection A above may be waived, and the applicant/developer shall pay, in lieu of a dedication, a fee as provided in the General Fee Ordinance[91] in lieu of the actual establishment of land areas for recreational purposes. Such payments shall be held in escrow and used by the City for the purposes of acquiring, developing and maintaining open space land in the general area of the PD-4 Zone project and shall be used for this, and no other, purpose. **[Amended 11-24-2008 by Ord. No. 792]**

C. In determining the type and location of common open space, the Commission, in consultation with the City Parks Board, shall review the area's needs for parks and recreational sites in the area. Open space required in a PD-4 Zone project shall have access to a street by a fee simple right-of-way or easement and be located so as to be reasonably accessible from all dwellings within the PD-4 Zone project. In all instances, a minimum of 50% of the recreational land shall be suitable for dry-ground active recreational uses.

D. Where the land is to be or had been adversely affected by development operations such as clearing, grading or drainage, or a combination thereof, a construction plan for a suitable recreational site shall be approved by the Planning Director and such other appropriate governmental agencies as determined by said Director. Changes or improvements to a construction plan shall be in accordance with the standards of the above agencies and approved by them. **[Amended 1-28-2008 by Ord. No. 774]**

E. In addition to the minimum required open space, the applicant/developer may offer additional contiguous open space such as floodplains, steep slopes and wooded areas to the City for parkland. At its discretion, the City can accept or reject this additional land.

F. The approval by the Commission of a final subdivision plat shall not be deemed to constitute or imply acceptance of the City of any park, recreation or other public land shown on the plat until such land is improved as contained in the development plan and site plan of the PD-4 Zone project and deeded.

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91. Editor's Note: See Ch. A175, Fees, Art. I, General Fees.

§ 164-83. Off-street parking.

Off-street parking shall be provided in accordance with Article XVI of this chapter.

§ 164-84. Signs.

Signs shall be permitted subject to the provisions of Article XVII of this chapter.

§ 164-85. Dedication of land.

Such land as may be required for public streets, parks, schools and other public uses shall be dedicated in accordance with the requirements of the laws of the City and the adopted general plan and Master Plans and other plans as may be applicable. The lands to be dedicated shall be so identified upon development plans and site plans required under the provisions of this chapter and any other laws of the City.

§ 164-86. Compatibility.

All uses permitted and special exceptions shall achieve the purposes set forth in § 164-77 and be compatible with the other uses proposed for the planned development and with the other uses existing or proposed adjacent to and in the vicinity of the area covered by the proposed planned development.

A. In order to assist in accomplishing such compatibility, the following requirements shall apply where a PD-4 Zone project adjoins an existing single-family detached dwelling neighborhood or land classified in the R-10,000 or R-7,500 Zones, but compliance with these requirements shall not in and of itself be deemed to create a presumption of compatibility.

   (1) No building, other than a single-family detached dwelling, shall be constructed within 200 feet of the nearest existing dwelling; and

   (2) All single-family detached dwellings constructed within 200 feet of the nearest existing dwelling shall comply with the minimum development standards of the zonal classifications of the adjoining land.

B. The Planning Commission shall have the discretion to increase or decrease the strict application of the requirements contained in Subsection A(1) and (2) hereof in instances in which the adjoining property or properties will not be adversely affected by such increase or decrease.

§ 164-87. Procedure.

A. An application for zonal classification in the Planned Development - 4 Zone shall be accompanied by a development plan prepared in accordance with the provisions of § 164-188 of this chapter.

B. In addition to all other standards and criteria, in considering an application for the Planned Development - 4 Zone, the Common Council shall also consider the present or potential adequacy of schools, the capability of the street or road system, highway and road access, the availability and capability of existing water and sewage systems and the availability and capability of all other public facilities.

C. All PD-4 Zone projects shall be subject to site plan approval as provided in Article XXV.

ARTICLE XIV
PD-9 Planned Development - 9 Zone

§ 164-88. Purpose.

It is the purpose of the PD-9 Planned Development - 9 Zone to provide suitable sites for multifamily projects and more diverse types of residential structures than would normally occur around the business district of the City. In addition, this district is intended to permit the optimum amount of freedom and variety in the design and layout of higher-density residential areas.

A. The following objectives are sought in providing for the one or more types of residential dwellings in a planned development:

   (1) To provide a more attractive and varied living environment than would be possible through the strict application of residential Euclidean zonal district requirements.

   (2) To encourage developers to use a more creative approach in the development of land.

   (3) To encourage more efficient allocation and maintenance of common open space in residential areas through private initiative.

   (4) To encourage variety in the physical development patterns of residential areas which are conducive to accommodating such development.

B. The fact that an application complies with all specific requirements and purposes set forth herein shall not be deemed to create a presumption that the application is, in fact, compatible with surrounding land uses and, in itself, shall not be sufficient to require the granting of any application.

§ 164-89. Uses permitted.

The following uses are permitted in the Planned Development - 9 Zone:

A. Accessory uses and buildings customarily incidental to any permitted use in this section.

B. Agriculture, as limited in Article V of this chapter.

C. Day-care facilities for not more than six children or elderly persons.

D. Home occupations.

E. Multiple-family dwellings.

F. Places of public assembly, recreational buildings and accessory buildings, if included in an approved development plan wherein it has been deemed that they are advantageous for the purpose of serving the planned development.

G. Single-family attached dwellings.

H. Single-family detached dwellings.

I. Single-family semidetached dwellings.

J. Retirement homes, if included in the approved development plan, and provided that they are adequately located near necessary convenient services. The Commission may evaluate each retirement home unit as 1/2 of a dwelling unit in the calculation of the total density where the applicant can adequately demonstrate that such units require fewer services per unit than an ordinary residential dwelling unit.

§ 164-90. Special exceptions.

The following uses may be permitted as a special exception in accordance with the provisions of Article XXII of this chapter:

A. All uses listed in § 164-30 of this chapter.

B. Multiple-family dwellings six stories in height and subject to all other pertinent provisions of this chapter.

§ 164-91. Dimensional requirements.

A. Area requirements. A site eligible for consideration as a Planned Development - 9 Zone shall consist of a tract of land not exceeding 10 acres in size, including particularly vacant tracts of land on which any existing building or buildings are sufficiently obsolete and are not of significant historic or architectural value so as to warrant replacement and redevelopment and classified in the R-7,500 Zone prior to reclassification to the PD-9 Zone.

B. Density.

(1) Residential density shall be approved generally on the capabilities of the existing and/or planned utilities and such other standards and requirements as enumerated in this chapter, but in no case shall density exceed nine dwelling units per net acre.

(2) Calculation of net acreage shall include all land within the planned development, except floodplain areas and slopes in excess of 25%.

C. Lot area, lot width and yard requirements.

(1) The following minimum per unit requirements shall apply:

Dwelling Type	Lot Width at Building Line (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
Single-family detached	60	20	8	25
Single-family semidetached	35	20	8	25
Single-family attached	18	20	15	40
Multiple-family	70	20	15	40

(2) Single-family attached and multiple-family dwellings must have a common access or easement to the front and rear of the lot from a public right-of-way.

(3) There shall not be more than six single-family attached dwellings in any one attached row. In any one row of single-family attached dwellings there shall be no more than three continuous single-family attached dwellings with the same building line, and the variations in building line must be at least two feet.

(4) A maximum of 12 multifamily dwellings shall be contained in one building structure. Building structures containing multiple-family dwellings may be attached to each other, but not more than three such structures may be connected in a group.

(5) Single-family detached dwellings, in all events, shall be on lots with a minimum lot area of 6,000 square feet.

§ 164-92. Building height.

Maximum principal building height shall not exceed three stories or 40 feet in height. No accessory structure shall exceed two stories or 20 feet in height.

§ 164-93. Open space.

In order that open space and sites for public use may be properly located and preserved as the community develops and in order that the cost of providing the open space and recreation sites necessary to serve the additional families brought into the community by residential developments may be most equitably apportioned on the basis of the additional need created by residential development, the following provisions are established:

A. Twenty percent of the net project area shall be dedicated and deeded without charge to the City for common open space. The City may

waive the right to such dedication to it and instead may require the open space areas be deeded to, improved, operated and maintained by a property owners' association consisting of the residents of a PD-9 Zone project. Land designated for this purpose shall be deeded to the property owners' association or to the City, and recording references to the Articles of Incorporation with respect to such property owners' association or the City shall be noted in the final plat prior to recording. The City Attorney shall review, at the applicant's cost, and approve any covenants relating to ownership and maintenance of such lands prior to recording of the final plat.

B. When the required open space is deemed by the Planning Commission to be inappropriate for the planned development based upon the size of the development, the dedication required by Subsection A above may be waived, and the applicant/developer shall pay, in lieu of a dedication, a fee as provided in the General Fee Ordinance,[92] in lieu of the actual establishment of land areas for recreational purposes. Such payments shall be held in escrow and used by the City for the purposes of acquiring and developing and maintaining open space land in the general area of the PD-9 Zone project and shall be used for this, and no other, purpose. **[Amended 11-24-2008 by Ord. No. 792]**

C. In determining the type and location of common open space, the Common Council shall review the area's needs for parks and recreational sites in the area. Open space land required in a PD-9 Zone project shall have access to a street by a fee simple right-of-way or easement and be located so as to be reasonably accessible from all dwellings within the PD-9 Zone project. In all instances, a minimum of 50% of the recreational land shall be suitable for dry-ground active recreational uses.

D. Where the land is to be or has been adversely affected by development operations such as clearing, grading or drainage, or a combination thereof, a construction plan for a suitable recreational site shall be approved by the Planning Director and such other appropriate governmental agencies as determined by said Director. Changes or improvements to a construction plan shall be in accordance with the standards of the above agencies and approved by them. **[Amended 1-28-2008 by Ord. No. 774]**

E. In addition to the minimum required open space, the applicant/developer may offer additional contiguous open space such as floodplains, steep slopes and wooded areas to the City for parkland. At its discretion, the City can accept or reject this additional land.

F. The approval by the Commission of a final subdivision plat shall not be deemed to constitute or imply acceptance by the City of any park, recreation or other public land shown on the plat until such land is

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92. Editor's Note: See Ch. A175, Fees, Art. I, General Fees.

improved as contained in the development plan and site plan of the PD-9 Zone project and deeded.

§ 164-94. Off-street parking.

Off-street parking shall be provided in accordance with Article XVI of this chapter.

§ 164-95. Signs.

Signs shall be permitted subject to the provisions of Article XVII of this chapter.

§ 164-96. Dedication of land.

Such land as may be required for public streets, parks, schools and other public uses shall be dedicated in accordance with the requirements of the laws of the City and the adopted general plan and Master Plans and other plans as may be applicable. The lands to be dedicated shall be so identified upon development plans and site plans required under the provisions of this chapter and any other laws of the City.

§ 164-97. Compatibility.

All uses permitted and special exceptions shall achieve the purposes set forth in § 164-88 and be compatible with the other uses proposed for the planned development and with the other uses existing or proposed adjacent to and in the vicinity of the area covered by the proposed planned development.

A. In order to assist in accomplishing such compatibility, the following requirements shall apply where a PD-9 Zone project adjoins an existing single-family detached dwelling neighborhood or land classified in the R-10,000 or R-7,500 Zones, but compliance with these requirements shall not in and of itself be deemed to create a presumption of compatibility.

   (1) No building, other than a single-family detached dwelling, shall be constructed within 100 feet of the nearest existing dwelling; and

   (2) All single-family detached dwellings constructed within 100 feet of the nearest existing dwelling shall comply with the minimum development standards of the zonal classifications of the adjoining land.

B. The Commission shall have the discretion to increase or decrease the strict application of the requirements contained in Subsection A(1) and (2) hereof in instances in which the adjoining property or properties will not be adversely affected by such increase or decrease.

§ 164-98. Procedure.

A. An application for zonal classification in the PD-9 Zone shall be accompanied by a development plan prepared in accordance with the provisions of § 164-188 of this chapter.

B. In addition to all other standards and criteria in considering an application for the PD-9 Zone, the Common Council shall also consider the present or potential adequacy of schools, the capability of the street or road system, highway and road access and the availability, capability of existing water and sewage systems and the availability and capability of all other public facilities.

C. All PD-9 Zone projects shall be subject to site plan approval as provided in Article XXV.

ARTICLE XV
PRSC Planned Regional Shopping Center Zone

§ 164-99. Purpose.

A. It is the purpose of this zone to provide a method for the orderly grouping and spacing of commercial development on properties which abut or front on and have access to heavily traveled major highways with a planned or existing pavement of at least four lanes or on properties which are recommended for such zoning on approved and adopted Master Plans. This zone is intended to provide sites for commercial activities that require large land areas and do not depend only upon adjoining uses for reasons of comparison shopping and pedestrian trade. At the same time, it also is intended that this zone establish and preserve specialized commercial areas near highway interchanges to serve regional or countywide consumer needs as well as the needs of local City residents. Further, it is intended to provide suitable sites for development of an integrated regional or countywide shopping center or to promote commercial facilities to serve the needs of county and City residents. Additionally, it is the intent that the frequency, design and location of points of direct access to the highway be controlled by restricting development and minimizing interference with traffic movements.

B. Commercial facilities contemplated by this zone are also to be provided in relation to population growth and related residential development and/or location of major thoroughfares; to prevent the proliferation of strip or ribbon development along major thoroughfares; and to encourage more efficient and more attractive development of commercial facilities in a compact and convenient location without adversely affecting the physical development patterns of residential areas.

C. The fact that an application complies with all specific requirements and purposes set forth herein shall not be deemed to create a presumption that the application is, in fact, compatible with surrounding land uses and, in itself, shall not be sufficient to require the granting of any application.

§ 164-100. Uses permitted.

A. No building, structure or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged or maintained, except for one or more of the following uses:

(1) Accessory uses and buildings customarily incidental to any permitted use in this section.

(2) Alcoholic beverage package stores.

(3) Antique and arts and crafts shops.

(4) Appliance stores.

(5) Bakery shops.

(6) Beauty parlors or barbershops.

(7) Building materials sales and storage yards which are enclosed.

(8) Candy stores.

(9) Clothing stores.

(10) Computer and electronics sales and service shops.

(11) Customer printing shops.

(12) Dairy product stores.

(13) Department stores with or without auto accessory and service stores.

(14) Dress or millinery shops.

(15) Drugstores.

(16) Dry-goods or variety shops.

(17) Financial institutions.

(18) Florist or garden shops.

(19) Food and grocery stores.

(20) Fruit or vegetable stores.

(21) Furniture and upholstering stores.

(22) Gift or jewelry shops.

(23) Hardware stores.

(24) Hotels and motels.

(25) Laundromats.

(26) Laundry or dry-cleaning establishments and pickup stations.

(27) Meat markets.

(28) Offices, professional and business.

(29) Pet shops.

(30) Photographic studios.

(31) Radio and television studios.

(32) Radio and television repair shops.

(33) Restaurants and lunchrooms.

(34) Schools: business, dancing, music, trade or others of a commercial nature.

(35) Shoe sales and repair shops.

(36) Single-family detached dwellings, single-family semidetached dwellings, single-family attached dwellings and multiple-family dwellings as provided in Subsection A(45).

(37) Social clubs, fraternal organizations and community meeting halls.

(38) Specialty shops.

(39) Sporting goods or hobby shops.

(40) Stationery stores.

(41) Tailor establishments.

(42) Taverns and nightclubs.

(43) Taxi stands.

(44) Theaters and private assembly halls.

(45) Residential uses.

(a) Residential dwelling unit uses shall be approved generally on the capabilities of the existing and/or planned utilities and such other standards and requirements as enumerated in this chapter, but in no case shall more than 20% of the site of the planned regional shopping center be devoted to residential dwelling unit uses, and in no event shall residential uses be permitted in the same building or structure with a commercial use.

(b) Calculation of the area permitted to be devoted to residential dwelling unit use shall include all land within the planned regional shopping center, except one-hundred-year floodplain areas and slopes in excess of 25%.

(c) The following minimum per unit requirements shall apply:

Dwelling Type	Maximum Density Allowable (units per acre)	Lot Width at Building Line (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
Single-family detached	5	60	20	8	25
Single-family semidetached	7	35	20	8	25
Single-family attached	10	18	20	15	40
Multiple-family	18	70	20	15	40

(d) Single-family attached and multiple-family dwellings must have a common access or easement to the front and rear of the lot from a public right-of-way.

(e) There shall not be more than six single-family attached dwellings in any one attached row. In any one row of single-family attached dwellings there shall be no more than three continuous single-family attached dwellings with the same building line, and the variations in building line must be at least two feet.

(f) A maximum of 12 multifamily dwellings shall be contained in one building structure. Building structures containing multiple-family dwellings may be attached to each other, but not more than three such structures may be connected in a group.

(g) Single-family detached dwellings, in all events, shall be on lots with a minimum lot area of 6,000 square feet.

(h) Single-family detached dwellings may be developed with a zero lot line, wherein the dwelling is sited on one property line of the lot with a totally private fifteen-foot side yard.

(i) No principal dwelling unit structure shall exceed three stories or 40 feet in height, and no accessory building thereto shall exceed two stories or 20 feet in height.

(j) Not more than 25% of the net area permitted to be devoted to residential use may be covered by buildings, including accessory buildings.

(k) A corner lot for a dwelling unit shall have a minimum width of 125 feet, measured at the building line along each street front, and shall have two front yards.

(46) Outdoor carnivals, for the substantial benefit of bona fide charitable, fraternal or municipal partnerships, not more than three times per calendar year, subject to the property owner's compliance with any regulatory permit or licensing requirements imposed by the City for carnival operations. **[Added 4-11-2011 by Ord. No. 823]**

(47) Animal hospitals, veterinary clinics and accessory kennels without exterior runways. **[Added 8-12-2013 by Ord. No. 845]**

§ 164-101. Special exceptions. [Amended 10-26-1998 by Ord. No. 631]

The following uses may be permitted as a special exception in accordance with the provisions of Article XXII:

A. Adult entertainment activities.

B. Art, trade, business or nursery schools.

C. Auto accessory and service stores, if not part of or incidental to a department store.

D. Carpentering shops containing 500 square feet or less.

E. Churches and all other places of worship.

F. Drive-through eating establishments.

G. Public buildings, structures and properties of the recreational, cultural, institutional, educational, administrative or public-service type, including fire, ambulance or rescue squad.

H. Public utility buildings, structures or uses, including essential utility equipment, as enumerated in § 164-139.

I. Retirement, nursing or boarding homes.

J. Service stations, subject to the provisions of § 164-149.

K. Telecommunications facilities, subject to the requirements of § 164-139.1.

§ 164-102. Development mode.

The dominant form of development in the planned regional shopping center shall be an enclosed commercial mall with a minimum gross leasable area of 300,000 square feet, which includes department stores. The mall shall be covered with a roof and have an interior courtyard onto which all retail establishments in the mall shall have their main point of egress and ingress. The mall structure must be centrally located upon the site of the planned regional shopping center. As used herein, "gross leasable area" is defined as the total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines and the upper floors, if any, expressed in

square feet measured from the center lines of joint partitions and exteriors of outside walls. This definition is limited to the mall and does not include separate freestanding buildings or additional stores as may be approved for the shopping center.

§ 164-103. Dimensional requirements.

A. Area requirements. Sites eligible for consideration as a planned regional shopping center shall consist of a tract of land containing not less than 70 acres in size and classified in the B Business Zone prior to reclassification to the Planned Regional Shopping Center Zone, unless such zoning is granted by virtue of a sectional map amendment or by the annexation procedures.

B. Yard requirements. The following minimum requirements shall be observed:

(1) Except as provided in the following Subsection B(2), all nonresidential structures shall be set back as follows:

(a) At least 50 feet from major streets and highways.

(b) At least 30 feet from interior streets and service roads.

(c) At least 10 feet from all other lot lines.

(2) All nonresidential structures shall be set back from residential lot lines at least 100 feet if the residential lot is not recommended for commercial or industrial zoning on a land use plan.

§ 164-104. Building coverage and height. [Amended 11-26-2001 by Ord. No. 674]

A. The total floor area ratio (FAR) of nonresidential structures, not including parking areas, shall not exceed a floor area ratio of one.

B. No nonresidential structure shall exceed 75 feet in height.

§ 164-105. Roads and sidewalks.

A. Access to the planned regional shopping center from an abutting major highway shall be by way of channelized service drives providing for the separation of all vehicular movements, acceleration, deceleration and left-turn lanes, except where existing adjoining development makes it unfeasible.

B. All internal vehicular circulation and internal roadways on the site of the planned regional shopping center shall be in accordance with the approved development plan.

C. Internal pedestrian walkways shall be provided and shall form a logical, safe and convenient system for pedestrian access to all facilities on the site of the planned regional shopping center, including the enclosed

mall and including access between the center and any residential component in the center. Construction standards for pedestrian walkways shall be in accord with the approved development plan.

D. All internal roadways and all internal pedestrian walkways shall be paved and maintained in good repair.

§ 164-106. Off-street parking.

A. Nonresidential parking. Off-street parking shall be provided in accordance with Article XVI of this chapter, with the following exceptions:

(1) The parking ratio shall be four spaces per 1,000 feet of gross leasable area. **[Amended 11-26-2001 by Ord. No. 674]**

(2) Notwithstanding the provisions of § 164-113, an area equal to 10% of the area devoted to parking shall be landscaped islands. Said landscaped islands shall be planted with a minimum of one two-and-one-half-inch-caliper shade tree for each 350 square feet of such islands. Said requirement is in addition to those provided in § 164-107, Landscaping.

(3) The Planning Commission may approve up to 40% of the parking spaces as parking for compact cars.

B. Residential parking. Off-street parking for a residential component of a planned regional shopping center shall be provided in accordance with Article XVI of this chapter.

§ 164-107. Landscaping.

A thirty-foot-wide minimum landscaped edge shall be required along all external boundaries of the planned regional shopping center and along the boundary between a residential component and the rest of the shopping center. A landscape concept plan showing all landscape elements, including earthen mounding, deciduous or evergreen planting and/or screen walls or fences, appropriate to buffer or enhance the shopping center, designed by a registered landscape architect, shall be approved as part of the development plan for the planned regional shopping center and implemented as part of the site plan for the shopping center.

§ 164-108. Utilities.

A. All utility lines in the planned regional shopping center shall be placed underground. The developer or subdivider shall ensure final and proper completion and installation of utility lines as provided by subdivision processing regulations.

B. Street, road, service drive and pedestrian-walkway light standards shall be provided by the developer or subdivider in accordance with the approved site plan.

C. Fire hydrants shall be provided by the developer or subdivider in accordance with the approved site plan and, in all events, shall be located along streets, roads or public ways readily accessible for Fire Department use.

§ 164-109. Signs.

Signs shall be permitted subject to the provisions of Article XVII of this chapter.

§ 164-110. Procedure.

A. An application for final classification in the Planned Regional Shopping Center Zone shall be accompanied by a development plan prepared in accordance with the provisions of § 164-188 of this chapter.

B. In addition to all other standards and criteria, in considering an application for the Planned Regional Shopping Center Zone, the Common Council shall also consider the capability of the street or road system, highway and road access and the availability and capability of existing water and sewage systems.

C. All planned regional shopping center projects shall be subject to site plan approval as provided in Article XXV.

ARTICLE XVA
Medical Cannabis Overlay District
[Added 10-26-2015 by Ord. No. 859]

§ 164-110.1. Purpose.

A. The purpose of the Medical Cannabis Overlay District is to implement the provisions of the Annotated Code of Maryland, Health-General Article, Title 13, Subtitle 33, and the Code of Maryland Regulations (COMAR) 10.62.01 to 10.62.35, with respect to the location of facilities for growing, processing and dispensing medical cannabis within the City, in order to ensure that such uses are located in zones and subject to conditions that serve the public interests in assuring the availability of cannabis to qualified patients lawfully entitled to use cannabis for medical purposes, while minimizing the potential for adverse impacts on adjacent properties and neighborhoods.

B. This article imposes requirements on medical cannabis growers, processors and distributors in addition to those imposed by this chapter upon other uses in the underlying zones upon which the medical cannabis overlay zone is imposed.

C. The overlay district is designed to achieve the following goals:

(1) To promote development in the district.

(2) To promote the availability of medical cannabis to qualified patients lawfully entitled to use and possess it.

(3) To implement the goals of state law and the regulations of the Natalie M. Laprade Medical Cannabis Commission permitting the growing, processing, and dispensing of medical cannabis.

§ 164-110.2. Overlay District designated.

The Medical Cannabis Overlay District shall apply to all properties located within the district as designated on the City of Westminster Zoning Map as "Medical Cannabis Overlay District."[93]

§ 164-110.3. Relationship to underlying zone.

A. Facilities for growers, processors or a dispensary may only be permitted on property located in the Medical Cannabis Overlay District upon the successful application and adoption by the Mayor and Common Council of an ordinance designating a Medical Cannabis Overlay District for the subject property. Such a designation is only related to the permitted use on the property.

B. All other requirements of underlying zoning districts remain applicable to the subject property.

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93. Editor's Note: Said map is included as an attachment to this chapter.

§ 164-110.4. Compatibility with adjacent uses; procedure for designation as floating zone.

A. An owner of property located in an area eligible to be designated as a Medical Cannabis Overlay District may make application for the subject property as a floating zone.

B. An application for a Medical Cannabis Overlay District must be accompanied by a site development plan and shall be subject to site plan approval as provided in Article XXV.

C. Maryland state standards for facilities.

(1) An application for a medical cannabis grower facility must include written and graphic documentation showing the proposed facility will meet state standards related to conspicuous display of license; greatest achievable level of privacy and security, including perimeter fencing and security gates to prevent unauthorized entry; secured premises; security lighting; security alarm systems; and video surveillance, as detailed in the Annotated Code of Maryland, Health-General Article, Title 13, Subtitle 33, and the Code of Maryland Regulations (COMAR) 10.62.10.

(2) An application for a medical cannabis processor facility must include written and graphic documentation showing the proposed facility will meet state standards related to conspicuous display of license; secure premises; security lighting; security alarm systems; and video surveillance, as detailed in the Annotated Code of Maryland Health-General Article, Title 13, Subtitle 33, and the Code of Maryland Regulations (COMAR) 10.62.21.

(3) An application for a medical cannabis dispensary must include written and graphic documentation showing the proposed facility will meet state standards related to separate premises from processor; secure premises; secure room; secure entry; security lighting; security alarm systems; and video surveillance, as detailed in the Annotated Code of Maryland, Health-General Article, Title 13, Subtitle 33, and the Code of Maryland Regulations (COMAR) 10.62.27.

(4) All applications must provide all other required submittals pursuant to Maryland law.

D. Any building or portion of a building that is subject to compliance with this subsection shall be located at least 1,000 feet from any other lot which contains a public school.

E. In addition to all other standards and criteria, when considering an application for the designation of a floating Medical Cannabis Overlay District, the Common Council shall consider the proximity of public schools; the adequacy of streets and highways; the availability of public water and wastewater systems; and the adequacy of all other public

facilities and public services that would be needed to serve the proposed use.

ARTICLE XVI
Off-Street Parking and Loading

§ 164-111. General provisions and requirements.

A. For the following uses of buildings hereinafter erected or increased from the size existing at the time of the adoption of this chapter, off-street parking facilities which are outside the public right-of-way shall be required as provided herein.

B. Parking standards. Off-street parking facilities shall be provided for uses in zones, must not be more than 300 feet in distance from an entrance to said uses, shall accommodate normal parking requirements and shall meet the standards listed below.

C. Parking facilities in Central Business Zone; benefit assessment charge and annual maintenance fee. As to all construction or uses, including residential uses, commenced in the Central Business Zone after the effective date of this section, to the extent that the Planning Director determines that the size, configuration or other physical characteristic of the site of the planned use makes it impossible for the user to meet the standards in this section, thereby creating a hardship, the Planning Director may, in the Planning Director's discretion, upon application from the user, allow a reduction in the number of spaces; provided, however, that the user shall pay the City a one-time benefit assessment charge and an annual maintenance fee for each space the user is not able to provide under the standards in this section as provided in the General Fee Ordinance.[94] **[Amended 2-27-1995 by Ord. No. 594; 4-14-1997 by Ord. No. 617; 9-24-2001 by Ord. No. 672; 7-12-2004 by Ord. No. 718; 1-28-2008 by Ord. No. 774; 11-24-2008 by Ord. No. 792]**

Type of Use	**Parking Standards (number of spaces)**
Residential	
Single-family detached and semidetached	2 per dwelling unit, minimum of 9 x 18 feet in size per space
Single-family attached	3 per dwelling unit, minimum of 9 x 18 feet in size per space
Multiple-family units	1 per efficiency unit; 1 1/2 per 1-bedroom unit; 2 for 2- or more-than-2-bedroom units
Multiple-family housing for older persons	1 1/2 per dwelling unit up to 2 bedrooms, 2 per dwelling unit with more than 2 bedrooms
Nonresidential	

94. Editor's Note: See Ch. A175, Fees, Art. I, General Fees.

Type of Use	Parking Standards (number of spaces)
Airparks, airports and fields requirements. Land uses incidental to air flights are subject to other parking standards contained in this chapter.	Subject to state and federal site
Animal hospitals, veterinary clinics and kennels	1 per employee, plus 1 per business vehicle, plus 1 for each 300 square feet of floor space used for hospital, clinic, office, storage or other purposes
Automobile service stations	2 per bay and 1 per employee shift
Barbershops and beauty shops	1 per employee, plus 2 per each chair
Bowling centers	4 per lane and 1 per employee
Churches, parish houses or other places of worship	1 for each 3 fixed seats, provided that the number of spaces required may be reduced by up to 50% if the place of worship is within 500 feet of any public parking lot or commercial parking lot where sufficient spaces are available, by permission of the owner(s) without charge, during the time of services to make up the additional spaces required
Commercial establishments devoted to retail sales, trade, merchandising or similar uses not otherwise specified herein	1 for each 250 square feet of floor area used for retail sales, trade or merchandising, and 1 for each 300 square feet of floor space used for office, storage or other purposes
Convents and monasteries	1 for each 250 square feet of floor space, plus 1 per institutional vehicle
Country clubs, private clubs, social clubs and fraternal organizations	1 per 4 persons of estimated facility capacity, plus 1 per employee and 1 per facility vehicle and piece of mobile equipment

Type of Use	Parking Standards (number of spaces)
Fire stations, rescue stations and ambulance services	1 per 1 1/2 employees on a major shift, plus 1 per facility vehicle, plus 1 per piece of mobile equipment, plus 1 for visitor's use per 5 employees on the maximum shift
Food stores, supermarkets and roadside stands	1 per 200 square feet of floor area devoted to customer service
Funeral homes and mortuaries	1 for each 100 square feet of floor area devoted to assembly room purposes, plus 1 per 2 employees, plus 1 for each vehicle used in connection with the business
Furniture and appliance stores and repair shops	1 per 500 square feet of floor area, plus 1 for each employee
Government buildings and public buildings	1 for each 250 square feet of floor area or 2 per office, whichever is greater
Home occupations	1 in addition to spaces devoted to use by the residents
Hospitals, nursing, care or retirement homes	1 for every 4 beds or 1 per 600 square feet of floor area, exclusive of basement area not devoted to patients, whichever is greater
Hotels, motels, lodging houses and boarding- (lodging) or rooming houses	1 for each rental room or suite. In addition, if a restaurant in connection with such use is open to the public, the off-street parking facilities for such restaurant shall be those required for a restaurant use.
Indoor shooting ranges	1 per employee and 2 per each shooting and 1 for each 250 square feet of floor area used for accessory retail sales
Manufacturing establishments not otherwise specified herein	1 per 1 1/2 employees on a major shift, plus 1 per company vehicle and piece of mobile equipment
Medical and dental offices and clinics	4 per doctor, plus 1 per employee or 1 for each 200 square feet of office space, whichever is greater

Type of Use	Parking Standards (number of spaces)
Nightclubs and taverns	1 per 4 seats or 1 per 75 square feet of floor area devoted to customer service, plus 1 per employee, whichever is greater
Offices: business, professional or financial	1 for each 250 square feet of floor area or 2 per office, whichever is greater
Radio and television studios	1 for each 250 square feet of floor area or 2 per office, whichever is greater
Recreation facilities and centers	1 per 4 persons of estimated facility capacity, plus 1 per employee and 1 per facility vehicle and piece of mobile equipment
Research and development establishments, including laboratories	1 per 1 1/2 employees based on the occupancy load, plus 1 per company vehicle
Restaurants and lunchrooms	1 per 4 seats, plus 1 per 2 employees
Schools	Subject to State Board of Education site requirements
Sport centers or arenas, auditoriums not associated with schools, theaters, private assembly halls and community meeting halls	1 per 3 seats or similar accommodations provided, plus 1 per 2 employees
Swimming pools, commercial	1 per 4 persons of estimated pool maximum capacity, plus 1 per employee
Swimming pools, community	1 per 7 persons of estimated pool maximum capacity, plus 1 per employee
Taxi stations	1 for every 3 taxis using the station
Truck and motor freight terminals	1 per motor vehicle to be serviced by the facility, plus 1 per employee. With the exception of parking spaces for employees, all motor vehicle spaces shall be of a size adequate for the type of vehicle serviced by the terminal.

Type of Use	Parking Standards (number of spaces)
Utility facilities, including telephone offices and service centers	1 per 1 1/2 employees on a major shift, plus 1 per company vehicle and piece of mobile equipment, plus 1 for visitors use per 25 employees on the maximum shift, or 1 per 1,000 square feet of gross floor area
Warehouses, heavy equipment storage yards, lumber- and building materials yards and all other industrial uses	1 per 1 1/2 employees on a major shift, plus 1 per company vehicle and piece of mobile equipment, plus 1 for visitor's use per 25 employees on the maximum shift,or 1 per 1,000 square feet of gross floor area
Wholesale establishments	1 per 2 employees

D. [95]Parking facilities in Downtown Parking Area; benefit assessment charge and annual maintenance fee. As to all construction or uses, including residential uses, commenced in the Downtown Parking Area after the effective date of this section, to the extent that the Planning Director determines that the size, configuration or other physical characteristic of the site of the planned use makes it impossible for the user to meet the standards in this section, thereby creating a hardship, the Director may, in the Director's discretion, upon application from the user, allow a reduction in the number of spaces; provided, however, that the user shall pay the City a one-time benefit assessment charge of and an annual maintenance fee for each space the user is not able to provide under the standards in this section as provided in the General Fee Ordinance.[96] Additionally, there is hereby granted a reduction in the number of required parking spaces of 25% for all construction or uses, commenced in the Downtown Parking Area after July 1, 2004. The Downtown Parking Area shall be designated on a map adopted by resolution of the Mayor and Common Council. **[Added 7-12-2004 by Ord. No. 718; amended 1-28-2008 by Ord. No. 774; 11-24-2008 by Ord. No. 792]**

E. All off-street parking and loading facilities required by this article for any use shall be located on and entirely within the same record lot with that use, unless otherwise provided for in this article.

F. Requirements for the provision of parking facilities with respect to two or more property uses of the same or different types may be satisfied by the permanent allocation of the requisite number of spaces for each use

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95. Editor's Note: Former Subsections D, E and F were redesignated as Subsections E, F and G to accommodate the addition of a new Subsection D.

96. Editor's Note: See Ch. A175, Fees, Art. I, General Fees.

in a common parking facility, cooperatively established and operated. The number of spaces so designated may not be less than the sum of the individual requirements for each use, except as hereinafter provided, and all design requirements contained in this article must be met. A common parking facility so established must be located so that a major point of pedestrian access to such common facility is within a five-hundred-foot walking distance of the entrance to each use served thereby.

G. Required off-street parking spaces may be reduced in area by providing designated parking spaces for bicycles, motorbikes or motorcycles, but in no event shall such a reduction in area be permitted on more than 5% of the total number of required spaces.

§ 164-112. Compliance required.

A. No land shall be used or occupied, no structure shall be designed, erected, attached, used or occupied and no use shall be operated unless the parking and loading facilities herein required are provided in at least the amounts and in accordance with the design standards set forth in this article.

B. No automobile off-street parking area shall be reduced in area or encroached upon by buildings, vehicle storage, loading or unloading or any other use where such reduction or encroachment will reduce the area below that required by this article.

C. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use, except as provided in this article.

D. No parking area or loading space shall be used for the storage, sale, repair, dismantling or servicing of any vehicles, equipment, materials or supplies.

E. For the purpose of this article, the number of employees for a use shall be computed on the basis of the maximum number of persons to be employed at any one time, other than at changes of shifts.

F. All garage or other space allocated for parking of vehicles within buildings or in basements or open spaces on the roofs of buildings shall be considered part of the required off-street parking facilities and may be included as such in computing the area requirements outlined in this article.

G. Off-street parking and loading facilities for commercial or industrial uses that make it necessary for vehicles to back out directly into a public road are prohibited.

H. All off-street parking and loading facilities required by this article for any use shall be established in accordance with all design standards and maintained throughout the operation of that use; any additional off-

street parking and loading facilities required as a result of an expansion of or a change in any use shall be likewise established and maintained.

I. In all residential zones, off-street parking of motor vehicles shall be limited to passenger cars, recreational vehicles and trucks not exceeding a maximum gross weight of 18,000 pounds, which are not truck tractors, trailers or truck-trailer combinations, as defined in the Transportation Article of the Annotated Code of Maryland.

J. Parking facilities shall be provided for the physically handicapped and aged as specified in Article 41, § 257JK of the Annotated Code of Maryland, entitled "Building code making buildings usable by handicapped persons," or as that section may be hereinafter amended.[97] Such parking facilities may be counted in computing the number of spaces required under this article.

§ 164-113. Location and landscaping.

Every off-street parking area, except where the public street is the approved drive aisle, for more than five vehicles shall be located at least five feet from any public walkway, 10 feet from any street or curb and five feet from every residential lot line. The edges of the parking area shall be curbed or buffered, and the space between the parking area and street or lot line shall be landscaped and maintained in a sightly condition. Where adjoining a street, such landscaping shall consist of grass and low shrubs or ornamental trees. Where adjoining a residential lot, it shall include a hedge of sufficient type and height, not less than 30 inches, to protect and screen the adjoining property. If an ornamental wall or fence is installed in lieu of such hedge and accomplishes the same purpose, then the five-foot strip may be reduced to three feet. In parking areas containing 12 or more parking spaces, the total area of said parking area shall be a minimum of 10% of landscaped islands. Said landscaped islands shall be planted with a minimum of one two-and-one-half-inch-caliper shade tree for each 350 square feet of such island.

§ 164-114. Maintenance and lighting.

A. Any off-street parking area, including any commercial parking lot, for more than five vehicles shall be surfaced or kept treated in such a manner as may be necessary to prevent any dust or nuisance to the neighboring property or the general public and shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles.

B. Adequate lighting shall be provided for all parking facilities used at night. Lighting of off-street parking facilities shall be installed and maintained in a manner not to reflect or cause glare into abutting or facing residential premises nor to cause reflection or glare which adversely affects safe vision of operators of vehicles moving on roads and highways.

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97. Editor's Note: See now § 6-102 of Art. 83B of the Annotated Code of Maryland.

§ 164-115. Design standards.

A. Approval. Designs and plans for areas to be used for automobile off-street parking, including but not limited to the design of aisle widths, stall lengths and widths, turning radii, flow patterns and paving, shall be subject to approval by the Planning Director in accordance with the purposes and requirements set forth in this section and Article XXV of this chapter.

B. Objectives of designs and plans. Said designs and plans shall accomplish the following objectives:

(1) The protection of the health, safety and welfare of those who use any adjoining land or public road that abuts a parking facility. Such protection shall include but shall not be limited to the reasonable control of noise, glare or reflection from automobiles, automobile perimeter, landscaping, plantings, walls, fences or other natural features or improvements.

(2) The safety of pedestrians and motorists within a parking facility.

(3) The optimum safe circulation of traffic within the parking facility and the proper location of entrances and exits to public roads so as to reduce or prevent traffic congestion.

(4) The provision of appropriate lighting, if the parking is to be used after dark.

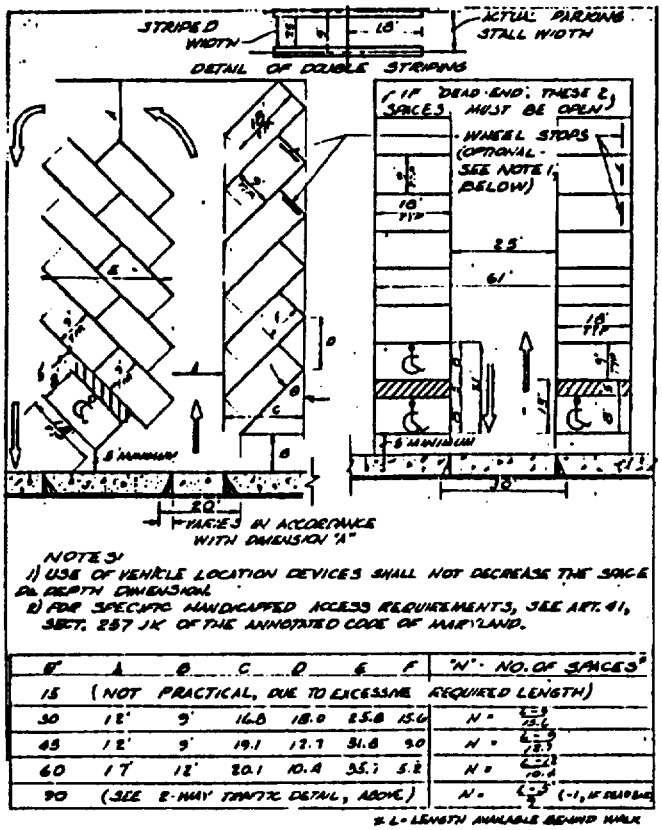
C. Arrangement and marking. All off-street parking areas shall be arranged and marked so as to provide for orderly and safe loading, unloading, parking and storage of vehicles. All nonparallel parking spaces shall be striped to indicate parking areas. Standard parking spaces less than 10 feet in width shall be double-striped between each space to indicate the car width. Compact parking spaces shall be striped around their entire perimeter. Individual parking spaces shall be clearly defined, and directional arrows and traffic signs shall be provided as necessary for traffic control.

D. Size of spaces.

(1) Each standard-size parallel parking space shall have minimum dimensions of seven feet by 21 feet. A "parallel parking space" is defined as one in which the long side of the space parallels the travel lane.

(2) Each standard-size perpendicular or angled parking space shall be a rectangle having minimum dimensions of nine feet by 18 feet.

(3) The size, clearance, area and other dimensional requirements of off-street parking areas and parking places shall be determined by the type of parking arrangement in accordance with the parking chart and table stated below:



B°	A	D	C	O	G	F	'N' NO. OF SPACES*
15	(NOT PRACTICAL, DUE TO EXCESSIVE REQUIRED LENGTH)						
30	12'	9'	16.8	18.0	25.8	15.6	N = L÷15.6
45	12'	9'	19.1	12.7	31.8	9.0	N = L÷12.7
60	17'	12'	20.1	10.4	35.1	5.2	N = L÷10.4
90	(SEE 2-WAY TRAFFIC DETAIL, ABOVE)						N = L÷9 (-1, IF FLUSH)

E. Additionally, all off-street parking and loading areas shall be so graded, drained and paved or surfaced as to prevent damage to abutting properties or public streets and shall be approved by the Planning Department. **[Amended 1-28-2008 by Ord. No. 774]**

F. Modification by Planning Director. The Planning Director may approve the use of compact parking spaces with minimum dimensions of eight feet by 16 feet due to extraordinary situations or conditions peculiar to a specific parcel of property. Any such compact parking spaces shall not exceed 30% of the total number of spaces. The Director may also approve changes in the dimensions of parking spaces in parking garages consistent with nationally recognized design standards for parking garages. No space in a parking garage shall have less than the minimum dimensions of eight feet by 16 feet. **[Amended 8-10-1998 by Ord. No. 629; 1-28-2008 by Ord. No. 774]**

§ 164-116. Off-street loading.

A. Off-street loading and unloading spaces with appropriate and safe access from a street or alley shall be provided on each lot where it is deemed necessary by the Zoning Administrator to adequately serve the uses within the proposed structure.

B. Where off-street loading spaces are provided cooperatively for two or more uses, all required off-street loading spaces shall be located on the same lot as the use served.

C. No loading space or berth shall be located within 40 feet of the nearest point of intersection of the rights-of-way of two streets or roads.

D. No loading space or berth shall be located in a required front yard.

E. No loading area shall be located so as to interfere with the circulation of vehicles in any off-street parking area.

ARTICLE XVII
Signs

§ 164-117. Purpose and intent.

In addition to the purposes set forth in § 164-2 of this chapter, the purpose of the requirements set forth in this article which regulate the location, size, placement and certain features of signs is to enable the public to locate goods, services and facilities without difficulty, danger or confusion, to prevent wasteful use of natural resources in competition among businesses for attention, to prevent hazards to life and property and to assure the continued attractiveness of the City and the protection of property values.

§ 164-118. Compliance required.

No sign may be erected in any zone, nor a permit issued therefor, unless such sign is specifically permitted by this article and complies with all of the requirements of this chapter.

§ 164-119. General regulations.

In furtherance of the purpose and intent of this article as set forth in § 164-117, the following general requirements shall be applicable to all signs except those erected by a governmental agency:

A. No sign shall be erected which obstructs any window, door, fire escape, stairway, ladder or opening intended to provide light, air, ingress or egress for any building or structure or which otherwise endangers the safety of a building, premises or person.

B. No sign shall be erected which, by reason of its position, size, shape or color, may interfere with, obstruct the view of or be confused with any traffic sign, signal or device or railroad sign or signal or which makes use of any word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic.

C. No sign which uses the word "stop" or "danger" or which presents or implies the need or requirement of stopping or the existence of danger shall be displayed.

D. No sign shall be erected which utilizes rotating, blinking, flashing or fluttering illumination or illumination which varies in color or intensity. **[Amended 9-28-2015 by Ord. No. 860[98]]**

E. Variable electronic message signs (VEMS) are allowed as permitted under § 164-121. **[Added 9-28-2015 by Ord. No. 860[99]]**

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98. Editor’s Note: This ordinance provided that it would be effective retroactively to 2-23-2012, except to the extent that it would impair a vested right of a property owner.

99. Editor's Note: This ordinance also provided for the redesignation of former Subsections E through I as Subsections F through J, respectively, and further provided that it would be effective retroactively to 2-23-2012, except to the extent that it would impair a vested right of a property owner.

F. No sign shall be erected by or placed by any person on any public property or right-of-way, including sidewalks.

G. No sign shall be erected in such a location as to interfere with pedestrian or vehicular circulation onto or off of the property on which it is located.

H. No motor vehicle shall be parked in any zone under circumstances reasonably indicating an intent to make principal use of such motor vehicle as a sign for any person, firm, group, organization, place, commodity, product, service, business, profession, enterprise or industry.

I. No sign shall be permitted which contains statements, words or pictures of an obscene, indecent or immoral character or such as will offend public morals or decency.

J. No sign shall be placed on rocks, trees or on poles maintained by public utilities.

§ 164-120. Signs not requiring permits.

The following signs are permitted without a permit in any zone, provided that the following conditions are adhered to:

A. Signs indicating the name and/or premises or accessory use of a home for a home occupation, its residents or professional purposes, not exceeding one square foot in area.

B. Signs, not exceeding 30 square feet, on a farm advertising farm products primarily grown on the premises, provided that they are located off the highway right-of-way and do not interfere with traffic visibility.

C. Any directional or informational or historic marker of a public or quasi-public nature, such as those containing the meeting date of a community or civic club, the advertising of an event of public interest or noncommercial information for the convenience of the traveling public.

D. Temporary real estate signs, not exceeding eight square feet and located on and advertising the subject property for sale or lease.

E. Freestanding signs or signs attached to fences no larger than two square feet warning the public against trespassing, dangerous animals or the like.

F. Seasonal displays and decorations not advertising a product, service or entertainment.

G. Building contractors' and professional persons' temporary signs on buildings or subdivisions under construction, limited to a total area for all such signs on said buildings or subdivisions of 150 square feet during the period of construction.

H. Temporary signs, not exceeding 30 square feet in area, announcing a campaign, drive or event of a civic, philanthropic, educational or religious organization. Such signs may not be posted more than one month before and may not be displayed beyond seven days after such campaign, drive or event.

I. Political campaign signs. Signs announcing candidates seeking public political office and other data pertinent thereto shall be permitted up to a total area of nine square feet for each premises in a residential zone and 32 square feet in a commercial or industrial zone. The signs shall be confined within private property and shall not be less than 15 feet or the back edge of the sidewalk, whichever is greater, and 100 feet from the nearest curb intersection of any street or road. **[Amended 10-27-2008 by Ord. No. 789]**

§ 164-121. On-premises business signs.

A. Business signs pertaining to a use on the premises are permitted as an accessory use in the Business Zone, except the Central Business Zone, and in the I-R Restricted Industrial Zone, provided that they meet the following provisions: **[Amended 9-11-1995 by Ord. No. 601]**

(1) No such sign shall project over or into any street right-of-way or project more than 12 inches above the parapet wall or roofline.

(2) Any sign erected shall be located in such a manner that traffic visibility is not impaired.

(3) Such signs shall be integral with or attached to the building. Additionally, one freestanding sign located at the street right-of-way shall be permitted except as provided in Subsection A(5) hereof. Said freestanding sign shall not exceed 20 feet in total height. The area of all signs on the premises shall not exceed three square feet for each linear foot of the front building wall. No one sign shall exceed 64 square feet in total area except as provided in Subsection A(5) hereof. **[Amended 2-9-1998 by Ord. No. 626]**

(4) Where the lot adjoins any residential zone, a sign within 50 feet shall be attached flat against the front of the building, and no freestanding sign shall face any residential zone.

(5) Any sign or signs for property adjacent to any divided street or highway shall be permitted as follows. **[Amended 9-28-2015 by Ord. No. 860[100]]**

(a) Applications for signs which do not exceed 64 square feet in total area and which do not exceed 12.5 feet in height shall be approved by the Zoning Administrator. Applications for signs up to and including 125 square feet and/or up to and including

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100. Editor's Note: This ordinance provided that it would be effective retroactively to 2-23-2012, except to the extent that it would impair a vested right of a property owner.

20 feet in height shall be approved by the Commission. In determining whether or not to approve an application, the Zoning Administrator or the Commission shall take into consideration the following factors: traffic and pedestrian safety; the size, configuration, elevation and location of the property; existing signs on the property and neighboring properties; aesthetics; and any other factors relating to the location, size, design, composition and specific character of the proposed sign deemed appropriate by the Zoning Administrator or the Commission. No sign shall be approved if the Zoning Administrator or the Commission finds that it would not achieve a maximum of compatibility, safety, efficiency and attractiveness.

(b) One variable electronic message sign (VEMS) will be permitted per approved development site, provided it meets the following provisions:

[1] Animated, flashing, blinking, reflecting, revolving, full motion or any other similar message or transitional movement is prohibited;

[2] Only text messages shall be displayed, and the message shall not change more than once every 30 seconds;

[3] Advertisements for off-premises businesses or services are prohibited;

[4] A VEMS may only be used as part of a wall or monument sign;

[5] A VEMS must have automatic dimming capability that adjusts brightness to ambient light at all times, not to exceed 5,000 candelas per square meter during daylight hours and 500 candelas per square meter between dusk and dawn;

[6] The VEMS shall present a maximum of three colors and shall display a dark screen in the event of a sign malfunction;

[7] The VEMS shall not exceed 32 square feet, which area will be counted toward the maximum sign allowance; and

[8] The VEMS shall be subordinate to the business name portion of the sign (the VEMS may not be the predominant feature).

(c) On properties used exclusively for, or including, drive-through restaurants, service stations and other similar establishments serving motorists, one VEMS, as permitted under Subsection

A(5)(b) above, and one illuminated electronic display will be permitted per establishment, provided that:

[1] The illuminated electronic display does not exceed eight inches in height or two feet in width or extend more than five feet above the ground; and

[2] Audio speakers shall not be audible beyond the property boundary.

(6) On property used exclusively by a single tenant in a freestanding building with its own parking field, where the floor area of the building exceeds 70,000 square feet, individual building signs that exceed 125 square feet in area may be approved by the Planning and Zoning Commission, upon the request of the property owner, where such approval will not otherwise impair the purposes of this article. The area of all signs on the premises shall not exceed three square feet for each linear foot of the front building wall. **[Added 10-24-2016 by Ord. No. 870]**

B. Other standards.

(1) Signs located in the Central Business Zone shall conform to the standards set forth in the "Standards for Renovation Westminster," Chapter III, as adopted February 27, 1978, and as may be amended from time to time.

(2) Signs located outside of the Central Business Zone and within the Westminster Historic District as designated in the National Register of Historic Places shall conform to any and all standards as may be hereinafter adopted and amended from time to time.

C. Signs located in the Planned Regional Shopping Center Zone shall be permitted, provided that they meet the following provisions : **[Amended 11-26-2001 by Ord. No. 674]**

(1) One freestanding identification sign shall be permitted per State Highway Administration-approved vehicular access to parking areas. Said freestanding sign shall not exceed 25 feet total height and shall not exceed 125 square feet in area. **[Amended 9-28-2015 by Ord. No. 860[101]]**

(2) A freestanding identification sign may include a VEMS, provided that: **[Added 9-28-2015 by Ord. No. 860[102]]**

(a) Animated, flashing, blinking, reflecting, revolving, full motion or any other similar message or transitional movement is prohibited;

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101. Editor's Note: This ordinance provided that it would be effective retroactively to 2-23-2012, except to the extent that it would impair a vested right of a property owner.

102. Editor's Note: This ordinance provided that it would be effective retroactively to 2-23-2012, except to the extent that it would impair a vested right of a property owner.

(b) Only text messages shall be displayed, and the message shall not change more than once every 30 seconds;

(c) Advertisements for off-premises businesses or services are prohibited;

(d) The VEMS may only be used as part of a wall or monument sign;

(e) The VEMS must have automatic dimming capacity that adjusts brightness to ambient light at all times, not to exceed 5,000 candelas per square meter during daylight hours and 500 candelas per square meter between dusk and dawn;

(f) The VEMS shall present a maximum of three colors and shall display a dark screen in the event of a sign malfunction;

(g) The VEMS shall not exceed 32 square feet, which area will be counted toward the maximum sign allowance; and

(h) The VEMS shall be subordinate to the business name portion of the sign (the VEMS may not be the predominant feature).

(3) On properties including drive-through restaurants, service stations, and other similar establishments serving motorists, one illuminated electronic display will be permitted per establishment, provided that: **[Added 9-28-2015 by Ord. No. 860[103]]**

(a) The illuminated electronic display does not exceed eight inches in height or two feet in width or extend more than five feet above the ground; and

(b) Audio speakers shall not be audible beyond the property boundary.

(4) One flat wall sign shall be permitted at each major pedestrian entrance into department stores over 30,000 square feet in leasable area. Said wall signs shall not exceed 150 square feet and shall not extend above the roofline.

(5) One flat wall sign shall be permitted at each major pedestrian entrance of the mall. Said wall sign shall not exceed 150 square feet and shall not extend above the roofline.

(6) One flat wall sign shall be permitted for each exterior wall of stores over 60,000 square feet in leasable area. Said wall signs shall not exceed 200 square feet and shall not extend above the roofline.

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103. Editor's Note: This ordinance also provided for the redesignation of former Subsection C(2) through (6) as Subsection C(4) through (8), respectively, and further provided that it would be effective retroactively to 2-23-2012, except to the extent that it would impair a vested right of a property owner.

(7) Signs for separate standing buildings or stores not included in the mall structure shall meet the provisions established for the Business Zone in Subsection A.

(8) Any sign or signs other than those provided herein shall be permitted only after application and approval by the Planning Commission.

D. Signs for special exception uses shall be in accordance with the pertinent provisions of this article and approved by the Board of Appeals upon the granting of a special exception. Such signs may be freestanding or attached to a building but shall not exceed 32 square feet in size, except as to signs provided by § 164-120C. Lighting for such signs shall not cause glare onto neighboring residential properties or uses and shall be approved upon consideration of the character of the neighborhood in which the special exemption is located. Signs for tourist homes, boardinghouses and home occupations shall not exceed two square feet in size on any one side.

E. Business signs pertaining to a use on the premises are permitted as an accessory use in the P-I Planned Industrial Zone, provided that they meet the following provisions: **[Added 9-22-1997 by Ord. No. 622]**

(1) No sign shall project over or into any street right-of-way or project more than 12 inches above the parapet wall or roofline.

(2) Any sign erected shall be located in such a manner that traffic visibility is not impaired.

(3) Signs shall be integral with or attached to the building. Additionally, one freestanding sign located at the street right-of-way shall be permitted as provided in Subsection E(5) hereof.

(4) Where the lot adjoins any residential zone, a sign within 50 feet shall be attached flat against the front of the building, and no freestanding sign shall face any residential zone.

(5) Any freestanding sign shall be permitted as follows. Applications for signs which do not exceed 64 square feet in total area and which do not exceed 20 feet in height shall be approved by the Zoning Administrator. Applications for signs up to and including 250 square feet and/or up to and including 40 feet in height shall be approved by the Commission. In determining whether or not to approve an application, the Zoning Administrator or the Commission shall take into consideration the following factors: traffic and pedestrian safety; the size, configuration elevation and location of the property; existing signs on the property and neighboring properties; aesthetics, and any other factors relating to the location, size, design, composition and specific character of the proposed sign deemed appropriate by the Zoning Administrator or the Commission. No sign shall be approved if the Zoning

Administrator or the Commission find that it would not achieve a maximum of compatibility, safety, efficiency and attractiveness.

F. Business signs pertaining to a use on the premises are permitted as an accessory use in the N-C Neighborhood Commercial Zone, provided that they have been approved as part of an integrated sign program approved by the Commission and meet the following provisions: **[Added 9-25-2000 by Ord. No. 638]**

(1) No such sign shall project over or into any street right-of-way or project more than 12 inches above the parapet wall or roofline.

(2) Any sign erected shall be located in such a manner that traffic visibility is not impaired.

(3) Such signs shall be integral with or attached to the building. The area of building-mounted signs shall not exceed one square foot for each linear foot of the front building wall, with a maximum size of 64 square feet.

(4) Additionally, one freestanding monument-style sign located at the street right-of-way shall be permitted; provided, however, that on sites greater than 14 acres in size, with at least 1,000 feet of frontage on a dual highway, one such additional sign shall be permitted. Said freestanding monument-style sign shall not exceed 12.5 feet in total height and a maximum area of 64 square feet per face. **[Amended 1-14-2013 by Ord. No. 838]**

(5) Said freestanding identification sign may include a VEMS, provided that: **[Added 9-28-2015 by Ord. No. 860[104]]**

(a) Animated, flashing, blinking, reflecting, revolving, full motion or any other similar message or transitional movement is prohibited;

(b) Only text messages shall be displayed, and the message shall not change more than once every 30 seconds;

(c) Advertisements for off-premises businesses or services are prohibited;

(d) The VEMS may only be used as part of a wall or monument sign;

(e) A VEMS must have automatic dimming capability that adjusts brightness to ambient light at all times, not to exceed 5,000 candelas per square meter during daylight hours and 500 candelas per square meter between dusk and dawn;

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104. Editor's Note: This ordinance provided that it would be effective retroactively to 2-23-2012, except to the extent that it would impair a vested right of a property owner.

(f) The VEMS shall present a maximum of three colors and shall display a dark screen in the event of a sign malfunction;

(g) The VEMS shall not exceed 32 square feet, which area will be counted toward the maximum sign allowance;

(h) The VEMS shall be subordinate to the business name portion of the sign (the VEMS may not be the predominant feature); and

(i) The VEMS shall display one text message between 10:00 p.m. and 6:00 a.m.

(6) On properties used exclusively for, or including, drive-through restaurants, service stations, and other similar establishments serving motorists, one illuminated electronic display will be permitted per establishment, provided that: **[Added 9-28-2015 by Ord. No. 860[105]]**

(a) The illuminated electronic display does not exceed eight inches in height or two feet in width or extend more than five feet above the ground; and

(b) Audio speakers shall not be audible beyond the property boundary.

(7) Where the lot adjoins any residential zone, a sign within 50 feet shall be attached flat against the front of the building, and no freestanding sign shall face any residential zone.

(8) Any sign or signs other than those provided herein shall be permitted only after application to and approval by the Commission. This provision shall authorize the Commission to increase the square footage limitations of any sign not to exceed 125 square feet.

(9) In determining whether or not to approve an application, the Commission shall take into consideration the following factors: traffic and pedestrian safety; the size, configuration elevation and location of the property; existing signs on the property and neighboring properties; aesthetics; and any other factors relating to the locations, size, design, composition and specific character of the proposed sign deemed appropriate by the Commission. No sign shall be approved if the Commission finds that it would not achieve a maximum of compatibility, safety, efficiency and attractiveness.

§ 164-122. Outdoor advertising signs.

Outdoor advertising signs, commonly referred to as "billboards" or "poster panels," shall be subject to the following regulations:

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105. Editor's Note: This ordinance provided that it would be effective retroactively to 2-23-2012, except to the extent that it would impair a vested right of a property owner.

A. Outdoor advertising signs shall be permitted in the P-I, I-R and I-G Zones. No sign shall be located within 200 feet of any residential zone, nor shall such sign be located within 300 feet of an intersection on a two-lane or proposed two-lane highway or within 100 feet of any other intersection.

B. All outdoor advertising signs shall be spaced at least 300 feet apart. In the case of existing two-lane highways, each side of the two-lane highway shall be considered separately in determining spacing requirements. In the case of non-dual-lane highways, spacing shall be determined and measured between signs, regardless of the side of the highway on which they are located and proposed.

C. No outdoor advertising sign shall be closer than 100 feet to any property line nor located closer than 660 feet to the right-of-way line of any highway which is part of the interstate highway system nor closer than 200 feet to the right-of-way line of any other street or road.

D. Outdoor advertising signs shall be no higher than 30 feet.

E. No sign shall exceed more than 260 feet in area.

F. No outdoor advertising sign shall be permitted in the following scenic areas in a residential zone within the City along the following Maryland routes: Route Nos. 31, 97 and 140.

§ 164-123. Sign permits.

A. Except as provided in § 164-120, no sign shall be erected, altered or relocated without a sign permit issued by the Zoning Administrator.

B. The application for a sign permit shall be filed with the Zoning Administrator. The permit application shall be signed by the applicant, and when the applicant is any person other than the owner of the property, the permit application shall also be signed by the owner of the property and shall contain the location of the sign structure, the name and address of the sign owner and of the sign erector and drawings showing the design, dimensions and locations of the sign and such other pertinent information as the Zoning Administrator may require to ensure compliance with the laws of the City.

C. A fee shall be charged for each sign permit issued as provided in the General Fee Ordinance.[106] **[Amended 11-24-2008 by Ord. No. 792]**

D. A sign permit shall become null and void if the work for which the permit was issued has not begun within a period of six months after the date of the permit. A permit may be renewed, and no additional fee shall be charged for such renewal.

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106. Editor's Note: See Ch. A175, Fees, Art. I, General Fees.

E. The following operations shall not be considered as creating a sign and shall not require a permit:

(1) Replacing copy: the changing of the advertising copy or message on an approved painted or printed sign or on a theater marquee and similar approved signs which are specifically designed for the use of replaceable copy.

(2) Maintenance: painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure, unless a structural change is made.

F. All signs requiring permits shall display, in a place conspicuous to inspectors, evidence of the permit containing such data as may be supplied and designated by the Zoning Administrator.

§ 164-124. Structural requirements; inspection and maintenance.

A. All signs shall comply with the pertinent requirements of the BOCA Basic Building Code, as may be amended from time to time.

B. Signs for which a permit is required shall be inspected periodically by the Zoning Administrator for compliance with this article and the other laws of the City.

C. All signs and components thereof shall be kept in good repair and in a safe, neat, clean and attractive condition.

D. The Zoning Administrator is authorized to adopt rules and regulations to ensure that signs are constructed, licensed and maintained in accordance with this article.

§ 164-125. Nonconforming signs.

A. Signs which do not conform to the regulations and restrictions prescribed for the zone in which they are situated but which were erected in accordance with regulations in effect at the time may remain as long as the use advertised remains.

B. No nonconforming sign shall be enlarged, reconstructed or altered in any manner nor shall it be worded to advertise any other use than was advertised at the time it became nonconforming.

C. No nonconforming sign shall be moved on the same lot or to any other lot unless the moving will relocate the sign into a zone in which it would conform.

D. Any sign which is not in conformity with the provisions of this article shall be subject to removal in accordance with § 164-126.

§ 164-126. Removal.

A. The Zoning Administrator shall order the removal of any sign erected or maintained in violation of this article. Ten days' notice in writing shall be given to the owner of such sign or of the building, structure or premises on which such sign is located to remove the sign or to bring it into compliance with this article. Upon failure to remove the sign or to comply with this notice or an appeal taken timely to the Board of Appeals, the Zoning Administrator may cause the sign to be removed. The Zoning Administrator may remove the sign immediately and without notice if it reasonably appears that the condition of the sign is such as to present an immediate threat to the safety of the public. Any costs of removal incurred by the Zoning Administrator shall be assessed to the owner of the property on which such sign is located and may be collected in the manner of ordinary debt or in the manner of taxes, and such charge shall be a lien on the property.

B. The remedy contained in Subsection A is not exclusive and is in addition to the right of the City to institute appropriate legal proceedings.

§ 164-127. Abandonment.

A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the Zoning Administrator may remove it in accordance with § 164-126. These removal provisions shall not apply where a succeeding owner or lessee conducts the same type of business and agrees to maintain the signs as provided in this article or changes the copy on the signs to advertise the type of business being conducted on the premises, provided that the signs comply with the other provisions of this article.

§ 164-128. Appeals.

Upon denial of a sign permit or an order of removal by the Zoning Administrator or where a variance is denied, the sign owner or owner of the property on which a sign is located may file an appeal within 30 days of the date of action of the Zoning Administrator to the Board of Appeals. The appeal shall be in writing in such form as required by the Board.

§ 164-129. Violations and penalties.

Any person who violates this article shall be guilty of a misdemeanor and, upon conviction, shall be subject to the penalty contained in § 164-159.

ARTICLE XVIII
Regulations Applicable in All Districts

§ 164-130. Interpretation.

The regulations contained in this chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as herein provided.

§ 164-131. Compliance required.

Except as hereinafter specified, no land, building, structure or premises shall hereinafter be used and no building, part thereof or other structure shall be located, erected, moved, reconstructed, extended, enlarged, converted or altered except in conformity with the regulations herein specified for the zone in which it is located.

§ 164-131.1. Compliance with landscape manual. [Added 3-22-1993 by Ord. No. 553]

A. The Mayor and Common Council is authorized to adopt, and from time to time amend, by ordinance, a landscape manual for the City of Westminster to enhance the City's environmental and visual character for its citizens' use and enjoyment. In that regard, the Mayor and Common Council find that a landscape manual will preserve and stabilize the City's ecological balance, improve air and water quality, reduce flooding and stormwater management and provide protection from climatic conditions. The adoption of a landscape manual will enable the City to protect and improve the health and general welfare by promoting the environmental and public benefits of trees.

B. It shall be the joint and several responsibility of each person owning or using property to comply with the landscape manual of the City of Westminster in accordance with approvals pursuant to §§ 164-188E(4), 164-193I, and 164-211A(1)(d).

C. The requirements of the landscape manual adopted by the Mayor and Common Council shall prevail over any conflict or inconsistency with any other provisions required for landscaping under this chapter.

§ 164-131.2. Compliance with Development Design Preferences Manual. [Added 5-9-2016 by Ord. No. 863]

A. The Mayor and Common Council is authorized to adopt, and from time to time amend, by resolution, a manual that contains development design preferences, to be included as part of the development design review in any district in the City.

B. The Planning and Zoning Commission may utilize said preferences manual and make recommendations related to development design,

to be included in all projects via the Commission's review under §§ 164-193L and 164-211K.

C. The Development Design Preferences Manual shall be utilized by the Planning and Zoning Commission, in coordination with other provisions and requirements of this code, to achieve an improved design.

§ 164-132. Nuisances.

Any use which is found by the Board to be a public nuisance by reason of the emission of dust, fumes, gas, smoke, odor, noise, vibration or other disturbance is expressly prohibited. No such finding shall be made by the Board except after a hearing upon reasonable notice, and any person, the Commission or the Common Council may file a petition with the Board for such hearing.

§ 164-133. Effect of prior approval.

A. Where any approval has been granted by the Mayor and Common Council and/or the Commission and is in compliance with the terms and provisions of the prior Interim Zoning Ordinance, such approval, with any conditions imposed thereon by the Mayor and Common Council and/or Commission, shall apply to any use which has been established thereunder. In those cases where a time limit had been imposed as a condition of approval, the Board may approve, upon reapplication, one extension of time of equal duration, but in no case to exceed five years.

B. All preliminary plans, final plans, revised preliminary or final plans and all development plans of any type which have been approved by the Mayor and Common Council and/or the Commission prior to November 5, 1979, shall continue to be approved and valid after said date, regardless of the zonal classification of the real property as to which such plans pertain, and said real property shall be developed in accordance with the provisions of such plans. Such plans may be amended in accordance with the procedures provided for the amendment of development plans contained in § 164-188J of this chapter. Additionally, the Common Council may amend any such plans approved prior to November 5, 1979, to permit residential single-family attached dwellings in lieu of any commercial or business use, provided that it determines, after an opportunity for public comment, that there will be no increase in the gross allowable residential density beyond that originally approved and that such development will not have an adverse impact upon the adjacent properties or the general character of the approved development plan.

§ 164-134. Conflicts.

Any existing or proposed use which is determined to be in conflict with any existing ordinance or laws of the City or law or regulation of the State of Maryland or any federal governmental agency shall be prohibited, even though such use may be allowed under the terms of this chapter.

ARTICLE XIX
Nonconformities

§ 164-135. Continuation. [Amended 9-25-1995 by Ord. No. 602]

A. Any building, structure or premises lawfully existing at the time of the adoption of this chapter or lawfully existing at the time this chapter is subsequently amended may continue to be used even though such building, structure or premises does not conform to uses, dimensions or other requirements of the zone in which it is located, subject to the provisions of §§ 164-136 and 164-137.

B. An existing use or building located in a zone in which such use or building is classified herein as a special exception may continue as though it were an authorized special exception but may not be changed or enlarged without further authorization as for a new special exception by the Board.

C. In the C-B Central Business Zone, a special exception granted by the Board of Appeals on or before May 15, 1995, but which has subsequently been eliminated as a special exception use in that Zone, shall not be regarded as a nonconforming special exception and may be continued, repaired, reconstructed, structurally altered, extended or enlarged in accordance with all City approvals.

D. In the C-B Central Business Zone, any permitted use which was lawfully existing prior to May 15, 1995, but which has subsequently been eliminated as a permitted use in that Zone, shall not be regarded as a nonconforming use and may be continued, repaired, reconstructed, structurally altered, extended or enlarged in accordance with all City approvals.

§ 164-136. Extension and alteration.

No existing building or premises devoted to a use not permitted by this chapter in the zone in which such building or premises is located shall be enlarged, extended, substituted or structurally altered, unless the use thereof is changed to a use permitted in the district in which such building or premises is located, except as follows:

A. A nonconforming use may be extended throughout those parts of a building or structure which were specifically designed or constructed for such use prior to the adoption of this chapter and which parts were either completed or substantially completed, structurally, at the time of adoption of this chapter.

B. If no structural alterations are made, the Board may approve the changing of a nonconforming use of a building, structure or premises to another nonconforming use if the Board finds that such new nonconforming use is of the same or more appropriate use or more restrictive use. However, no building or premises in which a

nonconforming use has been changed, in whole or in part, to a more restricted use shall again be devoted to a less restrictive use.

§ 164-137. Termination.

A. Except as provided in Subsection C below, no building, structure or premises where a nonconforming use has ceased to operate for six months or more shall thereafter be used except in conformance with this Zoning Ordinance. **[Amended 9-24-2007 by Ord. No. 771]**

B. Nothing in these regulations shall prevent the restoration of a nonconforming building or structure destroyed by fire, windstorm, flood, explosion or act of the public enemy or accident or prevent the continuance of the use thereof as it existed at the time of such destruction, provided that a zoning certificate is obtained and restoration begun within one year of such destruction. The Zoning Administrator may, upon application of a property owner and upon a finding of good cause, extend the period of time for obtaining a zoning certificate and beginning restoration under this subsection for an additional one-year period.

C. Any main building which was specifically designed and constructed before November 6, 1979, for a use not permitted by this chapter in the zone in which such building is located shall not be deemed to have lost its nonconforming status unless the nonconforming use of the building shall have ceased for 48 consecutive months or more. **[Added 9-24-2007 by Ord. No. 771]**

ARTICLE XX
Special Provisions

§ 164-138. Major road plans.

In an area where a major road plan has been duly adopted in accordance with Article 66B of the Annotated Code of Maryland, showing a proposed new highway or street or a proposed relocation or widening of an existing highway or street, no building or part of a building shall be permitted to be erected within the lines of such proposed highway or street except as provided hereinafter:

A. The Zoning Administrator shall issue a zoning certificate for such construction as applied for, provided that the Maryland State Highway Administration, the County Department of Public Works or an appropriate authority, upon and within 30 days of a written notice thereof, does not reaffirm and substantiate its plans to provide such construction in accordance with the major road plan.

B. The owner of the property so affected shall, following the expiration time of such written notice, have the right to appeal to the Board the refusal of a zoning certificate, and the Board may give approval to build if it should find, after public hearing and upon the evidence and arguments presented to it upon such appeal that:

   (1) The entire property of the appellant of which the area affected by the major road plan forms a part cannot yield a reasonable return to the owner unless such appeal is granted; and

   (2) Balancing the interest of the general public in preserving the integrity of the plan and the interest of the owner of the property in the use and benefits of his property, the granting of such permit is required by consideration of reasonable justice and equity.

§ 164-138.1. Access to state highways. [Added 4-28-2003 by Ord. No. 700; amended 7-10-2006 by Ord. No. 746; 1-28-2008 by Ord. No. 774]

In certain limited instances, with the concurrence of the Maryland State Highway Administration, the Planning Director is authorized to issue temporary access to state roads to property which is not otherwise authorized to directly access state roads. In order to be eligible for temporary access, the property must having existing access to a state road. Temporary access may not exceed a period of two years from plan approval. Under extraordinary circumstances, with the concurrence of the Maryland State Highway Administration, the Director may grant up to two additional extensions of two years each.

§ 164-139. Essential utility equipment. [Amended 10-26-1998 by Ord. No. 631]

Essential utility equipment shall be permitted in any zone, as authorized and regulated by law and ordinance of the City, including § 164-157 and Article XXV of this chapter. The term "essential utility equipment" means underground or overhead electrical, gas, communications, water or sewerage systems, inclusive of pumping stations and wastewater treatment plants, and including poles, towers or pole structures, wires, lines owned or maintained by a public utility company or public agencies and mains, drains, sewers, conduits, cables, fire alarm boxes, public telephone stations, police call boxes, traffic signals, hydrants, regulating and measuring devices and the structures in which they are housed and other similar equipment and accessories in connection therewith. Except as hereinbefore provided, it does not include buildings, yards, stations or substations for transforming, boosting, switching or pumping purposes where such facilities are constructed on the ground. Additionally, it does not include telecommunications facilities.

§ 164-139.1. Telecommunications facilities. [Added 10-26-1998 by Ord. No. 631]

A. Requirements. Telecommunications facilities shall meet the following requirements:

(1) An antenna and a related unmanned equipment building or cabinet may be installed on privately owned land on a rooftop of buildings which are at least 30 feet in height. A telecommunications facility antenna must not be mounted on the facade of any building designed or used as a one-family residential dwelling. An unmanned equipment building or cabinet may be located on the roof of a building, provided that it and all other roof structures do not occupy more than 25% of the roof area.

(2) Telecommunications antennas may be attached to a freestanding monopole on privately owned land. A freestanding monopole, including antenna structure for a telecommunications facility, is permitted up to 199 feet in height with a setback as provided in Subsection A(10) hereof.

(3) An unmanned equipment building or cabinet included as part of a telecommunications facility on privately owned land must not exceed 560 square feet and 12 feet in height. Any such equipment building or cabinet must be so located as to conform to the applicable setback standards of the zone in which the property is classified.

(4) All antennas shall be located and designed, including materials, color and texture, so as to minimize visual impact on surrounding properties and as seen from the public streets.

(5) No signs are permitted in connection with any telecommunications facility.

(6) No lights or other illumination devices are permitted on any monopole or antenna unless required by the Federal Communications Commission, the Federal Aviation Administration or the City. Any security lighting must be downshielded to prevent light pollution on adjoining properties.

(7) All monopoles erected as part of a telecommunications facility must maintain or accommodate at least three telecommunications carriers; provided, however, that a monopole or other support structure designed or engineered to accommodate fewer than three telecommunications carriers may be approved by the Board as provided in § 164-139.1.B(8).

(8) No more than one monopole is permitted on a lot or parcel of land, and no two monopoles may be located within 1,000 feet of each other.

(9) Every freestanding monopole or support structure, and any unmanned equipment building or cabinet associated with a telecommunications facility must be removed at the cost of the owner of the facility when the telecommunications facility is no longer in use by any telecommunications carriers.

(10) A monopole, tower or other support structure must be located at a distance of 1/2 foot from the property line of adjacent nonresidentially zoned property for every foot of height of the monopole or other support structure. Such structures must be located a distance of one foot from the property line of adjacent residentially zoned property for every foot of height of such structure.

B. Telecommunications facilities may be permitted upon a finding by the Board, in addition to the findings required in Article XXII of this chapter, that:

(1) The application complies with all of the standards contained in § 164-139.1A.

(2) The location selected is necessary for the public convenience and service.

(3) The location selected is not in an area in which there is an over concentration of freestanding monopoles, towers or similar structures.

(4) The location selected for a monopole is more than 300 feet from either the nearest boundary of an historic district or more than 300 feet from the nearest boundary of the environmental setting of an historic resource that is not within an historic district.

(5) The location selected for a monopole is suitable for the collocation of at least three telecommunications antennas and related unmanned cabinets or equipment buildings, and the facility is designed to accommodate at least three antennas. The holder of a special exception may not refuse to permit the collocation of two additional antennas and related equipment buildings or cabinets unless collocation is technically impractical because of engineering and because it will interfere with existing service. The refusal to allow such collocation without just cause may result in revocation of the special exception.

(6) The Board must further find that any monopole, tower, support structure, equipment building or cabinet is located in conformity to the applicable setback standards of the zone and those provided in § 164-139.1A(10).

(7) The Board must find that the addition of an equipment building or cabinet proposed to be located on the roof of a building, in combination with all other roof structures, does not create the appearance of an additional story and does not increase the roof coverage by more than an additional 10%. The Board must also find that the structure minimizes visual impact on surrounding properties and as seen from the public street.

(8) The Board must also find that a freestanding monopole or other support structure is proposed to hold no fewer than three telecommunications carriers. The Board may approve a monopole or other support structure with fewer than three telecommunications carriers if the applicant establishes that existing telecommunications facilities serving the same service area have no additional capacity to include the applicant's antenna or the applicant establishes that collocation on an existing monopole is technically impractical and that engineering criteria establish the need for the requested facility; and the approval of the application will not result in an over concentration of similar facilities in the surrounding area.

(9) The Board must find that the operation of the proposed telecommunications facility will not interfere with public safety telecommunicators. Any application for a special exception shall be accompanied by an intermodulation study which provides a technical evaluation of all proposed transmissions and indicates all potential interference problems. Prior to the introduction of any new service, the owner/operator shall provide the City at least 10 calendar days' notice in advance of such service and allow the City to monitor interference levels during the testing process.

(10) An applicant for a special exception for a telecommunications facility shall provide with the application a report from a qualified and licensed professional engineer which describes the tower, monopole or support structure height and design, including cross

sections and elevations; documents the height above grade for all potential mounting positions for collocated antennas and the minimum separation distances between antennas; describes the capacity of the tower or monopole, including the number and type of antennas that can be accommodated; documents what steps the applicant will take to avoid interference with established public safety telecommunications; includes an engineer's stamp and registration number; and includes other information necessary to evaluate the request.

(11) Prior to granting any requested special exception for a telecommunications facility, the Board may require a visual analysis demonstration for any proposed monopole, tower or support structure.

(12) After notice and hearing, the Board may revoke the special exception for any telecommunications facility which has not been in use for 12 consecutive months, and the owner of the facility shall remove it at the owner's cost within 90 days after revocation of the special exception by the Board.

§ 164-140. Distance requirements.

Any uses of buildings subject to compliance with this section shall be located at least 100 feet from any other lot in a residential zone or in any other zone which contains a dwelling, school, church or institution for human care.

§ 164-141. Ponds, lakes, stabilization and stormwater management facilities.

All ponds, lakes, stabilization lagoons and stormwater management facilities shall be located a minimum of 10 feet from the public right-of-way line and shall be fenced and/or protected by a guardrail along the right-of-way line in accordance with regulations established by the Director of Public Works and approved by resolution of the Mayor and Common Council.

§ 164-142. Use of mutual open space.

No part of a minimum required yard or other open space provided about any building or structure for the purpose of complying with the provisions of this chapter shall be included as part of a minimum required yard or other open space required under this chapter for another building or structure.

§ 164-143. Front yard depth; projections into required front or rear yards.

A. Each front yard depth or setback specified shall be measured at right angles or radially from the nearest street right-of-way line (front property line), except that when the right-of-way of any existing street

is less than 50 feet wide in the case of a minor street or less than 60 feet wide in the case of a major street, the front yard or setback shall be measured from a line 25 or 30 feet, as the case may be, from the center line of such street. The foregoing rules shall apply also to the measurement along the side street of a corner lot. Architectural features such as bay windows, chimneys, unenclosed entrances, stoops, balconies, eaves and leaders shall not project more than four feet into any required yard.

B. If attached to a main building, a one-story open or enclosed and unheated porch or deck, with or without a roof, may extend into any required rear yard not more than 25% of the required depth of the rear yard. An extension of not more than 40% of the required minimum required depth of the rear yard is authorized for properties whose development was approved prior to November 6, 1979. **[Amended 11-25-1991 by Ord. No. 548]**

§ 164-144. Bulk requirement modifications.

A. Minimum lot area and lot width regulations in any zone shall not apply to repeater, booster, transformer or switching stations or dial offices.

B. Existing lots of record. In any zone wherein a single-family dwelling is permitted, such dwelling may be permitted on any lot or plot which is of official record by deed or a subdivision duly recorded among the land records of Carroll County as of the effective date of this chapter, provided that:

(1) The owner does not own sufficient land adjoining to enable conformance with yard or area requirements.

(2) No side yard shall be less than 10% of the width of said lot.

(3) No rear yard shall be less than 20% of the depth of said lot, but in no case less than 15 feet.

C. In any zone where dwellings are permitted, a lot not connected to a public water and/or sewerage system shall be subject to the minimum lot requirements provided by the Maryland State Department of Health and Mental Hygiene, Regulation No. COMAR 10.17.2 and 10.17.3 and the Carroll County Plumbing Code, Section 16.4.1 and 16.4.2, as presently provided or as hereinafter may be amended.

§ 164-145. Setback modifications.

A. Except as provided in the B Zone, where the average setback line of all buildings on lots which are on the same side of the street or road and within 200 feet of the lot in question is less than the minimum setback prescribed by this chapter, the minimum setback line shall be the average setback line of all buildings within 200 feet of the proposed building. However, in no case shall the setback line be less than 25 feet from the center line of any abutting minor road to street or 30 feet in

the case of a major street. These minimums shall also apply to the side of a corner lot.

B. In computing the depth of a rear yard or the width of a side yard where the rear or side yard opens on an alley, 1/2 of the alley width may be included as a portion of the rear or side yard, provided that no buildings shall be located within five feet of an alley line.

C. The side yard width may be varied where the side wall of a building is not parallel to the side lot line or is broken or otherwise irregular. In such case the average width of the side yard shall not be less than the otherwise required least width; provided, however, that such side yard shall not be narrower at any point than 1/2 the otherwise required least width.

D. A corner lot shall have two front yard setback lines.

§ 164-146. Height exceptions. [Amended 12-8-1997 by Ord. No. 624]

A. Building height limitations shall not apply to water tanks, barns, windmills, silos or other accessory farm structures; or to belfries, steeples, spires, electric or transforming or switching equipment, radio, television or radar towers, chimneys or smokestacks, flagpoles, fire or observation towers, cupolas, domes, monuments or roof structures for housing stairways or elevators; or to tanks, ventilating fans, air-conditioning equipment required to operate and maintain the building. No roof structure shall have a total area greater than 25% of the roof area, nor shall such structure be used for any purpose other than a use incidental to the main use of the building. The building height limitations contained in § 164-139.1 shall apply to telecommunications facilities. **[Amended 10-26-1998 by Ord. No. 631]**

B. Any college or university building or administration, student center, dormitory, classroom, church, lecture hall, laboratory, theater, or such type of building related to the educational function of the college or university, constructed on the campus may not exceed a height equal to the height of the tallest building existing on campus as of July 1, 1997; buildings for commercial purposes not principally related to the educational function of the college or university, regardless of ownership of the building or land, shall conform to the height restrictions of the zoning district in which they are located.

§ 164-147. Accessory buildings.

A. Accessory buildings shall be confined to rear yards, except as may hereinafter be otherwise provided in this chapter.

B. Accessory buildings shall be at least eight feet in distance from alley lines and from lot lines which are adjoining lots in any residential zone.

C. In any residential zone where a corner lot adjoins in the rear a lot fronting on the side street and located in a residential zone, no part of any accessory building on such corner lot shall be nearer the side street lot line than the minimum front yard requirement along such side street for a dwelling on such adjoining lot. In no case shall any part of such accessory building be nearer to the common lot line than the minimum side yard requirement for the principal building to which it is accessory.

D. Notwithstanding the provisions of Subsection B above, storage sheds not in excess of 150 square feet of floor space and not in excess of one story in height may be located on rear and/or side lot lines of single-family attached dwellings and multiple-family dwellings. Such storage sheds may not be utilized for the storage of motor vehicles.

E. Notwithstanding the provisions of Subsection B above, a residential garage which is a portion of a main building or is attached to a main building may be located anywhere on a lot, provided that the garage is within the rear, side and front yard requirements of the zone within which the lot is classified.

F. Notwithstanding the provisions of Subsection B above, a residential garage which is not a portion of a main building nor is attached to a main building may be located anywhere to the side or rear of the main building, provided that the garage is within the side yard requirements of the zone within which the lot is classified and is at least five feet in distance from the rear lot line of said lot, unless access to the garage is from an existing alley or street which abuts the rear lot line, in which case the setback shall be eight feet from the rear lot line.

§ 164-148. Off-street parking and loading.

In every zone, spaces for off-street parking and for loading and unloading of vehicles shall be provided in accordance with the requirements of Article XVI.

§ 164-149. Automobile service stations.

A. An automobile service station may be permitted upon a finding by the Board, in addition to the findings required in Article XXII of this chapter, that:

(1) The use will not constitute a nuisance because of noise, fumes, odors or physical activity in the location proposed.

(2) The use at the proposed location will not create a traffic hazard or traffic nuisance because of its location in relation to similar uses, necessity of turning movements in relation to its access to public roads or intersections or its location in relation to other buildings or proposed buildings on or near the site and the traffic pattern from such buildings or by reason of its location near a vehicular or pedestrian entrance or crossing to a public or private school,

park, playground or hospital or other public use or place of public assembly.

(3) The use at the proposed location will not adversely affect nor retard the logical development of the general neighborhood or of the industrial or commercial zone in which the station is proposed, considering the service required, the population, character, density and number of similar uses.

(4) The evidence of record establishes that for the public convenience and service a need exists for the proposed use due to an insufficient number of similar uses presently available to serve existing population concentrations in the City and that the use at the location proposed will not result in a multiplicity of proposed uses. In the absence of convincing evidence to the contrary, the following shall constitute lack of probability of a reasonable public need:

(a) An automobile service station within one mile on the same side of the road, except at intersections.

(b) The presence of two service stations within the four quadrants of an intersection, including 1/2 mile from the center of the intersection in any direction.

(5) The proposed use will be conducted upon a lot having a minimum area of 20,000 square feet, provided that this size is adequate to meet the necessary services and the setback and buffering requirements, and a minimum lot frontage of 120 feet on a public road shall be required for each automobile service station site.

(6) The lot shall contain landscaping on a minimum of 10% of the site area.

B. In addition, the following requirements shall be met:

(1) When such abuts a residential zone or institutional premises not recommended for reclassification to commercial or industrial zone on an adopted Master Plan and is not effectively screened by a natural terrain feature, the use shall be screened by a solid wall or a substantial, sightly, solid fence not less than five feet in height, together with a three-foot planting strip on the outside of such wall or fence, planted in shrubs and evergreens. Screening shall not be required on street frontage.

(2) Signs, products displays, parked vehicles and other obstructions which adversely affect visibility at intersections or to station driveways shall be prohibited.

(3) Lighting shall be designed and controlled so that any light source, including the interior of a building, shall be so shaded, shielded or directed that the light intensity or brightness shall not adversely affect surrounding or facing premises nor adversely affect safe

vision of operators of vehicles moving on public or private roads, highways or parking areas. Such lighting shall not shine on or reflect on or into residential structures.

(4) All gasoline service station developments shall meet City off-street parking standards to ensure the safe movement of vehicles and pedestrians. The arrangement of structures, islands, driveways, parking and landscaping shall be designed so as to ensure maneuvering ease, to serve the community and not to adversely affect adjacent properties.

(5) Driveways shall be designed and located to ensure a safe and efficient movement of traffic on and off the site from the lane of traffic nearest the curb. The design, location and construction of all vehicular access driveways shall be in accordance with the applicable specifications and standards of the Department of Public Works.

(6) Gasoline pumps or other service appliances shall be located on the lot at least 10 feet behind the building line, and all service storage or similar activities in connection with such use shall be conducted entirely within the building. There shall normally be at least 20 feet between driveways on each street, and all driveways shall be perpendicular to the curb- or street line unless the Planning Director determines that those configurations would present an unreasonable risk to vehicular and pedestrian traffic and grants a modification of those requirements which would eliminate or minimize such risks. **[Amended 1-28-2008 by Ord. No. 774]**

(7) Vehicles shall not be parked so as to overhang in the public right-of-way.

§ 164-150. Conversion dwellings. [Amended 12-20-1999 by Ord. No. 649]

In the R-7,500, B, D-B and C-B Zones, a dwelling may be converted to provide additional dwelling units upon a finding by the Board, in addition to those required in Article XXII of this chapter, that:

A. There will be off-street parking in accordance with the parking standard for multiple-family units as provided in § 164-111C, and the location of said spaces when occupied by motor vehicles will not obstruct or impede the safe movement of vehicles and pedestrians or be parked so as to overhang in the public right-of-way.

B. The maximum number of dwelling units permitted in any conversion dwelling in the B, D-B or C-B Zone shall be determined by dividing the area in square feet of the lot upon which the proposed conversion dwelling is located by 3,500. The maximum number of dwelling units in the R-7,500 Zone shall be determined by dividing the area in square

feet of the lot upon which the proposed conversion dwelling is located by 5,000.

C. The structure sought to be converted is not enlarged or expanded more than 30% of the floor area of the dwelling existing prior to conversion.

D. Each proposed dwelling unit shall meet the minimum square foot requirements of the Minimum Livability Code as contained in Carroll County Ordinance No. 70.

§ 164-151. Junkyards.

A. Any person or persons, corporation, partnership, association or organization shall be prohibited from establishing, maintaining or operating a junkyard for the collection, storage or disposal of junked motor vehicles, furniture, furnishings or equipment without a permit from the Zoning Administrator, which shall be issued in the industrial zones only upon the following conditions:

(1) The yard shall be located at least 500 feet at its closest point from any property used for a school or a hospital or for religious purposes.

(2) No junkyard shall be established within any block or area which contains residences.

(3) Payment of an application fee as provided in the General Fee Ordinance[107] shall be required. **[Amended 11-24-2008 by Ord. No. 792]**

(4) No junkyard permit shall be granted when the location and use of the junkyard would hinder or obstruct traffic or cause a traffic condition dangerous to the public, would be dangerous to the health or safety of the public or would constitute a public nuisance.

(5) No junkyard permit shall be issued for any junkyard which requires a state license in any case in which the State Roads Commission has denied such license.

B. No receptacles or other structure or pieces of equipment in said yards shall be permitted to be exposed in such a manner as would permit accumulation of water.

C. Grass or weeds shall not be permitted to grow higher than one foot from the ground.

D. Any junked or abandoned cars, trucks and other motor vehicles shall be kept in an orderly manner and out of sight of a public road and residential zones, except agricultural.

E. No materials shall be burned.

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107 Editor's Note: See Ch. A175, Fees, Art. I, General Fees.

F. No garbage, refuse or organic matter shall be permitted to accumulate on such lots.

G. Such lots shall be adequately fenced in with a fence of sufficient height and quality to prevent trespassers from entering such premises and shall be screened by a fence and hedge so as not to be visible. Said fencing and hedging shall be approved by the Board.

H. Owners and operators of junkyards and places of business for the purchase, sale, baling, handling or storage of scrap paper, junked automobiles, metals, bottles, rags, rubber or other junk are hereby prohibited from transacting any such business with any minor other than a relative or employee. However, this subsection shall not be construed to prohibit collection of junk and the sale thereof to junk dealers when such collection is made by organizations such as, for example, the Boy Scouts or Girl Scouts of America when a permit for such purpose has been issued, free of charge, by the City.

I. Each owner or operator of a junkyard or place of business for the purchase, sale, baling, handling or storage of scrap paper, junked automobiles, metals, bottles, rags, rubber or other junk shall keep a record of all purchases made by him, such record to include the name and address of the vendor, the item purchased, the purchase price, the date of purchase and any unusual circumstances connected with the transaction. This record shall be open to inspection by the Police Department during all regular business hours prevailing within the City.

§ 164-152. Mobile homes.

Unless otherwise provided in this chapter, the parking of a mobile home in any district shall be prohibited, except in the following locations:

A. One mobile home may be parked or stored in an accessory building or in the rear yard of a principal use, provided that no living quarters shall be maintained or any business conducted in such mobile home while it is parked or stored.

B. A mobile home may be located as a temporary construction office in any zone.

C. A mobile home may be placed, upon approval of the Board, on a farm to be used in support of agricultural enterprises conducted thereon in either of the following cases:

(1) For the purpose of providing a home for those members of the immediate family of the owner of such farm whose principal occupation is employment on the farm.

(2) For the purpose of providing a home for tenant or migrant labor employed full-time on the farm.

D. The Board may authorize and issue a permit under Subsection C when the mobile home shall be located in the immediate vicinity of and as an integral part of other major farm buildings (located in the farm building group) not more than 300 feet therefrom and abiding by setback and yard requirements prescribed for the district, and provided further that a minimum of 50 acres of land engaged in the active production of agricultural products shall be required for eligibility under this section. A farm or any other portion thereof, regardless of size, that is not actively employed in agricultural production or a farm or portion thereof enrolled in the United States Department of Agricultural soil bank or similar program shall be considered inactive and not eligible under this section.

§ 164-153. Multiple-family dwellings.

A. Multiple-family dwellings may be permitted as a special exception upon a finding by the Board, in addition to the findings required in Article XXII of this chapter, that the following standards and requirements will be met.

B. Standards for sites consisting of one acre or less. Sites consisting of one acre or less shall meet the following standards:

(1) Density. The maximum number of dwelling units permitted shall be determined by dividing the area in square feet of the site by 2,150. Where the quotient resulting from the foregoing division includes a fraction and where the fraction exceeds 0.75, one additional dwelling unit may be added to the quotient. For purposes of this section only, an efficiency unit shall be counted as 0.75 of a dwelling unit; a one-bedroom unit shall be counted as one dwelling unit; and a unit with two or more bedrooms shall be counted as 1.25 dwelling units.

(2) Open space. Ten percent of the site area shall be kept for open space.

(3) Building height limit. No structure shall exceed the height of three stories or the height of an adjacent structure on the block, whichever is higher.

(4) Building or use setbacks. Notwithstanding the provisions of § 164-45, the following minimum requisites for building or use setbacks shall be observed:

(a) Front. The front line setback shall be six feet or equal to the setbacks of immediately adjacent buildings, whichever is more, from the public street.

(b) Side. The side line setback shall be equal to 1/3 or more of the height of the multifamily building.

(c) Rear. The rear line setback shall be 40 feet from the rear lot line for multifamily buildings and eight feet from the rear lot line for accessory buildings.

(d) For parking uses, the setback shall be five feet from any public walkway, 10 feet from any street or curb and five feet from every residential lot line.

(e) Parking. Spaces for off-street parking and for loading and unloading shall be provided in accordance with the requisites of Article XVI. Additionally, no front yard parking shall be allowed.

(5) Site plan approval pursuant to Article XXV.

C. Standards for sites consisting of more than one acre. Sites consisting of more than one acre shall meet the following standards:

(1) Density. The maximum number of dwelling units shall not exceed 15 dwelling units per acre. Calculation of net acreage shall include all land within the site, except floodplain areas and slopes in excess of 25%.

(2) Lot area, lot width and yard requirements. The minimum lot area, lot width and yard requirements contained in § 164-91C shall be met.

(3) Building height limitations. The maximum building height limitations contained in § 164-92 shall not be exceeded.

(4) Open space. The open space provisions contained in § 164-93 shall be met.

(5) Dedication of land for public use. The dedication of land for public use provisions contained in § 164-96 shall be met.

(6) Site plan approval shall be attained pursuant to Article XXV.

§ 164-153.1. Multiple-family dwellings in R-7500 Residential Zone. [Added 10-25-1999 by Ord. No. 639]

A. Multiple-family dwellings permitted in the R-7500 Residential Zone under § 164-135D shall comply with the following standards and requirements:

(1) Density. The maximum number of dwelling units shall not exceed the number of dwelling units existing on the site as of July 1, 1999, plus an increased density bonus of 20%.

(2) Open space. Ten percent of the site area shall be kept for open space.

(3) Building height limit. No multiple-family dwelling shall exceed 2 1/2 stories or 35 feet in height, and no accessory building shall exceed two stories or 25 feet in height.

(4) Building or use setbacks. The following minimum requisites for building or use setbacks shall be observed:

(a) Front. The front line setback shall be six feet or equal to the setbacks of immediately adjacent buildings, whichever is more, from the public street.

(b) Side. The side line setback shall be equal to 1/3 or more of the height of the multifamily building.

(c) Rear. The rear line setback shall be 40 feet from the rear lot line for multifamily buildings and eight feet from rear lot line for accessory buildings.

(d) For parking uses, the setback shall be five feet from any public walkway, 10 feet from any street or curb and five feet from every residential lot line.

(5) Parking. Spaces for off-street parking and for loading and unloading shall be provided in accordance with the requisites of Article XVI. Additionally, no front yard parking shall be allowed.

(6) Site plan approval shall be obtained pursuant to Article XXV.

§ 164-153.2. Multiple-family housing for older persons. [Added 9-24-2001 by Ord. No. 672[108]]

A. Housing for older persons may be permitted as a special exception upon a finding by the Board, in addition to the findings required in Article XXII of this chapter, that the following standards and requirements will be met.

B. Density. The maximum number of dwelling units shall not exceed 16 dwelling units per gross acre, prior to any dedications.

C. Open space. At least 10% of the site shall be kept for open space.

D. Building height limit. No principal structure shall exceed three stories or 40 feet in height, and no accessory building shall exceed two stories or 20 feet in height.

E. The following minimum requirements shall apply:

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108 Editor's Note: This ordinance also provided that any density calculation made under § 164-153.2 shall round upward to the next highest dwelling unit.

Dwelling Type	Lot Width at Building Line (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
All principal and accessory structures	100	40	20	50

F. For the purpose of administering this section, any room other than a living room, kitchen, dinette or dining room, bathroom and closet shall be construed as a bedroom.

G. The architectural design of all buildings shall be consistent with the creation of an independent, self-reliant and pleasant living atmosphere for a group of older persons requiring indoor and outdoor privacy, participation in social and community activities and who may have limited mobility.

H. Dedication of land for public use. Such land as may be required for public streets, parks, schools and other public uses shall be dedicated in accordance with the requirements of the laws of the City and the adopted general plan and Master Plans and other plans as may be applicable. The lands to be dedicated shall be so identified upon development plans and site plans required under the provisions of this chapter and any other laws of the City.

I. Parking. Spaces for off-street parking and for loading and unloading shall be provided in accordance with the requisites of Article XVI, except that each standard perpendicular or angled parking space shall be a rectangle having minimum dimensions of 10 feet by 18 feet.

J. The applicant shall demonstrate that the proposed use is compatible with the abutting dissimilar land uses, which may include provisions to mitigate impacts upon adjacent properties. Any proposal submitted by the applicant to the Board to address compatibility shall become part of the Board's findings and requirements.

K. Site plan approval shall be obtained pursuant to Article XXV.

§ 164-154. Single-family detached and semidetached dwellings.

Single-family detached and semidetached dwellings may be permitted as a special exception upon a finding by the Board, in addition to the findings required in Article XXII of this chapter, that the following standards and requirements will be met.

A. Open space. Ten percent of the site area shall be kept for open space.

B. Building height limit. No structure shall exceed the height of three stories or the height of an adjacent structure on the block, whichever is higher.

C. Building or use setbacks. Notwithstanding the provisions of § 164-45, the following minimum requisites for building or use setbacks shall be observed:

(1) Front. The front line setback shall be six feet or equal to the setbacks of immediately adjacent buildings, whichever is more, from the public street.

(2) Side. The side line setback shall be equal to 1/3 or more of the height of the principal structure.

(3) Rear. The rear line setback shall be 25 feet from the rear lot line for the principal structure and eight feet from rear lot line for accessory structures.

(4) For parking uses, the setback shall be five feet from any public walkway, 10 feet from any street or curb and five feet from every residential lot line.

(5) Parking. Spaces for off-street parking and for loading and unloading shall be provided in accordance with the requisites of Article XVI. Additionally, no front yard parking shall be allowed.

D. Site plan approval. Site plan approval shall be attained pursuant to Article XXV.

§ 164-155. Self-service storage facilities.

In the I-R Restricted Industrial Zone, self-service storage facilities are permitted, provided that the following standards and requirements are met:

A. Building height limit. No structure shall exceed 20 feet in height.

B. Building or use setback. Notwithstanding the provisions of § 164-55, the following minimum requisites for building or use setbacks shall be observed:

(1) Front: 30 feet from the public street right-of-way.

(2) Side and rear: 10 feet from any side or rear property or right-of-way line.

C. Building construction.

(1) Materials. The exterior of all buildings visible from outside the property shall be brick, architecturally attractive block (such as scored colored block, fluted block or split-face block) or some other similarly acceptable material. Standard block or metal exteriors are allowed in interior areas not visible from outside the property.

(2) Area. The maximum floor area of each individual storage unit shall be 300 square feet, except that up to 20% of the total area may be encompassed by units of up to 600 square feet. In no case will any unit greater than 600 square feet be permitted.

D. Parking.

(1) Parking shall be provided at a ratio of one space for each 6,500 square feet of gross building area, but not less than six parking spaces shall be provided.

(2) Parking near units shall be provided as a part of the driving lane. Said lane shall be a minimum of 20 feet wide.

(3) Parking spaces may not be rented as or used for vehicular storage.

E. Lighting. All outdoor lighting shall be shielded to direct light and glare only onto the self-service storage premises and shall be of sufficient intensity to discourage vandalism and theft. Said lighting and glare shall be deflected, shaded and focused away from all adjoining properties.

F. Landscaping.

(1) Size. A minimum landscaped strip 10 feet wide shall be provided along the entire perimeter of the premises.

(2) Placement. Landscaping shall be provided in areas between the property line and the required fencing or barrier.

(3) Planting. Landscaping shall be provided to establish a buffer between the site barrier (fence or storage structure wall) and the property line. The buffer shall consist of a variety of hardy evergreen and deciduous plant material, located in such a way so as to provide substantial screening of the site barrier. Emphasis of the planting shall be directed toward key frontage and rear and side yard conditions where the impact of the project may be the most severe. The plant material selected shall consist of a mix of shade trees, flowering trees, evergreen trees and evergreen and deciduous shrubs and ground cover. Evergreen trees shall have a minimum height of six feet. Shade trees shall have a minimum caliper of 2 1/2 inches, and flowering trees shall have a minimum caliper of two inches. Landscaping plans shall be prepared by a registered landscape architect.

G. Fencing. A barrier shall be located at least 10 feet from the property line. Said barrier may consist of either the solid facades of the storage structures or a fence. Any fence shall be a minimum of eight feet in height and constructed of opaque materials that will prevent the passage of light and debris, such as brick, stone, architectural tile, masonry units, wood or similar materials.

H. Signs. Signs shall be permitted subject to the provisions of Article XVII of this chapter. However, outdoor advertising displays, media or signs that do not identify the nature of the self-service storage facilities shall not be permitted on the premises.

I. Storage only. The following restrictions are imposed:

(1) No business activity other than the storage and removal of personal property shall be conducted on the premises.

(2) Outside storage not to exceed 15% of the gross building area shall be permitted for the storage of licensed motor vehicles, trailers, campers and boats. The service, repair, construction or reconstruction of any such property is prohibited, and this provision shall not permit the storage of such property which is partially dismantled, wrecked or inoperable. Any such outside storage shall be located only in designated paved areas located in a manner so as not to interfere with the use of enclosed storage, and said designated area shall be located in a manner not to be visible from outside the property. Such area shall not be considered to substitute for the parking requirements set forth in Subsection D.

(3) No outside storage will be permitted other than that allowed in the prior subsection.

(4) Storage of flammable, toxic or explosive materials or hazardous chemicals is prohibited, except for fuel in the standard fuel tanks of boats and other vehicles.

(5) All rental contracts for self-service storage facilities shall include clauses prohibiting the storage of flammable liquids, highly combustible or explosive materials or hazardous chemicals and the use of the property for uses other than dead storage.

J. Resident manager facility. A self-service storage facility may utilize the service of a resident manager to enhance security. A dwelling unit may be provided for said resident manager, which is permitted only as an accessory use pursuant to § 164-53N and it may not be otherwise used.

§ 164-155.1. Indoor shooting ranges. [Added 2-27-1995 by Ord. No. 594]

Indoor shooting ranges may be permitted as a special exception upon approval by the Board in accordance with the provisions of this chapter, provided that the following standards and requirements are met:

A. That any such range shall be constructed and maintained in such a manner as to eliminate all danger to persons or property outside said range from flying projectiles.

B. Any such range shall be housed in a separate freestanding building with no other uses therein.

C. Any such range shall employ the best available technology in the handling, manipulation, control, management and disposal of metallic bullet lead and lead shot.

D. Any such application under consideration by the Board shall include the organizational and management structure of the indoor shooting range, a detailed plan of operation and a security plan, all of which such documents shall be adopted either as proposed or as amended by the Board as conditions to approval of the special exception by the Board.

E. The use of explosive-tip or Teflon-coated ammunition and black powder shall not be allowed within any such facility.

F. No persons shall be allowed within any such facility who appear to be under the influence of drugs and/or alcohol.

G. The sale or consumption of alcoholic beverages on the property shall be prohibited.

H. Entering or leaving the premises with loaded firearms shall be strictly prohibited. All firearms must be cleared and open except while on the firing line. This subsection shall not apply to law enforcement personnel and those individuals who have a valid handgun permit issued by the Maryland State Police.

§ 164-155.2. Private indoor recreational facilities. [Added 12-14-2015 by Ord. No. 861]

Private indoor recreational facilities may be permitted as a special exception, upon approval by the Board in accordance with the provisions of this code, provided that the following standards and requirements are met below. An exception to § 164-140 is noted under Subsection C below.

A. Private indoor recreational facilities may only be located on a lot no greater than three acres.

B. Such private facilities may only be designed for a capacity of no greater than 320 persons.

C. Such private facilities are not subject to the additional distance requirement in § 164-140.

D. Notwithstanding any other provision, such facilities shall comply with or exceed required parking standards for recreation facilities and centers under § 164-111, with no reductions.

ARTICLE XXI
Administration and Enforcement

§ 164-156. Department and Director of Community Planning and Development. [Added 2-11-2013 by Ord. No. 840[109]]

A. There is hereby established the Department of Community Planning and Development and the office of Director of said Department. For purposes of this Code, any reference to the Zoning Administrator shall be deemed to be a reference to the Director of Community Planning and Development. Any person appointed to the office shall be qualified by education, experience or training to administer and enforce the provisions of this chapter. Any person so appointed shall maintain no interest in any matter which may be construed by the Mayor and Common Council of Westminster to be in conflict with the duties and decisions of his office.

B. The Director of Community Planning and Development shall be responsible for the administration and enforcement of this chapter and shall perform such other duties as the Mayor and Common Council shall from time to time direct. He shall have the authority to adopt rules, regulations and procedures for the performance of his responsibilities and may delegate, in writing, such responsibilities as he deems necessary.

C. Appeals may be made by any person, board, association, corporation, jurisdiction or official allegedly aggrieved by the grant or refusal of a zoning certificate, as authorized by the Annotated Code of Maryland, Land Use Article, Division I, as amended, or by any other administrative decision of the Director of Community Planning and Development based, in whole or in part, upon this chapter, including the Zoning Map. Such appeals shall be made to the Board in accordance with the provisions of Article XXII of this chapter.

§ 164-157. Zoning certificate.

A. Except as otherwise provided, it shall be unlawful for an owner to use or to permit the use of any building, structure or land or part thereof hereafter created, erected, changed, converted or enlarged, wholly or partly, until a zoning certificate shall have been issued by the Zoning Administrator. A fee shall be charged for each zoning certificate issued as provided in the General Fee Ordinance.[110] A zoning certificate shall be revocable for failure to comply with all requirements and conditions. **[Amended 11-24-2008 by Ord. No. 792]**

B. All applications for zoning certificates shall state the name and address of the applicant and the name and address of the owner of the property and shall be accompanied by plans drawn approximately to scale,

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109. Editor's Note: This ordinance also repealed former § 164-156, Zoning Administrator.

110. Editor's Note: See Ch. A175, Fees, Art. I, General Fees.

showing the dimensions and shape of the lot to be built upon, the size and location of existing buildings, if any, and the location and dimensions of the proposed building or alteration. Where no buildings are involved, the location of the proposed use to be made of the lot shall be shown. The application and/or plans shall authorize the Zoning Administrator to inspect the property and shall include such other information as may be reasonably required by the Zoning Administrator to determine conformance with and provide for the enforcement of this chapter. All applications and plans shall be retained in the office of the Zoning Administrator, who shall furnish copies of them at a reasonable cost to any person upon request.

C. The Zoning Administrator shall approve the issuance of a zoning certificate only if the application complies with the requirements of this chapter, and provided that such zoning certificate shall not be granted until all agencies concerned have given their approval, including the site plan approval required under Article XXV.

D. No departments, officials or public employees which are vested with the duty or authority to issue permits or licenses shall issue any permit or license for any use, building or purpose if the same would be in conflict with the provisions of this chapter. Any permit or license issued in conflict with the provisions of this chapter shall be null and void.

E. A zoning certificate shall become void 12 months after the date of issuance if the construction or use for which the certificate was issued has not been initiated.

F. Construction or use under prior zoning certificate. Where a zoning certificate has been validly issued prior to the adoption of this chapter, the construction or use so authorized may be completed or continued in accordance with the conditions then required, provided that such construction or use shall have been started within 12 months of the date of issuance of such zoning certificate and is completed within a reasonable time under the particular circumstance. Where an appeal is pending for a conditional use under the terms of the Interim Zoning Ordinance No. 355 and which has been filed not more than 90 days prior to the adoption of this chapter, the Board shall consider such appeal under the terms of Interim Zoning Ordinance No. 355, provided that all papers constituting the appeal have been filed with the Zoning Administrator prior to the adoption of this chapter.

§ 164-158. Planning Commission.

In addition to the responsibilities and duties assigned to the Planning Commission under the provisions of Article 66B of the Annotated Code of Maryland, 1978 Replacement Volume, and as hereinafter may be amended, and Chapter 7, Boards and Commissions, Article II, Planning and Zoning Commission, of the Code of Westminster, the Commission shall exercise the responsibilities and functions provided in this chapter. In that connection,

the Commission is authorized to adopt rules and regulations which it deems appropriate relating thereto.

§ 164-158.1. Administrative adjustments. [Added 4-28-2003 by Ord. No. 701]

A. Authorization to grant.

(1) In accordance with § 4.05(d) of Article 66B of the Annotated Code of Maryland, the Planning Director (Director) is authorized to grant administrative adjustments from the following requirements contained in this chapter: **[Amended 1-28-2008 by Ord. No. 774]**

(a) Local height requirements;

(b) Local setback requirements;

(c) Local bulk requirements;

(d) Local parking requirements;

(e) Local loading, dimensional, or area requirements; or

(f) Similar local requirements.

(2) The Director may grant such adjustments in cases where the strict compliance with the requirements of this chapter would result in practical difficulty or unreasonable hardship which has not been caused by the applicant. Nothing in this section is intended to permit the Director to permit an adjustment to state or City requirements that are intended to protect environmentally sensitive areas, such as streams, slopes. wetlands, natural heritage areas or critical areas. This section does not authorize the Director, under the guise of an adjustment, to change the use of land.

B. The criteria and procedures regarding the granting of administrative adjustments shall be adopted by the Director and approved by resolution of the Mayor and Common Council. Any decision by the Director on an application for an administrative adjustment shall include written findings of fact

C. The Mayor and Common Council is authorized to establish fees for the review of administrative adjustment requests as provided in the General Fee Ordinance.[111] **[Amended 11-24-2008 by Ord. No. 792]**

D. The final action of the-Director on an application for approval of an administrative adjustment may be appealed by any person aggrieved by such action to the Circuit Court for Carroll County. Any such appeal shall be taken in accordance with the Maryland Rules of Procedure as set forth in Title 7, Chapter 200.

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111. Editor's Note: See Ch. A175, Fees, Art. I, General Fees.

§ 164-159. Violations and penalties.

In addition to any other remedies provided by law, any violation of this chapter is declared to be a municipal infraction. The penalty for violation shall be $400. Each day a violation continues to exist shall constitute a separate offense.

ARTICLE XXII
Board of Zoning Appeals

§ 164-160. General provisions.

The Board of Zoning Appeals of Westminster is hereby created and designated the "Board of Appeals."

A. The Board of Appeals consists of three members who shall be residents of the City. In addition, there shall be one alternate member empowered to sit on the Board in the absence of any member of the Board. When the alternate is absent, a temporary alternate shall be designated.

B. The terms of office of the members of the Board are three years. They shall be appointed by the Mayor, confirmed by the Common Council and removable for cause, upon written charges and after public hearing.

C. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

D. Members of the Board may receive such compensation as the Common Council deems appropriate.

E. Persons appointed to the Board shall be selected for their understanding of and appreciation for principles of zoning, knowledge of conditions in the community and its plans, policies, objectives, general civic interest and fair judicial approach.

F. Neither the Mayor nor any member of the Common Council shall serve as either a member, alternate member or temporary alternate member of the Board of Appeals.

§ 164-161. Powers and duties.

A. The Board shall have the following powers:

(1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by an administrative official, including the Zoning Administrator, in regard to the enforcement of this chapter or of any ordinance adopted pursuant thereto.

(2) To hear and decide special exceptions as such exceptions are authorized by this chapter.

(3) To authorize upon appeal in specific cases such variances from the terms of this chapter as are necessary to avoid arbitrariness and so that the spirit of this chapter shall be observed and substantial justice done.

(a) Such variances shall be authorized by the Board only upon a finding by the Board that:

[1] There are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties or classes of uses in the same zone;

[2] Such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zone and in the same vicinity; and

[3] The authorizing of such variance will not be of substantial detriment to adjacent properties and will not materially impair the purpose of this chapter or the public interest.

(b) This subsection shall not be construed to permit the Board, under the guise of a variance, to change the use of land.

B. In exercising the above-mentioned power in appeals, the Board may, in conformity with the provisions of law and this chapter, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as the Board deems necessary and to that end shall have all the powers of the office from whom the appeal is taken.

C. The Board is also empowered to adopt and promulgate such rules and regulations as it shall deem necessary to perform its responsibilities, including the conduct of its hearings and the issuance of its decision.

§ 164-162. Meetings.

A. The Board shall be organized and its rules shall be adopted in accordance with the provisions of the Charter and this chapter. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman or, in his absence, the Acting Chairman may administer oaths and compel the attendance of witnesses. For assistance in reaching decisions relative to appeals, special exceptions or variances, the Board may request testimony at its hearings for purposes of securing technical aid or factual evidence from the Commission or any agency or person.

B. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

§ 164-163. Appeals.

Appeals to the Board shall be taken within 30 days after the decision by filing with the officer from whom the appeal is taken and with the Board a notice of appeal, specifying the grounds therefor. The officer from whom the

appeal is taken, including the Zoning Administrator, shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

§ 164-164. Stay of proceedings.

An appeal shall stay all proceedings in furtherance of the action appealed from unless the official from whom the appeal was taken certifies to the Board, after the notice of appeal has been filed with him, that by reasons of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record, on application, after notice to the officer from whom the appeal was taken and on due cause shown.

§ 164-165. Special exception petitions.

A. Filing of petition. Petitions for the grant of special exceptions shall be filed with the Board on forms provided therefor. The petitioner shall submit site development plans, specifications or other data, including architectural plans or explanatory material, stating the methods by which he will comply with the conditions specified for each grant of special exception. At the time of filing his request for a grant of special exception, the petitioner shall pay to the Board the fee provided in § 164-174.

B. Zoning Map to indicate special exception. Upon receipt of a notice of a grant of special exception, the Zoning Administrator shall indicate the same in the proper place on the Zoning Map by use of appropriate code number or symbol.

§ 164-166. Actions prior to hearing.

Upon the filing of a notice of appeal or a petition for special exception, the Board shall take the following action preparatory to holding a hearing:

A. The Board shall fix a reasonable time for a hearing of the appeal or petition.

B. Notice of the hearing shall be advertised in two issues of a newspaper having general circulation in the City, and the first insertion shall appear in such newspaper at least 20 days prior to such hearing.

C. The property with which the appeal or petition is concerned shall be posted conspicuously by the Zoning Administrator stating the time, date, place and purpose of the hearing at least 14 days before the date of the hearing. Said sign shall be maintained continuously, and at the hearing the appellant or petitioner shall have the duty of proving by affidavit that this provision has been met up to the time of the hearing. It shall be unlawful for anyone except the Zoning Administrator to

remove or tamper with any sign during the period that it is required to be maintained.

D. Notification by certified mail shall be made to the appellant or petitioner and to the owners of those properties and the addresses certified on the notice of appeals or petition for special exception, respectively, by the appellant or petitioner as being contiguous to the property with which the hearing is concerned. Properties facing the property and across a street or public right-of-way shall also be considered contiguous.

E. Upon written request to the Board by any interested party at least 10 days prior to the date of the scheduled hearing, the Board shall be required to visit the property in question before the hearing. The Board may otherwise visit the specific property prior to the hearing.

F. The Board shall refer all petitions for special exceptions to the Commission for its report and recommendation. Thereafter, the Commission may, in its discretion, issue a report and recommendation.

§ 164-167. Public hearings.

A. Before making its decision on any appeal or petition, the Board shall hold a public hearing, at which time any party may appear and be heard in person or by agent or by attorney.

B. The Board in its rules and regulations may prescribe regulations pertaining to the submission of documentary evidence into the record prior to the hearing.

C. Subject to the provisions of Subsection B, any party has the right to submit oral or written testimony or documentary evidence into the record.

D. The Board may consider the Zoning Map as a part of the record. It may also exclude evidence which is immaterial, irrelevant or unduly repetitious.

E. The Board shall keep minutes of its proceedings, meetings and hearings.

§ 164-168. Postponement or continuation of hearing.

A. Requests for postponement of a scheduled hearing shall be filed, in writing, with the Board not less than 10 days prior to the date of hearing and shall be accompanied by a sum of money sufficient to pay the cost of advertising the postponement and the rescheduled hearing. The granting of such requests shall be at the discretion of the Chairman of the Board.

B. Requests for postponement filed later than 10 days prior to the date of a scheduled hearing shall, in addition to the other requirements set

forth in Subsection A, be supported by an affidavit of the party making the request or of some other creditable person. The granting of such request shall be at the discretion of the Board, in cases of extreme hardship, or upon good cause shown.

C. The Board may, upon its own initiative, postpone a scheduled hearing at any time, but shall readvertise the new hearing date in accordance with § 164-166B.

D. Once started, the Board may continue a hearing to a date, time and place certain on public announcement given at the hearing specifying such new date, time and place, and no additional notice of continued hearings shall be required.

§ 164-169. Criteria for determination.

In the exercise of its responsibilities under this chapter, the Board shall study the specific property involved, as well as the neighborhood, shall consider all testimony and data submitted and shall hear any person desiring to speak for or against the appeal or petition.

A. In making its determination, the Board may consider whether the appeal or petition would adversely affect the public health, safety, security, morals or general welfare, would result in dangerous traffic conditions or would jeopardize the lives or property of people living in the neighborhood.

B. In deciding such matters, the Board may consider the following factors, together with other relevant factors:

(1) The number of people residing or working in the immediate area concerned.

(2) The orderly growth of a community.

(3) Traffic conditions and facilities.

(4) The effect of such use upon the peaceful enjoyment of people in their homes.

(5) The conservation of property values.

(6) The effect of odors, dust, gas, smoke, fumes, vibrations, glare and noise upon the use of surrounding property values.

(7) The most appropriate use of land and structure.

(8) Prior decisions of the courts regarding such matters.

(9) The purpose of the regulations as set forth in this chapter.

(10) The type and kind of structures in the vicinity where public gatherings may be held, such as schools, churches and the like.

(11) Facilities for sewers, water, schools, transportation and other services and the ability of the City to supply such services.

(12) Limitations of fire-fighting equipment and the means of access for fire, police and health services.

(13) The preservation of cultural and historical landmarks.

(14) Traffic conditions, including facilities for pedestrians, such as sidewalks, safety zones, parking facilities available and the safe access of cars to highways or roads.

(15) The contribution, if any, that such proposed use, building or addition would make toward the deterioration of areas and neighborhoods.

§ 164-170. Conditions for grant of special exceptions.

A. The Board may grant a special exception when it finds from a preponderance of the evidence of record that:

(1) The proposed use does not adversely affect the general plan for the physical development of the district, as may be embodied in this chapter and in any Master Plan or portion thereof adopted by the Commission;

(2) The proposed use at the location selected will not:

(a) Adversely affect the health and safety of residents or workers in the area;

(b) Overburden existing public services, including water, sanitary sewer, public roads, storm drainage and other public improvements; or

(c) Be detrimental to the use or development of adjacent properties or the general neighborhood or change the character of the general neighborhood in which the use is proposed, considering the service required, at the time of the application, the population, density, character and number of similar uses; and

(3) The standards set forth for each particular use for which a special exception may be granted have been met.

B. The applicant for a special exception shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the Board.

§ 164-171. Other restrictions; remedies.

A. The Board is hereby empowered to add the specific provisions that it may deem necessary to protect adjacent properties, the general neighborhood and the residents and workers therein, including provisions such as special setbacks, landscaping, parking, lighting restrictions, limited business hours and other restrictions. The Board may also specify a time limit for the implementation of a special exception.

B. Special exceptions shall be subject to the parking requirements contained in Article XVI.

C. Whenever the Board shall find, in the case of any exception heretofore or hereafter granted pursuant to the provisions of this article, that any of the terms, conditions or restrictions upon which such exception was granted are not being complied with, the Board is authorized, after due notice to all parties concerned and granting full opportunity for a public hearing, to suspend or revoke such exception or take other action as it deems necessary to ensure compliance. The Board is authorized to request and obtain investigations and reports as to compliance from such City, county or state agencies or administrative officers as may be appropriate.

§ 164-172. Decisions.

A. Ex parte or private communications. A member shall not consider any ex parte or private communication from any person, whether oral or written, which he knows is or reasonably may be intended to influence unlawfully the decision on the merits of any matter pending before the Board of Appeals or an appeal therefrom to a court of competent jurisdiction. Any such ex parte or private communication received and considered shall be made of public record by the recipient and, if made orally, shall be written down in substance for this purpose by the recipient. A communication to the Board of Appeals concerning the status or procedures of a pending matter shall not be considered an ex parte or private communication. This subsection shall not apply to legal advice rendered by the City Attorney or his staff and shall not apply to technical advice or explanation by governmental agencies at the request of a member or members of the Board.

B. The Board shall render its decisions, in writing, within a reasonable time. Said decisions shall contain a statement of the grounds and findings upon which they are based. A copy of such decisions shall be promptly mailed by the Board to the appellant or petitioner and to all parties to the proceeding or their representatives before the Board as shown by a list to be maintained by the Board in each case, and a copy shall be furnished to the Zoning Administrator.

C. The concurring vote of two members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any

matters upon which it is required to pass under this chapter or to effect any variance from this chapter.

§ 164-173. Effect of disapproval.

If disapproved, no appeal or petition requesting substantially the same relief in regard to the same property shall be received or heard by the Board for a period of two years following the Board's disapproval or, in the event that the Board's decision is appealed, for a period of two years following the date of final disposition of such appeal, except that this limitation shall not affect the Board's right to grant a rehearing in the original proceeding if such rehearing is provided in the Board's rules of procedure. In the event of an appeal or application which is withdrawn before the Board hearing, the above time period shall be reduced to one year.

§ 164-174. Filing fees. [Amended 11-24-2008 by Ord. No. 792]

A filing fee shall accompany each appeal or petition to the Board, as may be determined by the Mayor and Common Council of Westminster in the General Fee Ordinance.[112]

§ 164-175. Appeals from Board.

A. Who may appeal; procedure. Any person or persons, jointly or severally, aggrieved by any decision of the Board of Appeals or any taxpayer or any officer, department, board or bureau of the City may appeal the same to the Circuit Court for Carroll County. Such appeal shall be taken according to the Maryland Rules as set forth in Chapter 1100, Subtitle B of the Annotated Code of Maryland.

B. Hearing; additional testimony. If upon the hearing it shall appear to the Court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the Court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the Court shall be made.

C. Costs not allowed against Board; exception. Costs shall not be allowed against the Board unless it shall appear to the Circuit Court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

D. Issues under section have preference. All issues in any proceeding under this section shall have preference over all other civil actions and proceedings.

E. Decision of Circuit Court; appeal to Court of Special Appeals; costs. Upon its determination of a case, the Circuit Court shall file a formal order embodying its final decision. An appeal may be taken to the Court

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112. Editor's Note: See Ch. A175, Fees, Art. I, General Fees.

of Special Appeals, during the period and in the manner prescribed by the Maryland Rules, from any decision of the Circuit Court. In such cases the award of costs shall be subject to the discretion of the Court of Special Appeals.

ARTICLE XXIII
Amendments

§ 164-176. Types of amendments.

An application for amendment of this chapter may be either a proposal for the amendment of the text or a proposal for amendment of the Zoning Map. An application for an amendment to the Zoning Map shall be one of the following types:

A. A local amendment covering a single tract, all portions of which are proposed to be classified in one zone or two alternative zones.

B. A sectional amendment covering two or more tracts or parcels of land in the City, portions of which may be proposed to be classified in different zones.

C. A comprehensive amendment covering the entire City, portions of which may be proposed to be classified in different zones.

§ 164-177. Filing application.

A. Who may file.

(1) Text amendments. An application for an amendment of the text of this chapter may be filed by an interested party or any officer, department, board, commission or bureau of the City.

(2) Local amendments. An application for a local amendment to the Zoning Map may be made by any governmental agency as outlined in Subsection A or by any person with a financial, contractual or proprietary interest in the property to be affected by the proposed amendment.

(3) Sectional and comprehensive amendments. An application for a sectional or comprehensive map amendment may be made only by the Commission or the Mayor and Council.

B. Signature of applicant. All applications shall be signed by the applicant and shall state his name and address.

§ 164-178. Acceptance of application.

A. An application for a local map amendment shall not be accepted for filing by the Zoning Administrator if the application is for the reclassification of the whole or any part of land, the reclassification of which has been denied by the Common Council on the merits within 12 months from the date of the decision of the Common Council or the date of the last judicial decision upholding the decision of the Common Council.

B. An application for a local map amendment shall not be accepted for filing by the Zoning Administrator if the application fails to conform to any of the applicable requirements of this chapter.

§ 164-179. Filing fees.

A. An application for a text amendment or for a local map amendment shall not be accepted for filing unless it is in the form provided herein and is accompanied by a receipt from the City Treasurer showing payment to the City of the applicable filing fee.

B. The Mayor and Common Council shall adopt filing fees as provided in the General Fee Ordinance.[113] **[Amended 11-24-2008 by Ord. No. 792]**

C. The filing fee requirements of this section do not apply to the governmental agencies described in § 164-177A(1).

D. Once paid, no filing fee shall be refunded unless the application is withdrawn prior to its advertising for hearing has been ordered, in which event 3/4 of the fee shall be refunded.

§ 164-180. Contents of application.

A. Local map amendments. An application for a local map amendment shall be in such form as the Zoning Administrator may prescribe and shall include the following:

(1) A written statement specifying:

(a) The street number, if any, of the land proposed to be reclassified or, if none, the location with respect to nearby public roads.

(b) A description by metes and bounds, courses and distances of the land or, if the boundaries conform to lot boundaries within a subdivision for which a plat is recorded in the land records of the county, then the lot, block and subdivision designations with appropriate plat reference.

(c) The present zoning classification of the land, the proposed classification and the alternative classification, if any.

(d) The name and address of the owner of the land.

(e) The area of the land proposed to be reclassified, stated in square feet if less than one acre and in acres if one or more.

(f) The application number and the date of the application of and the action taken on all prior applications filed within three

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113. Editor's Note: See Ch. A175, Fees, Art. I, General Fees.

years previously for the reclassification of the whole or any part of the land proposed to be reclassified.

(2) An identification plat prepared by a civil engineer, surveyor or other competent person and certified thereon by him to be correct and in conformity with this subsection, showing by metes and bounds, courses and distances the land proposed to be reclassified or, if the boundaries conform to lot boundaries within a subdivision for which a plat is recorded among the land records of the county, then a copy of such plat, with the land proposed to be reclassified appearing in a color distinctive from that of other land shown on the plat.

B. Sectional and comprehensive amendments. An application for a sectional or comprehensive amendment shall be in such form as the Zoning Administrator may prescribe.

C. Text amendments. An application for an amendment to the text of this chapter shall be in such form as the Zoning Administrator may prescribe but shall include the new text which is proposed to be added and the existing text which is proposed to be deleted.

§ 164-181. Changes to application.

After acceptance for filing, an application for a local map amendment shall not be modified or amended as to the area proposed to be reclassified or as to the class of zone requested.

§ 164-182. Map amendment sign.

A. Erection of sign. Not less than 20 days before the hearing date on an application for a local map amendment, the Zoning Administrator shall erect a sign on the land proposed to be reclassified. The sign shall be erected within 10 feet of whatever boundary line of such land abuts the most traveled public road and, if no public road abuts thereon, then facing in such manner as may be most readily seen by the public. The sign shall contain such information as the Zoning Administrator may require, including the time, place and purpose of the hearing.

B. Removal of or tampering with sign. It shall be unlawful for anyone except the Zoning Administrator to remove or tamper with the sign erected under this section during the period it is required to be maintained.

C. Affidavit. At the hearing on any application for a local amendment to the Zoning Map or within 10 days thereafter, the applicant shall file an affidavit stating that the sign required by this section was continuously maintained in accordance with the requirements thereof through the date of the last hearing on such application. If such sign was not continuously maintained, such affidavit shall be sufficient if it states that following erection of such sign the property was inspected at least

once per week and that on each and every occasion through the date of the affidavit such sign was found to be in place or, in the event that such sign was damaged, destroyed or removed, that such sign was repaired or replaced within five days of the inspection which resulted in discovery of the damage to or destruction or removal of such sign.

§ 164-183. Referral of application to Planning Commission or Historic District Commission. [Amended 1-25-1993 by Ord. No. 568]

A. Within a reasonable time after accepting for filing any application for the amendments provided in § 164-176, except those regarding the Historic District Zone, the Zoning Administrator shall refer a copy thereof to the Commission for its study and recommendations and notify the Commission of the hearing date of the application. The Commission shall thereupon promptly submit a report and recommendation prior to the hearing date to the Zoning Administrator, which shall be incorporated in the application file and thereafter be considered as a part of the record on the application.

B. Within a reasonable time after accepting for filing any application for the Historic District Zone, the Zoning Administrator shall refer a copy thereof to the Historic District Commission for its study and recommendations and notify the Historic District Commission of the hearing date of the application. The Historic District Commission shall thereupon promptly submit a report and recommendation prior to the hearing date to the Zoning Administrator, which shall be incorporated in the application file and thereafter be considered as a part of the record on the application.

§ 164-184. Hearing examiners.

A. The Mayor and Common Council may appoint such full- or part-time hearing examiners as in its discretion may be deemed necessary and appropriate and may delegate to such hearing examiner or examiners the power to hold and conduct public hearings in the manner and subject to such rules and regulations as may be provided by the Mayor and Common Council.

B. The hearing examiner or examiners shall be appointed for such terms of office, shall be possessed of such qualifications and shall receive such compensation as may be provided by the Mayor and Common Council.

C. Any such hearing examiner is hereby authorized to issue subpoenas to compel attendance of witnesses and production of documents at any public hearing and to administer oaths to witnesses appearing before the examiner.

D. The hearing examiner shall promptly render a written report and recommendation on each application heard after the record of the hearing is closed.

E. The hearing examiner may recommend rules and regulations regarding the conduct of public hearings and other functions of the hearing examiner.

F. The hearing examiner may perform such other tasks and duties as the Mayor and Common Council from time to time may assign.

G. Concurrently with the transmittal to the Mayor and Common Council, copies of the hearing examiner's report shall be mailed to the applicant, the Commission and to all persons and associations entering an appearance at the hearing as evidenced by the hearing transcript.

§ 164-185. Hearing procedures.

A. Notice of hearing.

(1) Within 120 days of accepting any application for the amendments provided in § 164-177 for filing, the Zoning Administrator shall set the application for hearing at a specified date, time and place and shall cause to be published in at least one newspaper of general circulation in the county, once each week for two successive weeks, notice of the public hearing on such application, stating the application number, date, time and place of hearing and containing the following:

(a) A summary of the amendment, if a text amendment.

(b) The location of the property, its area, name of owner, change of classification or two alternative classifications applied for and the application number, if a local map amendment.

(c) The designation of the area covered, if a sectional or district zoning plan map amendment, and the place where copies of the map or maps and the application may be examined. The first publication of notice shall appear at least 15 days prior to the hearing.

(2) Additionally, at least 15 days prior to the hearing on any application for a local amendment to the Zoning Map, the Zoning Administrator shall send a written notice of such hearing by regular mail, postage prepaid, to the owners of all real property immediately adjacent to the property which is the subject of such application.

(3) The Zoning Administrator shall notify the applicant and the Commission by mail of the date, time and place of hearing. The date of hearing shall not be less than 20 days following the newspaper publication of the notice.

(4) All application files in the custody of the Zoning Administrator shall be open to public inspection during regular office hours. Such files shall not be removed from the Zoning Administrator's office or

inspected therein at other times by any person, except that such files may be removed from such office or inspected therein at other times by any person pursuant to court order or by the Mayor and Common Council, by the City Attorney or by the hearing examiner.

B. Availability of evidence prior to hearing. The Mayor and Common Council may prescribe regulations pertaining to the submission of documentary evidence into the record of any application prior to the advertised hearing date for such application.

C. Conduct of hearing. Any interested person shall have the right to submit oral or written testimony or documentary evidence into the record at the hearing of any application subject to the regulations adopted under Subsection B of this section. There shall be a complete record of the testimony at the hearing with all exhibits admitted at the hearing, including the application, which shall promptly be incorporated by the Zoning Administrator in the application file and shall be considered a part of the record on the application. The Zoning Map and any sectional or district zoning highway plan map adopted by the Commission for the area within which lies the land proposed to be reclassified shall be considered a part of record on the application. Evidence which is immaterial, irrelevant or unduly repetitious may be excluded. The hearing may be adjourned from time to time to a date certain on public announcement at the hearing of the earliest practicable date, time and place for resumption of the hearing.

D. Receipt of recommendations. No hearing shall be conducted prior to receipt by the Zoning Administrator of the report and recommendations of the Commission.

E. Requests for postponement. Requests for postponement of a scheduled hearing shall be filed, in writing, with the Zoning Administrator not less than 10 days prior to the date of hearing and shall be accompanied by a sum of money sufficient to pay the cost of advertising the postponement and the rescheduled hearing. The granting of such requests shall be at the discretion of the President of the Common Council.

F. Late filing of request. Requests for postponement filed later than 10 days prior to the date of a scheduled hearing shall, in addition to the other requirements set forth in Subsection E, be supported by an affidavit of the party making the request or of some other creditable person. The granting of such request shall be at the discretion of the Common Council, in cases of extreme hardship, or upon good cause shown.

G. Readvertisement. The Common Council may, upon its own initiative, postpone a scheduled hearing at any time, but shall readvertise the new hearing date in accordance with § 164-185.

§ 164-186. Action on application. [Amended 7-8-2002 by Ord. No. 679]

A. An application for a map amendment shall be decided on the basis of the evidence of record, provided that any application heard by a hearing examiner may be decided solely on the basis of the hearing examiner's report.

B. In the event that an application is heard by an examiner, within 10 days after transmittal of the examiner's report, any person who or association which appeared and participated in person, in writing or by counsel at the hearing before the examiner or any person who would be aggrieved by any decision of the Common Council may request, in writing, an opportunity to present oral argument before the Common Council prior to its rendering a decision. The Common Council may, in its discretion, grant or deny such request. Thereafter, it shall either decide the application or remand it to the examiner for clarification or the taking of additional evidence, if deemed appropriate.

C. An application for text or map amendment shall be either approved or denied on the merits or denied for want of the necessary total of affirmative votes as provided in § 164-187 or dismissed or allowed to be withdrawn. The Common Council may dismiss any such application if it finds that the application does not conform to any stated procedural requirements of this article or that the application is not acceptable for filing because of being filed within the time limitations of § 164-178 or that the application is frivolous or filed for purposes of harassment. The Common Council may allow an applicant to withdraw his application for a local map amendment at any time, provided that if the request for withdrawal is made after publication of the notice of hearing, no application for the reclassification of all or any part of the land which is the subject of the application shall be allowed within the time limitations set forth in § 164-178 following the date of the action of the Common Council approving such withdrawal, unless such action allowing withdrawal or subsequent resolution specifies that the time limitation shall not apply. An application for a sectional or district plan map amendment shall be approved, with such modification as the Common Council deems appropriate, as a map amendment with the force and effect of law or shall be denied.

D. Action shall be taken upon an application heard by the Common Council within 90 days after the record has been closed. Action shall be taken upon an application heard by a hearing examiner within 90 days after the Council receives the examiner's report.

E. No application for a local map amendment shall be approved for a zone other than applied for, or, if application is made for two alternative zones, the application shall not be approved for a zone other than one of the two applied for.

F. No application for a local map amendment shall be approved for a greater area than that applied for, but an application may be approved for a smaller area than that applied for if the reclassification of such

small area is supported by the evidence of record and if such smaller area is accurately delineated in the record.

G. Any area reclassified by a local or a sectional or district plan map amendment shall exclude and be held to exclude any portion of the area which lies in the bed of a road, street, alley or transit route or facility, whether existing or proposed on a plan adopted by the Commission or Common Council.

§ 164-186.1. Action on application with additional restrictions, conditions or limitations. [Added 7-8-2002 by Ord. No. 679]

A. Upon the zoning or rezoning of any land or lands pursuant to the provisions of this chapter, the Common Council may impose any additional restrictions, conditions, or limitations that the Common Council considers appropriate to preserve, improve, or protect the general character and design of:

(1) The lands and improvements being zoned or rezoned; or

(2) The surrounding for adjacent lands and improvements.

B. Upon the zoning or rezoning of any land or lands pursuant to the provisions of this chapter, the Common Council may retain or reserve the power to approve or disapprove the design of buildings, construction, landscaping, or other improvements, alterations, and changes made or to be made on the land being zoned or rezoned to assure conformity with the intent and purpose of Article 66B of the Annotated Code of Maryland and of this Zoning Ordinance.

C. Additional restrictions, conditions, or limitations may be originated by the applicant, by the Commission, or by the Common Council. However, the published notice of hearing and, where appropriate, posted notice of hearing must include not only the nature of the requested zoning or rezoning and the time, place and date of hearing, but also the general nature and the extent of restrictions, conditions, or limitations imposed upon the zoning or rezoning requested.

D. In no case shall any restrictions, conditions, or limitations waive or lessen the requirements of or prohibit uses allowed in the approved zone.

E. In the event that any restrictions, conditions, or limitations beyond those contained in the public notice of hearing are sought to be imposed, a new notice containing such proposed additional restrictions, conditions, or limitations shall be published in the same manner as otherwise provided for public hearings and another public hearing shall be conducted by the Common Council thereon. In considering said restrictions, conditions, or limitations, the Common Council may obtain an additional recommendation from the Commission.

F. In addition to any other remedies provided by law, any violation of any restrictions, conditions, or limitations placed upon a zoning or rezoning under this section shall be deemed a violation of this chapter and shall be punishable under the provisions of § 164-159. Further, the Common Council may in its discretion impose a further condition that a violation of all or any such restrictions, conditions, or limitations may automatically void the zoning or rezoning granted, causing the property involved to revert to its former zoning classification.

§ 164-187. Decision by Common Council.

A. On any application for a local map or sectional map, the Common Council shall adopt written decisions which shall contain findings of fact in each specific case, including but not limited to the following matters: the purpose of this chapter, population change, availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development for the area, the recommendation of the Commission and the relationship of such proposed amendment to the City's plan; and may grant the amendment based upon a finding that there was a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification. A complete record of the votes of the Common Council shall be kept.

B. Each member of the Common Council shall have one vote on all zoning decisions. A majority of affirmative votes shall be necessary to adopt a decision granting an application for a map or text amendment, except as provided in the Charter of the City of Westminster as it exists on the date of the enactment of this chapter or as it may thereafter be amended. If the necessary total of affirmative votes as herein provided shall fail to be achieved for any reason, the application shall be held to be denied; no decision need be adopted for such denial, and the minutes shall so reflect the denial for want of the necessary affirmative vote total. Any such denial for want of the necessary total of affirmative votes shall not be subject to the time limitation set forth in § 164-178. A copy of the decision shall be filed in the application record, and a copy shall be promptly mailed by the Zoning Administrator to the applicant, the Commission and to all parties to the proceeding before the Common Council as shown by the hearing transcript.

C. The decision of the Common Council on any application for a local map or sectional map text amendment shall be final. The time for appeal from a final decision of the Common Council, including a denial for want of the necessary total of affirmative votes as set forth in § 164-186, shall begin to run from the date of the decision or from the date the application was denied for want of the necessary total of affirmative votes.

D. Any decision by the Common Council on an application for a local map, sectional map or text amendment shall not become effective until 10 days after the conduct of the public hearing held on said application.

E. A member of the Common Council shall not consider any ex parte or private communication from any person, whether oral or written, which he knows is or reasonably may be intended to influence unlawfully the decision on the merits of any application pending before the Common Council. Any such ex parte or private communication received and considered shall be made part of the public record by the recipient and, if made orally, shall be written down in substance for this purpose by the recipient. A communication to the Common Council concerning the status or procedures of a pending matter shall not be considered an ex parte or private communication. Alternately, upon receipt of such ex parte or private communication, a member of the Common Council may abstain from participating in the decision. This subsection shall not apply to legal advice rendered by the City Attorney or his staff and shall not apply to technical advice or explanation by governmental agencies at the request of a member or members of Common Council.

§ 164-188. Planned development.

A. The Commission shall determine whether any development of land is or is not in substantial accordance with an approved development plan or an approved amended development plan, and the party implementing an approved development plan or an approved amended development plan must obtain a determination by the Commission as to whether or not a proposed undertaking is in substantial accordance with an approved development plan or an approved amended development plan.

B. In order to assist in achieving the flexibility of design needed for the implementation of the purposes of certain planned development zones, a development plan must be submitted as a part of the application for reclassification of land to the planned development zones set forth in Articles XIA, XII, XIII and XIV of this chapter. Approval of the application for rezoning must include explicit approval of a development plan. Development of land must be in substantial accordance with an approved development plan or an approved amended development plan. Modification of road alignments, unit types or site planning designs which do not increase the approved density of the project shall not constitute a substantial change in the development plan unless the Commission considers such a change to have an adverse impact on the adjacent properties or general character of the approved development plan. **[Amended 9-25-2000 by Ord. No. 638]**

C. The application process for all planned developments shall follow the same process, whether they are divided into multiple phases or not. The process will consist of three stages: rezoning (development plan approval), subdivision (culminating with the final plat) and building permit (site plan approval). In the event that the development includes multiple phases, separate applications for subdivision and building permit will be required for each separate development phase.

D. All development plans and amendments thereto shall be prepared by and certified by a licensed architect, landscape architect or registered civil engineer.

E. A development plan shall be prepared, taking into consideration the following standards and design criteria, and shall reflect compliance with the standards and criteria:

(1) In residential areas of planned developments, units shall be arranged and distributed so that higher densities are not unreasonably and disproportionately concentrated in areas of open space, single-family and semidetached dwellings or so located as to concentrate traffic on minor residential streets.

(2) Interior and exterior roads shall provide safe and adequate links among areas in the development and to areas outside of the development. Sufficient ingress and egress shall be provided to accommodate the projected traffic flow.

(3) All planned developments shall be provided with water and sewage facilities sufficient to meet project needs for the development.

(4) All planned developments shall comply with the landscape manual of the City of Westminster adopted pursuant to § 164-131.1. **[Added 3-22-1993 by Ord. No. 553]**

F. The development plan shall clearly indicate how the proposed development would meet the standards and purposes of the zone applied for. The development plan shall include the following:

(1) The location, acreage and density calculations for each zone.

(2) The location, acreage and gross leasable area of all other nonresidential uses, including open space.

(3) The location and dimensions, to include right-of-way and pavement widths, for all proposed roads.

(4) Conceptual site plans for all buildings and parking areas, including schematic single-family and multifamily layouts.

(5) A preliminary utility master plan showing the layout of water and sanitary storm sewer mains.

(6) The phasing plan, in the event of more than one phase.

(7) Evidence of approval of other agencies to assure the adequacy of those aspects of the plan pertinent to the respective department, commission or office. These agencies may include, among others, the Health Department, State Highway Administration, Carroll County Department of Public Works, Carroll County Planning Commission and Carroll County Board of Education.

(8) Proof that the owners and/or applicants for any planned development are financially able to complete the proposed development and that they intend to start construction within 18 months of the Commission's approval.

G. Submission requirements for supplements to the development plan shall include the following information:

(1) A property map describing the boundary and total acreage of the proposed project.

(2) Topography of the project area at five-foot-contour intervals with identification of all slopes in excess of 25%.

(3) One-hundred-year floodplain area, bodies of water and watercourses.

(4) Easements and public rights-of-way.

(5) Existing utilities.

(6) Vegetation, including existing trees.

(7) Adjacent land use and zoning.

(8) Existing public and private roads.

(9) Existing structures.

(10) The names of all abutting property owners.

(11) A soil map.

(12) A map showing the relationship of the site to the surrounding area.

(13) The relationship, if any, of the development program to the City's capital improvements program.

(14) Other information, drawings or models required by the Commission, the hearing examiner or the Common Council as being necessary for evaluation of such plan of development or additional information which the applicant may deem necessary to support the application.

H. All development plans and proposed amendments to development plans shall be subjected to review and recommendation comments by the Commission of the City in accordance with the following process:

(1) The Commission shall consider whether a rezoning application and an accompanying development plan fulfill the purposes and requirements of the applicable zone and shall recommend approval, approval with recommended modifications or disapproval thereof to the Common Council, particularly considering, in regard to the development plan, those matters which the Common Council must consider in acting upon the rezoning application.

(2) In reviewing a development plan, the Commission shall give consideration to:

(a) The purpose and objectives of the requested zonal district and the planned development.

(b) Compliance with the standards and design criteria for a planned development.

(c) Any other considerations relating to the location, size and specific character of the site deemed appropriate by the Commission having a substantial bearing on achieving maximum safety, convenience and environmental and amenity qualities for the development and its residents or users.

(d) The Comprehensive Development Plan.

(3) The material required to be filed as or with a development plan may be presented to the Commission and its staff in an informal presentation for informal comment and recommendations by the Commission and its staff.

(4) Upon the receipt of informal comment and recommendations by the Commission and its staff, the development plan, with any changes or alterations, will be formally presented in a public hearing before the Commission.

(5) Following the public hearing on a development plan, the Commission shall submit its written decision on the plan to the applicant to approve, approve with modifications or disapprove the plan within 45 days of the date of the hearing.

(6) The Planning Commission shall also submit its written decision on the development plan to the hearing examiner, if any, and the Common Council for inclusion in the record of the rezoning application of which the plan is a part.

(7) The decision of the Commission on a development plan shall be considered by the hearing examiner, if any, and the Common Council in considering all rezoning applications which require development plans.

I. The hearing examiner or Council shall consider the development plan as a part of the application for rezoning for the purposes of conducting the required public hearing on rezoning applications and preparing the examiner's report and recommendation on a rezoning application to the Council. The hearing examiner or Council shall not conduct a public hearing on a rezoning application which includes a development plan until after receipt of the decision of the Commission on said plan.

J. In considering a rezoning application which includes a development plan, the Common Council shall consider whether the application and the development plan fulfill the purposes and requirements set forth in

this chapter. In so doing, the Common Council shall make the following specific findings, in addition to any other findings which may be found to be necessary and appropriate to the evaluation of the proposed reclassification:

(1) That the zone applied for is in substantial compliance with the use and density indicated by the Master Plan or sector plan and that it does not conflict with the general plan, the City's capital improvements program or other applicable City plans and policies.

(2) That the proposed development would comply with the purposes, standards and regulations of the zone as set forth in Articles II through XV, would provide for the maximum safety, convenience and amenity of the residents of the development and would be compatible with adjacent development.

(3) That the proposed vehicular and pedestrian circulation systems are adequate and efficient.

(4) That by its design, by minimizing grading and by other means, the proposed development would tend to prevent erosion of the soil and to preserve natural vegetation and other natural features of the site.

(5) That any proposals, including restrictions, agreements or other documents, which show the ownership and method of assuring perpetual maintenance of those areas, if any, that are intended to be used for recreational or other common or quasi-public purposes, are adequate and sufficient.

(6) That the submitted development plan is in accord with all pertinent statutory requirements and is or is not approved. Disapproval of a development plan by the Common Council shall result in a denial of the rezoning application of which the development plan is a part.

K. An approved development plan may be amended, upon the application by the developer of a planned development, by the Council. Any application for an amendment to an approved development plan shall be filed with the Commission and shall be subject to all the procedures, hearings and requirements contained in this chapter which pertain to development plans. An amendment to an approved development plan shall not involve a change in zoning or the area zoned. The Common Council shall approve or disapprove the application for amendment of an approved development plan.

L. Development and construction of all planned developments must be in accordance with the provisions of an approved development plan or approved amended development plan.

M. Following approval of the development plan, the applicant shall then submit plans for subdivision (final plat) and building permits for each separate phase of the planned development. The procedure for such

submissions shall follow the requirements for subdivision of land as defined in Article XXIV.

N. The subsequent approval of such subdivision plans and building permits shall require Common Council approval only in the event that such submissions deviate materially from the approved development plan.

O. An approved development plan or amendment thereto shall remain valid for a period of 24 months following the expiration of all applicable appeal periods. In the event of an appeal to a court affecting the development plan, the time limitation under this subsection shall run from the decision date of the court making final determination of the appeal. If at the end of that twenty-four-month period site plan approval, including any required subdivision plan approval, has not been obtained and construction has not begun, the development plan shall be considered void unless the Council approves a petition for an extension of time submitted by the applicant, his successor or assigns for an extension not to exceed 12 months. This subsection shall not apply to a development plan approved on or before the effective date of this section.

§ 164-189. Other conditions.

A. The Common Council may impose additional restrictions, conditions or limitations upon the grant of any application for a local amendment to the Zoning Map amendment pursuant to the provisions of § 164-186E.[114]

B. If the decision of the Common Council is to grant a local amendment application with conditions, it shall adopt a decision proposing the restrictions, conditions or limitations upon which such application is to be granted.

C. The Common Council shall thereafter hold a public hearing on such proposed conditions, notice of which shall be given as in the case of an original local amendment application, and in writing by first class mail, to any person who has registered an appearance, in writing, prior to the adoption of such resolution.

D. Following such public hearing on the proposed conditions, the Common Council may adopt a decision granting the application with the additional restrictions, conditions or limitations contained in or such modifications thereof as are not substantially different therefrom. Upon the adoption of such ordinance, the letter and number of the classification of such property on the Zoning Map shall be followed by the letter "C" to designate the zoning classification as conditional. Such decision shall be subject to judicial review under § 164-190.

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114. Editor's Note: Former § 164-186E, regarding the rezoning of land, referred to herein was deleted by Ord. No. 679, which amended § 164-186 in its entirety. For similar provisions, see now § 164-186.1, Action on application with additional restrictions, conditions or limitations.

§ 164-190. Appeals from Common Council.

A. Who may appeal; procedure. Any persons, jointly or severally, aggrieved by any decision of the Common Council or any taxpayer or any officer, department, Board or bureau of the City may appeal the same to the Circuit Court for Carroll County. Such appeal shall be taken in accordance with the Maryland Rules as set forth in Chapter 1100, Subtitle B.

B. Hearing; additional testimony. If, upon the hearing, it shall appear to the Court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the Court with his findings of fact and conclusions of law, which shall constitute part of the proceedings upon which the determination of the Court shall be made.

C. Costs not allowed against Common Council; exception. Costs shall not be allowed against the Common Council unless it shall appear to the Circuit Court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

D. Issues under section have preference. All issues in any proceeding under this section shall have preference over all other civil actions and proceedings.

E. Decision of Circuit Court; appeal to Court of Special Appeals; costs. Upon its determination of the case, the Circuit Court shall file a formal order embodying its final decision. An appeal may be taken to the Court of Special Appeals, during the period and in the manner prescribed by the Maryland Rules, from any decision of the Circuit Court. In such cases, the award of costs shall be subject to the discretion of the Court of Special Appeals.

ARTICLE XXIV
Subdivision Regulations

§ 164-191. Approval required.

After the effective date of this chapter, no person shall subdivide or resubdivide land within the City without the approval of the Commission and the recording of a final plat in the office of the Clerk of the Circuit Court of Carroll County in accordance with the provisions of this article. Further, no lot in a subdivision or any section thereof created after the effective date of this chapter shall be transferred nor shall a building permit be issued for a structure thereon until such approval and recording shall be completed as specified herein.

§ 164-192. Application for approval. [Amended 11-24-2008 by Ord. No. 792]

Each application for approval of a preliminary plan or final plat shall be submitted on forms provided therefor by the Planning Commission and shall be accompanied by such fee as is determined by the Mayor and Common Council as provided in the General Fee Ordinance.[115]

§ 164-193. General requirements. [Amended 3-22-1993 by Ord. No. 553; 7-9-2001 by Ord. No. 664]

A. The subdivision shall comply with all requirements of the appropriate state agencies, including but not limited to the Department of Environment.

B. Easements shall be shown on the final plat where a natural watercourse (stream) exists or where natural or street drainage is located or may be provided, such easement to be a minimum of 20 feet, except in the case of a natural watercourse, which shall contain adequate easement area to provide for a twenty-year storm.

C. Lots, including lot sizes, shall be subject to the requirements of the appropriate Maryland state agency, and in no case shall lot sizes be less than the minimum prescribed by the provisions contained in Articles II through XV of this chapter. No lot shall front on an alley.

D. Residential cluster subdivisions are permitted in accordance with the provisions of § 164-197.1.

E. No more than 40 residential lots may be contained on a single plat, provided that upon receipt of the Director’s recommendation, the Commission may adjust said number upward up to 20% for good cause. Any further upward adjustment shall require an administrative adjustment pursuant to § 164-158.1. **[Added 10-27-2008 by Ord. No. 788[116]]**

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115. Editor's Note: See Ch. A175, Fees, Art. I, General Fees.

F. Nonresidential subdivisions, including industrial and commercial tracts, shall conform to the Master Plan and standards established in this chapter. The subdivider shall demonstrate to the satisfaction of the Commission that the street, parcel and block pattern is specifically adapted to the uses anticipated and takes into account other uses in the vicinity.

G. Where there is a discrepancy between minimum standards or dimensions in this article and other official regulations, the highest standards shall apply.

H. Reservation, dedication and/or acquisition of land for sites for schools and other public facilities. In order to provide for the adequate and convenient placement of sites for public schools and other public uses as authorized by § 5.03 of Article 66B of the Annotated Code of Maryland, all subdivisions shall conform to the designated location of sites for public schools and other public facilities as shown on the Master Plan. Where the City Master Plan indicates a location for a school or other public facility, the location of such sites shall also be shown, if applicable, on any subdivision plan involving land affected by a public facility designation of the Master Plan. If no City Master Plan has been adopted at the time of application, a school site or other public facility site may be required if a need is determined by the Commission. It shall be the duty of the Commission to coordinate the planning of the development of the subdivision with the plans of the appropriate county or City agency for acquisition of the site.

I. Compatibility. The Commission shall not approve a preliminary plan or final plat if it finds that the subdivision would not achieve a maximum of compatibility, safety, efficiency and attractiveness; and the fact that either a preliminary plan or final plat complies with all of the stated general regulations, development standards or other specific requirements of the zone shall not, by itself, be deemed to create a presumption that the proposed preliminary plan or final plat is, in fact, compatible with surrounding land uses and, in itself, shall not be sufficient to require its approval.

J. The Commission shall not approve a preliminary plan or final plat if it finds that the subdivision does not comply with the landscape manual of the City of Westminster, adopted pursuant to § 164-131.1.

K. To ensure that projects are not approved for which water and sewer capacity does not exist, the following subdivision plat approval procedures are adopted: **[Added 4-13-2015 by Ord. No. 853]**

(1) Upon receipt of a completed application for a subdivision plat that includes a concept plan meeting the guidelines established by the Planning Director and a request for a water and sewer allocation, the Planning Director shall make a written determination as to

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116. Editor's Note: This ordinance also redesignated former Subsections E through I as Subsections F through J, respectively.

the availability of water and sewer capacity, the feasibility of the allocation request, and the consistency of the plat with the county water and sewer master plan.

(2) Upon a finding that the application is complete, that adequate capacity exists for a full or phased allocation, and that the use otherwise complies with requirements of the Zoning Ordinance, subject to any approvals required from the Planning Commission, the Director shall assign the plat a tentative allocation approval, which may stipulate the phasing of water allocation over time, and the applicant may proceed with preliminary plat approval per § 164-198.

(3) A tentative allocation approval is valid so long as the applicant is pursuing Planning Commission approval of the project but shall expire in 18 months if the plat has not received final approval from the Planning Commission, except that the Planning Director may extend the validity period for an additional 18 months if the Director finds that the project has not been approved for reasons other than delays caused by the actions or omissions of the property owner or developer.

(4) Upon approval of a final subdivision plat by the Planning Commission, the Planning Director shall issue a final water and wastewater allocation consistent with the Planning Commission's approval.

(5) Notwithstanding anything in this section, when a plat expires or becomes null and void through lapse or revocation, the allocations shall also be forfeited.

L. The Planning and Zoning Commission shall not approve a preliminary plan or final plat if it finds that the subdivision does not adequately address the preferences and guidelines set forth in the most recently adopted Development Design Preferences Manual in compliance with the requirements of § 164-131.2. **[Added 5-9-2016 by Ord. No. 863]**

§ 164-194. Streets.

A. Proposed streets shall be shown by providing a minimum right-of-way width of 50 feet with a minimum paving width of 30 feet. Where it is determined by the Commission that a street should be designed in a subdivision to carry traffic from other areas or adjacent subdivisions, whether existing or potential, a right-of-way 60 feet or greater shall be dedicated. Where a subdivision is created fronting on an existing City-maintained road, lot lines of a subdivision shall be established 30 feet from the center of the existing county- or City-maintained road unless an additional right-of-way is specifically required by the Commission. The developer may be required to make improvements to the streets if additional traffic will be generated. Nothing contained in this section shall be construed as prohibiting a subdivider from

voluntarily establishing, upon consent of the Commission, lot lines of a subdivision more than 30 feet from the center of the existing county road. A cul-de-sac (short dead-end street) shall terminate in a circular area with a minimum paving diameter of 100 feet and a minimum right-of-way diameter of 120 feet. If, however, such street will eventually be extended, a temporary turnaround shall be provided in accordance with the requirements of the Department of Public Works. Depending upon the number of units and traffic generation of a subdivision, more than one access into a subdivision may be required to be bonded or developed before building permits are issued.

B. Neither the approval of a preliminary or final subdivision plan nor the approval of any site plan or development plan nor the filing of any land record plat shall constitute the acceptance by the City of any street dedication. No street shall be accepted for dedication unless and until the Mayor and Council, through appropriate action, accept such street dedication, and a deed conveying the street to the City, pursuant to the acceptance of a street dedication by the Mayor and Council, has been duly recorded among the land records of Carroll County, Maryland.

C. To ensure no duplication, street names shall be cleared through the Department of Public Works prior to submitting a final plat.

D. Streets shall be constructed in accordance with those standards and regulations as set forth, in writing, by the Department of Public Roads. A financial guaranty shall be provided to the City by the subdivider prior to commencing construction in order to ensure completion by the subdivider of those facilities that will serve the subdivision.

§ 164-195. Soil removal and grading.

Any soil removed in any zone shall be done in accordance with the provisions of Carroll County Ordinance No. 5, subject to the following:

A. Sod and soil may be removed in any residential zone, except agricultural, to a depth not to exceed 18 inches in a surface area not exceeding 5,000 square feet.

B. Removal and excavation necessary for construction shall be permitted in accordance with site plan or subdivision profiles approved by the Department of Public Works.

C. Grading of land shall be permitted in accordance with plans approved by the Department of Public Works, provided that the new grades do not substantially alter natural drainage patterns and that the plans include siltation and erosion control measures described in Carroll County Ordinance No. 5.

§ 164-196. Stormwater management.

Stormwater management shall be accomplished pursuant to Chapter 136, Stormwater Management, of the Code of the City of Westminster.

§ 164-197. Floodplains.

No structure shall be placed in any floodplain except as provided in accordance with Chapter 83, Floodplain Management, of the Code of Westminster.

§ 164-197.1. Residential cluster subdivision. [Added 7-9-2001 by Ord. No. 664]

A. Purpose. The purpose of the cluster method of development is to protect sensitive environmental features, to provide larger open areas with greater utility for rest, recreation and preservation of natural features, to provide site design flexibility and to encourage the development of more attractive functional and economic building forms with higher standards of open space.

B. Objectives. The following objectives are sought by the cluster method of development:

(1) To provide a more attractive and varied living environment than would be possible through the strict application of the requirements of the R-10,000 and R-20,000 Residential Zones.

(2) To encourage developers to use a more creative approach in the development of land.

(3) To encourage more efficient allocation and maintenance of common open space in residential areas through private initiative.

(4) To encourage variety in the physical development patterns of residential areas without changing the character of the neighborhood.

(5) To protect sensitive environmental features.

(6) To encourage the preservation of existing topography and to provide forest conservation while providing useful community open space.

C. Eligibility. The cluster method of development is permitted for single-family detached unit developments only in the R-10,000 Residential and R-20,000 Residential Zones.

D. Dimensional requirements.

(1) Density.

(a) Residential density shall be approved generally on the capabilities of the existing and/or planned utilities and such other standards and requirements as enumerated in this chapter, but in no case shall the density exceed four dwelling units per net acre in the R-10,000 Zone and two dwelling units per net acre in the R-20,000 Zone.

(b) Calculation of the net acreage shall include all land within the cluster subdivision, except common open space. Common open space includes environmental open space and recreational open space. Environmental open space consists of one-hundred-year floodplain areas, wetlands, streams and slopes of 25% or greater. Recreational open space includes 15% of the gross project area, which shall be dedicated for recreational open space. The fifteen-percent recreational open space shall not consist of the one-hundred-year floodplain area, wetlands, streams and slopes of 25% or greater; however, the one-hundred-foot stream buffer area that is not part of the above-mentioned environmentally sensitive features may account for a maximum of 33% of the recreational open space requirement. Portions of the environmental open space features may overlap. The area of any such overlap will only be counted once towards the calculations of the net acreage.

(2) Lot area, lot width and yard requirements in the R-10,000 and R-20,000 Residential Zones.

(a) The following minimum per unit requirements shall apply:

Dwelling Type	Lot Width at Building Line (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
Single-family detached	70	25	8	30

(b) Single-family detached dwellings, in all events, shall be on lots with a minimum lot area of 7,000 square feet.

(c) A corner lot shall have a minimum width of 100 feet, measured at the building line along at least one street front, which shall be the front yard for the subject lot.

(3) The lot area, lot width and yard requirements set forth herein shall supersede those requirements set forth in §§ 164-26 and 164-31.

E. Open space.

(1) The common open space and one-hundred-foot stream buffer shall be dedicated and deeded without charge to the City. The City may waive the right to such dedication to it and instead may require the open space be deeded to, improved, operated and maintained by a property owners' association consisting of residents of a cluster subdivision. Land designated for this purpose shall be deeded to the property owners' association or to the City, and recording references to the articles of incorporation with respect to such property owners' association or to the City shall be noted in the

final plat prior to recording. The City Attorney may review, at the applicant's cost, and approve any covenants relating to ownership and maintenance of such lands prior to recording of the final plat.

(2) In determining the type and location of common open space, the Commission, in consultation with the City Parks Board, shall review the area's needs for parks and recreational sites in the area. Open space required in a cluster subdivision project shall have access to a street by a fee simple right-of-way or easement and be located so as to be reasonably accessible from all dwellings within the cluster subdivision project. In all instances, a minimum of 50% of the recreational open space shall be suitable for dry-ground active recreational uses, as determined by the Commission.

(3) In addition to the minimum required open space, the applicant/developer may offer additional contiguous open space such as floodplains, steep slopes and wooded areas to the City for parkland. At its discretion, the City may accept or reject this additional land which may otherwise be included with open space deeded to the property owners' association.

(4) The approval by the Commission of a final subdivision plat shall not be deemed to constitute or imply acceptance of the City of any park, recreation or other public land shown on the plat until such land is improved as contained in the construction plans of the cluster subdivision project and deeded.

F. Panhandle lots. Panhandle lots may be permitted only in accordance with the following standards:

(1) Panhandle lots shall be designed to take advantage of the natural land features and shall be located so as to abut areas of common or dedicated open space to the maximum extent possible. At least 50% of the total number of panhandle lots shall abut areas of common open space or existing or planned public right-of-way along the entire length of at least one side of the lot.

(2) No more than four panhandle lots shall be served by one use-in-common driveway. No more than one use-in-common driveway connection shall be permitted on the cul-de-sac portion of any public street.

(3) Panhandle lots shall be shown on the final plat and arranged such that the specific layout and house locations of the houses on the lots in the front on the public street are located so as not to block the view of the houses at the rear of the use-in-common driveway.

G. Compatibility.

(1) All single-family detached dwellings constructed within 100 feet of the nearest existing dwelling in the R-20,000, R-10,000 or R-7,500

Zones shall comply with the minimum development standards of the zonal classifications of the adjoining land.

(2) The Commission shall have the discretion to increase or decrease the strict application of the requirements contained in § 164-197.1F(1) and G(1) hereof in instances in which the adjoining property or properties will not be adversely affected by such increase.

H. Procedures.

(1) The subdivider shall comply with the provisions of Article XXIV, including §§ 164-198 and 164-199.

(2) The preliminary plan and final plat of a cluster subdivision shall be filed with the Department and shall be accompanied by a detailed statement or proposal, including covenants, agreements or other specific documents addressing ownership, method of maintenance and the use of those areas in the subdivision reserved as open space for common use by property owners in the development.

(3) The covenants and agreements creating the reservation specified in this section shall be recorded before the plat is recorded.

§ 164-198. Preliminary plat approval.

A. Prior to preparing a preliminary plan, the subdivider may present a concept plan or sketch of the proposed subdivision to the staff of the Commission for any assistance the staff may deem appropriate. Such concept plan shall generally denote the type of densities, dwellings, streets and proposed land uses.

B. Thereafter, the subdivider shall prepare and file with the Commission a preliminary plan. Information shown on the preliminary plan shall include the subdivision's name and owner, the subdivider's name and address, the surveyor or engineer, election district, county, state, adjacent property owners, vicinity sketch, scale, North point, date, contours, lots, their densities, building setback lines, existing and/or proposed easements, street names and widths, water, sewer and storm drainage, lot numbers, soils information, zoning district classification(s), floodplain(s), bearings and dimensions and plat or technical notes, as well as those covenants, restrictions and/or statements proposed to be shown on the final plat.

C. Additionally, the preliminary plan shall include a proposed recording and construction schedule which must indicate those portions of the property covered by the preliminary plan for which building permits will be sought and obtained from the City. If the project is proposed to be built in phases, the schedule shall specifically identify the timing for the construction and conveyance of the lots, as well as any dedication for utilities, roads, open areas and recreational facilities. The schedule must be approved by the Planning Commission as a part of its

preliminary plan approval, and the approved schedule shall establish the validity period for the entire project, including any phasing. **[Added 10-27-2008 by Ord. No. 788[117]]**

D. Fifteen copies of the preliminary plan shall be provided to the Commission with written application for conditional approval at least 60 days prior to the Commission's meeting at which it is to be considered. The Commission shall refer the application and plan to its staff for review.

E. Referral shall be made for a certification of the adequacy of public facilities to the appropriate agencies having jurisdiction over public facilities in the City, including but not limited to the following: schools, public water and sewerage facilities, police protection, roads and traffic control devices, storm drain facilities, emergency service facilities, health care facilities and solid waste disposal facilities.

F. No preliminary plan shall be approved by the Commission unless the adequacy of public facilities is reviewed by the appropriate state, county or City agency which has jurisdiction in the particular area of each such public facility affected by the proposed subdivision. Each agency to which a plan is referred shall return one copy of the plan to the Commission within 20 days of referral with its recommendation noted thereon, such as "Approved," "Approved subject to modification" or "Disapproved" for specific reasons. If such recommendation is not made within the twenty-day period by any agency to which referred, the preliminary plan shall be deemed to have been approved by it, unless said period has been extended by the Commission.

G. Following a review of the preliminary plan and other material submitted for conformity with this chapter by the staff and the appropriate agencies and, if deemed necessary by the staff, a review with the subdivider of any changes deemed advisable and the kind and extent of improvements to be made by him, a written staff recommendation shall be made available to the applicant, together with any comments or recommendations of other agencies concerned with the subdivision of land. Thereafter, the Commission shall, within 120 days after the preliminary plan has been filed, act thereon as submitted or modified; and, if approved, the Commission shall express its approval and state the conditions of such approval, if any, or, if disapproved, shall express its disapproval and its reasons therefor. Failure to act within 120 days will constitute approval of the preliminary plan. However, the applicant may waive this requirement and consent to an extension of such period. The grounds for disapproval of any plat shall be stated in the records of the Commission and a copy furnished to the applicant. The Commission may consider and use the refusal of any agency to certify the adequacy of any public facility or facilities to serve a proposed subdivision as a basis for the disapproval of a preliminary plan.

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117. Editor's Note: This ordinance also redesignated former Subsections C through J as Subsections D through K, respectively.

H. A copy of any action taken by the Commission pursuant to this preliminary plan shall be sent to the subdivider and to any agencies to which the plan had been referred.

I. Upon a finding by the Commission that the preliminary plan does not comply with this chapter, any other applicable laws or regulations or with the development plan or any portion thereof, approval of the preliminary plan may be revoked by resolution of the Commission at any time prior to the approval of the final plat.

J. Approval of a preliminary plan shall not constitute approval of the final plat, but shall be a guide to the preparation of the final plat.

K. The Commission reserves the right to return to the subdivider any preliminary plan which does not comply with the requisites of this section.

§ 164-199. Final plat approval.

A. The final plat shall conform substantially to the preliminary plan as approved. If desired by the subdivider subject to the provision of Subsection G, it may constitute only that portion of the approved preliminary layout which he proposed to record and develop at the time and shall contain the schedule required under § 164-199. In connection with granting its final plat approval, the Commission may modify the schedule consistent with the adequacy of public facilities, including, but not limited to, the provision of adequate sewer and water. **[Amended 10-27-2008 by Ord. No. 788]**

B. Copies of the final plan and other exhibits required for approval shall be prepared in accordance with § 164-193 and shall be submitted to the Commission within 12 months after approval of the preliminary plan; otherwise, the approval of the plan shall be deemed to have been withdrawn. For good cause shown, not more than four extensions not exceeding six months each may be granted by the Planning Commission.

C. Application for approval of the final plat shall be submitted in writing to the Commission at least 30 days prior to the meeting at which it is to be considered.

D. No final plat shall be approved by the Commission without prior review of the City, county or state agencies which shall review the final plan for adequacy of public facilities in the same manner set forth in § 164-198. Such agencies shall approve, with or without modification, or disapprove the plat to the extent that each has jurisdiction. Such agencies shall be requested to submit their approval or disapproval to the Commission within 15 days of the receipt of the final plat from the Commission.

E. Any subdivision designed not to connect to public water or sanitary sewer, or both, shall require a certificate from the Carroll County

Health Officer as to its compliance with water and sanitary sewer requirements.

F. No final plat for residential development shall be approved by the Commission without a written notation on it that no more than 40 building permits for dwelling units will be issued during any calendar year, provided that upon receipt of the Director's recommendation, the Commission may adjust said number upward or downward up to 20% for good cause. Any additional upward adjustment shall require an administrative adjustment pursuant to § 164-158.1. **[Amended 10-28-2002 by Ord. No. 688; 10-27-2008 by Ord. No. 788]**

G. The final plat may represent only a portion of the preliminary plan, provided that the public improvements to be constructed in the area covered by the plat are sufficient by and of themselves to accomplish a proper development and to provide adequately for the health, safety and welfare of the City, including adequate access to contiguous areas. The Commission shall have the power to agree with the applicant upon use, height, area or bulk requirements or restrictions which are designed to promote the purposes of this chapter. Such requirements or restrictions shall have the same force of law and be enforceable in the same manner and with the same sanctions and penalties and subject to the same power of amendment or repeal as though set out as a part of the Zoning Ordinance or Zoning Map of the City.

H. The Commission shall approve or disapprove a final plat within 30 days after the filing thereof with it; otherwise, such plat shall be deemed to have been approved, and a certificate to that effect shall be issued by the Commission on demand; provided, however, that the applicant may waive this requirement and consent to an extension of such period. The grounds for disapproval of any plat shall be stated in the records of the Commission and a copy furnished to the applicant. The Commission may consider and use the refusal of any agency to certify the adequacy of any public facility or facilities to serve a proposed subdivision as a basis for the disapproval of a final plan.

§ 164-200. Final plat requirements.

A. Title and graphic information to be shown on the final plat shall be as required on the approved preliminary plan, except contour lines, and shall clearly show all items required by § 3-108 of the Real Property Article of the Annotated Code of Maryland (1974), as amended, pertaining to the preparation of record plats.

B. Space shall be provided on the final plat for the following signatures and dates:

(1) Certificate of the land surveyor and the owner's certificate.

(2) Approval of the Carroll County Health Officer.

(3) Approval of Westminster Planning and Zoning Commission.

(4) Acknowledgment by the Mayor, the Zoning Administrator and the Planning Director evidencing compliance with all pertinent administrative procedures.

C. The final plat shall be legibly and accurately prepared or printed on sheets of material to a size of 18 inches by 24 inches, including a two-inch margin on the left side of the eighteen-inch width. The plat shall be to a scale acceptable to the Commission, generally, one inch equals 50 feet or one inch equals 100 feet, depending upon the size of the subdivision. The subdivider shall file with the Commission the necessary copies for recording and distribution as required by the Commission, at least one copy of which shall be returned, properly signed, to the subdivider.

D. The final plat shall show the following owner's certificate and surveyor's certificate unless otherwise required by the Commission:

OWNER'S CERTIFICATE

I(we), owner(s) of the property shown hereon and described in the surveyor's certificate, hereby adopt this plan of subdivision, establish the building lines as shown and certify that the requirements of § 3-108 of the Real Property Article of the Annotated Code of Maryland (1974), as amended, pertaining to the preparation of record plats, and subsequent acts, if any, amendatory thereto as far as they relate to the preparation of this plat and the setting of markers, have been complied with. New streets, roads, open spaces and the mention thereof in deeds are for the purpose of description only, and the land so shown is expressly reserved in the present owner(s) shown on this plat, their successors, heirs and assigns. No more than one principal building shall be permitted on any residential lot, and no such lot may ever be resubdivided so as to produce a building site of less area or width than the minimum required by applicable health, zoning or other regulations.

Owner's Signature _____

Witness _____

Date _____

_____

SURVEYOR'S CERTIFICATE

I, _____, a registered land surveyor of the State of Maryland, do hereby certify that the land shown hereon has been laid out and the plat prepared in compliance with § 3-108 of the Real Property Article of the Annotated Code of Maryland (1974), as amended, pertaining to the preparation of record plats.

_____ _____

(Signature) (Date)

§ 164-201. Resubdivision or minor subdivision.

The procedure for the filing of a final plat for the resubdivision of a lot or parcel or for a minor subdivision shall be as indicated in this article for an original subdivision, except that the submission of a preliminary plan shall be at the option of the applicant.

§ 164-202. Additional procedures.

The Commission is hereby authorized to establish whatever additional written procedures it deems desirable for processing or referring the approval of subdivisions under this article. A copy of any such procedure shall be available at the Commission's office for review and reproduction.

§ 164-203. Fees. [Amended 11-24-2008 by Ord. No. 792]

After recommendation by the Commission, the Mayor and Common Council shall adopt, and from time to time amend, such differential filing and processing fees as provided in the General Fee Ordinance,[118] based upon the costs of processing a subdivision application. Said costs include payment for reasonable expert services deemed necessary and reasonable by the Director of Planning, which may include but not be limited to engineering, architectural, planning, transportation, landscaping and legal services. Payment of such fees is required prior to final plat approval.

§ 164-204. Appeals.

The final action of the Commission on an application for approval of a final plat may be appealed by any person aggrieved by such action to the Circuit Court for Carroll County. Any such appeal shall be taken in accordance with the Maryland Rules of Procedure as set forth in Chapter 1100, Subtitle B.

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118 Editor's Note: See Ch. A175, Fees, Art. I, General Fees.

ARTICLE XXV
Site Plans

§ 164-205. Purpose.

The purpose of this article is to ensure the City that proposed development is in conformity with the intent and provisions of the land use controls and the Comprehensive Plan for Westminster and to avoid inequities and to guide the City in the issuance of building permits.

§ 164-206. Applicability.

The provisions of this article shall apply to any new, expanded or remodeled use within all zones, and no zoning certificate or building permit shall be issued therefor except in accordance with an approved site plan.

§ 164-207. Approval required.

A site plan containing the information set forth in § 164-208 or 164-209 shall be filed with and approved by the Planning Director as provided in § 164-211 prior to the issuance of a zoning certificate.

§ 164-208. Contents of site plan. [Amended 1-28-2008 by Ord. No. 774]

A. Fifteen copies of the site plan shall be filed with the Planning Director, may cover all or any part of a lot or tract and shall contain the following information, drawn at a consistent scale:

(1) The location of the tract by an insert map at a scale of not less than one inch equals 2,000 feet and such information as the names and numbers of adjoining roads, streams and bodies of water, railroads, subdivisions, election districts or other landmarks, sufficient to clearly identify the location of the property.

(2) A boundary survey of the tract.

(3) A certificate setting forth the source of title of the owner of the tract and the place of record or the last instrument in the chain of title, if such certificate has not been provided with a development plan.

(4) All existing and proposed streets and easements, their names, numbers and widths; existing and proposed utilities; watercourses and their names; the owners, zoning and present use of adjoining tracts if not previously submitted with a development plan; and the Tax Map/parcel number, current zoning, parking required/provided, structure use and plan preparer.

(5) All existing and proposed buildings and their location, size, height and proposed use.

(6) Setback requirements and spaces between buildings.

(7) Signs, their location, size and height.

(8) The location, type and complete dimensioning of vehicular entrances to the site.

(9) The location, type, size and height of fencing, retaining walls, lighting and screen planting where required under the provisions of this chapter.

(10) All off-street parking, loading spaces and walkways, indicating type of surfacing, size, angle of stalls and width of aisles, and a specific schedule showing the number of parking spaces provided and the number required in accordance with Article XVI, including connection with adjacent developments and dimensions of landscaped areas and type of curbing.

(11) All locations and sizes of proposed water and sewer installations or proposed additions to existing water and sewer installations, as well as any design features which are unusual or which deviate from normal design practices. The proximity to the nearest hydrant and its area of coverage shall also be shown.

(12) Provisions for the adequate disposition of natural and storm water in accordance with the duly adopted design criteria and standards of the City, indicating locations, sizes, types and grades of ditches, catch basins and pipes and connections to the existing drainage system. Copies of all pertinent calculations and assumptions relative to the storm drainage design, to include the delineation and consideration of the off-site contributing watershed and affected areas, and provisions for sediment control and/or stormwater retention, which are to be incorporated in all phases of construction, shall accompany the site plan submissions for review by the City and the Soil Conservation District.

(13) Existing topography with a maximum of two-foot contour intervals; where the existing ground is on a slope of less than 2%, either one-foot contours or spot elevations where necessary, but not more than 50 feet apart in all directions.

(14) A drainage area map, to a usable scale.

(15) The proposed finished grading by contours supplemented where necessary by spot elevations. All horizontal dimensions shown on the site plan shall be in feet and decimals of a foot to be closest to 1/100 of a foot; and all bearings in degrees, minutes and seconds shall be to the nearest 10 seconds. Closure shall be within acceptable survey tolerances, a minimum of 1:10,000.

(16) A proposed construction schedule. If the project is proposed to be built in phases, the schedule shall specifically identify the timing

for each phase. The schedule shall also show the timing for any dedication for utilities, roads, open areas and recreational facilities. The schedule must be approved by the Director and by the Planning Commission as a part of their site plan approval and the approved schedule shall establish the validity period for the entire project, including any phasing. **[Added 10-27-2008 by Ord. No. 788]**

B. The Planning Director may also require such other information as the Director deems necessary to comply with the purposes of this section and this chapter. **[Amended 10-27-2008 by Ord. No. 788]**

§ 164-209. Simplified site plan.

A. Upon the determination by the Zoning Administrator and the Planning Director, with the concurrence of all appropriate agencies, a simplified site plan may be filed by the owner/occupant of a proposed single-family detached dwelling, an accessory building, a temporary use, an addition to or change of use for a commercial or industrial structure or for a special exception use which does not require a building permit in those cases where a field inspection indicates that the scope of the proposed accessory building, addition or special exception use is of such nature that the provisions for the handling of natural and storm water, sediment control, off-street parking, setbacks, water and sewerage and other requirements can be adequately addressed with a simplified site plan. Said site plan may be approved by the Zoning Administrator and the Planning Director upon concurrence of all appropriate agencies, except that approval of industrial use site plans shall be in accordance with other sections of this chapter.

B. The simplified site plan shall contain the following information:

(1) An accurate sketch of the lot drawn to scale.

(2) The present record owner of the property.

(3) A vicinity map.

(4) The location and size of the vehicular entrance to the site.

(5) Water and sewer (septic) facilities, if required.

(6) The location of the parking area and number of stalls as required.

(7) The location, dimensions, height and setbacks of all existing and proposed buildings.

(8) The proposed use of the structural addition.

§ 164-210. Preparation.

A. All site plans and amendments thereto, except those provided in § 164-209, shall be prepared and certified by a licensed architect,

landscape architect or registered civil engineer. A site plan may be prepared in one or more sheets to show clearly the information required by this section and to facilitate the review and approval of the plan. If prepared in more than one sheet, match lines shall clearly indicate where the several sheets join. Every site plan shall show the name and address of the owner or developer, election district, North point, date and scale of drawing, number of sheets, existing zoning and the Tax Map and parcel number. In addition, it shall reserve a blank space three inches wide and five inches high for the use of the approving authority.

B. Site plans shall be prepared to a scale of one inch equals 30 feet or larger; the sheet or sheets shall not exceed the dimensions of 36 inches by 48 inches.

C. Clearly legible, blue- or black-line copies of a site plan shall be submitted to the Planning Director, accompanied by a receipt evidencing the payment of any site plan fees for processing and approval. Fees for filing and reviewing site plans shall be those as adopted by the Common Council. In addition, the Planning Director may require the assistance of a consultant, and, in connection therewith, the applicant shall pay the consultant's fee as a prerequisite to approval. Copies shall be submitted in sufficient number to satisfy agency review requirements.

§ 164-211. Action on site plan.

A. Compliance with standards.

(1) The Planning Director and Commission shall approve, approve subject to conditions or disapprove the site plan and shall notify the applicant, in writing, not later than 120 days after receipt of the site plan. However, the applicant may consent to an extension of such period. In reaching their decision, the Planning Director and Commission shall determine whether the site plan complies with the following standards:

(a) All applicable requirements, including all of the requirements of the zone in which it is located, shall be met as verified by the Zoning Administrator.

(b) All streets and sidewalks shall conform to the design standards of the City with respect to right-of-way, width, paving specifications and drainage provisions.

(c) The pedestrian circulation system shall be separated whenever possible from vehicular circulation in order to permit safe and convenient pedestrian movement.

(d) Landscaping shall be incorporated into the design of every planned development to enhance the appearance of structures, to provide protection from climatic conditions and to screen

roads, parking areas and nearby property from view. Grass or other ground cover, shrubs and trees shall be planted in the development. Existing trees shall be preserved wherever possible. All landscaping shall comply with the landscape manual of the City of Westminster adopted pursuant to § 164-131.1. **[Amended 3-22-1993 by Ord. No. 553]**

(e) Land regulations as specified in Article XXIV shall be observed.

(f) A supplementary drainage system shall be required when adequate surface drainage is not possible.

(g) All structures in any planned development shall be located in regard to topography and natural features. Consideration shall be given to prevailing winds and seasonal temperatures.

(h) In residential areas of planned developments, variations of setback distances shall be encouraged to create architectural interest in arrangement and character of housing fronts.

(i) All parking areas and areas of high pedestrian use shall be adequately lighted.

(j) Adequate lighting shall be provided in outdoor areas often used by occupants after dark, including areas around walkways, steps, ramps and signs.

(k) In residential planned developments, lighting shall be located so as to avoid shining directly into the windows of residences or into private outdoor open space associated with the development of surrounding units.

(l) Parking areas shall be designed so as to discourage through traffic.

(m) Parking areas shall be screened from adjacent structures, roads and traffic arteries with hedges, dense planting, earth berms or changes in grade or walls.

(n) In residential planned developments, no more than 15 parking spaces shall be permitted in a continuous row without being interrupted by landscaping.

(o) All parking areas and off-street loading areas shall be graded and drained so as to dispose of all surface water without erosion, flooding and other off-site inconveniences. All areas shall be marked to provide orderly and safe loading, parking and storage.

(p) The locations of the buildings and structures, the open space, the landscaping and the pedestrian and vehicular circulation shall be adequate, safe and efficient.

(q) The following shall be so arranged that traffic congestion is avoided and pedestrian and vehicular safety and welfare are protected with no adverse effect on surrounding properties:

[1] Facilities, improvements and utilities.

[2] Vehicular ingress and egress and internal circulation.

[3] Setbacks.

[4] Locations of service use areas.

[5] Walls and landscaping.

(r) The proposed signs will not, by size, location or lighting, interfere with traffic or limit visibility.

(s) Each structure and use shall be compatible with other uses and other site plans and with existing and proposed adjacent development.

(2) In reviewing these standards, the Planning Director shall consult with appropriate agencies to ensure that all approvals will be consistent with established policies and regulations.

B. Compatibility. The Planning Director and Commission shall not approve the site plan if they find that the development would not achieve a maximum of compatibility, safety, efficiency and attractiveness; and the fact that a site plan complies with all of the stated general regulations, development standards or other specific requirements of the zone shall not, by itself, be deemed to create a presumption that the proposed site plan is, in fact, compatible with surrounding land uses and, in itself, shall not be sufficient to require approval of the site plan.

C. The site plan approval shall contain the schedule required under § 164-208A(16) or 164-209B(9). In connection with granting their site plan approval, the Director and the Commission may modify the schedule consistent with the adequacy of public facilities, including, but not limited to, the provision of adequate sewer and water. **[Added 10-27-2008 by Ord. No. 788]**

D. No site plan shall be approved by the Planning Director and Commission without a written notation on it that no more than 40 building permits for dwelling units will be issued during any calendar year, provided that upon receipt of the Director's recommendation, the Commission may adjust said number upward or downward up to 20% for good cause. Any additional upward adjustment shall require an administrative adjustment pursuant to § 164-158.1. **[Added 10-27-2008 by Ord. No. 788[119]]**

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119. Editor's Note: This ordinance also redesignated former Subsections C through G as Subsections E through I, respectively.

E. The final action of the Commission on an application for approval of a site plan may be appealed by any person aggrieved by such action to the Circuit Court for Carroll County. Any such appeal shall be taken in accordance with the Maryland Rules of Procedure as set forth in Chapter 1100, Subtitle B.

F. Formal approval. The approved site plan, with any conditions shown thereon or attached thereto, shall be dated and signed by the designated member of the Commission and the Planning Director. Copies of the site plan shall be forwarded to the appropriate agencies and shall be attached to the building permit.

G. Revisions. Any proposed changes by the applicant to an approved site plan shall be resubmitted for approval in accordance with the provisions of this section.

H. Lapse of approval. A site plan shall become null and void after one year from the date of approval, unless a building permit has been issued and substantial work has begun on the project.

I. Approval to run with land. Site plan approval shall run with the land.

J. To ensure that projects are not approved for which water and wastewater capacity does not exist, the following additional site plan approval procedures are adopted: **[Added 4-13-2015 by Ord. No. 853]**

(1) Upon receipt of a completed application for a site plan approval for a project that has not received water and wastewater allocations at the time of approval of a subdivision plat that includes a request for a water and sewer allocation, the Planning Director shall make a determination as to the availability of water and sewer capacity, the feasibility of the allocation request, and the consistency of the project with the county water and sewer master plan.

(2) Upon a finding that the application is complete, that adequate capacity exists for a full or phased allocation, and that the use otherwise complies with requirements of the Zoning Ordinance, subject to any approvals required from the Planning Commission, the Director shall assign the plan a tentative allocation approval, which may stipulate the phasing of water allocation over time.

(3) A tentative allocation approval is valid so long as the applicant is pursuing Planning Commission approval of the project but shall expire in 18 months if the project has not received final approval from the Planning Commission, except that the Planning Director may extend the validity period for an additional 18 months if the Planning Director finds that the project has not been approved for reasons other than delays caused by the actions or omissions of the property owner or developer.

(4) Upon approval of a site plan application by the Planning Commission, the Planning Director shall issue a final water and wastewater allocation consistent with the Planning Commission's approval.

(5) Notwithstanding anything in this section, when a site plan expires or becomes null and void through lapse or revocation, the allocations shall also be forfeited.

K. No site plan shall be approved by the Planning Director and the Planning and Zoning Commission that does not adequately address the preferences and guidelines set forth in the most recently adopted Development Design Preferences Manual in compliance with the requirements of § 164-131.2. **[Added 5-9-2016 by Ord. No. 863]**

§ 164-212. Effect of noncompliance.

A. Whenever the Planning Director shall find, in the case of any plan approved in accordance with the provisions of this section, upon his own or pursuant to a complaint filed with him that any of the terms, conditions or restrictions upon which the site plan was approved are not being complied with, the Planning Director is authorized, after due notice to all parties concerned and granting full opportunity for public discussion, to suspend or revoke the site plan and any permits which have been issued pursuant to such site plan or to take such other action as it finds necessary to ensure compliance. The Planning Director is authorized to request and obtain investigations and reports as to compliance from such county or state agencies or administrative offices as may be appropriate.

B. Upon certified notice from the Planning Director of revocation of a site plan, the appropriate authority shall revoke such building permits and use permits as the order of the Planning Director may direct.

§ 164-213. Fees. [Amended 1-28-2008 by Ord. No. 774; 11-24-2008 by Ord. No. 792]

After recommendation from the Commission, the Mayor and Common Council shall adopt and from time to time amend such differential filing and processing fees as provided in the General Fee Ordinance[120] based upon the costs of processing a site plan application. Said costs include payment for reasonable expert services deemed necessary and reasonable by the Planning Director, which may include but not be limited to engineering, architectural, planning, transportation, landscaping and legal services. Payment of such fees is required prior to site plan approval.

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120. Editor's Note: See Ch. A175, Fees, Art. I, General Fees.

Chapter A174

DISTRIBUTION TABLE

§ A174-1. Distribution Table.

The following table provides for the distribution of chapters, articles and sections of the 1972 Code, as amended through 1990, into Parts I and II of the 1991 Code.

Source Chapter, Article or Section from 1972 Code	New Chapter, Article or Section in 1991 Code	Ordinances Adopted after Code Adopted (Ord. No. 381) and Included in Code
Ch. 1, General Provisions	Ch. 1, Art. II	
§ 1-1	§ 1-11	
§ 1-2	§ 1-12	
§ 1-3	§ 1-13	
§ 1-4	§ 1-14	
§ 1-5	§ 1-15	
§ 1-6	§ 1-16	
§ 1-7	§ 1-18A	484
§ 1-8	§ 1-17	
§ 1-8.1	§ 1-18B	484
§ 1-8.2	§ 1-18C	484
Ch. 2, Administration of Government	—	
Art. I, In General	Ch. 4, Art. I	
§ 2-1	§ 4-1	
§ 2-2	§ 4-2	
§ 2-3	§ 4-3	
§ 2-4	§ 4-4	
§ 2-5	§ 4-5	
Art. II, Legislative Body	Ch. 4. Art. II	
§ 2-6	§ 4-6	
§ 2-7	§ 4-7	386; 452
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§ 20A-1	§ 160-1	382; 393; 432; 436; 494; 501; 512; 529

Source Chapter, Article or Section from 1972 Code	New Chapter, Article or Section in 1991 Code	Ordinances Adopted after Code Adopted (Ord. No. 381) and Included in Code
§ 20A-2	§ 160-2 and Schedule	382; 388; 393; 410; 432; 436; 494; 501; 512; 529
§ 20A-3	§ 160-3	382; 388; 432
§ 20A-4	§ 160-4	382; 410
§ 20A-5	§ 160-5	382; 393
§ 20A-6	§ 160-6	382
§ 20A-7	§ 160-7	382; 388; 432; 522
§ 20A-7.1	§ 160-8	383; 404; 432; 454; 522
§ 20A-7.2	§ 160-9	399
§ 20A-8	§ 160-10	382; 476
§ 20A-9	§ 160-11	382
§ 20A-10	§ 160-12	382
§ 20A-10.1	§ 160-13	484
§ 20A-10.2	§ 160-14	520
§ 20A-11	§ 160-15 through 160-21	382; 448; 484
Ch. 21, Zoning and Subdivision of Land	Ch. 164	
Art I, In General	Art. I	
§ 21-1	§ 164-1	425
§ 21-2	§ 164-2	425
§ 21-3	§ 164-3	425; 434; 439; 465; 471; 482; 493; 527
§ 21-4	Omitted	425
§ 21-5	§ 164-4	425
§ 21-6	§ 164-5	425
§ 21-6.1	§ 164-6	450
§ 21-7	§ 164-7	425
Art. II, Zoning Districts	Arts. II through XV	
§ 21-8	§ 164-8	425; 450; 527
§ 21-9	§ 164-9	425; 467
§ 21-10	§ 164-10	425
§ 21-11	§§ 164-11 through 164-17	425; 471; 493

Source Chapter, Article or Section from 1972 Code	New Chapter, Article or Section in 1991 Code	Ordinances Adopted after Code Adopted (Ord. No. 381) and Included in Code
§ 21-12	§§ 164-18 through 164-22	425; 471; 527
§ 21-13	§§ 164-23 through 164-27	425; 471; 527
§ 21-14	§§ 164-28 through 164-33	425; 441; 471; 527
§ 21-15	§§ 164-34 through 164-39	425; 441; 527
§ 21-16	§§ 164-40 through 164-45	425; 430; 438; 439; 441; 482; 527
§ 21-17	§§ 164-46 through 164-51	425; 439
§ 21-18	§§ 164-52 through 164-59	425; 493; 527
§ 21-19	§§ 164-60 through 164-64	425
§ 21-20	§ 164-65 through 164-76	425; 527
§ 21-21	§§ 164-77 through 164-87	425; 437; 465; 482; 527
§ 21-22 (Reserved)	—	Repealed by 527
§ 21-23	§§ 164-88 through 164-98	425; 437; 465; 482; 527
§ 21-23.1	164-99 through 164-110	450; 482
Art. III, Off-Street Parking and Loading Requirements	Art. XVI	
§ 21-24	§ 164-111	425; 482; 487; 497; 527
§ 21-25	§ 164-112	425; 482; 527
§ 21-26	§ 164-113	425; 482; 527
§ 21-27	§ 164-114	425
§ 21-28	§ 165-115	425; 482
§ 21-29	§ 164-116	425
Art. IV, Signs	Art. XVII	
§ 21-30	§ 164-117	425
§ 21-31	§ 164-118	425
§ 21-32	§ 164-119	425

Source Chapter, Article or Section from 1972 Code	New Chapter, Article or Section in 1991 Code	Ordinances Adopted after Code Adopted (Ord. No. 381) and Included in Code
§ 21-33	§ 164-120	425
§ 21-34	§ 164-121	425; 450; 471; 493; 527
§ 21-35	§ 164-122	425
§ 21-36	§ 164-123	425
§ 21-37	§ 164-124	425
§ 21-38	§ 164-125	425
§ 21-39	§ 164-126	425
§ 21-40	§ 164-127	425
§ 21-41	§ 164-128	425
§ 21-42	§ 164-129	425
Art. V, General Regulations	Arts. XVIII and XIX	
§ 21-43	§ 164-130	425
§ 21-44	§ 164-131	425
§ 21-45	§ 164-132	425
§ 21-46	§ 164-133	425; 497
§ 21-47	§ 164-134	425
§ 21-48	§ 164-135	425
§ 21-49	§ 164-136	425
§ 21-50	§ 164-137	425
Art. VI, Special Provisions	Art. XX	
§ 21-51	§ 164-138	425
§ 21-52	§ 164-139	425
§ 21-53	§ 164-140	425
§ 21-54	§ 164-141	425; 527
§ 21-55	§ 164-142	425
§ 21-56	§ 164-143	425; 527
§ 21-57	§ 164-144	425
§ 21-58	§ 164-145	425
§ 21-59	§ 164-146	425
§ 21-60	§ 164-147	425
§ 21-61	§ 164-148	425
§ 21-62	§ 164-149	425; 527
§ 21-63	§ 164-150	425; 482; 527

Source Chapter, Article or Section from 1972 Code	New Chapter, Article or Section in 1991 Code	Ordinances Adopted after Code Adopted (Ord. No. 381) and Included in Code
§ 21-64	§ 164-151	425
§ 21-65	§ 164-152	425
§ 21-65.1	§ 164-153	482
§ 21-65.2	§ 164-154	482
§ 21-65.3	§ 164-155	493
Art. VII, Administration and Enforcement	Art. XXI	
§ 21-66	§ 164-156	425
§ 21-67	§ 164-157	425
§ 21-68	§ 164-158	425
§ 21-69	§ 164-159	425; 484; 527
Art. VIII, Board of Zoning Appeals	Art. XXII	
§ 21-70	§ 164-160	425; 527
§ 21-71	§ 164-161	425
§ 21-72	§ 164-162	425
§ 21-73	§ 164-163	425
§ 21-74	§ 164-164	425
§ 21-75	§ 164-165	425
§ 21-76	§ 164-166	425; 527
§ 21-77	§ 164-167	425
§ 21-78	§ 164-168	425
§ 21-79	§ 164-169	425
§ 21-80	§ 164-170	425
§ 21-81	§ 164-171	425
§ 21-82	§ 164-172	425
§ 21-83	§ 164-173	425
§ 21-84	§ 164-174	425
§ 21-85	§ 164-175	425
Art. IX, Applications for Amendments	Art. XXIII	
§ 21-86	§ 164-176	425
§ 21-87	§ 164-177	425
§ 21-88	§ 164-178	425

Source Chapter, Article or Section from 1972 Code	New Chapter, Article or Section in 1991 Code	Ordinances Adopted after Code Adopted (Ord. No. 381) and Included in Code
§ 21-89	§ 164-179	425
§ 21-90	§ 164-180	425
§ 21-91	§ 164-181	425
§ 21-92	§ 164-182	425; 527
§ 21-93	§ 164-183	425
§ 21-94	§ 164-184	425
§ 21-95	§ 164-185	425; 527
§ 21-96	§ 164-186	425
§ 21-97	§ 164-187	425; 527
§ 21-98	§ 164-188	425; 450; 482
§ 21-99	§ 164-189	425
§ 21-100	§ 164-190	425; 527
Art. X, Subdivision Regulations	Art. XXIV	
§ 21-101	§ 164-191	425
§ 21-102	§ 164-192	425
§ 21-103	§ 164-193	425; 527
§ 21-104	§ 164-194	425; 527
§ 21-105	§§ 164-195 through 164-197	425; 527
§ 21-106	§ 164-198	425; 527
§ 21-107	§ 164-199	425; 527
§ 21-108	§ 164-200	425
§ 21-109	§ 164-201	425
§ 21-110	§§ 164-202 through 164-204	425; 527
Art. XI, Site Plans	Art. XXV	
§ 21-111	§§ 164-205 through 164-207	425
§ 21-112	§ 164-208	425; 527
§ 21-113	§ 164-209	425
§ 21-114	§ 164-210	425
§ 21-115	§ 164-211	425; 471; 527
§ 21-116	§ 164-212	425

Source Chapter, Article or Section from 1972 Code	New Chapter, Article or Section in 1991 Code	Ordinances Adopted after Code Adopted (Ord. No. 381) and Included in Code
§ 21-117	§ 164-213	425; 527
Appendix: Fee Schedule	Ch. A175	Res. No. R86-2

Chapter A175

FEES

ARTICLE I
General Fees
[Adopted 12-8-2008 by Ord. No. 798[121]]

§ A175-1. General fees, charges and costs adopted; General Fee Schedule established.

A. The City of Westminster hereby enacts and adopts the following fees, charges and costs relating to the provision of its municipal services pursuant to the Westminster Charter, the Westminster City Code, and related authorities.

(1) Chapter 14, Elections.

Code Section	Subject	Fee
§ 14-2	Filing fees	$25

(2) Chapter 83, Floodplain Management.

Code Section	Subject	Fee
§ 83-26	Administrative fees	Actual costs determined by Director of Public Works

(3) Chapter 94, Licenses.

Code Section	Subject	Fee
§ 94-8	Circus parades	$100
§ 94-9	Circuses and other entertainments	
	First performance of circus	$100
	Additional performance	$100
	First performance of sideshow	$100
	Additional performance	$100
	Other exhibitions	$100
§ 94-10	Distribution of handbills, per distribution	$25
§ 94-11	Peddling and soliciting	$100

(4) Chapter 109, Picketing and Parades.

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121 Editor's Note: This ordinance also repealed former Art I, General Fees, adopted 11-24-2008 by Ord. No. 794.

Code Section	Subject	Fee
§ 109-10	Procedure for requesting parades and demonstrations permits	Actual cost as determined by City Clerk

(5) Chapter 119, Property Maintenance. **[Amended 2-11-2013 by Ord. No. 839]**

Code Section	Subject	Fee
	Annual licensing fees	
	If application is timely filed. This fee shall not be increased prior to June 1, 2016. The timely filing period will be extended to July 31, 2013, for the first year of the program	$20
	If application is filed up to 30 days late	$30
	If application is filed between 31 and 60 days late	$50
	If application is filed between 61 and 90 days late	$100
	If application is filed between 91 and 120 days late	$150
	If application is filed between 121 and 365 days late	$250
	If application is filed over 1 year late	$350
	If application is filed over 2 years late	$450
	For habitual offender	$500

(6) Chapter 130, Solid Waste.

Code Section	Subject	Fee
§ 130-4C	Permit to collect or dispose of solid waste, annual charge	$200
§ 130-7	Bulk pickup	
	Fewer than 3 residential units	No charge

Code Section	Subject	Fee
	More than 4 residential units, mixed business-residential units, business institutions, and related uses	No service provided by the City
	Eviction and other bulk collection service:	
	Entitled:	
	Normal pickup day for location	$150
	Other than normal pickup day for location	$300
	Overtime ($300 x 1.5)	$450
	Nonentitled:	
	Normal pickup day for location	$300
	Other than normal pickup day for location	$500
	Overtime ($500 x 1.5)	$750

(7) Chapter 133, Special Capital Benefit Assessment.

Code Section	Type of Use	Amount of Assessment
§ 133-3A	Dwelling and Dwelling Units (including mobile homes)	
	Each single-family dwelling unit or the first unit in a multifamily dwelling unit as defined in Chapter 164 of this Code	$3,840
	Each dwelling unit in a multifamily dwelling unit over and above the first unit:	
	1-bedroom or efficiency	$3,072
	2-bedroom	$3,264
	3-bedroom	$3,456
	4-bedroom	$3,648
	Industrial Manufacturing	

Code Section	Type of Use	Amount of Assessment
	Minimum (includes buildings containing up to 5,000 square feet total floor space)	$3,840
	Next 10,000 square feet	$0.77 per square foot
	Next 15,000 square feet	$0.73 per square foot
	All over 30,000 square feet	$0.70 per square foot
	Industrial Warehousing	
	Minimum (includes buildings containing up to 2,000 square feet total floor space)	$3,840
	Next 3,000 square feet	$0.77 per square foot
	Next 5,000 square feet	$0.70 per square foot
	Next 20,000 square feet	$0.59 per square foot
	All over 30,000 square feet	$0.46 per square foot
	Schools and Colleges, including Dormitories (students and staff)	
	1 to 100 persons	$6,528
	101 to 250 persons	$11,520
	251 to 400 persons	$16,896
	401 to 1,000 persons	$22,080
	Each additional 400 persons or fraction thereof over 1,000	$26,880
	Hospitals, Care Homes and Nursing Homes	
	1 to 20 beds	$6,528
	21 to 60 beds	$11,520
	Each additional bed over 60	$269
	Hotels and Motels	

Code Section	Type of Use	Amount of Assessment
	1 to 10 rooms	$3,840
	11 to 50 rooms	$6,528
	Each additional bed over 50	$307
	Commercial (retail, wholesale and business offices)	
	Minimum (includes buildings containing up to 5,000 square feet total floor space)	$3,840
	Next 5,000 square feet	$0.77 per square foot
	Next 10,000 square feet	$0.70 per square foot
	All over 20,000 square feet	$0.59 per square foot
§ 133-3B	Existing structure converted to additional dwelling units, commercial units or business offices	$576, plus $0.77 per square foot

(8) Chapter 136, Stormwater Management.

Code Section	Subject	Fee
§ 136-17	Fees	Review and inspections completed for City by county

(9) Chapter 139, streets and sidewalks.

Code Section	Subject	Fee
§ 139-5	Use of sidewalks by merchants and contractors	$50
§ 139-14	Petition to close streets, etc.	$250
§ 139-21	Permit for outdoor display signs or display structure	$50
§ 139-23	Permit fee for awnings	$50
§ 139-25	Permit to dig streets, etc.	$500
§ 139-29	Underground facilities	

Code Section	Subject	Fee
	First marking	$35
	Additional markings	$15

(10) Chapter 145, Taxicabs.

Code Section	Subject	Fee
§ 145-5	Taxicab owner's license, for each vehicle	$50
§ 145-7	Transferability of taxi license, for each vehicle	$50
§ 145-9	Taxi stands, per space	$250
§ 145-15	Taxi driver's license, per license	$50
§ 145-23	Fares and rates	
	Flat fare for trips from 7:00 a.m. to 10:00 p.m.	$5
	Surcharge for trips prior to 7:00 a.m. and after 10:00 p.m. to be added to base fare	$10
	Charge for intracity portion of trip outside the City	$5
§ 145-25	Impoundment	Service charge of $100 plus actual storage cost

(11) Chapter 148, Trees.

Code Section	Subject	Fee
§ 148-12	Tree topping, per tree	$25

(12) Chapter 155, Vehicles and Traffic.

Code Section	Subject	Fee
§ 155-30	Parking permits:	
	Permit parking lots (per month)	
	Longwell Annex Lot	$0
	Lower Conaway Lot	$25
	Upper Conaway Lot	$20

Code Section	Subject	Fee
	Chapel Lot	$20
	North Longwell Lot	$25
	Bauerlein Lot	$20
	Parking structures (per month)	
	Longwell	$30
	Westminster Square	$30
§ 155-31B	Parking meter zones and charges, per hour	$0.50

(13) Chapter 164, Zoning and Subdivision of Land.

Code Section	Subject	Fee
§ 164-45.21D	Criteria for approval, per space	$2,500
§ 164-82B	Open space, per acre	$2,500
§ 164-93B	Open space, per acre	$2,500
§ 164-111C	General provisions and requirements	One-time charge of $2,500 per space plus an annual maintenance fee of $56.79 adjusted annually on CPI
§ 164-111D	General provisions and requirements	One-time charge of $2,500 per space plus an annual maintenance fee of $56.79 adjusted annually on CPI
§ 164-123C	Sign permits	
	Less than 64 square feet/ less than 20 feet high	$50
	More than 64 square feet/ more than 20 feet high	$150
§ 164-151A	Junkyard permit	$250
§ 164-157A	Zoning certificate, per certificate	$200
§ 164-158.1C	Administrative adjustments	$400
§ 164-174	Filing fees	
	Special exceptions:	

Code Section	Subject	Fee
	Day-care	$300
	Owner-occupied	$300
	All others	$1,500, plus City legal fees and court reporter costs
	Variances:	
	Owner-occupied	$200
	All others	$1,000 plus City legal fees and court reporter costs
	Appeals	$600
§ 164-179	Zoning filing fees	
	Text amendment	$1,500
	Local map amendment	
	Less than 25 acres	$1,600
	More than 25 acres	$1,600, plus $100 per acre over 25
	Historic	$0
§ 164-192	Subdivision application for approval	$200
§ 164-203	Fees	
	Subdivision	
	Application fee	$200
	Concept plan	$500
	Preliminary plan	$1,250 plus $50 per lot
	Development plan	$1,250 lot plus $50 per lot
	Final plat	$1,000 plus $50 per lot
§ 164-213	Fees	
	Site plan	
	Minor site plan	$1,000, plus $200 per each acre less than 5
	Major site plan	$1,500, plus $250 per each acre less than 5

Code Section	Subject	Fee
	Development plan	$1,250, plus $50 per lot

(14) Miscellaneous fees.

(a) Finance.

[1] Bad check fee: $50.

[2] Release of lien: $50.

(b) Planning zoning and development.

[1] Annexation fees.

[a] Less than five acres: $2,500, plus reimbursement of legal costs.

[b] More than five acres: $5,000, plus reimbursement of legal costs.

[2] Zoning verification letter: $50.

[3] Electronic data.

[a] Stored drawings and historic maps:

[i] Blueline copies: $5.

[ii] Burn to CD/e-mail: $5.

[4] Plotted maps.

[a] Eight and one-half inches by 11 inches: $5.

[b] Eleven inches by 17 inches: $10.

[c] Twenty-four inches by 36 inches: $20.

[d] Thirty-six inches by 48 inches: $30.

[e] Custom sizes: $5 per square foot.

[f] Zoning Map (24 inches by 36 inches): $20.

[5] Custom Products: $65 per hour. Add $5 per square foot for custom-sized plotted maps.

[6] Special loan programs:

[a] Application fee: $2,000.

[b] Work plan and inspection fee: $1,000.

(c) Public Works.

[1] Construction inspection: 4.5% of public bond amount would be paid to City to cover work of construction inspectors. Fee shall be paid prior to initiation of construction.

[2] Standard spec book: $40, if mailed; $35.

[3] Standard Detail Sheet: available online, $0.

(d) Recreation.

[1] Westminster Municipal Pool:

[a] At gate per person: $7.

[b] Family, City: $200.

[c] Individual, City: $128.

[d] Family, county: $260.

[e] Individual, county: $146.

[2] Westminster Family Center enrollment fees: **[Amended 5-24-2010 by Ord. No. 811]**

[a] Family:

[i] City: $100.

[ii] County: $125.

[b] Individual:

[i] City: $50.

[ii] County: $75.

[c] Youth:

[i] City: $30.

[ii] County: $55.

[d] Child supervision:

[i] City: $20.

[ii] County: $45.

[3] Westminster Family Center monthly membership fees:

[a] Family: $50.

[b] Individual: $25.

[c] Youth: $15.

[d] Child supervision: $10.

[4] Westminster Family Center one-time guest fees:

[a] Per person: $7.

[b] With a member: $5.

[c] Per child for child supervision: $3.

[5] Westminster Family Center one-month membership fees:

[a] Family: $60.

[b] Individual: $30.

[c] Youth: $20.

[d] Child supervision: $15.

[6] Avondale Run Ballfield:

[a] Permit required; permit fee of $75, plus refundable security deposit of $75.

[7] Belle Grove Square Park:

[a] Permit required; permit fee of $75.

[8] Bishop's Garth Park:

[a] Permit required; permit fee of $75.

[9] Charles Street Park:

[a] Permit required; permit fee of $75 plus, refundable security deposit of $75.

[10] Community Building at the pool:

[a] Permit required; $30 per hour, plus refundable security deposit of $75.

[11] Dutterer Family Park;

[a] Permit required; pavilion rental at $75 for four hours, plus refundable security deposit of $75.

[12] Green's Tot Lot:

[a] Permit required; permit fee of $75.

[13] Jaycee Park:

[a] Permit required; permit fee of $75 plus refundable security deposit of $75.

[b] Ballfield lights: $25 per hour.

[14] King Park:

[a] Permit required; pavilion rental at $75 for four hours, plus refundable security deposit of $75.

[15] Locust Lane:

[a] Permit required; permit fee of $75.

[16] Longwell Municipal Center Gym Rental:

[a] Permit required; $30 per hour for gym rental and $20 per hour for room rental.

[17] Uniontown Road Athletic Field;

[a] Permit required; permit fee of $75.

[18] Westminster City Playground:

[a] Permit required; pavilion rental at $75 for four hours, plus refundable security deposit of $75.

[19] Westminster City Park Ballfields:

[a] Permit required; permit fee of $75, plus refundable security deposit of $75.

[b] Ballfield lights: $25 per hour.

[20] Library Park:

[a] Permit required; pavilion rental at $75 for four hours, plus refundable security deposit of $75.

[21] Main Street banners:

[a] Per banner for two-week rental: fee of $150.

(e) City Clerk:

[1] Maryland public information requests:

[a] Copy costs, per page: $0.25.

[b] Time:

[i] Less than or equal to two hours: free.

[ii] Greater than or equal to two hours: actual costs determined by the City Clerk.

(f) Police:

[1] Maryland public information requests:

[a] Copy costs, per page: $0.25.

[b] Time:

[i] Less than or equal to two hours: free.

[ii] Greater than or equal to two hours: actual costs determined by the Chief of Police.

[2] Accident report: $5.

[3] Police report:

[a] Initial: $5.

[b] Supplemental pages: $1 per page.

[4] Research fee: $15; deposit of $10 required, first hour free.

[5] Photographs:

[a] Standard: $2.

[b] Eight inches by 10 inches: $8.

[6] Audio tapes (cassette): $10.

[7] CDs: $10.

[8] Video tapes: $25.

[9] Fingerprints:

[a] Per card: $5.

[b] Child prints: free.

[10] Meter bags:

[a] Single-head meter bag: $4 per day.

[b] Double-head meter bag: $8 per day.

[11] "No Parking" pedestal:

[a] Half day: $5.

[b] Full day: $5.

(g) Issuer's fee for conduit revenue bonds, notes or other evidences of obligation as to which closing occurs on or after July 15, 2014, and which relate to projects located outside the City's corporate limits: **[Added 7-14-2014 by Ord. No. 850]**

[1] The lesser of:

[a] One percent of the original principal amount of such obligations; and

[b] Ten thousand dollars, provided that, to the extent the Internal Revenue Code of 1986, as amended, or the regulations promulgated thereunder (collectively, the "Tax Code") require that a lesser amount be charged than the amount determined by application of such formula, such lesser amount as determined in accordance with the Tax Code; such fee to be payable by the obligor as a one-time fee at closing.

§ A175-2. Title.

This article constitutes the General Fee Ordinance as referenced in § 1-12A of the Westminster City Code and shall be known as the "General Fee Ordinance." For the purposes of this art icle, the term "fee" includes any fee, charge or cost authorized or referenced in the Westminster City Code.

ARTICLE II
Utility Fees
[Adopted 11-24-2008 by Ord. No. 795]

§ A175-3. Utility fees, charges and costs adopted; Utility Fee Schedule established.

The Mayor and Common Council of Westminster hereby enacts and adopts the following fees, charges and costs relating to the utility services provided pursuant to Chapters 124 and 160 of the Westminster City Code.

A. Chapter 124, Sewers and Sewage.

(1) Section 124-3.1:

(a) Application for service: $50.

(b) Good cause waiver:

[1] More than five acres: $175.

[2] Less than five acres: $300.

(2) Section 124-12D, industrial waste permit: $500.

(3) Section 124-23, extension of service, review and approval of construction drawings:

(a) County: $1,000.

(b) City: $2,000.

(4) Section 124-24, Schedule of charges - sewer benefit assessment:

Type of Use	Amount of Assessment
Dwelling and Dwelling Units (including mobile homes)	
Each single-family dwelling unit or the first unit in a multifamily dwelling unit as defined in Chapter 164 of this Code	$5,496
Each dwelling unit in a multifamily dwelling unit over and above the first unit:	
1-bedroom or efficiency	$2,858
2-bedroom	$3,517
3-bedroom	$4,616
4-bedroom	$5,496
Industrial Manufacturing	
Minimum (includes buildings containing up to 5,000 square feet total floor space)	$5,496

Type of Use	Amount of Assessment
Next 10,000 square feet	$0.92 per square foot
Next 15,000 square feet	$0.84 per square foot
All over 30,000 square feet	$0.74 per square foot
Industrial Warehousing	
Minimum (includes buildings containing up to 2,000 square feet total floor space)	$5,496
Next 3,000 square feet	$1.02 per square foot
Next 5,000 square feet	$0.84 per square foot
Next 20,000 square feet	$0.67 per square foot
All over 30,000 square feet	$0.46 per square foot
Schools and Colleges, including Dormitories (students and staff)	
1 to 100 persons	$10,992
101 to 250 persons	$27,701
251 to 400 persons	$43,969
401 to 1,000 persons	$88,598
Each additional 400 persons or fraction thereof over 1,000	$38,780
Hospitals, Care Homes and Nursing Homes	
1 to 20 beds	$8,794
21 to 60 beds	$21,985
Each additional bed over 60	$330
Hotels and Motels	
1 to 10 rooms	$5,496
11 to 50 rooms	$13,850
Each additional bed over 50	$462
Commercial (retail, wholesale and business offices)	
Minimum (includes buildings containing up to 5,000 square feet total floor space)	$5,496

Type of Use	Amount of Assessment
Next 5,000 square feet	$0.92 per square foot
Next 10,000 square feet	$0.74 per square foot
All over 20,000 square feet	$0.56 per square foot
Existing structure converted to additional dwelling units, commercial units or business offices	$562, plus $0.74 per square foot

(5) Section 124-26B, Avondale Sewer Service Area special benefit assessment charge:

(a) Industrial and commercial: $1,200 per acre.

(b) Residential and agricultural: $600 per acre.

(6) Section 124-27B, Air Business Center drainage area special acreage assessment charge:

(a) Industrial: $1,400 per acre.

(b) Commercial: $1,100 per acre.

(c) Residential: $750 per acre.

(d) Agricultural: $550 per acre.

(7) Section 124-28A, connection charges: Minimum $1,500 or actual cost determined by Director of Public Works, whichever is greater.

(8) Section 124-29, Sewer charges: consist of fixed quarterly charge plus sewer usage charge. **[Added 4-13-2009 by Ord. No. 802; amended 5-11-2015 by Ord. No. 854; 5-9-2016 by Ord. No. 865]**

(a) July 1, 2016 to June 30, 2017:

[1] Fixed quarterly charge:

[a] Tier 1 rates.

Meter Size (inches)	AWWA Meter Equivalent	Inside City Sewer	Outside City Sewer
5/8	1.00	$26.16	$36.75
3/4	1.00	$26.16	$36.75

[b] Tier 2 rates.

Meter Size (inches)	AWWA Meter Equivalent	Inside City Sewer	Outside City Sewer
1	2.50	$65.40	$91.89
1 1/2	5.00	$130.80	$183.79
2	8.00	$209.27	$294.06
3	16.00	$418.55	$588.13
4	25.00	$653.99	$918.96
6	50.00	$1,307.97	$1,837.94
8	80.00	$2,092.73	$2,940.69

[2] Plus quarterly sewer usage charge (unit rate per 1,000 gallons):

Inside City	Outside City
$6.34	$9.48

(9) Section 124-30, Additional charges.

(a) Pretreatment: actual costs determined by Director of Public Works.

(b) Monitoring: actual costs determined by Director of Public Works.

(c) Discharge: actual costs determined by Director of Public Works.

(d) Permit applications: $50.

(e) Appeals: $50.

(f) Surcharge: $330 for each thousand pounds over limit.

Substance	Limit (mg/l)
BOD5	220
TKN	20
TSS	250
TP	5

(g) Other fees: actual costs determined by Director of Public Works.

B. Chapter 160, Water.

Article I, Potable Water

(1) Section 160-2, Metered service: Consists of fixed quarterly charge plus water usage charge. **[Added 4-13-2009 by Ord. No. 802; amended 5-11-2015 by Ord. No. 854; 5-9-2016 by Ord. No. 865]**

(a) July 1, 2016 to June 30, 2017:

[1] Fixed quarterly charge:

[a] Tier 1 rates:

Meter Size (inches)	AWWA Meter Equivalent	Inside City Sewer	Outside City Sewer
5/8	1.00	$23.09	$24.71
3/4	1.00	$23.09	$24.71

[b] Tier 2 rates:

Meter Size (inches)	AWWA Meter Equivalent	Inside City Sewer	Outside City Sewer
1	2.50	$57.72	$61.78
1 1/2	5.00	$115.44	$123.57
2	8.00	$184.70	$197.71
3	16.00	$369.39	$395.41
4	25.00	$577.18	$617.83
6	50.00	$1,154.35	$1,235.66
8	80.00	$1,846.96	$1,977.06

[2] Plus quarterly water usage charge.

[a] Tier 1 rates (unit rate per 1,000 gallons):

Number of Gallons	Inside City`	Outside City
0 to 18,000	$3.92	$5.29
Over 18,000	$9.79	$13.24

[b] Tier 2 rates (unit rate per 1,000 gallons):

Inside City	Outside City
$5.29	$7.15

(2) Section 160-3, fire prevention:

Type	Rate Per Annum
3/4-inch connection	$150
1-inch connection	$200
2-inch connection	$250
4-inch connection	$600
6-inch connection	$1,000
8-inch connection	$1,200
10-inch connection	$1,600
Each fire hydrant	$200
Sprinkler systems per inch of inside diameter	$400

(3) Section 160-4, Flat-rate service and tank truck sales: Rates as established under § 160-2.

(4) Section 160-6A:

(a) Application for service: $50.

(b) Good cause waiver:

[1] Less than five acres: $175.

[2] More than five acres: $300.

(5) Section 160-7A, service connections, excluding meter costs size of service lines: Actual cost as determined by Director of Public Works.

Size of Service Line

(inches)	Charge
3/4	$800
1	$850
1 1/2	$900
2	$950
2 1/2	$1,000
3	$1,050
Greater than 3	Actual cost as determined by Director of Public Works
Owner installed	$0

(6) Section 160-8 Schedule of charges - special water benefit assessment:

Type of Use	Amount of Assessment
Dwelling and Dwelling Units (including mobile homes)	
Each single-family dwelling unit or the first unit in a multifamily dwelling unit as defined in Chapter 164 of this Code	$5,244
Each dwelling unit in a multifamily dwelling unit over and above the first unit:	
1-bedroom or efficiency	$2,797
2-bedroom	$3,846
3-bedroom	$4,544
4-bedroom	$5,768
Industrial Manufacturing	
Minimum (includes buildings containing up to 5,000 square feet total floor space)	$5,244
Next 10,000 square feet	$0.90 per square foot
Next 15,000 square feet	$0.84 per square foot
All over 30,000 square feet	$0.77 per square foot
Industrial Warehousing	
Minimum (includes buildings containing up to 2,000 square feet total floor space)	$5,244
Next 3,000 square feet	$1 per square foot
Next 5,000 square feet	$0.84 per square foot
Next 20,000 square feet	$0.69 per square foot
All over 30,000 square feet	$0.46 per square foot
Schools and Colleges, including Dormitories (students and staff)	
1 to 100 persons	$12,061
101 to 250 persons	$28,492
251 to 400 persons	$45,622
401 to 1,000 persons	$91,243
Each additional 400 persons or fraction thereof over 1,000	$39,853
Hospitals, Care Homes and Nursing Homes	
1 to 20 beds	$9,089

Type of Use	Amount of Assessment
21 to 60 beds	$22,723
Each additional bed over 60	$307
Hotels and Motels	
1 to 10 rooms	$5,244
11 to 50 rooms	$13,984
Each additional bed over 50	$437
Commercial (retail, wholesale and business offices)	
Minimum (includes buildings containing up to 5,000 square feet total floor space)	$5,244
Next 5,000 square feet	$0.90 per square foot
Next 10,000 square feet	$0.77 per square foot
All over 20,000 square feet	$0.62 per square foot
Existing structure converted to additional dwelling units or business offices	$604, plus $0.82 per square foot

(7) Section 160-10, Main extensions, review and approval of construction drawings:

(a) County: $1,000.

(b) City: $2,000.

(8) Section 160-11, Meters:

(a) Meter size.

Size (inches)	Fee
3/4	$300
1	$355
1 1/2	$600
2	$700
Greater than 2	Actual cost as determined by Director of Public Works

(b) Meter testing fee: $100.

(9) Section 160-12, Discontinuance of service:

(a) Nonpayment of bill: $100.

(b) All other reasons:

[1] Initial occasion: $300.

[2] Repeat occasions: $500.

(10) Section 160-14, allocation application: $250.

Article II, Reclaimed Water

§ 160-25. Rates, fees and charges: **[Added 1-9-2012 by Ord. No. 831; amended 5-9-2016 by Ord. No. 865]**

(1) Application for service: $25.

(2) Extension of service, review and approval of construction drawings:

(a) County: $500.

(b) City: $1,000.

(3) Reclaimed water charge, comprised of a fixed charge plus a reclaimed water quantity charge.

(a) Fixed quarterly charge:

Meter Size (inches)	**Inside City Sewer**	**Outside City Sewer**
1	$53.08	$74.58
1 1/2	$106.16	$149.17
2	$169.85	$238.67
3	$339.70	$477.34
4	$530.79	$745.85
6	$1,061.58	$1,491.71
8	$1,698.53	$2,386.73

(b) Reclaimed water quantity charge (unit rate per 1,000 gallons):

Inside City	**Outside City**
$2.58	$3.85

§ A175-4. Title.

This article constitutes the Utility Fee Ordinance as referenced in § 1-12A of the Westminster City Code and shall be known as the "Utility Fee Ordinance." For the purposes of this article, the term "fee" includes any fee, charge or cost authorized or referenced in Chapters 124 and 160 of the Westminster City Code, Article 23A and the Environment Article of the Annotated Code of Maryland.

Chapter DL

DISPOSITION LIST

§ DL-1. Disposition of legislation.

Ord. No.	Adoption Date	Subject	Disposition
686	9-23-2002	Water amendment	Ch. 160
687	11-11-2002	Buildings amendment	Ch. 56
688	10-28-2002	Zoning and subdivision of land amendment	Ch. 164
689	11-11-2002	Adoption of Code	Ch. 1, Art. I
690			Tabled
691	11-25-2002	Zoning Map amendment	NCM
692	12-9-2002	Zoning Map amendment	NCM
693	1-27-2003	Sewers amendment	Ch. 124
694	1-27-2003	Special capital benefit assessment amendment	Ch. 133
695	1-27-2003	Water amendment	Ch. 160
696	2-10-2003	Loitering amendment	Ch. 106
697	2-24-2003	Zoning Map amendment	NCM
698	3-24-2003	Vehicles and traffic amendment	Ch. 155
699	4-14-2003	Department of Finance amendment	Ch. 19
700	4-28-2003	Zoning and subdivision of land amendment	Ch. 164
701	4-28-2003	Zoning and subdivision of land amendment	Ch. 164
702	4-21-2003	Review and enforcement of parades and processions	NCM
703	4-28-2003	Annual tax levy	NCM
704	7-28-2003	Parades and demonstrations amendment	Ch. 109, Art. II
705	8-11-2003	Streets and sidewalks amendment	Ch. 139
706	10-13-2003	Zoning and subdivision of land amendment	Ch. 164
707	7-28-2003	Zoning Map amendment	NCM

Ord. No.	Adoption Date	Subject	Disposition
708	7-28-2003	Procurement and contracts amendment	Ch. 36
709	8-25-2003	Zoning Map amendment	NCM
710	1-12-2004	Zoning and subdivision of land amendment	Ch. 164
711		Zoning and subdivision of land	Tabled
712	10-21-2003	Zoning Map amendment	NCM
713	5-10-2004	Annual tax levy	NCM
714	6-14-2004	Water amendment	Ch. 160
715	6-14-2004	Sewers amendment	Ch. 124
716	6-14-2004	Special capital benefit assessment amendment	Ch. 133
717	7-26-2004	Vehicles and traffic amendment	Ch. 155
718	7-26-2004	Zoning and subdivision of land amendment	Ch. 164
719	7-26-2004	Disorderly house nuisances	Ch. 68
720	8-9-2004	Zoning Map amendment	NCM
721	8-9-2004	Zoning Map amendment	NCM
722	9-13-2004	Zoning and subdivision of land amendment	Ch. 164
723	1-10-2005	Zoning and subdivision of land amendment	Ch. 164
724	11-22-2004	Extension of effective date of annexation	NCM
725	1-10-2005	Zoning Map amendment	NCM
726	1-10-2005	Zoning Map amendment	NCM
727	1-24-2005	Zoning and subdivision of land amendment	Ch. 164
728	3-14-2005	Police Department amendment	Ch. 33
729	3-28-2005	Bonds	NCM
730	3-28-2005	Department of Finance amendment	Ch. 19
731		Police procurement	Tabled
732	4-11-2005	Extension of effective date of annexation	NCM

Ord. No.	Adoption Date	Subject	Disposition
733	5-9-2005	Annual tax levy	NCM
734	8-8-2005	Zoning Map amendment	NCM
735	9-26-2005	Zoning Map amendment	NCM
736	9-12-2005	Sale of property	NCM
737	11-14-2005	Bond	NCM
738	11-14-2005	Taxation amendment	Ch. 143
739	12-12-2005	Stormwater management	Ch. 136
740	1-9-2006	Taxation amendment	Ch. 143
741	1-23-2006	Parks Board amendment; Code of Ethics amendment; Recreation and Parks Director; picketing and parades amendment	Chs. 7, Art. I; 16; 29, Art. VI; 109
742	2-27-2006	Police Department	Ch. 33
743	3-13-2006	Zoning Map amendment	NCM
744	3-27-2006	Zoning Map amendment	NCM
745	7-10-2006	Zoning and subdivision of land amendment	Ch. 164
746	7-10-2006	Zoning and subdivision of land amendment	Ch. 164
747	4-26-2006	Floodplain management	Repealed by Ord. No. 821
748	4-26-2006	Storm sewer systems environment management	Ch. 135
749	4-26-2006	Intergovernmental relations amendment	Ch. 24
750	4-26-2006	City Administrator	Chs. 1, Art. II; 4, Arts. I and III; 16; 19; 20 (Ch. 20 repealed by Ord. No. 796); 29, Arts. I, II, III, IV, V (Art. V only repealed by Ord. No. 773) and VI; 33; 36
751	5-8-2006	Annual tax levy	NCM
752	5-8-2006	Water amendment	Ch. 160
753	5-8-2006	Sewers and sewage amendment	Ch. 124

Ord. No.	Adoption Date	Subject	Disposition
754	6-12-2006	Zoning and subdivision of land amendment	Ch. 164
755	5-22-2006	Officers and employees: general provisions amendment	Ch. 29, Art. I
756	7-24-2006	Quit claim deed	NCM
757	1-22-2007	Elections amendment	Ch. 14
758	2-12-2007	Zoning and subdivision of land amendment	Ch. 164
759	2-12-2007	Bond	NCM
760	2-12-2007	Zoning Map amendment	NCM
761	2-12-2007	Sale of property	NCM
762	3-12-2007	Zoning and subdivision of land	Ch. 164
763	4-9-2007	Water amendment	Ch. 160
764	5-21-2007	Annual tax levy	NCM
765	6-11-2007	Recreation and Parks Advisory Board amendment	Ch. 7, Art. I
766	6-11-2007	Recreation and Parks Director amendment	Ch. 29, Art. VI
767	7-9-2007	Property maintenance amendment	Repealed by Ord. No. 820
768	7-9-2007	Financing equipment installment	NCM
769		Water amendment	Tabled
770	9-24-2007	Zoning Map amendment	NCM
771	9-24-2007	Zoning and subdivision of land amendment	Ch. 164
772	11-26-2007	Taxation amendment	Ch. 143
773	12-6-2007	Reorganization of Department of Planning and Public Works amendments	Chs. 1, Art. II; 7, Art. III; 16; 29, Arts. V and VII; 56; 68; 83; 100; 109; 119; 124; 130; 133; 135; 136; 139; 148; 160
774	1-28-2008	Zoning and subdivision of land amendment	Ch. 164
775	2-11-2008	Pawnbrokers and secondhand dealers	Ch. 103

Ord. No.	Adoption Date	Subject	Disposition
776	2-25-2008	Zoning Map amendment	NCM
777	3-10-2008	Bond	NCM
778	3-10-2008	Solid waste amendment	Ch. 130
779	6-9-2008	Peace and good order amendment	Ch. 106
780	5-12-2008	Annual tax levy	NCM
781	5-12-2008	Sale of property	NCM
782	6-9-2008	Sale of property	NCM
783	7-14-2008	Uninhabitable buildings	Ch. 56
784	7-14-2008	Disorderly house nuisances amendment	Ch. 68
785	7-14-2008	Streets and sidewalks amendment	Ch. 139
786	7-9-2008	Bond	NCM
787		Sale of property	Tabled
788	10-27-2008	Zoning amendment	Ch. 164
789	10-27-2008	Zoning amendment	Ch. 164
790	10-27-2008	Zoning Map amendment	NCM
791	11-24-2008	General fees amendments; junkyards repealer	Chs. 1, Art. II; 14; 78, Art. II; 80; 83; 90, reference only; 94, Art. II; 109; 119; 130; 133; 136; 139; 145; 148; 155
792	11-24-2008	Zoning amendment	Ch. 164
793	11-24-2008	Sewers and sewage amendment; water amendment	Chs. 124, 160
794	11-24-2008	General fees	Repealed by Ord. No. 798
795	11-24-2008	Utility fees	Ch. A175, Art. II
796	2-23-2009	Fiscal matters	Ch. 20
797	2-23-2009	Taxation amendment	Ch. 143
798	12-8-2009	General fees	Ch. A175, Art. I
799	12-8-2008	Licenses amendment	Ch. 94, Art. I
800	1-12-2009	Fire Department amendment	Ch. 21, Art. I

Ord. No.	Adoption Date	Subject	Disposition
801	4-13-2009	Sewers and sewage amendment; water amendment	Chs. 124; 160
802	4-13-2009	Utility fees amendment	Ch. A175, Art. II
803			Number not used
804			Number not used
805	7-13-2009	Picketing and parades amendment	Ch. 109
806	7-27-2009	Sewers and sewage amendment	Ch. 124
807	8-10-2009	Transfer of property	NCM
808	9-14-2009	Peace and good order amendment	Ch. 106
809	2-22-2010	Sale of property	NCM
CAR 01-10	3-22-2010	Charter amendment	Charter § 13
810	4-12-2010	Sale of property	NCM
811	5-24-2010	General fees amendment	Ch. A175, Art. I
812	5-24-2010	Annual tax levy	NCM
813	7-26-2010	Stormwater management amendment	Ch. 136
814	9-13-2010	Zoning and subdivision of land amendment	Ch. 164
815	11-8-2010	Zoning and subdivision of land amendment	Ch. 164
816	11-8-2010	Zoning and subdivision of land amendment	Ch. 164
817	11-22-2010	Zoning Map amendment	NCM
818	11-22-2010	Zoning Map amendment	NCM
819	10-25-2010	Zoning Map amendment	NCM
820	10-25-2010	Property maintenance	Ch. 119
821	11-22-2010	Floodplain management	Ch. 83
822	11-8-2010	Stormwater management amendment	Ch. 136
823	4-11-2011	Zoning and subdivision of land amendment	Ch. 164
824	5-23-2011	Zoning and subdivision of land amendment	Ch. 164

Ord. No.	Adoption Date	Subject	Disposition
825	5-9-2011	Budget; annual tax levy	NCM
826	5-23-2011	Procurement and contracts amendment	Ch. 36
827	6-13-2011	Property maintenance amendment	Ch. 119
828	6-13-2011	Taxation amendment	Ch. 143
829	7-11-2011	Administration of government amendment (legislative body); elections amendment	Ch. 4, Art. I; Ch. 14
CAR 01-11	7-11-2011	Charter amendment	Charter § 3
830	10-10-2011	Vehicles and traffic amendment	Ch. 155
831	1-9-2012	Water amendment; utility fees amendment	Chs. 160; A175, Art. II
832	4-23-2012	Peace and good order amendment	Ch. 106
833	5-14-2012	Budget; annual tax levy	NCM
834	5-13-2013	Budget; annual tax levy	NCM
835	11-12-2012	Sale of certain property	NCM
836	12-10-2012	Zoning and subdivision of land amendment	Ch. 164
837	12-10-2012	Officers and employees: general provisions amendment	Ch. 29, Art. I
838	1-14-2013	Zoning and subdivision of land amendment	Ch. 164
839	2-11-2013	Property maintenance amendment; general fees amendment	Chs. 119; A175
840	2-11-2013	Zoning and subdivision of land amendment	Ch. 164
841	3-25-2013	Zoning Map amendment	NCM
842	3-25-2013	Zoning and subdivision of land amendment	Ch. 164
843			Number not issued
844	7-8-2013	Procurement and contracts amendment	Ch. 36

Ord. No.	Adoption Date	Subject	Disposition
845	8-12-2013	Zoning and subdivision of land amendment	Ch. 164
846	9-9-2013	Zoning and subdivision of land amendment	Ch. 164
847	11-11-2013	Property maintenance amendment	Ch. 119
848	2-10-2014	Pawnbrokers and secondhand dealers amendment	Ch. 103
848-A	11-25-2013	Zoning and subdivision of land amendment	Ch. 164
849	5-12-2014	Budget; annual tax levy	NCM
850	7-14-2014	Fees: general fees amendment	Ch. A175, Art. I
851	12-8-2014	Zoning and subdivision of land amendment	Ch. 164
852	4-13-2015	Code of Ethics amendment	Ch. 16
853	4-13-2015	Sewers and sewage amendment; water: potable water amendment; zoning and subdivision of land amendment	Ch. 124; Ch. 160; Ch. 164
854	5-11-2015	Fees: utility fees amendment	Ch. A175, Art. II
855	7-13-2015	Code of Ethics amendment	Ch. 16
856	7-13-2015	Bond	NCM
Res. No. 15-05	7-13-2015	Business regulation: designation of primary law enforcement unit	Ch. 58, Art. I
857	9-28-2015	Floodplain management	Ch. 83
858	9-28-2015	Bond	NCM
859	10-26-2015	Zoning and subdivision of land amendment	Ch. 164
860	9-28-2015	Zoning and subdivision of land amendment	Ch. 164
861	12-14-2015	Zoning and subdivision of land amendment	Ch. 164
862	2-22-2016	Budget; annual tax levy	NCM
863	5-9-2016	Zoning and subdivision of land amendment	Ch. 164

Ord. No.	Adoption Date	Subject	Disposition
864	5-23-2016	Property maintenance amendment	Ch. 119
865	5-9-2016	Fee schedule: utility fees amendment	Ch. A175, Art. II
866	7-12-2016	Cable television	Ch. 61
867	6-13-2016	Budget; annual tax levy	NCM
868	8-22-2016	Streets and sidewalks amendment	Ch. 139
869			Not adopted
870	10-24-2016	Zoning and subdivision of land amendment	Ch. 164
871	10-24-2016	Procurement and contracts amendment	Ch. 36
872	11-28-2016	Zoning Map amendment	NCM
878	4-24-2017	Zoning and subdivision of land amendment	Ch. 164