

**Chapter 1**  
**GENERAL PROVISIONS**



## ARTICLE I

**Construction**

**[Adopted 6-25-1990 by Ord. No. 361-90 (Ch. 1, Art. III of the 1990 Code)]**

**§ 1-1. Rules of construction.**

- A. And/or. "And/or" means "and" and may read "or/and" or may be read "and," if the sense requires it.
- B. Definitions given within a chapter or article. Such definitions apply only to words or phrases used in such chapter or article, unless otherwise provided.
- C. Gender. Words in any section importing the masculine gender shall include the feminine and neuter as well as the masculine.
- D. May. The word "may" is permissive and discretionary.
- E. Number. Words used in the singular include the plural, and the plural includes the singular.
- F. Shall; must. The word "shall" or "must" is mandatory.
- G. Tense. Words used in the past or present tense include the future, past and present where applicable, unless the context clearly indicates otherwise.
- H. Time of performance or reference to span of time. Time of performance or any reference to span of time, when computed in days, is not intended to include Saturdays, Sundays or holidays of the state or nation. The words "calendar days" are used in those instances where the span of time is intended to include Saturdays, Sundays or holidays of the state or nation. Reference to a span of time is not intended to include the day the event occurs but shall include the last day of a period so computed, unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the day which is neither a Saturday, Sunday or legal holiday.
- I. Words and phrases not defined. Words and phrases not defined in this Code shall be construed according to the common and approved usage of the language, but technical words and phrases and others that have acquired peculiar and appropriate meanings in the law shall be construed and understood according to such meanings.



## ARTICLE II

**Adoption of Code****[Adopted 8-23-2010 by Ord. No. 10-O-12]****§ 1-2. Adoption of Code.**

The ordinances of the City of Aberdeen of a general and permanent nature adopted by the Mayor and Council of the City of Aberdeen (formerly the Commissioners of the Town of Aberdeen), as revised, codified and consolidated into chapters and sections by General Code, and consisting of Chapters 1 through 524, together with an Appendix, are hereby approved, adopted, ordained and enacted as the Code of the City of Aberdeen, hereinafter known and referred to as the "Code."

**§ 1-3. Code supersedes prior ordinances.**

This ordinance and the Code shall supersede all other general and permanent ordinances enacted prior to the enactment of this Code, except such ordinances as are hereinafter expressly saved from repeal or continued in force.

**§ 1-4. Continuation of existing provisions.**

The provisions of the Code, insofar as they are substantively the same as those of the ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinances.

**§ 1-5. Copy of Code on file.**

A copy of the Code has been filed in the office of the City Clerk and shall remain there for use 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 of the City of Aberdeen by impressing thereon the Seal of the City, and such certified copy shall remain on file in the office of the Clerk of the City, to be made available to persons desiring to examine the same during all times while the Code is in effect.

**§ 1-6. Amendments to Code.**

Any and all additions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intent of the Mayor and Council to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the City of Aberdeen" shall be understood and intended to include such additions and amendments. Whenever such additions, amendments or supplements to the Code shall be adopted, they shall thereafter be inserted in the Code as amendments and supplements thereto.

**§ 1-7. Publication and filing.**

The Clerk of the City of Aberdeen shall cause to be published, in the manner required by the City Charter, a copy of this ordinance or a fair summary thereof. Sufficient copies of the Code shall be maintained in the office of the City Clerk for inspection by the public at all times during regular office hours. Publication of such ordinance or summary, coupled with availability of copies of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

**§ 1-8. Code 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 Code required to be filed in the Clerk's office for the use of the public. All changes in said Code and all ordinances adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are included as supplements to said Code.

**§ 1-9. Sale of Code.**

Copies of the Code may be purchased from the City Clerk upon the payment of a fee to be set by resolution of the Mayor and Council, which may also arrange, by resolution, for procedures for the periodic supplementation thereof.

**§ 1-10. Altering or tampering with Code; penalties for violation.**

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of Aberdeen to be misrepresented thereby. Any violation of this section shall be punishable as a misdemeanor, the penalty for which shall be a fine not to exceed \$1,000 or imprisonment for a term not to exceed six months, or both such fine and imprisonment.

**§ 1-11. Severability of Code provisions.**

Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof. If any provision of this Code or the application thereof to any person or circumstances is held invalid, the remainder of this Code and the application of such provision to other persons or circumstances shall not be affected thereby.

**§ 1-12. Severability of ordinance provisions.**

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

**§ 1-13. Repealer.**

All ordinances or parts of ordinances of a general and permanent nature adopted and in force on the date of the adoption of this ordinance and not contained in the Code are hereby repealed as of the effective date of this ordinance, except as hereinafter provided.

**§ 1-14. Legislation saved from repeal.**

The adoption of this Code and repeal of ordinances provided for in § 1-13 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to June 14, 2010.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provisions or any penalty, punishment or forfeiture which may result therefrom.
- D. 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.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing of grade, changing of name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.
- G. Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the City's indebtedness.
- H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract or obligation.
- I. The levy or imposition of taxes, assessments or charges.

- J. The City Subdivision Regulations and all amendments thereto.
- K. The annexation or dedication of property or approval of preliminary or final subdivision plats.
- L. Ordinances establishing the amount and manner of payment of salaries or compensation of officers and employees, establishing workdays and working hours of certain employees and providing for holidays and vacations for employees and keeping of employment records.
- M. Any legislation relating to or establishing a pension plan or pension fund for municipal employees.
- N. The Zoning Map and all amendments thereto.

**§ 1-15. Changes in previously adopted legislation.**

- A. In compiling and preparing the ordinances for adoption and revision 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 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.
- B. The following changes are made throughout the Code:
  - (1) References to the "Town" are amended to read "City."
  - (2) References to the "Commissioners" (the governing body of the Town of Aberdeen) are amended to refer to the Mayor and Council.
  - (3) References to the "Board of Parks and Recreation" are amended to read "Parks and Recreation Board."
  - (4) References to the "Director of Administration" and "City Administrator" are amended to read "City Manager."
- C. The amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)<sup>1</sup>

**§ 1-16. Effective date.**

All provisions of this ordinance and the Code shall be in full force and effect on and after 20 days following adoption.

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1. Editor's Note: In accordance with § 1-15C, the chapters, parts and sections which were added, amended, adopted or deleted by this ordinance are indicated throughout the Code by a footnote referring to Chapter 1, General Provisions, Article II. During routine supplementation, footnotes indicating amendments, additions or deletions will be replaced by the following history: "Amended (added, deleted) 8-23-2010 by Ord. No. 10-O-12." Schedule A, which contains a complete description of all changes, is on file in the City offices.



## **Chapter 7**

### **APPEARANCE AND PRESERVATION COMMITTEE**

#### **§ 7-1. Establishment.**

The Aberdeen Appearance and Preservation Committee is hereby established and shall operate subject to the following guidelines as an advisory board to the Mayor and Council of the City of Aberdeen.

#### **§ 7-2. Membership; terms of office.**

- A. There shall be an Aberdeen Appearance and Preservation Committee which shall have such number of members as may be approved from time to time by the Mayor and City Council. The terms of each member shall be two-year staggered terms, unless removed for good cause. **[Amended 9-27-2004 by Ord. No. 658-04]**
- B. Membership shall be open to any Harford County resident over 18 years of age who believes in the purposes and objectives of the Committee and is willing to give of his or her time and talents toward these goals.
- C. The Committee is open to nonappointed members. Nonappointed members do not have voting privileges; however, they may participate in activities of the Appearance and Preservation Committee.

#### **§ 7-3. Resignation or removal of members; filling of vacancies.**

- A. In the event that a member resigns, the President shall recommend to the Mayor and Council a qualified replacement for approval.
- B. Any member of the Committee may be removed for good cause by the Mayor and City Council.
- C. Any vacancy in the membership of the Committee shall be filled by the Mayor and City Council in the manner prescribed in § 7-2 of this chapter; provided, however, that in the case of an unexpired term, the term of the new member shall be only for the remainder of the unexpired term for which his or her predecessor was appointed.

#### **§ 7-4. Duties.**

The duties of the Appearance and Preservation Committee shall include the following:

- A. To act as an advisory committee to the City of Aberdeen in matters pertaining to the appearance and preservation of the City.
- B. To encourage all efforts and activities in connection with the beautification of Aberdeen and its surrounding communities.

- C. To assist in the planting, maintenance and protection of plant material and to attempt to create civic beauty by improvement of roadsides, parks and other public, as well as private, areas.
- D. By Committee activities, to promote civic pride within the citizenry and through cooperation with other organizations.
- E. To preserve historical items and sites where feasible.
- F. To cooperate with other authorities established for the improvement of the City and to participate in their activities, i.e., parks and recreation, planning and zoning, etc.

**§ 7-5. Officers.**

- A. The officers shall consist of a President, Vice President, Secretary, Treasurer and Publicity Chairperson.
- B. The officers shall perform the duties prescribed by this chapter and by the parliamentary authority adopted by the Committee.
- C. All active members are eligible to hold office.
- D. Duties of the officers.
  - (1) President. The President shall preside at all meetings of the Committee and perform all such duties as are incidental to the office and properly required of a President. The President shall appoint chairpersons of all standing subcommittees and ad hoc subcommittees.
  - (2) Vice President. In the absence of the President, the Vice President shall exercise all the functions and be vested with all powers of the President.
  - (3) Secretary. The Recording Secretary shall take minutes at each meeting and present them at the following meeting, have charge of all recordkeeping and perform such duties as are incidental to that office and properly required by the Committee.
  - (4) Treasurer. The Treasurer shall have charge of all finances and their records, shall record and submit the annual budget recommendations of the Committee, report at each meeting the status of funds, authorize for payment all legitimate invoices tendered and due and perform any other duties as are incidental to the office.
  - (5) Publicity Chairperson. The Publicity Chairperson shall have charge of all items of publicity and their dissemination, report status of such active items at each regular meeting, present and receive at meetings subjects for future publicity and perform such other duties as are incidental to the office.

**§ 7-6. Elections.**

- A. The officers shall be nominated by a nominating committee consisting of the present President and two committee members. Nominations will be accepted from the floor during elections. Those nominees receiving the greatest number of votes at the election meeting shall begin their term of office at the close of the meeting.
- B. A nominating committee shall be formed at the January meeting. Election of officers shall be held in February. The officers shall be elected for terms of one year. **[Amended 10-9-2000 by Ord. No. 576-00]**

**§ 7-7. Subcommittees.**

- A. There shall be the following standing subcommittees in which each subcommittee shall be chaired by an appointed member of the Appearance and Preservation Committee. Nonappointed citizens may serve on standing subcommittees.
  - (1) Landscaping and horticulture.
  - (2) Christmas Street.
  - (3) Beautification awards.<sup>2</sup>
  - (4) Spring and/or fall cleanup.
  - (5) Fall planting.
- B. Ad hoc subcommittees will be appointed periodically as required to accomplish Committee objectives.
- C. Standing and ad hoc subcommittees shall be advisory to the Appearance and Preservation Committee and have no powers or authority.

**§ 7-8. Meetings.**

- A. Regular meetings shall be held monthly, at such time and at such place as the members shall designate, unless otherwise ordered by Committee officers.
- B. Additional meetings may be called by the President as required. The purpose of the meeting shall be stated in a telephone call or written notice.
- C. All formal meetings shall be open to the public, except where the subject matter requires confidentiality.

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2. Editor's Note: Original § 2-7A(4), Daffodil Day, which immediately followed this subsection, was repealed 9-27-2004 by Ord. No. 658-04.

**§ 7-9. Quorum. [Amended 9-27-2004 by Ord. No. 658-04]**

A majority of the Committee shall constitute a quorum. Action shall be subject to a vote of a majority of a quorum. No vacancy in the Committee shall impair the right of a quorum to exercise all the rights or perform all duties of the Committee. All meetings shall be subject to the Maryland Open Meetings Act.<sup>3</sup>

**§ 7-10. Amendments.**

This chapter may be amended by the Mayor and Council.

**§ 7-11. Purchases.<sup>4</sup>**

All large purchases made by the Committee must comply with the City's Procurement Policy, i.e., a minimum of \$5,000.

**§ 7-12. Parliamentary authority.**

The rules contained in the current edition of Robert's Rules of Order govern the Committee in all cases to which they are applicable and in which they are not inconsistent with this chapter.

**§ 7-13. Liability of members.**

- A. No officer or member shall be personally liable for any bills or obligations of the Committee, past or present.
- B. No person shall use the name, mailing list or official insignia of the Committee, or the City of Aberdeen, for other than Committee purposes without the authorization of the Committee.<sup>5</sup>

## **Chapter 21**

### **CONDUCT OF ELECTED OFFICIALS**

#### **GENERAL REFERENCES**

**Ethics — See Ch. 43.**

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**§ 21-1. Purpose.**

The purpose of this Code of Conduct ("code") is to define the role of elected officials in the governance of the City. This code consists of policies

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3. **Editor's Note: See the State Government Article of the Annotated Code of Maryland, § 10-501 et seq.**

4. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).**

5. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).**

and implementing rules intended to advance the City's goals of providing efficient and high-quality services to its residents and providing a safe and productive work environment for its employees.

### **§ 21-2. Findings.**

Aberdeen is a duly incorporated Maryland municipality and has its executive function shared by the Mayor and by the City Manager. The City Manager is charged with implementing the policies set by the City Council and is charged with administering the day-to-day affairs of the City with the assistance of his/her staff. This code establishes rules that contribute to the success of this basic structure and to maintaining positive and effective working relationships between officials and employees.

### **§ 21-3. Limitations; other laws and rules.**

- A. This code addresses selective aspects of the governance of the City and supplements but does not supplant other laws and rules that prescribe the legal responsibilities of City elected officials ("officials"). Those include, among others, the State of Maryland Constitution, various provisions of the Code of Maryland Administrative Regulations, federal laws prohibiting discrimination and harassment, and the provisions of the City's own City Charter. Elected officials should be familiar with these laws to assure that they exercise their responsibilities properly.
- B. It is not possible for a code of this kind to anticipate and provide a rule of conduct for all situations. It is expected that officials will manage their behavior in a manner consistent with the rules that follow, respect the chain of command and behave within the bounds of their authority. It is also expected that officials will treat each other, City employees, residents and businesspeople with courtesy and respect in a manner that reflects well on the City.

### **§ 21-4. Policies and rules.**

Policies governing the conduct of officials are listed in this section. Following each policy is a set of rules that give specific application to the policy. In italics following each rule is an explanation of the rule and guidance for interpreting and applying the rule.

- A. Policy A. Officials shall deal with the administrative service solely through the Mayor and/or City Manager. Rules:
  - (1) Officials shall not direct, order or make demands on any City employee, other than inquiries that can be answered routinely and without research. This subsection shall not apply to the Mayor.

*City staff are organized in a hierarchical structure, and City employees work under the direction and control of several layers of management culminating with the City Manager. Individual officials are not part of that management structure and have no authority to direct employees. When an official attempts to give an employee direction, the employee is put in an awkward position and the management structure is undermined. In some cases such actions have the potential for liability. Officials are not authorized directly to give work assignments to employees, including department heads. Employees are instructed not to take directions or work assignments from officials and to report any such attempts to their department head. An official may ask a routine question of staff; beyond that, concerns about work assignment should be addressed to the Mayor and/or the City Manager.*

- (2) Officials shall not attempt to reorganize an employee's priorities or influence the manner by which City staff performs their assigned functions or duties. This subsection shall not apply to the Mayor

*City employees are directed in their everyday tasks by their immediate supervisor in accordance with approved work plans. Interference with an employee's work routine, priorities or decisionmaking processes by an official creates confusion and stress and places the employee in the difficult position of either disregarding his or her assigned work or appearing to disrespect the official's wishes. All requests for work or research should be directed to the City Manager. From time to time an official may believe that a problem must be looked into immediately and is tempted to direct an employee to drop everything and focus on that problem. Officials must, however, communicate their concern to the Mayor and/or the City Manager.*

- (3) Officials shall not retaliate or threaten to retaliate against employees as a result of disagreements over policy recommendations.

*It is critical to the success of the City that its employees enjoy a workplace free of the fear of retaliation. The City takes great pride in its creativity and its receptivity to new and different ideas; an open and nonjudgmental atmosphere fosters creativity where candor is not penalized. City employees are hired to offer their professional judgments and opinions. Officials are certainly free to disagree with those judgments; indeed, those officials ultimately may have the final word. But those disagreements must not extend to threats or generate fear of reprisal. Officials enjoy substantial influence within City Hall; this authority must not be exercised in a manner that intimidates staff and degrades morale with resulting damage to the fabric of the organization.*

- (4) Officials shall not threaten a City employee with disciplinary action.

*If an official is concerned about the performance of a City employee, that concern should be expressed privately to the City Manager. Such criticisms can then be addressed in accordance with the City's personnel rules, in a manner that protects the employee's rights and protects the City's authority properly to discipline its employees. It is never acceptable for an official directly to threaten disciplinary action of any kind, and rarely, if ever, is it appropriate to criticize publicly an employee. Officials should certainly have high expectations of employees' work performance; but there is no room in the City organization for public humiliation of any person.*

- B. Policy B. Officials shall act collectively in a properly noticed and constituted meeting; officials have no authority to make decisions or take actions on behalf of the body unless expressly authorized to do so. Rules:

- (1) Officials shall not make representations or promises to any third party regarding the future actions of the City or of the body of which they are a member, unless the appropriate body has duly authorized such representation or promise. This subsection shall not apply to the Mayor.

*When officials engage in conversations with residents, applicants, developers, lobbyists and officials of other governmental agencies, they should be cautious not to make representations or promises that they cannot legally make or keep. Future actions of a legislative body cannot be promised or predicted with certainty. Individual officials do not have authority to make commitments on behalf of the City unless expressly authorized to do so by the body of which they are a member.*

- (2) When making public utterances, officials shall make it clear whether they are authorized to speak on behalf of the body of which they are a member or whether they are presenting their own views. This subsection shall not apply to the Mayor.

*Officials occasionally speak before other public bodies, neighborhood groups or to the press. When doing so, they should always make it clear whether they are presenting their own point of view or whether they have been authorized by the body of which they are a member to present a particular view. They should be clear in all oral and written utterances whether they are using their title for identification purposes or because they are speaking in an official capacity.*

- (3) Officials shall not interfere with the manner by which the City Manager performs his or her duties. It is recognized that the Mayor directly supervises the City Manager.

*The City Manager cannot function effectively if he or she receives inconsistent direction from individual Council members or is not given the support and independence necessary to administer the City. Questions and/or concerns regarding the priorities of the City government shall be brought to the attention of the Mayor.*

- (4) Officials shall not interfere with the implementation by City staff of approved projects and programs.

*The City Manager is charged with the implementation of approved projects or programs. City Council members must avoid interfering with or directing the Manager's method of carrying out the City Council's decisions, even if the project or program was conceived and initiated by an individual Council member. Once a project or program receives Council approval, it is an official activity of the City, not of any individual Council member. Officials do not have authority and should refrain from giving directions or instructions to City contractors or consultants working on City projects or programs.*

- C. Policy C. City resources shall be used solely for proper governmental purposes and only with proper authorization. Rules:

- (1) City letterhead may be used by officials for official City business.

*City letterhead must be used with care to avoid misunderstandings. Letterhead may be used to communicate official City policy or actions. It is also routinely used by officials to respond to inquiries or communicate their individual opinions, in which event the author should be clear about whose view is being presented. City letterhead may be used by other City officials (board and commission members) only for transaction of official City business.*

- (2) City employees shall not be asked or directed to spend time on non-City business.

*It is improper to ask or require a City employee to engage in non-City-related activities. Non-City activities include, among other things, election campaign related activities and personal errands. Further, City employees should not be solicited to engage in political activity on behalf of a City official.*

- (3) Officials shall not use or disclose information obtained through City service for improper or illegal purposes.



*Officials often acquire information in performing their duties that is not generally available to the public, including information received in closed sessions. Sometimes this information is confidential or highly sensitive. Information that is not generally available to the public must remain confidential and be used only for the purposes for which it was divulged. In particular, this information can never be used for personal gain.*

- D. Policy D. When representing the City, officials shall conduct themselves in a dignified manner and in accordance with all legal requirements. Rules:

- (1) When representing the City on official business, officials shall behave responsibly and in a manner as to project a positive image for the City.

*Whenever an official is representing the City, in or out of town, the official is "on duty" and should behave in a manner that will reflect well on the City. When out of town or at social events there is a temptation to behave more informally than one might in City Hall, which can lead to awkward or embarrassing situations and in extreme cases to improper or illegal behavior. When at government, civic or political functions, officials should avoid drinking alcohol to excess.*

- (2) Officials shall exercise best efforts to avoid the appearance of impropriety in the performance of their official duties.

*The public's confidence in the integrity and fairness of City government often hinges on the behavior of the officials. Real or perceived ethical lapses by the officials undermine the effectiveness of the City and cast a shadow on the decisions of its legislative bodies. Often, ethical considerations extend beyond the legal requirements of conflict of interest law.*

- (3) Decorum. While the Council is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking or refuse to obey the orders of the Council or its presiding officer.

#### **§ 21-5. Enforcement.**

- A. The City is committed to maintaining a healthy, fulfilling and humane workplace. To that end, every official is expected to observe the foregoing policies and rules when engaged in City business.
- B. Complaints alleging a violation of this Code of Conduct by an official shall be forwarded to the Chairperson of the City's Ethics Commission. The Ethics Commission shall commence an investigation of the complaint. Upon the completion of the investigation, the Ethics

Commission shall forward its findings of fact to the entire Council. The Council will act upon the findings of facts submitted to it by the Ethics Commission by motion and vote and shall prescribe any sanction that it feels applicable to the complaint. Only members not complained against may vote, and it shall only take a majority vote of the members not complained against to pass the recommendations.<sup>6</sup>

- C. The goal of enforcement of this Code of Conduct is corrective, rather than penal, and a progressive approach to curing violations shall be employed when possible, beginning with less severe methods and proceeding to more severe methods as necessary.
  - (1) The Mayor and City Council may in a public meeting impose one or more of the following sanctions in this order:
    - (a) Reprimand.
    - (b) Censure.
    - (c) Loss of City reimbursement of conference, meeting and operating costs.
  - (2) The Mayor and City Council are not bound, however, to follow the progression of sanctions if they feel that the offense rises to the level where a more severe sanction should be administered.
- D. The accused official(s) shall be given every opportunity to mount a public defense of the accusations against him or her (them). The accused official(s) shall have the right to request a public hearing on the accusation(s) against him or her (them). The official shall be able to defend himself or herself at the public hearing on the accusation before any vote on sanction is taken by the City Council.

## Chapter 30

### ECONOMIC DEVELOPMENT COMMISSION

#### § 30-1. Establishment.

The Aberdeen Economic Development Commission is hereby established and shall operate subject to the following guidelines as an advisory board to the Mayor and Council.

#### § 30-2. Membership; terms of office. [Amended 4-9-1990 by Ord. No. 358-90; 2-27-2012 by Ord. No. 12-O-03]

The Commission shall be comprised of interested citizens appointed by the Mayor and Council. Members may include county and state representatives and shall be chosen according to their interest and expertise in economic

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6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

development. The Mayor and Council shall determine the number of members. The term of each member shall be one year.

**§ 30-3. Powers and duties. [Amended 4-9-1990 by Ord. No. 358-90]**

The duties of the Commission shall include the following:

- A. To identify and promote economic development for the City.
- B. To support and encourage the growth and retention of existing businesses and industry.
- C. To support and encourage the location of new industry and residential development within and around the City.
- D. To review proposed and existing legislative and policy decisions of the Mayor and Council and to study their impact on economic development.
- E. To recommend financial incentives and/or financing methods that will foster economic development.
- F. To cooperate and work with other governmental agencies involved with economic development.
- G. To conduct studies and surveys as deemed desirable by the Mayor and Council.
- H. To support and encourage conventions and tourism beneficial to the City and surrounding area.
- I. To work with existing community enterprises to identify problems which inhibit economic growth.
- J. To make recommendations that generally will enhance economic growth when desirable and feasible to do so.

**§ 30-4. Compensation; operating expenses. [Amended 4-9-1990 by Ord. No. 358-90]**

The members of the Commission shall not be entitled to compensation for their services, but the Mayor and Council may provide, by budget, financial assistance for operating expenses. Such expenses will be anticipated by the Chairperson of the Commission and a budget request shall be submitted, in writing, for approval.

**§ 30-5. Meetings. [Amended 4-9-1990 by Ord. No. 358-90]**

The Commission shall meet as often as necessary to transact business. All formal meetings shall be open to the public except where the subject matter requires confidentiality. All meetings will be called by the Chairperson, and all members will be notified.<sup>7</sup>

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7. Editor's Note: The section titled "Binding decisions" which immediately followed this section was deleted 4-9-1990 by Ord. No. 358-90.

**§ 30-6. Quorum.**

A minimum of three members shall be considered a quorum for the transaction of official business.

**§ 30-7. Rules and regulations.**

The Commission, with the approval of the Mayor and Council, shall adopt such rules and regulations as deemed necessary for the proper transaction of its business.

**§ 30-8. Resignation or removal of members; filling of vacancies  
[Amended 4-9-1990 by Ord. No. 358-90]**

- A. In the event that a member resigns, the Chairperson shall recommend to the Mayor and Council a qualified replacement for approval.
- B. Any member of the Commission may be removed for good cause by the Mayor and Council. Before removal, the member to be removed shall be notified in writing of the reasons therefor and may request a public hearing before the Mayor and Council within 10 days after receipt of the notice of removal.
- C. Any vacancy in the membership of the Commission shall be filled by the Mayor and Council in the manner prescribed in § 30-2 of this chapter; provided, however, that in the case of an unexpired term, the term of the new member shall be only for the remainder of the unexpired term for which his predecessor was appointed.

**§ 30-9. Minutes. [Amended 4-9-1990 by Ord. No. 358-90]**

The Chairperson shall designate a recording secretary to take minutes of every formal meeting of the Commission. A copy of the minutes will be placed in the City office for public examination, except if the subject matter requires confidentiality or is otherwise not disclosable.

**§ 30-10. Officers. [Amended 4-9-1990 by Ord. No. 358-90]**

The Commission shall elect a Chairperson from its members. The Chairperson shall serve for one year and shall be subject to reelection. The Chairperson shall select a Vice Chairperson, a Treasurer and a Secretary, all of whom shall be eligible for reappointment.

**§ 30-11. Annual report. [Amended 4-9-1990 by Ord. No. 358-90]**

The Commission shall provide an annual report to the Mayor and Council covering the accomplishments to date, the goals which have to be met and any recommendations deemed advisable for consideration by the Mayor and Council.

**Chapter 36**

## ELECTIONS

### **§ 36-1. Qualifications of candidates. [Amended 8-8-2011 by Ord. No. 11-O-07; 2-24-2014 by Ord. No. 14-O-02]**

A certificate of candidacy, as referenced in the City Charter,<sup>8</sup> in a form approved by the City Manager, shall be submitted by each candidate to the Board of Elections or its authorized representative during the prescribed time period. The certificate of candidacy must be accompanied by a fee of \$25. Candidates may withdraw their candidacy no later than 30 days prior to election, in writing. The candidate must satisfy all qualifications for office as established in the Aberdeen City Charter. The certificate of candidacy must state the period during which the candidate has been domiciled in the City.

### **§ 36-2. Review by Board of Elections. [Amended 2-24-2014 by Ord. No. 14-O-02]**

Within 72 hours after the filing of a certificate of candidacy, the Board of Elections shall review the certificate of candidacy to determine whether the candidate is eligible for election to the office which he/she seeks. The Ethics Commission concurrently shall review the candidate's financial disclosure form required by Chapter 43 of this Code and report its findings to the Board of Elections in that same time period. In the event that the Board shall find that the candidate is not eligible for election or that the candidate has not satisfactorily completed the financial disclosure form, the Board shall reject the certificate of candidacy and so advise the candidate.

### **§ 36-3. Time for submission of candidacy form. [Amended 8-8-2011 by Ord. No. 11-O-07; 2-24-2014 by Ord. No. 14-O-02]**

Certificates of candidacy shall be properly completed and filed at Aberdeen City Hall with the City Clerk only or designee no later than 5:00 p.m. local time no earlier than 65 calendar days prior to the election and no later than 35 calendar days prior to the election. Should the closing day fall on a weekend, holiday or day that City Hall is closed, the last prior legal business day for the City of Aberdeen will be considered as the closing day. A candidate's financial disclosure form shall be filed within the time required by § 43-4B of this Code.

### **§ 36-4. Campaign treasurer and campaign contribution accountability. [Amended 3-24-2014 by Ord. No. 14-O-01]**

The candidate shall name a treasurer who will be responsible for receiving and disbursing all campaign funds. The treasurer's name must appear on all campaign materials, advertisements, etc. No other individual or group may spend money directly to aid the candidate unless the person/group is identified and so states that information; all such support should be directed

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8. Editor's Note: See Charter § VII, Elections and Board of Elections.

through the treasurer. The campaign treasurer shall provide to the Board a telephone number with answering service capabilities, an e-mail address, or both, that the candidate and/or campaign treasurer will regularly monitor during the campaign. For printed campaign material, the treasurer's name and/or authority line shall appear in such a manner that it is clearly legible. For each electronic campaign material, including web pages, social media, and robotic telephone calls, a message acknowledging that the treasurer and candidate approve of the electronic campaign material shall be provided in the electronic campaign material. The treasurer shall provide the Board electronic evidence that this approval message was included on each electronic campaign material.

**§ 36-5. Reporting and disposition of contributions and expenditures.**

- A. A report(s) of all moneys spent and received shall be filed with the Aberdeen Board of Elections on a form provided by the Board. The initial and subsequent reports shall be consecutively filed as follows:
- (1) No later than the fourth Tuesday immediately preceding any municipal election;
  - (2) No later than the second Friday immediately preceding any election which shall be complete through and including the preceding Sunday;
  - (3) No later than the third Tuesday after the municipal election;
  - (4) No later than January 31 following a municipal election, the candidate shall file a final report with the Board. That report shall give a full account of how any surplus funds were disposed of in compliance with § 36-5B.<sup>9</sup> **[Amended 3-24-2014 by Ord. No. 14-O-01]**
- B. Within 60 days following the November 2015 Aberdeen municipal election, each candidate in that election and in prior Aberdeen municipal elections, shall do one of the following with respect to all campaign funds then remaining after all campaign expenses have been paid and all loans to the campaign have been repaid. As used in this subsection, "campaign funds" includes all campaign funds contributed to the candidate for the November 2015 election and for all prior Aberdeen municipal elections. Remaining campaign funds shall be: **[Amended 8-8-2011 by Ord. No. 11-O-07; 3-24-2014 by Ord. No. 14-O-01]**
- (1) Returned to the original contributors either in total or in a pro rata share;

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9. Editor's Note: Former Subsection A(5), (6) and (7), all pertaining to any cash balance or deficit, and which immediately and respectively followed this subsection, were repealed 3-24-2014 by Ord. No. 14-O-01.

- (2) Donated to a 501(c)(3) organization that has its principal place of business in Aberdeen; or
  - (3) Donated to an organization that supports Aberdeen-based public schools, such as, but not limited to:
    - (a) PTA or PTSO;
    - (b) Band boosters; and
    - (c) Sport boosters.
- C. Within 60 days following all subsequent Aberdeen municipal elections, all campaign funds then remaining after all campaign expenses have been paid and all loans to the campaign have been repaid shall be returned to contributors or donated as provided in Subsection B of this section. **[Amended 3-24-2014 by Ord. No. 14-O-01]**
- D. Any candidate elected to the office which he/she seeks who shall fail to file any report required by this section to be filed before a general election shall not be administered the oath of office or be permitted to serve until such report has been filed. **[Added 3-24-2014 by Ord. No. 14-O-01]**

**§ 36-6. Limitation and use of campaign contributions.**

- A. A limitation of no more than \$1,000 in cash, gifts or in-kind services may be contributed by one person or organization to each individual candidate. The contributor and any amount will be reported on the candidate's financial report.
- B. No candidate shall accept any anonymous contribution in excess of \$5 in cash from any one individual or source, nor shall he/she accept more than a total of \$300 in cash in anonymous contributions in connection with any election. Any anonymous contribution received by a candidate in excess of the limits stated herein shall be promptly paid over to the City to be used for any lawful purpose.
- C. Campaign contributions may be used only for the following purposes: **[Added 3-24-2014 by Ord. No. 14-O-01]**
  - (1) Printing of signs.
  - (2) Printing of campaign materials.
  - (3) Mailing of campaign materials.
  - (4) Costs associated with production of electronic campaign materials.
  - (5) Costs associated with distributing electronic campaign materials.
  - (6) Creation and maintenance of campaign website and/or social media.

- (7) Meals for campaign workers.
- (8) Renting of tents and/or other supplies for rallies, and for election day poll-watching locations.
- (9) Costs associated with production and placing print media advertisements.
- (10) Costs associated with outdoor advertising.
- (11) Costs of garments for campaign workers.
- (12) Cost of attending functions where exposure will aid in the candidate's election process.

**§ 36-7. Posting of campaign signs. [Amended 8-8-2011 by Ord. No. 11-O-07]**

- A. Campaign signs should be removed within one week after the election.
- B. Campaign signs shall not be displayed on City property, State of Maryland rights-of-way, or utility poles or in such a way as to present a danger to person or property or to limit the visual field of drivers or pedestrians and cannot impede public rights-of-way.

**§ 36-8. Proximity to polls on election day; additional rules and regulations.**

- A. On the day of the municipal election, candidates may not position themselves, their supporters or their campaign signs closer than a distance of 100 feet from the entrance to the polls, except for personal voting. The Board of Elections shall be responsible for the demarcation of this distance. No campaign materials shall be permitted within the polling place on that date.
- B. The Board of Elections shall promulgate rules and regulations regarding the conduct of elections not otherwise provided herein.
- C. Candidates shall be subject to the requirements contained in the Aberdeen Ethics Law, Chapter 43 of this Code.

**§ 36-9. Violations and penalties.**

- A. Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than \$1,000 or be imprisoned for not more than six months, or both, in the discretion of the court. **[Amended 8-23-2010 by Ord. No. 10-O-12]**
- B. In addition to the penalty cited in Subsection A, a violation of § 36-5, Reporting and disposition of contributions and expenditures, shall disqualify the person from registering for elective office until



disposition of excess campaign funds has been made in accordance with § 36-5.

- C. In addition to the penalties above, the Board of Elections may seek injunctive relief against any violation of the provisions of this chapter.

### **§ 36-10. Construction of provisions.**

Any and all matters concerning these provisions or the violation thereof shall be under the duly authorized Board of Elections for the City or as otherwise provided for in the City Charter. These provisions are in addition to those found in the City Charter.<sup>10</sup>

## **Chapter 43**

### **ETHICS**

#### **GENERAL REFERENCES**

**Conduct of elected officials — See Ch. 21.**

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### **§ 43-1. Applicability.**

All provisions of this chapter shall apply to all City elected officials, employees, and appointees to certain boards and commissions of the City of Aberdeen ("City").

### **§ 43-2. Ethics Commission.**

- A. There is an Aberdeen Ethics Commission ("Ethics Commission") that consists of five members appointed by the Mayor and confirmed by the Council, who shall serve a term of three years each.
- B. The Ethics Commission shall:
- (1) Devise, receive and maintain all forms required by this chapter;  
**[Amended 2-11-2013 by Ord. No. 13-O-01]**
  - (2) Develop procedures and policies for advisory opinion requests and provide published advisory opinions to persons subject to this chapter regarding the applicability of the provisions of this chapter to them;
  - (3) Develop procedures and policies for the processing of complaints to make appropriate determinations regarding complaints filed by any person alleging violations of this chapter; and

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**10. Editor's Note: The Report of Campaign and Election Contributions and Expenditures form which appeared at the end of this chapter was deleted 8-8-2011 by Ord. No. 11-O-07.**

- (4) Conduct a public information program regarding the purposes and application of this chapter.
- C. The City Attorney shall advise the Ethics Commission unless special counsel is appointed to advise the Ethics Commission. The Mayor, with the approval of the Council, may appoint special counsel to the Commission. Special counsel shall have the same required minimum qualifications as the City Attorney. **[Amended 4-28-2014 by Ord. No. 14-O-10]**
- D. The Ethics Commission shall certify to the Maryland State Ethics Commission on or before October 1 of each year that the City is in compliance with the requirements of State Government Article, Title 15, Subtitle 8, Annotated Code of Maryland, for elected City officials.
- E. The Ethics Commission shall determine if changes to this chapter are required in order to be in compliance with the requirements of State Government Article, Title 15, Subtitle 8, Annotated Code of Maryland, and shall forward any recommended changes and amendments to the Council for enactment.
- F. The Ethics Commission may adopt other policies and procedures to assist in the implementation of the Ethics Commission's programs established in this chapter.

### **§ 43-3. Conflicts of interest.**

- A. In this section, the term "qualified relative" means a spouse, parent, child, or sibling.
- B. All City elected officials, officials appointed to City boards and commissions subject to this chapter and employees are subject to this section.
- C. Participation prohibitions. Except as permitted by the Ethics Commission's regulation or opinion, an official or employee may not participate in:
  - (1) 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. This Subsection C(1) does not regulate the official or employee specified in Subsection B above if that person is exercising an administrative or ministerial duty that does not affect the disposition or decision of the matter in question.
  - (2) Any matter, in which any of the following is a party:
    - (a) 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.

- (b) 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.
  - (c) A business entity with which the official or employee or, to the knowledge of the official or employee, a qualified relative is negotiating or has any arrangement concerning prospective employment.
  - (d) A contract that 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.
  - (e) 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 both direct financial interests.
  - (f) A business entity that:
    - [1] 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
    - [2] 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.
  - (g) Subsection C(2) above does not regulate the official or employee as specified in Subsection B if that person is exercising an administrative or ministerial duty that does not affect the disposition of the matter in question.
- (3) A person who is disqualified from participating under Subsection C(1) or (2) 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.
- (4) The prohibitions of Subsection C(1) and (2) of this section do not apply if participation is allowed by regulation or opinion of the Ethics Commission.

D. Employment and financial interest restrictions.

- (1) Except as permitted by regulation of the Ethics 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:
    - [1] Subject to the authority of the official or employee or the City agency, board or commission with which the official or employee is affiliated; or
    - [2] That is negotiating or has entered a contract with the agency, board or commission with which the official or employee is affiliated; or
  - (b) Hold any other employment relationship that would impair the impartiality or independence of judgment of the official or employee.
  - (c) This prohibition does not apply to:
    - [1] An official or employee who is appointed to a regulatory or City licensing board or commission pursuant to a statutory requirement that appointees of that board or commission have certain professional and educational qualifications needed to bring relevant expertise to that board or commission;
    - [2] A member of a board or commission who held a financial interest or employment regulated by the chapter held at the time of appointment, provided the financial interest or employment is publicly disclosed to the Mayor and Council;
    - [3] An official or employee whose duties are ministerial, if the private employment or financial interest does not create conflict of interest or the appearance of a conflict of interest, as permitted and in accordance with regulations adopted by the Ethics Commission; or
    - [4] Employment or financial interests allowed by regulation of the Ethics 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.

E. 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) Until the conclusion of the next regular term that begins after the elected official leaves office, a former member of the Council may not assist or represent another party for compensation in a matter that is the subject of legislative action.
- F. 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.
- G. 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 official without additional compensation.
- H. Solicitation and acceptance of gifts.
- (1) An official or employee may not solicit any gift. **[Amended 2-11-2013 by Ord. No. 13-O-01]**
  - (2) An official or employee may not directly solicit or facilitate the solicitation of a gift, on behalf of another person, from an individual regulated 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 the reason to know:
    - (a) Is doing business with or seeking to do business with the City office, agency, board or commission with which the official or employee is affiliated;
    - (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 official's or employee's governmental unit; or
    - (d) Is a lobbyist with respect to matters within the jurisdiction of the official or employee.
  - (4) Notwithstanding Subsection H(3) above, 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 that do not exceed \$20 in cost or trivial items of informational value;
  - (d) Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official or the employee at a meeting which is given in return for the participation of the official or the 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 charitable, cultural, or political events, 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 Ethics Commission exempts from the operation of this subsection upon 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 in not related in any way to the official's or employee's official position.
- (5) Subsection H(4) of this Subsection H does not apply to a gift: **[Added 2-11-2013 by Ord. No. 13-O-01]**
- (a) That would tend to impair the impartiality and the independence of judgment of the official or employee receiving the gift;
  - (b) Of \$100 or more, or is of significant value that would give the appearance of impairing the impartiality and independence of judgment of the official or employee;
  - (c) Of \$100 or more, or is of significant value that the recipient official or employee believes or has reason to believe is designed to impair the impartiality and independence of the official or employee.
- I. 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.

J. Participation in procurement.

- (1) An individual county, city, or Town or a person that employs an individual who assists a City agency in the drafting or specifications, an invitation for bids, or a request for proposals for a procurement, 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 Ethics Commission may establish exemptions from the requirements of this section for providing description literature, sole source procurements, and written comments solicited by the procuring agency.

**§ 43-4. Financial disclosure: local elected officials and candidates to be local elected officials. [Amended 2-11-2013 by Ord. No. 13-O-01]**

A. Application of section.

- (1) This section applies to all local elected officials and candidates to be local elected officials.
- (2) A local elected official or candidate to be a local elected official shall file the financial disclosure statement required under this section:
  - (a) On a form provided by the Ethics Commission;
  - (b) Under oath or affirmation; and
  - (c) With the Ethics Commission.
- (3) Deadlines for filing statements.
  - (a) An incumbent local elected official shall file a financial disclosure statement annually no later than January 31 of each year for the preceding calendar year.
  - (b) An individual, who is appointed to fill a vacancy in an office for which a financial disclosure statement is required, 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, other than reasons of death, leaves an office for which a statement is required shall file a statement within 60 days after leaving the office. The statement shall cover:
    - [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 an official who has filed a financial disclosure statement under another provision of this section for the reporting period, a candidate to be an elected official shall file a financial disclosure statement each year beginning with the year in which the certificate of candidacy is filed through the year of the election.
- (2) A candidate to be an elected official shall file a statement required under this section:
  - (a) In the year the certificate of candidacy is filed, no later than the filing of the certificate of candidacy;
  - (b) In the year of the election, on or before the earlier of January 31 or the last day for the withdrawal of candidacy; and
  - (c) In all other years for which a statement is required, on or before January 31.
- (3) A candidate to be an elected official:
  - (a) Shall file the statement required under § 43-4B(2)(a) of this chapter with the certificate of candidacy or with the Commission prior to filing the certificate of candidacy; and
  - (b) Shall file the statements required under § 43-4B(2)(b) and (c) with the Commission.
- (4) If a candidate fails to file a statement required by this subsection, other than a statement required to be filed with a certificate of candidacy, the City shall provide written notice to the candidate directing the candidate to file the statement within five days from the date of the notice.
- (5) If a candidate fails to file a statement required by this subsection, other than a statement required to be filed with a certificate of candidacy, after written notice is provided by the City at least 20 days before the last day for the withdrawal of candidacy, the candidate is deemed to have withdrawn the candidacy.
- (6) The Board of Elections may not accept any certificate of candidacy unless a statement has been filed in proper form.
- (7) Within five days of the receipt of a statement required under this subsection, the person receiving the statement shall forward the statement to the Commission or the office designated by the Commission.



## C. Public record.

- (1) The Ethics Commission or office designated by the Ethics Commission shall maintain all financial disclosure statements filed under this section.
- (2) Financial disclosure statements shall be made available during normal office hours for examination and copying by the public subject to reasonable fees and administrative procedures established by the Ethics Commission.
- (3) If an individual examines or copies a financial disclosure statement, the Ethics Commission or the office designated by the Ethics Commission 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 Ethics Commission or the office designated by the Ethics Commission 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 Ethics Commission or the office designated by the Ethics Commission 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 wherever located.
  - (b) For each interest in real property, the schedule shall include:
    - [1] The nature of the property and the location by street address, mailing address, or legal description of the property;
    - [2] The nature and extent of the interest held, including any conditions and encumbrances on the interest;
    - [3] The date when, the manner in which, and the identity of the person from whom the interest was acquired;
    - [4] 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;

- [5] If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and the identity of the person to whom the interest was transferred; and
  - [6] The identity of any other person with an interest in the property.
- (2) Interests in corporations, partnerships and limited liability companies.
- (a) A statement filed under this section shall include a schedule of all interests in any corporation, partnership, limited liability partnership, limited liability corporation or limited liability company, regardless of whether the corporation, partnership, limited liability partnership, limited liability corporation or limited liability company does business with the City of Aberdeen.
  - (b) For each interest reported under this subsection, the schedule shall include:
    - [1] The name and address of the principal office of the corporation, partnership, limited liability partnership, limited liability corporation or limited liability company;
    - [2] The nature and amount of the interest held, including any conditions and encumbrances on the interest;
    - [3] With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest and, if known, the identity of the person to whom the interest was transferred; and
    - [4] With respect to any interest acquired during the reporting period:
      - [a] The date when, the manner in which, and the identity of the person 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 or limited liability corporation, the number of shares held and, unless the corporation's stock is publicly traded, the percentage of equity interest held;
  - [2] For an equity interest in a partnership or a limited liability partnership, the percentage of equity interest held; or
  - [3] For an equity interest in a limited liability company, the percentage of equity interest held.
- (3) Interests in business entities doing business with the City.
- (a) A statement filed under this section shall include a schedule of all interests in any business entity that does business with the City, other than interests reported under Subsection E(2) of this section.
  - (b) For each interest reported under this Subsection E(3), 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 to and encumbrances in the interest;
    - [3] With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received in exchange for the interest and, if known, the identity of the person to whom the interest was transferred; and
    - [4] With respect to any interest acquired during the reporting period:
      - [a] The date when, the manner in which, and the identity of the person 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.
- (4) 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.
- (5) Employment with or interests in entities doing business with the 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 E(5), the schedule shall include:
    - [1] The name and address of the principal office of the business entity;
    - [2] The title and nature of the office, directorship, or salaried employment held and the date it commenced; and
    - [3] The name of each City agency with which the entity is involved.
- (6) Indebtedness to entities doing business with the City.
  - (a) A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons 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 E(6), the schedule shall include:
    - [1] The identity of the person 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.

- (7) Employment of immediate family members by the City. 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.
  - (8) 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 of each business entity of which the individual or a member of the individual's immediate family was a sole or partial owner and from which the individual or 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 agency that employs the individual does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child.
  - (9) 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. For the purposes of § 43-4E(1), (2) and (3) of this chapter, 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 thirty-percent or greater interest at any time during the reporting period.
  - (3) 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. Commission to ensure compliance.
- (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 take appropriate enforcement action to ensure compliance with this section.

**§ 43-5. Financial disclosure: employees and appointed officials.**

- A. This section only applies to the following appointed officials and employees: City Manager, Director of Public Works, Chief of Police, City Clerk, City Treasurer, Director of Planning and Community Development, and the City Attorney. This section applies to the members of the Planning Commission, the Board of Appeals, and the Board of Elections.
- B. A statement filed under this section shall be filed with the Ethics Commission under oath or affirmation.
- C. On or before January 31 of each year during which an official or employee holds office, an official or employee shall file a statement disclosing 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.
- D. An official or employee shall disclose 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.
- E. The City Clerk shall maintain all disclosure statements filed under this section as public records available for public inspection and copying as provided in § 43-4A of this chapter.

**§ 43-6. Lobbying.**

- A. A person shall file a lobbying registration statement with the Ethics Commission if the person: **[Amended 5-20-2013 by Ord. No. 13-O-02]**
  - (1) Personally appears before a City official or employee with the intent to influence that person in 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 \$100 on food, entertainment or other gifts for officials or employees of the City.
- B. A person shall file the registration statement required under this section on or before the latter of January 15 of the calendar year or within five days after first performing an act that requires registration in the calendar year.
- C. Contents.
  - (1) The registration statement shall identify:
    - (a) The registrant;

- (b) Any other person on whose behalf the registrant acts; and
  - (c) The subject matter on which the registrant proposes to make appearances specified in Subsection A of this section.
- (2) The registration statement shall cover a defined registration period not to exceed one calendar year.
- D. Within 30 days after the end of any calendar year during which a person was registered under this section, the person shall file a report with the Ethics Commission disclosing:
  - (1) The value, date, and nature of any food, entertainment or other gift provided to a City official or employee; and
  - (2) If a gift or series of gifts to a single official or employee exceeds \$100 in value, the identity of the official or employee.
- E. The City Clerk shall maintain the registrations and reports filed under this section as public records available for public inspection and copying for four years after the receipt by the City Clerk.

#### **§ 43-7. Exemptions and modifications.**

The Ethics Commission may grant exceptions and modifications to the provisions of §§ 43-3 and 43-5 of this chapter to employees and to appointed members of the City boards and commissions, when the Ethics Commission finds that an exemption or modification would not be contrary to the purposes of this chapter, and 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.

#### **§ 43-8. Enforcement.**

- A. The Ethics Commission may:
  - (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 § 43-4 or 43-5 of this chapter.
  - (2) Assess a late fee of \$10 per day up to a maximum of \$250 for failure to file a timely lobbyist registration or lobbyist report required under § 43-6 of this chapter; and
  - (3) Issue a cease-and-desist order against any person found to be in violation of this chapter.
- B. Penalties.
  - (1) Upon a finding of a violation of any provision of this chapter, the Ethics 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 appropriate authority other appropriate discipline of the respondent, including censure or removal if that discipline is authorized by law.
- (2) If the Ethics Commission finds that a respondent has violated § 43-6 of this chapter, the Ethics Commission may: **[Amended 5-20-2013 by Ord. No. 13-O-02]**
- (a) Require a respondent who is a registered lobbyist to file any additional reports or information that reasonably related to the information that is required under § 43-6 of this chapter;
  - (b) Impose a fine not exceeding \$5,000 for each violation; and
  - (c) Suspend the registration of an individual registered lobbyist if the Ethics Commission finds that the lobbyist has knowingly and willfully violated § 43-6 of this chapter or has been convicted of a criminal offense arising from lobbying activities.

C. Other remedies.

- (1) Upon request of the Ethics Commission, the City Attorney may file a petition for injunctive or other relief in the Circuit Court of Harford County, or in any other court having proper jurisdiction, for the purpose of requiring compliance with the provisions of this chapter.
- (2) Court actions.
  - (a) The court may:
    - [1] Issue an order to cease and desist from the violation;
    - [2] Except as provided in Subsection C(2)(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
    - [3] 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;
  - (b) 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. In addition to any other enforcement provisions in this chapter, a person who the Ethics Commission or a court finds has violated this chapter:
- (1) Is subject to termination or other disciplinary action; and
  - (2) May be suspended from receiving payment of salary or other compensation pending full compliance with the terms of an order of the Ethics Commission or a court.
- E. 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, or other sanction.
- F. Violation of § 43-6 of this chapter shall be a misdemeanor subject to a fine of up to \$10,000 or imprisonment of up to one year.
- G. A finding of a violation of this chapter by the Ethics Commission is public information.

## **Chapter 47**

### **FUNDING OF ABERDEEN VOLUNTEER FIRE DEPARTMENT**

#### **§ 47-1. Grant to Aberdeen Volunteer Fire Department, Inc.**

- A. Commencing with the City's 2018 fiscal year, the City of Aberdeen annually shall provide grant funding to the Aberdeen Volunteer Fire Department, Inc., as provided in this section.
- B. The grant funding required by this section may be made subject to a grant agreement between the City of Aberdeen and the Aberdeen Volunteer Fire Department, Inc. The grant agreement may provide for the distribution and use of the grant funds and any other terms and conditions relating to the use of the grant funds and the operation of the Fire Department as the City may require.
- C. Each year the City's operating budget shall include an appropriation for the annual grant to the Aberdeen Volunteer Fire Department, Inc. The appropriation shall be an amount equal to the revenue generated by the City property tax levied on all taxable real property in the City in an amount of \$.02 for each \$100 of assessed valuation of taxable real property, but in no event shall the amount of the annual appropriation and grant be less than \$260,000 or more than \$500,000.

## **Chapter 61**

### **HERITAGE TRUST**

#### **§ 61-1. Purposes.**

- A. The preservation of sites, structures and districts of historical, archaeological or architectural significance together with their appurtenances and environmental settings is a public purpose in Aberdeen.
- B. It is the further purpose of this chapter to preserve and enhance the quality of life and to safeguard the historical and cultural heritage of Aberdeen by preserving sites, structures or the districts which reflect elements of cultural, social, economic, political, archaeological or architectural history; to strengthen the local economy; to stabilize and improve property values of such sites, structures or districts; to foster civic beauty; and to promote the preservation and appreciation of such sites, structures and districts for the education and welfare of the residents of the City of Aberdeen.

**§ 61-2. Membership and organization.**

- A. The Trust shall have the number of members as is approved from time to time by action of the Mayor and City Council.
- B. Membership. A majority of the members of the Trust shall be residents of Aberdeen. Each member shall possess a special interest, specific knowledge or professional or academic training in such fields as history, architecture, architectural history, planning, archaeology, curation, conservation, landscape architecture, historic preservation, urban design or related disciplines. **[Amended 6-2-2014 by Ord. No. 14-O-12]**
- C. Terms. Trust members shall be appointed for terms of three years, except that the terms of the initial appointments shall be staggered so that three members shall serve terms of three years, two members shall serve terms of two years, and two members shall serve terms of one year so that not more than three appointments shall expire in a given year. Trust members may be reappointed.
- D. Trust officers. The Trust shall elect, from its membership, a Chairperson and Vice Chairperson. The Chairperson and Vice Chairperson shall serve for one-year terms and shall be eligible for reelection.
- E. Compensation. Trust members shall serve without compensation but may be reimbursed for actual expenses incurred in the performance of their duties, provided that said expenses are permitted and approved in advance by the City of Aberdeen.
- F. Meetings. The Trust shall hold such regular meetings as necessary to discharge its duties.
- G. Quorum. All meetings of the Trust, except executive sessions, shall be open to the public. A majority of the Trust shall constitute a quorum. No vacancy in the Trust shall impair the right of a quorum to exercise all the rights or perform all of the duties of the Trust.

- H. Staff. Consistent with the City of Aberdeen's policies and procedures, employees may be assigned to the Trust and such services and facilities shall be made available as the City deems necessary or appropriate for the proper performance of its duties.<sup>11</sup>
- I. Resignation, removal and vacancy of members. In the event that a member resigns, the Chairperson shall recommend to the Mayor and City Council a qualified replacement for approval. Any member of the Trust may be removed for good cause by the Mayor and City Council. Any vacancy in the membership of the Trust shall be filled by the Mayor and City Council; provided, however, that in the case of an unexpired term, the term of the new member shall be only for the remainder of the unexpired term for which his or her predecessor was appointed.

### **§ 61-3. Powers, duties and functions.**

The Heritage Trust shall have the following powers, duties and functions:

- A. To acquire and preserve historic or cultural properties, buildings, fixtures, furnishings, facilities, collections and appurtenances with approval by the Mayor and City Council.
- B. To acquire and hold real and personal property of historic or cultural significance by purchase, gift, device or bequest and to preserve and administer such properties, with approval by the Mayor and City Council.
- C. To accept gifts, grants, legacies, bequests and endowments on properties located in or adjacent to a locally designated historic district upon approval by the Mayor and City Council.
- D. To direct studies, reports and surveys to identify historical, archaeological or architecturally significant sites, structures and districts that exemplify the cultural, social, economic, political or architectural history of Aberdeen.
- E. Consistent with the City of Aberdeen's Charter, ordinances, resolutions, local public law, policies and procedures regarding the acceptance and use of gifts by public officials, to accept and use gifts for the exercise of its functions.
- F. To prescribe appropriate rules and regulations for transaction of its business.
- G. To cooperate and work with the Aberdeen Planning Commission, Economic Development Commission and other City volunteer organizations.

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**11. Editor's Note: Former Subsection I, Liaison, which immediately followed this subsection, was repealed 2-27-2012 by Ord. No. 12-O-03. This ordinance also provided for the redesignation of former Subsection J as Subsection I.**

- H. To undertake any other action or activity necessary or appropriate to the implementation of its powers, duties and functions or the implementation of the purpose of this chapter.<sup>12</sup>

**§ 61-4. Designation of historic sites, structures or districts.**

- A. The Trust is authorized and empowered, after consultation with the Department of Planning and Community Development for the City of Aberdeen, upon making full and proper study, to recommend any area within the limits of the City of Aberdeen as a proposed historic site, structure or district and determine the boundary lines of any such site, structures or district.
- B. The Trust shall prepare a resolution setting forth that it recommends designation of a site, structure or district of historic, archaeological or architectural significance and cause such resolution to be introduced to the Mayor and City Council for appropriate action. No area shall be deemed to be a historic site, structure or district unless it has been designated by a resolution of the Mayor and City Council.<sup>13</sup>

**Chapter 68**

**IDENTITY THEFT; ADDRESS DISCREPANCIES**

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12. Editor's Note: Former Subsection I, which immediately followed this subsection, was repealed 6-2-2014 by Ord. No. 14-O-12.

13. Editor's Note: Former § 61-5, Review of tax credit applications, as amended, was repealed 6-2-2014 by Ord. No. 14-O-12.

ARTICLE I  
**Identity Theft Prevention Program**

**§ 68-1. Short title.**

This article shall be known as the "Identity Theft Prevention Program."

**§ 68-2. Purpose.**

The purpose of this article is to comply with 16 CFR § 681.2 in order to detect, prevent and mitigate identity theft by identifying and detecting identity theft red flags and by responding to such red flags in a manner that will prevent identity theft.

**§ 68-3. Definitions.**

- A. For purposes of this article, the following definitions apply (See Note 1.<sup>14</sup>):

CITY — The City of Aberdeen.

COVERED ACCOUNT —

- (1) An account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions, such as a credit card account, mortgage loan, automobile loan, margin account, cell phone account, utility account, checking account, or savings account; and
- (2) Any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation, or litigation risks.

CREDIT — The right granted by a creditor to a debtor to defer payment of debt or to incur debts and defer its payment or to purchase property or services and defer payment therefor.

CREDITOR — Any person who regularly extends, renews, or continues credit; any person who regularly arranges for the extension, renewal, or continuation of credit; or any assignee of an original creditor who participates in the decision to extend, renew, or continue credit and includes utility companies and telecommunications companies.

CUSTOMER — A person that has a covered account with a creditor.

IDENTITY THEFT — A fraud committed or attempted using identifying information of another person without authority.

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**14. Editor's Note: See Subsection B for Note 1.**

PERSON — A natural person, a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.

PERSONAL IDENTIFYING INFORMATION — A person's credit card account information, debit card information, bank account information, and driver's license information and for a natural person includes their social security number, mother's birth name, and date of birth.

RED FLAG — A pattern, practice, or specific activity that indicates the possible existence of identity theft.

SERVICE PROVIDER — A person that provides a service directly to the City.

- B. Note 1: Other than "City" and "personal identifying information," definitions provided in this section are based on the definitions provided in 16 CFR § 681.2.

#### **§ 68-4. Findings.**

- A. The City is a creditor pursuant to 16 CFR § 681.2 due to its provision or maintenance of covered accounts for which payment is made in arrears.
- B. Covered accounts offered to customers for the provision of City services include utility accounts.
- C. The City's previous experience with identity theft related to covered accounts is as follows: The City has no record of identity theft related to water and sewer accounts.
- D. The processes of opening a new covered account, restoring an existing covered account, and making payments on such accounts have been identified as potential processes in which identity theft could occur.
- E. The City limits access to personal identifying information to those employees responsible for or otherwise involved in opening or restoring covered accounts or accepting payment for use of covered accounts. Information provided to such employees is entered directly into the City's computer system and is not otherwise recorded.
- F. The City determines that there is a low risk of identity theft occurring in the following ways (if any):
- (1) Use by an applicant of another person's personal identifying information to establish a new covered account;
  - (2) Use of a previous customer's personal identifying information by another person in an effort to have service restored in the previous customer's name;
  - (3) Use of another person's credit card, bank account, or other method of payment by a customer to pay such customer's covered account or accounts;

- (4) Use by a customer desiring to restore such customer's covered account of another person's credit card, bank account, or other method of payment.

**§ 68-5. Process of establishing a covered account.**

- A. As a precondition to opening a covered account in the City, each applicant shall provide the City with personal identifying information of the customer (name, address, driver's license or other valid government-issued identification card containing a photograph of the customer or, for customers who are not natural persons, a photograph of the customer's agent opening the account.) Such information shall be entered directly into the City's computer system and shall not otherwise be recorded.
- B. Each account shall be assigned an account number and personal identification number (PIN) which shall be unique to that account. The City may utilize computer software to randomly generate assigned PINs and to encrypt account numbers and PINs.

**§ 68-6. Access to covered account information.**

- A. Access to customer accounts shall be password protected and shall be limited to authorized City personnel.
- B. Such password(s) shall be changed by the Information Technology Coordinator on a regular basis, shall be at least eight characters in length and shall contain letters, numbers and symbols.
- C. Any unauthorized access to or other breach of customer accounts is to be reported immediately to the Director of Finance and the password changed immediately.
- D. Personal identifying information included in customer accounts is considered confidential and any request or demand for such information shall be immediately forwarded to the City Manager and the City Attorney.

**§ 68-7. Credit card payments.**

- A. In the event that credit card payments that are made over the Internet are processed through a third party service provider, such third party service provider shall certify that it has an adequate identity theft prevention program in place that is applicable to such payments.
- B. All credit card payments made over the telephone or the City's website shall be entered directly into the customer's account information in the computer data base.
- C. Account statements and receipts for covered accounts shall include only the last four digits of the credit or debit card or the bank account used for payment of the covered account.

**§ 68-8. Sources and types of red flags.**

All employees responsible for or involved in the process of opening a covered account, restoring a covered account or accepting payment for a covered account shall check for red flags as indicators of possible identity theft, and such red flags may include:

A. Alerts from consumer reporting agencies, fraud detection agencies or service providers. Examples of alerts include but are not limited to:

- (1) A fraud or active duty alert that is included with a consumer report;
- (2) A notice of credit freeze in response to a request for a consumer report;
- (3) A notice of address discrepancy provided by a consumer reporting agency;
- (4) Indications of a pattern of activity in a consumer report that is inconsistent with the history and usual pattern of activity of an applicant or customer, such as:
  - (a) A recent and significant increase in the volume of inquiries;
  - (b) An unusual number of recently established credit relationships;
  - (c) A material change in the use of credit, especially with respect to recently established credit relationships; or
  - (d) An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.

B. Suspicious documents. Examples of suspicious documents include:

- (1) Documents provided for identification that appear to be altered or forged;
- (2) Identification on which the photograph or physical description is inconsistent with the appearance of the applicant or customer;
- (3) Identification on which the information is inconsistent with information provided by the applicant or customer;
- (4) Identification on which the information is inconsistent with readily accessible information that is on file with the financial institution or creditor, such as a signature card or a recent check; or
- (5) An application that appears to have been altered or forged, or appears to have been destroyed and reassembled.

C. Suspicious personal identification, such as suspicious address change. Examples of suspicious identifying information include:



- (1) Personal identifying information that is inconsistent with external information sources used by the financial institution or creditor. For example:
    - (a) The address does not match any address in the consumer report; or
    - (b) The social security number (SSN) has not been issued, or is listed on the Social Security Administration's Death Master File.
  - (2) Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer, such as a lack of correlation between the SSN range and date of birth.
  - (3) Personal identifying information or a phone number or address, is associated with known fraudulent applications or activities as indicated by internal or third-party sources used by the financial institution or creditor.
  - (4) Other information provided, such as fictitious mailing address, mail drop addresses, jail addresses, invalid phone numbers, pager numbers or answering services, is associated with fraudulent activity.
  - (5) The SSN provided is the same as that submitted by other applicants or customers.
  - (6) The address or telephone number provided is the same as or similar to the account number or telephone number submitted by an unusually large number of applicants or customers.
  - (7) The applicant or customer fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.
  - (8) Personal identifying information is not consistent with personal identifying information that is on file with the financial institution or creditor.
  - (9) The applicant or customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.
- D. Unusual use of or suspicious activity relating to a covered account. Examples of suspicious activity include:
- (1) Shortly following the notice of a change of address for an account, the City receives a request for the addition of authorized users on the account.

- (2) A new revolving credit account is used in a manner commonly associated with known patterns of fraud patterns. For example:
    - (a) The customer fails to make the first payment or makes an initial payment but no subsequent payments.
  - (3) An account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example:
    - (a) Nonpayment when there is no history of late or missed payments;
    - (b) A material change in purchasing or spending patterns.
  - (4) An account that has been inactive for a long period of time is used.
  - (5) Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's account.
  - (6) The City is notified that the customer is not receiving paper account statements.
  - (7) The City is notified of unauthorized charges or transactions in connection with a customer's account.
  - (8) The City is notified by a customer, law enforcement or another person that it has opened a fraudulent account for a person engaged in identity theft.
- E. Notice from customers, law enforcement, victims or other reliable sources regarding possible identity theft or phishing relating to covered accounts.

**§ 68-9. Prevention and mitigation of identity theft.**

- A. In the event that any City employee responsible for or involved in restoring an existing covered account or accepting payment for a covered account becomes aware of red flags indicating possible identity theft with respect to existing covered accounts, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the Director of Finance. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the Director of Finance, who may in his or her discretion determine that no further action is necessary. If the Director of Finance in his or her discretion determines that further action is necessary, a City employee shall perform one or

more of the following responses, as determined to be appropriate by the Director of Finance:

- (1) Contact the customer;
  - (2) Make the following changes to the account if, after contacting the customer, it is apparent that someone other than the customer has accessed the customer's covered account:
    - (a) Change any account numbers, passwords, security codes, or other security devices that permit access to an account; or
    - (b) Close the account;
  - (3) Cease attempts to collect additional charges from the customer and decline to sell the customer's account to a debt collector in the event that the customer's account has been accessed without authorization and such access has caused additional charges to accrue;
  - (4) Notify a debt collector within two business days of the discovery of likely or probable identity theft relating to a customer account that has been sold to such debt collector in the event that a customer's account has been sold to a debt collector prior to the discovery of the likelihood or probability of identity theft relating to such account;
  - (5) Notify law enforcement, in the event that someone other than the customer has accessed the customer's account causing additional charges to accrue or accessing personal identifying information; or
  - (6) Take other appropriate action to prevent or mitigate identity theft.
- B. In the event that any City employee responsible for or involved in opening a new covered account becomes aware of red flags indicating possible identity theft with respect to an application for a new account, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the Director of Finance. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the Director of Finance, who may in his or her discretion determine that no further action is necessary. If the Director of Finance in his or her discretion determines that further action is necessary, a City employee shall perform one or more of the following responses, as determined to be appropriate by the Director of Finance:
- (1) Request additional identifying information from the applicant;
  - (2) Deny the application for the new account;

- (3) Notify law enforcement of possible identity theft; or
- (4) Take other appropriate action to prevent or mitigate identity theft.

#### **§ 68-10. Updating the program.**

Upon the recommendation of the City Manager and Director of Finance, the City Council shall annually review and, as deemed necessary by the Council, update the Identity Theft Prevention Program along with any relevant red flags in order to reflect changes in risks to customers or to the safety and soundness of the City and its covered accounts from identity theft. In so doing, the City Council shall consider the following factors and exercise its discretion in amending the program:

- A. The City's experiences with identity theft;
- B. Updates in methods of identity theft;
- C. Updates in customary methods used to detect, prevent, and mitigate identity theft;
- D. Updates in the types of accounts that the City offers or maintains; and
- E. Updates in service provider arrangements.

#### **§ 68-11. Program administration.**

The Director of Finance is responsible for oversight of the program and for program implementation. The Director of Finance is responsible for reviewing reports prepared by staff regarding compliance with red flag requirements and with recommending material changes to the program, as necessary in the opinion of the Director of Finance, to address changing identity theft risks and to identify new or discontinued types of covered accounts. Any recommended material changes to the program shall be submitted to the City Council for consideration by the Council.

- A. The Director of Finance will report to the City Manager and City Council at least annually, on compliance with the red flag requirements. The report will address material matters related to the program and evaluate issues such as:
  - (1) The effectiveness of the policies and procedures of the City in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts;
  - (2) Service provider arrangements;
  - (3) Significant incidents involving identity theft and management's response; and
  - (4) Recommendations for material changes to the program.
- B. The Director of Finance is responsible for providing training to all employees responsible for or involved in opening a new covered

account, restoring an existing covered account or accepting payment for a covered account with respect to the implementation and requirements of the Identity Theft Prevention Program. The Director of Finance shall exercise his or her discretion in determining the amount and substance of training necessary.

**§ 68-12. Outside service providers.**

In the event that the City engages a service provider to perform an activity in connection with one or more covered accounts, the Director of Finance shall exercise his or her discretion in reviewing such arrangements in order to ensure, to the best of his or her ability, that the service provider's activities are conducted in accordance with policies and procedures, agreed upon by contract, that are designed to detect any red flags that may arise in the performance of the service provider's activities and take appropriate steps to prevent or mitigate identity theft.



ARTICLE II  
**Treatment of Address Discrepancies**

**§ 68-13. Short title.**

"Treatment of Address Discrepancies."

**§ 68-14. Purpose.**

Pursuant to 16 CFR § 681.1, the purpose of this article is to establish a process by which the City will be able to form a reasonable belief that a consumer report relates to the consumer about whom it has requested a consumer credit report when the City has received a notice of address discrepancy.

**§ 68-15. Definitions.**

A. For purposes of this article, the following definitions apply:

CITY — City of Aberdeen.

NOTICE OF ADDRESS DISCREPANCY — A notice sent to a user by a consumer reporting agency pursuant to 15 U.S.C. § 1681(c)(h)(1), that informs the user of a substantial difference between the address for the consumer that the user provided to request the consumer report and the address(es) in the agency's file for the consumer. (See Note 2.<sup>15</sup>)

B. Note 2: See 16 CFR § 681.1(b).

**§ 68-16. Policy.**

In the event that the City receives a notice of address discrepancy, the City employee responsible for verifying consumer addresses for the purpose of providing the municipal service or account sought by the consumer shall perform one or more of the following activities, as determined to be appropriate by such employee:

A. Compare the information in the consumer report with:

- (1) Information the City obtains and uses to verify a consumer's identity in accordance with the requirements of the Customer Information Program rules implementing 31 U.S.C. § 5318(l);
- (2) Information the City maintains in its own records, such as applications for service, change of address notices, other customer account records or tax records; or
- (3) Information the City obtains from third-party sources that are deemed reliable by the relevant City employee; or

B. Verify the information in the consumer report with the consumer.

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**15.Editor's Note: See Subsection B for Note 2.**

**§ 68-17. Furnishing consumer's address to consumer reporting agency.**

- A. In the event that the City reasonably confirms that an address provided by a consumer to the City is accurate, the City is required to provide such address to the consumer reporting agency from which the City received a notice of address discrepancy with respect to such consumer. This information is required to be provided to the consumer reporting agency when:
- (1) The City is able to form a reasonable belief that the consumer report relates to the consumer about whom the City requested the report;
  - (2) The City establishes a continuing relation with the consumer; and
  - (3) The City regularly and in the ordinary course of business provides information to the consumer reporting agency from which it received the notice of address discrepancy.
- B. Such information shall be provided to the consumer reporting agency as part of the information regularly provided by the City to such agency for the reporting period in which the City establishes a relationship with the customer.

**§ 68-18. Methods of confirming consumer addresses.**

The City employee charged with confirming consumer addresses may, in his or her discretion, confirm the accuracy of an address through one or more of the following methods:

- A. Verifying the address with the consumer;
- B. Reviewing the City's records to verify the consumer's address;
- C. Verifying the address through third party sources; or
- D. Using other reasonable processes.



**Chapter 90**

**MAYOR AND COUNCIL**



ARTICLE I

**Compensation**

**[Ordinances establishing salaries of the Mayor and the Council  
members are on file in the City offices.]**

**Chapter 95****MUNICIPAL INFRACTIONS****§ 95-1. Intent.<sup>16</sup>**

This chapter shall provide that violations of ordinances and resolutions shall be, in certain cases, deemed to be municipal infractions and punishable by fine.

**§ 95-2. Definitions.**

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

**MUNICIPAL INFRACTION** — Includes a violation of the littering, nuisance or environmental laws and certain provisions of the City Code. A municipal infraction shall be deemed a civil offense.

**§ 95-3. Citations.**

- A. Grounds for issuance. City officials shall deliver, by personal service or certified mail, a citation to any person whom they adjudge to be committing a municipal infraction or on the basis of an affidavit submitted to the Director of Public Works or the City Manager citing the facts of the alleged incident.
- B. Contents. The City shall retain a copy of the citation which shall contain:
  - (1) The City's certification attesting to the truth of the matter set forth in the citation.
  - (2) The name and address of the person charged.
  - (3) The nature of the infraction.
  - (4) The location and time that the infraction occurred.
  - (5) The amount of the infraction fine assessed.
  - (6) The manner, location and time in which the fine may be paid to the municipality.
  - (7) The person's right to elect to stand trial for the infraction.
  - (8) The effect of failing to pay the assessed fine or demand a trial within the prescribed time.

**§ 95-4. Trial and violation procedures.**

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**16. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).**

- A. Procedure for election of trial. A person receiving the citation for a municipal infraction may elect to stand trial for the offense by notifying the City of his intent to stand 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 notice of the intention to stand trial, the City shall forward to the District Court having venue 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 in accordance with the Annotated Code of Maryland, Article 23A, § 3. All fines, penalties or forfeitures collected by the District Court for violations of municipal infractions shall be remitted to the City.
- B. Penalties. If any person shall be found by the District Court to have committed a municipal infraction:
- (1) The person shall be required to pay the fine determined by the District Court.
  - (2) The person shall be liable for the costs of the proceedings in the District Court.
  - (3) The court may permit the municipality to abate any such condition at the person's expense.

**§ 95-5. Fine.**

- A. Any person who commits a municipal infraction shall be deemed to have committed a municipal infraction and shall be subject to a fine not to exceed \$1,000.<sup>17</sup>
- B. A fine not to exceed \$1,000 may be imposed for each conviction of a municipal infraction.<sup>18</sup>
- C. The fine is payable by the recipient of the citation to the municipality within 20 calendar days of receipt of the citation. Each twenty-four-hour period in which a violation exists shall constitute a separate violation.
- D. A municipal infraction will constitute a separate offense for each twenty-four-hour period that the violations exists.

**§ 95-6. Failure to pay fine or give notice of intent to stand trial.<sup>19</sup>**

If the person receiving the 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

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17. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

18. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

19. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

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 \$1,000 and request adjudication of the case through the District Court, including the filing of a demand for judgment on affidavit. The defendant's failure to respond to such summons shall result in the entry of judgment against the defendant in favor of the municipality in the amount then due if a proper demand for judgment on affidavit has been filed.

**§ 95-7. Applicability of statutory provisions.**

The proceeding for municipal infraction shall be subject to the other requirements of the Annotated Code of Maryland, Article 23A, § 3.

**§ 95-8. Applicability of other remedies.**

Notwithstanding the provisions of this chapter or any other section of the City Charter or City Code, alternative remedies, such as injunctions, etc., to enforce provisions of City legislation shall be effective as may be provided by law.

## **Chapter 108**

### **PARKS AND RECREATION BOARD**

#### **GENERAL REFERENCES**

**Parks — See Ch. 406.**

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**§ 108-1. Establishment; purpose. [Amended 4-9-1990 by Ord. No. 358-90]**

- A. The Aberdeen Parks and Recreation Board (hereinafter "Board") is hereby established.
- B. The Board is created for the purpose of promoting parks and recreation in the City and of being the legal successor to the Recreation Council and any other parks and recreation committees, boards, councils, etc., by whatever name known, established on or after November 4, 1963, by the governing body. **[Amended 8-23-2010 by Ord. No. 10-O-12]**

**§ 108-2. Membership; terms of office. [Amended 9-13-1982]**

- A. The Board shall have the number of members as is approved from time to time by action of the Mayor and Council. **[Amended 4-9-1990 by Ord. No. 358-90]**
- B. Except as provided in Subsection C below, 1/2 of the members of the Board shall serve for three-year terms and 1/2 of the members of the Board shall serve for one-year terms.<sup>20</sup>

**§ 108-3. Powers and duties.**

Subject to the supervision and the budgetary policies and appropriations of the Mayor and Council, the powers and duties of the Board shall be as follows:

- A. To determine all questions of general policy relating to parks and recreation under the jurisdiction of the Mayor and Council.
- B. To supervise the expenditure of funds appropriated by the Mayor and Council and other funds collected by the Board for parks and recreation purposes.
- C. To appoint special committees to assist and advise in the exercise of its powers, duties and functions.
- D. To employ through the Mayor and Council or the Harford County Department of Parks and Recreation such personnel as it may deem necessary and proper for the purpose of carrying out the provisions of this chapter.
- E. To establish, maintain and operate a comprehensive public recreation program and such recreation areas, structures, facilities and services, either publicly or privately owned, as are necessary therefor.
- F. To purchase necessary equipment and supplies.
- G. To establish schedules of charges for the use of the facilities available to it and for the services rendered by it.
- H. To establish reasonable rules and regulations for the use of said facilities and for the participation by groups and individuals in its programs.
- I. Subject to the approval of the Mayor and Council, to accept gifts of land, water, buildings or other improvements thereon for use as public recreation and park areas or facilities and moneys, supplies and equipment, in accordance with the purposes of this chapter; provided, however, that legal title to said gifts shall be vested in the Mayor and Council.
- J. To join or cooperate with the United States of America, the State of Maryland, Harford County, any other municipal corporation and any other governmental agency or citizens' group in providing, establishing, conducting and maintaining recreation centers, playgrounds, parks and other recreation facilities, programs and activities.

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**20. Editor's Note: Former Subsection C, which stated that one Council member would be appointed annually to represent the City, as amended, and which immediately followed this subsection, was repealed 2-27-2012 by Ord. No. 12-O-03.**

- K. To submit to the Mayor and Council an annual report of its activities, together with recommendations for further activities and development of its parks and recreation facilities and programs.
- L. To submit an annual budget to the City Manager for approval by the Mayor and Council at a time fixed by the Mayor and Council itemizing any appropriations and expenditures necessary for the performance of its functions and duties. **[Amended 4-9-1990 by Ord. No. 358-90]**

**§ 108-4. Resignation and removal of members; filling of vacancies.  
[Amended 4-9-1990 by Ord. No. 358-90]**

- A. In the event that a member resigns, the Chairperson shall recommend to the Mayor and Council a qualified replacement for approval.
- B. Any member of the Board may be removed for good cause by the Mayor and Council. Before removal, the member to be removed shall be notified in writing of the reasons therefor and may request a public hearing before the Mayor and Council within 10 days after receipt of the notice of removal.
- C. Any vacancy in the membership of the Board shall be filled by the Mayor and Council in the manner prescribed in § 108-2 of this chapter; provided, however, that in the case of an unexpired term, the term of the new member shall be only for the remainder of the unexpired term for which his predecessor was appointed.

**§ 108-5. Officers. [Amended 4-9-1990 by Ord. No. 358-90]**

- A. The Board shall elect a Chairperson from its members. The term of the Chairperson shall be for one year, and he or she shall be eligible for reelection.
- B. The Board shall elect a Vice Chairperson from its members. The term of the Vice Chairperson shall be for one year, and he or she shall be eligible for reelection.
- C. The Board shall appoint a Secretary, who may or may not be a member of the Board and may or may not be also the Treasurer of the Board. The Secretary shall serve for a one-year term and shall be eligible for reappointment.
- D. The Board shall appoint a Treasurer, who may or may not be a member of the Board and who may or may not be also the Secretary of the Board. The Treasurer shall serve a one-year term and shall be eligible for reappointment. The Board shall require the Treasurer to give corporate bond in such amount as it may determine for the faithful performance of the duties of his office, including the collection and accounting for of all sums of money due the Board. Said bond shall be filed with the Mayor and Council and the premium thereon paid by the Board. The Board may open in its own name a bank account in a bank located in Aberdeen.



**§ 108-6. Compensation. [Amended 4-9-1990 by Ord. No. 358-90]**

The members of the Board shall not be entitled to compensation for their services on the Board.

**§ 108-7. Meetings; quorum. [Amended 4-9-1990 by Ord. No. 358-90]**

- A. Meetings. The Board shall hold such regular and special meetings and may adopt such rules and regulations as it may deem necessary for the proper transaction of any business and for the protection of property under its control.
- B. Quorum. All meetings of the Board, except executive sessions, shall be open to the public. A majority of the Board shall constitute a quorum. No vacancy in the Board shall impair the right of a quorum to exercise all the rights or perform all of the duties of the Board.

**§ 108-8. Duties of City officials.**

- A. The City Manager shall serve as an advisor to the Board. **[Amended 4-9-1990 by Ord. No. 358-90]**
- B. The City Attorney shall serve as attorney for the Board.

**§ 108-9. Duties of county officials.**

The Director of the Harford County Department of Parks and Recreation or his designated representative shall be an advisor to the Board.

**§ 108-10. Administration of programs and maintenance of facilities. [Amended 4-9-1990 by Ord. No. 358-90]**

The administration of the programs and the maintenance and operation of the facilities of the Board or available to the Board shall be performed by the District Supervisor or other personnel assigned for that purpose to Aberdeen by the Harford County Department of Parks and Recreation or by personnel assigned for that purpose by the Director of Public Works.

**Chapter 121****PROPERTY, DISPOSAL OF****§ 121-1. Findings.**

The Mayor and Council have determined that from time to time it is necessary to dispose of property owned by the Mayor and Council or acquired by the Mayor and Council through abandonment, seizure or other means.

**§ 121-2. Definitions.**

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

ABANDONED PROPERTY — Any object acquired by the Mayor and Council through Police Department investigative procedures or otherwise which remains unclaimed by its legal owner for a period of 30 days or more after its acquisition by the Mayor and Council.

PROPERTY — Includes any real or personal property, including but not limited to land, bicycles, automobiles, trucks, equipment or other such items.**[Amended 4-9-1990 by Ord. No. 358-90]**

SURPLUS — Any property designated by a department head as being of no further use or value to the department for which it was purchased or otherwise acquired.

**§ 121-3. Disposal procedures. [Amended 4-9-1990 by Ord. No. 358-90]**

- A. City property. Any property owned by the Mayor and Council, upon its being declared surplus, shall first be offered to the use of other agencies or departments within the operation of the City to determine whether such property is usable by another branch of the City government, and, after such offering, such property having been declared surplus, shall be offered to the general public for sale either at a public auction, public or private sale or other disposition process as may be designated by the Mayor and Council.
- B. Other property. Disposal of other property, whether seized by the police, abandoned within the City or otherwise acquired by the Mayor and Council, shall be by public auction, public or private sale or other disposition as may be designated by the Mayor and Council.

**§ 121-4. Ineligibility of City employees. [Amended 4-9-1990 by Ord. No. 358-90]**

No City employee shall be eligible to purchase a reserve surplus, abandoned, seized or other property owned by the City except by public sale.

**§ 121-5. Disposition of proceeds of sales. [Amended 4-9-1990 by Ord. No. 358-90]**

The Mayor and Council shall apply proceeds of any such sale listed above first to the expenses of the sale, second to any known lienholders who have made claim against any object being sold at sale, and third to the general fund of the Mayor and Council.

**Chapter 134**

**(RESERVED)**

**Chapter 147**

**(RESERVED)**

**Chapter 190**

**ALARMS**



## ARTICLE I

**False Alarms**

**[Adopted 8-9-2004 by Ord. No. 655-04 (Ch. 40, Art. I of the 1990 Code)]**

**§ 190-1. Purpose.**

The purpose of this article is to establish standards and regulate the various types of intrusion, holdup and other emergency signals from alarm users that require police response or investigation.

**§ 190-2. Definitions and word usage.**

Unless it is apparent from the context that another meaning is intended, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future; words used in the plural number include the singular. The word "shall" is always mandatory and not merely directory.

**ALARM SYSTEM** — Alarms are to include any device the purpose of which is to detect the occurrence of any emergency and designed to transmit an audible, visual, telephone, computer, or other signal indicating the occurrence of the emergency.**[Amended 8-23-2010 by Ord. No. 10-O-12; 7-28-2014 by Ord. No. 14-O-16]**

**ALARM USER** — Any person owning, occupying or controlling any building or premises in the City of Aberdeen in, on, or at which an alarm system is maintained. For purpose of this article, any tenant, lessee, licensee, or invitee who or which causes an alarm system to be maintained within the City of Aberdeen shall be deemed to be an alarm user subject to this article.

**AUTOMATIC DIALING DEVICE** — An alarm system that automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice message or coded signal indicating the existence of an emergency situation that the alarm system is designated to detect.**[Amended 8-23-2010 by Ord. No. 10-O-12]**

**AUTOMATIC INTRUSION ALARM SYSTEM** — An alarm system in which the signal transmission is initiated by the action of the intruder.

**BURGLAR ALARM SYSTEM** — An alarm system signaling an entry or attempted entry into the area protected by the system.

**CITY** — City of Aberdeen, Maryland.

**DIRECT CONNECT** — An alarm system which has the capability of transmitting system signals directly to the Aberdeen Police Department.

**FALSE ALARM** — The activation of an alarm system, to include an automatic dialing device, through mechanical failure, malfunction, improper installation, or the negligence of the owner or lessee of an alarm system or of his employees or agents that results in a response by the Aberdeen Police Department and/or the Aberdeen Fire Department. Such terminology

does not include, for example, alarms caused by hurricanes, tornadoes, earthquakes, electrical storms or other violent conditions or an alarm signal activated during the first 30 calendar days after an alarm system is installed.**[Amended 7-28-2014 by Ord. No. 14-O-16]**

**FIRE ALARM** — A device that gives warning of a fire.**[Added 7-28-2014 by Ord. No. 14-O-16]**

**HOLDUP ALARM SYSTEM** — An alarm system signaling a robbery or attempted robbery.

**LAW ENFORCEMENT AGENCY** — The Aberdeen Police Department.

**LAW ENFORCEMENT EXECUTIVE** — The Chief of Police or his designated representatives.

**PERSON** — Any person, firm, partnership, association, corporation, company or organization of any kind.

### **§ 190-3. Direct connections to law enforcement agencies.**

No direct connections shall be permitted in Aberdeen unless authorized by the Chief of Police.

### **§ 190-4. Equipment maintenance.**

- A. Each alarm user, at his expense, is required to maintain all components of his alarm system in good working order at all times to ensure that the sensory mechanism used in connection with such device is adjusted to suppress false indications of emergencies. The device shall not be activated by impulses due to short flashes of light, wind noises, vehicular noise or other forces unrelated to genuine alarms.
- B. No alarm system designed to transmit emergency messages shall be tested or demonstrated without first notifying the Aberdeen Police Department.
- C. New installations shall be provided with a thirty-day grace period before the provisions of § 190-5 apply.

### **§ 190-5. Excessive false alarms.**

No person shall allow, permit, cause or fail to prevent the emission, for any reason, by any alarm used by him, or any alarm serving a premises or a building occupied and controlled by such person, of more than three false alarms within any calendar month or more than eight false alarms within any calendar year. The emission by any alarm system of either more than three false alarms in any calendar month or more than eight false alarms in any calendar year is deemed to be excessive and constitutes a serious public nuisance and is subject to service charges set out in the section following.

**§ 190-6. Violations and penalties.**

A violation of this article shall be deemed a municipal infraction. Any person violating any provision of this article shall be subject to a civil penalty in the amount of \$50 for the first offense, \$100 for the second offense, and \$300 for the third offense. Trials, violation procedures and failure to pay fines shall be in accordance with Chapter 95 (Municipal Infractions) of the Aberdeen City Code.

**§ 190-7. When effective.**

This article shall be effective 20 days after passage and shall apply to all pending preliminary plans and those submitted after the effective date of this article.

**Chapter 196**

**ANIMALS**

**Chapter 210**

**BUILDING CONSTRUCTION**

**GENERAL REFERENCES**

**Numbering of buildings and property — See Ch. 215.**

**Development Code — See Ch. 235.**

**Environmental control — See Ch. 250.**

**Fire prevention — See Ch. 269.**

**Floodplain management — See Ch. 275.**

**Grading and sediment control — See Ch. 297.**

**Livability standards — See Ch. 348.**

**Sewers and water — See Ch. 450.**

**Stormwater management — See Ch. 465.**

**Subdivision of land — See Ch. 475.**

**Fees — See Ch. A550.**



## ARTICLE I

**Building Standards**

**[Adopted 4-9-1990 by Ord. No. 352-90 (Ch. 46, Art. I of the 1990 Code)]**

**§ 210-1. Adoption of standards by reference; amendments.**

**[Amended 9-11-2000 by Ord. No. 572-00; 6-10-2002 by Ord. No. 617-02; 9-18-2006 by Ord. No. 715-06; 7-28-2008 by Ord. No. 08-5; 9-24-2012 by Ord. No. 12-O-10]**

- A. The City adopts by reference all building, mechanical, plumbing, electrical, and fire protection codes, with certain amendments, and any and all appendices and supplements as enforced by Harford County and the City of Aberdeen governments as fully set forth herein, save such changes, amendments, revisions, deletions, subsections, and/or additions as specified in the chapter.
- B. All building construction in the City shall meet the standards and requirements of the International Building Code and/or International Residential Code, as may apply, as modified by Harford County or the City of Aberdeen. All electrical and plumbing installations in the City shall meet the standards and requirements of the National Electrical Code and National Standard Plumbing Code, except as modified by Harford County or the City of Aberdeen. All mechanical installations in the City shall meet the standards and requirements of the International Mechanical Code as modified by Harford County or the City of Aberdeen.
- C. The City of Aberdeen adopts the following amendments to the above-referenced codes:
  - (1) The "building official" shall refer to the Director of the Department of Public Works of the City of Aberdeen.
  - (2) Whenever Harford County is referenced, it shall include the City of Aberdeen.
  - (3) The Department of Inspections, Licenses, and Permits shall include the City of Aberdeen and its appropriate departments, including the Department of Public Works.
  - (4) The Department of Building Safety shall include the City of Aberdeen and its appropriate departments, including the Department of Public Works.
  - (5) In Section 101.1 of the 2012 IBC, insert the words "City of Aberdeen" as the jurisdiction.
  - (6) Section 82-2B(10) (referenced IBC items 1 and 15) of Harford County Bill No. 11-51 are deleted, as all accessory structures require a permit for zoning purposes.

- (7) Chapter 1, Part 2, Sections 105.2.1, 105.2.2, and 105.2.6 of the 2012 IBC are deleted, as all accessory structures, fences, and driveways require a permit for zoning purposes.
- (8) References to "premises identification" shall include Chapter 215, Numbering of Buildings and Property, of the Aberdeen Code.

### **§ 210-2. Word usage.**

Whenever a local subdivision is referred to in the code, it shall be deemed to mean the City of Aberdeen.

### **§ 210-3. Inspections.**

The City may employ inspectors for the purpose of enforcing the code or may designate such other person, firm, corporation, municipality or county as to perform such inspections.

### **§ 210-4. Application for building permit.**

All applications for building permits shall be issued by the Director of Public Works. All drawings, plans or other documentation shall be filed with the application. No application shall be issued until all fees have been paid.

### **§ 210-5. Conflict with Development Code.<sup>21</sup>**

Where the provisions of the Building Code are less stringent than or conflict with the zoning provisions of this Code of the City or conflict with the Development Code, then Chapter 235, Development Code, shall govern, except that where the Building Code is more stringent or restrictive in a standard than the Development Code, then the Building Code will govern.

### **§ 210-6. Violations and penalties.<sup>22</sup>**

Any person who shall violate the provisions of this article or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the Building Official or of a permit or certificate issued under the provisions of the Building Code or shall continue any work in or about the building after having been served with an order to stop work, except if he has been directed to perform work to correct a violation, shall be guilty of a misdemeanor and shall be fined not more than \$100 or imprisoned not more than 30 days, or both fined and imprisoned. Each twenty-four-hour period that a violation continues or in which a violation occurs shall be deemed a separate offense.

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21. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

22. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

## ARTICLE II

**Water-Conserving Fixtures**

**[Adopted 3-27-1989 by Ord. No. 329 (Ch. 46, Art. II of the 1990 Code)]**

**§ 210-7. Definitions.**

For the purposes of this article, the following words shall have the meaning indicated:

APPROVED WATER CLOSET — Any water closet using not more than 1.6 gallons of water per flush, with the rate based on a pressure at the fixture of not more than 60 pounds per square inch under no-flow conditions.

APPROVED SHOWER HEAD — Any automatic flow shower head using no more than 2.5 gallons of water per minute, with the rate based on a pressure at the fixture of not more than 60 pounds per square inch under no-flow conditions.

APPROVED KITCHEN SINK FAUCET FOR PRIVATE USE — Any faucet using no more than 2.5 gallons per minute, with the rate based on a pressure at the fixture of not more than 60 pounds per square inch under no-flow conditions.

APPROVED LAVATORY SINK FAUCET FOR PRIVATE USE — Any faucet using no more than 2.0 gallons per minute, with the rate based on a pressure at the fixture of not more than 60 pounds per square inch under no-flow conditions.

APPROVED SINK FAUCET FOR A PUBLIC FACILITY — Any faucet with spring-loaded valves or other devices that stop the flow of water upon release of the handle or that stop the flow of water after not more than one gallon of water has flowed through the fixture.

APPROVED URINAL — Any single-flush-type urinal using not more than 1.5 gallons of water per flush, with the rate based on a pressure at the fixture of not more than 60 pounds per square inch under no-flow conditions.

BUILDING — Includes any building or structure, the initial construction of which commenced on or after the effective date of this article.

CONSTRUCTION — The building, inspection and supervision of new structures and the installation of equipment required in connection with the new structures.

DIRECTOR — The Director of the Department of Public Works.

EXCESSIVE PRESSURE — When street main pressure exceeds 60 pounds per square inch, an approved pressure-reducing valve and an approved relief device shall be installed in the water service pipe near its entrance to the building to reduce the water pressure to 60 pounds per square inch or lower. Pressure at any fixture shall be limited to no more than 60 pounds per square inch under no-flow conditions.

LOCAL PLUMBING INSPECTIONS — Inspections by the appropriate agencies or units of the county which inspect the installation of plumbing fixtures and devices and water, drainage and sewage systems.

REMODELED — The complete reconstruction, relocation or addition of a whole plumbing system to another part of a building.

#### **§ 210-8. Required devices.**

Except as provided under § 210-9, the following fixtures or devices shall be installed, as necessary, in buildings constructed or remodeled after the effective date of this article:

- A. Approved water closets in every building.
- B. Approved shower heads in every building.
- C. Approved sink faucets for private residences and in buildings with rest rooms not intended for public use.
- D. Approved sink faucets for a public facility in buildings with rest rooms intended for public use.
- E. Approved urinals in buildings with rest rooms intended for public use.<sup>23</sup>

#### **§ 210-9. Suspension of enforcement.**

Enforcement of this article may be suspended by the Director of the Department of Public Works for a specified period of time if it is determined by the local plumbing inspectors that:

- A. There is an inadequate supply of approved water closets, approved sink faucets or approved shower heads or water-conserving devices intended for attachment to water closets, sink faucets or shower heads to allow the fixtures to qualify as approved fixtures under § 210-8;
- B. The configuration of a drainage system for a building requires a greater quantity of water to adequately flush the system than is delivered by approved fixtures; or
- C. There would be an adverse effect upon a historic restoration.

#### **§ 210-10. Violations and penalties.<sup>24</sup>**

A violation of this article shall be deemed a municipal infraction and subject to a fine of \$500. Procedures shall be as provided in Chapter 95, Municipal Infractions.

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23. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

24. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

**Chapter 215****BUILDINGS AND PROPERTY, NUMBERING OF****GENERAL REFERENCES**

**Building construction — See Ch. 210.**

**Subdivision of land — See Ch. 475.**

**Streets and sidewalks — See Ch. 470.**

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**§ 215-1. Definitions.**

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

**OWNER** — The individual, partnership, firm, association, corporation or other entity whose name appears on the tax record of the City reflecting ownership of property within the corporate limits of Aberdeen.

**PROPERTY** — Any improvement to real property which is used as a dwelling, business, rental unit or commercial unit, which is located within the corporate limits of the City.

**RESIDENT** — The owner of property, if the property is occupied by the owner as a residence or utilized by the owner as a business. In the event that the property is leased or rented, the term shall refer to the person or persons renting, occupying and/or leasing the premises.

**STREET** — The public roadway which correlates to the assigned street address of a property.

**§ 215-2. Display of numerals required.**

- A. The owner and/or resident of every property shall display numerals indicating the numerical street address of the property. The numerals shall be posted on or about the property and shall be clearly visible from the street.
- B. Apartments within multifamily housing shall be identified by number or letter on the front door of the apartment.
- C. Properties which are not visible from the street due to their location to the rear of other properties shall be identified with numerals at the driveway which faces the street.
- D. Commercial properties which are connected to another property also shall be identified by numerals on the rear of the building.

**§ 215-3. Violations and penalties.**

- A. Initial violation. If the owner and/or resident fails to comply with the requirements of this chapter within 30 days after the effective date

of this chapter, a written warning may be issued to the owner and/or resident of the property. The warning shall advise of the requirements of this chapter and provide notice that failure to comply within 15 days shall constitute a violation of this chapter.

- B. A violation of this chapter is deemed to be a municipal infraction.<sup>25</sup> Any person violating any provision of this chapter shall be subject to a civil penalty as follows: **[Amended 4-9-1990 by Ord. No. 358-90]**

(1) First offense: \$25.

(2) Second offense: \$50.

(3) Third offense: \$100.

## Chapter 227

### CURFEW

#### GENERAL REFERENCES

**Loitering — See Ch. 354.**

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#### § 227-1. Definitions.

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

ESTABLISHMENT — Any privately owned place of business carried on for a profit or any place of amusement or entertainment to which the public is invited, except hotels, motels, tourist homes and other establishments that provide lodging.

MINOR — Any person under the age of 18 years.**[Amended 4-9-1990 by Ord. No. 358-90]**

OPERATOR — Any individual, firm, association, partnership or corporation operating, managing or conducting any establishment, and, whenever used in any clause prescribing a penalty, the term "operator," as applied to associations or partnerships, shall include the members or partners thereof and, as applied to corporations, shall include the officers thereof.

PARENT — Any natural parent of a minor, a guardian or any person 21 years of age or over responsible for the care and custody of a minor.

PUBLIC PLACE — Includes but is not limited to any public street, highway, road, alley, park, playground, wharf, dock, public building or vacant lot.

REMAIN — To stand, loiter, idle, wander, stroll or play in or upon.

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25. Editor's Note: See Ch. 95, Municipal Infractions.

**§ 227-2. Curfew imposed; exemptions.**

- A. No minor shall remain in or upon any public place or any establishment between the hours of 12:00 midnight Friday and 6:00 a.m. Saturday, 12:00 midnight Saturday and 6:00 a.m. Sunday or 10:00 p.m. and 6:00 a.m. of the following day any other day of the week.
- B. The following minors shall be exempted from the provisions of this chapter:
  - (1) Any minor accompanied by a parent, relative or other person 21 years of age or over responsible for the care and custody of such minor.
  - (2) Any minor attending a cultural, religious, scholastic, athletic or recreational activity supervised by a bona fide organization.
  - (3) Any minor who is engaged in gainful, lawful employment during the curfew hours.
  - (4) Any minor engaged in travel into, out of or passing through the City.
  - (5) Any minor engaged in the purchase of merchandise, including food, from an establishment and any minor engaged in the consumption of food within the establishment from which it was purchased.

**§ 227-3. Responsibility of parents.**

No parent shall knowingly permit any minor not exempted under § 227-2B to remain in or upon any public place or any establishment between the hours of 12:00 midnight Friday and 6:00 a.m. Saturday, 12:00 midnight Saturday and 6:00 a.m. Sunday or 10:00 p.m. and 6:00 a.m. of the following day any other day of the week.

**§ 227-4. Responsibility of operators of establishments. [Amended 4-9-1990 by Ord. No. 358-90]**

No operator of an establishment or his agents or employees shall knowingly permit any minor not exempted under § 227-2B to remain upon the premises of said establishment between the hours of 12:00 midnight Friday and 6:00 a.m. Saturday, 12:00 midnight Saturday and 6:00 a.m. Sunday or 10:00 p.m. and 6:00 a.m. of the following day any other day of the week.

**§ 227-5. Enforcement; violations and penalties.**

- A. Any police officer who finds a minor violating any provisions of § 227-2 shall obtain information from such minor so as to determine his name, address, age and the name of his parent or parents or legal guardian. The minor shall thereupon be instructed to proceed to his home forthwith. The information obtained from the minor shall be retained by the Police Department, which shall cause a written notice of violation

and a copy of this chapter to be mailed certified mail or hand delivered to the parent of the minor.

- B. Any operator of an establishment and any agent or employee of any operator who violates the provisions of § 227-4 and any parent who violates any provision of § 227-3, after having received notice of a prior violation occurring within the preceding 12 months, shall be in violation of this chapter. A violation of this chapter is deemed to be a municipal infraction.<sup>26</sup> Any person violating any provision of this chapter shall be subject to a civil penalty as follows: **[Amended 4-9-1990 by Ord. No. 358-90<sup>27</sup>]**
- (1) First offense: \$200.
  - (2) Second offense: \$300.
  - (3) Third offense: \$400.
- C. The terms of payment of any fine and of any commitment are subject to the Courts and Judicial Proceedings Article of the Annotated Code of Maryland, which supersedes any inconsistent provision of this section to the extent of the inconsistency.<sup>28</sup>

## Chapter 235

### DEVELOPMENT CODE

#### GENERAL REFERENCES

Heritage Trust — See Ch. 61.	Mobile home parks — See Ch. 370.
Building construction — See Ch. 210.	Sewers and water — See Ch. 450.
Floodplain management — See Ch. 275.	Stormwater management — See Ch. 465.
Forest conservation — See Ch. 280.	Subdivision of land — See Ch. 475.
Grading and sediment control — See Ch. 297.	Wellhead protection — See Ch. 524.
Growth management — See Ch. 302.	Fees — See Ch. A550.

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26. Editor's Note: See Ch. 95, Municipal Infractions.

27. Editor's Note: This ordinance also deleted original Sec. 5(d), regarding repeat violations, which immediately followed this section.

28. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).



ARTICLE I  
**General Provisions**

**§ 235-1. Title; scope.**

This chapter shall be known and may be cited as the "City of Aberdeen Development Code" and supersedes Ordinance No. 254. The Development Code shall include the text, the Official Zoning Maps, Subdivision Regulations, Sign Code, overlay district regulations, architectural review guidelines, and any future amendments thereto and function as the Development Code for the City of Aberdeen. In addition to the documents set forth above, compliance with the following codes may be required if applicable: Floodplain Management Code, Wellhead Protection Ordinance, Forest Conservation Code, Grading and Sediment Control Code, and Stormwater Management Code.<sup>29</sup>

**§ 235-2. Legislative authority; Zoning Maps. [Amended 2-24-2014 by Ord. No. 14-O-05]**

This chapter is adopted pursuant to the Local Government and Land Use Articles of the Annotated Code of Maryland and the City Charter. The Zoning Maps of the City shall be the official maps adopted by legislative action.

**§ 235-3. Purpose.**

The purpose of this chapter is to protect the public health, safety, and general welfare of the City by regulating the use of the land, building/structure height and size, lot coverage, lot requirements (size, yards, courts, and open space), building/structure location and use locations (business, industrial, residential, etc.). It is also the purpose of this chapter to preserve property values, ensure harmonious and compatible uses, ensure good civic design and harmony and adequate parks, prevent congestion, and promote sound planning principles to prevent undue crowding and to protect the character of each district throughout the City. The provisions of this chapter shall be administered to ensure orderly growth and development and shall supplement and facilitate the provisions in the Comprehensive Plan.

**§ 235-4. Applicability; conversion of buildings.**

- A. This chapter shall apply to all lands, structures, buildings, properties, and their uses within the territorial limits of the City, including land owned or leased by the City, and to all owners of land and the tenants or occupants thereof, including land owned by the county, state, and the federal government.

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**29. Editor's Note: See Ch. 475, Subdivision of Land, Ch. 456, Signs, Ch. 275, Floodplain Management, Ch. 524, Wellhead Protection, Ch. 280, Forest Conservation, Ch. 297, Grading and Sediment Control, and Ch. 465, Stormwater Management.**

- B. Conformance required. Except as specified in this chapter, no land, building, structure or premises shall hereafter be used or occupied, and no building or part thereof or other structure shall be located, relocated, erected, reconstructed, extended, enlarged, converted, or altered, except in conformance with this chapter, the Subdivision Regulations, and overlay district regulations and design requirements and upon the issuance of a building permit and/or certificate of use and occupancy. **[Amended 8-23-2010 by Ord. No. 10-O-12]**
- C. Conversion of a building. The conversion of a building to a different or expanded use or into a dwelling, or the conversion of a dwelling so as to accommodate an increased number of dwelling units, shall be permitted only within a zoning district in which a new building for similar occupancy or use would be permitted under this chapter and only when the resulting occupancy or use will comply with the requirements governing in such zoning district.
- D. Unsafe building or structure. Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of all or any part of any building or structure declared unsafe by any agency or official having authority to make such a determination.

#### **§ 235-5. Interpretation.**

The provisions of this chapter shall be interpreted and applied as the minimum standards for the promotion and protection of public health, safety, and welfare.

#### **§ 235-6. Severability. [Amended 8-23-2010 by Ord. No. 10-O-12]**

If any section, subsection, paragraph, sentence or phrase of this chapter or any portion of the Zoning Map is held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining parts thereof.

#### **§ 235-7. Definitions. [Amended 2-24-2014 by Ord. No. 14-O-05]**

Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meaning herein indicated. Where this chapter refers to Transit Oriented Development Illustrations, Maps and Regulating Plan, those illustrations, maps and regulating plan are set forth in § 235-43 and incorporated by reference.

**ABANDON** — The relinquishment of the right to use or the cessation of the lawful use of a property for a period of one year. Use of property for purposes other than that permitted under this chapter shall not affect or extend the period of abandonment.

**ABUT** — To adjoin, physically touch, border upon or share a common property line.

**ACCESS** — An unobstructed way to provide entry to or exit from a property.

**ACCESSORY STRUCTURE OR USE** — A structure or use of land, or portion thereof, customarily incidental and subordinate to the principal use of the land or building and located on the same lot or parcel of land with such principal use.

**ADULT BOOKSTORE or ADULT ENTERTAINMENT CENTER** — An entity or establishment that, as its principal business purpose, offers for sale, rental, exhibition or viewing any printed, recorded, digitally analogued or otherwise viewable matter, any kind of sexual paraphernalia or any kind of live performance, entertainment or exhibition that depicts, describes or relates to sexual conduct, sexual excitement or sadomasochistic abuse. For purposes of this definition, "sexual conduct" means human masturbation, sexual intercourse, or the touching of or contact with genitals, pubic area or buttocks of a human or the breasts of a female, whether alone or between members of the same or opposite sex, or between humans and others; "sexual excitement" means the condition of human genitals, or the breasts of a female, when in a state of sexual stimulation, or the sensual experiences of humans engaging in or witnessing sexual conduct or nudity; and "sadomasochistic abuse" means flagellation or torture by or upon a human who is nude, or clad in undergarments, or in a revealing or bizarre costume, or the condition of one who is nude, or clad in undergarments, or in a revealing or bizarre costume, or the condition of one who is nude or so clothed and is being fettered, bound or otherwise physically restrained. "Adult entertainment center" includes an adult bookstore.

**AGE-RESTRICTED ADULT HOUSING** — A development that contains independent dwelling units with full kitchens that is designed for and restricted to occupancy by households having at least one member who is 55 years of age or older. An exception is allowed for up to five years following the death or departure, due to incapacity, of a household member 55 years or older, provided that a surviving household member who is at least 50 years old continues to live in the unit. Children less than 18 years of age shall not reside in a dwelling unit for more than a total of 90 days per calendar year. "Age-restricted adult housing" may include related facilities or services for the residents, such as social, recreational or educational facilities and housekeeping, security, transportation or personal services.

**AGRICULTURE** — The production, keeping or maintenance, for sale or lease, of plants and animals, including but not limited to fish hatcheries; forage and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental, and greenhouse products; the necessary accessory uses for processing, packing, treating, or storing of agricultural products; and the maintenance of farm equipment.

**ALLEY** — A public or private way primarily designed to serve as secondary and/or service access for vehicles to the side or rear of abutting properties whose principal frontage is on another street. (See "lane.")<sup>30</sup>

ANNEXATION — A process by which the City expands its corporate boundaries to include land that previously was located in an unincorporated area of the county, pursuant to the Local Government Article of the Annotated Code of Maryland.**[Amended 2-24-2014 by Ord. No. 14-O-05]**

ARCADE — A business establishment containing three or more video, pinball, or similar player-operated amusement devices in any combination for commercial entertainment uses.

ARCHITECTURAL REGULATIONS — Structural and design standards for buildings and structures adopted by the City.

ASSISTED LIVING FACILITY — A facility that provides supervision, monitoring, and/or assistance with activities of daily living for elderly or disabled persons in a residential setting. The facility must meet the standards and licensing requirements of the Annotated Code of Maryland and any other regulatory agencies.**[Amended 10-22-2007 by Ord. No. 733-07]**

AUCTION HOUSE — A building and property appurtenant thereto used for the public sale of goods or property (but excluding agriculture, including but not limited to livestock) by open bid to the highest bidder, provided that the public sale of goods or property is done predominately within an enclosed structure.**[Added 3-8-2010 by Ord. No. 10-O-03]**

AWNING — A roof-like cover often made of fabric, metal, or glass designed and intended for protection from weather or as a decorative embellishment and which projects from a wall or roof of a structure over a window, walk, door or the like.

BACK OF CURB — The seam between the curb and the sidewalk.**[Added 2-24-2014 by Ord. No. 14-O-05]**

BASEMENT — A story having 1/2 or more of its floor-to-ceiling height below the average level of the adjoining ground and with a floor-to-ceiling height of not less than 6 1/2 feet. When used as a separate dwelling, a basement shall be counted as a story for the purpose of height measurement.

BED-AND-BREAKFAST INN — An owner-occupied building designed, used and occupied as a single-family residence, having as an accessory use therein public lodging and facilities for serving food and drink to guests.

BOARD OF APPEALS — The Board of Appeals is established pursuant to the Land Use Article of the Annotated Code of Maryland. The Board of Appeals is authorized to grant variances, special exceptions, and appeals of Zoning Administrator interpretations.**[Amended 2-24-2014 by Ord. No. 14-O-05]**

BODY PIERCING SERVICE — A skin-penetrating adornment procedure which involves piercing or entering the skin or mucus membrane of an individual for the purpose of inserting jewelry or other forms of body

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30. Editor's Note: The definition of "alternate living unit" which immediately followed this definition was deleted 8-23-2010 by Ord. No. 10-O-12. See the definition of "domiciliary care facility (alternative living unit)" in this section.

decoration. Body piercing includes skin-penetrating body procedures but does not include piercing of an earlobe.

**BUFFER YARD** — A portion of a lot, in addition to the setback requirements, improved with landscaping, earth berms or fences and designed to limit continuously the view of and/or sound from the site to adjacent sites or properties.

**BUILDING** — Any structure having a roof supported by columns or walls and intended for shelter, housing, storage, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

**BUILDING CONFIGURATION** — Within the Transit Oriented Development Districts, the form of a building, based on its mass, private frontage, and height.**[Added 2-24-2014 by Ord. No. 14-O-05]**

**BUILDING COVERAGE** — That portion of a lot which is covered by buildings and structures.

**BUILDING DISPOSITION** — Within the Transit Oriented Development Districts, the placement of a building on its lot. (See Illustration 21, Building Disposition.)**[Added 2-24-2014 by Ord. No. 14-O-05]**

**BUILDING FRONTAGE** — Within the Transit Oriented Development Districts, the area between building façades and the vehicular lanes, inclusive of the areas built and planted components. (See Illustration 22, Building Frontages.)**[Added 2-24-2014 by Ord. No. 14-O-05]**

**BUILDING HEIGHT** — The vertical distance to the highest point of the roof shall be measured from the finished grade at the front of the building. In the TOD District, the building height is measured in stories and vertical distance with a minimum and maximum building height and story height. (See Illustrations 30-32, Height.)**[Amended 2-24-2014 by Ord. No. 14-O-05]**

**BUILDING LINE** — Applicable to all zoning districts with the exception of the Transit Oriented Development Districts, the line which is located at the front yard setback of a lot and at which the required lot width for the district is met.**[Amended 2-24-2014 by Ord. No. 14-O-05]**

**BUILDING, PRINCIPAL** — Any building which serves as a principal permitted use. Any buildings or structures attached to the principal building, either directly or by breezeway, shall be considered part of the principal building.

**BUILDING TYPE** — A structure category determined by function, configuration, including frontage.**[Added 2-24-2014 by Ord. No. 14-O-05]**

**BUILD TO LINE** — Within the Transit Oriented Development Districts, a line parallel to the property line where the facade of the building is required to be located. The abbreviation “BTL” shall mean build to line.**[Added 2-24-2014 by Ord. No. 14-O-05]**

**BUSINESS INCUBATOR** — A facility dedicated to the start up and growth of small businesses, accomplished through management and facility support

systems. For the purposes of this definition, "management support" includes access to professional advice, information on small business relations, management, advertising, promotion, marketing sales, inventory, employees, labor relations, and financial counseling. "Facility support systems" include clerical and reception staff, cleaning, building security, access to copy and facsimile machines, computers, faxes, and other electronic equipment.

**BUSINESS SERVICE** — An establishment primarily engaged in rendering services on a fee or contract basis to the business, commercial, industrial, or institutional community, such as advertising and mailing, business maintenance, employment service, management and consulting services, travel agent, protective services, equipment rental and leasing, commercial research, development and testing, photo finishing, quick print shop, and personal supply services but not including retail sales to the general public in excess of 20% of the gross floor area. Such retail sales area shall only be a secondary and subordinate ancillary activity.

**CANOPY** — A roof-like structure, other than an awning, which projects from a wall of a building and extends along all or a majority of the wall's length to provide shelter over an entryway or walkway.

**CARPORT** — Any space outside a building and contiguous thereto, wholly or partly covered by a roof, and used for the shelter of motor vehicles. A carport must have a minimum of three open sides.

**CAR WASH** — A structure, or portion thereof, containing facilities for the commercial washing of motor vehicles by hand or by using production-line, automated or semiautomated methods for washing, whether or not employing a chain conveyor, blower, steam-cleaning or similar mechanical devices.

**CATERING** — A service providing meals and/or refreshments for public or private entertainment for a fee.

**CHANGE OF USE** — Any use which differs from the previous use of a building or land.

**COMMERCIAL AMUSEMENT, ENTERTAINMENT AND RECREATION** — Establishments including commercial amusement, entertainment, or recreation, which includes arcades, bingo parlors, bowling alleys, golf courses, gymnasiums, health clubs, indoor rifle ranges, martial arts clubs and schools, miniature golf courses, swimming pools, pool halls, skating rinks, tennis and racquetball clubs, and sports camps.

**COMMERCIAL VEHICLE** — Any stake body, dump, panel truck, tractor or similar motor vehicle designed or used primarily to carry or haul freight, passengers for a fee, or merchandise, or render services in the furtherance of any commercial enterprise, with a gross vehicle weight of 9,000 pounds or more.

**COMMUNICATIONS USE AND/OR STRUCTURE** — A use provided by or a structure utilized by a public service utility or commercial public telecommunications service to provide commercial public

telecommunications services. A telecommunications structure may include a tower, monopole, and other antenna support structure or equipment buildings. "Telecommunications use and/or structure" does not include noncommercial applications, such as amateur radio operations. "Telecommunications use and/or structure" does not include those uses or structures that are accessory to and solely used by an individual business.

- A. ANTENNA — Any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels and microwave dishes, and omnidirectional antennas, such as whips and satellite dishes, but not including satellite earth stations.
- B. MONOPOLE — A single, self-supporting, pole-type structure tapering from base to top and supporting a fixture designed to hold one or more antennas. For the purpose of this chapter, a monopole shall not be deemed to be a transmission tower.
- C. TRANSMISSION TOWER — A lattice-type structure, guyed or self-supporting, used to support antennas. Also called a "communication tower" or "radio tower."

COMMUNITY CENTER — A place, structure, area, or other facility used for and providing fraternal, cultural, social, educational or recreational programs or activities, or swimming pools, tennis courts and similar facilities of a homeowners' association, open to the public or a designated part of the public, and which may be publicly or privately owned.

COMPREHENSIVE PLAN — A planning document adopted by the City Council upon recommendation from the Planning Commission and pursuant to the Land Use Article of the Annotated Code of Maryland which serves as a guide to public and private actions and decisions and includes goals and objectives, land use plan, transportation plan, community facilities plan, sensitive area plan, and the general location and the extent of public utilities and other facilities. **[Amended 2-24-2014 by Ord. No. 14-O-05]**

CONCEPT PLAN — A preliminary presentation and attendant documentation of a proposed subdivision or site plan of sufficient accuracy to be used as a basis for discussion and classification.

CONDOMINIUM — An estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a residential building, such as an apartment.

CONSTRUCTION SERVICES AND SUPPLIERS — Establishment for the installation and servicing of such items as air conditioners, electrical equipment, flooring, heating, painting, plumbing, roofing, tiling, and ventilation; establishment for the planting and maintenance of gardens, grounds and yards, such as landscape contractors and lawn maintenance services; and construction and demolition services. Outdoor storage of equipment, supplies, and construction trailers is permitted in a contractor service establishment, provided that such is fully screened from public roads and adjacent lots.

CONTIGUOUS — Parcels of land touching, abutting, or adjoining at a common border or boundary, and, in the case of annexation, immediately across the street.

CONTINUING CARE FACILITY — This type of facility may consist of three types of care or any one or two types:

- A. CONGREGATE LIVING FACILITY — A facility that provides independent living which may be affiliated with or located near health care facilities.
- B. ADULT ASSISTED LIVING — Facilities for people who cannot live independently and who need assistance with daily chores and housekeeping.
- C. NURSING HOME — A facility for individuals who require specialized nursing care on a regular basis but who do not need to be hospitalized.

CONTINUING CARE RETIREMENT COMMUNITY — A building or group of buildings providing a continuity of residential occupancy and health care for elderly persons. This facility includes dwelling units for independent living, assisted living facilities, plus a skilled nursing care facility of a suitable size to provide treatment or care of the residents; it may include ancillary facilities for the further employment, service or care of the residents. The facility is restricted to persons 60 years of age or older or couples where either the husband or wife is 60 years of age or older. Such facilities must meet the standards of Title 10 of the Human Services Article of the Annotated Code of Maryland. **[Amended 8-23-2010 by Ord. No. 10-O-12]**

CONVENIENCE RETAIL ESTABLISHMENT — Retail establishment of less than 5,000 gross square feet that sells food, beverage, and other consumer items.

COURTYARD — A fully or partially enclosed area which admits unobstructed light and air, bounded on two or more sides by buildings, walls or other enclosing devices, sometimes between one or more developments. (See Accessible Courtyards, Illustration 27, Open Space Types.) **[Amended 2-24-2014 by Ord. No. 14-O-05]**

COURTYARD BUILDING — Within the Transit Oriented Development Districts, a building that occupies the boundaries of its lot while internally defining one or more private patios. (See Courtyard, Illustration 21, Building Disposition.) **[Added 2-24-2014 by Ord. No. 14-O-05]**

CURB — The edge of the vehicular pavement that may be raised or flush to the pavement. **[Added 2-24-2014 by Ord. No. 14-O-05]**

DAY-CARE CENTER (GROUP) — A person, agency, or institution licensed by the State of Maryland to provide group care in a residence for between nine and 12 adults or children who do not all have the same parentage, or care of 13 or more adults or children in facilities other than a private home setting, for a portion of a day and on a regular schedule more often than once a week.



DAY-CARE HOME (FAMILY) — A person, agency, or institution licensed by the State of Maryland to provide day care for no more than eight unrelated individuals in a residence for a portion or all of a day and on a regular schedule more often than once a week.

DECK — An exterior floor supported by an adjacent structure and/or by post, piers or other supports.

DENSITY — For purposes of this chapter, the amount of development allowed on a lot or parcel, expressed in residential districts as the number of dwelling units per gross acre of land to be developed.

DEVELOPMENT — The construction, reconstruction, conversion, erection, alteration, relocation or enlargement of any building or structure; any excavation, landfill, or land disturbance; the division of a parcel of land into two or more parcels; and any use or extension of the use of land.

DEVELOPMENT STANDARDS — Regulations and requirements addressing specific needs and concerns for provisions of facilities, protection of environmental and other resources, and fulfillment of goals of the City of Aberdeen Comprehensive Plan. These are in addition to the specific regulations for each individual zoning district.

DOMICILIARY CARE FACILITY (ALTERNATIVE LIVING UNIT) — An institution licensed by the State of Maryland that admits aged or disabled persons, maintains the necessary facilities, and provides a protective institutional or home-type environment to persons who are of advanced age or have a physical or mental disability.

DORMITORY — A residence hall providing rooms for unrelated individuals or groups.

DRIVE-THROUGH FACILITIES — Establishments that, by design, physical facilities or services provided, encourage or permit said customers to receive services or obtain goods while remaining in their motor vehicles.

DWELLING — Any building or portion thereof occupied or intended to be occupied exclusively for residential purposes, but not including a tent, recreation vehicle, a room in a hotel or motel, or a bed-and-breakfast.

- A. DWELLING, ACCESSORY APARTMENT — A second dwelling unit that is located within an owner-occupied, single-family detached dwelling.
- B. DWELLING, DETACHED, SINGLE-FAMILY — A dwelling unit which is not attached to any other dwelling units by any means.
- C. DWELLING, GARDEN APARTMENT — A building containing four or more dwelling units sharing a common entry with no more than three stories.
- D. DWELLING, MID-RISE APARTMENT — A building containing eight or more dwelling units sharing a common entry with four or five stories.

- E. DWELLING, MOBILE HOME — A transportable structure built per HUD Code, 14 feet or more in width and 52 feet or more in length, built on a steel frame, without a permanent foundation.
- F. DWELLING, MODULAR — A transportable structure built per ICC or CABO Code standards in one or more sections, 24 feet or more in width and 32 feet or more in length, designed to be used as a dwelling with a permanent foundation or slab when connected to the required utilities. **[Amended 8-23-2010 by Ord. No. 10-O-12]**
- G. DWELLING, QUAD — A building containing four dwelling units, with each unit having its own entrance, which share a common wall at the lot line.
- H. DWELLING, SEMIDETACHED — Two attached dwelling units located on adjoining lots that are separated by a common wall at the lot line, with each unit having its own exterior entrance(s).
- I. DWELLING, TOWNHOUSE — A building containing three or more attached dwelling units in a row having individual access from the front and rear of the dwelling.
- J. DWELLING, TWO-FAMILY — A building on a single lot that contains two dwelling units separated by vertical and horizontal walls, with each unit having its own exterior entrance(s).
- K. DWELLING UNIT — A dwelling designed for one or more individuals who function as a single household unit.
- L. DWELLING, ZERO LOT LINE — A building on a single lot containing one dwelling unit located with one side lot line a minimum of 18 inches.

EASEMENT — An interest in land owned by another that entitles its holder to a specific limited use or enjoyment.

EDGEYARD BUILDING — Within the Transit Oriented Development Districts, a building that occupies the center of its lot with setbacks on all sides. (See Edgelyard, Illustration 21, Building Disposition.) **[Added 2-24-2014 by Ord. No. 14-O-05]**

EGRESS — An exit.

ENTRANCE, PRINCIPAL — The main point of access of pedestrians into a building. **[Added 2-24-2014 by Ord. No. 14-O-05]**

ENVIRONMENTAL SITE DESIGN (ESD) — The use of small-scale stormwater management practices, nonstructural techniques, and better site planning to mimic natural hydrologic runoff characteristics. **[Added 2-24-2014 by Ord. No. 14-O-05]**

EXISTING USE OR USES — The lawful use or uses of a building, lot, or structure at the time of the enactment of this chapter.

EXPRESSION LINE — Within the Transit Oriented Development Districts, a line prescribed at a certain level of a building for the major part of the width

of a façade, expressed by the variation in material or by a limited projection such as a molding or balcony. (See Illustration 43, Expression Line.)**[Added 2-24-2014 by Ord. No. 14-O-05]**

**FACADE** — The exterior wall of a building that is set along a frontage line.**[Added 2-24-2014 by Ord. No. 14-O-05]**

**FAMILY UNIT** — An individual or group of individuals who live together as one economic unit.

**FLOODPLAIN** — Defined by the Federal Emergency Management Agency as a low, usually flat terrain on either side of a river or stream that is normally dry but submerged at times of high water, and where accumulations of silt and sand are deposited away from the main channel.

**FLOOR AREA, GROSS** — The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the exterior faces of exterior walls. The term "floor area" shall include basements; elevator shafts and stairwells at each story; floor space used for mechanical equipment with structural headroom of six feet or more; penthouses; attic space, whether or not a floor has actually been laid, providing structural headroom of six feet or more; interior balconies; and mezzanines. Exterior parking spaces and loading spaces for motor vehicles are not included.

**FLOOR AREA, NET** — The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls and from the center line of walls separating two or more buildings. The term "net floor area" shall include outdoor display areas for sale, rental and display of recreational vehicles, boats and boating equipment, trailers, horticultural items, farm or garden equipment and other similar products, but shall exclude areas designed for permanent uses such as toilets, utility closets, malls (enclosed or not), truck tunnels, enclosed parking areas, meters, rooftop mechanical structures, mechanical and equipment rooms, public and fire corridors, stairwells, elevators, escalators, and areas under a sloping ceiling where the headroom in 50% of such area is less than six feet.

**FORTUNE-TELLING** — A person or group of persons who engage in the practice of or profess to practice the business or act of astrology, phrenology, life reading, intuitive counseling, fortune-telling, handwriting analysis, clairvoyance, crystal gazing, palmistry, numerology, reading of tarot or similar cards or use of other similar occult powers for any form of compensation.**[Added 2-14-2011 by Ord. No. 11-O-01]**

**FRONTAGE** — Any and all sides of a lot abutting on a street. (Within the Transit Oriented Development Districts, see Illustration 22, Building Frontages.)**[Amended 2-24-2014 by Ord. No. 14-O-05]**

**FRONTAGE COVERAGE** — The minimum percentage of the length of the frontage that must be occupied by the front façade of the primary buildings.**[Added 2-24-2014 by Ord. No. 14-O-05]**

**FRONTAGE LINE** — Those lines that coincide with the public frontage.**[Added 2-24-2014 by Ord. No. 14-O-05]**

FUEL STORAGE FACILITY — Any premises or units where gasoline, propane, natural gas, or other petroleum products are stored in bulk for the purpose of sale or distribution.

GALLERY — A frontage wherein the façade is aligned at the build to line with an attached cantilevered shed or a lightweight colonnade overlapping the sidewalk. (See Illustration 22, Building Frontages.)**[Added 2-24-2014 by Ord. No. 14-O-05]**

GARAGE, ATTACHED — An attached accessory building or portion of a main building designed, arranged, or used primarily for the housing or storage of private motor vehicles.

GARAGE, DETACHED — A detached accessory building designed, arranged, or used primarily for the housing or storage of private motor vehicles.

GARAGE, PUBLIC — A building or portion thereof, other than an automobile sales room, used for the housing or storage of six or more motor vehicles; their service or repair facilities, if any, are incidental and subordinate to the principal use of storage. A public garage may be a principal use or accessory use.

GOURMET FOOD ESTABLISHMENT — A specialty grocery retailer of not greater than 45,000 square feet which offers for sale varieties of groceries, baked goods, fresh fish and meats, dairy products, beverages, fresh produce, prepared dishes for take out and/or ingredients for food preparation. Within or adjacent to the premises, such establishments may also offer for sale beer, wine and liquor for off-premises consumption.

GREENHOUSES AND NURSERIES, COMMERCIAL — A building used for the cultivation and sale of plant materials grown on the premises or as nursery stock and for accessory items directly related to plant care and maintenance, such as pots, soil, mulch fertilizers, insecticides, rakes, shovels, etc.

GROSS LEASABLE AREA/SPACE — The total floor area designed for owner or tenant occupancy exclusive use. It is expressed in square feet, measured from the center lines of joining partitions and exteriors of outside walls.

GROUP HOME — A housing facility offering common, shared, or independent living, dining, kitchen, sanitary, and sleeping facilities. In addition, supportive services or supervisory personnel are provided to individuals with special housing needs when the individuals are not related to the group home sponsor.

HALFWAY HOUSE — A transitional residential substance abuse treatment facility, certified by the Office of Health Care Quality and the Alcohol and Drug Abuse Administration of the Department of Health and Mental Hygiene for the State of Maryland, that provides substance abuse rehabilitative treatment services, focused toward clients' employment and self-sufficiency, to clients who have received prior valuation and treatment in a primary or immediate care program.**[Amended 8-23-2010 by Ord. No. 10-O-12]**

## HAZARDOUS SUBSTANCE —

## A. Any substance that:

- (1) Conveys a toxic, lethal, or other injurious effect or which causes sublethal alterations to plants, animals, or aquatic life;
- (2) May be injurious to human beings; or
- (3) Persists in the environment; or

## B. Such other substances as may be identified as hazardous by the United States Environmental Protection Agency or the State of Maryland Department of the Environment.

HELIPORT — An area, either at ground level or elevated on a structure, licensed or approved for the landing and takeoff of helicopters and which may include auxiliary facilities such as parking, waiting room, fueling, and maintenance equipment.

HELISTOP — An area designed to accommodate touchdown and liftoff of helicopters for the purpose of picking up and discharging passengers or cargo.

HISTORIC DISTRICT — An area containing historic sites or structures as designated by the City.

HISTORIC SITE — A parcel of land or a structure of historical or cultural significance eligible for designation on the National or State Register of Historic Places as a Harford County landmark or listed in the City of Aberdeen Inventory of Historic Places. (See Appendix C for listing.<sup>31</sup>)

HOME OCCUPATION — A business, profession, occupation, or trade conducted for gain or support within a residential building or its accessory buildings, which use is incidental and secondary to the use of the buildings for dwelling purposes and which does not change the residential character of such buildings. (See § 235-28, Home occupations.)

HOMEOWNERS' ASSOCIATION — A nonprofit organization operating under recorded land agreements through which:

- A. Each lot and/or homeowner in a clustered or planned development is automatically a member; and
- B. Each lot is generally subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and the charge if unpaid becomes a lien against the property.

HORIZONTAL MIXED-USE (ATTACHED) — Within the Transit Oriented Development Districts, a mix of uses whereby different uses are adjacent to each other within the same lot or development. **[Added 2-24-2014 by Ord. No. 14-O-05]**

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31. Editor's Note: Appendix C is included as an attachment to this chapter.

**HORIZONTAL MIXED-USE (DETACHED)** — Within the Transit Oriented Development Districts, a mix of uses whereby different uses are adjacent to each other within the same lot or development. **[Added 2-24-2014 by Ord. No. 14-O-05]**

**HOSPITAL** — Any licensed and State of Maryland accredited health care institution with an organized medical and professional staff and with inpatient beds available around the clock whose primary function is to provide inpatient medical, nursing, and other health-related services to patients for both surgical and nonsurgical conditions and that usually provides some outpatient services, particularly emergency care.

**HOTEL** — A building in which lodging is provided for compensation and in which access to and from all rooms is made through an interior lobby or office.

**HOTEL, FULL-SERVICE** — A building in which lodging is provided for compensation and in which access to and from all rooms is made through an interior lobby or office and includes but is not limited to the following services: meeting rooms, restaurant, banquet facilities, and recreational facilities.

**IMPERVIOUS SURFACE** — Any surface area covered by a material that is highly resistant to the infiltration of water.

**INFILL DEVELOPMENT** — Construction of any residential, commercial, institutional, or industrial structure located in an existing developed area.

**INGRESS** — An entry.

**INTERSECTION** — The crossing of two or more roads at grade.

**JUNK** — Any scrap, waste, reclaimable material or debris, either stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal, or other use or disposition.

**JUNKYARD** — Any area where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, stored, abandoned, disassembled, or handled, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvage house wrecking and structural steel materials and equipment, including three or more untagged or inoperable vehicles.

**KENNEL** — Any establishment in which five or more domestic animals, such as cats, dogs and other pets, more than six months old are kept, groomed, bred, boarded, trained, or sold.

**LANDSCAPING** — The improvement of property with lawns, trees, plants, and other natural features.

**LANE** — A public or private way which provides secondary and/or service access for vehicles to the side or rear of abutting properties whose principal frontage is on another street. (See "alley.")

**LIFE CARE FACILITY** — A facility that provides board and lodging, nursing services, medical care, or other health-related services pursuant to an

agreement effective for the life of the individual or for a period in excess of one year.

**LINER BUILDING** — Within the Transit Oriented Development Districts, a building usually shallow in depth, specifically designed to mask a parking lot, parking garage or blank wall from a frontage.**[Added 2-24-2014 by Ord. No. 14-O-05]**

**LIVE WORK UNIT** — Within the Transit Oriented Development Districts, a dwelling unit that is also the primary place of work of the business operator, which place of work is located on the ground floor for the occupant of the unit.**[Added 2-24-2014 by Ord. No. 14-O-05]**

**LOT** — A designated area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed, or built upon as a unit. "Lot" shall include the words "plot" and "parcel."

**LOT AREA** — The total horizontal area included within the rear, side and front lot lines or street lines of the lot, excluding any streets or highways, whether dedicated or not dedicated to public use, but including off-street automobile parking areas and other accessory uses.

**LOT, CORNER** — A lot abutting on two or more streets at their intersection, where the interior angle of the intersection does not exceed 135°.

**LOT COVERAGE** — The percentage of a lot area occupied by the ground area of principal and accessory buildings or structures on such a lot.

**LOT FRONTAGE** — The distance that a lot abuts a street.**[Added 2-24-2014 by Ord. No. 14-O-05]**

**LOT LAYERS** — A range of depth of a lot and its building frontage within which certain elements are permitted. (See Illustrations 40 to 42, Lot Layers and Parking, and Illustration 26, Sidewalk Widths, Planting Areas and ESD.)**[Added 2-24-2014 by Ord. No. 14-O-05]**

- A. **LOT LAYER, FIRST** — The area between the back of curb and the back of the sidewalk.
- B. **LOT LAYER, SECOND** — The area which starts at the build to line and extends towards the center for 20 feet.
- C. **LOT LAYER, THIRD** — The third lot layer is the area between the second lot layer and 10 feet of the rear property line.

**LOT LINE** — A line of record bounding a lot that divides one lot from another lot or from any right-of-way or from any other public space.

- A. **LOT LINE, FRONT** — The lot line separating a lot from a road right-of-way.
- B. **LOT LINE, REAR** — The lot line opposite and most distant from the front lot line.
- C. **LOT LINE, SIDE** — Any other lot line other than a front or rear lot line.

**LOT LINE, ZERO** — The lot line that is closest to the dwelling.

LOT, MINIMUM AREA OF — The smallest area established by this chapter on which a use, structure, or building may be located in a particular district.

LOT, PANHANDLE — A lot with the appearance of a frying pan or flagstaff in which the handle is most often used as the point of access to a road.

LOT, THROUGH — A lot which fronts upon two parallel roads or which fronts upon two roads which do not intersect at the boundary of the lot and which has no rear lot line.

LOT WIDTH — The horizontal distance between the lot lines along a line parallel to the front lot line at the minimum required building setback line.

MAIN STREET RETAIL CENTER — A building or buildings housing an attached row of shops totaling at least 25,000 square feet of retail space managed as a coherent retail entity. The center may contain a mix of general merchandise, specialty stores, personal services, entertainment and dining, a large-format specialty retailer, multiplex cinemas, and/or small department stores. The retail layout and character of the center reflects a pedestrian-oriented "Main Street."

MAJOR THOROUGHFARE PLAN — The existing and proposed road network within and adjacent to the City adopted by the Council.

MASSAGE SERVICE — A business licensed under state law for the manipulation, rubbing, stroking, kneading, or tapping of body tissues for remedial or hygiene purposes either with the hand or an instrument.

MEDICAL SERVICES — The provision of medical, dental, surgical, or other health-related services to individuals, including medical outpatient clinics, medical laboratories, dental clinics, dental laboratories, hospital supplies and opticians.

MIXED-USE DEVELOPMENT — A tract of land, buildings, or structured development for two or more different uses, such as but not limited to residential, office, manufacturing, retail, public, or entertainment.

MOBILE HOME PARK — A parcel of land used, designated, developed, and maintained to accommodate two or more mobile homes for long-term residential occupancy by rental of space or condominium ownership.

MOTEL — A building or group of buildings containing guest rooms or suites, with each room or suite usually having a separate inside or outside entrance.

NIGHTCLUB — A commercial establishment dispensing food and alcoholic beverages for consumption on the premises and in which dancing and/or live entertainment, including but not limited to magicians, musicians, or comedians, is permitted.

NONCONFORMING BUILDING OR STRUCTURE — A building or structure the size, dimension, or location of which was lawful prior to the adoption or amendment of this chapter and which after adoption or amendment of this chapter fails to conform to the present requirements of the district in which it is located.



NONCONFORMING LOT — A lot which was legally subdivided and recorded among the county land records prior to the adoption or amendment of this chapter and which after adoption or amendment of this chapter fails to comply with the dimensional requirements of this chapter.

NONCONFORMING USE — Any use lawfully being made of any land, building or structure, other than a sign, on the effective date of this chapter or any amendment to it rendering such use nonconforming which does not comply with all of the regulations of this chapter or any amendment hereto governing use for the zoning district in which such land, building or structure is located.

OFFICE — Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business, such as but not limited to accounting, correspondence, research, editing, administration or analysis; or the conduct of a business by salesmen, sales representatives or manufacturers' representatives; or the conduct of a business by professionals, such as engineers, architects, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents, dentists or physicians, urban planners and landscape architects. An office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair or storage of materials, goods and products or the sale and/or delivery of any materials, goods or products which are physically located on the premises. An office shall not be deemed to include a veterinary service or animal hospital.

- A. OFFICE, ADMINISTRATIVE — Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business such as accounting, correspondence, research, editing, administration, or analysis.
- B. OFFICE, BUSINESS OR SALES — Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business by salesmen, sales representatives or manufacturers' representatives.
- C. OFFICE, MEDICAL — Any room, studio, clinic, suite or building wherein individuals licensed in the state practice medicine, osteopathy, dentistry, chiropractic, podiatry, physical therapy, psychiatry, clinical psychology, or other health-related professions on an outpatient basis. A medical office shall not be deemed to include a hospital, veterinary service or animal hospital.
- D. OFFICE, PROFESSIONAL — Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business by professionals, such as but not limited to engineers, architects, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents, dentists or physicians, urban planners, and landscape architects.

OFFICE BUILDING — A building with one or more offices.

OPEN SPACE — Areas of trees, shrubs, grass, pathways and other natural and man-made amenities, not within individual building lots, set aside for the use and enjoyment of residents, visitors and other persons, unoccupied

by buildings or facilities unless related to recreational activities, and accessible to and adequate for the persons and functions they are designed to serve.

**OVERLAY DISTRICT** — A district superimposed over an underlying zoning district to which both districts are applicable to regulating the use of the property.

**PARCEL** — A designated area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed, or built upon as a unit. "Parcel" shall include the words "lot" and "plot."

**PARK** — Parks are public spaces that are available as recreational spaces that are accessible to and adequate for the recreational function and persons they are designed to serve, such as Festival Square. **[Added 2-24-2014 by Ord. No. 14-O-05]**

**PARKING STRUCTURE** — A building containing two or more stories of parking. Parking structures in TOD zoning shall have liner buildings at the first story or higher. **[Added 2-24-2014 by Ord. No. 14-O-05]**

**PASSAGE** — Within the Transit Oriented Development Districts, a paved pedestrian connector, which may or may not be roofed, passing between buildings, providing shortcuts through long blocks and connecting interior or rear parking areas to buildings, street fronts, courtyards and other public spaces. (See Illustration 29, Passage.) **[Added 2-24-2014 by Ord. No. 14-O-05]**

**PERFORMANCE STANDARDS** — A set of criteria or limits relating to elements which a particular use or process may not exceed.

**PERSONAL SERVICE** — Establishments primarily engaged in providing services, including the care of a person or his or her apparel, such as but not limited to cleaning and garment services, which are deemed to be establishments for the mechanical cleaning of garments; linen supply; diaper service; coin-operated laundries; carpet and upholstery cleaning; photographic studios; beauty shops; barbershops; shoe repair; steam baths; reducing salons and health clubs; travel agent; clothing rental; locker rental; porter service; optician; and tailor.

**PLANNED UNIT DEVELOPMENT** — A residential project which incorporates or combines reduced lot and area requirements with open space use as a substantial portion of the remaining land and designed, developed, and maintained in accordance with the special development regulations of this chapter.

**PLANNING COMMISSION** — The City of Aberdeen Planning Commission, established pursuant to Article 66B of the Annotated Code of Maryland, comprised of seven members appointed by the Council and who provide recommendations to the Council in regard to land use and development matters.

**PLANTING AREA** — The element of the public streetscape which accommodates street trees and/or environmental site design (ESD) planting

areas. Planting areas may be continuous or individual.**[Added 2-24-2014 by Ord. No. 14-O-05]**

PLAT — A map showing the location, boundaries, and ownership of individual properties planned and developed as a single project.

PLAZAS — Large outdoor spaces that extend the public realm from the street or sidewalk to the main entry of an adjacent building. (See Plazas, Illustration 27, Open Space Types.)**[Added 2-24-2014 by Ord. No. 14-O-05]**

PORCH — A covered entrance to a building usually with a separate roof.

PORTICO — A colonnade or covered area often at the entrance of a building.

PRINCIPAL STRUCTURE — The main building on a lot, usually located toward the frontage.**[Added 2-24-2014 by Ord. No. 14-O-05]**

PRINCIPAL STREET FRONTAGE — Within the Transit Oriented Development Districts, lot lines that coincide with public frontage on a collector or arterial roadway. (See Illustration 18, Principal Street Frontages.) Buildings are oriented towards the principal frontage, and include both the principal entrance to the building and the address. Parcels may have more than one principal street frontage, especially at corner locations and when bordered in the front and rear by collector or arterial roadways.**[Added 2-24-2014 by Ord. No. 14-O-05]**

PROFESSIONAL SERVICES — The services by members of any profession, including but not limited to accountants, architects, chiropractors, dentists, doctors, engineers, lawyers, ophthalmologists, optometrists, osteopaths, psychologists, or social workers.

PUBLIC UTILITIES — Utility facilities owned by a governmental agency, private organization, or public utility defined under state law, maintained and operated for the benefit of the general public, including water and sewer systems, water towers, pumping stations, solid waste transfer stations, electrical transmission lines, microwave facilities, and interstate and intrastate pipelines.

PUBLIC UTILITY SUBSTATION — A configuration of high-voltage electrical equipment, consisting of but not limited to power circuit breakers, switches, transformers with associated connections, lighting masts, control house, and structures with related foundations, the purpose of which is to transform the electrical voltage from one level to another or to function as a switching point for two or more circuits of equal voltages. This equipment may be enclosed by a fence or other barrier.

REARYARD BUILDING — Within the Transit Oriented Development Districts, a building that occupies the full front lot line, leaving the rear of the lot as the sole yard. (See Rearyard, Illustration 21, Building Disposition.)**[Added 2-24-2014 by Ord. No. 14-O-05]**

RECREATIONAL VEHICLE — A vehicular-type unit which is designed for recreation, camping or travel use which either has its own motor power or is mounted on or drawn by another vehicle and which, in general, is of such

size and weight as not to require special highway movement permits when drawn by a passenger automobile or a pickup truck.

**RECYCLING FACILITY** — A facility in which used materials are separated and/or stored or compacted or crushed prior to shipment for recovery or reuse of those materials.

**REPAIR SHOP, MOTOR VEHICLE** — Any building, premises and/or land in which or upon which a business, service or industry involving the maintenance, servicing, repair or painting of motor vehicles is conducted or rendered.

**RESTAURANT** — Any building, structure, or portion thereof where food is sold for consumption on or off the premises, including but not limited to a cafe, coffeehouse, tea room, or dining room. A snack bar or other refreshment stand shall not be deemed a restaurant.

**RESTAURANT, DRIVE-THROUGH** — A building, structure, or portion thereof designed to sell prepared food and beverages to patrons in vehicles.

**RETAIL/COMMERCIAL SHOPFRONTS** — Within the Transit Oriented Development Districts, buildings which are located on parcels that front arterial or collector roadways that are designated as primary and secondary frontages (See Illustration 19, Retail/Commercial Shopfronts.) and that require the provision of a shopfront building façade and building frontage on the ground level, designed for commercial use. (See Shopfront and Awning Building Frontage, Illustration 22, Building Frontages, and Illustration 20, Opacity/Windows.)**[Added 2-24-2014 by Ord. No. 14-O-05]**

**RETIREMENT COMMUNITY** — A senior living community, retirement community, assisted living community, continuing care retirement community, independent living community or similar community that offers a combination of independent living, assisted living or nursing.

**RIGHT-OF-WAY** — A strip of land acquired by reservation, dedication or condemnation and intended to be occupied by a road, crosswalk, sidewalk, railroad, electric transmission lines, oil or gas pipeline, waterline, sanitary or storm sewer and other similar uses.

**ROAD** — A right-of-way which has been improved and is intended for motor vehicle traffic and provides access to property.

A. **ROAD, ARTERIAL** — A road which carries the major portion of the traffic entering and leaving an area of the county. Four arterial street types are defined in the Aberdeen Comprehensive Plan and listed in order from regional to local significance: **[Amended 2-24-2014 by Ord. No. 14-O-05]**

(1) **REGIONAL CONNECTOR ARTERIAL** — This is an arterial street with a combination of free-flow ramp and signalized points of access. It primarily provides mobility through Aberdeen for motor vehicle, truck, and commuter bus traffic, as well as access to major destinations within Aberdeen. Provision of space for bicycle and

pedestrian travel is secondary to motor vehicle movement but not optional, and the design should emphasize frequent, safe crossings for cyclists and pedestrians.

- (2) **COMMERCIAL PRIMARY ARTERIAL** — An arterial street segment that serves (or is planned to serve) a low- or medium-density commercial area that may be equally oriented to retail stores, service, and industrial use. This street emphasizes transit and motor vehicle travel, including truck movements. It also facilitates bicycle access.
  - (3) **VILLAGE CENTER MIXED USE ARTERIAL** — An arterial street segment that serves a compact mixed-use area that is fronted by (or planned to be fronted by) a variety of commercial, institutional, government, and/or residential uses. The street design emphasizes pedestrian, transit, and bicycle travel with adequate facilities provided within the street right-of-way.
  - (4) **RESIDENTIAL ARTERIAL** — An arterial street that serves and traverses a primarily residential neighborhood and is fronted by (or planned to be fronted by) residential, park, or institutional property. This street's design emphasizes bicycle and pedestrian travel, local motor vehicle travel, and transit access.
- B. **ROAD, COLLECTOR** — A road which provides for principal internal movements within residential neighborhoods and business or industrial districts and which is a primary means of circulation between adjacent neighborhoods, which functions to distribute traffic from arterials to local and other collector roads and collects traffic from local roads and channels it into the arterial system. Three collector street types are defined in the Aberdeen Comprehensive Plan and listed in order from regional to local significance: **[Amended 2-24-2014 by Ord. No. 14-O-05]**
- (1) **VILLAGE CENTER COLLECTOR STREETS** — Collector or local streets located in a medium- or high-density residential, commercial, or mixed-use area. These streets, often called side streets, may include street-level shops, but do not have the same level of pedestrian and vehicular activity as arterial streets. In some locations, these streets provide service, utility, and emergency vehicle access to alleys, loading docks, and building service areas for loading and unloading goods, recyclables, and refuse. Access to the street system from off-street and garage parking may also be located on Village Center streets. These streets may provide pedestrians and cyclists a quieter alternative to arterial traffic. Village Center streets have been further classified distinguishing West Bel Air as Main Street, the roads adjacent to Festival Square and City Hall as festival streets; all other Village Center streets are classified as local streets.

- (2) NEIGHBORHOOD PRINCIPAL COLLECTOR STREETS — Neighborhood principal streets occur in lower-density residential areas and provide access for fronting properties and links to adjacent streets. Like Village Center streets, they provide a way for travel to and from home, connections to local resources, and a shared space in the neighborhood for walking, biking, talking with neighbors, and conducting everyday activities.
  - (3) NEIGHBORHOOD MINOR COLLECTOR STREETS — Neighborhood minor streets occur in low- and medium-density residential areas. These streets are very similar to neighborhood principal streets in form and function. The distinctive feature of these streets is their nearly exclusive orientation to providing access to residences. Since residential streets have low-traffic volumes with infrequent travel by large vehicles, all users other than pedestrians can be accommodated within a relatively narrow travel way.
- C. ROAD FRONTAGE — That portion of a lot abutting a street or highway and situated between lot lines intersecting such street or highway.
- D. ROAD, LOCAL — A road which primarily provides direct access to abutting properties.

SANITARY LANDFILL — A site for solid waste disposal based on sanitary engineering design.

SATELLITE DISH — An antenna and attendant processing equipment for the purpose of sending and receiving electronic signals from satellites.

SCREENING — A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, or berms.

SEASONAL SALES — Products that are primarily sold during a particular season of the year, e.g. Christmas trees, locally grow produce, championship merchandise, fireworks, holiday flowers, and snowballs.

SETBACK — The required minimum distance from the road right-of-way, back of curb or any lot line that establishes that area within which principal buildings or structures must be erected or placed.**[Amended 2-24-2014 by Ord. No. 14-O-05]**

SHARED PARKING — Parking spaces that are shared by more than one user or business.**[Added 2-24-2014 by Ord. No. 14-O-05]**

SHED — A storage facility, under 500 square feet in size, constructed as an accessory structure incidental and subordinate to the use of the principal building, not to include shipping containers or tractor-trailer bodies.

SHOPFRONT — Within the Transit Oriented Development Districts, a frontage wherein the façade is located at the back edge of the sidewalk (BTL) with a substantial glazing on the sidewalk level, and an awning or cantilevered shed roof projecting no more than seven feet forward of the BTL when the shopfront is not combined with a gallery or arcade frontage. (See Illustration 20, Opacity/Windows, and Shopfront and Awning,

Illustration 22, Building Frontages.)**[Added 2-24-2014 by Ord. No. 14-O-05]**

**SHOPPERS' MERCHANDISE** — Retail or wholesale establishments commonly referred to as department stores, discount stores, pharmacies, outlet stores, variety stores and supermarkets shall be regulated as "shoppers' merchandise."

**SHOPPING CENTER** — Six or more business uses, and with a building gross floor area of at least 20,000 square feet, and located in a particular zoning district. (See § 235-34 for detailed requirements.)

**SIDEWALK** — Within the Transit Oriented Development Districts, the paved layer of building frontage dedicated exclusively to pedestrian activity.**[Added 2-24-2014 by Ord. No. 14-O-05]**

**SIDEYARD BUILDING** — Within the Transit Oriented Development Districts, a building that occupies one side of the lot with a setback to the other side. (See Illustration 21, Building Disposition.)**[Added 2-24-2014 by Ord. No. 14-O-05]**

**SIGHT TRIANGLE** — The area at the corner of a lot fronting on two streets which shall remain unobstructed for sight distance purposes.

**SIGN** — (See Aberdeen Sign Code.<sup>32</sup>) Any device for visual communication which is used for the purpose of bringing the subject thereof to the attention of the public, but not including, when standing alone, a flag, emblem, badge, or insignia of any governmental unit.

**SITE PLAN** — A plan, to scale, showing uses and structures proposed for a parcel of land as required by this chapter. It includes lot lines, streets, building sites, reserved open space, buildings, major landscape features (both natural and man-made), and existing and proposed utility lines.

**SPECIAL DISTRICTS** — Consists of areas with buildings that by their function, disposition, or configuration cannot, or should not, conform to one of the designated transect zones.**[Added 2-24-2014 by Ord. No. 14-O-05]**

**SPECIAL EXCEPTION** — A use which is subject to approval by the Board in a particular district only upon showing that such use in a specific location will comply with the conditions and standards for the location or operation of such use as specified in this chapter.

**SPECIALTY STORE OR SHOP** — A retail store which carries only one type of interrelated goods, including but not limited to bookstores, candle shops, cosmetic shops, florist shops, gift shops, hobby and craft supply shops, import shops, jewelry shops, key shops, liquor stores, newspaper and magazine shops, novelty shops, pet stores, photographic shops, souvenir shops, and stationery shops.

**STOOP BUILDING FRONTAGE** — Within the Transit Oriented Development Districts, a frontage wherein the façade is aligned close to the frontage line with the lower story elevated at least 18 inches from the sidewalk to

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**32. Editor's Note: See Ch. 235, Art. VA.**

establish a sense of transition from public to private realm, and may be elevated sufficiently to secure privacy for the windows.**[Added 2-24-2014 by Ord. No. 14-O-05]**

**STORY** — That portion of a building between the surface of any floor and the surface of the floor above it or, if there is no floor above it, then the space between the floor and the ceiling, including basements. In the TOD Districts, minimum story height is no less than 10 feet and no more than 14 feet from floor to ceiling, except that the first floor must be at least 12 feet in height and the top story may be no more than 14 feet from floor to ceiling. (See Illustration 35, Floor Heights by Story.)**[Amended 2-24-2014 by Ord. No. 14-O-05]**

**STREET** — (See "road.") A right-of-way which has been improved and is intended for motor vehicle traffic and provides access to property.

**STREET FRONTAGE** — Within the Transit Oriented Development Districts, the area where a building façade faces a street.**[Added 2-24-2014 by Ord. No. 14-O-05]**

**STREETSCAPE** — The urban element that establishes the major part of the public realm. The streetscape is composed of roads (travel lanes for vehicles and bicycles, parking lanes for cars, and sidewalks or paths for pedestrians) as well as the visible private frontages (building facades and elevations, porches, yards, fences, awnings, etc.), and the amenities of the public frontages (street trees and plantings, benches, streetlights, etc.).**[Added 2-24-2014 by Ord. No. 14-O-05]**

**STRUCTURE** — A combination of materials to form a construction for use, occupancy or ornamentation, whether installed below or above the surface of land or water.

**SUBDIVISION** — The division of a parcel or tract of land into two or more new parcels. The process of subdividing is regulated by the provisions found in this chapter.

**SWIMMING POOL** — Any portable or permanent structure containing a body of water 36 inches or more in depth for recreational purposes; either aboveground or in-ground pools.

**TATTOO PARLOR** — A structure housing a business for the purpose of placing tattoos on the skin.

**TEMPORARY STORAGE CONTAINER** — A portable containerized property storage facility or unit intended to be utilized upon the exterior of residential premises for the purpose of storing all types of items of personal and household property either for pure storage or to facilitate the moving of persons from household unit to household unit, with the understanding that such unit, after a reasonable period of time for loading, will be moved to commercial storage facilities.**[Added 8-23-2010 by Ord. No. 10-O-12]**

**TEMPORARY USE** — A use permitted for a fixed period of time as specified in this chapter with the intent to discontinue such use upon the expiration of a period of time, or a use which occurs on a periodic basis and is not continuous.



**TRANSECT** — Within the Transit Oriented Development Districts, a system of ordering human habitats in a range from the most natural to the most urban, which describes the physical character of place at any scale, according to the density and intensity of land use and urbanism.**[Added 2-24-2014 by Ord. No. 14-O-05]**

**TRANSECT ZONE (T-ZONE)** — Transect zones are administratively similar to the land use zones in conventional codes, except that in addition to the usual building use, density, height, and setback requirements, other elements of the intended habitat are integrated, including those on the lot and building fronting the public streetscape. The elements are determined by their location on the Transect Zone Map or Regulating Plan. The TOD Districts include three transect zones: the TOD Downtown (TOD-D) synonymous with the urban core district (T6); the TOD Corridor (TOD-C) synonymous with the urban center district (T5); the TOD Neighborhood (TOD-N) synonymous with the general urban zone district (T4). (See Aberdeen TOD Regulating Plan.)**[Added 2-24-2014 by Ord. No. 14-O-05]**

**TRANSIT CENTER** — A central location for intermodal transit, such as buses, trains, taxis, and complimentary retail and service facilities.

**TRANSITION LINE** — A horizontal line spanning the full width of a façade, expressed by a material change or by a continuous horizontal articulation such as a cornice or a balcony.**[Added 2-24-2014 by Ord. No. 14-O-05]**

**TRANSIT ORIENTED DEVELOPMENT (TOD)** — Development that combines a pedestrian-friendly environment with retail or entertainment ground floor uses, and generally located within one-half mile side walk route to a premium transit station. Specifically, a TOD provides continuous, shaded sidewalks with street furniture and minimal driveway interruptions, and nearly continuous shop frontage.**[Added 2-24-2014 by Ord. No. 14-O-05]**

**TRUCK TERMINAL** — Land and building used for transfer of a load from one vehicle to another. The facility may include storage areas for trucks or for the repair of trucks associated with the facility.

**TYPE** — Within the Transit Oriented Development Districts, a category determined by function, disposition, and configuration, including size or extent. There are building types, road types, open-space types, etc. (See also "building type.")**[Added 2-24-2014 by Ord. No. 14-O-05]**

**USE** — The purpose or activity for which land, buildings or structures are designed, arranged or intended or maintained or occupied.

**VEHICLE** — A carriage or conveyance on wheels.

A. **VEHICLE, PERSONAL TRANSPORTER** — A conveyance by which automobiles, motorcycles, and other similar vehicles are transported for personal use.

B. **VEHICLE, MOTOR** — A self-propelled free-moving vehicle.

**WETLAND, NONTIDAL** — 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 do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as "hydrophytic vegetation," and is determined according to the Corps of Engineers Wetlands Delineation Manual, 1987, and any amendments thereto.

**YARD** — An open area between a lot line and the setback line within which no structures shall be located except as provided by this chapter. The Zoning Administrator shall have the right to designate the front, side and rear yards on a particular parcel.

- A. **YARD, FRONT** — A yard extending the full width of the lot which includes the area between the front building setback line and the road right-of-way.
- B. **YARD, REAR** — A yard extending across the full width of the lot between the rear building setback line and the rear lot line.
- C. **YARD, SIDE** — A yard extending from the front yard to the rear yard between the side building setback line and the side lot line.

**ZONING ADMINISTRATOR** — The officer designated by the Council to administer the Development Code and issue zoning permits. The Director of Planning and Community Development shall be the Zoning Administrator, as an agent for the City.

**ZONING MAP** — The Zoning Map of Aberdeen, Maryland, adopted by the Council as the comprehensive Zoning Map of the City.

### **§ 235-8. Rules of construction.**

The terms and provisions of this chapter shall be interpreted to implement the general purposes of this chapter as set forth in § 235-3. In addition to the rules applicable generally to the construction of the code, the following rules of construction shall apply:

- A. The particular shall control the general.
- B. In cases of conflict between the text of this chapter and any caption, illustration, summary table, or illustrative table, the text shall control.
- C. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- D. The word "person" includes an individual, sole proprietorship, corporation, partnership, incorporated association, and any recognized legal entity.
- E. Unless it is plainly evident from the context that a different meaning is intended, in a regulation which involves two or more items, conditions, provisions or events connected by the conjunction "and," "or" or "either. . . or," the use of the conjunction is defined as follows:

- (1) "And" means that all the connected items, conditions, provisions and events apply together and not separately.
  - (2) "Or" means that the connected items, conditions, provisions and events shall apply separately or in any combination.
  - (3) "Either . . . or" means that the connected items, conditions, provisions or events shall apply separately but not in combination.
- F. The word "includes" or "including" does not limit a term to the specified examples but is intended to extend the term's meaning to all other instances or circumstances of similar kind or character.
- G. The word "City" means the City of Aberdeen, Maryland. The word "state" means the State of Maryland. The term "Charter" refers to the Aberdeen Charter approved by the voters of the City and all amendments thereto.
- H. If a term is defined in the City Subdivision Regulations, Sign Code, Architectural Design Guidelines or the City Building Code, it shall have the meaning specified in the Subdivision Regulations, Sign Code, Architectural Design Guidelines, or Building Code unless specifically defined in this chapter.<sup>33</sup>
- I. The terms "Mayor and Council," "Board of Appeals," "Council," "Director of Planning," "Planning Commission," "City Attorney" and "Zoning Administrator" mean the respective boards, officers, officials and department heads of the City. The term "Council" shall include the Mayor and Council.
- J. All words, other than the terms specifically defined herein, shall have the meanings inferred from their context in this chapter, and if not defined by this chapter, refer to Webster's New Universal Unabridged Dictionary for their definition.
- K. Conflicting regulations. The provisions of this chapter shall be held to be minimum requirements. Where this chapter imposes a greater restriction than is imposed or required by other provisions of law or other rules, regulations, or ordinances or by private restrictions, the provisions of this chapter shall control. If there are conflicting provisions within the code the most restrictive shall apply.
- L. Applicability of other laws. Notwithstanding the provisions of this chapter, any development shall be subject to the provisions of the Subdivision Regulations, and any other activity requiring the issuance of a permit, license, grant or approval shall be subject to the applicable law.
- M. If any building, structure or use is not specifically listed, the use that is most similar to the proposed use shall apply.

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**33. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See Ch. 475, Subdivision of Land, Ch. 456, Signs, and Ch. 210, Building Construction.**



ARTICLE II  
**Administration and Enforcement**

**§ 235-9. Zoning Administrator.**

- A. The Director of Planning and Community Development shall be the Zoning Administrator. The Zoning Administrator or duly approved designee shall be vested and charged with the power and duty to:
- (1) Act as advisor to the Planning Commission and the Board of Appeals.
  - (2) Administer the Development Code and prepare for adoption the comprehensive Zoning Maps.
  - (3) Conduct inspections and surveys to determine whether a violation of this chapter exists.
  - (4) Design and distribute applications and forms required by this chapter requesting information pertinent to the requested approval.
  - (5) Enforce any provision of this chapter, prevent or abate any violation, ensure proper enforcement and administration of this chapter, and issue municipal infractions. Refer to the Aberdeen Code, Chapter 95, Municipal Infractions, for further reference.
  - (6) Enter and inspect any structure or land to determine if the parcel or use complies with the provisions of this chapter. Should the owner or occupant deny such entry, the Zoning Administrator may seek relief from the court to permit such right.
  - (7) Perform such other duties as are necessary for the proper enforcement and administration of this chapter.
  - (8) Recommend Development Code and Zoning Map amendments to the Planning Commission and Council.
  - (9) Regulate all land development activities and enforce the provisions of this chapter.
  - (10) Render interpretations, upon written request of any interested person whose property may be affected, as to the applicability of the code to particular uses. Interpretations can be appealed within 30 days to the Board of Appeals.
  - (11) Review all land development annexation applications for compliance with this chapter.
  - (12) Review applications for rezoning, special exceptions, variances and interpretations under the provisions of this chapter for recommendation to the Board of Appeals or Planning Commission.

(13) Review for approval or denial all applications for applicable permits.

(14) Set the agenda for the Planning Commission and Board of Appeals.

- B. The Zoning Administrator, as an agent for the City, shall be deemed an aggrieved party and has the right to appeal any decision of the Board of Appeals.

#### **§ 235-10. Planning Commission.**

- A. The Planning Commission is established pursuant to the Land Use Article of the Annotated Code of Maryland and is an advisory body to the Council. **[Amended 2-24-2014 by Ord. No. 14-O-05]**
- B. The Planning Commission shall consist of seven members appointed by the Council who shall serve without compensation. The term of each member shall be five years or until a successor takes office. The Council shall attempt to appoint members who will represent the geographical diversity of the City. **[Amended 8-23-2010 by Ord. No. 10-O-12]**
- C. The Planning Commission shall elect a Chairperson and Deputy Chairperson from its members for terms of one year with eligibility for reelection.
- D. The Commission shall hold one regular public meeting each month and such other special meetings as may be determined. It shall adopt procedures for the transaction of business and shall keep a public record of its resolutions, transactions, findings and determination. Fire, police and departmental personnel shall attend the meetings of the Planning Commission and act as consultants. **[Amended 8-23-2010 by Ord. No. 10-O-12]**
- E. A majority of the members (four) of the Commission shall constitute a quorum for the transaction of business, and a majority vote of those present at any meeting, but not less than the number necessary for a quorum, shall be sufficient for any official action taken by the Commission.
- F. Powers and duties of the Commission. The Commission shall: **[Amended 8-23-2010 by Ord. No. 10-O-12]**
- (1) Have such powers and duties as set forth in the Land Use Article of the Annotated Code of Maryland. **[Amended 2-24-2014 by Ord. No. 14-O-05]**
  - (2) Adopt rules of procedure for the conduct of its business.
  - (3) Make and approve a Comprehensive Plan prepared in accordance with the Land Use Article of the Annotated Code of Maryland and recommend the plan to the Council. The Commission shall: **[Amended 2-24-2014 by Ord. No. 14-O-05]**

- (a) Make a preliminary report about the Comprehensive Plan and hold at least one public hearing.
  - (b) Consult public officials and agencies; public utility companies; civic, educational, professional and other organizations; and citizens with relation to protecting or executing the plan.
  - (c) Prepare, adopt and file a final report on the plan with the Mayor and Council in accordance with the Land Use Article of the Annotated Code of Maryland.
  - (d) Recommend changes or amendments to the Aberdeen Comprehensive Plan.
  - (e) Promote public interest in and understanding of the plan.
- (4) Review, comment and approve a recommendation to the Council for all preliminary site plans and preliminary and final subdivision plats. The approval of a preliminary site plan or preliminary subdivision plat will be valid for one year.
  - (5) Recommend the boundaries of the various districts and appropriate regulations to be enforced therein.
  - (6) Recommend text amendments to the Aberdeen Development Code.
  - (7) Recommend rezonings and annexations.
  - (8) Recommend changes or amendments to the Subdivision Regulations.
  - (9) Recommend acquisition and development of lands for City open space or recreation purposes.
  - (10) Recommend changes in land use or development arising from local, state or federal programs or policies.
  - (11) Make other recommendations to the Council on items of interest or concern.
  - (12) Submit an annual report to the Council and the Maryland Department of Planning.
  - (13) Review as needed, or a minimum of every six years, the Development Code, Zoning Map and Major Thoroughfare Plan to determine whether it is advisable to amend the regulations or the maps, or both, to more closely conform to the objectives of the Comprehensive Plan, to take advantage of new techniques, to correct deficiencies or for other appropriate reasons.
  - (14) Make recommendations based on sound planning principles.
  - (15) Maintain a summary of all meetings and recommendations.

- (16) Impose conditions on its approval of developments, including but not limited to configuration of streets, sidewalks, location of public improvements, reservation of open space and recreational areas.
- (17) Recommend programs for public structures, improvements and land acquisitions and for their financing.
- (18) Enter upon any land and make examinations and surveys.
- (19) Have such powers to enable it to fulfill its functions, promote planning or execute the purposes of Article 66B of the Annotated Code of Maryland.

#### **§ 235-11. Board of Appeals.**

- A. The Board of Appeals is established pursuant to the Land Use Article of the Annotated Code of Maryland. **[Amended 2-24-2014 by Ord. No. 14-O-05]**
- B. The Board of Appeals shall consist of five members and one alternate member, who may be empowered to sit on the Board in the absence of any member of the Board, who shall serve without compensation. The terms of all members shall be three years. **[Amended 8-23-2010 by Ord. No. 10-O-12]**
- C. The Board of Appeals shall elect a Chairperson and a Deputy Chairperson from its members for terms of one year with eligibility for reelection.
- D. The Board is a quasi-judicial body and shall conduct hearings in accordance with administrative practices and procedures.
- E. The Board shall:
  - (1) Administer oaths and conduct hearings, including receipt of evidence and stipulations.
  - (2) Adopt rules and regulations for the conduct of its hearings.
  - (3) Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator.
  - (4) Hear and decide applications for special exceptions and variances as authorized under this chapter.
  - (5) Issues subpoenas for and compel the attendance of witnesses.
- F. Meetings, notice and hearings.
  - (1) The Board shall adopt rules for the conduct of its business, which shall be made available to the public. A quorum shall not be fewer than three members, and an affirmative vote of three members of the Board shall be required to reverse any decision, ruling



or determination of the Zoning Administrator or to approve any special exception or variance. All hearings and deliberations shall be open to the public, unless permitted to be closed under the Open Meetings Act.<sup>34</sup>

- (2) The Board shall hold meetings at the call of the Chairperson and at such other times as the Board may determine.
  - (3) The Board shall keep minutes of its proceedings and other actions, showing the vote of each member upon each question. The Board shall keep records of its examination and other official actions, all of which shall be filed in the City office and shall be a public record. The Chairperson or, in his/her absence, the Acting Chairperson may administer oaths and compel the attendance of witnesses.
  - (4) Upon receipt of a completed application, the Board shall schedule a public hearing by providing notice in one newspaper of general circulation in the City at least 14 days prior to the hearing.
  - (5) All contiguous property owners shall be notified of the public hearing date by regular mail.
- G. In addition to such other rules and regulations as may be adopted by the Board, the hearing shall be conducted as follows:
- (1) Applicant's case.
  - (2) Report of the Department of Planning and Community Development and other public agency representatives.
  - (3) Any opponent's case in chief.
  - (4) Applicant's case in rebuttal.
- H. The Board may impose such conditions regarding the locations and other features of the proposed structures or uses as it may deem necessary, consistent with the purposes of the code, the limitations, guides, and standards and the laws of the City and state.
- I. Decision of the Board.
- (1) Lapse of special exception or variance. After the Board of Appeals has approved a special exception or granted a variance, the special exception or variance so approved or granted shall lapse after the expiration of one year if no substantial construction or change of use has taken place in accordance with the plans for which such special exception or variance was granted or if the Board does not specify some longer period than one year for good cause shown, and the provision of these regulations shall thereafter govern.

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**34. Editor's Note: See § 10-501 et seq. of the State Government Article of the Annotated Code of Maryland.**

- (2) The Board shall issue a written decision or determination on any application or appeal within 30 days following the close of the record. This limitation may be extended upon good cause up to 60 days.
- J. An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board that by reason 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 restraining order of the Board or a court of competent jurisdiction, on application, after notice to the Zoning Administrator and on good cause shown.
- K. If the application is disapproved by the Board or is dismissed for failure of the applicant to pay costs, then the Board shall take no further action on another application for substantially the same relief until six months from the date of such disapproval or dismissal, whichever shall last occur.
- L. A special exception use may be granted by the Board only upon proof by the applicant that:
  - (1) The proposed use is compatible with the principal permitted uses within the district.
  - (2) The use complies with § 235-12, Limitations, guides and standards, of this chapter as may be applicable.
  - (3) The use does not adversely affect public health, safety and welfare of adjoining or neighboring properties.
- M. Criteria for approval of variances. Variances from the provisions or requirements of this chapter may be granted if the Board finds that:
  - (1) The literal enforcement of the code would result in undue hardship.
  - (2) The variance will not be substantially detrimental to adjacent properties and will not materially impair the purpose of this chapter or the public interest and the character of a district will not be changed by the granting of the variance.
  - (3) No variance shall exceed the minimum adjustment necessary to relieve the hardship imposed by the literal enforcement of this chapter.
- N. No fees shall be applied to applications for amendment of special exceptions or variances.
- O. Appeals from a decision of the Board may be filed by any interested person to the Circuit Court in the manner prescribed by law within 30 days from the date of the Board's decision.

- P. A fee shall be charged for filing and handling each application or appeal provided for in this article, in an amount to be determined by the Council. The costs of appeal, including the transcript, shall be borne by the applicant.
- Q. The Board, upon application for an interpretation of the Development Code or Zoning Map, after notice to the owners of the properties affected and public hearing, may render an interpretation.

**§ 235-12. Limitations, guides and standards.**

In addition to the specific standards, guidelines and criteria described in the previous sections and other relevant considerations, the Planning Commission and Board of Appeals shall be guided by the following general considerations. Notwithstanding any of the provisions of this chapter, the Board of Appeals and Planning Commission shall not approve an application if they find that the proposed building, addition, extension of building or use or change of use would adversely affect the public health, safety and general welfare or would result in dangerous traffic conditions or jeopardize the lives or property of people living in the neighborhood. The Board of Appeals and Planning Commission may impose conditions or limitations on any approval, including the posting of performance guaranties, with regard to any of the following:

- A. Facilities for schools, police, fire protection, sewerage, water, trash and garbage collection and disposal and the ability of the City or persons to supply such services.
- B. The degree to which the development is consistent with generally accepted engineering and planning principles and practices.
- C. The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.
- D. The environmental impact and the effect on sensitive natural areas such as floodplains and nontidal wetlands.
- E. The number of persons living or working in the immediate area.
- F. The orderly growth of the neighborhood and community and the fiscal impact on the City; the need for the proposed use within the community.
- G. The preservation of cultural and historic landmarks.
- H. The purpose of the code, the Comprehensive Plan, the Major Thoroughfare Plan, and related studies for land use, roads, parks, schools, sewers, water, population and recreation.
- I. The recommendation of the Zoning Administrator.
- J. The size of the parcel and the effect of the proposed use upon adjoining or neighboring properties.

- K. Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities; the access of vehicles to roads; peak periods of traffic; and proposed roads. A traffic impact analysis may be required by the Director of Planning and Community Development, Board of Appeals or the Planning Commission.

**§ 235-13. Zoning reclassification.**

- A. The Zoning Administrator, as an agent of the City, may initiate a rezoning request if the Zoning Administrator determines that a mistake in the zoning has occurred during the last comprehensive rezoning or that there has been a substantial change in the character of the neighborhood. The Zoning Administrator shall be deemed an interested party and subject to the same submittal and notification requirements as a property owner.
- B. Request initiated by property owner. Any request for a zoning reclassification by a property owner or contract purchaser, with the consent of the property owner, shall be submitted to the Zoning Administrator and shall include:
- (1) The location and size of the property.
  - (2) A title reference or a description by metes and bounds, courses and distance.
  - (3) The present zoning classification and the classification proposed by the applicant.
  - (4) The names and addresses of all persons, organizations, corporations or groups owning land, any part of which lies within 500 feet of the property proposed to be reclassified as shown on the current assessment records of the State Department of Assessments and Taxation.
  - (5) A statement of the grounds for the request, including:
    - (a) A statement as to whether there is an allegation of mistake as to the existing zoning and, if so, the nature of the mistake and facts relied upon to support this allegation;
    - (b) A statement as to whether there is an allegation of substantial change in the character of the neighborhood and, if so, a precise description of such alleged substantial change; and
    - (c) A statement as to whether the proposed classification is in conformance with the Comprehensive Plan and the reasons for the opinion.
- C. A concept plan shall be submitted with the application. The concept plan shall illustrate the proposed general nature and distribution of land uses but need not include drawings prepared by an engineer.

- D. The Planning Commission shall review applications for rezoning and submit its recommendation to the Council prior to public hearing.
- E. Notice of public hearing shall be provided 30 days prior to the scheduled hearing. A complete record of the hearing and the votes of all the Council shall be kept.
- F. The Council shall make findings of fact in each specific case, including but not limited to the following matters: population change, availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development for the area, the recommendation of the Planning Commission and the relationship of such proposed rezoning to the Comprehensive Plan.
- G. The Council 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 since the last comprehensive zoning or that there was a mistake in the last comprehensive zoning.
- H. Any person aggrieved by the decision of the Council may appeal to the Circuit Court for Harford County within 30 days from the date of the decision.

**§ 235-14. Annexation policy and procedure. [Amended 3-24-2008 by Ord. No. 736-08]**

- A. Policy. The following principles shall govern annexation:
  - (1) The City Council may consider and act upon a petition for the annexation of land contiguous and adjacent to the corporate limits of the City in order to promote the health, safety, welfare and economic development of the City.
  - (2) The annexation may be appropriate when it promotes coordinated planning for the area surrounding the land proposed for annexation, and where it is consistent with the plans for the present and future development of the City, and where it will not result in isolated development inconsistent with surrounding land uses.
  - (3) The annexation must contribute to the realization and/or furtherance of the goals and objectives of the Comprehensive Plan.
  - (4) The location relative to existing public facilities and a review of the City's ability to provide public facilities or the potential of alternative nonpublic facilities to serve the annexation area.
  - (5) The development of relevant conditions for the protection and benefit of the residents of the City.
  - (6) The annexation will not result in an adverse fiscal impact upon the City.

- (7) Annexation only to increase municipal revenue is inappropriate without an ability to provide municipal services.
  - (8) Upon approval of an annexation petition by the City Council, the petitioner shall not be permitted to amend or to otherwise change the terms of the annexation petition.
- B. Procedures. The following procedures shall govern annexation and the zoning of land so annexed:
- (1) Petition filing contents. A petition for annexation, prepared in compliance with § 4-404 of the Local Government Article of the Annotated Code of Maryland, shall be filed with the City Clerk, together with 15 copies of the petition and a nonrefundable fee as established by resolution of the City Council. The City may require additional copies to be provided to the City at its discretion. The petition shall include the following: **[Amended 2-24-2014 by Ord. No. 14-O-05]**
    - (a) Descriptive data.
      - [1] A legal description of the property with metes and bounds.
      - [2] Name and address of all members, stockholders, partners, or other individuals having a legal or equitable interest in the entity that owns an interest in the property.
      - [3] The names and addresses of all persons residing in the area to be annexed.
    - (b) Exhibit showing:
      - [1] The legal boundaries of the property, to include complete parcels and all property lines in order to eliminate noncontiguous land that may be annexed in the future.
      - [2] The existing land use conditions (county).
      - [3] Existing county zoning and the petitioner's proposed City zoning.
      - [4] A property tax map.
      - [5] An aerial photographic map at an appropriate scale.
      - [6] Topographic map of the property at an appropriate scale.
      - [7] Existing public facilities and improvements.
      - [8] Existing reserved or public areas.
    - (c) Certification that each owner of real property, both within the area of the proposed annexation and contiguous to the annexation area, has either executed the petition or has been sent by first-class mail to the address listed in the assessment

records, within 10 days of the filing of the petition, a summary in a format provided by the City.

(d) Concept plan:

- [1] Showing the boundary of the area to be annexed.
- [2] Showing the general location of each proposed land use (residential with type, commercial, open space, etc.) on the property and the percentage of the whole for each use. General location of land uses may be shown as irregular graphic shapes depicting the approximate size and relationship to adjacent land uses.
- [3] Providing a table listing densities and land use by type, including the area of each.
- [4] Showing the density of residential development, the maximum and minimum lot sizes, and the anticipated square footage of commercial and industrial buildings.
- [5] Showing existing and proposed arterial and collector streets to the adjoining properties (where applicable) and their relationship to the principal land uses on the site, consistent with the adopted Transportation Element and Major Thoroughfare Plan for the City.
- [6] Showing existing and proposed major utility lines or facilities and their relationship to the principal land uses on the site.
- [7] Showing contour lines at a maximum of five-foot intervals.
- [8] Showing significant natural or man-made features on the site and contiguous to the property, as available from current Harford County or other pertinent geographic information system (GIS) databases.

- (e) Description of municipal services that may need to be upgraded, initiated, or extended, together with a recommendation regarding the priority for accomplishing the improvements and a recommendation as to possible sources of funding and recoupment for any capital improvements.
- (f) Estimation of the potential revenue that will be generated from the development of the area to be annexed and which will be realized by the City.
- (g) Description of the social and economic characteristics of the proposed area to be annexed and the surrounding area.
- (h) Identification of existing environmental characteristics (floodplains, wetland delineations, endangered flora and fauna,

etc.) of the proposed area to be annexed and the surrounding area with information relating to any environmental impact which annexation and development might have upon these characteristics.

- (i) Description of any unique characteristics (i.e., historical, archaeological, institutional, etc.) situated in the area to be annexed and a surrounding area within a one-mile radius of the area to be annexed, with an analysis of how these characteristics would be impacted by annexation.
  - (j) A detailed statement as to whether the land uses and densities permitted under the proposed City zoning classification and the land uses for the annexed area and densities permitted under the current Harford County zoning classification are, or are not, substantially different as that term is defined in § 4-416 of the Local Government Article of the Annotated Code of Maryland.
- (2) Community informational meeting (CIM). Within 45 days of the petition filing date, the petitioner shall hold a CIM. This meeting will be facilitated by the City planning staff and held at a public location (library, City Hall, etc.) adequate to serve the expected turnout of residents. The meeting shall be advertised by a posting on the property(ies) at its boundary with a public road, or at the closest public road intersection, and in a news publication of general weekly circulation in the Aberdeen area. The petitioner shall coordinate the attendance of a liaison from the Planning Commission and the City Council. At a minimum, all documents included in the petitioner's filing shall be made available for review at the CIM. The petitioner shall submit a summary of comments (meeting minutes) made by the citizens to the City at the CIM at least 10 days prior to the scheduled Planning Commission hearing regarding the petition. The petitioner also shall include a certification that the CIM was advertised.
- (3) Petition preliminary review. Within 90 days following the date of the filing of a petition and all required attachments, the Director of Planning and Community Development shall conduct a preliminary review of the petition with the petitioner(s), or the petitioner's representative, and the Director of the Department of Public Works. Prior to beginning the review, the Department of Planning and Community Development shall inform the petitioner(s), in writing, of the date when the petition and all required attachments have been provided and accepted. Based upon this review, the Director of Planning and Community Development may direct the petitioner to submit additional information within a thirty-day period or to take other reasonable steps with regard to the petition, including:



- (a) Supplementation of the information required to be submitted in the petition.
  - (b) Provision for a study by an independent consultant selected by the City and the petitioner to evaluate the information submitted in support of the petition and to determine the fiscal impact of the annexation on the City.
  - (c) Provision for any other studies necessary for the proper consideration of the petition.
  - (d) Additional mailing, posting or advertising notice requirements.
- (4) Petition review by Planning Commission.
- (a) Upon completion of the review, the Director of Planning and Community Development shall forward the petition package to the Planning Commission no less than 10 days prior to the next scheduled Planning Commission meeting. At this time, the Director shall advertise the agenda of the Planning Commission in a news publication of general weekly circulation in the Aberdeen area. The petitioner shall supply 10 paper sets and one digital format copy of the completed petition package to the Director prior to this submittal.
  - (b) The Planning Commission will review the petition for annexation and take public comment during its scheduled meeting.
  - (c) The Planning Commission shall submit its recommendation to the City Council within 60 days of the Planning Commission meeting.
- (5) Payment for processing and review.
- (a) The petitioner shall be responsible for payment for all studies required by the Director of Planning and Community Development and reimbursement of all staff and Attorney time necessary for review of the petition and all studies.
  - (b) The staff shall keep time sheets or other invoices to account for the time spent on annexation, and the hourly rate of each employee shall be established by the City.
- (6) Adoption of annexation plan. Consistent with § 4-415 of the Local Government Article of the Annotated Code of Maryland, as amended from time to time, the City Council shall adopt an annexation plan which shall be open to public review and discussion at a public hearing. **[Amended 2-24-2014 by Ord. No. 14-O-05]**
- (7) Public hearing.

- (a) When the petitioner has complied with the requirements as specified by the Director of Planning and Community Development following the review and the annexation has been prepared and distributed, the City Council shall introduce an annexation resolution and conduct a public hearing with regard to the proposed annexation at the time and place as shall be established by it.
  - (b) The hearing shall be conducted and a record of the proceedings shall be preserved in a manner as the City Council prescribes.
  - (c) A description of the annexation and a notice of the time and place of the hearing shall be published as specified in § 4-406 of the Local Government Article of the Annotated Code of Maryland. **[Amended 2-24-2014 by Ord. No. 14-O-05]**
  - (d) At the hearing, the recommendations of any board, commission, or agency shall be considered evidence.
- (8) Conditions. In acting favorably with regard to the petition, the City Council may include in its resolution such conditions and restrictions as are deemed necessary for the protection of the public interest, furtherance of the health, safety, and welfare of the residents of the City and to secure compliance with any relevant legal standards or requirements.
- (9) Annexation agreement.
- (a) The City may, prior to the City Council voting on the resolution, enter into an annexation agreement with persons and entities that are petitioners in the annexation petition. Only those petitioners that agree to be responsible to the City for performance of contractual or financial commitments, or that promise community benefits, are required to be a party to the agreement.
  - (b) The City Council shall hold a public hearing on the proposed agreement prior to the City's final approval and execution of the agreement and before taking a vote on the annexation resolution. The copies of the proposed agreement shall be made available to the public at City Hall no later than 10 calendar days prior to the public hearing.
  - (c) The effective date of the agreement shall be the date that the approval of the annexation resolution by the City Council becomes final. Upon the annexation resolution becoming final, the agreement shall be binding upon the parties thereto, their heirs, successors, grantees and assigns.

- (d) The annexation agreement shall be recorded by the City in the land records of Harford County, Maryland, within 30 days of the date the annexation resolution becomes final.
- (10) Zoning. In acting favorably with regard to the petition, the City Council shall designate the zoning classification of the annexed land as provided for in this code and in other applicable laws, ordinances, regulations, and procedures related to zoning of annexed land.
- (11) Approval or rejection.
  - (a) No property shall be annexed except by a favorable vote of a majority of the members of the City Council.
  - (b) The City Council may reject the petition for any reason or for no reason. The City Council is not required to make any finding of fact in the event it rejects the petition.
- (12) Other applicable law. This procedure is in addition to any other provisions of the City Charter and Code of the City of Aberdeen and of the Annotated Code of Maryland that govern annexation.

**§ 235-15. Comprehensive zoning review.**

- A. The Zoning Administrator, as an agent for the City, may from time to time recommend revisions to the Zoning Maps and regulations for consideration and adoption by the Planning Commission for approval by the Council. Proposed revisions or amendments to the Zoning Maps and regulations shall be prepared by the Zoning Administrator based on a review and study of existing land use and future land use needs, population, economics, transportation patterns, public facilities and services and other relevant planning factors.
- B. A sectional map amendment may be considered and adopted by the Council.
- C. Notice of a public hearing before the Council shall be provided 30 days in advance and published at least one time in a local newspaper. A copy of the public hearing notice shall be sent by regular mail to all contiguous property owners.

**§ 235-16. Violations and penalties; abatement.**

- A. A violation of this chapter or any condition attached to a special exception or variance shall constitute a municipal infraction and shall be subject to the provisions of § 95-1 et seq. of the City Code.
- B. In the event of a violation of any of the provisions of this chapter or any amendment or supplement thereto, the Zoning Administrator, any adjacent or neighboring property owner or any person who would be specially damaged by such violation, in addition to other remedies

provided by law, may institute suit for injunction, written court order, abatement or other appropriate action or other proceeding to prevent, restrain, correct or abate such unlawful activity or use.

- C. Notice of violation shall be mailed to the owner of the property as listed on the real estate tax records of the State Department of Assessments and Taxation and by posting on the property and shall provide a five-day notice to correct unless the violation causes imminent peril to life or property.
- D. Upon reasonable notice, the Zoning Administrator or authorized designee shall have the right to enter upon any land and to abate any zoning violation for which notice has been provided and to impose the cost of such abatement as a lien upon the property.

ARTICLE III  
**Zoning Districts**

**§ 235-17. Maps of zoning districts.**

- A. Zoning districts. Zoning districts established by this chapter are bounded and defined as designated on the Official Zoning Maps and subsequent modifications thereto. Said Zoning Maps, properly attested, and maps indicating the results of zoning cases conducted hereunder shall be and remain on file in the office of the Zoning Administrator.
- B. Delineation of district boundaries. The following rules shall be used to determine the precise location of any zoning district boundary:
- (1) Boundaries shown as following or approximately following the limits of Harford County shall be construed as following such limits.
  - (2) Boundaries shown as following or approximately following streets shall be construed to follow the center lines of such streets.
  - (3) Boundaries shown as following or approximately following platted lot lines or other property lines as shown on the tax maps shall be construed as following such lines.
  - (4) Boundaries shown as following or approximately following railroad lines shall be construed to lie midway between the main tracks of such railroad lines.
  - (5) Boundaries shown as following or approximately following the center lines of streams, rivers or other continuously flowing watercourses shall be construed as following the channel center line of such watercourses taken at mean low water, and in the event of a natural change in the location of such streams, rivers or other watercourses, the boundaries shall be construed as moving with the channel center line.
  - (6) Boundaries shown as separated from and parallel or approximately parallel to any of the features listed in Subsection B(1) through (3) above shall be construed to be parallel to such features and at such distances therefrom as are shown on the map.
  - (7) Whenever any road, alley or other public way is vacated by official action as provided by law, the zoning districts adjoining the side of such right-of-way shall be automatically extended, depending on the side or sides to which such lands revert, to include the right-of-way of the public way thus vacated, which shall henceforth be subject to all regulations of the extended district.

**§ 235-18. Zoning districts and boundaries.**

In conformity with the purposes of this chapter, the following zoning districts are established:

- A. R-1 Low-Density Residential District. The purpose of this district is to provide for single-family, low-density residential development, together with such public buildings, schools, churches, public recreational facilities and accessory uses as may be necessary or are compatible with residential surroundings. This district is designated to protect existing development of high character and vacant land considered appropriate for future development.
- B. R-2 Medium-Density Residential District. The purpose of this district is to provide for single-family and two-family residential developments of City-scale character, together with such public buildings, schools, churches, public recreational facilities and accessory uses as may be necessary or which are normally compatible with residential surroundings.
- C. R-3 High-Density Residential District. The purpose of this district is to provide for a high-density residential district within the City, together with such public buildings, schools, churches, public recreational facilities and accessory uses as may be necessary or are normally compatible with residential surroundings.
- D. B-1 Neighborhood Business District. The purpose of this district is to provide limited retail and service facilities convenient to residential neighborhoods. To this end, uses are limited primarily to convenience goods and service facilities satisfying the household and personal needs of the residents of abutting residential neighborhoods. Standards are established compatible with low-density residential districts resulting in similar building bulk and low vehicular traffic.
- E. B-2 Central Commercial District. The purpose of this district is to provide retail and office development within the central business district of the City. Appropriate uses are generally the same as for the B-1 District, but with altered yard requirements and altered off-street parking requirements in recognition of the practical difficulty of providing off-street parking in the central business district and in recognition of the collective responsibility to provide off-street parking for smaller establishments. Development/redevelopment in this district shall be compatible with the existing historic, aesthetic and pedestrian character of the downtown area in terms of scale and design. Residential uses are appropriate in this district.
- F. B-3 Highway Commercial District. The purpose of this district is to provide for a number of retail and office establishments and commercial services for use by the traveling public on or near major roads or streets in the City and at the same time is intended to maintain the appearance of the highways and their access points by limiting outdoor advertising and establishing high standards for development. Commercial development in this district shall be in the form of well-planned and heavily buffered commercial concentrations as opposed to traditional forms of highway strip commercial.

- G. M-1 Light Industrial District. The purpose of this district is to provide for light manufacturing, fabricating, warehousing and wholesale distributing in low-rise buildings with off-street loading and off-street parking for employees and with access by major thoroughfares or rail. Commercial uses are permitted, primarily for service to employees in the district.
- H. M-2 Heavy Industrial District. The purpose of this district is to provide for industrial operations of all types which are not likely to create any more offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influences than the minimum amount normally resulting from uses specifically permitted.
- I. ORE Office/Research/Educational District. The purpose of this district is to provide for the development of a mixed-use office/research/educational park with supporting or complementary uses.
- J. AG Agricultural District. The purpose of this district is to provide for agriculture as the primary use by providing large areas suitable for agriculture and related uses. Low-density residential development is a permitted use.
- K. Downtown Revitalization Overlay District. The purpose of this district is to enhance the existing assets located in downtown, which are subject to design requirements. Properties located within the Transit Oriented Development Districts are not subject to the Downtown Revitalization Overlay District regulations and design requirements. **[Amended 2-24-2014 by Ord. No. 14-O-05]**
- L. Residential Overlay (RO) District. The purpose of this district is to recognize existing uses within certain R-3 Zones within the City; to grant principal permitted use status to existing uses; to avoid creation of nonconforming uses; and to prohibit multifamily uses within the district except those uses existing as of the effective date of this section.
- (1) Multifamily uses in the overlay district existing prior to the enactment of this section shall be deemed principal permitted uses and not subject to restrictions applicable to nonconforming uses.
  - (2) Multifamily uses, including apartments, garden apartments, mid-rise apartments and townhouses, other than those existing at the time of the enactment of this section, shall be prohibited in the Residential Overlay (RO) District. Existing multifamily uses destroyed after enactment of this section may be reconstructed as a principal permitted use.
  - (3) Single-family and duplex dwellings are principal permitted uses within the Residential Overlay (RO) District.
  - (4) The lot area, width and yard requirements in the Residential Overlay (RO) District shall be the same as the R-3 District.

M. Integrated Business District. **[Amended 8-23-2010 by Ord. No. 10-O-12; 4-27-2015 by Ord. No. 15-O-01]**

- (1) The purpose of the Integrated Business District (IBD) is to provide residential, recreational, educational, retail, entertainment, and other commercial uses in an aesthetically pleasing and functionally compatible manner, to complement existing residential areas, to blend development with the environmental characteristics of the land, and to facilitate the efficient delivery and use of public services. The object is to use site plan and architectural guidelines to promote land use flexibility and design creativity, to create comfortable and harmonious development that appeals to people living, working, shopping, and socializing within the IBD. The IBD will seek to maintain a common theme and character through the use of specific zoning regulations, design requirements, and architectural review procedures established to encourage flexibility in land planning and generally to align the design, character, and quality of mixed uses. The IBD area west of the I-95 interchange will encourage mixed-use development consistent with the degree and intensity of Ripken Stadium and University Center architectural and design standards known already to attract social interchange through commercial, educational, entertainment, and recreational activity.
- (2) IBD site development requirements. All permitted uses within the IBD shall be subject to the following site development requirements:
  - (a) Site plan review will be in accordance with the Aberdeen Development Code and Subdivision Regulations,<sup>35</sup> the Aberdeen overlay district regulations and design requirements,<sup>36</sup> and the overall development goals of the IBD.
  - (b) Sidewalks shall be provided as an integral component of the development's articulation, design, and landscaping.
  - (c) Development within the IBD shall include pedestrian and vehicular connections to public roads serving existing or planned public transit, adjacent communities, and other off-site destinations.
- (3) Building setbacks. Unless otherwise noted, refer to § 235-21.
  - (a) Major arterial road rights-of-way, such as Churchville Road (MD 22), shall have a minimum building setback of 25 feet and shall have a landscaped area included in the setback area.

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35.Editor's Note: See Ch. 475, Subdivision of Land.

36.Editor's Note: See § 235-40.



- (b) Collector roads, such as Technology Drive and Long Drive, shall have a minimum building setback of 25 feet and shall have a landscaped area included in the setback area.
  - (c) Local roads, such as Gilbert Road, shall have a minimum building setback of 25 feet and shall have a landscaped area included in the setback area.
  - (d) A minimum twenty-foot landscaped area in addition to the building setback for the district shall be required for any commercial use adjacent to an existing residential use. Buildings cannot be located in the required landscaped area.
  - (e) All residential development shall be in accordance with the R-2 residential requirements for dwelling, detached, single-family.
- (4) Height. The maximum height of any building shall be as follows:
- (a) For properties fronting on MD 22, the maximum height shall be 40 feet.
  - (b) For all other properties located within the IBD, the maximum height shall be 80 feet.
  - (c) Residential dwellings located in the IBD shall not exceed a height of 40 feet.
  - (d) Accessory use structures shall not exceed a height of 20 feet.
- (5) Permitted drive-through lanes for any building in the IBD shall be located at the side or rear of the building. Access and stacking lanes serving the drive-through shall be located at the side or rear of the building.
- (6) Landscaping. The district shall include landscaping to enhance the streetscape, to form public spaces, to improve the quality of the natural environment, and to break up the impervious surface of parking lots. A minimum of 10% landscaping shall be required for all commercial and institutional uses. (See the Aberdeen overlay district regulations and design requirements<sup>37</sup> for the IBD.)
- (7) Any side of a building facing a public way or a public space shall be finished with the same type of materials as the front facade of the building.
- (8) Truck parking and loading spaces shall not be visible from MD 22 and Long Drive.
- (9) Screening for dumpster enclosures and pads may be visible from MD 22 and Long Drive.

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37. Editor's Note: See § 235-40.

- (10) Open space may be designed for active recreation, passive recreation, pathways (other than sidewalks), conservation areas, and/or natural buffers.
  - (11) Permitted uses in the IBD are provided in Appendix A, Table of Use Regulations.<sup>38</sup>
  - (12) Freestanding artistic elements shall be permitted in the IBD, and the Architectural Review Committee shall have final design approval prior to building permit approval. The height of any artistic element shall not exceed 25 feet.
  - (13) The applicant shall prepare a preliminary site plan in accordance with the site development requirements in this section and/or the requirements of the Aberdeen Development Code, Subdivision Regulations,<sup>39</sup> and the Aberdeen overlay district regulations and design requirements<sup>40</sup> for review first by the Department of Planning and Community Development staff and the Architectural Review Committee prior to review and recommendation by the Planning Commission.
  - (14) The Planning Commission shall hold a review of the preliminary site plan along with the Department of Planning and Community Development staff and Architectural Review Committee recommendations and make recommendations to the Mayor and City Council on the preliminary site plan upon finding that the preliminary site plan accomplishes the purposes, minimum standards, and requirements of the IBD.
- N. I-95 Overlay District. The purpose of this district is to provide a planned unit development of high-quality single-family residences, office, research and educational uses in a campus-like setting and complementary commercial/recreational uses. The Ripken Stadium and Ripken Academy are the major landmarks for this district and will attract interests across the United States and around the world. Thus, the principal vision for this area is to attract new development that will complement the strong aesthetic appeal of the Ripken complexes. The I-95 Overlay District boundaries are described as the properties bordering Route 22 (Churchville Road), Gilbert Road and I-95 located within the current City corporate limits. This district is subject to design requirements.
- O. Transit Oriented Development District. **[Added 2-24-2014 by Ord. No. 14-O-05]**
- (1) The intent of the Transit Oriented Development (TOD) District is to implement and encourage the redevelopment of properties

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38. Editor's Note: Appendix A is included as an attachment to this chapter.

39. Editor's Note: See Ch. 475, Subdivision of Land.

40. Editor's Note: See § 235-40.

within the Aberdeen TOD. The TOD District is shown on the TOD Designated Area Map (June 20, 2012) that appears in § 235-43.

- (2) The TOD District provides specific standards necessary to promote the goals and objectives of the Aberdeen Comprehensive Plan and the Aberdeen TOD Master Plan (adopted by Resolution No. 12-R-01, May 7, 2012) that appears in § 235-43. These regulations are designed to maximize the development potential of the Aberdeen TOD to foster a mix of vertical and horizontal land uses, promote shopfronts and commercial uses at street level, accommodate wide pedestrian-friendly sidewalks and multimodal streets, encourage upper-story residential and office uses, and provide on-site parking facilities in the rear and accesses when possible through rear alleys or side streets. The Aberdeen Comprehensive Plan Land Use Element Goals and Objectives specifically call for the adoption of development regulations to implement the TOD. These provisions have been further refined in the Aberdeen TOD Master Plan. In the event of a conflict between Subsection O and the remainder of the Development Code, Subsection O prevails. The TOD District allows a range of uses that may be permitted for properties within these areas to include a mix of residential, commercial and institutional uses. A complete listing of uses permitted in the TOD District is contained in Appendix A, Table of Use Regulations, in this chapter.<sup>41</sup>
- (3) The TOD District regulations illustrate the types of streets, buildings, heights, and mixes of use that create the desired "form" presented in the Master Plan. TOD Master Plan Land Use Concepts (adopted by Resolution No. 12-R-01, May 7, 2012) was utilized as the basis for establishing the TOD Districts. The TOD District regulations provide for, among other subjects, the establishment of building type and orientation, site design, and other standards that apply to all development proposed to be constructed in the TOD District. The TOD District is transect-based with a corresponding regulating plan that prescribes the appropriate permitted uses, building heights, site design, building type, building frontage types, pedestrian environment and streetscape in the TOD Designated Area, based on the parcel's location. (See Aberdeen TOD Regulating Plan that appears in § 235-43.)
  - (a) The following TOD Districts are established:
    - [1] TOD Neighborhood (TOD-N). The TOD Neighborhood District (TOD-N) consists of mixed uses but primarily residential and provides for a transition in development size from the adjacent TOD Districts to adjacent residential areas. Buildings range from two to four stories, include a variety of uses and building frontage types. Building placement and landscaping are variable, and

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**41. Editor's Note: Appendix A is included as an attachment to this chapter.**

streets include curbs and sidewalks to create a highly walkable district. This area is classified as the Transect Zone 4 and identified as "(T4)" on the Aberdeen TOD Regulating Plan.

- [2] TOD Corridor (TOD-C). The TOD Corridor (TOD-C) is an area in which parcels are generally within one block of US 40/Philadelphia Boulevard to promote a mix of commercial and residential redevelopment and to enhance areas adjacent to Aberdeen's compact, walkable downtown. An active primary frontage edge is created through vertical mixed use as well as residential and workplace buildings. Street-fronting uses are required and will be supported by streetscapes that create a highly walkable zone. Buildings range from two to six stories with bonus provisions for up to two additional stories, include a variety of uses and building frontage types. Building frontages are configured and oriented to public streets. This area is classified as the Transect Zone five and identified as "(T5)" on the Aberdeen TOD Regulating Plan.
- [3] TOD Downtown (TOD-D).
  - [a] The TOD Downtown (TOD-D) is an area of the highest intensity and greatest variety of uses, and is generally located within a one-block area of the Aberdeen MARC/Amtrak train station and the intersection of US 40 and West Bel Air Avenue. This area is classified as the Transect Zone 6 and identified as "(T6)" on the Aberdeen TOD Regulating Plan.
  - [b] The TOD-D is intended to be the heart of the TOD area and provide a highly visible presence and identity for Aberdeen along the US 40/Philadelphia Boulevard corridor and create a high-intensity, highly walkable mixed-use district with the following features:
    - [i] Buildings ranging from two to eight stories in height with bonus provisions for up to four additional stories.
    - [ii] Ground-floor shopfronts, with wide sidewalks to promote a highly walkable district.
    - [iii] Improved public spaces including public plazas, street trees, pedestrian-scale lights and public art.
    - [iv] The majority of parking is consolidated in structures, at curbs of public streets and behind buildings.

[4] Special District (SD).

[a] Special Districts (SD) are areas with buildings that by their function, disposition or configuration cannot or should not conform to the requirements of any of the TOD District zones or combination of zones. Examples include Aberdeen City Hall, the library, and the Aberdeen MARC/Amtrak train station and supporting parcels. Conditions for redevelopment or development for SD areas shall be subject to review and approval by the Architectural Review Committee, Planning Commission and City Council.

[b] Park. Parks are public spaces that are available as recreational spaces that are accessible to, and adequate for, the recreational function and persons they are designed to serve, such as Festival Square.

(4) TOD District site development requirements. All permitted uses with the TOD District shall be subject to the following site development requirements. The provisions of the Aberdeen Development Code shall apply except as modified herein.

(a) Site plan review will be in accordance with this chapter and subdivision regulations.

(b) All development, redevelopment or additions to existing buildings within the TOD District shall be subject to review by the Architectural Review Committee for conformance with the standards established in this chapter.

(c) Streets within the TOD District shall be maintained or improved to enhance pedestrian, bicycle and vehicular connections.

(d) Street types reflect the character of the intensity of anticipated developments within the TOD District and are utilized to guide development standards such as minimum sidewalk widths, building siting, frontage type, and height.

(e) Sidewalks shall be provided and treated as an integral component of the development's design, landscaping and pedestrian connectivity. (See Illustrations 2 to 13.)

(5) Building placement. All building frontages in the TOD District shall be constructed at the required build to line to maintain the street edge and shall be oriented to the primary frontage of the lot. (See Illustration 22, Building Frontages.)

(a) Streets in the TOD Districts have been classified consistent with the following typologies. (See Illustration I, Street Typologies.)

- [1] Arterial streets.
  - [a] Regional connector.
  - [b] Commercial primary.
  - [c] Village Center mixed-use.
  - [d] Residential.
- [2] Collector streets.
  - [a] Neighborhood principal streets.
  - [b] Village Center streets.
  - [c] Neighborhood minor streets.
- (b) Build to lines (BTL).
  - [1] Build to lines within the TOD District are governed by the district designation as identified on the Regulating Plan, Street Typologies, and the identification of principal frontages. See Illustrations 1 to 18. Build to lines are determined by the location of the parcel in relation to the street types and width of sidewalk that serve the parcel as identified in the street profiles.
  - [2] Placement of future buildings will need to reflect either:
    - [a] Location of back of existing sidewalks consistent with the street profiles depicted in the Illustrations 2 to 17;
    - [b] Location of back of sidewalk following street reconstruction; or
    - [c] If street/sidewalk improvement has not yet taken place, approved City plans for sidewalk reconstruction/location that locate the back of the sidewalk.
  - [3] Build to line/primary building frontage.
    - [a] The Build to line (BTL)/primary building frontage requires the implementation of minimum sidewalk improvements as depicted in Illustrations 2 to 17. This dimension is located at the line at the back of the sidewalk along a primary street and is the BTL as shown in Illustration 23, Frontage Build to Line.
    - [b] The BTL shall not exceed the maximum dimensions necessary to satisfy any required right-of-way. BTL shall be measured from the back of curb, rather than parcel line, and shall consist of the following widths and are further identified on the applicable

Illustrations 2 to 17 for the street that the lot's frontage is located on:

<b>Street Frontage Types</b>	<b>Build To Line</b>	
	<b>Minimum (feet)</b>	<b>Maximum (feet)</b>
Village Center mixed-use arterial		
North Philadelphia Boulevard (US 40N)	12	20
South Philadelphia Boulevard (US 40S)	20	24
Village Center collector streets		
Main Street (MS)	8	20
Festival Street (FS)	10	50
Neighborhood principal streets		
Street with limited on-street parking (STL)	10	14
Street with no on-street parking (STN)	10	14
Neighborhood street (NS)	10	14
Neighborhood minor streets	10	14

- [4] Secondary frontage build to line (BTL). Secondary frontage BTL is applicable when a parcel is a corner lot bordered by two streets. This dimension is located at the line at the back of the sidewalk and is the secondary frontage BTL as shown in Illustration 23, Frontage Build to Line. Building frontage standards are those noted above for primary building frontage and further defined on the applicable Illustrations 2 to 17 for the street that the lot's secondary frontage is located on. The secondary frontage BTL shall maintain a minimum of 10 feet.
- [5] Festival Square buffer BTL. To preserve large growth trees and/or areas appropriate for forest conservation, the BTL may be adjusted to provide a buffer of up to 50 feet on parcels fronting a Festival Square street as provided in Illustration 28, Festival Square Buffer.

- (c) Building disposition. The placement of a building on its lot is governed by the property's TOD District designation. Building types are identified by building style and the corresponding yard type. Building types include edgeyard, sideyard, rearyard, and courtyard. (See Illustration 21, Building Disposition). The rearyard building type is the most common type found in the TOD area and is characterized with shopfront facades continuously lining the street and with parking provided in the back.
- (d) Building frontages.
  - [1] Allowable extensions beyond the build to line. Awnings, porches, stoops, stairs and entrance overhangs, are permitted to extend beyond the build to line, provided a minimum of at least five feet of unobstructed sidewalk is maintained. Examples of extension are shown in Illustration 22, Building Frontages. Balconies, upper-story bay windows, eaves and building entrance overhangs such as canopies and awnings may extend beyond the build to line up to a maximum of seven feet along Village Center mixed-use arterials, up to six feet along Village Center collector streets and up to five feet along alleys, and neighborhood minor and principal streets. All permitted overhangs must provide a minimum of eight feet clear height above sidewalk grade.
  - [2] Frontage buildout. In the TOD-C and TOD-D Districts, the minimum frontage buildout shall be 80% of the lot frontage. In order to connect the public sidewalk with courtyards and parking lots in the interior or at the rear of a parcel, development may incorporate a passage that counts towards the frontage coverage requirements. The minimum width of a passage shall be eight feet and not exceed 20% of the lot frontage. (See Illustration 27, Open Space Types, and Illustration 29, Passage.)
  - [3] Retail/commercial shopfronts and opacity requirements.
    - [a] Buildings that front streets identified as primary frontages on the Retail/Commercial Shopfronts Illustration 19, are required to provide a shopfront at the sidewalk level along the entire building frontage that is designed to support retail and commercial uses. Buildings that front streets identified as secondary frontages (Illustration 19, Retail/Commercial Shopfronts) are encouraged to provide a shopfront at the sidewalk level along the length of the entire building frontage. The shopfront shall be no less than 70% glazed in clear glass. (See Illustration 20, Opacity/Windows.)



- [b] High-quality materials should be used for shopfronts such as crafted wood, stainless steel, bronze, and other ornamental metals. Detailing such as carved woodwork, stonework, or applied ornament should be used, to create noticeable detail for pedestrians and patrons. Doors may be flanked by columns, decorative fixtures or other details.
- [4] Expression line. An expression line shall delineate the division between the first story and the second story. A cornice shall delineate the tops of the facades. Expression lines shall either be moldings extending a minimum of two inches, or jogs in the surface plane in the building wall greater than two inches. Cornices shall extend a minimum of 10 inches from the cornice wall. See Illustration 43, Expression Line, and Illustrations 38 and 39, Height Variations with Two-Story Building.
- [5] Build-to-corner. Buildings must "hold the corner" of the parcel at the intersection of two primary streets. The build-to-corner location is defined by the required build to lines. Where the build-to-corner building placement is required, new development must meet this requirement by siting the building at its street corner. Where an intersection is formed with a state road, state sight distance criteria shall also be applied. (See Appendix B.<sup>42</sup>)
- (e) Side yard setback. There is no minimum side yard setback between buildings or minimum space between buildings. In TOD-C and TOD-D Districts, the maximum side yard setback is 24 feet.
- (f) Rear setback.
- [1] Rear setbacks must be maintained to accommodate rear alley maintenance.
- [2] Maintenance of Aberdeen's existing interconnected rear alley system is vital to street network and ensuring mobility within these TOD Districts.
- [3] The minimum rear setback shall be 10 feet. When abutting residential uses, the minimum rear setback shall be consistent with § 235-30, Buffer yards.
- (g) Alley setback. Alley setback is the minimum distance from the alley edge of pavement to any building. The minimum alley setback shall be 10 feet.

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**42. Editor's Note: Appendix B is included as an attachment to this chapter.**

- (h) Space between buildings. There is no minimum space between buildings.

(6) Height.

- (a) To implement the ambiance and scale of the TOD area, no building or structure shall be erected or altered to exceed the following dimensions:

- [1] In the TOD-N, the maximum building height shall be limited to a maximum of 52 feet or four stories; the minimum building height shall be 20 feet or two stories. (See Illustration 30, TOD-N Height, and Illustration 35, Floor Heights by Story.)
- [2] In the TOD-C, the maximum building height shall be limited to a maximum of 76 feet or six stories; the minimum building height shall be 21 feet or two stories. (See Illustration 31, TOD-C Height, and Illustration 35, Floor Heights by Story.)
- [3] In the TOD-D, the maximum building height shall be limited to a maximum of 100 feet or eight stories; the minimum building height shall be 21 feet or two stories. (See Illustration 32, TOD-D Height, and Illustration 35, Floor Heights by Story.)

- (b) Bonus height. As an incentive to include structured parking in new buildings and preserve and publicly dedicate parks and open space, additional bonus stories may be granted for only one of the following provisions:

- [1] Parking bonus. Within the TOD Districts, if structured parking is incorporated into the building, a parking height bonus of one additional building story may be approved for every floor of parking, ranging from one to four additional stories in TOD-D and from one to two additional stories in TOD-C. (See Illustrations 33 and 34, Open Space and Parking Bonus Height, and Illustrations 36 and 37, Floor to Ceiling Heights.)
- [2] Preservation-of-open-space bonus. If public parks and/or plazas are dedicated and preserved within the TOD Districts, an open-space height bonus may be approved ranging from one to four additional stories in TOD-D and from one to two additional stories in TOD-C. (See Illustrations 33 and 34, Open Space and Parking Bonus Height, and Illustrations 36 and 37, Floor to Ceiling Heights.)

- (c) Two-story minimum. A minimum building height of two enclosed floors of use is encouraged for all new development

and redevelopment in the TOD Districts. Alternatively, when two enclosed floors of use are not warranted, the structure must be designed to support future upper-story construction and provide minimum twenty-three-foot front facade emulating a two-story structure. (See Illustrations 38 and 39, Height Variations with Two-Story Building.)

- (7) Any drive-through windows and stacking lanes in the TOD Districts shall be located at the rear of the building in mid-block and alley accessed locations provided they do not substantially disrupt pedestrian activity or surrounding uses.
- (8) Outdoor dining shall be permitted on parcels fronting West Bel Air Avenue and US 40 in locations that provide sidewalks of at least 12 feet in width and maintain a minimum ten-foot pedestrian and landscape area.
- (9) Landscaping.
  - (a) Street trees and/or environmental site design (ESD) planting areas are required along all public frontages and must meet applicable stormwater management requirements. (See Illustrations 25 and 26, Sidewalk Widths, Planting Areas and ESD.)
  - (b) The use of street trees or ESD planting areas are encouraged to match on both sides of the block.
  - (c) One street tree shall be planted in the landscaped area for every 25 feet of street frontage. The planting area for the street tree shall be located at back of curb, shall be a minimum of four feet by four feet in size. Minimum size of the planting area varies by sidewalk depth based on street frontage type. (See Illustrations 25 and 26, Sidewalk Widths, Planting Areas and ESD.)
  - (d) Within the TOD Districts, the types of street trees permitted shall be deciduous, ornamental or flowering trees of two-inch caliper or greater at the time of planting diameter at breast height (DBH) and minimum of eight feet in height. Tree species should be appropriate for height constraints associated with any urban overhead utilities or other obstacles. Planting of native species is encouraged.
  - (e) ESD areas shall consist of areas located at the back of curb which are a minimum of four feet by four feet in size and shall be located at least 12 feet apart. Maximum size varies by street frontage type, due to required sidewalk widths. (See Illustrations 25 and 26, Sidewalk Widths, Planting Areas and ESD.)
- (10) Parking.

- (a) This section contains development standards and design guidelines to ensure that parking within the TOD District is convenient and accessible, accommodates all land uses, and supports the Aberdeen TOD Master Plan's intended goals, including:
- [1] Maintaining and improving the pedestrian-friendly environment by encouraging people to park once at convenient shared parking locations that provide access to a variety of commercial enterprises through the pedestrian network.
  - [2] Avoiding adverse parking impacts on neighborhoods adjacent to the TOD District.
  - [3] Maximizing on-street parking.
  - [4] Limiting the location of surface parking to the rear of the property (third lot layer).
  - [5] Providing flexibility for redevelopment of small sites, encouraging shared, complimentary and off-site parking facilities for development within the TOD District.
- (b) Parking calculations. Required parking may be provided off site within the TOD District at the following required parking rates shown in Table 1. Mixed-use developments may also utilize the shared parking factors. The required parking space dimensions are nine feet by 18 feet. (See Shared Parking Factors matrix below Table 1, Shared Parking Ratios<sup>43</sup> in accordance with these rates.):
- [1] Residential.
    - [a] A minimum of 1.0 parking space per principal dwelling unit in TOD-C and TOD-D and 1.5 parking spaces per principal dwelling unit in TOD-N. The parking ratio may be reduced according to the shared-parking standard. (See Shared Parking Factors matrix below Table 1, Shared Parking Ratios.<sup>44</sup>
    - [b] New on-street parking spaces provided for adjoining ground floor residential uses may be counted toward the minimum parking requirement for that property.
  - [2] Lodging. A minimum of one parking space for every bedroom. The parking ratio may be reduced according to the shared-parking standard. (See Shared Parking Factors matrix below Table 1, Shared Parking Ratios.<sup>45</sup>)

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**43.Editor's Note: Table 1 follows Subsection O(10)(c)[2].**

**44.Editor's Note: Table 1 follows Subsection O(10)(c)[2].**

- [3] Retail. A minimum of three parking spaces for every 1,000 square feet of gross floor area in TOD-C and TOD-D and a minimum of four parking spaces for every 1,000 square feet of gross floor area in TOD-N. The parking ratio may be reduced according to the shared-parking standard. (See Shared Parking Factors matrix below Table 1, Shared Parking Ratios.<sup>46</sup>)
- [4] Office. A minimum of two parking spaces for every 1,000 square feet of gross floor area in TOD-C and TOD-D and a minimum of three parking spaces for every 1,000 square feet of gross floor area in TOD-N. The parking ratio may be reduced according to the shared-parking standard. (See Shared Parking Factors matrix below Table 1, Shared Parking Ratios.<sup>47</sup>)

(c) Bicycle parking.

- [1] To offset parking reductions within the TOD District and to enhance and support bicycle usage, the developer must provide:
  - [a] For residential development, one tenant bicycle parking rack or bicycle locker per five units on site.
  - [b] For retail development, one employee bicycle parking rack or bicycle locker per 7,500 square feet of gross floor area on site.
  - [c] For office development, one employee bicycle parking rack or bicycle locker per 10,000 square feet of gross floor area on site.
- [2] All bicycle parking facilities are to be highly visible to intended users. Bicycle racks provided at designated bus stops shall not count towards meeting the bicycle parking requirements. The bicycle parking facilities, including the bicycle, shall not encroach on any area in the public right-of-way intended for use by pedestrians, nor shall they encroach on any required fire egress.

**Table 1: Shared Parking Ratios  
(Required Parking)**

	<b>TOD-N(T4)</b>	<b>TOD-C (T5)</b>	<b>TOD-D (T6)</b>
Residential	1.5/dwelling	1.0/dwelling	1.0/dwelling
Lodging	1.0/bedroom	1.0/bedroom	1.0/bedroom

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45.Editor's Note: Table 1 follows Subsection O(10)(c)[2].

46.Editor's Note: Table 1 follows Subsection O(10)(c)[2].

47.Editor's Note: Table 1 follows Subsection O(10)(c)[2].

**Table 1: Shared Parking Ratios  
(Required Parking)**

	<b>TOD-N(T4)</b>	<b>TOD-C (T5)</b>	<b>TOD-D (T6)</b>
Office	3.0/1000 square feet	2.0/1000 square feet	2.0/1000 square feet
Retail	4.0/1000 square feet	3.0/1000 square feet	3.0/1000 square feet
Other	To be determined by application of § 235-25, Off-street parking and loading requirements.		

**Shared Parking Factors**

Function	with	Function
RESIDENTIAL		RESIDENTIAL
LODGING		LODGING
OFFICE		OFFICE
RETAIL		RETAIL

The actual parking required is calculated by adding the total number of spaces required by each separate function and dividing the total by the appropriate factor from the shared parking matrix above. An example of this calculation: The residential function requires 10 spaces while the office portion requires 12 spaces. Independently they would require 22 spaces, but when divided by the sharing factor of 1.4, they would require only 16 spaces. A second way to calculate: If there are a total of 22 spaces available for residential and office, multiplying this by the factor of 1.4 gives the equivalent of 30 spaces. When three or more functions share parking, use the lowest factor so that enough parking is assured.

(d) Parking facilities.

- [1] Wrapped surface parking. A surface parking lot shall be wrapped with a building (liner) that is located between the parcel's street frontage(s) and the parking lot. The parking lot is sited behind buildings, in the third lot layer, and no portion of the parking lot is visible from the primary street. An example of a wrapped surface parking lot with liner buildings can be seen in multiple examples in Illustration 27. Lot layers are depicted on Illustration 26 and Illustrations 40 and 41.
- [2] Parking structure.

- [a] An exposed parking structure shall not be located in the first and second lot layers on the ground level. Non-parking uses are required to be integrated into the building along principal street frontages. Non-parking uses are encouraged on all other frontages. The parking structure may be exposed to the building's street frontage(s) and second and or third lot layers on upper levels. (See Illustrations 40 to 42, Lot Layers and Parking.)
- [b] Non-parking uses are encouraged to be integrated into the building along secondary street frontages, further hiding the parking structure from view. Structures used exclusively for parking (parking garages) are limited to six stories in the TOD-C District and eight stories in the TOD-D District. (See Illustrations 33 and 34, Open Space and Parking Bonus Height and Illustrations 36 and 37, Floor to Ceiling Heights.)
- [3] Open/surface parking. Open or surface parking lots in the first and second lot layers are prohibited. All open or surface parking areas are to be located in the third lot layer. Open parking areas shall be masked from the frontage by a building or street screen.
- (e) Parking facility access. Access to parking facilities shall be provided from the rear in alleyways, internal driveways or side streets. Parking facilities on adjoining lots are encouraged to share access points and driveways, subject to a shared use agreement between the affected parcels.
- (11) Open space. Open space within the TOD Districts shall consist of areas designated for active recreation, passive recreation, plazas, pathways, passages, sidewalks, ESD and tree planting areas, conservation areas, and/or natural buffers as provided in Illustrations 25 to 29.
- (12) Signage. Signs in the TOD Districts shall be one of the types shown in Illustration 44, Signage, and shall be consistent with the provisions of the Aberdeen Sign Regulations.

#### **§ 235-19. Use table.**

See Appendix A for uses principally permitted and permitted by special exception within each district.<sup>48</sup>

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**48. Editor's Note: Appendix A is included as an attachment to this chapter.**





ARTICLE IV  
**Provisions Applicable to All Districts**

**§ 235-20. General lot requirements.**

- A. Every building hereafter created, reconstructed, converted, moved or structurally altered shall be located on a lot of record, and in no case shall there be more than one principal building on one lot except as provided below:
- (1) Apartment buildings.
  - (2) Commercial or industrial buildings.
  - (3) Condominiums.
  - (4) Office/research/educational or industrial.
  - (5) Public, semipublic or institutional buildings.
  - (6) Shopping centers.
  - (7) Agricultural land.
  - (8) Main Street retail center.
  - (9) Retirement community.
- B. Construction of any building or portion thereof outside the buildable area of the lot shall not be permitted.
- C. Access to public street. Every lot shall front on a public street and shall have the minimum width at the building setback line required for the zoning district. No panhandle lot shall be permitted. All new dwellings will be constructed on an improved road and have access to a sidewalk on either or both sides of the improved road in front of the residence.
- D. Sight triangle.
- (1) Except in instances where traffic visibility is not impacted due to one-way traffic patterns, no sign, fence, wall, hedge, planting, structure, unit or other temporary or permanent obstruction to vision, extending to a height in excess of three feet above the established street grade, shall be erected, planted, placed or maintained within the sight triangle of an intersection.
  - (2) Where an intersection is formed with a state road, state sight distance criteria shall also be applied. (See Appendix B.)<sup>49</sup>
  - (3) Poles, posts and guys for streetlights and other utility services shall not be considered obstructions to vision within the meaning of this subsection.<sup>50</sup>

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**49. Editor's Note: Appendix B is included as an attachment to this chapter.**

**§ 235-21. Lot area, width and yard requirements.**

Table I specifies the minimum lot area, width and yard requirements to be provided in the various residential zoning districts for the principal uses enumerated. Table II specifies the minimum lot area, width and yard requirements to be provided in the various commercial and industrial zoning districts for the principal uses enumerated.

- A. Division of building, parcel or lot. Division of existing buildings, parcels or lots shall not be permitted if the proposed division would create buildings or lots which do not comply with the requirements of this section.
- B. Lack of public facilities. In any district where either a public water supply or public sanitary sewer is not accessible and where an acceptable community water supply and sewerage system is not provided, the required lot areas shall be determined in accordance with applicable State Department of Health and Mental Hygiene and Maryland Department of the Environment regulations, unless such regulations require a lot size less than the minimum otherwise specified for in the zoning district. **[Amended 8-25-2008 by Ord. No. 08-2; 8-23-2010 by Ord. No. 10-O-12; 4-27-2015 by Ord. No. 15-O-01]**

**Table I: Lot Area, Lot Width and Yard Requirements for Residential Zoning Districts**

Uses	Lot Area (square feet)	Lot Width (feet)	Lot Area Per Family	Front Yard Depth (feet)	Rear Yard Depth (feet)	Side Yards	
						Least Width (feet)	Sum of Widths (feet)
Dwelling, detached, single-family R-1	15,000	100	15,000	40	50	15	30
Dwelling, detached, single-family R-2	7,200	60	7,200	30	40	10	20
Dwelling, detached, single-family R-3	5,000	50	5,000	25	35	7	14
Dwelling, semidetached or two-family R-2	9,000	80	4,500	30	40	14	28

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50. Editor's Note: Former Subsection E, regarding provisions for installation of security cameras, added 10-15-2007 by Ord. No. 731-07, was repealed 6-3-2013 by Ord. No. 13-O-04.

**Table I: Lot Area, Lot Width and Yard Requirements for Residential Zoning Districts**

<b>Uses</b>	<b>Lot Area (square feet)</b>	<b>Lot Width (feet)</b>	<b>Lot Area Per Family</b>	<b>Front Yard Depth (feet)</b>	<b>Rear Yard Depth (feet)</b>	<b>Side Yards</b>	
						<b>Least Width (feet)</b>	<b>Sum of Widths (feet)</b>
Dwelling, semidetached or two-family R-3	7,000	70	3,500	25	35	12	24
Dwelling, quad or garden apartments, multifamily 1 to 2 stories R-3	7,500	75	2,500	25	35	10	25
Dwelling, quad or garden apartments, multifamily 2 to 3 stories R-3	7,500	75	2,500	25	35	10	25
Dwelling, mid-rise apartments, multifamily over 3 stories R-3	7,500	75	2,500	25	35	10	25
Dwelling, zero lot line R-2	5,500	55	5,500	30	40	0	25
Dwelling, zero lot line R-3	4,500	50	4,500	25	35	0	20
Dwelling, townhouses, per unit R-3 for interior units	2,500	24	2,500	25	35	0	0
Dwelling, townhouses, per unit R-3 for end units	3,000	28	3,000	25	35	15	30
Churches R-1	3 acres	200	N/A	40	50	25	50
Churches R-2	3 acres	200	N/A	30	40	25	50
Churches R-3	3 acres	200	N/A	25	40	25	50

**Table I: Lot Area, Lot Width and Yard Requirements for Residential Zoning Districts**

Uses	Lot Area (square feet)	Lot Width (feet)	Lot Area Per Family	Front Yard Depth (feet)	Rear Yard Depth (feet)	Side Yards	
						Least Width (feet)	Sum of Widths (feet)
Schools	3 acres	200	N/A	40	50	25	50

**Table II: Lot Area, Lot Width and Yard Requirements for Commercial and Industrial Zoning Districts**

Uses	Lot Area (square feet)	Lot Width (feet)	Front Yard Depth (feet)	Rear Yard Depth (feet)	Side Yards	
					Least Width (feet)	Sum of Widths (feet)
B-1	N/A	50	25	25*	*	*
B-2	N/A	50	5	10*	*	*
B-3	N/A	50	5	25*	*	*
M-1	1 acre	200	50	50*	25*	50*
M-2	1 acre	200	50	50*	30*	70*
IBD	N/A	N/A	25	25	10	10

\* See § 235-30, Buffer yards.

- C. Transit Oriented Development District. This section is not applicable within the Transit Oriented Development Districts. **[Added 2-24-2014 by Ord. No. 14-O-05]**

#### **§ 235-22. Minimum floor area.**

- A. Every dwelling unit shall have a floor area not less than the area specified in Table III for the dwelling type and zoning district in which it is located.
- B. Floor areas shall be measured from outside of walls enclosing usable finished floor space and shall not include basements, cellars, garages, unfinished attic space, attached storage buildings, open porches or steps.

**Table III: Minimum Floor Area Requirements for Dwelling Units**

<b>Dwelling Type</b>	<b>Area Required Per Unit</b>	
	<b>(square feet)</b>	
	<b>1 Story</b>	<b>1 1/2 to 2 1/2 Stories</b>
Dwelling, detached, single-family R-1	1,200	1,400
Dwelling, detached, single-family R-2	900	1,000
Dwelling, detached, single-family R-3	720	900
Dwelling, semidetached or two-family R-2	900	1,000
Dwelling, semidetached or two-family R-3	720	900
Dwelling, quad or garden apartments, multifamily	500 square feet minimum per unit	500 square feet minimum per unit
Dwelling, townhouses	720	900
Dwellings located in other than residential zoning districts shall comply with the minimum floor area requirements of the R-3 Residential District.		

- C. Transit Oriented Development District. This section is not applicable within the Transit Oriented Development Districts. **[Added 2-24-2014 by Ord. No. 14-O-05]**

**§ 235-23. General yard requirements.**

- A. Corner lots. The same front yard depth shall be required of both front lot lines.
- B. Through lots. The same front yard depth shall be required of both front and rear lot lines.
- C. Side and rear yard depth. The minimum side and rear yard depth shall be measured in the following manner:
- (1) Perpendicularly from rear or side lot lines at the closest points to the proposed or existing structure.
  - (2) For any project without individual lots, the side and rear yard shall be measured along the boundaries of the parcel.
- D. For irregular lots, the front, rear and side yard widths shall be measured from the portion of structure closest to the lot line.

- E. Exceptions and modifications to minimum requirements for projections into yards. The following structures shall be allowed to project into the minimum required yard setback not to exceed the following dimensions:
- (1) Awnings, canopies, cornices, eaves or other architectural features: three feet.
  - (2) Bay windows, balconies, chimneys, porches: three feet.
  - (3) Uncovered stairs or necessary landings: six feet.
  - (4) Patios and decks (not enclosed) not exceeding 240 square feet may extend 15 feet into the rear yard setback.
- F. Fences and hedges may be located in required yards in accordance with the following:
- (1) Residential zoning districts.
    - (a) Front yards. Fences and hedges shall not exceed four feet in height above ground elevation. No walls or chain link fences are permitted in the front yard.
    - (b) Rear and side yards. Fences and hedges shall not exceed six feet in height above ground elevation and may be located in any rear or side yard.
    - (c) All fences will be constructed with the finished side facing the neighboring parcel or the street.
    - (d) The use of barbed wire shall not be permitted in any residential district.
    - (e) Stormwater management facilities are required to be fenced and gated in accordance with stormwater management regulations. In residential districts, the fencing shall be approved by the Aberdeen Department of Public Works and will complement the architectural features of the neighborhood.
  - (2) Commercial, industrial or agricultural zoning districts.
    - (a) Chain link security fences not exceeding a total of eight feet in height above the elevation of the surface may be located around commercial or industrial structures located in any commercial, industrial or agricultural district or around any public utility substation.
    - (b) A barbed wire guard not exceeding two feet in vertical height may be added to such a fence, provided that no barbed wire may be placed less than eight feet from the ground.

- G. Transit Oriented Development District. This section is not applicable within the Transit Oriented Development Districts. **[Added 2-24-2014 by Ord. No. 14-O-05]**

**§ 235-24. General height requirements.**

A. Residential zoning districts.

(1) Requirements in R-1 and R-2 Zoning Districts are as follows:

- (a) No principal structure shall exceed 40 feet in height.
- (b) No accessory structure shall exceed 20 feet in height or the height of the principal structure.

(2) Requirements in R-3 Zoning Districts are as follows:

- (a) No dwelling shall exceed 50 feet in height.
- (b) No accessory structure shall exceed 20 feet in height or the height of the principal structure.

B. Commercial and industrial zoning districts.

(1) Buildings shall not exceed 60 feet in height in any B Districts.

- (2) In industrial districts, no structures shall exceed 60 feet in height, except that grain elevators, gas holders, coal bunkers, oil cracking towers and other similar structures may have a maximum of 125 feet in height. Whenever any building or structure adjoins or abuts a residential district, such building or structure shall not exceed 50 feet in height unless set back one foot from all required yard lines for each foot of additional height above 50 feet.

C. Exceptions and modifications to maximum height requirements.

(1) General exceptions. The building height limitations shall not apply to the following:

- (a) Fire or parapet walls, towers, steeples, flagpoles, and radio and television antennas.
- (b) Bulkheads, roof structures, water tanks, ventilating fans or similar equipment required to operate and maintain the building.
- (c) Integrated Business District.
- (d) Transit Oriented Development Districts. **[Added 2-24-2014 by Ord. No. 14-O-05]**

**§ 235-25. Off-street parking and loading requirements.**

- A. Generally. No structure shall be erected, substantially altered, or its use changed unless permanent off-street parking and loading spaces have been provided in accordance with this chapter. In the Transit Oriented Development Districts, the I-95 and Downtown Revitalization Overlay Districts and the Integrated Business District, the special parking provisions described therein will apply. **[Amended 2-24-2014 by Ord. No. 14-O-05]**
- (1) The number of individual seats, except as otherwise required, shall determine parking and loading requirements per seat.
  - (2) Parking requirements may be provided in attached or detached garages, in off-street parking lots or on parking pads on the lot.
  - (3) Each required off-street parking space shall measure a minimum of nine feet by 18 feet unless the spaces are designated handicapped parking. For calculating the minimum gross area for the required parking, driving aisle, general circulation, and landscaping, 325 square feet per parking space shall be used. **[Amended 8-23-2010 by Ord. No. 10-O-12]**
  - (4) In the B-1, B-2 and B-3 Districts, all commercial vehicles owned by the property owners or tenants must be parked in the rear of the property. **[Amended 8-23-2010 by Ord. No. 10-O-12]**
  - (5) Parking and loading space requirements for two or more main uses on the same property shall be the sum of the individual requirements for each such use, except where different uses will be operating during different time segments. In the latter case, such requirements shall be the greater of the individual use requirements operating at any time period.
  - (6) Provisions for the physically handicapped shall be provided pursuant to state law.
  - (7) All required parking areas; loading areas and driveways shall provide a concrete or bituminous finished surface. The surface shall be marked to provide for orderly and safe loading or parking of vehicles.
  - (8) Parking lot landscaping requirement: 5% of the required parking area shall be landscaped. The parking area shall be set back a minimum of five feet from collector road rights-of-way and 10 feet from arterial road rights-of-way. A landscaped bed to include one medium or large tree, when fully matured, will be provided for every 10 parking spaces, subject to review of a landscape plan. The landscape plan will be required to be prepared by a licensed landscape architect.
  - (9) Residential group parking areas shall not serve as general circulation.



- (10) Two access points are required for more than 100 residential dwelling units and hotels with more than 75 rooms.
- (11) The number of residential parking spaces in an unbroken row shall not exceed 16.
- (12) Lighting used to illuminate parking areas shall be directed away from adjoining residential premises.
- (13) Drive aisle widths shall be a minimum of 24 feet in width.
- B. Parking space requirements. Unless otherwise provided, the following off-street parking space requirements shall apply:

**Required Off-Street Parking by Use/Activity**

<b>Use or Use Category</b>	<b>Spaces Required Per Unit</b>
<b>Residential</b>	
Bed-and-breakfast	1 per room or unit which is rented
Single-family detached housing	2 per dwelling unit
Single-family attached housing (duplex and townhouse)	2.5 per dwelling unit
Multifamily apartments/condos <b>[Amended 3-8-2010 by Ord. No. 10-O-02]</b>	
1 bedroom	1.5
2 bedrooms	2
For each bedroom over 2	1 per bedroom
Day care (family)	Dwelling requirements and 1 per employee
Halfway house	1 per staff person and 1 per 2 residents
Age-restricted housing/life care facility	2 per dwelling unit
Continuing care facility	See applicable housing type
Personal care home	3 per every 5 beds
<b>Commercial</b>	
Agricultural machinery sales and service	1 per 200 square feet of retail area plus 1 per 800 square feet of storage area
Automobile or boat sales/rental	1 per 300 square feet of gross floor area (excluding storage areas)
Automobile car wash	1 per 2 employees plus 7 stacking spaces per washing lane

### **Required Off-Street Parking by Use/Activity**

<b>Use or Use Category</b>	<b>Spaces Required Per Unit</b>
Automobile filling station or repair shop with or without convenience store	1 per 100 square feet for the station plus 1 per 150 square feet of net retail floor area, minimum of 8
Banks or financial institutions with or without drive-through facilities	1 per 300 square feet of gross floor area and stacking for 4 vehicles at each drive-through/ATM
Banquet facility	1 per 3 seats, plus 1 per every 1.5 employees
Bus or train station, taxi depot and transit center	1 per 200 square feet of gross floor area, minimum of 10 per facility
Business services	1 per 200 square feet of gross floor area, plus 1 per each full-time employee
Coliseums, stadiums and sports camp	1 per 4 seats (restaurant/banquet/retail to be treated separately)
Commercial, amusement and recreational facilities	1 per 300 square feet of gross floor area of any building; golf course, 4 per hole; bowling alley, 4 per lane
Conference center	1 per 4 seats (restaurant/banquet to be treated separately)
Construction services and suppliers	1 per 200 square feet of retail area, plus 1 per 800 square feet of storage area
Convenience retail establishment with accessory fuel pumps	1 per 300 square feet of gross retail floor area plus 2 stacking spaces per side of each fuel pump island
Day-care center (group)	1 per employee and 1 per 10 children/students
Dental office	5 per dentist
Fuel storage facility	1 per each employee at largest shift
Funeral home	1 per 100 square feet of gross floor area
Gourmet food establishments	1 per 200 square feet of net retail floor area
Greenhouse/nursery	4 per 1,000 square feet of lot area used for storage, display or sales
Heliports and helistop	To be determined by Planning Commission

**Required Off-Street Parking by Use/Activity**

<b>Use or Use Category</b>	<b>Spaces Required Per Unit</b>
Hotel/motel	1 space for every room plus 2 spaces for each management staff (restaurant/banquet/retail in motel/hotel to be treated separately)
Kennel	1 per 200 square feet of gross floor area
Main Street retail center	1 per 200 square feet of gross retail floor area plus 1 per employee at largest shift
Medical services	5 per doctor
Mobile home sales	1 per 300 square feet of gross floor area
Motor vehicle painting and body work	1 per 200 square feet of gross floor area
Movie theaters	1 per 4 seats
Nightclubs, lounges, bars and taverns <b>[Amended 3-8-2010 by Ord. No. 10-O-02]</b>	1 per 3 persons permitted under the State Fire Code
Office building	1 per 300 square feet of gross floor area
Open air market (farm, craft and produce markets)	1 per 200 square feet of lot area used for storage, display or sales
Personal services	1 per 200 square feet of gross floor area
Radio and television station	1 per employee at largest shift plus 4 visitor spaces
Restaurant	1 per 3 patron seats plus 1 per employee at largest shift and 2 for carry-out service (if needed)
Restaurant with drive-through facility	1 per 3 patron seats plus 1 per employee at largest shift and 7 stacking spaces for drive-through window
Shoppers' merchandise	1 per 200 square feet of gross retail floor area plus 1 per employee at largest shift
Shopping center <b>[Amended 3-8-2010 by Ord. No. 10-O-02]</b>	
Under 400,000 square feet	4 per 1,000 square feet

**Required Off-Street Parking by Use/Activity**

<b>Use or Use Category</b>	<b>Spaces Required Per Unit</b>
400,000 to 599,999 square feet	4.5 per 1,000 square feet
600,000 square feet and above	5 per 1,000 square feet
Truck repair or truck service station	1 per 200 square feet of gross floor area
Veterinary services	1 per 300 square feet of gross floor area
Wholesale or warehouse establishment	1 space per employee at largest shift
<b>Industrial</b>	
Manufacturing	1 space per employee at largest shift
<b>Institutional</b>	
Art galleries	1 per 400 square feet of gross floor area for public use
Auditoriums/lecture halls	1 per 3 persons based on designed capacity of building
Churches, synagogues and associated schools	1 per 3 seats in the main chapel plus 1 per each teacher
Community center	1 per 250 square feet of gross floor area
Emergency medical service, fire station or police station	1 per employee on largest work shift
Hospital, nursing and other medical treatment facilities	1 space per inpatient and/or outpatient bed plus 2 spaces per 3 employees on the largest work shift plus 1 space per staff doctor
Libraries and museums	1 per 400 square feet of gross floor area for public use
Post office	1 per 300 square feet of gross floor area
Public or governmental buildings	1 per employee at largest shift
Public utilities	Refer to most similar nonpublic use
Schools, colleges and universities, elementary and secondary, trade and vocational	1 per every 3 college or university students; 1 per every 6 high school; 1 per every 15 elementary

### Required Off-Street Parking by Use/Activity

Use or Use Category	Spaces Required Per Unit
Social or fraternal clubs, lodges, union halls and similar uses	1 per 3 persons permitted under Fire Code

- C. Off-street parking shall comply with the state handicap parking regulations in addition to the above requirements.<sup>51</sup>
- D. Joint parking requirements. The Planning Commission may allow joint use parking arrangements to enter into a written agreement acceptable to the City. Joint use arrangements may be authorized for a multiple-use facility when parking is provided at a common on-site facility that has the number of spaces required for each individual use. Joint use of the same parking spaces may be used to meet the parking and loading requirements if:
- (1) The uses operate at different times with no overlay and the parking spaces provided are the number required for the greater generator; or
  - (2) The uses operate during overlapping time periods and the parking spaces provided are 100% of the number required for the greater generator plus 50% of the number required for the secondary generator; and
  - (3) Vehicular and pedestrian access is provided within the development, separately from roads and highways.
- E. Off-street loading.
- (1) Any use which regularly receives deliveries or shipments must provide off-street loading facilities in accordance with the requirements specified below:

#### Gross Floor Area of Building

(square feet)	Number of Spaces Required*
1,000 to 19,000	1
20,000 to 79,000	2
80,000 to 127,999	3
128,000 to 191,000	4
192,000 to 255,999	5

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**51. Editor's Note: Original § 142-25D, which immediately followed this subsection and dealt with the size of off-street parking spaces, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See Subsection A(3) of this section.**

**Gross Floor Area  
of Building**

<b>(square feet)</b>	<b>Number of Spaces Required*</b>
256,000 to 319,999	6
320,000 to 391,999	7

\* Plus one space for each additional 72,000 square feet or fraction thereof

- (2) Minimum dimensions of 12 feet by 55 feet and overhead clearance of 14 feet from street grade are required. Loading and unloading areas shall be so located and designed that the vehicles intended to use them can maneuver safely and conveniently to and from a public right-of-way and complete the loading and unloading operations without obstructing or interfering with any public right-of-way, parking space or parking lot aisle.
  - (3) No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.
  - (4) Loading spaces shall be located at least 50 feet from any residential district, unless the loading space is totally enclosed within a building or screened by a hedge, wall, or solid board fence at least six feet in height.
- F. Parking and loading requirements may be waived or reduced if:
- (1) The Board finds that the exceptional size or shape of the property or other exceptional situation or condition would justify the waiver or reduction.
  - (2) The character or use of the building is such as to make unnecessary the full provision of parking or loading facilities.
  - (3) Adequate community parking and loading facilities are provided.
  - (4) Construction of existing buildings, problems of access, or size of lot makes impractical the provision of required loading space.
- G. The location of off-street parking areas on property adjacent to or at a reasonable distance from the premises on which parking areas are required by the parking regulations may be permitted where practical difficulties, including the acquisition of property, or undue hardships are encountered in locating such parking areas on the premises and where the purpose of these regulations to relieve congestion in the streets would be best served by permitting such parking off the premises. **[Amended 8-23-2010 by Ord. No. 10-O-12]**

**§ 235-26. Outdoor storage.**

- A. Outdoor storage in commercial, industrial, ORE and TOD districts must meet the following requirements: **[Amended 2-24-2014 by Ord. No. 14-O-05]**
- (1) Outdoor storage areas must be surrounded by a uniformly finished fence or wall not exceeding eight feet in height.
  - (2) Such wall or fence shall be maintained in good repair.
  - (3) The items being stored within the wall or fence shall not exceed or be stacked to exceed the height of the wall or fence.
  - (4) Trailers for storage shall be prohibited.
  - (5) Storage of cars and trucks used in connection with the permitted trade or business shall be permitted without restriction.
- B. Storage of construction equipment is not permitted in the R-1, R-2, R-3, B-1, IBD, ORE or TOD Districts. **[Amended 2-24-2014 by Ord. No. 14-O-05]**
- C. Temporary storage containers or similar storage units shall be permitted for no more than 30 days with an approved building permit. **[Amended 8-23-2010 by Ord. No. 10-O-12]**

**§ 235-27. Accessory uses and other restrictions. [Amended 2-24-2014 by Ord. No. 14-O-05; 4-27-2015 by Ord. No. 15-O-02]**

- A. Generally. Except as otherwise restricted by this chapter, customary accessory structures and uses shall be permitted in any district in connection with the principal permitted use within such district.
- B. No accessory use shall be permitted without a principal use.
- C. No accessory use or structure shall be established on any lot prior to substantial completion of the construction of the principal structure.
- D. No accessory use or structure shall increase any impervious surface area beyond the maximum permitted.
- E. No accessory use or structure on any lot shall be established within the required front yard, except signs, fences, walls or parking area, and projections or garages as specified in the exceptions and modifications to minimum yard requirements.
- F. No accessory use or structure, except fences, shall be located within any recorded easement area.
- G. An accessory structure shall be located at least six feet from any other building on the same lot and at least six feet from side and rear property lines.

H. Accessory uses in residential districts. The following accessory uses shall be permitted in residential districts:

- (1) Swimming pools shall be located not less than 10 feet from any side or rear lot line. A walk space at least three feet wide shall be provided around pool walls, and a safety fence with self-closing gate at least four feet in height shall be installed. In the case of aboveground pools more than three feet in height above the yard surface, no fence is required. If the swimming pool is located within the side yard it must be fully screened from adjacent properties and streets.
- (2) The office or studio of a physician or surgeon, dentist, artist, lawyer, architect, engineer, teacher, or person engaged in a home occupation as defined herein, provided that the individual concerned resides on the premises and that not more than 25% of the entire floor space on the lot shall be used for such purpose.
- (3) A private detached garage not exceeding 1,200 square feet.
- (4) The keeping of small animals, insects, reptiles, fish, or birds as pets or for household use and not as a business shall be permitted. The breeding, raising, or possessing of poultry or farm animals shall not be permitted in any district.
- (5) Doghouse for up to five dogs.

I. Restrictions in residential districts.

- (1) The total number of accessory use structures shall not exceed two and the total square feet of said structures shall not exceed 50% of the square footage of the principal use or structure as shown in the records of the Maryland Department of Assessments and Taxation.
- (2) Recreational vehicles, trailers, and boats shall be regulated in the following manner:

- (a) Definitions. As used in this section, the following terms shall have the meanings indicated:

BOAT — A vessel for transport by water constructed to provide buoyancy by excluding water and shaped to give stability and permit propulsion.

RECREATIONAL VEHICLE (RV) — Any camping trailer, motor home, travel trailer, truck camper used primarily for recreational purpose, as well as vehicles including, but not limited to, all-terrain vehicles, boats, snowmobiles, watercraft, and other similar vehicles.

TRAILER — A wheeled unit attached and towed by a motorized vehicle, which is designed to carry property. A trailer cannot be motorized or self-operable.



- (b) Allowable uses. An owner or occupant of a residential structure may store a RV, trailer, or boat owned by the property owner or occupant on his/her property, provided that:

- [1] If stored in the required front yard of the lot, the RV, trailer, or boat shall be parked on the driveway or driveway apron.
- [2] The RV, trailer, or boat is operable and is currently registered in the home state of the owner or occupant of the property. All active military will be exempt from the home state requirement if proof of military identification is provided.
- [3] A boat stored in a residential district shall not be longer than 25 feet in length, and a trailer or RV stored in a residential district shall not be longer than 40 feet in length.
- [4] The RV, trailer, or boat stored on the property cannot exceed a height of 13 feet.

- (c) Exceptions.

- [1] A kayak, canoe, and nontrailer boat less than 17 feet in length shall not be regulated under this chapter.

- (d) Street parking or storage of a recreational vehicle, boat, or trailer is not permitted on any street, except for a period not exceeding 48 consecutive hours for purposes of loading and unloading. A recreational vehicle, boat, or trailer may not be parked or stored in any fashion that would block any public right-of-way or sight lines of drivers, bicyclists, or pedestrians.

- (e) Any RV, boat, camper, or trailer stored on the property may not be utilized for storage unless the items are associated with the accessory use related to the RV, boat, camper, or trailer.

- (f) No occupancy, either permanent or temporary, of an RV, boat, camper, or trailer shall be permitted.

J. Accessory uses in business and industrial districts.

- (1) The following accessory uses shall be permitted in the business and industrial districts:

- (a) A dwelling unit, including an office trailer, for a caretaker or watchman shall be permitted, provided that:

- [1] Not more than one dwelling is provided for security or protection of the principal use.

[2] The requirements for the dwelling unit shall not differ from those imposed by this chapter for a housing unit of the same or similar type as a principal permitted use.

(b) Accessory uses permitted in the residential districts. (See § 235-27.)

(2) Business, industrial, and institutional accessory structures shall be subject to the same side and rear yards as required for the principal structure.

K. Transit Oriented Development District. Accessory uses or structures in TOD Districts shall be permitted and shall be subject to the same side yard and rear setbacks as required for the principal structure.

### **§ 235-28. Home occupations.**

Home occupations or professional offices within the home shall be allowed in single- and two-family dwellings, apartments or condominiums, in accordance with the following criteria:

- A. The home occupation must be incidental and subordinate to the residential use and shall not exceed 25% of the gross floor space of the principal building or dwelling unit.
- B. The home occupation shall be conducted within the dwelling unit, and no outdoor display or storage of materials, goods, supplies or equipment used in the home occupation shall be permitted on the premises. No toxic, explosive, flammable, combustible or noxious materials shall be stored on the premises.
- C. The residential character of the dwelling unit shall not be altered to accommodate a home occupation.
- D. Not more than one person other than the occupants of the dwelling unit may be employed in the home occupation. The total of all employees inclusive of family members shall not exceed three. No home occupation shall be open to the public between 9:00 p.m. and 8:00 a.m.
- E. No home occupation shall generate greater traffic volumes or increased traffic hazards than would normally be expected in a residential district. No more than four people may avail themselves of the services provided by the home occupation at a given dwelling unit at any time.
- F. No goods, materials or supplies shall be delivered by commercial vehicles either to or from the premises in connection with the home occupation, except by the United States postal service or a delivery service with a vehicle no larger than a one-ton truck.
- G. No commercial vehicles in excess of 9,000 pounds gross vehicle weight or construction equipment related to the home occupation may be parked or stored on site or in the public right-of-way.

**§ 235-29. Temporary use permits.**

Temporary uses shall be permitted subject to the following:

- A. Permit. Temporary uses specified in this section require the issuance of a temporary use permit which shall specify the use, dates and hours of operation and such information as may be required by the Zoning Administrator.
- B. Duration. Temporary uses exceeding five consecutive days or 15 days in any twelve-month period shall require the approval of the Board of Appeals.
- C. Specific temporary uses. The temporary uses described below shall be subject to the following:
  - (1) A carnival, circus or public event shall be allowed in commercial and industrial districts for a maximum period of 15 days, provided that no structure or equipment shall be located within 200 feet of any residential district. When a carnival, circus or public event accommodates more than 300 people, it shall be subject to the following additional requirements:
    - (a) The site shall be cleared of all debris at the end of the event and cleared of all temporary structures within three days thereafter. A bond, other security or a signed contract with a disposal firm shall be provided to ensure that the premises shall be cleared of all debris.
    - (b) Adequate off-street parking shall be provided.
    - (c) The applicant shall notify the local enforcement authority and shall provide adequate traffic control.
  - (2) Contractor's office and construction equipment sheds or accommodations for security shall be permitted in any district if the use is incidental to a construction project. The office or shed shall be removed upon completion of the project.
  - (3) A real estate sales office shall be permitted in any district for rental or sale of dwellings in the project. The office shall be removed upon initial sale of all units. A rental office may be permanently maintained in a rental project.
  - (4) When a fire or natural disaster has rendered a residence unfit for human habitation, the temporary use of a mobile home located on the lot during rehabilitation of the original residence or construction of a new residence is permitted for a period of 12 months, if water and sanitary facilities approved by the State Department of Health and Mental Hygiene are provided. The Zoning Administrator may extend the permit an additional 60 days. Further extension thereof shall require Board approval. The mobile

home shall be removed from the property upon completion of the new or rehabilitated residence.

- (5) Temporary stands for seasonal sales of products, provided that no retail or wholesale business office or store is permanently maintained on the premises.

### **§ 235-30. Buffer yards.**

- A. Purpose and location. Buffer yards shall be provided based on the schedule below to ameliorate conflicting adjacent uses. Buffer yards shall be located on the boundary of a project which adjoins the use to be buffered and shall be in addition to the setback areas or yards otherwise provided in this chapter. The buffer yard area specified in this section may be part of the open space requirements.
- B. Use. Buffer yards may be used for passive recreation, including trails, bike paths, and picnic areas, but shall not be used for active recreation.
- C. Buffer yard requirement. The following minimum buffer yard requirements shall be applicable to all districts:

<b>Buffer Yard Width</b>		
<b>Proposed Use</b>	<b>Adjacent District or Use</b>	<b>(feet)</b>
Agricultural service uses	Residential use	100
R-1 and R-2	R-3 (single-family)	10
	R-3 (multifamily)	20
Residential rear yard	Collector and arterial public roads	25
Active public recreation of over 2 acres	Residential use	10
Business B-1 District	Residential (single-family)	20
	Residential (multifamily)	15
Business B-2 District	Residential (single-family)	25
	Residential (multifamily)	15
Business B-3 District	Residential (single-family)	50
	Residential (multifamily)	35
Shopping center	Residential (single-family)	50
	Residential (multifamily)	35

<b>Proposed Use</b>	<b>Adjacent District or Use</b>	<b>Buffer Yard Width (feet)</b>
M-1 uses or ORE Districts	Residential district	75
M-2 uses	Residential district	100
Any use	Wetlands, nontidal	25
Any use	Edge of watercourse in floodplain	100
IBD	Residential use or noncommercial use	15
PUD	Commercial	50

D. Landscaping and fencing requirements. A buffer yard shall be landscaped to screen incompatible uses in accordance with any one of the following requirements:

- (1) A planting strip at least 10 feet wide at or near the property line, including trees or shrubs at least two feet high at the time of planting, which may be expected to form a year-round screen within three years.
- (2) A landscaped, rolling, earth mound of at least four feet in height.
- (3) A solid fence or wall of a minimum of five feet in height without advertising, when designed with durable materials, texture and colors compatible with adjacent uses.



ARTICLE V  
**Special Developments and Regulations**

**§ 235-31. Townhouses. [Amended 8-25-2008 by Ord. No. 08-2]**

The following regulations shall apply to townhouses.

- A. The townhouse unit shall comply with the minimum lot requirements for the development of townhouses. Refer to Table I, Lot Area, Lot Width and Yard Requirements for Residential Zoning Districts.<sup>52</sup>
- B. Townhouses shall not be located on a site with a total area of less than 43,560 square feet (one acre).
- C. The minimum width of a townhouse unit shall be 24 feet for interior units and 28 feet for end units.
- D. The maximum height of a townhouse unit shall be three stories or 36 feet.
- E. Not fewer than four and not more than eight dwelling units shall be included in any one townhouse building grouping.
- F. Townhouse end units shall meet the front and side yard requirements.
- G. For the purpose of the side yard requirements, a townhouse building shall be considered as one building with side yards required for end units only in accordance with the townhouse requirements.
- H. No detached accessory building over 120 square feet shall be permitted. No attached accessory buildings shall be permitted.
- I. Front or rear garages that are an integral part of the townhouse construction shall be permitted and shall measure a minimum of 240 square feet in area.
- J. Required off-street parking shall be provided in the front or rear yard.
- K. To promote interconnectivity for all existing and future developments, walking and biking trails and roads shall be connected to adjoining developments, to the extent possible.
- L. A minimum of 20% of the gross land area to be developed as townhouses shall be used for recreational purposes. Recreational purposes shall include passive walking and biking trails and/or playgrounds.
- M. A minimum of 10% of each townhouse lot shall be landscaped. The landscaped area shall include a minimum of one tree at least 2.5 inches in caliper and four shrubs, and the yard areas shall be maintained in "green space" unless it is a driveway or designated parking area.

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**52. Editor's Note: Table I is included in § 235-21.**

- N. The City's Department of Planning and Community Development shall approve the landscape plan for the overall townhouse development as part of the approval process.
- O. Townhouse development shall be of such quality construction and materials to ensure that buildings will neither look dated or worn over time nor require excessive maintenance. Eighty-five percent of the exterior building materials used on unit walls facing the public street shall be of clay brick, sandstone, fieldstone, cultured stone, thin brick or decorative concrete masonry block. Exterior building materials shall be compatible with material and colors of nearby structures. Window and door openings shall not be included in calculating the eighty-five-percent building materials requirement.

### **§ 235-32. Zero lot line housing.**

Zero lot line housing may be approved in R-2 and R-3 Zones, provided that the following minimum conditions are met:

- A. Each zero lot line dwelling unit shall have off-street parking of two spaces.
- B. Zero lot line development shall be limited to tracts of at least three acres and not exceeding 30 acres.
- C. The City may impose conditions on its approval of zero lot line developments, including but not limited to configuration of streets, sidewalks, location of public improvements, reservation of open space and recreational areas.
- D. Decks or porches shall be permitted into the larger side yard, provided that a minimum of 12 feet from the extreme edge of the deck or porch to the closest side yard property line is maintained.
- E. Decks or porches shall be permitted by this chapter and shall not be enclosed on the side yard. Solid walls around the deck or porch are prohibited.
- F. No roof or canopy shall be constructed over a deck.
- G. Garages shall be permitted, provided that the structure does not exceed 25% of the principal structure.
- H. The following setbacks are established:

<b>Zoning</b>	<b>Lot Area</b>	<b>Lot Width</b>	<b>Front Yard Depth</b>	<b>Rear Yard Depth</b>	<b>Side Yards</b>	
					<b>Smallest (feet)</b>	<b>Sum (feet)</b>
	<b>(square feet)</b>	<b>(feet)</b>	<b>(feet)</b>	<b>(feet)</b>		
R-2	5,500	55	30	40	1.5	25



R-3	4,500	50	25	35	1.5	20
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**§ 235-33. Planned Unit Development Overlay District (PUD).**

A. Purpose. This overlay district is to be used as a floating zone classification in the residential districts in order to control the placement, design, use and density of residential developments which will offer a variety of building types and a more efficient overall use of the land to permit the optimum amount of freedom and variety in the design and management of such varying types of residential structures, including one- and two-family detached houses, attached townhouses and garden apartments. The following objectives are sought:

- (1) To provide a more attractive and varied living environment than would be possible through strict application of the R-1, R-2, and R-3 District requirements.
- (2) To encourage a more efficient and aesthetic use of open space.
- (3) To encourage the use of a more creative approach in the development of land.
- (4) To encourage variety in the physical development pattern of residential areas.

B. PUD requirements.

- (1) Planned unit developments are contemplated to be primarily residential in nature with incidental commercial development intended primarily for the use of the residents. Permitted uses are:
  - (a) Single-family detached dwellings.
  - (b) Multifamily dwellings attached or detached (including but not limited to one- and two-family units, townhouses and condominiums).
  - (c) Apartments.
  - (d) An office, temporary or permanent, that belongs to the developer and is clearly incidental to management and sales operations of the planned unit development.
  - (e) Temporary structures incidental to construction.
  - (f) Commercial establishments of a convenience and service nature for PUD residents may be permitted, with the approval of the Planning Commission. Such commercial establishments shall be an integral part of the plan for the PUD. The total aggregate area of all the commercial establishments and their parking area shall not occupy more than 5% of the gross area of the PUD. Commercial areas shall be of the small neighborhood convenience type and may include laundry and

dry-cleaning establishments, beauty and barber shops and retail grocery or deli of less than 3,500 square feet. No commercial establishments shall be constructed until 25% of the total planned residential units are completed. Centers may include one or more stores.

- (2) The Planning Commission may require land be reserved for public assembly, recreational buildings, public buildings and accessory buildings.
- (3) Permitted districts. Planned unit developments are principal permitted uses in the R-1, R-2 and R-3 Districts subject to Planning Commission approval.
- (4) Computation of dwelling units permitted. The total density in the PUD will not be greater than the density of the zoning district. The total permitted dwelling units may be averaged over the entire PUD or clustered in various groupings.
- (5) Area. The proposed PUD shall contain a minimum parcel size of 30 acres of land.
- (6) Open space. Common open space shall comprise not less than 20% of the gross area. All open space shall be designated for the common use of all occupants, and at least 50% of such space shall be developed as passive use for forested and nontidal wetland areas.
- (7) Sanitary facilities. No plan shall be approved unless the proposed development will be served by public water and sewer disposal systems.
- (8) Administrative procedures. Site plan approval shall be in accordance with the Subdivision Regulations.

**§ 235-34. Shopping centers and office, research or educational parks.**

- A. Purpose. This district is to encourage innovation and design excellence in the development of shopping centers and office, research or educational parks.
- B. Requirements.
  - (1) A shopping center shall have the following eligibility requirements:
    - (a) A minimum parcel size of three acres;
    - (b) Six or more business uses;
    - (c) Building gross floor areas of at least 20,000 square feet; and
    - (d) Location within a B-3 District.

(2) An office, research or educational park shall have the following requirements:

- (a) A minimum parcel size of 10 acres;
- (b) Building gross floor areas of at least 100,000 square feet; and
- (c) Location within the ORE District.

C. Development standards.

(1) Permitted uses. Those uses permitted in the zoning district in which the shopping center or office, research or educational park is located.

(2) Site design.

- (a) The project shall provide a unified arrangement of buildings, service areas, parking and landscaped areas.
- (b) The project shall be designed with regard to the topography and other natural features of the parcel.
- (c) Materials, massing and facade design for the project shall be harmonious with the character of the neighborhood.
- (d) Outside storage shall be limited as applicable in the appropriate district.
- (e) No building shall be located within 40 feet of the public rights-of-way or within 10 feet of parking areas.
- (f) No building shall be less than 30 feet from the parcel boundary or 50 feet from an adjacent residential district.
- (g) Maximum building coverage is 45% of the site.

D. Vehicular circulation and access.

(1) The internal circulation system shall be designed to minimize through traffic and traffic conflicts within the project.

(2) Safe pedestrian movement and the provision of sidewalks shall be considered in the vehicular plan.

E. Loading and service areas.

(1) All establishments must have vehicular service access either from an individual service drive or from a common service yard.

(2) All such service areas must be segregated from public areas and screened from public view.

(3) Loading berths must be provided for as required by this chapter.

F. Landscaping.

- (1) Any part of the parcel not used for building or other structures or paved for parking or loading or pedestrian walks or utilized for outside storage shall be landscaped and properly maintained.
  - (2) All parking lots, loading areas and outdoor storage areas shall be separated from any adjacent residential districts by a landscaped buffer yard of at least 25 feet.
- G. Service and retail trade limitations in ORE District. Service and retail trade uses may be permitted in an ORE District when part of an overall development plan. Service uses, except personal services, may occupy up to 10% of the total gross floor area of the development of a building; retail trade and personal service uses up to 10%.
- H. Approvals.
- (1) The Planning Commission shall determine whether the concept plan submitted for the shopping center or office, research or educational park complies with the development and design standards set forth herein. Office, research or educational parks shall be given priority in review.
  - (2) The Zoning Administrator may approve minor modifications or amendments to the site plan after Planning Commission approval upon a finding that the modifications or amendments comply with the requirements of this section.

**§ 235-35. Condominiums and common area.**

- A. Individual dwelling units of two-family, multifamily, and townhouse structures may be sold separately, if separate utilities are provided, and provided that the structures otherwise conform to the district regulations and supplemental provisions.
- B. Ownership and maintenance of parking lots and courts, drive and walkways, recreational facilities and open space, or other areas dedicated to common use shall be established by covenants and agreements submitted to the City for approval.
- C. The final plat of any such development shall be accompanied by a detailed statement or proposal including covenants, agreements or other specific documents showing ownership, method of maintenance, and utilization of those areas reserved for common use by dwelling unit owners in the development. Provisions satisfactory to the Council and approved by the City shall be made to assure that the areas and facilities will be provided and maintained in a satisfactory manner without expense to the general public.

**§ 235-36. Common open space.**

- A. Common open space may contain such complementary structures or improvements as are necessary and appropriate for the use, benefit and

enjoyment of residents of the development. Open space requirements may be met by including areas in wetlands.

B. Common open space area shall meet the following requirements:

- (1) Common open space areas shall be exclusive of parking lots and road rights-of-way/parking areas.
- (2) Common open space may serve recreational purposes and preserve significant site features. The uses authorized shall be appropriate to the purpose intended to be served. Open space designed to serve recreational purposes shall be appropriate to the scale and character of the development, considering its size, density, expected population, and the number and type of dwelling units proposed.

C. Ownership of open space shall be handled in the following manner:

- (1) If joint use facilities are not dedicated to public use, they shall be protected by legal arrangements, satisfactory to the Planning Commission, sufficient to assure their maintenance and preservation for whatever purpose they are intended. Homeowners' association agreements, covenants or other legal arrangements shall specify ownership of the open space, method of maintenance, maintenance taxes and insurance, compulsory membership and compulsory assessments provisions and guarantees that any association formed to own and maintain open space will not be dissolved without the consent of the Planning Commission.
- (2) Unless the Planning Commission finds that the size, location, type of development or cost of development or maintenance of such open space or the availability of public open space would make public use desirable and necessary, open space shall not be made available for the use of all residents of the City. The Planning Commission generally will require dedication of all areas indicated for acquisition in the City's Comprehensive Plan.
- (3) Management of common open space property. The developer shall ensure that the common open space and improvements not dedicated and accepted for public ownership are maintained and cared for, and the developer shall provide for and establish an organization for the ownership, maintenance and preservation of open space which shall conform to the following standards and procedures:
  - (a) The homeowners' association shall be established by the developer before sale or rental of dwelling units in the development and prior to final approval of the development plan by the Planning Commission.

- (b) The financial and organizational structures, rules of membership, and methods of cost assessment of the organization shall be devised to ensure the successful fulfillment of the maintenance, preservation and improvement responsibilities of the organization.
  - (c) The homeowners' organization responsible for maintenance, preservation and improvement of common open space and all property owners within the development shall be permitted to participate in such organization.
  - (4) Areas set aside to meet the open space requirement shall be adequately described. Deed restrictions or covenants approved by the City shall ensure the purpose for which the open space is provided.
- D. The following percentages of open space are required:

District	Minimum Open Space (percent of parcel area)
R-1	10%
R-2	10%
R-3 (single-family attached and detached)	15%
R-3 (all other dwelling types)	20%

**§ 235-37. Nonconforming lots, buildings, structures and uses.**

- A. Generally. If within the zoning districts established by this chapter or amendments subsequently adopted there exist lots, buildings, structures or uses of land which were lawful prior to enactment of this chapter or subsequent amendments and which would not conform to regulations and restrictions under the terms of this chapter or amendments thereto, or which could not be built or used under this chapter, such nonconformities may continue to exist subject to the regulations contained in this section. Notwithstanding anything else in this § 235-37, after the effective date of § 235-18O, all new development, redevelopment, construction or reconstruction of a building, structure or land located in the TOD Neighborhood (T4), TOD Corridor (T5), TOD Downtown (T6), or Special District shall comply with the requirements in § 235-18O. **[Amended 2-24-2014 by Ord. No. 14-O-05]**
- B. Nonconforming lots.
- (1) In any district a principal use, where permitted, may be erected on any nonconforming lot, provided that the front, side and rear

yards shall conform to the regulations applicable at the time the final approved plat was recorded unless otherwise specified.

- (2) Any lot reduced in area or yard dimensions failing to conform to the requirements of this chapter by reason of realignment or dedication of any public road or by reason of a condemnation proceeding shall be a nonconforming lot. This provision shall not apply to roads created as part of subdivision.
- C. Nonconforming buildings, structures or uses. Nonconforming buildings, structures or uses may be continued subject to the following provisions:
- (1) No nonconforming use shall be changed to a use not permitted by this chapter in the particular district in which the building or structure is located, except that whenever a nonconforming use has been changed to a more restricted use, such use shall not thereafter revert to a less restricted use.
  - (2) Abandonment. If a nonconforming use ceases for a period of one year or more, then the nonconforming use shall be deemed abandoned and compliance with this chapter shall be required. The casual, temporary or illegal use of land or structure does not establish the existence of a nonconforming use.
  - (3) Any nonconforming building or structure which is damaged or destroyed may be reconstructed to its former dimensions on the same lot and with the same nonconforming use. Nothing in these regulations shall prevent the strengthening or restoring to a safe condition of any building or structure declared to be unsafe.
- D. Enlargement or extension of nonconforming buildings, structures or uses. The Board may authorize the extension or enlargement of a nonconforming use, building or structure, with or without conditions, provided that:
- (1) The enlargement or extension does not exceed 50% of the gross square footage in use at the time of the creation of the nonconformity.
  - (2) The enlargement or extension does not violate the height or coverage regulations for the district.
  - (3) The enlargement or extension would not adversely affect adjacent properties, traffic patterns or the surrounding neighborhood.
  - (4) The Board of Appeals and Planning Commission consider the limitations, guides and standards set forth in this chapter.
- E. Any conditional use previously authorized by the Planning Commission legally existing at the effective date of regulations of this section shall be considered an existing special exception.

**§ 235-38. Mobile home parks.**

Mobile home parks may be approved as a special exception in an R-3 District, provided that the following minimum conditions are met:

- A. The City of Aberdeen will license mobile home parks.
- B. Public water and sewerage shall serve the property and proper provisions shall be made for electrical connections, fire protection, and refuse collection. The Maryland State Department of Health and Mental Hygiene shall approve water and sewer systems. **[Amended 8-23-2010 by Ord. No. 10-O-12]**
- C. The minimum total area of the park shall be five acres.
- D. The minimum width or depth of the park shall not be less than 500 feet.
- E. The topography of the site shall be such as to facilitate proper drainage, and adequate stormwater facilities shall be provided.
- F. The minimum area for each mobile home site shall be 4,000 square feet.
- G. No lot width shall be less than 35 feet.
- H. Not less than 15% of the total area of a mobile home park shall be devoted to communal open space and recreational areas.
- I. Access to the park shall be from a major thoroughfare. The number and location of access drives shall be controlled for traffic safety and protection of surrounding properties, provided that at least two entrances are available to assure access for emergency vehicles.
- J. No mobile home site shall be designed for access to a street outside the boundaries of the park.
- K. Interior access drives shall be hard surfaces, adequately lighted, and not less than 30 feet in width.
- L. Mobile home parks shall be surrounded by landscaped buffer strips, not comprising any mobile home site, measuring not less than 15 feet in depth on sides and rear and not less than 50 feet in depth along the front. The interior 30 feet of the front buffer may be used for street right-of-way.
- M. No mobile home unit shall be positioned closer than 25 feet to any other unit or service building.
- N. Off-street parking of two spaces per mobile home site shall be provided in accordance with the parking requirements.
- O. Storage buildings shall be located in the rear yard, no closer than six feet to any lot line.



**§ 235-39. Bed-and-breakfast inns.**

The purpose is to authorize and regulate the establishment and operation of bed-and-breakfasts in the City and to ensure the preservation of the character, integrity and property values of surrounding areas within which such facilities are located and maintained.

- A. All bed-and-breakfasts shall comply with the applicable provisions of the Life Safety Code and other applicable City codes, such as noise, property maintenance and environmental control.<sup>53</sup>
- B. The Bed-and-Breakfast Overlay District shall be established along West Bel Air Avenue from Mt. Royal Avenue to Middleton Road.
- C. Bed-and-breakfasts shall be permitted in the Bed-and-Breakfast Overlay District, provided that the conditions set forth below are met. Bed-and-breakfasts shall be prohibited in B-3, M-1 and M-2 Districts.
- D. The applicant must provide the following information to the Director of Planning and Community Development and the Planning Commission:
  - (1) A sketch, drawn to scale, showing the floor plan of the dwelling, together with any proposed changes, renovations or additions to the same.
  - (2) A site plan delineating that portion of the applicant's property under consideration, as well as all parcels and streets within 100 feet of the applicant's property, and the current uses thereof.
  - (3) The site plan shall include the boundaries of the property, location of all buildings, driveways, parking areas, retaining walls, fences and hedges, location of the proposed sign and outdoor lighting, and location of proposed buffer and screening areas.
  - (4) The number of off-street parking spaces provided on site.
  - (5) Names and addresses of all abutting property owners.
- E. The Planning Commission shall consider the following:
  - (1) Adequacy and arrangement of vehicle traffic and circulation.
  - (2) Location, arrangement, appearance and sufficiency of off-street parking.
  - (3) Location, arrangement, size and design of lighting and signs.
  - (4) Adequacy, type and arrangement of trees, shrubs, fences and other landscaping or improvement constituting a visual or noise deterring buffer between the site and adjacent or adjoining uses.
- F. Requirements for approval of bed-and-breakfast.

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**53. Editor's Note: See Ch. 250, Environmental Control.**

- (1) The owner of the bed-and-breakfast must reside in and continue to reside in the dwelling as his or her principal residence.
  - (2) The parcel improved by the bed-and-breakfast shall provide or establish off-street parking spaces for the members of the owner's family residing in the dwelling unit as well as one parking space per room or unit which is rented.
  - (3) Each bed-and-breakfast shall be established, maintained and operated so as to preserve and complement the residential character and integrity of the surrounding area where the facility is established in a residential district.
  - (4) The number of paying guests accommodated per night shall not exceed local fire code requirements. No guest shall stay for a period of time in excess of 20 consecutive days or more than 30 days throughout a one-year period.
  - (5) Each bedroom occupied by a paying guest shall be equipped with a properly installed and functioning smoke detector on or near the ceiling in the room or hallway from which each bedroom exits.
- G. The Director of Planning and Community Development or a designee of the City shall be given access upon notification to the dwelling as he deems necessary from time to time for the purpose of making inspections to ensure compliance with all federal, state and local codes, rules and regulations.
- H. A single exterior sign may be established on the site of the bed-and-breakfast. Said sign or display shall not exceed approximately six square feet in area. No freestanding sign shall be located less than 15 feet from the front property line nor less than five feet from the side property lines. Said sign shall be unobtrusive and illuminated to prevent glare.
- I. The bed-and-breakfast shall be maintained and operated at all times so as to comply with all federal, state and local fire prevention, health and safety, building and zoning codes and the rules and regulations promulgated hereunder, as amended.
- J. Any change, deviation, modification or variation of the structure must be approved by the Director of Planning and Community Development and the Aberdeen Planning Commission.
- K. The minimum lot size requirement shall be 15,000 square feet.
- L. The minimum house size shall be 2,500 square feet excluding the basement.
- M. Banquets and receptions shall be permitted, provided that the bed-and-breakfast owner provides adequate parking for the special event.

- N. If the bed-and-breakfast use ceases, then the use shall revert to its former use.
- O. Multiple dwellings on the same lot shall be considered as one use.

**§ 235-39.1. Fortune-telling. [Added 2-14-2011 by Ord. No. 11-O-01]**

Fortune-telling may be approved as a special exception in a B-3 District, provided that the following minimum conditions are met:

- A. Off-street parking is required for the business at the ratio of one parking space for 200 square feet of gross floor area, plus one parking space per each employee.
- B. The use shall not be located closer than 1,000 feet from any school property line.
- C. The use shall not be located within 1,000 feet of an existing fortune-telling establishment, church, or place of worship.
- D. The Board of Appeals may impose such conditions, limitations, and restrictions as necessary to preserve harmony with adjacent uses, the purposes of this section and the public health, safety, and welfare.
- E. Such conditions and restrictions may include, but are not limited to the following:
  - (1) Manner and times of operation;
  - (2) Signage.

**§ 235-40. Overlay district regulations and design requirements; Architectural Review Committee.**

- A. General purpose.
  - (1) This section provides design requirements which describe the design vision that will help guide the City of Aberdeen. The emphasis in this section is on defining the general design, appearance, and layout of sites, buildings, neighborhoods, landscape elements, streets and sidewalks and pathways. All development, redevelopment, or additions to existing buildings within the overlay districts shall be subject to the design requirements.
  - (2) Careful attention to attractive and citizen-friendly urban design is in the economic interests of a municipality, its citizens, and business owners. Attractive and integrated urban design features tend to improve the City's image, raise overall property values, attract new businesses and residents, and improve the quality of life. Research and experience have demonstrated that there is a positive return on investment for design features for government, private industry, and property owners. City expenditures on

landscaped roadway medians, sidewalks, and street trees are likely to be amply returned in the form of increased tax revenue resulting from the overall increase in property values that accompanies attractive and desirable urban areas.

- (3) In towns and cities across the country there is a growing realization that incompatibility between adjacent sites is very often a function of design and development impacts rather than of differences in their land uses. The focus of current use-based development regulations is to require strict separation and substantial buffers between different land uses, regardless of design or site impacts; with appropriate and compatible urban design, it is reasonable to integrate commercial, office and residential uses.

B. Overlay district regulations.

(1) General purpose.

- (a) Overlay zoning imposes additional regulations for special public purposes on properties located within the boundaries of the overlay district. Overlay district requirements shall be in addition to those imposed by the specific zoning district. In the case of a conflict among regulations in this section, the strictest standard shall apply.

- (b) The boundaries of each overlay district are described below and indicated on the official overlay district maps for each overlay district as adopted by ordinance. The following overlay districts are hereby established:

[1] I-95 Overlay District.

[2] Downtown Revitalization Overlay District.

- (2) I-95 Overlay District boundaries. The I-95 Overlay District boundaries are described as the properties bordering Route 22 (Churchville Road), Gilbert Road and I-95 located within the current corporate limits as set forth in ordinance adopted by the City of Aberdeen.
- (3) Downtown Revitalization Overlay District boundaries. Downtown Revitalization Overlay District boundaries do not include properties located in the Transit Oriented Development District. All properties located in the TOD Neighborhood (T4), TOD Corridor (T5), TOD Downtown (T6), or Special District are subject to the requirements in § 235-180. The Downtown Revitalization Overlay District boundaries are described as the properties bordering US 40, Route 7, and Route 715, as set forth in ordinance adopted by the City of Aberdeen and depicted on the Aberdeen TOD Designated Area Map included in § 235-43. **[Amended 2-24-2014 by Ord. No. 14-O-05]**

- (4) Design requirement. Where appropriate, all development within the Downtown Revitalization and I-95 Overlay Districts shall comply with the requirements of the Architectural Review Committee, in addition to the provisions set forth in this section.

C. Design requirements.

- (1) Design requirements are intended for uniformity of development in the following areas:

- (a) Building design, height and mass.
- (b) Building setbacks.
- (c) Building materials.
- (d) Awnings and canopies.
- (e) Parking.
- (f) Pedestrian/bicycle circulation.
- (g) Lighting.
- (h) Landscaping.
- (i) Screening/loading/storage.
- (j) Signage.
- (k) Security.
- (l) Open space.
- (m) Noise impact.

- (2) Building design, height and mass.

- (a) Natural features. Natural features of the land, such as hillsides, views or other features, should be considered and incorporated into designing the site. Site design will address and avoid problems associated with floodplains, steep slopes, drainageways, or other features.

- (b) Scale. Within the Downtown District, buildings should be built on a human scale and lend an intimate and personal feel to the streetscape.

[1] The scale of a project should not overwhelm adjacent buildings. The perceived height and bulk can be reduced by changing the roofline and varying the height.

[2] The scale of a building should be compatible with the adjacent developments.

- (c) Design. The design of individual buildings is as important as the whole agglomeration of buildings, streets, public spaces, pedestrianways, and landscaping taken together in the context of the surrounding area.
- (d) Architectural features. Predominant primary architectural features, materials, and colors of existing buildings built in accordance with the design requirements should be incorporated into the proposed architectural design when such buildings are in close proximity to the proposed project.
- (e) Relief and rhythm. Relief and rhythm should be used in the design to provide interest and variety and avoid monotony. Details that create shade and cast shadows can be used to provide visual relief to the building.
- (f) Exterior walls. Horizontal and vertical elements of exterior walls should vary in height and projection to provide substantial architectural interest and style. Such interest and style may be provided through, but not limited to, the treatment of windows, doors, eaves, rooflines and parapets.
- (g) Building accents. Building trim, accents, color, materials and style should be incorporated into primary design themes to promote architectural visual interest.
- (h) Exterior elevations. All of the exterior elevations of buildings should be integrated into the City's design theme of the overlay districts. In particular, the upper walls of the sides and rear should exhibit relief and rhythm through the use of height variations, relief elements providing shadow, and the use of scuppers, downspouts, and expansion joints as design elements.
- (i) Details. Detailing should be used as a method of enhancing the character of a building, thereby adding interest to the development. Such details of a building elevation should continue the character of the project.
- (j) Equipment. Equipment, such as but not limited to roof-mounted communications and mechanical equipment, vending machines and ice machines, should be screened from street view and placed in an area designed for its use as an integral part of the project.
- (k) Enclosures. Fences, walls and patio enclosures visible from the street should be compatible with the architectural character of the project.
- (l) Entryways. Building entryway, stairway design, and placement should be integrated with the design of the project through

the use of similar building materials, details, shapes, colors or other features.

[1] The building entrance should be easily identifiable and form a transition between outside and inside areas.

[2] Building entries should be provided with adequate lighting for security.

- (m) Roof variations. Roofline variations should be used to provide architectural style or character for commercial or industrial buildings that are limited in wall configuration due to functional constraints.
  - (n) Window and door placement. Patterns created by window and door placement can add variety and interest to the design. Attractive views should be emphasized and uncomplimentary views avoided. Drive-through windows should not face a public street. Window areas should be reduced with mullions.
  - (o) Buffers. Walls and landscaped buffers should be used to provide a physical separation between different projects and uses to minimize the impact of unattractive or noisy areas and act as a buffer between properties.
  - (p) Walls. Walls which front on a public street should be designed to include colors, materials, forms and architectural accents compatible with the main building.
- (3) Building setbacks.
- (a) Setback. A building's setback is the distance it is located inside a property line. Many commercial buildings in the Downtown Revitalization Overlay District have no setbacks on the front or side property lines and only a minimal setback from the rear line.
  - (b) Location. The location of new buildings or additions to existing buildings shall respect the established setbacks of existing buildings on a street and shall provide a setback that is consistent with the existing structures.
  - (c) Buildings. Buildings should not be separated from fronting streets by parking lots. At a minimum, placement of outparcel buildings between a large parking lot and the street can be used to help define the streetscape and lessen the visual impact of the parking lot from the street.
  - (d) Parking lots. Building on the different quadrants or sides of the roadway should not be separated from each other by "a sea of parking." The line and massing of the buildings and structures on each quadrant should be arranged such that they are as close to each other as possible and linked by crosswalks and

pedestrian paths, encouraging pedestrian movement between the quadrants on opposite sides of the arterial. Ideally, part of the line of the principal building mass on each quadrant should extend as close to the intersection crosswalk as possible.

- (e) Outparcel buildings. Placement of outparcel buildings along the opposite sides of the street can be used to define the streetscape.
    - [1] Outparcel buildings should be designed so that they are not only oriented toward the front street(s) but also have a relation and orientation with the rest of the development.
    - [2] The design of outparcel buildings and sites should be integrated into the overall site design. Outparcel buildings should have architectural, design, and pedestrian connections strongly linking them with the main buildings.
  - (f) Pedestrian walkways. All buildings should be (to the extent allowed by site topography) well connected by pedestrian sidewalks or walkways and not separated from one another by large parking areas. One should not have to walk in and along parking aisles or roadways to get from any one building to another.
  - (g) Infill sites. For infill sites, buildings should be set back from the street in accordance with the predominant line of building massing (setback) along the street, so as to create a defined streetscape and sense of place. Buildings should be generally oriented toward the fronting street(s). Provisions for public open space or landscaped areas should be accommodated.
- (4) Building materials.
- (a) Materials. The building materials of a project should be durable and be the same or higher quality as surrounding developments.
  - (b) Texture. The texture of the building components should enhance the function or appearance of the design.
  - (c) Color schemes. Color schemes should be compatible with adjacent developments.
  - (d) Details. Details of the proposed colors and materials should be shown on the building plans with color samples at the time the project is submitted for Architectural Review Committee approval.
  - (e) Surfaces. Reflective surfaces should not be used in locations which may produce excessive reflections or glare. Mirrored window glazing should be avoided.



- (f) Freestanding buildings. If permitted, freestanding buildings, including service stations, convenience stores, chain restaurants, auto maintenance facilities, and similar uses, should be designed in a compatible architectural style and should incorporate, whenever possible, compatible materials, colors and landscaping as the host development.
- (5) Awnings and canopies.
  - (a) The use of awnings and canopies as design features to the front or rear of building windows and doorways will be permitted.
  - (b) The specific location of awnings and canopies, color, applied signage and materials used will be approved by the Architectural Review Committee.
- (6) Parking/shared parking.
  - (a) For any sites or developments that include significant amounts of parking, site design should avoid large uninterrupted expanses of asphalt from the fronting streets [i.e., where vast amounts of surface parking dominate the view(s) from the fronting street(s) to the site's primary buildings].
  - (b) In keeping with the desire to avoid large areas of parking from the fronting street(s), the following guidelines are offered:
    - [1] Parking should be broken up with islands, landscaping, and pedestrian walkways, with generous amounts of parking directed to the rear and sides of the buildings or site.
    - [2] Single large parking lots should be avoided.
  - (c) Buffering and screening.
    - [1] Parking lots that face a street should be partially screened from the street by a low fence, wall, hedge, or topographic or vegetated buffer.
    - [2] If a parking lot fronts on an arterial or major collector and is of such a size that it dominates views from the fronting arterial/collector and detracts from the overall streetscape and community appearance, then it is required that the parking lot be screened or buffered from view along the fronting roadway(s).
  - (d) Landscaping. Parking aisles should be separated from one another by planted medians with shade trees.
  - (e) Parking lot design must include an adequate pedestrian circulation system, adequate turning radii, an efficient traffic movement pattern, a pleasant appearance, convenient parking

locations, and integration of the parking with the character of the site and the proposed development.

- (f) Access drives to parking lots should be minimized.
  - (g) On-site traffic lanes. Traffic aisles within a project should provide a circulation pattern which is convenient and safe. Pedestrian circulation and safety should be incorporated into the project design.
  - (h) Proximity to structures. Parking areas should be conveniently located to provide ease of access to all users. Customer and employee parking should be separated, with short-term parking provided in close proximity to the building.
  - (i) Covered spaces. Covered parking structures should be compatible with the overall character of the project.
  - (j) Parking lot lighting. Lighting should provide adequate illumination but should avoid direct illumination of adjacent residential districts. Lighting fixtures must comply with City-approved standards and design.
- (7) Pedestrian/bicycle circulation.
- (a) Access to developments should serve the needs of the pedestrian and bicyclist as well as the motorist. Site designs should balance the needs of pedestrian, vehicular and bicycle traffic.
  - (b) A network of convenient and safe pedestrian paths should be provided to connect areas within the project as well as to connect the project to adjacent properties.
  - (c) The location and number of access points to the site, the interior circulation pattern, and the separation between pedestrians and vehicles should be designed to maximize safety and convenience and should be harmonious with proposed and existing buildings.
  - (d) Walkways should be well lit to provide visibility, security and a pleasant environment and comply with the City's approved standards and design.
  - (e) Sidewalks.
    - [1] For streets that have buildings or development on both sides of the street, sidewalks must be provided on both sides; for streets that have buildings or development on only one side of the street, a sidewalk must be provided on that side only.

- [2] For collectors and arterials that have speed limits over 25 miles per hour or are three or more lanes wide, sidewalks must be provided on both sides of all streets that have buildings or development on both sides of the street and on the developed side of all streets that have buildings or development on only one side of the street.
- [3] Materials for sidewalks must use the City's approved standards and design.
- (f) Crossings. Pedestrian crosswalks and bicycle crossings (which may be shared by bicycle and pedestrian crossings) must be provided as necessary for the safety, convenience, and feasibility of pedestrian travel between the community's residential, shopping, employment, recreation, and institutional sites.
- (g) Safety. The travel ways for bicycle traffic should be designed to minimize automobile-bicycle travel conflict, keeping bicyclists of all ages safely out of the automotive stream.
- (8) Lighting.
  - (a) Lighting should provide security and visual interest yet limit its impact on adjacent properties.
  - (b) The exterior lighting of a project should provide for the illumination of the building and its grounds for safety purposes but in an aesthetic manner. Lighting should be placed and screened to limit the emission of light beyond the development.
  - (c) Fixtures used in exterior lighting must be consistent with the City's approved standards and design.
  - (d) The height of fixtures, position and intensity will be approved by the Architectural Review Committee.
- (9) Standards for landscape design and development.
  - (a) General requirements.
    - [1] Landscaping must be installed as an integral feature of each project. This includes finished grading, seeding, sodding, functional and decorative ground covers, shrubs, shade trees, flowering trees and evergreen trees.
    - [2] The proposed landscape design concept must:
      - [a] Reinforce architectural design objectives, parking functions and pedestrian activities within the site.
      - [b] Buffer views of parking areas, service areas, mechanical equipment, etc., with a combination of deciduous and evergreen trees and shrubs.

- [c] Buffer stormwater management facilities.
  - [d] Provide canopy trees along streets and parking aisles and within planting islands.
  - [e] Provide color, texture and visual interest.
- [3] All required landscaped areas must be planted with trees, shrubs and ground covers and use shredded hardwood mulch or bark.
  - [4] The slope of any earth berm shall not exceed a vertical to horizontal ratio of 1 to 2 and shall be planted with a suitable ground cover to prevent soil erosion.
  - [5] Signs or sidewalks may be located in a required landscaped area as part of the landscape design.
  - [6] Landscaped areas adjacent to vehicular activity shall be protected by a continuous concrete curb or similar permanent barrier.
- (b) The landscape plan.
- [1] All landscape plans for development shall be prepared and sealed by a landscape architect registered in the State of Maryland or by any other registered or licensed professional who is authorized by the state to prepare landscape plans.
  - [2] The landscape plan shall indicate location, general type and quality of any existing vegetation and methods for protection of existing vegetation during construction.
  - [3] The landscape plan shall include location and identification of all proposed plants as well as a plant list which includes botanical and common name, quantity, spacing and size at time of planting.
  - [4] The landscape plan shall include the location and description of other landscape improvements, such as earth berms, walls, fences, screens, sculptures and fountains, street furniture, and lighting and paved outdoor areas.
- (c) Landscape standards.
- [1] Public right-of-way. A landscaped strip, as described below, shall be provided on the property adjacent to all public rights-of-way. The landscaped strip may not include any paved area except pedestrian sidewalks or trails which cross the landscaped strip.

- [a] Arterial street. A ten-foot-wide landscaped strip is required adjacent to and parallel to the frontage of an arterial street.
  - [b] Nonarterial street. A ten-foot-wide landscaped strip is required adjacent and parallel to the frontage of a nonarterial street.
  - [c] Landscaped strips adjacent to the public right-of-way should be designed to include ground covers and other plant materials compatible with low maintenance and low water use limitations.
  - [d] One tree and three shrubs shall be planted in the landscaped strip for every 25 feet of street frontage.
- [2] Perimeter landscaping.
- [a] Landscaped areas are required adjacent to the property lines of the site in accordance with the Aberdeen Development Code.
  - [b] A variety of deciduous and evergreen trees and shrubs shall be used when providing required screening between adjacent properties.
- [3] Commercial and industrial areas. A minimum of 10% of the gross site area of the property should be devoted to landscaping for commercial and industrial uses greater than 4,000 square feet (building footprint).
- [4] Parking lots.
- [a] Parking aisles should be separated from one another by planted medians with major shade trees and low-growing shrubs.
  - [b] Where the end of a parking space abuts a required landscaped area, the width of the landscaped area must be increased by five feet.
- [5] Stormwater management facilities.
- [a] Requirements and guidance for landscaping stormwater management facilities have been established by the Maryland Department of the Environment, Water Management Administration. These requirements may be found in the 2000 Maryland Stormwater Design Manual, Volumes I and II.
  - [b] Stormwater management or retention areas must not detract from the quality of the overall landscape

design. Large areas for water retention should be utilized as a landscape element whenever possible.

(d) Planting requirements.

- [1] Minimum tree sizes at installation shall be as follows. In certain locations, such as entrances, corners and focal points, and for critical areas to be screened, larger trees or shrubs may be required.
  - [a] Deciduous canopy or shade trees: two-and-one-half-inch to three-inch caliper, 12 feet to 14 feet in height.
  - [b] Deciduous ornamental or flowering trees: two-inch to two-and-one-half-inch caliper, eight feet to 10 feet in height.
  - [c] Evergreen trees: seven feet to nine feet in height.
- [2] Required shrubs shall have a minimum mature growth height of 24 inches. At least 50% of required shrubs shall be a minimum of five-gallon size upon installation. In no case shall any shrub be less than one-gallon size.
- [3] Ground cover.
  - [a] Required ground cover may be two types:
    - [i] Vegetative ground cover consisting of living plant materials characterized by horizontal as well as vertical growth, generally not exceeding 18 inches in height.
    - [ii] Inert ground cover consisting of gravel, decomposed granite, crushed rock, bark chips, or other approved materials.
  - [b] Substitution due to seasonal planting problems or lack of plant availability may be made in accordance with the following:
    - [i] No reduction in the quantities of plant materials.
    - [ii] No significant change in size or location of plant materials.
    - [iii] New plant materials fall within the same general functional category of plants (shade trees, ornamental trees, evergreens, etc.) as the plant materials being replaced.
    - [iv] The proposed new plant materials are considered appropriate with respect to elements necessary

for good survival, continued growth and reasonable maintenance.

(e) Plant standards and guarantee.

- [1] All material selected shall be equal to or better than the requirements of the USA Standard for Nursery Stock, latest edition, as published by the American Association of Nurserymen. All material shall be nursery grown under the same climatic conditions as the location of this project for at least two years. Varieties shall be indigenous to this area, Zone 6.
- [2] All materials shall be planted according to the Landscape Specification Guidelines for the American Society of Landscape Architects, or equal.
- [3] All plant materials shall be installed during the first planting season after completion of site work.
- [4] All plant material shall be guaranteed by the property owner or installer for the duration of one full growing season after final inspection and acceptance of the work. Plants shall be alive and in satisfactory growing condition at the end of the guarantee period.
- [5] The property owner and/or lessee shall maintain all landscape materials and landscaped areas in accordance with the approved plan.
- [6] All landscaping, buffering and screening shall be maintained in a healthy condition at all times. Dead or diseased plants shall be removed and replaced with new material by the owner within one growing season.

(10) Screening/loading storage.

- (a) Trash and refuse collection areas. Areas which generate noise and odors should be located where they will not disturb the residents or patrons within the project or adjacent uses and should not be the visual focal point of a driveway or parking area.
  - [1] Projects which provide on-site daily management and maintenance personnel (i.e., service stations, convenience stores, apartment projects, restaurants, etc.) and which have refuse enclosures at highly visible locations should provide latching gates for screening the opening to the enclosure.
  - [2] All trash and refuse areas shall be screened from adjacent properties and public roadways by natural vegetation, if possible, or by fences or other approved screening.

- (b) Loading and service bays. Landscaped areas and walls should be used to decrease noise levels. These areas should also be separated from customer parking where possible.
  - [1] Service and loading bays (automotive, service, tire, etc.) should be oriented away from existing residences where possible.
  - [2] Screening of loading and service bays will be required.
- (c) Pedestrian loading and unloading areas. Pedestrian dropoff locations should be incorporated within the overall circulation patterns and should be convenient and safe for pedestrians.
- (d) Emergency vehicle access. Access for emergency vehicles should be integrated into the design of the project. Signage and striping shall be compatible with the overall design.
- (e) Outside storage. Outside storage areas, if permitted, shall be screened from street view and adjacent residence, office, and commercial districts in accordance with § 235-26 of the Aberdeen Development Code.

(11) Signage.

- (a) Signs should be in harmony with the style and character of the development and should be an integral design component of the building architecture, building materials, landscaping and overall site development.
- (b) The following signs will be permitted:
  - [1] Attached signs. Attached signs should be integrated with the primary physical features of the building and should not be incongruous to the building architecture.
  - [2] Letters. Signs should be composed of individual letters, such as channel letters, upgraded cabinet forms, or other durable material, and should be mounted so that the attachment device is not visible or discernible. Raceways or similar mounting platforms should be the same color as the surface upon which they are placed.
  - [3] Detached signs. Freestanding signs should, where feasible and desirable, incorporate design features associated with the buildings or structures and should constitute an architectural component of the overall development.
- (c) Sign structures should be monument style with a base of metal or masonry construction. Sign cabinets and sign faces mounted atop a base or other fixture should be boarded or background by the architectural features, materials, and embellishment of the entire sign.



- (d) Exterior materials, finishes, and colors should be in harmony with or an upgrade to those of the buildings or structures on site.
- (e) The sign structure should reflect distinctive elements of the general architectural style or design theme of the development.
- (f) Embellishment should be used as a method to incorporate the primary design elements or unique architectural features of the buildings or structures.
- (g) The sign copy area should not ordinarily exceed a horizontal to vertical ratio of 2 to 1.
- (h) Internally illuminated signs should provide an opaque background so that only the sign copy is illuminated, except where the background is colored to mute the amount of illumination or where the background is integral to the design of a corporate image or registered trademark.

(12) Security.

- (a) Physical barriers can create a secure property for both the site and its occupants.
- (b) Buildings and windows should be located to maximize surveillance of entryways, pathways, and parking lots.
- (c) Adequate lighting should be provided throughout the development.
- (d) Landscaping should not block surveillance abilities or safety apparatus.

(13) Noise impact.

- (a) Site design should include provisions for limiting noise from one development interfering with the use of adjacent property. The occupants of a development should be protected from noise from both outside and within the site through screening, setbacks, and building materials.
- (b) Noise-generating equipment should be located to minimize impact on adjacent residential uses or districts.

- D. Compliance with overlay district regulations and design requirements. No building permit shall be issued by the City unless the provisions of this section are found to be in compliance.
- E. Establishment of the Architecture Review Committee (ARC). The Architectural Review Committee shall consist of five members appointed by the Mayor and City Council. The Committee shall consist of two members who have experience in architecture, one member

chosen from the citizens at large, one member from the business community, and one member with experience in planning and zoning. In the event that the Mayor and City Council cannot appoint members with the disciplines noted above, the Council may appoint such members as nearly as possible having experience in the areas noted. The Council shall appoint such alternates as may be necessary in the event of a conflict of interest. A majority of members will constitute the quorum.

(1) Powers and duties of the Architectural Review Committee (ARC).  
The Committee shall:

- (a) Review all applications for development, redevelopment, renovations or additions to existing buildings within the overlay districts.
- (b) Determine whether the application and the proposed construction are in accordance with the overlay district regulations and design requirements.
- (c) Adopt such rules, regulations and guidelines as may be necessary to provide for uniformity within the overlay district.
- (d) Establish architectural standards for uniform development consistent within the purpose of each overlay district.
- (e) Establish procedures for proceedings before the Committee.

(2) General procedures.

- (a) An application for new business, new construction, development, redevelopment, and renovation within any overlay district shall be submitted to the Department of Planning and Community Development for initial review.
- (b) The Director of Planning shall refer the proposal to the Architectural Review Committee (ARC) for its consideration. The ARC shall make recommendations in accordance with the design requirements. The ARC shall set forth in writing its recommendations. If the applicant disputes any recommendations, then issues can be preserved for resolution by the City Council and consolidated with any review by the Planning Commission. The ARC shall be responsible for reviewing the application for aesthetic considerations and those factors within the overlay districts which may not be part of the site plan review.
- (c) After submission to the ARC, the application shall be submitted to the Planning Commission, if applicable, with the recommendation of the ARC. The Planning Commission shall have general review of the site plan in accordance with the

Comprehensive Plan, Development Code and the Subdivision Regulations.

- (d) Meetings before the ARC shall be administrative in nature.
  - (e) The ARC shall review the following:
    - [1] The general scope of the plan and its compatibility with existing or proposed design themes;
    - [2] The conformity of the application with the overall purpose of the design requirements to present a harmonious development within each of the overlay districts.
    - [3] Determine that signage is consistent with purpose of design requirements and conforms to the type, location and size of signs required by the ARC.
    - [4] Determine that the proposed landscaping conforms to the design requirements: streets, trees, plantings, furniture, and other amenities.
    - [5] Facades of the proposed buildings or renovations and their orientation to the existing buildings.
    - [6] The color scheme is compatible with adjacent buildings and structures.
  - (f) The ARC shall issue its recommendation within 30 days after all information is received for its review. Recommendations shall be set forth in writing.
  - (g) If the ARC fails either to approve or disapprove such plans and specifications (including resubmission of disapproved plans and specifications which have been revised) within 30 days after the same have been submitted to and received by all Committee members, it shall be conclusively presumed that said plans and specifications have been approved.
  - (h) The ARC shall not be liable in damages to anyone submitting plans to it for approval or to any applicant by reason of a mistake in judgment, negligence or nonfeasance arising out of or in connection with the approval, disapproval, or failure to approve such plans and specifications.
  - (i) The ARC shall have the right to enforce these covenants, conditions, and restrictions.
  - (j) Approval by the ARC shall not be deemed to substitute the plans or the requirements of any local building codes, and it shall be the responsibility of the applicant or any other persons submitting the plans to the ARC to comply therewith.
- (3) Variances.

- (a) Where circumstances such as topography, hardship, location of property lines, location of trees, brush, streams or other matters require, the ARC may by an affirmative vote of the majority of the members of said Committee allow a reasonable variance to any of the covenants and restrictions contained in the design requirements on such terms and conditions as it requires.
  - (b) The ARC shall develop a design review standard that shall govern its actions in respect to granting any variances. The design review standard will be maintained in a documentary form and will detail every variance granted and the reasons for granting the same.
- (4) Books and records.
  - (a) The ARC shall keep and safeguard a complete written record of all applications approved or disapproved and submitted to it and all actions taken by it under the provisions of this section.
  - (b) Said records shall be maintained for a minimum of five years after approval or disapproval.
- (5) Review of ARC.
  - (a) The decision of the ARC shall be subject to review by the Mayor and City Council upon request to be filed with the City administration offices within 30 days from the date of the final decision of the ARC.
  - (b) The review by the Mayor and City Council shall be administrative in nature and shall not be appealable to the courts. The Council may consolidate any appeal from the Planning Commission regarding the same project. Council proceedings shall be administrative in nature.

ARTICLE VA  
**Sign Regulations**  
**[Added 6-3-2013 by Ord. No. 13-O-06]**

**§ 235-40.1. General purpose.**

The purpose of this article is to regulate all exterior signs so as to protect property values and the character of the various neighborhoods; to preserve and enhance natural scenic beauty; to protect public safety; and to promote the general welfare.

**§ 235-40.2. Definitions and interpretations.**

For the purposes of this article, the following words and phrases have the meanings provided below. Words and phrases not specifically included below are defined elsewhere in this article or chapter or, if not defined elsewhere in this article or chapter, shall have their usual and commonplace definitions.

**BANNER SIGN** — Any sign made of fabric or any nonrigid material that is mounted to a pole or a building by a permanent frame at one or more edges. National flags, state, county, or municipal flags, or the official flag of any institution or business shall not be considered banners.

**BEACON** — Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

**BILLBOARD SIGN** — Any freestanding outdoor advertising sign that promotes or advertises products, services, activities, or businesses not related to the site or building or use on which it is located.

**BOARD** — The Aberdeen Board of Appeals.

**BUILDING MARKER SIGN** — Any sign indicating the name of a building, date of the building, and incidental information about its construction, which is cut into a masonry surface or on a bronze tablet or other permanent material.

**CANOPY SIGN** — Any sign that is a part of or attached to an awning or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. For purposes of this article, a marquee is not a canopy.

**CHANGEABLE COPY SIGN** — A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged by hand without altering the face or the surface of the sign. This definition does not apply to portable signs.

**DIRECTORY SIGN** — A sign utilized to identify the name, address, and/or occupants of a building or nonresidential development.

**DISTRICT** — A zoning district.

**ELECTRONIC MESSAGE SIGN** — A sign with a fixed or changing display that uses movement or change of illumination to depict action or create a special effect or scene.

**ENTRANCE SIGN** — A sign that identifies a residential neighborhood or subdivision, located at the entrance to that neighborhood or subdivision.

**ERECT** — The act of building, constructing, attaching, hanging, placing, suspending, or affixing, and including the painting of wall signs, but not including the changing of advertising copy or messages on billboards and other advertising structures which are designed for replaceable copy.

**FACE** — The surface of the sign upon, against, or through which a message is displayed or illustrated.

**FLAG** — Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, institution, business, or other entity.

**FREESTANDING SIGN** — Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure. For purposes of this article, a monument sign is not a freestanding sign.

**ILLUMINATED SIGN** — Any sign which has characters, letters, figures, designs, or outline lighted in any manner.

**INCIDENTAL SIGN** — A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," "no trespassing," "beware of dog" and other similar directives.

**INFORMATIONAL SIGN** — Any temporary sign placed in order to advertise a political, charitable, educational, or religious function.

**MAINTENANCE** — The painting, repainting, cleaning and other repair of a sign or structural trim. For purposes of this article, a message change is not considered maintenance.

**MARQUEE** — Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

**MARQUEE SIGN** — Any sign attached to, in any manner, or made a part of a marquee.

**MONUMENT SIGN** — A permanent ground sign generally constructed out of brick, stone, or cast concrete material supported on a concrete foundation across the entire base of the structure and which may have an open space between the bottom of the sign and the ground that does not exceed one foot.

**NONCONFORMING SIGN** — Any sign that does not conform to the requirements of this article, or any amendment to this article, but which was lawful when this article or any amendment to this article became effective.

PARAPET — The extension of a false front or wall above a roofline.

PENNANT SIGN — Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in a series, designed to move in the wind.

POLITICAL CAMPAIGN SIGN — A sign that announces candidates seeking public office, or that advocates support or defeat of public issues.

PORTABLE SIGN — Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached or painted on vehicles parked and visible from the public right-of-way.

PRINCIPAL BUILDING — The building in which is conducted the principal use of the lot on which it is located. Storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

PRIVATE TRAFFIC CONTROL SIGN — A sign directing traffic movement onto and/or within a property.

PROJECT DEVELOPMENT SIGNS — Temporary signs for undeveloped parcels offering the sale or lease of the property.

PROJECTING SIGN — Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

PUBLIC SIGNS — Signs erected by or on the order of a public official in the performance of duty, such as legal notices, directional signs, regulatory signs, warning signs, informational signs, or decorative banners.

REAL ESTATE SIGNS — Signs indicating real estate for sale or lease and located on the subject property or tract.

ROOF SIGN — Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

ROOF SIGN, INTEGRAL — Any sign erected or constructed as an integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

SETBACK — The distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the property line.

SIGN — A permanent or temporary device, fixture, placard, or structure (including a banner and pennant) that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

**SIGN AREA** — The surfaces, including the outer extremities of all letters, figures, characters, and delineations, or surface making contact with the outer framework or background of the sign, whichever is greater. Columns, pylons, or buildings, or part thereof, shall not be included in the sign area unless used for advertising purposes.

**STREET** — A strip of land subject to vehicular and pedestrian traffic that provides direct or indirect access to property, including, but not limited to, alleys, avenues, boulevards, courts, drives, highways, lanes, places, roads, terraces, trails, or other thoroughfares.

**STREET FRONTAGE** — The distance, for which a lot line adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

**STREET SIGN** — A sign that identifies a street.

**STRUCTURE** — A combination of materials to form a construction for use, occupancy, or ornamentation, whether installed below or above the surface of land or water.

**STRUCTURE TRIM** — The molding, battens, cappings, nailing strips, latticing, and platforms which are attached to the sign structure.

**SUSPENDED SIGN** — A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

**TEMPORARY SIGN** — Any sign that is not permanently mounted and for a period not exceeding 30 consecutive days or 60 days in any one-year period.

**WALL SIGN** — A sign that is attached to the exterior wall of a building, projects not more than six inches from the wall, is confined within the limits of the wall, is supported by such wall or building, and displays only one sign surface. For purposes of this article, a sign painted on the surface of the wall is considered a wall sign.

**WINDOW SIGN** — Any sign, pictures, symbols, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the windowpanes or glass and is visible from the exterior of the window.

### **§ 235-40.3. Sign permits and fees.**

- A. Permit requirements. A person may not erect, place, attach, sustain, alter, reconstruct, relocate, or modify any sign or other advertising structure without first obtaining a sign permit and making payment of the required fee. All illuminated or electronically operated signs shall, in addition, be subject to the provisions of the Harford County electrical code.
- B. Permit exception. If the panel of a sign is modified to reflect a change in the logo or ad copy of an existing business at the same location, a new permit is not required.



- C. Application. An application for a sign permit shall be filed with the Department of Planning and Community Development on a form prescribed by the Director of Planning and Community Development, to include such information and documentation as the Director may require to ensure that the proposed sign or advertising structure will comply with this article. This information includes, but may not be limited to, the name and address of the sign/property owner; name and address of the applicant; name and address of the sign erector; drawings showing the copy, design, dimensions, heights, and location of the sign; and signature of the owner, tenant, or authorized agent.
- D. Fees. Fees for sign permits shall be as established and specified in the Code of the City of Aberdeen, Chapter A550, Fees.
- E. Nullification. A sign permit shall become null and void if the work for which the permit was issued has not been completed within 12 months after the date of final approval of the permit.
- F. Issuance and revocation. Provided the application is proper in form, is accompanied by all required information, and the applicable fee is paid, the Director of Planning and Community Development, or the Director's designee, shall approve the application and issue the permit within five business days. The Director of the Department of Planning and Community Development, or the Director's designee, may refuse to issue any permit or, after written notice and a reasonable opportunity to be heard, may revoke any permit issued upon failure to comply with any provisions of this article.

#### **§ 235-40.4. Calculation of sign area.**

- A. Double-faced signs. One face of a sign having obverse and reverse faces shall be considered in calculating the sign area. In the event that the area of faces is different, the face having the larger area shall determine the area of the sign.
- B. Multifaced or curved surface signs. The sign of a multifaced or curved surface sign shall be calculated from dimensions derived from its greatest plane projection.
- C. Irregularly shaped signs. The area of irregularly shaped signs shall be calculated by totaling the area of one or more rectangles completely enclosing the extremities of the sign.
- D. Cylindrical signs. The area of cylindrical signs shall be computed by multiplying  $1/2$  of the circumference by the height of the sign.

#### **§ 235-40.5. Structural requirements of signs.**

All signs and supporting structures shall comply with the pertinent requirements of the International Building Code (IBC) as adopted by the City of Aberdeen.

**§ 235-40.6. Miscellaneous provisions.**

- A. No sign or sign structure shall create a safety hazard.
- B. No sign may be located so that it substantially interferes with the view necessary for pedestrians or motorists to proceed safely through intersections or to enter or exit public streets or private roads.
- C. No sign may be erected so that its location, color, size, shape, nature, or message would obstruct the view of or be confused with official traffic signs or other signs erected by government agencies.
- D. Freestanding signs.
  - (1) Freestanding signs shall be securely fastened to the ground.
  - (2) No commercial freestanding sign shall be placed within 50 feet of residentially zoned property.
  - (3) The height of any freestanding sign shall be no more than 25 feet above finished grade.
  - (4) Freestanding signs shall be set back  $\frac{1}{3}$  of the required building setback distance for the underlying zoning district and out of any right-of-way or easement.
  - (5) A freestanding sign must be set back 10 feet from the City's public utilities, plus  $\frac{1}{2}$  foot for every foot above 10 feet in height of the sign.
  - (6) Nonconforming freestanding signs in designated overlay districts may remain as long as the only changes are to the sign copy. In the event a freestanding sign in a designated overlay district is to be replaced, it must be replaced with a monument sign adhering to the requirements in this article.
- E. Monument signs.
  - (1) Monument signs shall be securely fastened to the ground.
  - (2) No commercial monument sign shall be placed within 50 feet of residentially zoned property.
  - (3) Monument signs shall be set back  $\frac{1}{3}$  of the required building setback distance for the underlying zoning district and out of the right-of-way or easement.
  - (4) Monument signs shall have a copy area not exceeding a horizontal to vertical ratio of two to one.
  - (5) The structure of a monument sign shall not exceed eight feet in height above finished grade.
  - (6) Monument signs are mandatory in designated overlay districts as defined in this chapter.

- (7) No monument signs may be placed in a recorded easement area or over City utilities.
- (8) A monument sign must be set back 10 feet from the City's utilities or two times the depth of the utility, whichever is greater.
- F. Signs that are not commercially produced are prohibited in commercial or industrial zoning districts.
- G. Project development signs shall be set back at least 10 feet from the road right-of-way, shall not exceed 10 feet in height above the road grade, and shall not exceed the sizes as expressed in table 3.<sup>54</sup> Project development signs must be removed within 15 days after sale or lease of the last lot in the development.
- H. Vehicular signs (signs painted or mounted on the side or rear of trucks and trailers) parked along a right-of-way are prohibited. For purposes of this Code, bona fide commercial images, logos, or language related to the use of or product carried by a given vehicle shall not be considered vehicular signage.
- I. Signs shall be permitted for institutions such as churches, public and private schools, and funeral homes located within a residentially zoned area, except that electronic message signs may only be activated from dawn to dusk, and must be set back a minimum of 50 feet from an adjacent residential use and 20 feet from the road right-of-way. Signs for these uses shall not exceed 32 square feet in area and shall not exceed eight feet in height. For purposes of this subsection, day-care centers are not considered institutions.
- J. Informational signs shall be set back 10 feet from the road right-of-way. These signs shall not exceed six square feet in sign area and shall not exceed six feet in height above the road grade. All informational signs may be posted 10 days prior to a function and shall be removed within 24 hours after the function.
- K. Projecting signs shall be at least two feet away from the vertical street curbline or improved shoulder edge of the travel way, and shall project no more than 42 inches from the wall. There shall be a clearance of at least eight feet from the top of the sidewalk to the bottom edge of the sign, or 14 feet for vehicle access.
- L. Real estate signs must be removed within seven calendar days of the transfer, lease, or removal from the market of the real property.
- M. Signs may be placed on four sides of a commercial or industrial building, except that a sign may not be placed on a side of a commercial or industrial building that faces a residential area.
- N. Entrance signs shall not exceed six feet in height above finished grade.

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**54. Editor's Note: Table 3 is included as an attachment to this chapter.**

- O. An off-premises directory sign for general identification in support of an office park or similar project in the IBD Zoning District is permitted, provided that such a sign is within 2,000 feet of the property line of the office park or project. This type of sign shall be limited to a maximum of 12 feet in height above finished grade, and a maximum of 75 square feet in area.

**§ 235-40.7. General restrictions.**

- A. Signs displaying any statements, words, characters, photographs, or illustrations that are obscene or that depict child pornography are prohibited. As used in this subsection, the term "obscene" shall be construed in accordance with federal and state law and judicial precedents then applicable in Maryland.
- B. Signs of a size, location, movement, content, coloration, or manner of illumination that may be confused with or construed as a traffic control device, that hide from view any permitted signs, or which distract or obstruct the view of road or pedestrian traffic in any direction at a road intersection shall be prohibited.
- C. Signs shall not be displayed on City property, road rights-of-way, on utility poles, or in such a way as to present a danger to person or property, or to limit the visual field of drivers or pedestrians.
- D. A sign shall not be placed within 10 feet of the road right-of-way and shall be placed in such a manner so as not to impede vision.
- E. No sign shall obstruct a means of ingress or egress from a building or structure.
- F. Signs that produce noise or sounds, or emit smoke, vapor, particles, or odor are prohibited.
- G. Signs shall not be placed within rights-of-way or buffer yards between business or industrial uses and residential uses.

**§ 235-40.8. Inspection, maintenance, and removal.**

- A. Inspection. Signs may be inspected by the Director of the Department of Planning and Community Development or the Director's designee for compliance with this article.
- B. Maintenance. All signs, components, and supporting structures shall be kept in good repair, appearance, quality, and condition, and maintained to protect against breakage, material discoloration, and defects in or omission of material components.
- C. Removal.
  - (1) If any sign advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted at that location,

that sign shall be considered abandoned and shall, within 90 days after such abandonment, be removed by the sign owner, owner of the property where the sign is located, or other party having control over such sign.

- (2) If the message portion of a sign (other than a billboard sign) is removed, leaving only the supporting shell of the sign, the owner of the property where the sign is located, or other person having control over such sign, shall, within 30 days of the removal of the message portion of the sign, remove the remaining components of the structure.

**§ 235-40.9. Unlawful cutting of trees or shrubs.**

No person may increase or enhance the visibility of any sign by damaging, trimming, destroying, or removing any trees, shrubs, or other vegetation located within the right-of-way of any public street or road.

**§ 235-40.10. Nonconforming signs.**

- A. No person may enlarge or increase the size of a nonconforming sign.
- B. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this article.
- C. If a nonconforming sign is destroyed, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all the provisions of this article, and the remnants of the former sign structure shall be cleared from the land or building.
- D. The sign structure in place when a sign becomes nonconforming may not be modified, except to bring it into conformity with this article.

**§ 235-40.11. Illumination.**

- A. The light from any illuminated sign or from 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 the vision of motor vehicle operators.
- B. With the exception of electronic message signs, no sign shall have blinking or flashing lights or other illumination devices which have a changing light intensity, brightness or color.
- C. No exposed reflective-type bulbs and no strobe lights or incandescent lamps shall be used on the exterior surface of any sign so as to expose the face of the bulb, light, or lamp to any public street or adjacent property.
- D. Beacon lights or searchlights shall be temporarily permitted for advertising special events.

**§ 235-40.12. Sign tables.**

Permitted signs, number of signs allowed, and sign area for each sign in each zoning district shall be as set forth in the following tables at the end of this article:

- A. Table 1, Permitted Signs by Type and Zoning District.
- B. Table 2, Number of Signs per Recorded Lot or Business by Zoning District.
- C. Table 3, Sign Area for Each Sign on Recorded Lot or Business by Zoning District (in Square Feet).

**§ 235-40.13. Appeals.**

- A. A person aggrieved by the denial of an application for a sign permit, or by the revocation of a sign permit, may file an appeal to the Aberdeen Board of Appeals in accordance with the provisions of § 235-11 of this Code.
- B. Disapproval of sign locations as they relate to easements and public utilities are not subject to appeal or review by the Board of Appeals.

**§ 235-40.14. Violations and penalties.**

- A. Any person that violates the provisions of this article shall be deemed to have committed a municipal infraction as set forth in Chapter 95, Municipal Infractions, of this Code, and subject to the following actions:
  - (1) Warning: A warning notice to correct the violation within 10 days from the date of the notice shall be mailed, by certified and regular mail, to the owner, occupant, or tenant.
  - (2) First offense: \$100.
  - (3) Second offense: \$250.
  - (4) Third offense: \$400.
  - (5) Each subsequent offense: \$400.
- B. Each day that a violation continues, and each repeat violation, is a separate offense.
- C. Notwithstanding the provisions herein for violations, the City may seek an injunction or other relief to correct a violation as may be available by law.

## ARTICLE VI

**Citizen Participation and Notification Process****§ 235-41. Purpose; process. [Amended 8-23-2010 by Ord. No. 10-O-12]**

It is the purpose of this section to provide for and encourage citizen participation in the governmental process for persons who reside in the City and greater Aberdeen area.

A. The City shall furnish information to citizens on:

- (1) Permitted zoning uses and zoning designation of the property being proposed for development.
- (2) If residential development, the number of dwelling units permitted and being proposed.
- (3) If commercial or industrial development, the proposed use and location of all buildings, parking spaces and accessory uses.

B. To ensure that citizens are given reasonable and timely access to local public meetings, the purpose of which is to review site plans, subdivision plans, annexation requests, rezoning requests, interpretations, and Board of Appeals cases, the City shall:

- (1) Provide one public hearing for the purpose of soliciting citizens' views and provide reasonable notice of the hearing which will be held at a public building. The public hearing (meeting) notice will be published in the local newspaper of general circulation. All hearings shall be held in accessible locations, and the City of Aberdeen will offer, if requested in advance, interpretive services for the hearing impaired and/or for persons who speak English as a second language.
- (2) Provide citizens adjacent to the proposed development with written advance notice and opportunity to comment on the proposed development activities.
- (3) Provide technical assistance to citizens groups and representatives on the proposed development.
- (4) Post public hearing notice on City website, and any additional information will be made available at the Department of Planning and Community Development.

C. To provide a process for citizen participation at the public hearing (meeting) and seek to meet the following objectives:

- (1) The City's public hearings shall be organized to inform community organizations and the public at large to seek their participation.

- (2) The City shall solicit comments from the public and other community groups directly affected.
- (3) The City shall provide responses to all citizens' concerns, stating the reasons for the action taken. This will occur at City Council meetings held on the second and fourth Monday of each month.



ARTICLE VII  
**Transitional Provisions**

**§ 235-42. Effect on pending or preexisting certificates, permits and regulations.**

A. Approved or pending zoning certificates or building permits.

- (1) The requirements of this chapter shall not apply to any building, structure or use established pursuant to a valid building permit approved prior to the effective date of this chapter, provided that any such development shall commence within 12 months of the effective date of this chapter.
- (2) The requirements of this chapter shall not apply to any building, structure or use proposed to be established pursuant to a valid building permit application pending as of the effective date of this chapter. Such permit application is subject to the requirements of the Aberdeen Zoning Code and amendments thereto. Provided the permit application is approved within 60 days after the effective date of this chapter, any development initiated pursuant to the approved permit application must commence within 12 months of the date of the approved application. Failure to commence within the twelve-month period shall subject the permit to the provisions of this chapter.

B. Approved and pending preliminary plats.

- (1) The requirements of this chapter shall not apply to lots shown on a preliminary subdivision plat approved as of the effective date of this chapter, provided that a final plat applicable to that parcel shall have been recorded in the land records of the county prior to the effective date of this chapter or shall be recorded within 12 months after such effective date.
- (2) The requirements of this chapter shall not apply to lots shown on a preliminary subdivision plat pending approval as of the effective date of this chapter, provided that the requirements of the Aberdeen Development Code and amendments thereof shall apply and the plat shall be approved by the Planning Commission within 60 days from the effective date of this chapter and a final plat applicable to that parcel shall be recorded in the land records of the county within 12 months after the date of approval of the preliminary plat.

C. Board of Appeals approvals. The requirements of this chapter shall not apply to any variance or conditional use approved by a final decision of the Board pursuant to the Aberdeen Zoning Ordinance No. 254, as amended.

D. Effect of prior zoning regulations. All district classifications and maps, special exceptions, variances and conditional uses and applications for

such approvals, including the particular zoning category or categories applicable to a parcel of land, established under the Aberdeen Zoning Ordinance No. 254, as amended, and as applied by legislative or administrative action thereunder, shall, as of the effective date of this chapter, be of no further effect or validity, except to the extent that specific continuing rights are granted by the terms of this chapter.

- E. Effect of declaration of invalidity. Should all or part of any comprehensive Zoning Map legislatively adopted on or after the effective date of this chapter be declared invalid, the zoning restrictions applicable to the district prior to the adoption shall thereafter apply to the property affected by such declaration of invalidity, pending further action by the Council.

## ARTICLE VIII

**Transit Oriented Development Maps and Graphics**  
**[Added 2-24-2014 by Ord. No. 14-O-05]****§ 235-43. Maps and graphics.**

The maps and graphics that are included as 235 Attachment 7 (attached to this chapter) are maps and graphics referred to in this chapter and applicable to development within the Transit Oriented Development District.

## **Chapter 250**

# **ENVIRONMENTAL CONTROL**

### **GENERAL REFERENCES**

**Building construction — See Ch. 210.**

**Livability standards — See Ch. 348.**

**Fire prevention — See Ch. 269.**

**Nuisances — See Ch. 391.**

**Littering — See Ch. 344.**

**Sewers and water — See Ch. 450.**

ARTICLE I  
**General Provisions**

**§ 250-1. Definitions.**

As used in this chapter, the following words and phrases shall have the meanings indicated:

COMMERCIAL REFUSE — The refuse and other waste materials from wholesale and retail stores, restaurants, florists, beauty shops, barbershops, variety stores, motels, hotels and other commercial enterprises.

DISPOSAL FACILITY — A facility for the intermediate or final disposition of solid waste.

DWELLING — A unit of single-family or multifamily residential housing, including, without limitation, apartments, cooperatives and condominiums, whether privately or publicly owned, located in Aberdeen.

EMERGENCY — A sudden, unexpected and unforeseen condition of such gravity as to require immediate action to carry out the purposes of this chapter.

GARBAGE — The animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of foods, exclusive of recognized industries, and human and animal feces.

HAZARDOUS AND SPECIAL WASTE — Hazardous solid and liquid wastes, such as but not limited to highly flammable materials, explosives, pathological waste, poisons, infectious waste from hospitals and doctors' offices and radioactive materials.

INCINERATOR — Any equipment, device or contrivance used for the destruction of garbage, rubbish or other wastes by burning.

INDUSTRIAL REFUSE — The refuse and other waste materials from factories, processing plants and other manufacturing enterprises, including putrescible garbage from food-processing plants and slaughterhouses, condemned foods, waste wood materials and all other refuse from manufacturing and industrial processes.

INSECT AND RODENT CONTROL — Those measures that are necessary to prevent insect and rodent infestations, harborage, feeding or breeding sites or to eliminate established insect and rodent infestations, harborage, feeding or breeding sites in any area of the City.**[Amended 8-23-2010 by Ord. No. 10-O-12]**

INSECTS — Those insects that are considered to be of public health significance in this area, such as ticks, fleas, body lice, roaches, mites and flies.

LAND-CLEARING DEBRIS — All materials generated during the clearing of land for home sites, commercial buildings, recreational facilities, road building or any other purpose.

**LIQUID WASTES** — All liquid wastes generated through the use of domestic or municipal facilities, including any industrial or commercial liquids that may not be classified hazardous or listed within special waste categories.

**NUISANCE** — Any condition which is detrimental to public health, safety and welfare, the property of others or the use and enjoyment of property.

**ODORS** — Those properties of an emission which stimulate the sense of smell.

**OFFAL** — The waste animal matter from butcher shops and slaughterhouses or packinghouses.

**OPEN DUMP** — Any land, publicly or privately owned, other than an approved sanitary landfill, in which there is a deposit or an accumulation, either temporary or permanent, of any kind of organic or inorganic refuse.

**OPEN FIRE** — A fire where any material is burned in the open or in a receptacle other than a furnace incinerator or other equipment designed and approved for the destruction of specific materials.

**OWNER** — The title holder of property. The term shall include a tenant, occupant or any person, firm or corporation in charge of or in control of property.

**REFUSE COLLECTION** — The removal and conveyance of refuse from temporary storage points to disposal sites by municipalities, contractors and others.

**REFUSE DISPOSAL** — The method of final disposition of refuse.

**REFUSE STORAGE** — The temporary storage of refuse, all of which is produced on the premises where the refuse is stored, by dwellings and commercial and industrial establishments.

**RESIDENTIAL REFUSE** — The refuse and other waste materials from any dwelling, including yard waste, household appliances and household furnishings, but excluding rubble, stumps and land-clearing debris.

**RESOURCE RECOVERY FACILITY** — A facility which receives and processes solid waste and recovers either energy or salable by-products, or both.

**RUBBLE** — Structural construction waste materials or materials generated by building demolition, including but not limited to rocks, concrete, asphalt, brick, lumber, plaster, plasterboard, siding, roofing and metal.

**SANITARY LANDFILL** — A planned and systematic method of refusal disposal whereby the waste material is placed in the ground in layers, compacted and covered with earth at the end of each day's operation.

**SOLID WASTE** — All refuse and other waste materials, combustible or noncombustible, whether solid, liquid or gas, from all public and private sources, including but not limited to trash, garbage, rubbish, residential refuse, industrial refuse and commercial refuse, but excluding body excrements.

SOLID WASTE MANAGEMENT PLAN — The comprehensive plan for Aberdeen in effect and as amended from time to time which meets the requirements of the Code of Maryland Regulations (COMAR), Title 26, Subtitle 4. **[Amended 8-23-2010 by Ord. No. 10-O-12]**

TRASH — All waste materials, other than garbage and offal from stores, institutions, markets and other establishments, further classified as combustible and noncombustible.





## ARTICLE II

**Storage and Accumulation of Refuse****§ 250-2. Responsibility of owner or occupant. [Amended 5-9-2016 by Ord. No. 16-O-07]**

All owners and occupants shall jointly keep their premises free from any accumulation of improperly stored refuse which would constitute a nuisance.

**§ 250-3. Containers.**

All garbage and trash shall be stored in commercially available type containers with tight-fitting covers. Individuals using plastic bags for the disposal of trash and garbage shall be responsible for taking the necessary safeguards to ensure that this method of disposal does not create a potential health hazard for the community. For residences, container size shall be not more than 32 gallons, and no single container shall exceed 60 pounds when filled, except as may be provided by the trash haulers with the approval of the Director of Public Works. Cardboard boxes, baskets and oil or chemical drums are not acceptable as containers for regular collection.

**§ 250-4. Bundling.**

- A. All articles, such as boxes, crates, magazines, tree trimmings, hedge cuttings, etc., will be broken down and tied in compact bundles, not heavier than 60 pounds nor more than four feet in length, to permit safe and rapid handling by one man. Flowers, grass cuttings, weeds, small garden debris and leaves may be placed in regular containers or heavy-duty plastic bags. No more than 10 plastic bags of leaves shall be placed for collection on each collection day.
- B. Refuse that will not fit into regulation containers must be prepared in a neat and compact bundle as specified in this section or placed in a disposable container.

**§ 250-5. Bulky waste. [Amended 8-23-2010 by Ord. No. 10-O-12]**

Bulky items may be disposed of by the Department of Public Works. These items include any large or bulky material which the contract collectors cannot collect with their equipment. The Director of Public Works shall have the right to establish reasonable collection fees for such service.

**§ 250-6. Commercial facilities.**

- A. The container size, type and number shall be determined on an individual basis for commercial facilities. In those facilities generating mixed trash and garbage and using a dump-type container, the contractor shall be responsible for the removal and replacement of these units with a clean container when he is notified by the Director of Public Works that the in-place unit is in need of cleaning or repair.

- B. All commercial and institutional uses shall be serviced by a dump-type container, compactor or similar type unit. All units shall be subject to the approval of the Director of Public Works. These units may also be required for use in such other areas as directed by the Director of Public Works.

**§ 250-7. Junk vehicles. [Amended 8-9-1993 by Ord. No. 418-93]**

- A. The owner, occupant or tenant of any parcel or lot of land situate within the City of Aberdeen shall not store, permit, leave or allow any motor vehicle on any parcel or lot for a period exceeding five consecutive days, unless the motor vehicle is validly registered under state law and displays current and valid license or registration plates and current stickers, unless said vehicle is exempt from the registration provisions under state law or is stored within a completely enclosed building.
- B. A violation of this section shall be deemed a municipal infraction subject to the following:<sup>55</sup>
- (1) Warning. A warning notice to correct the violation within 10 days from the date of notice shall be posted on the property or vehicle or mailed to the owner, occupant or tenant.
  - (2) First offense. Upon failure to correct within 10 days from the date of the warning or upon expiration of the period specified in the zoning certificate: \$50.
  - (3) Second offense. Upon failure to correct the violation after five days from the date of the first offense or upon expiration of the period specified in the zoning certificate: \$100.
  - (4) Third offense. Upon failure to correct the violation after five days from the date of the second offense or upon expiration of the period specified in the zoning certificate: \$150.
- C. Notwithstanding the provisions regarding municipal infractions, the Zoning Administrator or police may, after issuance of a warning, declare the motor vehicle abandoned, cause the vehicle to be removed from the property and dispose of said vehicles in accordance with Chapter 121 of the City Code. The responsible party may redeem the vehicle upon payment of all administrative fees, fines for municipal infraction and costs of towing and storage charges and upon proof that the vehicle is validly registered with the State of Maryland and that it bears a valid registration or license plate and current stickers.  
**[Amended 8-23-2010 by Ord. No. 10-O-12]**
- D. Certificate. Any person subject to the provisions of this section may apply to the Zoning Administrator for a certificate to permit storage of a motor vehicle for a period of 30 days. This certificate shall not be

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55.Editor's Note: See Ch. 95, Municipal Infractions.

subject to renewal or extension. **[Amended 8-23-2010 by Ord. No. 10-O-12]**

- E. The Zoning Administrator shall, upon application, issue a permit to allow one unregistered vehicle for a period not exceeding six months for the purposes of repair and one vehicle for each lineal next of kin of the property owner, occupant or tenant upon proof that the lineal next of kin has current orders to serve overseas in the military. **[Amended 8-23-2010 by Ord. No. 10-O-12]**
- F. The issuance of a certificate or permit shall stay any violation of this section during the period specified in the certificate or permit. **[Amended 8-23-2010 by Ord. No. 10-O-12]**



ARTICLE III  
**Property Maintenance and Control**

**§ 250-8. Responsibility of owner and occupant. [Amended 5-9-2016 by Ord. No. 16-O-07]**

- A. The owner and occupant of any improved or unimproved lot or parcel of land jointly shall be responsible for the removal of any nuisance arising from the accumulation of garbage, junk, trash or refuse or the presence of stagnant water, waste or any combustible material.
- B. The occupant and owner of any property jointly shall at all times be responsible for the sanitary condition of such property occupied or owned by him. It shall be unlawful for any person to place, deposit or allow refuse to be placed or deposited on his property unless it is placed in containers in preparation for final disposal. It shall also be unlawful for any person to create a junkyard or salvage operation in any residentially zoned district.
- C. Notice of abatement shall require that the owner and/or occupant remove or otherwise abate a nuisance or unsanitary condition that is in violation of this section within seven calendar days from the date of notice. **[Added 5-23-2016 by Ord. No. 16-O-08]**
- D. Service of the notice shall be by personal service or certified and regular mail to the last known address of the person in whose name the property is assessed for tax purposes and the tenant or occupant. **[Added 5-23-2016 by Ord. No. 16-O-08]**
- E. If the property owner, tenant and/or occupant fails within seven calendar days of date of notice to remove or otherwise abate the nuisance or unsanitary condition specified in the notice, the City shall abate the violation by use of City employees and equipment or by contract with private contractors. **[Added 5-23-2016 by Ord. No. 16-O-08]**
- F. A violation of this section is a municipal infraction. A property owner and/or tenant or occupant who fails to abate a violation of this section shall be fined in accordance with the provisions in Article X (Enforcement) of this chapter and shall be assessed all costs incurred by the City associated with the abatement of the violation and the City's administrative costs. All costs shall be a lien on the owner's land and shall be collected and enforced in the same manner as City real property taxes, except the land may not be sold at tax sale to satisfy the lien. **[Added 5-23-2016 by Ord. No. 16-O-08]**

**§ 250-9. Depositing refuse on property of another. [Added 3-8-1993 by Ord. No. 409-93]**

No person shall dispose of, dump or place for collection any trash, garbage or refuse, whether or not otherwise placed in acceptable bags or containers

pursuant to this chapter, on the property of another without the permission of such property owner, and any such disposing, dumping or placing for collection without the permission of such property owner shall constitute a violation of this chapter and shall be subject to the penalties set forth in § 250-31, Violations and penalties.

#### **§ 250-10. Land-clearing debris.**

All excess land-clearing debris generated during the preparation of lots or parcels of land for the erection of structures or road building shall be removed from such property by the prime builder, contractor, developer or owner within the time specified by the Director of Public Works. In those areas where this material cannot be disposed of by open burning, all residual waste generated shall be transported to and disposed of in designated rubble fills. On-site disposal of tree stumps only shall be permitted on lots or parcels of land prepared for the erection of structures by the prime builder, contractor or developer in areas located on the lot or parcel designated as open space and where permanent stockpiles are to be used when the following minimum criteria for stockpiles are met:

- A. Sediment controls have been installed as required by an approved erosion and sediment control plan during placement or excavation of the stockpile.<sup>56</sup>
- B. The stockpile has been placed in a location approved by the Department of Public Works.
- C. Stumps shall be buried beneath the stockpile a minimum of three feet below the soil surface.
- D. Slopes shall be no steeper than four feet horizontal to one foot vertical.
- E. Stumps shall not exceed 15 feet in height.
- F. Stockpiles shall be permanently stabilized with a low-maintenance ground cover.
- G. Stockpiles shall be landscaped to blend into existing natural surroundings. On stockpiles higher than six feet tall, plantings of pine and deciduous trees, each not less than three feet high when planted, will be provided per a landscaping plan approved by the Director of Public Works. In no instance shall any excess land-clearing debris, including tree stumps, be disposed of in an area where it would constitute a menace to any water source or supply or septic reserve or drainage area.

#### **§ 250-11. Unsafe buildings. [Amended 9-12-2005 by Ord. No. 677-05; 8-27-2012 by Ord. No. 12-O-06]**

- A. The purpose of this section is to:

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<sup>56</sup>.Editor's Note: See Ch. 297, Grading and Sediment Control.

- (1) Set forth laws for governing the abatement of unsafe buildings in the City.
  - (2) Preserve the safety, health, and general welfare of the City.
  - (3) Provide for procedures for repairing and removing unsafe buildings when the building endangers the health and safety of others.
- B. Definitions. As used in this section, the following terms shall have the meanings indicated:
- UNSAFE BUILDING — A condition which poses such immediate harm or threat of harm to an occupant or to the public that other legal remedies cannot be expected to bring about the alleviation or removal of the condition to prevent the serious harm or injury to the occupants or to the public health, safety, and welfare.
- C. The City requires the securing, repair, removal, or demolition of a building that is:
- (1) Damaged by fire, wind or flood, dilapidated, unsafe or abandoned, or unfit for human habitation and is thereby a hazard to the public health, safety, and welfare;
  - (2) Regardless of its structural condition, it is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of shelter or could be entered or used by children; or
  - (3) Boarded up, fenced, or otherwise secured in any manner if:
    - (a) The building constitutes a danger to the public even though secured from entry; or
    - (b) The means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described in Subsection C(2).
- D. The Director of Public Works shall establish regulations that:
- (1) Establish minimum standards for the continued use and occupancy of buildings in a condition described herein;
  - (2) Provide for notice to an owner, lien holder, or mortgagee that schedules a public hearing to determine whether a building is unsafe and whether it can be repaired and that the owner, lien holder, or mortgagee will be required to submit at the hearing proof of the scope of any work that is required to comply with this section and the time it will take to reasonably perform the work; and
  - (3) Establish procedures for notifying occupants of the property, if any, and giving them the appropriate information about the contents of

the notice that the property is an unsafe building and thus not safe for occupancy.

- E. If a building is found by the Director of Public Works to be in violation of standards set out herein, the City may issue a notice that the building be vacated, secured, repaired, removed, or demolished by the owner within a reasonable time as provided in the notice. The notice issued by the City may specify a reasonable time as provided by this section for the building to be secured, repaired, removed, or demolished by the owner. Within 10 days after the date that the notice is issued, the City shall:
- (1) File a copy of the notice in the office of the City Clerk and post it in the lobby of the first floor of the City office building in a conspicuous place; and
  - (2) Publish for one week in a newspaper of general circulation in the City the notice containing:
    - (a) The street address or legal description of the property;
    - (b) A brief statement indicating the contents of the notice; and
    - (c) Instructions stating where a complete copy of the notice may be obtained.
  - (3) The City shall make a diligent effort to discover each mortgagee and lien holder having an interest in the building or in the property on which the building is located. The City shall use its best efforts to determine the identity and address of any owner, lien holder, or mortgagee of the building and provide the same information as that due an owner. The City, if it is able to obtain the information, shall deliver in person or send by certified mail with return receipt requested, to each identified mortgagee and lien holder a notice containing:
    - (a) A copy of the City's notice;
    - (b) A reasonable identification, which is not required to be a legal description, of the location of the building and the property on which it is located;
    - (c) A description of the violation of the City's standards present at the building;
    - (d) A statement that the City may secure, remove, or demolish the building if the action set forth in the notice is not taken within a reasonable time; and
    - (e) A copy of this section of the Code.
- F. In the event the owner fails to vacate, secure, repair, remove, or demolish the building within the time as provided in the notice, the



Director of Public Works shall schedule a public hearing before a committee consisting of the City Manager, the Chief of Police and the Director of Planning and Community Development, hereinafter the Unsafe Building Committee (the "Committee"). The Committee shall give notice of the place, date and time of the public hearing and statement of the violation of the City Code to the owner and each identified mortgagee and lien holder. It shall publish the same notice for two weeks in a newspaper of general circulation in the City. The publishing of the notice is binding on subsequent grantees, lien holders, or other transferees of an interest in the property who acquire such interest after the publishing of the notice, and constitutes notice of the hearing on any subsequent recipient of any interest in the property who acquires such interest after the filing of the notice.

- G. In conducting a hearing authorized under this section, the Committee, after a presentation by the Director of Public Works as to the condition of the building, shall determine whether the building is one that meets the standards described in Subsection C. At the conclusion of the hearing, the Committee may determine if the building is an unsafe building and if it is necessary issue a written order to require the owner, lien holder, or mortgagee of the building to:
- (1) Secure the building from unauthorized entry; or
  - (2) Repair, remove, or demolish the building, unless the owner or lien holder establishes at the hearing that the work cannot reasonably be performed within 30 days.
  - (3) The owner, lien holder, or mortgagee has the burden of proof to demonstrate to the Committee the scope of any work that may be required to make the building safe and/or habitable and the time it will take to reasonably perform the work to do so.
- H. Notwithstanding the above, the Committee may not allow the owner, lien holder, or mortgagee more than 90 days from the date of the hearing to repair, remove, or demolish the building or fully perform all work required to comply with the order unless the owner, lien holder, or mortgagee:
- (1) Submits a detailed plan and time schedule for the work at the hearing; and
  - (2) Establishes at the hearing that the work cannot reasonably be completed within 90 days because of the scope and complexity of the work.
- I. If the Committee allows the owner, lien holder, or mortgagee more than 90 days to complete any part of the work required to repair, remove, or demolish the building, the Committee shall require the owner, lien holder, or mortgagee to regularly submit to the Director of Public Works progress reports to the City to demonstrate compliance with the time schedules established for commencement and performance

of the work. The Committee may require the owner, lien holder, or mortgagee to appear before the hearing official or the hearing official's designee to demonstrate compliance with the time schedules. If the owner, lien holder, or mortgagee owns property, including structures or improvements on property, within the municipal boundaries that exceeds \$50,000 in total value, in its then current condition, the City may require the owner, lien holder, or mortgagee to post a cash or surety bond in an amount adequate to cover the cost of repairing, removing, or demolishing a building under this subsection. In lieu of a bond, the City may require the owner, lien holder, or mortgagee to provide a letter of credit from a financial institution or a guaranty from a third party approved by the City. The bond must be posted, or the letter of credit or third-party guaranty provided, not later than the 30th day after the date the Committee issues the order.

- J. If the building is not secured, repaired, removed, or demolished within the allotted time and as ordered, the City may, by the application of its police power to curb or abate nuisances, secure, remove, or demolish the building at its own expense. This subsection does not limit the ability of a city to collect on a bond or other financial guaranty that may be required by Subsection I.
- K. If a city incurs expenses under Subsection I, the City may assess its expenses by the creation of a lien against the property on which the building was located as provided by the Annotated Code of Maryland, as amended. The possibility of a lien is extinguished if the property owner or another person having an interest in the legal title to the property reimburses the City for the expenses. If the expenses remain unpaid for more than 60 days from the date of the notice of the assessment of the expenses, the owner will be billed by the City for the amount of the unpaid expenses along with a administrative fee of 10%. If the expenses remain unpaid for more than the above sixty-day period, the City Treasurer's office shall forward the amount due to the Clerk of the Circuit Court of Harford County to be recorded as a lien against the property. The lien arises and attaches to the property at the time the notice of the lien is recorded and indexed in the Circuit Court for Harford County, Maryland. The notice must contain the name and address of the owner if that information can be determined with a reasonable effort, a legal description of the real property on which the building was located, the amount of expenses incurred by the City, and the balance due.
- L. The City satisfies the requirements of this section to use its best efforts, or to make a reasonable effort to determine the identity and address of an owner, a lien holder, or a mortgagee if the City searches the following records:
  - (1) Land records of Harford County, Maryland;
  - (2) Real property appraisal records of the Maryland and Harford County Departments of Assessment and Taxation;

- (3) Real property tax records of the City; and
  - (4) Utility records of the City.
- M. After the City mails a notice to a property owner, lien holder, mortgagee, or registered agent and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered delivered.
- N. Any owner, lien holder, or mortgagee of record of property jointly or severally aggrieved by an order of a City issued under § 250-11 may file in Circuit Court for Harford County a petition of appeal as provided for in Title 7 of the Maryland Rules, Annotated Code of Maryland. The petition must be filed by an owner, lien holder, or mortgagee within 30 calendar days after the date that a copy of the notice of a final decision of the City is personally delivered to them, mailed to them by first class mail with certified return receipt requested, or delivered to them by the United States Postal Service express mail.
- O. If the decision of the City is affirmed or not substantially reversed but only modified, the Circuit Court of Harford County shall allow to the City reasonable attorneys' fees and other costs and expenses incurred by it and shall enter a judgment for those items, which may be entered against the parties that took the appeal.

**§ 250-12. Other actions. [Amended 8-23-2010 by Ord. No. 10-O-12]**

Notwithstanding the provisions of this article, the Director of Public Works may take actions as permitted under the International Building Code.<sup>57</sup>

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**57.Editor's Note: See Ch. 210, Building Construction, Art. I, Building Standards.**



ARTICLE IV  
**Snow and Ice Removal**

**§ 250-13. Responsibility for removal.**

Every person, partnership, corporation, joint-stock company or syndicate in charge or control of any building or lot of land within the City fronting or abutting on any paved sidewalk, whether an owner, tenant, occupant, lessee or otherwise, shall remove and clear away or cause to be removed and cleared away snow and ice from so much of said sidewalk as is in front of or abuts on said building or lot of land. Except as provided in § 250-14 hereof, snow and ice shall be removed from sidewalks within the City on the same day of the cessation of any fall of snow, sleet or freezing rain or within the first eight hours of daylight of the cessation of any such fall, whichever period is longer.

**§ 250-14. Use of snow- and ice-melting substances.**

In the event that snow or ice on a sidewalk has become so hard that it cannot be removed without likelihood of damage to the sidewalk, the person or entity responsible for its removal within the time mentioned in § 250-13 hereof shall place sand or other approved substance on the sidewalk to make travel thereon reasonably safe and shall then, as soon thereafter as weather permits, cause said sidewalk to be thoroughly cleaned.



ARTICLE V  
**Vegetation**

**§ 250-15. Height restriction. [Amended 10-25-2004 by Ord. No. 660-04]**

- A. It shall be unlawful for any person to permit any vegetation, other than trees, cultivated crops or cultivated ornamental shrubbery or plants, to grow to a height exceeding 12 inches on any lot or parcel of land less than three acres located in an approved and/or recorded residential subdivision having three or more lots or parcels of land, on any residential lot or any lot within any residential district and any part of which is within 150 feet of an occupied residence. Lots or parcels of land devoted to bona fide agricultural use or designated by any governmental agency as a wildlife preserve are exempt from the application of this section.
- B. It shall be unlawful for any person to permit any vegetation, other than trees, cultivated crops or cultivated ornamental shrubbery or plants, to grow to a height exceeding 12 inches on any lot or parcel of land less than four acres located in the City limits and any part of which is within 200 feet of an occupied residence.
- C. Notice of abatement shall require that the owner and/or occupant cut, trim or remove the vegetation that is in violation of this section within seven calendar days from the date of notice.
- D. Service of notice shall be by personal service or certified and regular mail to the last known address of the person in whose name the property is assessed for tax purposes and the tenant or occupant.
- E. If the property owner, tenant and/or occupant fails to cut, trim or remove the vegetation within seven calendar days of date of notice, the City shall abate the violation by use of City employees and equipment or by contract with private contractors.
- F. A violation of this section shall constitute a municipal infraction. A property owner and/or tenant or occupant who fails to abate a violation of this section shall be fined in accordance with the provisions in Article X (Enforcement) of this chapter and assessed all costs incurred by the City associated with the abatement of the violation and the City's administrative costs. All costs shall be a lien on the owner's land and shall be collected and enforced in the same manner as City real property taxes, except the land may not be sold at tax sale to satisfy the lien. **[Amended 5-23-2016 by Ord. No. 16-O-09]**
- G. No property shall be transferred unless all outstanding fines have been paid to the City.





## ARTICLE VI

**Rodent and Insect Control****§ 250-16. Responsibility of property owners or occupants.  
[Amended 5-9-2016 by Ord. No. 16-O-07]**

It shall be the responsibility of all property owners or occupants jointly to maintain their property free of such materials as would provide harborage and food sources for rodents. Property owners shall also maintain their property free of such materials as would provide feeding, breeding or harborage areas for insects.

**§ 250-17. Inspections and control measures.**

The Director of Public Works shall have the right to inspect any premises or facility for insect and rodent infestations, harborage, feeding or breeding sites. The property owner shall be responsible for taking those control measures as specified by the Director of Public Works for the elimination or prevention of insect and rodent infestations, harborage, feeding or breeding sites.



## ARTICLE VII

**Collection and Transportation of Solid Waste****§ 250-18. Collection vehicles.**

All trash and refuse collection vehicles shall contain bodies that are leakproof so as to prevent the loss of liquid from waste matter. All open type vehicles shall be covered between points of collection and place of disposal by heavy canvas or other suitable cover to prevent refuse from escaping onto streets, roadways or adjacent areas. All collection vehicles or containers will be kept clean so as to minimize odors and prevent insect breeding and rodent feeding.

**§ 250-19. Collection points.**

All collection points shall be left clean and free of debris, trash and other refuse after collection is made. On the day of collection, all containers will be placed at the front curb or property line or other site within the property as agreed upon by the collector.

**§ 250-20. Hazardous and special wastes.**

The collection and disposal of hazardous and special wastes shall be the responsibility of the waste generator in a manner acceptable to the Director of Public Works.

**§ 250-21. Collection frequency.**

All contractors engaged in collection of trash and garbage shall establish and maintain a frequency of collection of twice weekly. The frequency of collection from commercial and industrial establishments will be determined on an individual basis.

**§ 250-22. Charges; structures containing three or fewer residential dwelling units. [Added 11-23-1992 by Ord. No. 402-92; 3-24-2014 by Ord. No. 14-O-06; 4-27-2015 by Ord. No. 15-O-04]**

- A. All owners and tenants of structures containing not more than three residential dwelling units within the City shall be required to comply with the provisions of this chapter.
- B. The City, through its Treasurer, shall issue stickers at the rates prescribed herein. All stickers shall be sequentially numbered. The purchase price paid for stickers is nonrefundable. The Treasurer may sell stickers to commercial establishments in the City for resale, and commercial establishments may purchase stickers from the Treasurer for resale or distribution, under the following terms and conditions:
  - (1) The Treasurer shall sell stickers to commercial establishments for resale or distribution at the prices set forth in Subsection C of this section. The price for a sticker as set forth in Subsection C

is the sticker's "face value." The following types of commercial establishments are not eligible to purchase stickers from the Treasurer:

- (a) A commercial establishment whose privilege to resell stickers has been revoked.
  - (b) A commercial establishment that has not received a license from the Treasurer under this Subsection B.
- (2) The purchase price paid for stickers sold to and purchased by commercial establishments is nonrefundable.
- (3) A commercial establishment may not purchase stickers from the Treasurer for resale or distribution, and may not resell or distribute a sticker, unless the owner of the establishment has filed an application with the Treasurer and been issued a license by the Treasurer. There is no fee for filing an application or receiving a license. An application shall be in a form prescribed by the Treasurer. The application form must include, among other information reasonably required by the Treasurer:
- (a) The name and address of the commercial establishment;
  - (b) The name of the individual who will be responsible for overseeing the establishment's resale and distribution of stickers and complying with the requirements of this Subsection B. If this individual changes after a license has been issued, the owner shall file promptly with the City a written notification that contains the name of the new individual who will be responsible for overseeing the establishment's resale and distribution of stickers and complying with the requirements of this Subsection B;
  - (c) A statement that the establishment agrees to not resell any sticker for more than 10% in excess of the face value of the sticker;
  - (d) A statement that the establishment agrees to not sell or distribute stickers except to owners and tenants of structures containing not more than three residential dwelling units within the City; and
  - (e) A statement that the purchase price for stickers sold to and purchased by the commercial establishment is nonrefundable.
- (4) The Treasurer shall issue a license if the application is in proper form and the commercial establishment is not prohibited by Subsection B(1) from purchasing stickers from the Treasurer. Acceptance of a license is the commercial establishment's agreement to comply with the requirements of this section and

not to resell or distribute stickers except in compliance with this Subsection B.

- (5) A license issued by the Treasurer is not assignable or transferable to another commercial establishment. A license is void upon transfer or sale of the commercial establishment for which the license was issued.
  - (6) The Treasurer may suspend or revoke a license after written notice to the owner of the commercial establishment and a reasonable opportunity to be heard if the establishment sells or distributes stickers in violation of this Subsection B.
  - (7) The Treasurer shall maintain records of all stickers sold to commercial establishments for resale or distribution. The record for each sale shall include the name and address of the commercial establishment, the date of the sale, the sticker numbers for of each type of sticker sold, and the total price paid by the commercial establishment for the stickers.
  - (8) A commercial establishment that purchases stickers from the Treasurer for resale may resell each sticker at a price up to 10% more than the face value of the sticker. The commercial establishment may sell stickers at face value or less than face value, and may distribute stickers for no compensation.
  - (9) A commercial establishment that purchases stickers from the Treasurer for resale may sell or distribute the stickers only to owners and tenants of structures containing not more than three residential dwelling units within the City.
  - (10) The owner of a commercial establishment and the individual who is responsible for overseeing the establishment's resale and distribution of stickers and complying with the requirements of this Subsection B are jointly and severally responsible for complying with this section.
- C. The City shall charge the following rates for stickers: **[Amended 5-23-2016 by Ord. No. 16-O-13]**
- (1) For each plastic trash bag or container, a charge of \$1 for each sticker. The plastic trash bag or container shall not exceed 42 pounds.
- D. The City shall not collect trash, garbage or refuse unless identified with a sticker issued by the Treasurer.
- E. No owner, tenant or occupant of any property shall offer for collection by the City any garbage, trash or refuse unless identified with a sticker issued by the Treasurer.

- F. Enforcement of this section shall not preclude the City from proceeding under the remaining provisions of this chapter or under the provisions of any applicable laws or regulations.
- G. A person may not create or manufacture a counterfeit sticker. A person may not sell, distribute or use a counterfeit sticker.
- H. A person who violates any provision of this section is guilty of a municipal infraction and is liable for a fine of \$100 for a first offense and \$250 for each subsequent offense. Each day that a violation continues is a subsequent offense.
- I. Notwithstanding Subsection H, a person who counterfeit a sticker, who knowingly sells, distributes or uses a counterfeit sticker, or who resells a sticker for a price in excess of the maximum amount allowed under Subsection B(8) of this section is guilty of a misdemeanor and, upon conviction, is liable for a fine of \$1,000. Each act of counterfeiting a sticker or selling a sticker for a price in excess of the maximum amount allowed under Subsection B(8) is a separate offense.

## ARTICLE VIII

**Construction Debris and Dust Control****§ 250-23. Responsibility of prime contractor.**

The prime contractor shall assure that all construction site waste is controlled in such a manner as to prevent dispersion of waste materials during any phase of construction.

**§ 250-24. Containers.**

Collection containers or vehicles will be located on all construction sites for the disposal of waste construction materials and other debris. A sufficient number of containers or vehicles will be available to adequately serve each individual site.

**§ 250-25. Roadways.**

The prime contractor shall be responsible for the prompt removal from paved streets or roadways of earth or other material which has been transported thereto by trucks or earthmoving equipment or erosion by water.

**§ 250-26. Dust control.**

- A. Water or suitable chemicals shall be used for the control of dust during the demolition of existing buildings or structures.
- B. The application of water or suitable chemicals shall be used on dirt roads and material stockpiles during road grading and construction and on other surfaces for the control of airborne dusts.





## ARTICLE IX

**Noise****[Amended 4-26-1993 by Ord. No. 411-93]****§ 250-27. Loud and unnecessary noise prohibited.**

It shall be unlawful for any person to make or cause to be made or continued any loud, unnecessary, unnatural or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the corporate limits of the City or to violate any provision of this article.

**§ 250-28. Prohibited noises enumerated.**

A. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this article:

- (1) The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street, way, avenue or alley or other public place of the City, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; the sounding of any such device for an unnecessary or unreasonable length of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is congested or stalled.
- (2) The production of noise if:
  - (a) The volume is louder than necessary for convenient hearing by a person or persons who are in the room, vehicle, or chamber or on the property from which the noise originates or is clearly audible at a distance of 50 feet from the building, structure, vehicle or property from which the noise emanates.
  - (b) The noise emanating from streets or other public ways or property is so loud as to disturb the peace, quiet and comfort of other persons immediately adjacent thereto.
  - (c) The volume is louder than is necessary for the convenient hearing of the individuals who are creating or causing the noise.
  - (d) The volume is louder than necessary for the convenient hearing of the individuals who are adjacent thereto and who are voluntary listeners.
- (3) Vocal noises such as yelling, shouting, whistling, singing or hooting on either public or private property if such noise annoys or disturbs the peace, quiet and comfort of the persons in the dwelling,

residence or commercial facility and the person or persons making such noise have been warned to cease such noisemaking.

- (4) Frequent or long-continued noise from dogs in residential communities, if such noise annoys or disturbs the peace, quiet and comfort or persons in any dwelling, residence or commercial facility and the person or persons owning or in control of such dog or dogs have been warned to prevent and eliminate such noise.
- B. Except as provided, the following noises are prohibited within the corporate limits of the City of Aberdeen:
- (1) The use of fixed loudspeakers or amplifiers for commercial, charitable or other purpose where the sound is directed or audible outside of a building(s).
  - (2) The use of amplifiers with loudspeakers in or attached to a vehicle or other mobile conveyance to provide for out-of-doors sound.

#### **§ 250-29. Exceptions.**

The following are exceptions to those noises prohibited or regulated under § 250-27:

- A. Any sound amplification device used in any public parade, meeting, athletic event, procession, public concert or fund-raising event authorized by the City and operated under the auspices of the City or charitable or civic organizations.
- B. Any sound amplification device used by religious institutions or in conjunction with religious worship services as long as such devices are not unreasonably loud or disturbing or of such character, intensity or duration as to be detrimental to the peaceful and tranquil living within the community.
- C. Any sound amplification used on a public building when authorized by the City of Aberdeen.
- D. Devices used solely for the purpose of warning, protecting or alerting the public or some segment thereof of the existence of any emergency situation, including but not limited to police or fire sirens or devices indicating the need for public utility repair.
- E. Loudspeakers and amplifiers, whether fixed or mobile, to be used to direct Christmas music outside of buildings and into the streets of the City of Aberdeen from December 15 to December 31 each year between the hours of 8:00 a.m. and 10:00 p.m.
- F. Loudspeakers and amplifiers if authorized by the City Manager.

**§ 250-30. Violations and penalties. [Amended 10-27-2003 by Ord. No. 640-03]**

Each violation of this article is deemed to be a municipal infraction.<sup>58</sup> Any person violating any provision of this article shall be subject to the following civil penalties:

- A. First offense: a warning will be issued.
- B. Second offense: \$50.
- C. Third offense: \$100.
- D. Fourth offense: \$150.

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**58. Editor's Note: See Ch. 95, Municipal Infractions.**



## ARTICLE X

**Trees and Vegetation****[Added 3-28-2016 by Ord. No. 16-O-02<sup>59</sup>]****§ 250-31. Right-of-way clearances and sight distance.**

- A. The owner of land may not allow a tree, bush or other vegetation growing on an owner's property to extend:
- (1) Beyond the owner's property line onto a public right-of-way or onto a sidewalk that abuts a public way.
  - (2) Beyond the owner's property line at a height less than 16 feet above the established grade of the improved surface of a public right-of-way.
  - (3) Over a public sidewalk located within a public right-of-way at a height less than 10 feet above the established grade of the sidewalk.
  - (4) Over a public sidewalk located on the owner's property at a height less than 10 feet above the established grade of the sidewalk.
- B. The owner of a corner lot abutting a local road that intersects with another local road shall maintain a sight distance of 25 feet from the intersection along the frontage of the lot. In order to maintain this sight distance the lot owner may not plant, place, maintain, or allow to remain, within the sight triangle, as defined in § 235-7 of this Code, any tree, bush or other vegetation that is more than three feet above the established grade of the abutting street.
- C. The City shall provide written notice to an owner of land that has a tree, bush or other vegetation that violates Subsection A or B of this section. The notice shall advise the owner of the violation, the corrective action required by the owner and the time to complete the corrective action, the remedies available to the City under Subsection F if the owner does not comply with the corrective action specified in the notice, and the owner's right to appeal the notice as specified in Subsection E of this section. The City shall provide for delivery of this written notice by hand delivery to the owner or by first class mail, and certified mail with return receipt requested, addressed to the owner at the address to which the City sends tax bills for the land and to the address where the City sends water/sewer utility bills.
- D. An owner may appeal the City's notice to the City Manager by filing a written notice of appeal with the City Manager within 30 days after the date of the Director's notice. The notice of appeal shall state the reasons why the owner contends that the notice was improper, unauthorized or unreasonable. The City Manager shall conduct a

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**59. Editor's Note: This ordinance also redesignated former Art. X as Art. XI and former § 250-31 as § 250-33.**

hearing on a timely appeal within 10 days after the City Manager receives the notice of appeal. At the hearing the City Manager shall receive evidence and hear from the Director, the owner of the land, and other witnesses as the Director and owner present. After the hearing the City Manager shall affirm, modify or reverse the notice or take other action as the City Manager determines to be appropriate under the circumstances. If the City Manager's decision requires the owner to take corrective action, the decision shall specify the time within which the owner shall take the action.

- E. An owner shall correct a violation within the time specified in the notice or in a decision of the City Manager upon a timely appeal of the notice by the owner. An owner who does not take timely corrective action is guilty of a municipal infraction and is subject to the penalty set forth in § 250-33B.
- F. If the owner does not take timely corrective action in accordance with Subsection E of this section, the City may correct the violation, and all costs incurred by the City shall be the personal obligation of the owner of the land and shall be a lien on the owner's land, have the same priority, and be enforceable and collectible in the same manner as City real property taxes, except the land may not be sold at tax sale to satisfy the lien

#### **§ 250-32. Dead or diseased trees.**

- A. An owner of land shall not allow a tree to remain on the land if, in the determination of the City Director of Public Works, the tree is dead or diseased and, unless remedial action is taken, the tree poses a reasonable likelihood of damage or injury to persons or property beyond the boundaries of the owner's land.
- B. The Director of Public Works shall determine whether a tree satisfies the criteria in Subsection A of this section by visual inspection and evaluation by the Director and by one or more individuals who have expertise in evaluating the condition of dead and diseased trees.
- C. If the Director determines that a tree satisfies the criteria in Subsection A of this section, the Director shall provide written notice to the owner that the tree satisfies the criteria of Subsection A. The notice shall advise the owner of the corrective action required by the owner and the time to complete the corrective action, the remedies available to the City under Subsection F if the owner does not comply with the corrective action specified in the notice, and the owner's right to appeal the notice as specified in Subsection D of this section. The Director shall provide for delivery of this written notice by hand delivery to the owner or by first class mail, and by certified return-receipt mail, addressed to the owner at the address to which the City sends tax bills for the land.
- D. Unless the Director determines that immediate corrective action is necessary to prevent an imminent danger to persons or property

beyond the boundaries of the owner's land, an owner may appeal the Director's notice to the City Manager by filing a written notice of appeal with the City Manager within 30 days after the date of the Director's notice. If the Director determines that immediate corrective action is required, the owner may file a written notice of appeal with the City Manager within one business day after the date of the notice. The notice of appeal shall state the reasons why the owner contends that the notice was improper, unauthorized or unreasonable. The City Manager shall conduct a hearing on a timely appeal within 10 days, or within one business day if immediate corrective action is required, after the City Manager receives the notice of appeal. At the hearing the City Manager shall receive evidence and hear from the Director, the owner of the land, and other witnesses as the Director and owner present. After the hearing the City Manager shall affirm, modify or reverse the notice or take other action as the City Manager determines to be appropriate under the circumstances. If the City Manager's decision requires the owner to take corrective action, the decision shall specify the time within which the owner shall take the action.

- E. An owner shall correct a violation within the time specified in the notice or in a decision of the City Manager upon a timely appeal of the notice by the owner. An owner who does not take timely corrective action is guilty of a municipal infraction and is subject to the penalty set forth in § 250-33B.
- F. If the owner does not timely correct a violation after written notice in accordance with Subsection E of this section, the City may correct the violation and all costs incurred by the City shall be the personal obligation of the owner of the land and shall be a lien on the owner's land, have the same priority, and be enforceable and collectible in the same manner as City real property taxes, except the land may not be sold at tax sale to satisfy the lien.





ARTICLE XI  
**Enforcement**

**§ 250-33. Violations and penalties.<sup>60</sup> [Amended 3-8-1993 by Ord. No. 409-93; 4-26-1993 by Ord. No. 411-93; 8-3-2010 by Ord. No. 10-O-12]**

A violation of this chapter is deemed to be a municipal infraction.<sup>61</sup> Each twenty-four-hour period in which a violation exists shall constitute a separate offense. Any person violating any provision of this chapter shall be subject to the following civil penalties:

- A. Violation of § 250-2, 250-8, 250-13, 250-14, 250-15 or 250-16:
  - (1) First offense: \$50.
  - (2) Second offense: \$250.
  - (3) Third offense: \$400.
- B. Violation of §§250-9, 250-10, 250-11, 250-18, 250-19, 250-23, 250-24, 250-25, 250-26, 250-31 and 250-32: **[Amended 3-28-2016 by Ord. No. 16-O-02]**
  - (1) First offense: \$100.
  - (2) Second offense: \$300.
  - (3) Third offense: \$400.

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**60.Editor's Note: See § 250-7B for penalties applicable to junk vehicles and § 250-30 for penalties applicable to noise violations.**

**61.Editor's Note: See Ch. 95, Municipal Infractions.**

**Chapter 263****FIREARMS****GENERAL REFERENCES**

**Peace and good order — See Ch. 413.**

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**§ 263-1. Discharge restricted. [Amended 4-9-1990 by Ord. No. 358-90]**

It shall be unlawful for any person to discharge any firearm or air gun, BB gun or any gun projecting lead, except in a regularly established shooting gallery or in a private basement target range.

**§ 263-2. Construal of provisions.**

This chapter shall not be construed to prohibit the discharge of guns where necessary to protect life or property or to kill any dangerous animal nor to prohibit the discharge of guns by any duly authorized police officer acting in the proper performance of his official duties nor to prevent discharge of blank cartridges in theatrical performances, sporting events or other public or ceremonial functions.

**§ 263-3. Violations and penalties. [Amended 4-9-1990 by Ord. No. 358-90]**

A violation of this chapter is deemed to be a misdemeanor. Any person who violates any provision of this chapter shall, upon conviction thereof, be subject to a fine not to exceed \$1,000 or imprisonment for a term of not to exceed six months, or both.

**Chapter 269****FIRE PREVENTION****GENERAL REFERENCES**

**Building construction — See Ch. 210.**

**Nuisances — See Ch. 391.**

**Environmental control — See Ch. 250.**

**Fees — See Ch. A550.**

## ARTICLE I

**Privately Owned Fire Hydrants****[Adopted 2-22-1988 by Ord. No. 311 (Ch. 69 of the 1990 Code)]****§ 269-1. Definitions.**

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

**PRIVATELY OWNED FIRE HYDRANT** — Any fire hydrant located within the corporate limits of Aberdeen not owned by the Mayor and Council. **[Amended 4-9-1990 by Ord. No. 358-90]**

**RESPONSIBLE PARTY** — The individual, partnership, firm, association, corporation or other entity which owns a privately owned fire hydrant.

**§ 269-2. Maintenance.**

Every privately owned fire hydrant shall be maintained in an operable condition at all times by the responsible party. Leaks and/or malfunctions shall be promptly repaired and shall be reported immediately to the Aberdeen Fire Department and the Aberdeen Department of Public Works.

**§ 269-3. Testing.**

Every privately owned fire hydrant shall be tested and inspected at least annually to ensure that the fire hydrant is in good, safe and operable condition.

- A. The testing shall be performed in accordance with procedures established by the Aberdeen Department of Public Works, which shall include, at a minimum, pressure gauging of static and dynamic flow of the fire hydrant.
- B. The aforementioned testing shall be performed by an established and reputable firm or by the Aberdeen Department of Public Works.
- C. Sixty days prior to the proposed testing date, a plan shall be submitted to the Department of Public Works specifying the date of the test, the manner in which the work will be performed and plans to notify nearby residents 14 days prior to the test. The Department of Public Works shall approve or suggest changes to the proposed plan in a timely manner, which changes shall then be incorporated into the final plan.
- D. Forty-eight hours' advance confirmation of the test shall be provided to the Department of Public Works.
- E. A certificate indicating compliance with this article and signed by the agent of the testing organization shall be provided to the Aberdeen Department of Public Works by July 1 of each calendar year.

**§ 269-4. Flushing of mains.**

Flushing of mains until clear shall be performed periodically as required by the Department of Public Works.

**§ 269-5. Performance of work by City.**

In the event that a responsible party fails to comply with this article, the Department of Public Works shall be empowered to enter upon and test the privately owned fire hydrant and levy upon the responsible party a charge not to exceed \$50 for the performance of said work and the costs of necessary repairs.

**§ 269-6. Violations and penalties. [Amended 4-9-1990 by Ord. No. 358-90]**

A violation of this article is deemed to be a municipal infraction.<sup>62</sup> Any person violating any provision of this article shall be subject to a civil penalty of \$200 for each offense, in addition to the cost to repair the hydrant and the cost of testing. Each twenty-four-hour period in which a violation exists shall constitute a separate offense.

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62. Editor's Note: See Ch. 95, Municipal Infractions.

## ARTICLE II

**Automatic Fire Sprinkler Systems**

**[Adopted 11-28-2005 by Ord. No. 679-05 (Ch. 46, Art. III of the 1990 Code)]**

**§ 269-7. Interior automatic fire sprinkler systems in new one- and two-family residential construction.**

- A. The requirement for interior automatic fire sprinkler systems shall apply to all new one- and two-family residential construction for any existing lot or proposed new subdivision which has received preliminary plan approval for which a building permit has not been issued as of the effective date hereof and shall not apply to the rebuilding, refurbishment, renovation, or alteration of a residence in existence as of the effective date of this article unless such existing structure is razed and replaced by a new principal structure.
- B. For the purposes of this article, mobile and modular homes will be exempt from the requirements to install interior automatic fire sprinkler systems until March 31, 2008. After this date, mobile and modular homes will be required to have interior automatic fire sprinkler systems added. **[Amended 2-27-2006 by Ord. No. 689-06]**
- C. The requirement for interior sprinkler systems shall not apply to accessory or uninhabitable structures (e.g., detached carports, garages, greenhouses, and sheds).
- D. Interior automatic fire sprinkler systems shall be installed and maintained in all new one- and two-family residential construction in accordance with the most recent version of Standard 13D, Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes, as promulgated by the National Fire Protection Association (NFPA), and as modified and adopted by the Maryland State Fire Prevention Code, Public Safety Article, Title 9, as amended from time to time.

**§ 269-8. Violations and penalties.<sup>63</sup>**

A person who violates this article is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 days or a fine not exceeding \$1,000, or both.

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**63. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).**

## **Chapter 275**

# **FLOODPLAIN MANAGEMENT**

### **GENERAL REFERENCES**

**Building construction — See Ch. 210.**

**Stormwater management — See Ch. 465.**

**Development Code — See Ch. 235.**

**Subdivision of land — See Ch. 475.**

**Grading and sediment control — See Ch. 297.**

ARTICLE I  
**General Provisions**

**§ 275-1. Title.**

This chapter shall hereafter be referred to as the "City of Aberdeen Floodplain Management Ordinance."

**§ 275-2. Findings.**

- A. The Federal Emergency Management Agency (FEMA) has identified special flood hazard areas within the boundaries of the City of Aberdeen. 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 City of Aberdeen, by resolution, agreed to meet the requirements of the National Flood Insurance Program and was accepted for participation into the program on July 16, 1981, the initial effective date of the City of Aberdeen Flood Insurance Rate Map. Since that time all development and new construction as defined herein have been required to comply with the City's floodplain regulations.

**§ 275-3. Statutory authorization.**

The enactment of floodplain management regulations is in furtherance of the public health, safety and welfare that may be regulated through the police power. The City may enact and enforce this chapter as an exercise of the Town's broad police and enforcement powers granted by the Local Government Article of the Maryland Annotated Code (implementing Article XI-E of the Maryland Constitution), and provisions of the Aberdeen City Charter and City Code. The Aberdeen City Council adopts this chapter pursuant to this authority and such other authority that may be provided by law.

**§ 275-4. Areas to which these regulations apply.**

These regulations shall apply to all special flood hazard areas within the jurisdiction of the City of Aberdeen and identified in § 275-5.

**§ 275-5. Basis for establishing special flood hazard areas and BFEs.**

- A. For the purposes of these regulations, the minimum basis for establishing special flood hazard areas and base flood elevations is the Flood Insurance Study (FIS) for Harford County, Maryland, and Incorporated Areas, dated April 19, 2016, or the most recent revision

thereof, and the accompanying Flood Insurance Rate Map(s) (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 Aberdeen Municipal Center, Department of Planning and Community Development, 60 North Parke Street, Aberdeen, MD.

- 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 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 §§ 275-13, 275-14, and 275-15 of this chapter.

#### **§ 275-6. Abrogation and greater restrictions.**

These regulations are not intended to repeal or abrogate any existing regulations and ordinances, including Subdivision Regulations, Development Code, building codes, or any existing easements, covenants, or deed restrictions. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall govern.

#### **§ 275-7. Interpretation.**

- A. In the interpretation and application of these regulations, all provisions shall be:
  - (1) Considered as minimum requirements;
  - (2) Liberally construed in favor of the City; and
  - (3) Deemed neither to limit nor repeal any other powers granted under state statutes.
- B. Notes referencing publications of the Federal Emergency Management Agency refer to the most recent edition of those publications, are intended only as guidance, and do not bind or alter the authority of the Floodplain Administrator to interpret and apply these regulations.

#### **§ 275-8. Warning and disclaimer of liability.**

- A. 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.

- B. These regulations shall not create liability on the part of the City of Aberdeen, any officer or employee thereof, the Maryland Department of the Environment (MDE) or the Federal Emergency Management Agency (FEMA) for any flood damage that results from reliance on these regulations or any administrative decision lawfully made hereunder.

**§ 275-9. Severability.**

Should any section or provision of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of these regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.



ARTICLE II  
**Definitions**

**§ 275-10. Terms defined.**

Unless specifically defined below, words or phrases used in this chapter shall be interpreted to have the meaning 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. For the purposes of these regulations, an accessory structure shall be 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, 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** — Includes, but is not limited to, widening, deepening or relocating the channel, including excavation or filling of the channel. Alteration of a watercourse does not include 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 (FIRM) with a one-percent annual chance or greater of flooding to an average depth of one 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. This term is used in provisions relating to additions.

**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 community'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 of Maryland (county, city, or town) that has the 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. 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.

**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.

**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.

**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 (DFIRM).

**FLOOD INSURANCE STUDY (FIS)** — The official report in which the Federal Emergency Management Agency has provided flood profiles, floodway information, and the water surface elevations.

**FLOOD OPENING** — A flood opening (nonengineered) is 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. An engineered flood opening is 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.

**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. (See definition of "flood" or "flooding.")

**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.

**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 § 275-35B of these regulations.

**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 specified 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 elevations are not determined.
- B. **ZONE AE and ZONE A1-A30** — 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 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.

**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 ship

building 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 in the National Register of Historic Places (a listing maintained by the United States Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings 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 the Maryland Department of the Environment (Nontidal Wetlands and Waterways) and FEMA, used to determine the base flood, other frequency floods, flood elevation, 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 community'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 projects 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** — As used in these regulations, refers to professionals who are authorized to practice in the State of Maryland by issuance of licenses by the Maryland Board of Architects, Maryland Board of Professional Engineers, Maryland Board of Professional Land Surveyors, and 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, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include 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 Maryland Department of Assessments and Taxation.

**MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE)** — A principal department of the State of Maryland that is charged with, among other responsibilities, the coordination of the National Flood Insurance Program in Maryland (NFIP State Coordinator) 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 through 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 July 16, 1981, the initial effective date of the City of Aberdeen's Flood Insurance Rate Map, including any subsequent improvements, alterations, modifications, and additions to such structures.

**NFIP STATE COORDINATOR** — See "Maryland Department of the Environment (MDE)."

**NONTIDAL WATERS OF THE STATE** — See "waters of the state." As used in these regulations, "nontidal waters of the state" refers to 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 water." 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 government 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 uses as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

**REGULATIONS OR THESE REGULATIONS** — Refer to this Chapter 275 of the Aberdeen City Code unless the context requires otherwise.

**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, and Zones VE and V1-30. The term includes areas shown on other flood maps that are identified in § 275-5.

**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** — That which is built or constructed; specifically, 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.

**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** — Waters of the state include:

- 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 III  
**Administration**

**§ 275-11. Designation of Floodplain Administrator.**

The Director of Planning and Community Development 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 community 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.

**§ 275-12. 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, 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 MDE (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 of Aberdeen, 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 Board of Appeals 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:
  - (1) Make 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.
  - (2) Make 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 of Aberdeen 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 MDE (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.

### **§ 275-13. 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 large 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 by 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 § 275-5C 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.

#### **§ 275-14. Permits required and 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 § 275-5, 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



of Aberdeen. No such permit shall be issued until the requirements of these regulations have been met.

- B. In addition to the permits required in Subsection A, applicants for permits in nontidal waters of the state are advised to contact MDE. Unless waived by MDE, 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 than the special flood hazard areas established in § 275-5 of these regulations. A permit from the City of Aberdeen 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 and justifiable cause demonstrated. The Floodplain Administrator may grant, in writing, one or more extensions of time, for additional periods not exceeding 90 days each and provided that there has been no amendment or revision to the basis for establishing special flood hazard areas and BFEs set forth in § 275-5.

#### **§ 275-15. Application required.**

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.

- (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 elevation 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 elevation 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 § 275-34A or 275-35A.
- (10) For accessory structures that are 300 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 issuances of the certificate of occupancy.

- (11) For temporary use structures and temporary storage, specification of the duration of the temporary use.
- (12) For proposed work or 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 July 16, 1981, 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: § 275-20 for certain subdivisions and development; § 275-33A for development in designated floodways; § 275-33C for development in flood hazard areas with base flood elevations but no designated floodways; and § 275-33E for deliberate alteration or relocation of watercourses.

- (b) The floodproofing certificate for nonresidential structures that are floodproofed as required in § 275-35B.
- (c) Certification that engineered flood openings are designed to meet the minimum requirements of § 275-34C(3).
- (14) For nonresidential structures that are proposed with floodproofing, an operations and maintenance plan as specified in § 275-35B(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.

**§ 275-16. 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.
  - (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 § 275-15 of these regulations or identified and required by the Floodplain Administrator has been received.

**§ 275-17. 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.

**§ 275-18. Submissions required prior to final inspection.**

Pursuant to the agreement to submit an elevation certificate submitted with the application as required in § 275-15A(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**

**§ 275-19. Application of requirements.**

The general requirements of this section apply to all development proposed within all special flood hazard areas identified in § 275-5.

**§ 275-20. 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 § 275-15 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 include land areas that are below the base flood elevation shall be used for other purposes, or be 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.

**§ 275-21. 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 discharge 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.

**§ 275-22. 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 flood required in §§ 275-34A or 275-35A.
- 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 § 275-34A or § 275-35A. Electrical wiring systems are permitted to be located below 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 section.
- 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 electrical panelboard 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).

**§ 275-23. 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 § 275-33A, B, and C, and the limitations of § 275-34B.

**§ 275-24. 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.

**§ 275-25. 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 floodways, replacement manufactured homes in any flood hazard areas, and substantial improvement (including repair or 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 of this chapter.
  - (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 of this chapter.

**§ 275-26. Recreational vehicles.**

Recreational vehicles shall:

- A. Meet the requirements for manufactured homes in § 275-25;
- B. Be fully licensed and ready for highway use; or
- C. Be on a site for less than 180 consecutive days.

**§ 275-27. Critical and essential facilities.**

Critical and essential facilities shall:

- A. Not be located in floodways; or
- B. If located in flood hazard areas other than floodways, be elevated to the higher of 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.

**§ 275-28. Temporary structures and temporary storage.**

In addition to the application requirements of § 275-15, 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 § 275-33A 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.

**§ 275-29. 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. Above-ground 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.

**§ 275-30. 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  
**Requirements in Flood Hazard Areas**

**§ 275-31. General requirements.**

In addition to the general requirements of Article IV, the requirements of this Article V 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.

**§ 275-32. Flood protection setbacks.**

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.

**§ 275-33. Development that affects flood-carrying capacity of nontidal waters of state.**

- A. Development in designated floodways. For proposed development that will encroach into a designated floodway, § 275-15A(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. Proposed development in a designated floodway may be permitted only if:

- (1) The applicant has been issued a permit by MDE; and
- (2) 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

- (3) 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 that includes the placement of fill in nontidal waters of the state. 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 § 275-15A(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 1.0 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 section and the applicant has received a permit from MDE.
  - E. Alteration of a watercourse. 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 § 275-15A, and submit such technical data to the Floodplain Administrator and to FEMA. The analyses shall be prepared by 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. Alteration of a watercourse may be permitted only upon submission, by the applicant, of the following:

- (1) A description of the extent to which the watercourse will be altered or relocated;
- (2) A certification by a licensed professional engineer that the flood-carrying capacity of the watercourse will not be diminished;
- (3) 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
- (4) 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 of Aberdeen 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.

**§ 275-34. 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 section.

**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 § 275-33A, 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; and
- (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:
  - (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 requirements of Subsection C(3)(a) through (d) are acceptable; however, doors without installed flood openings do not meet the requirements of this section.

**§ 275-35. 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 section.

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 § 275-34C; or
- (4) If proposed to be elevated on fill, meet the limitations on fill in § 275-34B.

B. Floodproofing requirements.

- (1) Floodproofing of new nonresidential buildings is not allowed in nontidal waters of the state.
- (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 1.0 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 section. The floodproofing certificate shall be submitted with the construction drawings as required in § 275-15A(13).

**§ 275-36. Horizontal additions.**

- A. A horizontal addition proposed for a building or structure that was constructed after the date specified in § 275-1 shall comply with the applicable requirements of Article IV and this section.
- 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 section 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 section.

- (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 section.
- 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 a substantial improvement, and is not located in nontidal waters of the state, is not required to comply with this section.

**§ 275-37. Accessory structures.**

- A. Accessory structures shall be limited to not more than 300 square feet in total floor area.
- B. Accessory structures shall comply with the elevation requirements and other requirements of § 275-34, the floodproofing requirements of § 275-35B, 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 § 275-34C.



ARTICLE VI  
**Variances**

**§ 275-38. General provisions.**

- A. The Board of Appeals 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 not to be contrary to the public interest and where, owing to special conditions of the lot or parcel, 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 section, the Board of Appeals may attach such conditions to variances as it deems necessary to further the purposes of these regulations.
- C. The Board of Appeals 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 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 § 275-12J of these regulations.

**§ 275-39. Application for a 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: name, address, phone number for the applicant and property owner; legal description of the property; parcel map; description of the existing use; description of the proposed use; site map showing the location of flood hazard areas, designated floodway boundaries, flood zones, base flood elevations, and flood protection setbacks; description of the variance sought; and reason for the variance request. Variance applications shall specifically address each of the considerations in § 275-40.
- 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.

**§ 275-40. Considerations for variances.**

The Floodplain Administrator shall request comments on variance applications from MDE (NFIP State Coordinator) and shall provide such comments to the Board of Appeals. In considering applications for variances, the Board of Appeals shall make findings of fact on all evaluations, all relevant factors, requirements specified in other sections of these regulations, and the following factors:

- A. The danger that materials may be swept onto other lands to the injury of others.
- B. The danger to life and property due to flooding or erosion damage.
- C. The susceptibility of the proposed development and its contents (if applicable) to flood damage and the effect of such damage on the individual owner.
- D. The importance of the services to the community provided by the proposed development.
- E. The availability of alternative locations for the proposed use which are not subject to or are subject to less flooding or erosion damage.
- F. The necessity to the facility of a waterfront location, where applicable, or if the facility is a functionally dependent use.
- G. The compatibility of the proposed use with existing and anticipated development.
- H. The relationship of the proposed use to the comprehensive plan and hazard mitigation plan for that area.
- I. The safety of access to the property in times of flood for passenger vehicles and emergency vehicles.
- J. 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.
- K. 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.
- L. The comments provided by MDE (NFIP State Coordinator).

**§ 275-41. Limitations for granting variances.**

The Board of Appeals 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 regulates 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 that which is allowed in these regulations.
- D. A determination that the granting of a variance will not result in additional threats to public safety; 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**

**§ 275-42. 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 § 275-44.
- 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.

**§ 275-43. 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.

**§ 275-44. Violations and penalties.**

- A. Any person who fails to comply with any or all of the requirements or provisions of this chapter or direction of the Floodplain Administrator or any other authorized employee of the City shall be in violation of this chapter. Any person responsible for a violation shall comply with the notice of violation or stop-work order. A violation of this chapter is deemed to be a municipal infraction. Any person who violates any provision of this chapter shall be subject to a civil penalty of \$500

for each offense. The total civil penalty for all offenses arising from a related series of violations may not exceed \$10,000.

- B. Each twenty-four-hour period during which any violation of this chapter continues shall constitute a separate offense.
- C. 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 such violations and noncompliance within a reasonable time to be established by the Floodplain Administrator.
- D. Any structure constructed, reconstructed, enlarged, altered, or relocated in noncompliance with this chapter shall be declared by the Floodplain Administrator to be a public nuisance and abatable as such.
- E. The MDE (NFIP State Coordinator) shall be notified in writing of any structure or property in violation of this chapter.

ARTICLE VIII  
**Amendment**

**§ 275-45. Repealer; subsequent amendments.**

- A. All ordinances or parts of ordinances that are inconsistent with the provisions of this chapter are hereby repealed to the extent of such inconsistency.
- B. This chapter shall be amended as required by the Federal Emergency Management Agency, Title 44, Code of Federal Regulations. All subsequent amendments to this chapter are subject to the approval of the Federal Emergency Management Agency and the Maryland Department of the Environment.

**Chapter 280**

**FOREST CONSERVATION**

**GENERAL REFERENCES**

**Development Code — See Ch. 235.**

**Wellhead protection — See Ch. 524.**

**Grading and sediment control — See Ch. 297. Fees — See Ch. A550.**

**Subdivision of land — See Ch. 475.**

## ARTICLE I

**Purpose and General Provisions****§ 280-1. Purpose.**

The Mayor and City Council has determined that the provisions of this chapter must be enacted to meet the requirements of Natural Resources Article, §§ 5-1601 through 5-1613, of the Annotated Code of Maryland, as the same may be amended from time to time.

**§ 280-2. Application and interpretation; subsequent amendments.**

This chapter may be amended as required. All amendments to this chapter shall be subject to the approval of the Department of Natural Resources. This chapter shall be construed in accordance with all current applicable provisions of Title 5 of the Natural Resources Article of the Annotated Code of Maryland and the applicable provisions of the Code of Maryland Regulations, as the same may be amended from time to time. Nothing in this chapter is intended to conflict with, supersede, or otherwise interfere with said provisions of state law.

**§ 280-3. Incorporation of model forest conservation ordinance.**

Set forth below are the provisions of Title 08 Maryland Department of Natural Resources, Subtitle 19 Forest Conservation, Chapter 03 Model Forest Conservation Ordinance.



## ARTICLE II

**Forest and Tree Conservation Definitions****§ 280-4. Definitions.**

In this chapter, the following terms have the meanings indicated:

**AFFORESTATION** —

- A. Establishment of a forest on an area from which forest cover has been absent for a long period of time; or
- B. Planting of open areas which are not presently in forest cover.

**AGRICULTURAL ACTIVITY** — Farming activities, including plowing, tillage, cropping, installation of best management practices, seeding, cultivating, and harvesting for production of food and fiber products (except commercial logging and timber harvesting operations), the grazing and raising of livestock, aquaculture, sod production, orchards, nursery, and other products cultivated as part of a recognized commercial enterprise.

**APPLICANT** — A person who is applying for subdivision or project plan approval or a grading or sediment control permit, or who has received approval of a forest stand delineation or forest conservation plan.

**APPROVED FOREST MANAGEMENT PLAN** — A document:

- A. Approved by the Department of Natural Resources forester assigned to the City of Aberdeen in which the property is located; and
- B. Which operates as a protective agreement for forest conservation as described in the Natural Resources Article, § 5-1607(e) and (f), Annotated Code of Maryland.

**CALIPER** — The diameter measured at two inches above the root collar.

**CHAMPION TREE** — The largest tree of its species within the United States, the state, Harford County, or the City of Aberdeen.

**COMMERCIAL AND INDUSTRIAL USES** — Manufacturing operations, office complexes, shopping centers, and other similar uses and their associated storage areas, yarding and parking areas, and corresponds to the City of Aberdeen zoning classifications B-3, M-1, and M-2.

**COMMERCIAL LOGGING OR TIMBER HARVESTING OPERATIONS** — The cutting and removing of tree stems from a site for commercial purposes, leaving the root mass intact.

**CRITICAL HABITAT AREA** — A critical habitat for an endangered species and its surrounding protection area. A critical habitat area shall:

- A. Be likely to contribute to the long-term survival of the species;
- B. Be likely to be occupied by the species for the foreseeable future; and

- C. Constitute habitat of the species which is considered critical under Natural Resources Article, §§ 4-2A-04 and 10-2A-06, Annotated Code of Maryland.

CRITICAL HABITAT FOR ENDANGERED SPECIES — A habitat occupied by an endangered species as determined or listed under Natural Resources Article, §§ 4-2A-04 and 10-2A-04, Annotated Code of Maryland.

DECLARATION OF INTENT —

- A. A signed and notarized statement by a landowner or the landowner's agent certifying that the activity on the landowner's property:
- (1) Is for certain activities exempted under this chapter or Natural Resources Article, §§ 5-103 and 5-1601 through 5-1612, Annotated Code of Maryland;
  - (2) Does not circumvent the requirements of this chapter or Natural Resources Article, §§ 5-103 and 5-1601 through 5-1612, Annotated Code of Maryland; and
  - (3) Does not conflict with the purposes of any other declaration of intent; or
- B. The document required under COMAR 08.19.01.05 or this chapter.

DEPARTMENT — The Department of Planning and Community Development, which is charged with implementing the local forest conservation program.

DEVELOPMENT PROJECT —

- A. The grading or construction activities occurring on a specific tract that is 40,000 square feet or greater.
- B. Development project includes redevelopment.

DEVELOPMENT PROJECT COMPLETION — For the purposes of afforestation, reforestation, or payment into a fund:

- A. The release of the development bond, if required;
- B. Acceptance of the project's streets, utilities, and public services by the Department; or
- C. Designation by the Department or State that a:
- (1) Development project has been completed; or
  - (2) A particular stage of a staged development project, including a planned unit development, has been completed.

FOREST —

- A. A biological community dominated by trees and other woody plants covering a land area of 10,000 square feet or greater.



B. A forest includes:

- (1) Areas that have at least 100 live trees per acre with at least 50% of those trees having a two-inch or greater diameter at 4.5 feet above the ground and larger; and
- (2) Areas that have been cut but not cleared.

C. A forest does not include orchards.

FOREST CONSERVANCY DISTRICT BOARD — The forestry board created for each State forest conservancy district under Natural Resources Article, §§ 5-601 through 5-610, Annotated Code of Maryland.

FOREST CONSERVATION — The retention of existing forest or the creation of new forest at the levels set by the state or Department.

FOREST CONSERVATION AND MANAGEMENT AGREEMENT — An agreement as stated in Tax Property Article, § 8-211, Annotated Code of Maryland.

FOREST CONSERVATION PLAN — A plan approved pursuant to Natural Resources Article, §§ 5-1606 and 5-1607, Annotated Code of Maryland.

FOREST CONSERVATION TECHNICAL MANUAL — The current version of the State Forest Conservation Technical Manual incorporated by reference, used to establish standards of performance required in preparing forest stand delineations and forest conservation plans.

FOREST COVER — The area of a site meeting the definition of forest.

FOREST MANAGEMENT PLAN — A plan establishing best conservation and management practices for a landowner in assessment of the resource values of forested property.

FOREST MITIGATION BANK — An area of land which has been intentionally afforested or reforested for the express purpose of providing credits for reforestation requirements.

FOREST MITIGATION BANK AGREEMENT — An agreement entered into by an individual owning a forest mitigation bank and the Department or local government which commits the owner to certain procedures and requirements when creating and operating the forest mitigation bank.

FOREST MITIGATION BANK PLAN — A plan submitted for approval of a forest mitigation bank to the Department, or a local government with an approved local program, by an individual proposing to establish a forest mitigation bank.

FOREST STAND DELINEATION — The methodology for evaluating the existing vegetation on a site proposed for development, as provided in the City of Aberdeen's Forest Conservation Technical Manual.

GROWING SEASON — The period of consecutive frost-free days as stated in the current soil survey for Harford County published by the National Cooperative Soil Survey Program, 16 U.S.C. § 590 (a) through (f).

**HIGH-DENSITY RESIDENTIAL AREAS** — Areas zoned for densities greater than one dwelling unit per acre, including both existing and planned development and their associated infrastructure, such as roads, utilities, and water and sewer service, and corresponds to the City of Aberdeen zoning classifications of R-1, R-2, R-3, B-1, and B-2.

**INSTITUTIONAL DEVELOPMENT AREA** — Schools, colleges and universities, transportation facilities, golf courses, recreation areas, and parks, and corresponds to the City of Aberdeen zoning classifications of R-1, R-2, R-3, B-1, B-3, ORE, and AG. Cemeteries are subject to special exception approval from the Board of Appeals; see Chapter 235, Development Code, of the Code of the City of Aberdeen.

**INTERMITTENT STREAM** — A stream in which surface water is absent during a part of the year as shown on the most recent 7.5 minute topographic quadrangle published by the United States Geologic Survey as confirmed by field verification.

**LANDSCAPING PLAN** — A plan:

- A. Drawn to scale, showing dimensions and details for reforesting an area at least 35 feet wide and covering 2,500 square feet or greater in size;
- B. Using native or indigenous plants when appropriate; and
- C. Which is made part of an approved forest conservation plan.

**LINEAR PROJECT** — A project which:

- A. Is elongated with nearly parallel sides;
- B. Is used to transport a utility product or public service not otherwise contained in an application for subdivision, such as electricity, gas, water, sewer, communications, trains, and vehicles; and
- C. May traverse fee simple properties through defined boundaries, or established easement rights.

**LOCAL AGENCY** — Each unit in the executive, legislative, or judicial branch of a county or municipal government, including the Departments of Planning and Community Development and Public Works.

**LOT** — A unit of land, the boundaries of which have been established by subdivision of a larger parcel, and which will not be the subject of further subdivision, as defined by Natural Resources Article, § 5-1601, Annotated Code of Maryland, and this chapter without an approved forest stand delineation and forest conservation plan.

**MAINTENANCE AGREEMENT** — The short-term management agreement associated with afforestation or reforestation plans required under Natural Resource Article, § 5-1605, Annotated Code of Maryland, and this chapter.

**MEDIUM-DENSITY RESIDENTIAL AREAS** — Areas zoned for densities greater than one dwelling unit per five acres and less than or equal to one dwelling unit per acre, including both existing and planned development and their associated infrastructure, such as roads, utilities, and water and

sewer service, and corresponds to the City of Aberdeen zoning classification of R-1, R-2, and R-3.

MINOR DEVELOPMENT PROJECT — A project:

- A. On less than five acres of land containing not more than four lots per acre; or
- B. Substantively similar as defined by the Department and approved by the state.

MIXED-USE DEVELOPMENT — A single, relatively high-density development project, usually commercial in nature, which includes two or more types of uses, and corresponds to the City of Aberdeen zoning classification of IBD.

NATURAL REGENERATION — The natural establishment of trees and other vegetation with at least 400 woody, free-to-grow seedlings per acre, which are capable of reaching a height of at least 20 feet at maturity.

NET TRACT AREA —

- A. Except in agriculture and resource areas, the total area of a site, including both forested and nonforested areas, to the nearest 1/10 acre, reduced by that area where forest clearing is restricted by another local chapter or program;
- B. In agriculture and resource areas, the part of the total tract for which land use will be changed or will no longer be used for primarily agricultural activities, reduced by that area where forest clearing is restricted by another local chapter or program; and
- C. For a linear project:
  - (1) The area of a right-of-way width, new access roads, and storage; or
  - (2) The limits of disturbance as shown on an application for sediment and erosion control approval or in a capital improvements program project description.

NONTIDAL WETLANDS —

- A. An area that is:
  - (1) Inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation; and
  - (2) Considered a nontidal wetland in accordance with the publication known as the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands," published in 1989 and as may be amended and interpreted by the United States Environmental Protection Agency.

- B. Nontidal wetlands does not include tidal wetlands regulated under Natural Resources Article, Title 9, Annotated Code of Maryland.

OFF SITE — Outside of the limits of the area encompassed by the tract.

ONE-HUNDRED-YEAR FLOOD — A flood which has a one-percent chance of being equaled or exceeded in any given year. Except for Class III waters (natural trout streams), a body of water with a watershed less than 400 acres is excluded.

ONE-HUNDRED-YEAR FLOODPLAIN — An area along or adjacent to a stream or body of water, except tidal waters, that is capable of storing or conveying floodwaters during a one-hundred-year frequency storm event, or a one-hundred-year flood.

ON SITE — Within the limits of the area encompassed by the tract, including an area classified as a one-hundred-year floodplain.

PERENNIAL STREAM — A stream containing surface water throughout an average rainfall year, as shown on the most recent 7.5 minute topographic quadrangle published by the United States Geologic Survey, as confirmed by field verification.

PERSON — The federal government, the state, a 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 of their affiliates, or any other entity.

PLANNED UNIT DEVELOPMENT — A development comprised of a combination of land uses or varying intensities of the same land use in accordance with an integrated plan that provides flexibility in land use design approved by the City of Aberdeen with at least 20% of the land permanently dedicated to open space and corresponds to the City of Aberdeen zoning classifications R-1, R-2, and R-3.

PROJECT PLAN — A construction, grading, or sediment control activity on an area of 40,000 square feet or greater by a local agency.

PUBLIC UTILITY — Any:

- A. Transmission line or electric generating station; or
- B. Water, sewer, electric, gas, telephone, or television cable service line.

REFORESTATION —

- A. "Reforestation" or "reforested" means the:

- (1) Creation of a biological community dominated by trees and other woody plants containing at least 100 live trees per acre with at least 50% of those trees having the potential of attaining a two-inch or greater diameter measured at 4.5 feet above the ground, within seven years; or

- (2) Establishment of a forest according to procedures set forth in the current version of the State Forest Conservation Technical Manual.
- B. "Reforestation" or "reforested" includes landscaping of areas under an approved landscaping plan establishing a forest at least 35 feet wide and covering 2,500 square feet or more of area.
- C. "Reforestation" or "reforested" for a linear project involving overhead transmission lines may consist of a biological community dominated by trees and woody shrubs with no minimum height or diameter criteria.

REGULATED ACTIVITY — Any of the following activities, when that activity occurs on a unit of land which is 40,000 square feet or greater:

- A. Subdivision;
- B. Grading;
- C. An activity that requires a sediment control permit; or
- D. Project plan of a local agency.

RETENTION — The deliberate holding and protecting of existing trees, shrubs, or plants on the site according to established standards as provided in the current version of the State Forest Conservation Technical Manual.

SEDIMENT CONTROL PERMIT — The authorization of an activity regulated under a sediment control plan as provided in Environment Article, Title 4, Annotated Code of Maryland.

SEEDLING — An unbranched woody plant, less than 24 inches in height and having a diameter of less than 1/2 inch measured at two inches above the root collar.

SELECTIVE CLEARING — The careful and planned removal of trees, shrubs, and plants using specific standards and protection measures under an approved forest conservation plan.

STREAM BUFFER — All lands lying within 50 feet, measured from the top of each normal bank of a perennial or intermittent stream.

SUBDIVISION — Any division of a unit of land into two or more lots or parcels for the purpose, whether immediate or future, of transfer of ownership, sale, lease, or development.

TIMBER HARVESTING —

- A. A tree-cutting operation affecting one or more acres of forest or developed woodland within a one-year interval that disturbs 5,000 square feet or more of forest floor.
- B. Timber harvesting does not include grubbing and clearing of root mass.

TRACT — Property or unit of land subject to an application for a grading or sediment control permit, subdivision approval, project plan approval, or areas subject to this chapter.

TRACT FOR A PLANNED UNIT DEVELOPMENT — The entire property subject to a planned unit development.

TREE — A large, branched woody plant having one or several self-supporting stems or trunks that reach a height of at least 20 feet at maturity.

VARIANCE —

A. Relief from Natural Resources Article, §§ 5-1601 through 5-1612, Annotated Code of Maryland, or this chapter.

B. Variance does not mean a zoning variance.

WATERSHED — All land lying within an area described as a subbasin in water quality regulations adopted by the Department of the Environment under COMAR 26.08.02.08.

WHIP — An unbranched woody plant greater than 24 inches in height and having a diameter of less than one inch measured at two inches above the root collar.

ARTICLE III  
**Application**

**§ 280-5. Applicability.**

Except as provided in § 280-6 of this article, this chapter applies to:

- A. A person making application for a subdivision, project plan, grading or sediment control approval on units of land 40,000 square feet or greater after the effective date of this chapter;
- B. A public utility not exempt under § 280-6E and F of this article;
- C. A unit of county or municipal government, including a public utility or public works project, making application for a subdivision, project plan, grading, or sediment control approval on areas 40,000 square feet or greater.

**§ 280-6. Exceptions.**

This chapter does not apply to:

- A. Highway construction activities under Natural Resources Article, § 5-103, Annotated Code of Maryland;
- B. Areas governed by the Chesapeake Bay Critical Area Protection Law, Natural Resources Article, §§ 8-1801 through 8-1817, Annotated Code of Maryland, including those areas into which Critical Area forest protection measures have been extended under Natural Resources Article, § 5-1602(c), Annotated Code of Maryland;
- C. Commercial logging and timber harvesting operations, including harvesting conducted subject to the forest conservation and management program under Tax-Property Article, § 8-211, Annotated Code of Maryland, that are completed:
  - (1) Before July 1, 1991; or
  - (2) After July 1, 1991, on property which:
    - (a) Has not been the subject of application for a grading permit for development within five years after the logging or harvesting operation; and
    - (b) Is the subject of a declaration of intent as provided for in § 280-7 of this article, approved by the Department;
- D. Agricultural activities not resulting in a change in land use category, including agricultural support buildings and other related structures built using accepted best management practices, except that a person engaging in an agricultural activity clearing 40,000 square feet or greater of forest within a one-year period may not receive an

agricultural exemption, unless the person files a declaration of intent as provided for in § 280-7 of this article, which includes:

- (1) A statement that the landowner or landowner's agent will practice agriculture on that portion of the property for five years from the date of the declaration; and
  - (2) A sketch map of the property which shows the area to be cleared;
- E. The cutting or clearing of public utility rights-of-way licensed under Public Utility Companies, §§ 7-207 and 7-208 or 7-205, Annotated Code of Maryland, or land for electric generating stations licensed under Public Utility Companies, §§ 7-207 and 7-208 or 7-205, Annotated Code of Maryland, if:
- (1) Required certificates of public convenience and necessity have been issued in accordance with Natural Resources Article, § 5-1603(f), Annotated Code of Maryland; and
  - (2) Cutting or clearing of the forest is conducted to minimize the loss of forest;
- F. Routine maintenance or emergency repairs of public utility rights-of-way licensed under Public Utility Companies, §§ 7-207 and 7-208 or 7-205, Annotated Code of Maryland;
- G. Except for a public utility subject to Subsection F of this section, routine maintenance or emergency repairs of public utility rights-of-way if:
- (1) The right-of-way existed before the effective date of this chapter; or
  - (2) The right-of-way's initial construction was approved under this chapter;
- H. A residential construction activity conducted on an existing single lot of any size of record at the time of application, or a linear project not otherwise exempted under this chapter, if the activity:
- (1) Does not result in the cumulative cutting, clearing, or grading of more than 20,000 square feet of forest;
  - (2) Does not result in the cutting, clearing, or grading of a forest that is subject to the requirements of a previous forest conservation plan approved under this chapter; and
  - (3) Is the subject of a declaration of intent filed with the Department, as provided for in § 280-7 of this article, stating that the lot will not be the subject of a regulated activity within five years of the cutting, clearing, or grading of forest;
- I. Strip or deep mining of coal regulated under Environment Article, Title 15, Subtitle 5 or 6, Annotated Code of Maryland;



- J. Noncoal surface mining regulated under Environment Article, Title 15, Subtitle 8, Annotated Code of Maryland;
- K. An activity required for the purpose of constructing a dwelling house intended for the use of the owner, or a child of the owner, if the activity:
  - (1) Does not result in the cutting, clearing, or grading of more than 20,000 square feet of forest; and
  - (2) Is the subject of a declaration of intent filed with the Department, as provided for in § 280-7 of this article, which states that transfer of ownership may result in a loss of exemption;
- L. A preliminary plan of subdivision or a grading or sediment control plan approved before July 1, 1991;
- M. A planned unit development that, by December 31, 1991, has:
  - (1) Met all requirements for planned unit development approval; and
  - (2) Obtained initial development plan approval by the Department;
- N. A real estate transfer to provide a security, leasehold, or other legal or equitable interest, including a transfer of title, of a portion of a lot or parcel, if:
  - (1) The transfer does not involve a change in land use, or new development or redevelopment, with associated land-disturbing activities; and
  - (2) Both the grantor and grantee file a declaration of intent, as provided for in § 280-7 of this article.

**§ 280-7. Declaration of intent.**

- A. The purpose of the declaration of intent is to verify that the proposed activity is exempt under Natural Resources Article, §§ 5-103 and 5-1601 through 5-1612, Annotated Code of Maryland, and this chapter.
- B. A person seeking an exemption under § 280-6C, D, H, K, and N of this article shall file a declaration of intent with the Department.
- C. The declaration of intent is effective for five years.
- D. The existence of a declaration of intent does not preclude another exempted activity on the property subject to a declaration of intent, if the activity:
  - (1) Does not conflict with the purpose of any existing declaration of intent; and
  - (2) Complies with the applicable requirements for an exempted activity.

- E. If a regulated activity on the area covered by the declaration of intent occurs within five years of the effective date of the declaration of intent:
  - (1) There shall be an immediate loss of exemption; or
  - (2) There may be a noncompliance action taken by the Department, as appropriate, under this chapter.
- F. An applicant may apply for a regulated activity on that area of the property not covered under the declaration of intent if the requirements of this chapter are satisfied.
- G. The Department may require a person failing to file a declaration of intent or found in noncompliance with a declaration of intent to:
  - (1) Meet the retention, afforestation, and reforestation requirements established in Articles III through XIII of this chapter;
  - (2) Pay a noncompliance fee of \$1 per square foot of forest cut or cleared under the declaration of intent;
  - (3) Be subject to other enforcement actions appropriate under Natural Resources Article, §§ 5-1601 through 5-1612, Annotated Code of Maryland, and this chapter; or
  - (4) File a declaration of intent with the Department.
- H. In its determination of appropriate enforcement action, the Department may consider whether failure to file a declaration of intent by a person required to file is a knowing violation of this chapter.
- I. Commercial logging and timber harvesting. The requirements for a declaration of intent may be satisfied by a forest management plan for the entire tract, prepared by a forester licensed in Maryland according to Business Occupations and Professions Article, Title 7, Annotated Code of Maryland, which outlines management practices needed to meet the stated objectives for a minimum of five years.
- J. Agricultural activities or commercial logging and timber harvesting. A declaration of intent may be part of an amended sediment and erosion control plan which ensures that the activity meets the conditions for an exemption as stated in Article III, § 280-6C and D of this chapter.

ARTICLE IV  
**General Requirements**

**§ 280-8. Application requirements and procedures.**

- A. A person making application after the effective date of July 1, 2012, for subdivision or local agency project plan approval, a grading permit, or a sediment control permit for an area of land of 40,000 square feet or greater shall:
  - (1) Submit to the Department a forest stand delineation and a forest conservation plan for the lot or parcel on which the development is located; and
  - (2) Use methods approved by the Department, as provided in the current version of the State Forest Conservation Technical Manual, to protect retained forests and trees during construction.
- B. If a local agency or person using state funds makes application to conduct a regulated activity, the provision of COMAR 08.19.04.01D through G apply.



ARTICLE V  
**Forest Stand Delineation**

**§ 280-9. Criteria.**

- A. A forest stand delineation shall be submitted at the initial stages of subdivision or project plan approval, before a grading permit application, or before a sediment control application is submitted for the tract being developed.
- B. The delineation shall be prepared by a licensed forester, licensed landscape architect, or a qualified professional who meets the requirements stated in COMAR 08.19.06.01A.
- C. The delineation shall be used during the preliminary review process to determine the most suitable and practical areas for forest conservation and shall contain the following components:
  - (1) A topographic map delineating intermittent and perennial streams and steep slopes over 25%;
  - (2) A soils map delineating soils with structural limitations, hydric soils, or soils with a soil K value greater than 0.35 on slopes of 15% or more;
  - (3) Forest stand maps indicating species, location, and size of trees and showing dominant and codominant forest types;
  - (4) Location of one-hundred-year floodplain;
  - (5) Information required by the current version of the State Forest Conservation Technical Manual; and
  - (6) Other information the Department determines is necessary to implement this chapter.
- D. If approved by the Department, a simplified delineation, a concept plan or plat, preliminary plat or plan, sediment control plan, or other appropriate document, verified by a site visit, if appropriate, may substitute for the forest stand delineation if:
  - (1) No forest cover is disturbed during a construction activity; and
  - (2) Designated to be under a long-term protective agreement.
- E. The Department shall consider simplified forest stand delineation, or other substitute plan described in § 280-9D, complete if it includes:
  - (1) All requirements under § 280-9C (1), (2), (4), and (5) of this article;
  - (2) A map showing existing forest cover as verified by field inspection; and
  - (3) Other information required by this chapter.

- F. An approved forest stand delineation may remain in effect for a period not longer than five years.
- G. Time for submittal.
  - (1) Within 30 calendar days after receipt of the forest stand delineation, the Department shall notify the applicant whether the forest stand delineation is complete and correct.
  - (2) If the Department fails to notify the applicant within 30 days, the delineation shall be treated as complete and correct.
  - (3) The Department may require further information or provide for an additional 15 calendar days under extenuating circumstances.

ARTICLE VI  
**Forest Conservation Plan**

**§ 280-10. General provisions.**

- A. In developing a forest conservation plan, the applicant shall give priority to techniques for retaining existing forest on the site.
- B. If existing forest on the site subject to a forest conservation plan cannot be retained, the applicant shall demonstrate to the satisfaction of the Department:
  - (1) How techniques for forest retention have been exhausted;
  - (2) Why the priority forests and priority areas cannot be left undisturbed, how the sequence for afforestation or reforestation will be followed in compliance with Natural Resources Article, § 5-1604(c)(1), Annotated Code of Maryland, cannot be left in an undisturbed condition:
    - (a) If priority forests and priority areas cannot be left undisturbed, how the sequence for afforestation or reforestation will be followed in compliance with Natural Resources Article, § 5-1607, Annotated Code of Maryland.
    - (b) Where on the site in priority areas afforestation or reforestation will occur in compliance with Natural Resources Article, § 5-1607, Annotated Code of Maryland; and
  - (3) How the disturbance to the priority forests and priority areas specified in Natural Resources Article, § 5-1607(c) (2), Annotated Code of Maryland, qualifies for a variance.
- C. The applicant shall demonstrate to the satisfaction of the Department that the requirements for afforestation or reforestation on site or off site cannot be reasonably accomplished if the applicant proposes to make a payment into the local forest conservation fund or to purchase credits from a forest mitigation bank.
- D. Nontidal wetlands. A regulated activity within the net tract area that occurs wholly or partly in areas regulated as nontidal wetlands under Environment Article, Title 9, Annotated Code of Maryland, is subject to both the nontidal wetlands regulatory requirements and the requirements of this chapter, subject to the following:
  - (1) Any area of forest in the net tract area, including forest in nontidal wetlands that is retained, shall be counted towards forest conservation requirements under this chapter;
  - (2) For the purpose of calculating reforestation mitigation under this chapter, a forested nontidal wetland permitted to be cut or cleared and required to be mitigated under Environment Article, Title 9, Annotated Code of Maryland, shall be shown on the forest

conservation plan and subtracted on an acre-for-acre basis from the total amount of forest to be cut or cleared as part of a regulated activity.

- (3) Nontidal wetlands shall be considered to be priority areas for retention and replacement;
  - (4) Forested nontidal wetland identification and delineation should be included at the earliest stage of planning to assist the applicant in avoidance and reduction of impacts to the nontidal wetlands and to avoid delay in the approval process.
- E. Platted lots in a residential subdivision may not include: **[Added 11-21-2016 by Ord. No. 16-O-17]**
- (1) Areas designated for forest conservation;
  - (2) Priority forests; or
  - (3) Priority areas.

**§ 280-11. Preliminary forest conservation plan.**

- A. A preliminary forest conservation plan shall be prepared by a licensed forester, a licensed landscape architect, or a qualified professional who meets the requirements stated in COMAR 08.19.06.01A.
- B. A preliminary forest conservation plan shall:
- (1) Be submitted with the preliminary plan of subdivision or proposed project plan;
  - (2) Include the approved forest stand delineation for the site;
  - (3) Include a table that lists the proposed values of the following, in square feet:
    - (a) Net tract area;
    - (b) Area of forest conservation required; and
    - (c) Area of forest conservation that the applicant proposes to provide, including both on-site and off-site areas;
  - (4) Include a clear graphic indication of the forest conservation provided on the site drawn to scale, showing areas where retention of existing forest or afforestation or reforestation is proposed;
  - (5) Include an explanation of how the provisions of § 280-10 of this article have been met;
  - (6) In the case of afforestation or reforestation, include a proposed afforestation or reforestation plan;



- (7) Include a proposed construction timetable showing the sequence of forest conservation procedures;
  - (8) Show the proposed limits of disturbance;
  - (9) Show proposed stockpile areas;
  - (10) Incorporate a proposed two-year maintenance agreement that shows how areas designated for afforestation or reforestation will be maintained to ensure protection and satisfactory establishment; and
  - (11) Other information the Department determines is necessary to implement this chapter.
- C. The review of the preliminary forest conservation plan shall be concurrent with the review of the preliminary site plan.
- D. During the different stages of the review process, the preliminary forest conservation plan may be modified, provided the Department approves of the changes.

**§ 280-12. Final forest conservation plan.**

- A. A final forest conservation plan shall be prepared by a licensed forester, a licensed landscape architect, or a qualified professional who meets the requirements stated in COMAR 08.19.06.01A.
- B. A final forest conservation plan shall:
- (1) Be submitted with the following:
    - (a) A final subdivision plan;
    - (b) A final project plan;
    - (c) An application for a grading permit; or
    - (d) An application for a sediment control permit;
  - (2) Show proposed locations and types of protective devices to be used during construction activities to protect trees and forests designated for conservation.
  - (3) In the case of afforestation or reforestation, include an afforestation or reforestation plan, with a timetable and description of needed site and soil preparation, species, size, and spacing to be used;
  - (4) Incorporate a binding two-year maintenance agreement specified in COMAR 08.19.05.01 that details how the areas designated for afforestation or reforestation will be maintained to ensure protection and satisfactory establishment, including:
    - (a) Watering; and

- (b) A reinforcement planting provision if survival rates fall before required standards, as provided in the current version of the State Forest Conservation Technical Manual;
  - (5) Incorporate a long-term binding protective agreement as specified in COMAR 08.19.05.02 that: **[Amended 11-21-2016 by Ord. No. 16-O-17]**
    - (a) Provides protection for areas of forest conservation, including areas of afforestation, reforestation, and retention; and
    - (b) Limits uses in areas of forest conservation to those uses that are designated and consistent with forest conservation, including recreational activities and forest management practices that are used to preserve forest; but
    - (c) May not include land within platted residential lots as areas of forest conservation.
  - (6) Include the substantive elements required under § 280-11B (2) through (5), (7) through (9), and (11) of this article, as finalized elements of the forest conservation plan; and
  - (7) Other information the Department determines is necessary to implement this chapter.
- C. Time for submittal.
- (1) Within 45 calendar days after receipt of the final forest conservation plan, the Department shall notify the applicant whether the forest conservation plan is complete and approved.
  - (2) If the Department fails to notify the applicant within 45 calendar days, the plan shall be treated as complete and approved.
  - (3) The Department may require further information or extend the deadline for an additional 15 calendar days under extenuating circumstances.
  - (4) At the request of the applicant, the Department may extend the deadline under extenuating circumstances.
- D. The Department's review of a final forest conservation plan shall be concurrent with the review of the final subdivision or project plan, grading permit application, or sediment control application associated with the project.
- E. The Department may revoke an approved forest conservation plan if it finds that:
- (1) A provision of the plan has been violated;

- (2) Approval of the plan was obtained through fraud, misrepresentation, a false or misleading statement, or omission of a relevant or material fact; or
  - (3) Changes in the development or in the condition of the site necessitate preparation of a new or amended plan.
- F. The Department may issue a stop-work order against a person who violates a provision of this chapter or a regulation, order, approved forest conservation plan, or maintenance agreement.
- G. Before revoking approval of a forest conservation plan, the Department shall notify the violator in writing and provide an opportunity for a hearing.



ARTICLE VII  
**Afforestation and Retention**

**§ 280-13. Afforestation requirement.**

A person making application after the effective date of this chapter for subdivision or project plan approval, a grading permit, or a sediment control permit for an area of land of 40,000 square feet or greater, shall:

- A. Conduct afforestation on the lot or parcel in accordance with the following:
  - (1) A tract having less than 20% of the net tract area in forest cover shall be afforested up to at least 20% of the net tract area for the following land use categories:
    - (a) Agriculture and resource areas; and
    - (b) Medium-density residential areas;
  - (2) A tract with less than 15% of its net tract area in forest cover shall be afforested up to at least 15% of the net tract area for the following land use categories:
    - (a) Institutional development areas;
    - (b) High-density residential areas;
    - (c) Mixed-use and planned unit development areas; and
    - (d) Commercial and industrial use areas.
- B. Comply with the following when cutting into forest cover that is currently below the afforestation percentages described in § 280-13A (1) and (2) of this article:
  - (1) The required afforestation level shall be determined by the amount of forest existing before cutting or clearing begins; and
  - (2) Forest cut or cleared below the required afforestation level shall be reforested or afforested at a 2 to 1 ratio and added to the amount of afforestation necessary to reach the minimum required afforestation level, as determined by the amount of forest existing before cutting or clearing began.
- C. The use of street trees in the City with a tree management plan, in an existing population center designated in the adopted Aberdeen Comprehensive Plan that conforms with the Economic Growth, Resource Protection, and Planning Act of 1992,<sup>64</sup> or in any other designated area approved by the Department as part of a local

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**64. Editor's Note: See State Finance and Procurement Article of the Annotated Code of Maryland, § 5-7A-01 et seq.**

program, under criteria established by the local program, subject to the approval of the Department, using:

- (1) Street trees as a permissible step in the priority sequence for afforestation or reforestation and, based on a mature canopy coverage, may grant full credit as a mitigation technique; and
  - (2) Acquisition as a mitigation technique of an off-site protective easement for existing forested areas not currently protected in perpetuity, in which case the afforestation or reforestation credit granted may not exceed 50% of the area of forest cover protected.
- D. When all other options, both on site and off site, have been exhausted, landscaping as a mitigation technique, conducted under an approved landscaping plan that establishes a forest at least 35 feet wide and covering at least 2,500 square feet of area.

**§ 280-14. Retention.**

- A. The following trees, shrubs, plants, and specific areas are considered priority for retention and protection and shall be left in an undisturbed condition unless the applicant has demonstrated, to the satisfaction of the Department, that reasonable efforts have been made to protect them and the plan cannot reasonably be altered:
- (1) Trees, shrubs, plants located in sensitive areas including the one-hundred-year floodplain, intermittent and perennial streams and their buffers, coastal bays and their buffers, steep slopes, nontidal wetlands, and critical habitats; and
  - (2) Contiguous forest that connects the largest undeveloped or most vegetated tracts of land within and adjacent to the site.
- B. The following trees, shrubs, plants, and specific areas are considered priority for retention and protection and shall be left in an undisturbed condition unless the applicant has demonstrated, to the satisfaction of the Department, that the applicant qualifies for a variance in accordance with § 280-23 of this chapter:
- (1) Trees, shrubs, or plants determined to be rare, threatened, or endangered under:
  - (2) The federal Endangered Species Act of 1973 in 16 U.S.C. §§ 1531 through 1544 and in 50 CFR 17.
  - (3) The Maryland Nongame and Endangered Species Conservation Act, Natural Resources Article, §§ 10-2A-01 through 10-2A-09, Annotated Code of Maryland; and
  - (4) COMAR 08.03.08;
  - (5) Trees that:

- (a) Are part of an historic site;
  - (b) Are associated with an historic structure; or
  - (c) Have been designated by the state or the Department as a national, state, or county champion tree; and
- (6) Any tree having a diameter measured at 4.5 feet above the ground of:
- (a) 30 inches or more; or
  - (b) 75% or more of the diameter, measured at 4.5 feet above the ground, of the current state champion tree of that species as designated by the Department of Natural Resources.





ARTICLE VIII  
**Reforestation**

**§ 280-15. Forest conservation threshold.**

- A. There is a forest conservation threshold established for all land use categories, as provided in Subsection B of this article. The forest conservation threshold means the percentage of the net tract area at which the reforestation requirement changes from a ratio of 1/4 acre planted for each acre removed above the threshold to a ratio of two acres planted for each acre removed below the threshold.
- B. After reasonable efforts to minimize the cutting of trees and other woody plants have been exhausted in the development of a subdivision or project plan, grading and sediment control activities, and implementation of the forest conservation plan, the forest conservation plan shall provide for reforestation, purchase of credits from a forest mitigation bank, or payment into the forest conservation fund, according to the formula set forth in Subsections B and C of this article and consistent with § 280-10 of this chapter, and the following forest conservation thresholds for the applicable land use category:

<b>Category of Use</b>	<b>Threshold Percentage</b>
Agricultural and resource areas	50%
Medium-density residential areas	25%
Institutional development areas	20%
High-density residential areas	20%
Mixed-use and planned unit development areas	15%
Commercial and industrial use areas	15%

- C. Calculations.
- (1) For all existing forest cover measured to the nearest 1/10 acre cleared on the net tract area above the applicable forest conservation threshold, the area of forest removed shall be reforested at a ratio of 1/4 acre planted for each acre removed.
  - (2) Each acre of forest retained on the net tract area above the applicable forest conservation threshold shall be credited against the total number of acres required to be reforested under Subsection C(1) of this subsection. The calculation of the credit shall be according to the criteria provided in the current version of the State Forest Conservation Technical Manual.
  - (3) For all existing forest cover measured to the nearest 1/10 acre cleared on the net tract area below the applicable forest conservation threshold, the area of forest removed shall be

reforested at a ratio of two acres planted for each acre removed below the threshold.

ARTICLE IX  
**Priorities and Time Requirements for Afforestation and  
Reforestation**

**§ 280-16. Sequence for afforestation and reforestation.**

- A. After techniques for retaining existing forest on the site have been exhausted, the preferred sequence for afforestation and reforestation, as determined by the Department, is as follows:
- (1) Forest creation in accordance with a forest conservation plan using one or more of the following:
    - (a) Transplanted or nursery stock;
    - (b) Whip and seedling stock; or
    - (c) Natural regeneration where it can be adequately shown to meet the objective of the current version of the State Forest Conservation Technical Manual;
  - (2) In a municipal corporation with a tree management plan and in an existing population center designated in a county master plan that has been adopted to conform to the Economic Growth, Resource Protection, and Planning Act of 1992,<sup>65</sup> or in any other designated area approved by the Department, the use of:
    - (a) Street trees as a permissible step in the priority sequence for afforestation or reforestation and with a mature canopy coverage may be granted full credit as a mitigation technique; and
    - (b) Acquisition of an off-site protection easement on existing forested areas not currently protected in perpetuity as a mitigation technique, in which case the afforestation or reforestation credit granted may not exceed 50% of the area of forest cover protected;
  - (3) When all other options, both on site and off site, have been exhausted, landscaping as a mitigation technique conducted under an approved landscaping plan that establishes a forest at least 35 feet wide and covering at least 2,500 square feet of area.
- B. A sequence other than the one described in Subsection A of this article may be used for a specific project, if necessary, to achieve the objectives of the county land use plan or county land use policies, or to take advantage of opportunities to consolidate forest conservation efforts.
- C. The following are considered a priority for afforestation and reforestation:

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**65. Editor's Note: See State Finance and Procurement Article of the Annotated Code of Maryland, § 5-7A-01 et seq.**

- (1) Those techniques that enhance existing forest and involve selective clearing or supplemental planting on site;
  - (2) On-site afforestation or reforestation where the retention options have been exhausted, using methods selected in accordance with Subsection F of this section, and the location being selected in accordance with this subsection;
  - (3) Off-site afforestation or reforestation in the same watershed or in accordance with an approved master plan where the applicant has demonstrated that no reasonable alternative on site exists, or where:
    - (a) Any on-site priority areas for afforestation or reforestation have been planted in accordance with this subsection; and
    - (b) The applicant has justified to the Department's satisfaction that environmental benefits associated with off-site afforestation or reforestation exceeds those derived from on-site planting.
- D. In the cases cited in Subsection C of this section, the method shall be selected in accordance with Subsection F of this section, and the location shall be selected in accordance with Subsection C of this section.
- E. Off-site afforestation or reforestation may include the use of forest mitigation banks which have been so designated in advance by the Department.
- F. Standards for meeting afforestation or reforestation requirements shall be established using one or more of the following methods:
- (1) Establish or enhance forest buffers adjacent to intermittent and perennial streams, and coastal bays and their buffers, to widths of at least 50 feet;
  - (2) Establish or increase existing forested corridors to connect existing forests within or adjacent to the site and, where practical, forested corridors should be a minimum of 300 feet in width to facilitate wildlife movement;
  - (3) Establish or enhance forest buffers adjacent to critical habitats where appropriate;
  - (4) Establish or enhance forested areas in the one-hundred-year floodplains;
  - (5) Establish plantings to stabilize slopes of 25% or greater and slopes of 15% or greater with a soil K value greater than 0.35, including the slopes of ravines or other natural depressions.

- (6) Establish buffers adjacent to areas of differing land use when appropriate, or adjacent to highways or utility rights-of-way;
  - (7) Establish forest areas adjacent to existing forests to increase the overall area of contiguous forest cover, when appropriate; and
  - (8) Use native plant materials for afforestation or reforestation, when appropriate.
- G. A person required to conduct afforestation or reforestation under this article shall accomplish it within one year or two growing seasons, whichever is a greater time period, following development project completion.



## ARTICLE X

**Payment Instead of Afforestation and Reforestation****§ 280-17. Forest Conservation Fund.**

- A. There is established a forest conservation fund in the local program.
- B. If a person subject to this chapter demonstrates to the satisfaction of the Department that requirements for reforestation or afforestation on site or off site cannot be reasonably accomplished; the person shall contribute money into the City of Aberdeen's Forest Conservation Fund:
  - (1) For a project inside a priority funding area, as defined in Natural Resources Article, § 5-1610, Annotated Code of Maryland, at a rate of \$0.75 per square foot of the area of required planting until September 30, 2014, when the amount shall be adjusted for inflation as determined by the Department annually by regulation; and
  - (2) For a project outside a priority funding area, at a rate of \$0.90 per square foot of the area of required planting until September 30, 2014, when the amount shall be 20% higher than the rate established for a project inside a priority funding area.
- C. Money contributed instead of afforestation or reforestation under this article shall be paid within 90 calendar days after development project completion and shall be made a part of the public works agreement, if applicable.
- D. The City shall accomplish the reforestation or afforestation for which the money is deposited within two years or three growing seasons, whichever is a greater time period, after receipt of the money, and at the end of that time period, any portion that has not been used to meet the afforestation or reforestation requirements shall be returned to the person who provided the money to be used for documented tree planting in the same watershed upon their written request.
- E. Money deposited in the local forest conservation fund:
  - (1) May be spent on the costs directly related to reforestation and afforestation, including site identification, acquisition, preparation, maintenance of existing forests, and achieving urban canopy goals;
  - (2) Shall be deposited in a separate forest conversation fund; and
  - (3) May not revert to the general fund.
- F. Sites for afforestation or reforestation using fund money.
  - (1) Except as provided in Subsection F (2) of this section, the reforestation or afforestation requirement under this article shall occur in the City and watershed in which the project is located.

- (2) If the reforestation or afforestation cannot be reasonably accomplished in the city and watershed in which the project is located, then the reforestation or afforestation shall occur in Harford County or watershed in the state in which the project is located.



## ARTICLE XI

**Payment by Credits from Forest Mitigation Bank****§ 280-18. Use of forest mitigation bank**

- A. If a person subject to this chapter demonstrates to the satisfaction of the Department that requirements for reforestation or afforestation on site or off site cannot be reasonably accomplished, the person may contribute credits from a forest mitigation bank. A credit is required for each 1/10 of an acre of an area of required planting.
- B. The credits shall be debited from an approved forest mitigation bank within 90 calendar days after development project completion.



ARTICLE XII  
**Establishing Forest Mitigation Banks**

**§ 280-19. Forest mitigation banks.**

- A. A person may create a forest mitigation bank from which applicants may purchase credits to meet the afforestation and reforestation requirements of this chapter.
- B. The forest mitigation bank shall:
- (1) Afforest or reforest an area of land in accordance with a forest mitigation bank agreement;
  - (2) Be protected by an easement, deed restrictions, or covenants which require the land in the bank to remain forested in perpetuity and are enforceable by the Department and the Department of Natural Resources;
  - (3) Limit the use of the land in the bank to those activities which are not inconsistent with forest conservation such as recreational activities, forest management under a forest conservation and management program under Tax Property Article, § 8-211, Annotated Code of Maryland, or activities specified in a forest management plan prepared by a licensed forester and approved by the Department;
  - (4) Use native plant materials for afforestation or reforestation unless inappropriate; and
  - (5) Cause trees to be planted which:
    - (a) Establish or enhance forested buffers adjacent to intermittent and perennial streams and coastal bays to widths of at least 50 feet;
    - (b) Establish or increase existing forested corridors, which, where practical, should be a minimum of 300 feet in width to facilitate wildlife movement, to connect existing forests within or adjacent to the site;
    - (c) Establish or enhance forest buffers adjacent to critical habitats where appropriate;
    - (d) Establish or enhance forested areas in one-hundred-year floodplains;
    - (e) Stabilize slopes of 25% or greater;
    - (f) Stabilize slopes of 15% or greater with a soil K value greater than 0.35, including the slopes of ravines or other natural depressions;

- (g) Establish buffers adjacent to areas of differing land use where appropriate, or adjacent to highways or utility rights-of-way; or
  - (h) Establish forest areas adjacent to existing forests to increase the overall area of contiguous forest cover, when appropriate.
- C. A person proposing to create a forest mitigation bank shall submit to the Department a:
  - (1) Completed application on a form approved by the Department which has been signed by an authorized individual in conformance with COMAR 08.19.04.021;
  - (2) Forest mitigation bank plan which contains a:
    - (a) Vicinity map of the proposed mitigation bank site;
    - (b) Simplified forest stand delineation which meets the criteria in COMAR 08.19.04.02;
    - (c) Detailed afforestation or reforestation plan, which shall include a timetable and description of the site and soil preparation needed, species, size, and spacing to be utilized, prepared by a licensed Maryland forester, a licensed landscape architect, or a qualified professional who meets the requirements stated in COMAR 08.19.06.01A; and
    - (d) Proposed two-year maintenance agreement that:
      - [1] Sets forth how the areas afforested or reforested will be maintained to ensure protection and satisfactory establishment;
      - [2] Complies with COMAR 08.19.04.05C (4) (a); and
      - [3] Includes watering and reinforcement planting provisions if survival falls below required standards;
  - (3) Copy of the deed to the property;
  - (4) Survey or other legally sufficient description of the bank site for inclusion in the deeds of easement, deed restrictions, or covenants;
  - (5) Title report or other assurance that:
    - (a) The property is not encumbered by any covenants or other types of restrictions which would impair the property's use as a forest mitigation bank; and
    - (b) There is legally sufficient access to the forest mitigation bank site which can be used by the Department and its assignees to inspect the forest mitigation bank; and
  - (6) Description of the system to be used by the person owning and operating the forest mitigation bank to identify and keep track

of which portions of the bank have been debited to meet an applicant's off site afforestation or reforestation requirements.

- D. The owner of an approved forest mitigation bank shall enter into an agreement with the Department which contains:
- (1) The approved reforestation or afforestation plan;
  - (2) The approved system for marking and tracking which portions of the bank have been debited; and
  - (3) An acknowledgement that the bank may not debit any portion of the afforested or reforested land until two years of successful growth has been achieved unless the banker has posted a bond or alternate form of security.



## ARTICLE XIII

**Recommended Tree Species****§ 280-20. Recommended tree species list.**

- A. Tree species used for afforestation or reforestation shall be native to Harford County when appropriate, and selected from a list of approved species established by the Department.
- B. The Department shall adopt a list of tree species to be used for any required afforestation or reforestation.





## ARTICLE XIV

**Financial Security for Afforestation and Reforestation****§ 280-21. Bonding.**

- A. A person required to conduct afforestation or reforestation under this article shall furnish financial security in the form of a bond, an irrevocable letter of credit, or other security approved by the Department. The surety shall:
- (1) Assure that the afforestation, reforestation, and the associated maintenance agreement are conducted and maintained in accordance with the approved forest conservation plan;
  - (2) Be in an amount equal to the estimated cost, as determined by the Department, of afforestation and reforestation; and
  - (3) Be in a form and of a content approved by the Department.
- B. After one growing season, the person required to file a bond under Subsection A of this article may request reduction of the amount of the bond or other financial security by submitting a written request to the Department with a justification for reducing the bond or other financial security amount, including estimated or actual costs to ensure afforestation or reforestation requirements are met.
- C. The Department shall determine whether a lesser amount is sufficient to cover the cost of afforestation or reforestation, taking into account the following:
- (1) The number of acres;
  - (2) The proposed method of afforestation or reforestation;
  - (3) The cost of planting materials or replacement materials;
  - (4) The cost of maintenance of the afforestation or reforestation project; and
  - (5) Other relevant factors.
- D. If, after two growing seasons, the plantings associated with the afforestation or reforestation meet or exceed the standards of the current version of the State Forest Conservation Technical Manual, the amount of the cash bond, letter of credit, surety bond, or other security shall be returned or released.
- E. A local forest conservation program may incorporate the financial security set forth in Subsections A through D of this article or in COMAR 08.19.05.01B.



## ARTICLE XV

**Standards for Protecting Trees from Construction Activities****§ 280-22. Protection devices.**

- A. The City shall adopt standards for the protection of trees from construction activity.
- B. Before cutting, clearing, grading, or construction begins on a site for which a forest conservation plan is required by this article, the applicant shall demonstrate to the Department that protective devices have been established.



## ARTICLE XVI

**Variances****§ 280-23. Procedure.**

- A. A person may request a variance from this chapter or the requirement of Natural Resources Article, §§ 5-1601 through 5-1612, Annotated Code of Maryland, if the person demonstrates that enforcement would result in unwarranted hardship to the person.
- B. An applicant for a variance shall:
  - (1) Describe the special conditions peculiar to the property which would cause the unwarranted hardship;
  - (2) Describe how enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas;
  - (3) Verify that the granting of the variance will not confer on the applicant a special privilege that would be denied to other applicants;
  - (4) Verify that the variance request is not based on conditions or circumstances which are the result of actions by the applicant;
  - (5) Verify that the request does not arise from a condition relating to land, or building use, either permitted or nonconforming, on a neighboring property; and
  - (6) Verify that the granting of a variance will not adversely affect water quality.
- C. The Department shall make findings that the applicant has met the requirements in § 280-23A and B of this article before the Department may grant a variance.
- D. Notice of a request for a variance shall be given to the Department of Natural Resources within 15 days of receipt of a request for a variance.
- E. There is established by this chapter the right and authority of the Department of Natural Resources to initiate or intervene in an administrative, judicial, or other original proceeding or appeal in the state concerning an approval of a variance under Natural Resources Article, §§ 5-1601 through 5-1612, Annotated Code of Maryland, or this chapter.



## ARTICLE XVII

**Penalties****§ 280-24. Enforcement.**

## A. Noncompliance fees.

- (1) A person found to be in noncompliance with this chapter, regulations adopted under this chapter, the forest conservation plan, or the associated two-year maintenance agreement, shall be assessed by the Department the penalty of \$1 per square foot of the area found to be in noncompliance with required forest conservation.
- (2) Money collected under Subsection A(1) of this article shall be deposited in the forest conservation fund as required by Article X of this chapter, and may be used by the Department for purposes related to implementing this chapter.

## B. Violation.

- (1) In addition to the provisions under § 280-24A of this article, a person who violates a provision of this chapter or a regulation or order adopted or issued under this chapter is liable for a penalty not to exceed \$1,000, which may be recovered in a civil action brought by the Department.
- (2) Each day a violation continues is a separate violation.

C. The Department may seek an injunction requiring the person to cease violation of and comply with this chapter, a regulation or order adopted or issued under this chapter, a forest conservation plan, a two-year maintenance agreement or a long-term binding protective agreement, and to take corrective action to restore or reforest an area. **[Amended 11-21-2016 by Ord. No. 16-O-17]**

## D. The local program may adopt the enforcement provisions under COMAR 08.19.06.03.

## E. The local program shall provide to the Department notice of an enforcement action within 15 days after the commencement of enforcement by the local program.

F. In addition to the other provisions of this section, a person who violates a provision of this chapter, a regulation or order adopted or issued under this chapter, a forest conservation plan, a two-year maintenance agreement or a long-term binding protective agreement is guilty of a municipal infraction and is liable for a fine in the amount of \$500 for an initial violation and \$1,000 for each repeat or subsequent violation. Each day that a violation continues is a separate offense. **[Added 11-21-2016 by Ord. No. 16-O-17]**





ARTICLE XVIII  
**Annual Report**

**§ 280-25. Submission of report.**

On or before March 1 of each year, the Department shall submit to the Department of Natural Resources a report which contains the:

- A. Number, location, and type of projects subject to the provisions of this chapter;
- B. Amount and location of acres cleared, conserved, and planted, including any areas located in the one-hundred-year floodplain, in connection with a development project;
- C. Amount of reforestation and afforestation fees and noncompliance penalties collected and expended;
- D. Costs of implementing the forest conservation program;
- E. Location and size of all forest mitigation banks approved during the past year with a description of the priority areas afforested or reforested by the bank;
- F. Number of acres debited from each forest mitigation bank since the last annual report; and
- G. Forest mitigation banks inspected since the last annual report.
- H. Number, location, and types of violations and types of enforcement activities conducted; and
- I. The size and location of all conserved and planted forest areas shall be submitted in an electronic geographic information system or computer-aided design format, if possible. If not possible, the location shall be given by Maryland State Plane Grid Coordinates and eight-digit subwatershed.



ARTICLE XIX

**Biennial Review by Department of Natural Resources**

**§ 280-26. Submission of documentation.**

The Department shall submit the necessary documentation to comply with COMAR 08.19.02.04.



## ARTICLE XX

**Effective Date and Subsequent Amendments****§ 280-27. Effective date; subsequent amendments.**

This chapter is hereby enacted and becomes effective July 1, 2012. This chapter may be amended as required. All amendments to this chapter are subject to the approval of the Department of Natural Resources.

## **Chapter 297**

# **GRADING AND EROSION AND SEDIMENT CONTROL**

### **GENERAL REFERENCES**

**Building construction — See Ch. 210.**

**Stormwater management — See Ch. 465.**

**Development Code — See Ch. 235.**

**Subdivision of land — See Ch. 475.**

**Floodplain management — See Ch. 275.**

**Fees — See Ch. A550.**

**Forest conservation — See Ch. 280.**

## ARTICLE I

**Purpose and General Provisions****§ 297-1. Purpose; statutory authority; application of standards.**

- 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 to control the adverse impacts associated with land disturbances. The goal is to minimize soil erosion and prevent off-site sedimentation by using soil erosion and sediment control practices designed in accordance with the Code of Maryland Regulations (COMAR) 26.17.01, the 2011 Maryland Standards and Specifications (Standards and Specifications) and the Stormwater Management Act of 2007 (Act).<sup>66</sup> Implementing this chapter will help reduce the negative impacts of land development on water resources, maintain the chemical, physical, and biological integrity of streams, and minimize damage to public and private property.
- B. The provisions of this chapter, pursuant to Title 4, Environment Article, Subtitle 1, Annotated Code of Maryland, are adopted under the authority of the City of Aberdeen Code and shall apply to all land grading occurring within the City of Aberdeen. The application of this chapter and the provisions expressed herein shall be the minimum erosion and sediment control requirements and shall not be deemed a limitation or repeal of any other powers granted by state statute.

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**66.Editor's Note: See § 4-201, et seq., of the Environmental Article of the Annotated Code of Maryland.**





ARTICLE II  
**Definitions**

**§ 297-2. Terms defined.**

The words and phrases, as used in this chapter, shall have the following meanings:

**ADMINISTRATION** — The Maryland Department of the Environment (MDE) Water Management Administration (WMA).

**ADVERSE IMPACT** — Any deleterious effect on waters or wetlands, including their quality, quantity, surface area, species composition, aesthetics, or usefulness for human or natural uses, which is or may be potentially harmful or injurious to human health, welfare, safety or property, biological productivity, diversity, or stability or that 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. Logging and timber removal operations are not to be considered a part of this definition.

**APPLICANT** — Any person, firm, or government agency that executes the necessary forms to apply for a permit or approval to carry out construction of a project.

**APPROVAL AUTHORITY** — The entity responsible for the review and approval of erosion and sediment control plans.

**BEST MANAGEMENT PRACTICE (BMP)** — 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.

**CITY** — City of Aberdeen, a Maryland municipal corporation.

**CLEAR** — To remove the vegetative ground cover while leaving the root mat intact.

**CONCEPT PLAN** — The first of three plans submitted under the comprehensive review and approval process required by the Act and described in COMAR 26.17.02 and shall include the information necessary to allow an initial evaluation of a proposed project.

**DEPARTMENT** — Maryland Department of the Environment.

**DESIGN MANUAL** — 2000 Maryland Stormwater Design Manual.

**DRAINAGE AREA** — That area contributing runoff to a single point measured in a horizontal plane that is enclosed by a ridgeline.

**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.

EROSION — The process by which the land surface is worn away by the action of wind, water, ice, or gravity.

EROSION AND SEDIMENT CONTROL — A system of structural and vegetative measures that minimizes soil erosion and off-site sedimentation.

EROSION AND SEDIMENT CONTROL PLAN — Erosion and sediment control strategy or plan designed to minimize erosion and prevent off-site sedimentation.

EXEMPTION — Those land development activities that are not subject to the erosion and sediment control requirements contained in this chapter.

FINAL EROSION AND SEDIMENT CONTROL PLAN — Along with the final stormwater management plan, the last of three plans submitted under the comprehensive review and approval process required by the Act and described in COMAR 26.17.02. Final erosion and sediment control plans shall be prepared and approved in accordance with the specific requirements of the City of Aberdeen and this chapter and designed in accordance with the Standards and Specifications.

GRADE — To disturb earth by, including, but not limited to, excavating, filling, stockpiling, grubbing, removing root mat or topsoil, or any combination thereof.

GRADING UNIT — The maximum contiguous area allowed to be graded at a given time. For the purposes of this chapter, a grading unit is 20 acres or less.

HIGHLY ERODIBLE SOILS — Those soils with a slope greater than 15% or those soils with a soil erodibility factor, K, greater than 0.35 and with slopes greater than 5%.

INSPECTION AGENCY — The Administration or, if delegated enforcement authority, the City of Aberdeen.

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 is a structural BMP implemented.

OWNER/DEVELOPER — A person undertaking, or for whose benefit, activities covered by this chapter are carried on. General contractors or subcontractors, or both, without a proprietary interest in a project are not included within this definition.

PERMITTEE — Any person to whom a building or grading permit has been issued.

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 of their affiliates, or any other entity.

**RESPONSIBLE PERSONNEL** — Any foreman, superintendent, or project engineer who is in charge of on-site clearing and grading operations or the implementation and maintenance of an erosion and sediment control plan.

**SEDIMENT** — Soils or other surficial materials transported or deposited by the action of wind, water, ice, gravity, or artificial means.

**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 PLAN** — The second of three plans submitted under the comprehensive review and approval process required by the Act and described in COMAR 26.17.02. A site development plan shall include the information necessary to allow a detailed evaluation of a proposed project.

**STABILIZATION** — The protection of exposed soils from erosion by the application of seed and mulch, seed and matting, sod, other vegetative measures, and/or structural means.

**STANDARDS AND SPECIFICATIONS** — The "2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control" or any subsequent revisions.

**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.

**VARIANCE** — The modification of the minimum erosion and sediment control requirements for exceptional circumstances such that strict adherence to the requirements would result in unnecessary hardship and not fulfill the intent of this chapter.

**WATERSHED** — The total drainage area contributing runoff to a single point.



ARTICLE III  
**Application**

**§ 297-3. Scope.**

No person shall disturb land without implementing soil erosion and sediment controls in accordance with the requirements of this chapter and the Standards and Specifications except as provided within this section.

**§ 297-4. Exemptions.**

The following activities are exempt from the provisions of this chapter:

- A. Agricultural land management practices and agricultural BMPs;
- B. Clearing or grading activities that disturb less than 5,000 square feet of land area and disturb less than 100 cubic yards of earth; and
- C. Clearing or grading activities subject exclusively to state approval and enforcement under state law and regulations.

**§ 297-5. Variances.**

The City may only grant a variance from the requirements of the Standards and Specifications when strict adherence will result in exceptional hardship and not fulfill the intent of this chapter. The owner/developer shall submit a written request for a variance to the City. The request must state the specific variance sought and the reasons for the request. The City shall not grant a variance unless and until sufficient information is provided describing the unique circumstances of the site to justify the variance.



ARTICLE IV  
**Erosion and Sediment Control Plans**

**§ 297-6. Concept plan.**

The concept phase of project review and approval requires mapping of natural resources, vegetative buffer strips, highly erodible soils, and slopes 15% and steeper. These mapped areas should be protected from erosion using additional measures or, wherever possible, designated to remain undisturbed. This data serves as the foundation for developing both the erosion and sediment control and stormwater management facets of the site development plan. Field verification is necessary to verify topographic maps, soil maps, and other materials.

**§ 297-7. Site development plan.**

The site development plan provides a more detailed design of the project. Included in this step is a narrative describing how erosion and sediment control will be integrated into the stormwater management strategy using ESD in accordance with the Design Manual. An overlay plan showing stormwater and erosion and sediment control practices is also required as part of the site development submittal. After approval from the approving agencies, the applicant will proceed with final plan preparation.

**§ 297-8. Final plan.**

- A. Final erosion and sediment control plans must include the limit of disturbance (LOD), the location of each sediment control practice, contours for sediment traps and sediment basins, associated construction notes, details, and representative cross sections. When phasing is necessary, the sediment control plan must include initial, interim, and final phase sediment control practices, as appropriate. A sequence of construction must be provided with enough detail to guide the construction, maintenance, and removal of the erosion and sediment controls.
- B. Additionally, plans must include phasing and/or sequencing describing how a project will comply with the twenty-acre grading unit restriction. All projects are expected to comply with the grading unit criteria as required by COMAR 26.17.01 and the Standards and Specifications. An exception may be granted by the approval authority only when the applicant has sufficiently demonstrated that a project cannot be phased or sequenced to meet the criteria due to the uniqueness of the project or the site. The justification for an exception shall not include the cost of moving dirt more than once, the need to install interim sediment practices, or that the total construction time will increase if the project needs to be broken into phases.
- C. An exception must be issued on a case-by-case basis and must require additional erosion and sediment control measures, including redundant controls, accelerated stabilization, more frequent erosion and sediment

control inspections, or other measures required by the approval authority.

**§ 297-9. Review and approval of erosion and sediment control plans.**

- A. A person may not grade land without an erosion and sediment control plan approved by the City.
- B. The City shall review erosion and sediment control plans to determine compliance with this chapter and the Standards and Specifications prior to approval. In approving the plan, the City may impose such conditions that may be deemed necessary to ensure compliance with the provisions of this chapter, COMAR 26.17.01, the Standards and Specifications, and the preservation of public health and safety.
- C. The review and approval process shall be in accordance with the comprehensive and integrated plan approval process described in the Standards and Specifications, the City's stormwater chapter and the Act.
- D. At a minimum, a concept plan must include the mapping of natural resources and sensitive areas, including highly erodible soils and slopes greater than 15%, as well as information required under the City's stormwater chapter.<sup>67</sup> These areas are to remain undisturbed or an explanation must be included with either the concept or site development plan describing enhanced protection strategies for these areas during construction.
- E. A site development plan submittal must include all concept plan information and indicate how proposed erosion and sediment control practices will be integrated with proposed stormwater management practices. The latter is to be done through a narrative and an overlay plan showing both ESD and erosion and sediment control practices. An initial sequence of construction and proposed project phasing to achieve the grading unit restriction should be submitted at this time.
- F. An applicant shall submit a final erosion and sediment control plan to the City for review and approval. The plan must include all of the information required by the concept and site development plans as well as any information in § 297-10 not already submitted.
- G. A final erosion and sediment control plan shall not be considered approved without the inclusion of the signature and date of signature of the City on the plan.
- H. Approved plans remain valid for two years from the date of approval unless extended or renewed by the City.
- I. Grandfathering of approved plans:

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67. Editor's Note: See Ch. 465, Stormwater Management.



- (1) Any plans that receive final approval after January 9, 2013, must be in compliance with the requirements of this chapter and the Standards and Specifications.
- (2) A plan that receives final approval by January 9, 2013, may be reapproved under its existing conditions if grading activities have begun on the site by January 9, 2015, with the exception of stabilization requirements.
- (3) Stabilization practices on all sites must be in compliance with the requirements of this chapter and the Standards and Specifications by January 9, 2013, regardless of when an approved erosion and sediment control plan was approved.

**§ 297-10. Contents of erosion and sediment control plans.**

- A. An applicant is responsible for submitting erosion and sediment control plans that meet the requirements of the City of Aberdeen, this chapter, the City's stormwater chapter, the Standards and Specifications, and the Act. The plans shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed grading on water resources, and the effectiveness and acceptability of measures proposed to minimize soil erosion and off-site sedimentation.
- B. At a minimum, applicants shall submit the following information:
  - (1) A letter of transmittal and/or application.
  - (2) Name, address, and telephone number of:
    - (a) The owner of the property where the grading is proposed;
    - (b) The developer; and
    - (c) The applicant.
  - (3) A vicinity map indicating North arrow, scale, site location, and other information necessary to easily locate the property.
  - (4) Drainage area map(s) at a minimum scale of one inch equals 200 feet, showing existing, interim, and proposed topography, proposed improvements, standard symbols for proposed sediment control features, and pertinent drainage information including provisions to protect downstream areas from erosion for a minimum of 200 feet downstream or to the next conveyance system.
  - (5) The location of natural resources, wetlands, floodplains, highly erodible soils, slopes 15% and steeper, and any other sensitive areas.
  - (6) A general description of the predominant soil types on the site, as described by the appropriate soil survey information available

through the local soil conservation district or the USDA Natural Resources Soil Conservation Service.

- (7) Proposed stormwater management practices.
- (8) Erosion and sediment control plans, including:
  - (a) The existing topography and improvements as well as proposed topography and improvements at a scale between one inch equals 10 feet and one inch equals 50 feet with two-foot contours or other approved contour interval. For projects with more than minor grading, interim contours may also be required.
  - (b) Scale, project and sheet title, and North arrow on each plan sheet.
  - (c) The limit of disturbance (LOD), including:
    - [1] Limit of grading (grading units, if applicable); and
    - [2] Initial, interim, and final phases.
  - (d) The proposed grading and earth disturbance, including:
    - [1] Total disturbed area;
    - [2] Volume of cut and fill quantities; and
    - [3] Volume of borrow and spoil quantities.
  - (e) Storm drainage features, including:
    - [1] Existing and proposed bridges, storm drains, culverts, outfalls, etc.;
    - [2] Velocities and peak flow rates at outfalls for the two-year and ten-year frequency storm events; and
    - [3] Site conditions around points of all surface water discharge from the site.
  - (f) Erosion and sediment control practices to minimize on-site erosion and prevent off-site sedimentation, including:
    - [1] The salvage and reuse of topsoil;
    - [2] Phased construction and implementation of grading unit(s) to minimize disturbances, both in extent and duration;
    - [3] Location and type of all proposed sediment control practices;
    - [4] Design details and data for all erosion and sediment control practices; and

- [5] Specifications for temporary and permanent stabilization measures, including, at a minimum:
  - [a] The "Standard Stabilization Note" on the plan stating: "Following initial soil disturbance or re-disturbance, permanent or temporary stabilization must be completed within:
    - [i] Three calendar days as to the surface of all perimeter dikes, swales, ditches, perimeter slopes, and all slopes steeper than three horizontal to one vertical (3:1); and
    - [ii] Seven calendar days as to all other disturbed or graded areas on the project site not under active grading."
  - [b] Details for areas requiring accelerated stabilization; and
  - [c] Maintenance requirements as defined in the Standards and Specifications.
- (g) A sequence of construction describing the relationship between the implementation and maintenance of controls, including permanent and temporary stabilization, and the various stages or phases of earth disturbance and construction. Any changes or revisions to the sequence of construction must be approved by the City prior to proceeding with construction. The sequence of construction, at a minimum, must include the following:
  - [1] Request for a pre-construction meeting with the appropriate enforcement authority;
  - [2] Clearing and grubbing as necessary for the installation of perimeter controls;
  - [3] Construction and stabilization of perimeter controls;
  - [4] Remaining clearing and grubbing within installed perimeter controls;
  - [5] Road grading;
  - [6] Grading for the remainder of the site;
  - [7] Utility installation and connections to existing structures;
  - [8] Construction of buildings, roads, and other construction;
  - [9] Final grading, landscaping, and stabilization;
  - [10] Installation of stormwater management measures;

[11] Approval of the appropriate enforcement authority prior to removal of sediment controls; and

[12] Removal of controls and stabilization of areas that are disturbed by removal of sediment controls.

(h) A statement requiring the owner/developer or representative to contact the City or its agent at the following stages of the project or in accordance with the approved erosion and sediment control plan, grading permit, or building permit:

[1] Prior to the start of earth disturbance;

[2] Upon completion of the installation of perimeter erosion and sediment controls, but before proceeding with any other earth disturbance or grading;

[3] Prior to the start of another phase of construction or opening of another grading unit; and

[4] Prior to the removal of sediment control practices.

(i) Certification by the owner/developer that any clearing, grading, construction, or development will be done pursuant to the approved erosion and sediment control plan. The certification must also require that the responsible personnel involved in the construction project have a certificate of training at a MDE-approved training program for the control of erosion and sediment prior to beginning the project. The certificate of training for responsible personnel may be waived by the City on any project involving four or fewer residential lots. Additionally, the owner/developer shall allow right of entry for periodic on-site evaluation by the City and/or MDE.

(j) Certification by a professional engineer, land surveyor, landscape architect, architect, or forester (for forest harvest operations only) registered in the state that the plans have been designed in accordance with erosion and sediment control laws, regulations, and standards, if required by the City or the Administration.

(9) Any additional information or data deemed appropriate by the City.

#### **§ 297-11. Modifications to erosion and sediment control plans.**

- A. The City may revise approved plans as necessary. Modifications may be requested by the owner/developer, the inspection agency, or the City in accordance with COMAR 26.17.01.09H Plan Modifications.
- B. The City may develop a list of minor modifications that may be approved as field revisions by the inspection agency. The Administration must approve any list of minor modifications prior to its implementation.

**§ 297-12. Standard erosion and sediment control plan.**

- A. The City may adopt a standard erosion and sediment control plan for activities with minor earth disturbances, such as single-family residences, small commercial and other similar building sites, minor maintenance grading, and minor utility construction.
- B. A standard erosion and sediment control plan must meet the requirements of this chapter and the Standards and Specifications.
- C. MDE shall review and approve a standard plan prior to its adoption.



## ARTICLE V

**Permits****§ 297-13. Permit requirements.**

Before a grading or building permit for any site is issued by the City, the City must review and approve an erosion and sediment control plan for the site.

**§ 297-14. Permit expiration and renewal.**

The building or grading permit shall expire two years from the date of issuance unless extended or renewed by the City. Application for permit renewal shall be made at least two months prior to the permit expiration date.

**§ 297-15. Permit fee.**

A permit fee schedule may be established by the City for the administration and management of the erosion and sediment control program. Capital improvement projects, refuse disposal areas, sanitary landfills, and public works projects may be exempt from this permit fee.

**§ 297-16. Permit suspension and revocation.**

The City may suspend or revoke any grading or building permits after providing written notification to the permittee based on any of the following reasons:

- A. Any violation(s) of the terms or conditions of the approved erosion and sediment control plan or permits;
- B. Noncompliance with violation notice(s) or stop work order(s);
- C. Changes in site characteristics upon which plan approval and permit issuance were based; or
- D. Any violation(s) of this chapter or any rules and regulations adopted under it.

**§ 297-17. Permit conditions.**

In issuing a grading or building permit, the City may impose such conditions that may be deemed necessary to ensure compliance with the provisions of this chapter or the preservation of the public health and safety.

**§ 297-18. Performance bond.**

When deemed necessary by the City, the owner/developer shall furnish a surety or cash bond, irrevocable letter of credit, or other means of security acceptable to the City. The bond amount should be equal to at least the cost

of the installation, maintenance, and removal of the erosion and sediment controls shown on the approved plan.

**§ 297-19. Inspection.**

The Administration is responsible for the inspection and enforcement of all land-disturbing activities, including those sites requiring an erosion and sediment control plan as specified by this chapter. This enforcement authority may be delegated to the City through a request by the City or required as a condition of a National Pollutant Discharge Elimination System (NDPES) municipal separate storm sewer system permit. This section applies to the Administration, or the City, if delegated enforcement authority.

**§ 297-20. Inspection frequency and reports.**

- A. The owner/developer shall maintain a copy of the approved erosion and sediment control plan on site.
- B. Every active site having a designed erosion and sediment control plan should be inspected for compliance with the plan on average of once every two weeks.
- C. A written report shall be prepared by the inspection agency after every inspection. The report shall describe:
  - (1) The date and location of the site inspection;
  - (2) Whether the approved plan has been properly implemented and maintained;
  - (3) Practice deficiencies or erosion and sediment control plan deficiencies;
  - (4) If a violation exists, the type of enforcement action taken; and
  - (5) If applicable, a description of any modifications to the plan.
- D. The inspection agency shall notify the on-site personnel or the owner/developer, in writing, when violations are observed, describing:
  - (1) The nature of the violation;
  - (2) The required corrective action; and
  - (3) The time period in which to have the violation corrected.

**§ 297-21. Right of entry.**

It shall be a condition of every grading or building permit that the inspection agency has the right to enter property periodically to inspect for compliance with the approved plan and this chapter.



**§ 297-22. Complaints.**

The inspection agency shall accept and investigate complaints regarding erosion and sediment control concerns from any interested parties and:

- A. Conduct an initial investigation within three working days from receipt of the complaint;
- B. Notify the complainant of the initial investigation and findings within seven days from receipt of the complaint; and
- C. Take appropriate action when violations are discovered during the course of the complaint investigation.

**§ 297-23. Enforcement.**

- A. The inspection agency shall, through the authority of this chapter and COMAR 26.17.01, use enforcement action when erosion and sediment control violations occur.
- B. Enforcement actions may include, but are not limited to:
  - (1) Issuance of a corrective action order;
  - (2) Issuance of a stop-work order, the extent of which is determined by the inspection agency;
  - (3) Issuance of a penalty or fine as allowed; and
  - (4) Referral for legal action.
- C. The City may deny the issuance of any permits to an applicant when it determines that the applicant is not in compliance with the provisions of a building or grading permit or approved erosion and sediment control plan.
- D. The inspection agency shall stop work on a site where land disturbance is occurring without an approved erosion and sediment control plan. Measures shall be required to be implemented to prevent off-site sedimentation.

**§ 297-24. Severability.**

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

**§ 297-25. Violations and penalties.**

- A. Any person who violates any provision of this chapter is guilty of a misdemeanor, and upon conviction in a court of competent jurisdiction, is subject to a fine not exceeding \$10,000 or imprisonment not exceeding one year, or both, for each violation, with costs imposed in the discretion of the court. Each day upon which the violation occurs constitutes a separate offense.
- B. Any agency whose approval is required under this chapter or any interested person may seek an injunction against any person who violates or threatens to violate any provision of this chapter.
- C. In addition to any other sanction under this chapter, a person who fails to install or to maintain erosion and sediment controls in accordance with an approved plan shall be liable to the City or the state in a civil action for damages in an amount equal to double the cost of installing or maintaining the controls.
- D. Any governing authority that recovers damages in accordance with this subsection shall deposit them in a special fund, to be used solely for:
  - (1) Correcting, to the extent possible, the failure to implement or maintain erosion and sediment controls; and
  - (2) Administration of the sediment control program.

## ARTICLE VI

**Effective Date and Subsequent Amendments****§ 297-26. Effective date; subsequent amendments.**

This chapter is hereby enacted and becomes effective May 5, 2014. This chapter may be amended as required. All amendments to this chapter are subject to the approval of the Maryland Department of the Environment.

**Chapter 302**

**GROWTH MANAGEMENT**

**GENERAL REFERENCES**

**Development Code — See Ch. 235.**

**Subdivision of land — See Ch. 475.**

**Sewers and water — See Ch. 450.**

ARTICLE I  
**General Provisions**

**§ 302-1. Purpose.**

The purpose of this chapter is to ensure that adequate public facilities have been provided prior to approval of a preliminary subdivision plan or site plan, and to define adequate public facilities requirements that shall be addressed in those plans.

**§ 302-2. Definitions.**

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

ADEQUATE PUBLIC FACILITIES — Those facilities relating to schools, public roads, water supply and distribution systems, and sewage disposal systems meeting standards established in this chapter.

CITY — The City of Aberdeen.

DEVELOPER — An entity (including but not limited to a person, business, corporation, partnership, limited liability company, or unincorporated association) responsible for the development of a piece of land.

TRAFFIC IMPACT ANALYSIS (TIA) — A technical appraisal or study that identifies the impacts of a new or expanded development on the public road system; identifies potential traffic operational problems or concerns and recommends appropriate actions to address such problems or concerns; and assists in determining the degree of financial responsibility of the developer in mitigating such impacts.

**§ 302-3. Avoiding intent and requirements.**

A developer shall not avoid the intent and requirements of this chapter by submitting piecemeal applications for preliminary subdivision plan or site plan approvals. The Director of the Department of Planning and Community Development and the Director of the Department of Public Works will make final determination on this particular matter, and whether a particular application will be subject to adequate public facilities review where the Directors find an intent to avoid the intent and requirements of this chapter.



## ARTICLE II

**Adequacy Standards for Residential Development****§ 302-4. Standards enumerated.**

Residential subdivision preliminary plats and site plans shall not be approved unless adequate public facilities are available to serve the development based on the standards set forth in this section:

- A. School capacity. All approval of residential subdivision plans and site plans for development shall be subject to determination of adequate school capacity based on the standards stated below and the current projected use level described in the Harford County Annual Growth Report as determined by the current state formula for rating school capacity.
  - (1) Preliminary approval. Preliminary subdivision plats exceeding five lots and site plans for residential developments exceeding five dwelling units shall not be approved at locations where either of the following conditions exists:
    - (a) The enrollment at the elementary school which serves the site is greater than 115% of the rated capacity or is projected to be greater than 115% of the rated capacity within five years.
    - (b) The enrollment at either the middle school or high school which serves the site is greater than 115% of the rated capacity or is projected to be greater than 115% of the rated capacity within five years.
  - (2) Waiting list. If a preliminary plat or site plan is for land that is located in an area that does not satisfy the requirements of § 302-4A(1), the approval of a preliminary plat or site plan shall be deferred and placed on a waiting list, arranged by date of completion of the review, until such time as the enrollment of the affected schools complies with the above requirements. Record plats, grading permits, and public works agreements for residential development shall not be executed by the City until the project is removed from the waiting list and approval of the preliminary plat or site plan is granted.
  - (3) Exemptions. The provisions of this section do not apply to housing for the elderly, or to preliminary plats or site plans approved prior to the effective date of this article.
- B. Sewerage. All approval of residential preliminary subdivision plans and site plans for development shall be subject to determination of adequate sewerage capacity in accordance with this Subsection B.
  - (1) The following current and anticipated demands on the sewerage system shall be evaluated to determine adequacy of the system:

- (a) Demands on the system generated or projected to be generated by existing connections;
  - (b) Buildings under construction that will be connected to the system;
  - (c) All committed allocations evidenced by payment of area charges and connection fees;
  - (d) All unexpired public works agreements;
  - (e) All unexpired preliminary plans; and
  - (f) Properties that are anticipated to connect to the system on completion of a capital project then under construction or for which funding has been authorized, right-of-way acquisition completed, and construction plans completed.
- (2) Taking into consideration demands on the system identified in Subsection B(1), the following components of the sewerage system must be determined to be adequate:
- (a) Collector systems to serve the proposed development are designed to accommodate expected ultimate peak gravity flows from the proposed development and other developable land within the drainage area;
  - (b) Interceptors to serve the proposed development have sufficient available capacity to accommodate expected peak gravity flows from the proposed development;
  - (c) Pumping stations and force mains receiving flows from the collector system in the drainage/service area have sufficient available capacity to accommodate ultimate peak flows from the proposed development and other developable land within the drainage area;
  - (d) Pumping stations and force mains receiving flows from interceptors to serve the proposed development have sufficient available capacity to accommodate expected peak flow from the proposed development; and
  - (e) Treatment plant(s) have sufficient available capacity to accommodate expected annual average and maximum daily loadings from the proposed development.
- (3) The City sewerage system shall also be considered adequate under the following circumstances:
- (a) If there is compliance with Subsection B(2)(a) and (c) of this section and the City has funded projects for the improvement of the facilities necessary to comply with requirements of Subsection B(2)(b), (d), and (e) of this section.



- (b) If there is compliance with Subsection B(2)(e) of this section and the developer agrees to construct the improvements to the system to meet the requirements of Subsection B(2)(a), (b), (c), and (d) of this section, or the developer executes an agreement with the City for improvements to the system to meet the requirements of Subsection B(2)(a), (b), (c), and (d) of this section. Under either scenario, the developer will be responsible for the cost(s) of those improvements directly attributable to the impact produced by the development.
- (4) If the City sewerage system is found to be inadequate, then preliminary subdivision plats exceeding five lots, site plans for multifamily residential developments exceeding five dwelling units, and extensions of previously approved preliminary subdivision plats and site plans shall not be approved.
- (5) Conditional review.
  - (a) If Subsection B(2)(a), (b), (c), (d), or (e) of this section prevent approval or the extension of a previous approval of a preliminary subdivision plat or site plan, the City of Aberdeen's Department of Planning and Community Development may proceed with conditional review of the plat or plan and place it on a waiting list arranged by date of City Council approval and, for previously approved plats or plans, by date of the request for extension.
  - (b) Record plats, grading permits, and public works agreements for utilities or roads shall not be executed by the City until the proposed preliminary subdivision plan or site plan for the project is removed from the waiting list and approval or extension of the previous approval is granted. Removal from the waiting list shall occur only when the condition(s) that prevented approval under Subsection B(2)(a), (b), (c), (d), or (e) of this section no longer exist(s).
- (6) Grandfathering.
  - (a) Unless an extension of the approval of the preliminary plat or site plan is granted in accordance with the City's Development Code, development conducted in accordance with a preliminary plat or site plan approved before the effective date of this chapter is exempt from the provisions of this subsection concerning the adequacy of the sewerage system.
  - (b) If an extension of the approval of the preliminary plat or site plan is granted, the development shall be subject to the provisions of this subsection concerning the adequacy of the sewerage system.
  - (c) If development is exempt from the provisions of this subsection concerning the adequacy of the sewerage system, execution of

public works agreements for such development is subject to availability of capacity in the sewerage system at the time of preparation of the public works agreements.

- C. Water. All approval of residential preliminary subdivision plans and site plans for development shall be subject to determination of adequate water capacity in accordance with this Subsection C.
- (1) The following current and anticipated demands on the water system shall be evaluated to determine adequacy of the system:
    - (a) Demands on the system generated or projected to be generated by existing connections;
    - (b) Buildings under construction that will be connected to the system;
    - (c) All committed allocations evidenced by payment of area charges and connection fees;
    - (d) All unexpired public works agreements;
    - (e) All unexpired preliminary plats; and
    - (f) Properties that are anticipated to connect to the system on completion of a capital project then under construction or for which funding has been authorized, right-of-way acquisition completed, and construction plans completed.
  - (2) Taking into consideration proposed demands on the system identified in Subsection C(1), the following components of the water system must be determined to be adequate:
    - (a) The water distribution system is capable of providing the required pressures and flows during the maximum day demand and the minimum required pressures for fire flows, resulting from the proposed development, as established in the City's water and sewer design guidelines;
    - (b) Booster stations and/or transmission mains in the service area have sufficient available capacity to provide maximum day demand and minimum required pressure for fire flow to the proposed development;
    - (c) Storage tanks in the service area have sufficient available capacity to provide peak-hour demand in addition to fire flow to the proposed development; and
    - (d) Source and treatment facilities in the service area have sufficient available capacity to provide maximum day demand to the proposed development.
  - (3) The City water system shall also be considered adequate under the following circumstances:

- (a) If the City has funded projects for the improvement of the facilities necessary to comply with the requirements of Subsection C(2)(a), (b), (c), and (d) of this section.
  - (b) If there is compliance with Subsection C(2)(c) and (d) of this section and the developer agrees to construct the improvements to the system to meet the requirements of Subsection C(2)(a) and (b) of this section, or the developer executes an agreement with the City for improvements to the system to meet the requirements of Subsection C(2)(a) and (b) of this section.
- (4) If the water system serving the proposed development is found to be inadequate, then preliminary subdivision plats exceeding five lots, site plans for multifamily residential developments exceeding five dwelling units, and extensions of previously approved preliminary subdivision plats and site plans shall not be approved.
- (5) Conditional review.
  - (a) If Subsections C(2)(a), (b), (c), or (d) of this section prevents approval or the extension of a previous approval of a preliminary plat or site plan, the City of Aberdeen's Department of Planning and Community Development may proceed with conditional review of the plat or plan and place it on a waiting list arranged by date of City Council approval and, for previously approved plats and plans, by date of the request for extension.
  - (b) Record plats, grading permits and public works agreements for utilities or roads shall not be executed by the City until the plan for the project is removed from the waiting list and preliminary approval or extension of the previous approval is granted. Removal from the waiting list shall occur only when the condition that prevented approval under Subsection C(2)(a), (b), (c), or (d) of this section no longer exists.
- (6) Grandfathering.
  - (a) Unless an extension of the approval of a preliminary plat or site plan is granted in accordance with the City's Development Code, development conducted in accordance with a preliminary plat or site plan approved before the effective date of this chapter is exempt from the provisions of this subsection concerning the adequacy of the water system.
  - (b) If an extension of the approval of the preliminary plat or site plan is granted, the development shall be subject to the provisions of this subsection concerning the adequacy of the water system.

- (c) If development is exempt from the provisions of this subsection concerning the adequacy of the water system, execution of public works agreements for such development is subject to availability of capacity in the water system at the time of preparation of the public works agreements.
- D. Roads. All approval of residential preliminary subdivision plans and site plans for development shall be subject to determination of adequacy of road intersections in accordance with this Subsection D.

(1) Traffic impact analysis.

- (a) The developer of any project projected to generate either 25 new peak-hour trips per day or 249 total trips per day using the latest version of the Institute of Transportation Engineers (ITE) Trip Generation Manual is required to submit a traffic impact analysis (TIA) to determine the level of service (LOS) of road intersections within the study area. If a development will generate fewer than 25 new peak-hour trips per day or 249 total trips per day, or if the LOS of an affected intersection is graded "E" or "F," the City may, at its discretion, require a TIA.
- (b) The TIA shall be conducted by a traffic engineering firm that is agreed upon by the City and the developer, to include specific requirements as established by the City Department of Public Works. All costs for this TIA shall be borne by the developer.
- (c) The TIA shall be prepared, signed, and sealed by a traffic engineer, or a civil engineer licensed in the State of Maryland who is qualified to practice traffic engineering.

(2) Minimum requirements for a TIA and intersection adequacy.

- (a) Trip generation projections shall be determined by utilizing methods set forth in the latest edition of the ITE Trip Generation Manual.
- (b) The minimum acceptable level of service of road intersections in a residential development study area shall be "C" for intersections in or abutting a residential zoning district and "D" for all other intersections.
- (c) The study area shall be determined by City staff, who shall consider the following when determining the parameters of the study area and the requirements and sufficiency of the TIA:

[1] Study area.

- [a] The typical study area for a TIA shall consist of a minimum area encompassed by a radius of 1/4 mile from the site to be developed, and shall include collector or higher-functioning classification road intersections from all approaches to the site as

specified in the current edition of the City of Aberdeen's Comprehensive Plan. This area may include intersections which are subject to the jurisdiction of the Maryland State Highway Administration (SHA) or Harford County. Coordination with these government agencies may be required.

- [b] If the one-fourth-mile radius does not include a collector or higher-functioning classification road intersection, the City may require the inclusion of the nearest collector or higher-functioning classification road intersection as part of the study area.
- [2] Design year. The design year shall be the projected date of completion of the project as outlined in the public works agreement for that project.
- [3] Trip generation requirements for residential project TIAs.
  - [a] Existing traffic counts shall be conducted within a twelve-month period of the submittal date of the TIA. Traffic counts should be taken on a Tuesday, Wednesday, or Thursday, not following a holiday unless approved by the City. If a school is located within the TIA study limits, traffic counts must be taken while school is in session.
  - [b] Trip generation for each land use shall be obtained by utilizing the current edition of the ITE Trip Generation Manual. The land use code in the manual shall be indicated for each category. Where a land use is not recognized within the ITE Manual or where local conditions indicate fewer trips than projected by the ITE standard for a particular land use, local trip rates may be developed; however, the data must be submitted to the City with supporting documentation prior to approval of the rates.
  - [c] For developments generating peak trip numbers on weekends, the City may require the TIA to include traffic counts on either Saturday or Sunday (depending upon which day best reflects the proposed land use's peak operation), and the TIA shall include a traffic report for a single peak hour. Operational analyses may be required as well. Passby and diverted trip reduction factors may be considered for certain uses if City staff permits.
- [4] Trip distribution and assignment.

- [a] Any of the following methodologies may be acceptable for the purpose of determining trip distribution in a TIA:
  - [b] Gravity model. This technique may require calibration prior to its use if utilizing an old gravity model for the study area.
  - [c] Utilization of demographic data.
  - [d] Current directional distribution. (NOTE: This may be unacceptable if the directional distribution will change before the design year to future changes in the land use or transportation system improvements.)
  - [e] City staff shall approve the methodology to be used in the study.
- [5] Capacity analysis in a TIA.
- [a] Capacity analyses shall be performed for all intersections, roadways, ramps, weaving sections, internal circulation, and access points. The analysis shall be in accordance with the latest published version of the Highway Capacity Manual (HCM). Other types of capacity analysis may be requested, such as critical lane, depending on requirements of other jurisdictions with road systems within the City. It may also be necessary to complete traffic progression analysis, utilizing such programs as the HCM or Synchro. Queuing analyses may be required to determine both on- and off-site situations where queuing could impact the roadway/internal site operation. The SHA has established acceptable cycle lengths. (See chart below.) However, actual field-documented cycle lengths may be used if approved by City staff.

<b>Level of Service</b>	<b>2 Phases</b>	<b>3 to 5 Phases</b>	<b>6 to 8 Phases</b>
A	90	100	120
B	90	100	120
C	100	120	135
D	120	135	150
E	135	150	165
F	150	165	180

- [b] Unsignalized intersections not meeting the adopted level of service established in Subsection D(2)(b) of this section shall be required to complete a traffic

signal warrant analysis. Unsignalized intersections will be evaluated based on the level of service on the minor approaches to the intersection. Accident history of the intersection shall be considered as well.

- [c] When analyzing background and future conditions, only capital projects with one-hundred-percent funding may be utilized. Other road improvements associated with other developments that have approved plans and an executed public works agreement or SHA highway access permit(s) may be utilized as well.
- [6] Peak-hour observations. The City may require peak-hour observations performed by a qualified traffic engineer in a TIA. The observations shall be conducted at the direction of the City to address specific operational issues related to the proposed project. The specific traffic concerns of the City will be presented at the preliminary plan meeting. Documentation of the observations shall be included in the TIA, along with recommendations to address traffic deficiencies.
- [7] Recommendations. If any intersection within the study area has any of the failing conditions listed in Subsection D(2)(b) or D(2)(c)[5][a], the TIA shall recommend mitigating improvements. The improvements shall be described in the TIA and should include a basic concept plan that illustrates the recommended improvements. The recommended improvements should be achievable utilizing the latest American Association of State Highway and Transportation Officials (AASHTO), SHA, or City of Aberdeen guidelines. A TIA without specific recommendations to mitigate negative impacts shall not be considered complete. If recommended improvements are approved by the City, the developer shall implement the recommendations in the TIA at the developer's sole expense.
  - [a] If the TIA determines the existing LOS does not meet the minimum requirements in the study area, the developer need only mitigate the portion of traffic impact generated by the development to ensure that postdevelopment traffic conditions are no worse than predevelopment levels.
  - [b] If the TIA determines a developer is subject to mitigate its portion of trips generated from the site, the developer shall construct the improvements as stipulated by the City of Aberdeen's Department of Public Works. In the event the Department of Public

Works determines the developer is unable to provide the improvements because of the inability to acquire the necessary rights-of-way, the physical constraints of the property, or state or federal regulations, the developer, prior to issuance of the first building permit, shall deposit into an escrow account with the City 125% of the funds necessary to cover the costs of the improvements as determined by the City. The City shall continue to hold the money in escrow until such time as the improvements are able to be constructed. In no event, however, shall the money be retained by the City for longer than 10 years from date of deposit. At the conclusion of the 10 years, the existing owner(s) of record may request a refund. If such a request is not made within 365 calendar days of the conclusion date, the escrowed money shall revert to the City of Aberdeen for use in improvement of roads and related structures within the City's right-of-way.

(3) Conditional review.

- (a) If the requirements of this subsection prevent approval or the extension of a previous approval of a preliminary subdivision plat or site plan, the Department of Planning and Community Development may proceed with conditional review of the preliminary plat or site plan and place it on a waiting list arranged by date of City Council approval and, for previously approved plans, by date of the request for extension.
- (b) Record plats, grading permits, and public works agreements for utilities or roads shall not be executed by the City until the plan for the project is removed from the waiting list and preliminary subdivision plat or site plan approval or extension is granted. Removal from the waiting list shall occur only when the condition that prevented approval under this subsection no longer exists.

(4) Grandfathering.

- (a) Unless an extension of the approval of the preliminary subdivision plat or site plan is granted in accordance with the City's Development Code, development conducted in accordance with a preliminary plat or site plan approved before the effective date of this chapter is exempt from the provisions of this subsection concerning the adequacy of the roadways.
- (b) If an extension of the approval of the preliminary plat or site plan is granted, the development shall be subject to the provisions of this subsection concerning the adequacy of the roadways.



## ARTICLE III

**Adequacy Standards for Nonresidential Development****§ 302-5. Standards enumerated.**

Nonresidential subdivision preliminary plats and site plans shall not be approved unless adequate public facilities are available to serve the development based on the standards set forth in this section:

- A. Sewerage. All approval of nonresidential preliminary subdivision plans and site plans for development shall be subject to determination of adequate sewerage capacity in accordance with this Subsection A.
- (1) The following current and anticipated demands on the sewerage system shall be evaluated to determine adequacy of the system:
    - (a) Demands on the system generated or projected to be generated by existing connections;
    - (b) Buildings under construction that will be connected to the system;
    - (c) All committed allocations evidenced by payment of area charges and connection fees;
    - (d) All unexpired public works utility agreements;
    - (e) All unexpired preliminary plans; and
    - (f) Properties that are anticipated to connect to the system on completion of a capital project then under construction or for which funding has been authorized, right-of-way acquisition completed, and construction plans completed.
  - (2) Taking into consideration demands on the system identified in Subsection A(1), the following components of the sewerage system must be determined to be adequate:
    - (a) Collector system to serve the proposed development is designed to accommodate expected ultimate peak gravity flows from the development and other developable land within the drainage area;
    - (b) Interceptors to serve the proposed development have sufficient available capacity to accommodate expected peak gravity flows from the development;
    - (c) Pumping stations and force mains receiving flows from the collector system in the drainage/service area have sufficient available capacity to accommodate ultimate peak flows from the proposed development and other developable land within the drainage area;

- (d) Pumping stations and force mains receiving flows from interceptors to serve the proposed development have sufficient available capacity to accommodate expected peak flow from the proposed development; and
  - (e) Treatment plant(s) have sufficient available capacity to accommodate expected annual average and maximum daily loadings from the proposed development.
- (3) The City sewerage system shall also be considered adequate under the following criteria:
  - (a) If there is compliance with Subsection A(2)(a) and (c) of this section and the City has funded projects for the improvement of the facilities necessary to comply with requirements of Subsection A(2)(b), (d), and (e) of this section.
  - (b) If there is compliance with Subsection A(2)(e) of this section and the developer agrees to construct the improvements to the system to meet the requirements of Subsection A(2)(a), (b), (c), and (d) of this section, or the developer executes an agreement with the City for improvements to the system to meet the requirements of Subsection A(2)(a), (b), (c), and (d) of this section. Under either scenario, the developer will be responsible for the cost(s) of these improvements directly attributable to the impact produced by the development.
- (4) If the City sewerage system is found to be inadequate, then preliminary subdivision plans, site plans and extensions of previously approved preliminary subdivision plans shall not be approved.
- (5) Conditional review.
  - (a) If Subsection A(2)(a), (b), (c), (d), or (e) of this section prevents approval or the extension of a previous approval of a preliminary subdivision plat or site plan, the Department of Planning and Community Development may proceed with conditional review of the plat or plan and place it on a waiting list arranged by date of City Council approval and, for previously approved plans, by date of the request for the extension.
  - (b) Record plats, grading permits, and public works agreements for utilities or roads shall not be executed by the City until the proposed preliminary subdivision plan or site plan for the project is removed from the waiting list and approval or extension of the previous approval is granted. Removal from the waiting list shall occur only when the condition that prevented approval under Subsection A(2)(a), (b), (c), (d), or (e) of this section no longer exist(s).

(6) Grandfathering.

- (a) Unless an extension of the approval of the preliminary plat or site plan is granted in accordance with the City's Development Code, development conducted in accordance with a preliminary plat or site plan approved before the effective date of this chapter is exempt from the provisions of this subsection concerning the adequacy of the sewerage system.
- (b) If an extension of the approval of the preliminary plat or site plan is granted, the development shall be subject to the provisions of this subsection concerning the adequacy of the sewerage system.
- (c) If development is exempt from the provisions of this subsection concerning the adequacy of the sewerage system, execution of public works agreements for such development is subject to availability of capacity in the sewerage system at the time of preparation of the public works agreements.

B. Water. All approval of nonresidential preliminary subdivision plans and site plans for development shall be subject to determination of adequate water capacity in accordance with this Subsection B.

- (1) The following current and anticipated demands on the water system shall be evaluated to determine adequacy of the system:
  - (a) Demands on the system generated or projected to be generated by existing connections;
  - (b) Buildings under construction that will be connected to the system;
  - (c) All committed allocations evidenced by payment of area charges and connection fees;
  - (d) All unexpired public works utility agreements;
  - (e) All unexpired preliminary plans; and
  - (f) Properties that are anticipated to connect to the system on completion of a capital project then under construction or for which funding has been authorized, right-of-way acquisition completed, and construction plans completed.
- (2) Taking into consideration proposed demands on the system identified in Subsection B(1), the following components of the water system must be determined to be adequate:
  - (a) The water distribution system is capable of providing the required pressures and flows during the maximum day demand and the minimum required pressures for fire flows, resulting

from the proposed development, as established in the City's water and sewer design guidelines;

- (b) Booster stations and/or transmission mains in the service area have sufficient available capacity to provide maximum day demand and minimum required pressure for fire flow to the proposed development;
  - (c) Storage tanks in the service area have sufficient available capacity to provide peak-hour demand in addition to fire flow to the proposed development; and
  - (d) Source and treatment facilities in the service area have sufficient available capacity to provide maximum day demand to the proposed development.
- (3) The City water system shall also be considered adequate under the following circumstances:
- (a) If the City has funded projects for the improvement of the facilities necessary to comply with the requirements of Subsection B(2)(a), (b), (c), and (d) of this section.
  - (b) If there is compliance with Subsection B(2)(c) and (d) of this section and the developer agrees to construct the improvements to the system to meet the requirements of Subsection B(2)(a) and (b) of this section, or the developer executes an agreement with the City for improvements to the system to meet the requirements of Subsection B(2)(a) and (b) of this section.
- (4) If the water system serving the proposed development is found to be inadequate, then preliminary subdivision plats, site plans, and extensions of previously approved preliminary subdivision plats and site plans shall not be approved.
- (5) Conditional review.
- (a) If Subsection B(2)(a), (b), (c), or (d) of this section prevents approval or the extension of a previous approval of a preliminary plat or site plan, the Department of Planning and Community Development may proceed with conditional review of the plat or plan and place it on a waiting list arranged by date of City Council approval and, for previously approved plans, by date of the request for extension.
  - (b) Record plats, grading permits, and public works agreements for utilities or roads shall not be executed by the City until the plan for the project is removed from the waiting list and preliminary approval or extension of the previous approval is granted. Removal from the waiting list shall occur only

when the condition that prevented approval under Subsection B(2)(a), (b), (c), or (d) of this section no longer exists.

(6) Grandfathering.

- (a) Unless an extension of the approval of a preliminary plat or site plan is granted in accordance with the City's Development Code, development conducted in accordance with a preliminary plat or site plan approved before the effective date of this chapter is exempt from the provisions of this subsection concerning the adequacy of the water system.
- (b) If an extension of the approval of the preliminary plat or site plan is granted, the development shall be subject to the provisions of this subsection concerning the adequacy of the water system.
- (c) If development is exempt from the provisions of this subsection concerning the adequacy of the water system, execution of public works agreements for such development is subject to availability of capacity in the water systems at the time of preparation for the public works agreements.

C. Roads. All approval of nonresidential preliminary subdivision plans and site plans for development shall be subject to determination of adequacy of road intersections in accordance with this Subsection C.

(1) Traffic impact analysis (TIA).

- (a) The developers of any project projected to generate 25 new peak-hour trips or 249 trips per day using the latest version of the ITE Trip Generation Manual are required to submit a TIA to determine the level of service (LOS) of road intersections within the study area. If a development will generate fewer than 25 new peak-hour trips or 249 total trips per day, or if the LOS of an affected intersection is graded "E" or "F," the City may, at its discretion, require a TIA.
- (b) The TIA shall be conducted by a traffic engineering firm that is agreed upon by the City and the developer, to include specific requirements as established by the Department of Public Works. All costs for this TIA shall be borne by the developer.
- (c) The TIA shall be prepared, signed, and sealed by a traffic engineer, or a civil engineer licensed in the State of Maryland who is qualified to practice traffic engineering.

(2) Minimum requirements for a TIA and intersection adequacy.

- (a) Trip generation projections shall be determined by utilizing methods set forth in the latest version of the ITE Trip Generation Manual.

- (b) The minimum acceptable level of service in nonresidential districts shall be "D."
- (c) The study area shall be determined by City staff, who shall consider the following when determining the parameters of the study area and the requirements and sufficiency of the TIA:

[1] Study area.

[a] The typical study area for a TIA shall consist of a minimum area encompassed by a radius of 1/4 mile from the site to be developed, and shall include collector or higher-functioning classification road intersections from all approaches to the site as specified in the current edition of the City of Aberdeen's Comprehensive Plan. This area may include intersections which are subject to the jurisdiction of the SHA or Harford County. Coordination with these government agencies may be required.

[b] If the one-fourth-mile radius does not include a collector or higher-functioning classification road intersection, the City may require the inclusion of the nearest collector or higher-functioning classification road intersection as part of the study area.

[2] Design year. The design year shall be the projected date of completion of the project as outlined in the public works agreement for that project.

[3] Trip generation requirements for nonresidential project TIAs.

[a] Existing traffic counts shall be conducted within a twelve-month period of the submittal date of the TIA. Traffic counts should be taken on a Tuesday, Wednesday, or Thursday, not following a holiday unless approved by the City. If a school is located within the TIA study limits, traffic counts must be taken while school is in session.

[b] Trip generation for each land use shall be obtained by utilizing the current edition of the ITE Trip Generation Manual. The land use code in the Manual shall be indicated for each category. Where a land use is not recognized within the ITE Manual or where local conditions indicate fewer trips than projected by the ITE standard for a particular land use, local trip rates may be developed; however, the data must be submitted to the City with supporting documentation prior to approval of the rates.

- [c] For developments generating peak trip numbers on weekends, the City may require the TIA to include traffic counts on either Saturday or Sunday (depending upon which day best reflects the proposed land use's peak operation), and the TIA shall include a traffic report for a single peak hour. Operational analyses may be required as well. Passby and diverted trip reduction factors may be considered for certain uses if City staff permits.
- [4] Trip distribution and assignment.
- [a] Any of the following methodologies may be acceptable for the purpose of determining trip distribution in a TIA:
    - [b] Gravity model. This technique may require calibration prior to its use if utilizing an old gravity model for the study area.
    - [c] Utilization of demographic data.
    - [d] Current directional distribution. (NOTE: This may be unacceptable if the directional distribution will change before the design year to future changes in the land use or transportation system improvements.)
    - [e] City staff shall approve the methodology to be used in the study.
- [5] Capacity analysis in a TIA.
- [a] Capacity analyses shall be performed for all intersections, roadways, ramps, weaving sections, internal circulation, and access points. The analysis shall be in accordance with the latest published version of the Highway Capacity Manual (HCM). Other types of capacity analysis may be requested, such as critical lane, depending on requirements of other jurisdictions with road systems within the City. It may also be necessary to complete traffic progression analysis, utilizing such programs as the HCM or Synchro. Queuing analyses may be required to determine both on- and off-site situations where queuing could impact the roadway/internal site operation. The SHA has established acceptable cycle lengths. (See chart below.) However, actual field-documented cycle lengths may be used if approved by staff.

<b>Level of Service</b>	<b>2 Phases</b>	<b>3 to 5 Phases</b>	<b>6 to 8 Phases</b>
A	90	100	120
B	90	100	120
C	100	120	135
D	120	135	150
E	135	150	165
F	150	165	180

- [b] Unsignalized intersections not meeting the adopted level of service established in Subsection C(2)(b) shall be required to complete a traffic signal warrant analysis. Unsignalized intersections will be evaluated based on the level of service on the minor approaches to the intersection. Accident history of the intersection shall be considered as well.
- [c] When analyzing background and future conditions, only capital projects with one-hundred-percent funding may be utilized. Other road improvements associated with other developments that have approved plans and an executed public works agreement or SHA highway access permit(s) may be utilized as well.
- [6] Peak-hour observations. The City may require peak-hour observations performed by a qualified traffic engineer in a TIA. The observation shall be conducted at the direction of the City to address specific operational issues related to the proposed project. The specific traffic concerns of the City will be presented at the preliminary plan meeting. Documentation of the observations shall be included in the TIA, along with recommendations to address traffic deficiencies.
- [7] Recommendations. If any intersection within the study area has any of the failing conditions listed in Subsection C(2)(b) or C(2)(c)[5][a], the TIA shall recommend mitigating improvements. The improvements shall be described in the TIA and should include a basic concept plan that illustrates the recommended improvements. The recommended improvements should be achievable utilizing the latest AASHTO, SHA, or Harford County guidelines. A TIA without specific recommendations to mitigate negative impacts shall not be considered complete. If recommended improvements are approved by the City, the developer shall implement the



recommendations in the TIA at the developer's sole expense.

- [a] If the TIA determines the existing LOS does not meet the minimum requirements in the study area, the developer need only mitigate the portion of traffic impact generated by the development to ensure that post-development traffic conditions are no worse than predevelopment levels.
- [b] If the TIA determines a developer is subject to mitigate its portion of trips generated from the site, the developer shall construct the improvements as stipulated by the Department of Public Works. In the event the Department of Public Works determines the developer is unable to provide the improvements because of the inability to acquire the necessary rights-of-way, the physical constraints of the property, or state or federal regulations, the developer, prior to issuance of the first building permit, shall deposit into an escrow account with the City 125% of the funds necessary to cover the costs of the improvements as determined by the City. The City shall continue to hold the money in escrow until such time as the improvements are able to be constructed. In no event, however, shall the money be retained by the City for longer than 10 years from date of deposit. At the conclusion of the 10 years, the existing owner of record may request a refund. If such a request is not made within 365 calendar days of the conclusion of the 10 years, the escrowed money shall revert to the City of Aberdeen for use in improvement of roads and related structures within the City's right-of-way.

(3) Conditional review.

- (a) If the requirements of this subsection prevent approval or the extension of a previous approval of a preliminary subdivision plat or site plan, the Department of Planning and Community Development may proceed with conditional review of the preliminary plat or site plan and place it on a waiting list arranged by date of City Council approval and, for previously approved plans, by date of the request for extension.
- (b) Record plats, grading permits, and public works agreements for utilities or roads shall not be executed by the City until the project is removed from the waiting list and preliminary subdivision plat or site plan approval or extension is granted. Removal from the waiting list shall occur only when the condition that prevented approval under condition of this subsection no longer exists.

## (4) Grandfathering.

- (a) Unless an extension of the approval of the preliminary subdivision plat or site plan is granted in accordance with the City's Development Code, development conducted in accordance with a preliminary plat or site plan approved before the effective date of this chapter is exempt from the provisions of this subsection concerning the adequacy of the roadways.
- (b) If an extension of the approval of the preliminary plat or site plan is granted, the development shall be subject to the provisions of this subsection concerning the adequacy of the roadways.

**Chapter 344****LITTERING****GENERAL REFERENCES****Environmental control — See Ch. 250.****Nuisances — See Ch. 391.**

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**§ 344-1. Short title.**

This chapter shall be known and may be cited as the "Aberdeen Litter Control Law."

**§ 344-2. Definitions.**

As used in this chapter, unless the context clearly requires otherwise, the following words or phrases shall have the following meanings:

**LITTER** — All rubbish, waste matter, yard waste, refuse, garbage, trash, debris, dead animals or other discarded materials of every kind and description.**[Amended 10-27-2003 by Ord. No. 639-03]**

**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, public service company property or transmission line right-of-way, building, refuge or conservation or recreation area, any residential or farm properties, timberlands or forest.

**§ 344-3. Unlawful activities.**

- A. 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 within the limits of the City of Aberdeen, unless:
- (1) Such property is designated by the City or by any of its agencies or political subdivisions for the disposal of such litter, and such person is authorized by the proper public authority to use such property.
  - (2) Such litter is placed into a litter receptacle or container installed on such property.
  - (3) 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 unless the act is done under the personal direction of said owner or tenant, all in a manner consistent with the public welfare.
- B. 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 State of Maryland Vehicle Law

or the Criminal Law Article, § 10-110, Annotated Code of Maryland, relative to putting trash, glass and other prohibited substances on highways.<sup>68</sup>

**§ 344-4. Violations and penalties. [Amended 4-24-2006 by Ord. No. 697-06]**

Any person violating the provisions of § 344-3 of this chapter shall be deemed guilty of a municipal infraction and subject to the following civil penalties:<sup>69</sup>

- A. First offense: \$100.
- B. Second offense: \$250.
- C. Third offense: \$400.

## **Chapter 348**

### **LIVABILITY STANDARDS**

#### **GENERAL REFERENCES**

**Building construction — See Ch. 210.**

**Environmental control — See Ch. 250.**

**Fire prevention — See Ch. 269.**

**Sewers and water — See Ch. 450.**

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**68.Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).**

**69.Editor's Note: See Ch. 95, Municipal Infractions.**

ARTICLE I  
**General Provisions**

**§ 348-1. Title.**

This chapter shall be known as the "Minimum Livability Code" or "this code."

**§ 348-2. Scope.**

This code is created to protect the public health, safety and welfare in rental housing units and premises by:

- A. Establishing minimum property maintenance standards for basic equipment and facilities used for light, ventilation, heating and sanitation for rental housing units and premises and for safe and sanitary maintenance of rental housing units and premises.
- B. Establishing minimum requirements for rental housing units and premises for means of egress, fire protection systems and other equipment and devices necessary for safety from fire.
- C. Fixing the responsibilities of property owners, operators and tenants of rental housing units and premises.
- D. Providing for administration, enforcement and penalties.

**§ 348-3. Intent.**

This code shall be construed liberally and justly to protect health, safety and welfare insofar as they are affected by the continued use and maintenance of rental housing units and premises.

**§ 348-4. Word usage; definitions.**

- A. Word usage. Unless otherwise expressly stated, the terms defined in Subsection B below shall have the meanings indicated for purposes of this code. Words used in the present tense include the future. The singular number includes the plural, and the plural the singular. When terms are not defined through the methods authorized by this section, they shall have their ordinarily accepted meanings such as the context may imply.
- B. Definitions. As used in this code, the following terms shall have the meanings indicated:

ACT — Section 12-203 of the Public Safety Article of the Annotated Code of Maryland.<sup>70</sup>

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**70. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).**

**BASEMENT** — That portion of a structure which is partly or completely below grade.

**BUILDING CODE** — The Building Code adopted by Harford County or such other code(s) as may be designated by Harford County for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy or maintenance of premises and structures.

**CENTRAL HEATING** — The heating system permanently installed and adjusted so as to provide the distribution of heat to all habitable areas from a source outside of these areas.

**CITY** — The City of Aberdeen.

**CODE** — The Minimum Livability Code.

**CODE OFFICIAL** — The Director of Public Works or his designee.<sup>71</sup>

**CONDEMN** — To declare a structure (or part of it), premises or equipment unsafe or unfit for use and occupancy.

**COUNTY** — Harford County.

**DEPARTMENT** — Aberdeen Department of Public Works.<sup>72</sup>

**EXTERMINATION** — The control and elimination of insects, rodents or other pests by:

- (1) Eliminating their harborage places.
- (2) Removing or making inaccessible materials that may serve as their food.
- (3) Poison spraying, fumigating, trapping or by any other pest elimination methods which have received all necessary and legally required approvals.

**GARBAGE** — The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

**HABITABLE AREA** — The space in a structure used for living, sleeping, eating or cooking, including bathrooms and toilet compartments. Closets, halls and storage or utility space and similar areas are not considered habitable areas.

**HOUSING UNIT** — A single unit of a structure providing or intended to provide complete living and sleeping facilities for one or more persons.

**INFESTATION** — The presence within or contiguous to a structure or premises of insects, rodents, vermin or other pests.

**LEASE** — A verbal or written agreement between tenant and landlord.

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**71.Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II). The definition of "Commissioners" which immediately followed this definition was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).**

**72.Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).**

**MAINTENANCE** — The repair and other acts intended to prevent a decline in the condition of a structure, premises or equipment below the standards established by this code and other applicable statutes, codes and ordinances.

**OCCUPANT** — An individual having possession of a space within a housing unit.

**OPERATOR** — A person who has charge, care or control of a structure or premises which is offered for occupancy.

**PERSON** — Includes an individual, partnership, limited partnership, trust, estate, association or corporation.

**PLUMBING** — The practice, materials, facilities and fixtures used in the installation, maintenance, extension or alteration of all piping, fixtures, appliances and appurtenances within the scope of the applicable plumbing code.

**PLUMBING FIXTURE** — A receptacle or device which:

- (1) Is either permanently or temporarily connected to the water distribution system of the premises and demands a supply of water from it;
- (2) Discharges used water, liquid-borne waste materials or sewage either directly or indirectly to the drainage system of the premises; or
- (3) Requires both a water supply connection and a discharge to the drainage system of the premises.

**PREMISES** — A lot, plot or parcel of land, including the structures on it, that is leased by a tenant.

**PROPERTY OWNER** — A person having a legal or equitable interest in the premises, including the guardian of the estate of the person or the executor administrator of the estate of the person, if ordered to take possession of the premises by a court.

**REFUSE** — All solid wastes, with the exception of body wastes.

**RUBBISH** — Paper, rags, cartons, boxes, wood, rubber, leather, tree branches, accumulated yard trimmings, tin cans, metal, mineral matter, glass, crockery, accumulated dust and other similar materials, as well as the residue from the burning of wood, coal, coke and other combustible materials.

**STRUCTURE** — A rental unit used for human habitation.

**TENANT** — An occupant other than a property owner.

**VENTILATION** — The process of supplying and removing air by natural or mechanical means to or from space.

- (1) **MECHANICAL VENTILATION** — Ventilation by power-driven devices.

- (2) NATURAL VENTILATION — Ventilation by opening to outer air through windows, skylights, doors, louvers or stacks, without power-driven devices.



ARTICLE II  
**Administration**

**§ 348-5. Applicability.**

- A. The Minimum Livability Code shall apply to rental housing units used for human habitation, except:
  - (1) Owner-occupied single-family housing units.
  - (2) Housing exempted by the State Department of Housing and Community Development.
- B. Repairs or alterations to a structure or changes of use to it, which may be caused directly by the enforcement of this code, shall be done in accordance with the procedures and provisions of the Aberdeen Building Code, Plumbing Code, Mechanical Code and Electrical Code or any other code or standard applicable to housing.
- C. The provisions in this code shall not abolish or impair any remedies available to the City or its officers or agencies relating to the removal or demolition of any structures which are deemed to be dangerous, unsafe and unsanitary.
- D. Repairs, maintenance, alterations or installations which are required for compliance with this code shall be executed and installed in accordance with industry standards so as to secure the results intended by this code.

**§ 348-6. Responsibility for enforcement.**

The City shall have the duty and responsibility to enforce the provisions of this code.

**§ 348-7. Waivers.**

- A. The Mayor and Council may waive applicability of this code, in whole or part, to a unit of rental housing on application of the property owner if:
  - (1) Adequate notice in a form and manner specified by the City is afforded a tenant of the unit.
  - (2) The tenant is afforded an opportunity to comment on the application, either in writing or in person.
  - (3) The waiver would not threaten the health or safety of a tenant.
- B. In reaching a determination on an application for waiver, the Mayor and Council shall issue a written decision specifying the reasons for granting or denying the waiver. Both the property owner and the tenant shall have the right to appeal the waiver decision in accordance with the rights and procedures set forth in this code.

- C. A waiver may be granted by the Mayor and Council and may continue in full force and effect beyond the term of the lease of the current tenant. Any prospective tenant shall be notified, upon application for a lease for this unit of rental housing, that this unit has been granted a waiver from a provision(s) of this code and that his or her occupancy will be subject to that waiver.
- D. The Mayor and Council may waive applicability of this code if the waiver is granted on the basis of the religious practices of the occupant of the unit of rental housing.
- E. The Mayor and Council shall review a waiver granted under this section within 12 months after the waiver is granted and at least every 12 months thereafter.

#### **§ 348-8. Interpretation.**

The Mayor and Council shall decide questions of interpretation of this code.

#### **§ 348-9. Displacement of persons.**

A person may not be displaced by enforcement of this code unless alternate housing of comparable affordability is available within a reasonable distance of the vacated premises, except where there is an imminent threat to health and safety due to unsafe conditions.

#### **§ 348-10. Applicability of state law.<sup>73</sup>**

Enforcement and waiver applications are not intended to supersede any state laws, such as, but not limited to, the following:

- A. State fire laws, Public Safety Article, Annotated Code of Maryland.
- B. State elevator laws, Public Safety Article, Title 12, Subtitle 8, Annotated Code of Maryland.
- C. State boiler laws, Public Safety Article, Title 12, Subtitle 9, Annotated Code of Maryland.

#### **§ 348-11. Powers and duties of code official; rules and regulations.**

- A. Code official.

- (1) The Director of Public Works or his representative shall be designated by the Mayor and Council to enforce the provisions of this code.<sup>74</sup>

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73. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

74. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (2) Notices and orders. The code official shall issue all notices and orders necessary to ensure compliance with this code.
- (3) Right of entry. If a property owner, tenant or operator of a structure refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to any part of the structure or premises where inspection authorized by this code is sought, the Mayor and Council may seek, in a court of competent jurisdiction, an order that the property owner, tenant or operator cease and desist from the interference.
- (4) Inspections. The code official is authorized to enter a structure or premises at any reasonable time upon providing reasonable notice to the property owner and tenant for the purpose of making inspections and performing duties under this code, such as, but not limited to, instances where there is an imminent threat to health and safety due to unsafe conditions.
- (5) Alterations and repairs.
  - (a) The Mayor and Council have the authority to require and approve any alterations or repairs necessary to bring a structure or premises into compliance with this code. The determination of what may be necessary to bring the premises into compliance shall take into consideration the use of alternatives and equivalent approaches as provided for in this code.
  - (b) The Mayor and Council shall have the authority to approve changes in alterations or repairs in the field when conditions are encountered which make the originally approved work impractical, if the changes in approved work can be readily determined to be in compliance with this code and are requested by the property owner or his agent before the changes.
  - (c) The changes shall be specifically documented by the property owner or by his agent, describing the change in work and the reasons and justification for the change, and shall be filed with the permit for the project.
- (6) Access by property owner or operator. A tenant of a structure or premises shall give the property owner or operator or agent or employee access to any part of the structure or its premises at reasonable times upon being given reasonable notice for the purpose of making the inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this code.
- (7) Identification. The code official shall disclose identification for the purpose of inspecting a structure or premises.

## (8) Coordination of enforcement.

- (a) The inspection of structures and premises, the issuance of notices and orders and enforcement of them shall be the responsibility of the code official.
  - (b) Whenever, in the opinion of the code official initiating an inspection under this code, it is deemed necessary or desirable to have inspections by any other governmental official or agency, the code official shall make a reasonable effort to arrange for the coordination of the inspections so as to minimize the number of visits by inspectors.
  - (c) The code official shall confer with the other governmental official or agency for the purpose of eliminating conflicting orders before any are issued.
  - (d) The code official may not, however, cause the delay of the issuance of any emergency orders by a governmental official or agency which the governmental officer or agency determines must be issued.
- B. Rule-making authority. The Mayor and Council shall have power to adopt and promulgate rules and regulations to interpret and implement the provisions of this code to further its intent. Rules and regulations adopted under this subsection shall take effect and be enforceable only after they have been approved by resolution of the Mayor and Council.

**§ 348-12. Unsafe and unfit buildings and equipment; condemnation.**

## A. Unsafe structures.

- (1) When a structure or part of it is found by the code official to be unsafe or unfit for human occupancy or use, the code official may recommend to the Mayor and Council that the structure or part of it be condemned. After further inspection of the structure by the Department, the Mayor and Council may order the structure or part of it to be placarded and vacated pursuant to the provisions of this code. The structure or part of it may not be reoccupied without approval of the Mayor and Council.
- (2) An unsafe structure is one in which all or part of it is found by the Mayor and Council to be dangerous to life, health, property or the safety of its tenants by not providing minimum protection from fire or because it is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that it is likely to partially or completely collapse.

## B. Unsafe equipment.

- (1) Unsafe equipment includes any boiler, heating equipment, cooking equipment, elevator, moving stairway, electrical wiring or device,

flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that it is found by the Mayor and Council to be hazardous to the life, health, property or safety of the tenants of the premises or structure.

- (2) Unsafe equipment may contribute to the finding that the structure is unsafe or unfit for human occupancy or use.
  - (3) Unsafe equipment may be condemned, placarded and placed out of service pursuant to the provisions of this code.
- C. Structures unfit for human occupancy. A structure is unfit for human occupancy or use whenever the Mayor and Council find that it is unsanitary or vermin or rodent infested, contains filth or contamination or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code.
- D. Closing of condemned structures. Upon failure of a property owner to close or vacate a premises within the time specified in an order, the Mayor and Council may cause the premises to be closed through any available public agency or by contract or arrangement with private persons, and the cost shall be charged against the real property upon which the structure is located and shall be a lien upon the real property.

### **§ 348-13. Notices and orders.**

A. General.

- (1) Whenever the code official determines that there is a violation of this code or has reasonable grounds to believe that a violation is occurring or whenever the Mayor and Council have determined to condemn a structure or part of it or equipment in accordance with this code, notice shall be given to the property owner and to the tenant in the manner prescribed in this code.
- (2) If the Mayor and Council have condemned the structure or part of it or equipment, the code official shall serve prior notice to the property owner and to the tenants of the intent to:
  - (a) Order the structure or part of it placarded or vacated; or
  - (b) Order the equipment placed out of service.

B. Service of notice.

- (1) Notice shall be deemed to be properly served upon a property owner or tenant by one of the following methods:
  - (a) By delivering to the person to be served or his or her agent a copy of the notice and all other necessary papers; or
  - (b) By mailing to the person to be served at his or her last known address or to his or her agent, by first-class and certified or

registered mail, with return receipt requested, a copy of the notice and all other necessary papers.

- (2) If the certified or registered letter is returned with receipt showing that it has not been delivered, notice shall be served by posting a copy of it in a conspicuous place in or about the structure affected by the notice.
- C. Notice to vacate. When a condemnation order is served on a tenant, the tenant shall be given reasonable time to vacate the structure, except that where there is an imminent threat to health and safety due to unsafe conditions, then the occupants of the building will be required to vacate immediately.
- D. Transfer of ownership. A property owner who has received a compliance order or upon whom a notice of violation has been served may not sell, transfer, mortgage, lease or otherwise dispose of the premises until:
- (1) The provisions of the compliance order or notice of violation have been complied with; or
  - (2) The property owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of the compliance order or notice of violation issued by the Mayor and Council and shall furnish to the Mayor and Council a signed and notarized statement from the grantee, transferee, mortgagee or lessee in which he or she acknowledges receipt of the compliance order or notice of violation and states that he or she fully accepts and assumes the responsibility without condition for making the corrections or repairs required by the compliance order or notice of violation.
- E. Removal of placard. No individual may deface or remove a condemnation placard without the approval of the Mayor and Council.

#### **§ 348-14. Violations and penalties.**

- A. Criminal penalty. A violation of this chapter is deemed to be a misdemeanor. Any person who violates any provision of this chapter shall, upon conviction thereof, be subject to a fine not to exceed \$500 or imprisonment for a term of not to exceed three months, or both. Each twenty-four-hour period in which a violation exists shall constitute a separate offense. **[Amended 4-9-1990 by Ord. No. 358-90<sup>75</sup>]**
- B. Other penalties. A penalty ordered under this code is in addition to and is not a substitute for any other penalty authorized by federal, state or local law.

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<sup>75</sup>.Editor's Note: This ordinance also deleted original Subsection B, regarding civil penalties, which immediately followed this subsection. Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

**§ 348-15. Appeals.**

A person affected by a decision of the Mayor and Council which has been made in connection with the enforcement of any provision of this code or of a regulation adopted pursuant to this code may appeal to the Circuit Court for Harford County.





ARTICLE III  
**Standards**

**§ 348-16. Maintenance.**

- A. Scope. The provisions of this section shall establish the minimum standards for maintenance of premises and structures.
- B. Premises conditions.
  - (1) Sanitation. The premises shall be maintained in a clean, safe and sanitary condition free from any accumulation of rubbish or garbage.
  - (2) Insect and rodent control. The premises shall be free from infestation of insects, rodents, vermin or other pests.
- C. Exterior structure.
  - (1) General. The exterior of a structure shall be maintained in good repair and shall be structurally sound and maintained in a sanitary condition so as not to pose a threat to the health, safety or welfare of the occupants.
  - (2) Structural members. Supporting components of a structure shall be kept sound and capable of safely bearing the dead and live loads imposed upon them.
  - (3) Exterior surfaces. Each foundation, exterior wall, roof and all other exterior surfaces shall be maintained in good repair and shall be kept in such condition so as to exclude rodents and other pests.
  - (4) Foundation walls. Foundation walls shall be structurally sound and shall be maintained free from open cracks and breaks that would be hazardous or unsafe.
  - (5) Exterior walls.
    - (a) Each exterior wall shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which admit the elements or dampness to the interior portions of the walls or to the occupied areas of the structure.
    - (b) All exterior surface materials shall be maintained weatherproof to prevent deterioration.
  - (6) Roofs and drainage. The roof shall be structurally sound and may not have defects which admit the elements. Roof drainage shall be adequate to prevent rainwater from causing dampness or deterioration in the walls or interior portion of the structure.
  - (7) Decorative features. All cornices, entablatures, belt courses, corbels, terra-cotta trim, wall facings and similar decorative

features shall be maintained in good repair with proper anchorage and in safe condition or removed at the property owner's option.

- (8) Signs, marquees and awnings. All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair, be properly anchored and be kept in a safe and sound condition. They shall be protected from the elements and against decay and rust by the periodic application of a weather-coating material such as paint or other protective treatment.
- (9) Chimneys.
  - (a) All chimneys, cooling towers, smokestacks and similar appurtenances shall be maintained structurally sound, safe and in good repair.
  - (b) All exposed surfaces or metal or wood shall be protected from the elements and against decay or rust.
- (10) Stairs and porches. Each exterior stair, porch, fire escape, balcony and all appurtenances attached to them shall be safe to use and capable of supporting the anticipated loads and shall be maintained in a safe and sound condition and good repair.
- (11) Windows, doors and frames. Each window, door and frame shall be maintained so as to exclude rain and rodents as completely as possible and to substantially exclude wind from entering the structure.
- (12) Weathertightness. Each window and exterior door shall be fitted reasonably in its frame and be weathertight. Each window shall be free of cracks and holes.
- (13) Openable windows. Each window, other than a fixed window, shall be capable of being easily opened from the inside and shall be capable of being held in position.
- (14) Insect screens.
  - (a) During the period from April 1 to December 1, every door and window or other outside opening used for ventilation purposes shall be supplied with tight-fitting insect screens.
  - (b) Exception. Upon the prior approval of the code official, screens may not be required for exterior doors or other types of openings which make screening impractical, such as openings equipped with air-conditioning units or openings above the fourth floor. The Mayor and Council may require alternatives to screens.
- (15) Door hardware. Each exterior door and its hardware shall be maintained in good condition. Door locks on all interior and

exterior doors entering housing units shall be in good repair and capable of tightly securing the door.

D. Interior structure.

- (1) The interior of a structure and its equipment and facilities shall be maintained in good repair, structurally sound and in a sanitary condition so as not to pose a threat to the health, safety or welfare of the occupants.
- (2) Structural members. Supporting components of a structure shall be sound, well maintained and capable of safely carrying the imposed loads.
- (3) Interior surfaces. Floors, walls (including windows and doors), ceilings and other interior surfaces shall be maintained in good repair and in a clean, safe and sanitary condition.
- (4) Bathroom and kitchen floors. Each toilet, bathroom and kitchen floor surface shall be maintained so as to be substantially impervious to water to permit the floor to be easily kept in a clean and sanitary condition.
- (5) Sanitation.
  - (a) The interior of a structure shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage.
  - (b) Refuse shall be stored in accordance with Chapter 109, Environmental Control, § 109-3, of the Harford County Code, as amended.
  - (c) Garbage or rubbish may not be allowed to accumulate or be stored in public halls or stairways.
- (6) Insect and rodent harborage.
  - (a) A structure shall be kept free from infestation, and where infestation is found the area shall be promptly exterminated by processes which are not injurious to human health.
  - (b) Continuing or repeated incidents of infestation, as determined by the Mayor and Council, shall require the installation of rodentproof and verminproof walls. The rodentproof and verminproof walls shall be installed in accordance with the applicable local building code.
- (7) Exit doors. Each door available as an exit shall be capable of being opened easily from the inside.
- (8) Exit facilities.

- (a) All interior stairs and railings and other exit facilities of a structure shall be maintained in sound condition and good repair.
- (b) Each interior stair used for exit shall be maintained so as to be safe to use and capable of supporting the anticipated loads.
- (9) Lead paint abatement. Lead paint abatement procedures approved by the Department of the Environment shall be performed by the property owner on:<sup>76</sup>
  - (a) Surfaces, including but not limited to ceilings, doors, radiators, stair banisters, trim molding, walls and window frames, that are in a deteriorated condition that they present a potential health hazard due to lead paint.
  - (b) Surfaces, including but not limited to doors, radiators, stair banisters, trim molding and window frames, that are covered with lead paint and present a potential biting surface.

#### **§ 348-17. Light and ventilation.**

##### **A. General.**

- (1) Scope. The provisions of this section shall govern the minimum standards for basic equipment and facilities used for light and ventilation of a structure.
- (2) Alternative methods and devices. In place of the means for natural light and ventilation prescribed in this code, alternative arrangement of windows, louvers or other devices or methods that will provide the equivalent minimum performance requirements shall be permitted in order to comply with the applicable local building code.

##### **B. Light.**

- (1) General. All areas in a structure shall be provided sufficient light so as not to endanger health and safety. All areas in a structure shall be provided with natural light or equipment to accommodate artificial light of sufficient intensity and distributed so as to permit the maintenance of sanitary conditions and the safe use of the area and the appliances, equipment and fixtures.
- (2) Common halls and stairways. Each common hall and stairway in a structure, other than one- and two-family structures, shall be adequately lighted at all times with an illumination equivalent to the footcandles provided by at least a sixty-watt standard incandescent light bulb for each 200 square feet of floor area,

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**76. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).**

provided that the spacing between lights may not be greater than 30 feet. Each exterior stairway shall be illuminated.

C. Ventilation.

- (1) General. All areas in a structure shall be provided sufficient ventilation so as not to endanger health and safety.
- (2) Mechanical ventilation.
  - (a) When mechanical ventilation is provided instead of natural ventilation, the mechanical ventilating system shall be maintained in good operating condition during the occupancy of the structure or portion of it.
  - (b) When part of the air provided by a mechanical ventilation system is recirculated, the portion or volume of air recirculated may not be recirculated to a different habitable area.

**§ 348-18. Plumbing.**

- A. Scope. The provisions of this section shall govern the minimum standards for plumbing facilities and fixtures.
- B. Required plumbing facilities. Each housing unit shall include its own plumbing facilities which shall be maintained in proper operating condition, can be used in privacy and are adequate for personal cleanliness and the disposal of human waste. The following minimum plumbing facilities shall be supplied and maintained in a sanitary and safe working condition:
  - (1) Water closet and lavatory.
    - (a) Each housing unit shall contain within its walls a room separate from other habitable areas which provides a water closet supplied with cold running water and which affords privacy.
    - (b) A lavatory shall be placed in the same room as the water closet or located in another room, in close proximity to the door leading directly into the room in which the water closet is located.
    - (c) The lavatory shall be supplied with hot and cold running water.
  - (2) Bathtub and shower. Each housing unit shall contain a room which is equipped with a bathtub or shower supplied with hot and cold running water and which affords privacy.
  - (3) Kitchen sink. Each housing unit shall contain a kitchen sink apart from the lavatory required by this section. The sink shall be supplied with hot and cold running water.

- C. Alternative plumbing. Alternative plumbing facilities and fixtures for use in housing units may be allowed as approved on a case-by-case basis by the Director of the Department or his or her designee.
- D. Plumbing fixtures.
  - (1) General. All plumbing fixtures shall be maintained in a safe and usable condition. All plumbing fixtures shall be of nonabsorbent material and shall have received all necessary and legally required approvals.
  - (2) Connections.
    - (a) Water supply lines, plumbing fixtures, vents and drains shall be properly installed, connected and maintained in working order, shall be kept free from obstructions, leaks and defects, and shall be capable of performing the function for which they are designed.
    - (b) All repairs and installations shall be made in accordance with the provisions of the applicable local building code or applicable local plumbing code.
  - (3) Maintenance. All plumbing fixtures shall be maintained in a clean and sanitary condition so as not to breed insects and rodents or produce dangerous or offensive gases or odors.
  - (4) Access for cleaning. Plumbing fixtures shall be installed to permit easy access for cleaning both the fixture and the area around it.
- E. Water system.
  - (1) General. Each sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing facility shall be properly connected to either a public water system or to a private water system which has received all necessary and legally required approvals.
  - (2) Contamination. The water supply shall be maintained free from contamination. All water inlets for plumbing fixtures shall be located above the overflow rim of the fixture.
  - (3) Water supply. The water supply system shall be installed and maintained to provide at all times a supply of water to plumbing facilities, fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable them to function satisfactorily.
  - (4) Water heating facilities.
    - (a) Water heating facilities shall be installed in a manner which has received all necessary and legally required approvals, shall be properly maintained and shall be properly connected with hot water lines to the fixtures required to be supplied with hot water.

- (b) Water heating facilities shall be capable of heating water to such a temperature so as to permit an adequate amount of water to be drawn at every kitchen sink, lavatory basin, bathtub, shower and laundry facility or other similar facilities at a temperature required by local plumbing code.
- (5) Alternative water systems. Alternative water systems may be allowed as approved on a case-by-case basis by the Director of the Department or his or her designee.

F. Sewage system.

- (1) General. Each sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing facility shall be properly connected to either a public sewer system or private sewage disposal system which has received all necessary and legally required approvals.
- (2) Maintenance.
  - (a) Each plumbing stack and waste and sewer line shall be installed and maintained so as to function properly and shall be kept free from obstructions, leaks and defects to prevent structural deterioration or health hazards.
  - (b) All repairs and installations shall receive all necessary and legally required approvals.

**§ 348-19. Mechanical and electrical facilities and equipment.**

A. Scope. The provisions of this section shall govern the minimum standards for mechanical and electrical facilities and equipment.

B. Heating facilities.

- (1) Structures.
  - (a) Each housing unit shall be supplied with sufficient heat or heating equipment capable of supplying sufficient heat during the period from October 1 to May 15 to maintain a room temperature of not less than 68° F. in all habitable areas during the hours between 6:30 a.m. and 10:30 p.m. of each day and maintain a temperature of not less than 60° F. during other hours.
  - (b) The temperature shall be measured at a point three feet above the floor and three feet from exterior walls.
  - (c) Exception. When the outside temperature falls below 0° F. and the heating system is operating at its full capacity, a minimum room temperature of 60° F. shall be maintained at all times.
- (2) Cooking and heating equipment.

- (a) All cooking and heating equipment, components and accessories in heating, cooking and water heating devices shall be maintained free from leaks and water flow obstructions and kept functioning properly so as to be free from fire, health and safety hazards.
  - (b) All installations and repairs shall be made in accordance with the provisions of the applicable local building code or other applicable laws or ordinances.
  - (c) Portable cooking equipment employing flame is prohibited, except for residential-type food trays or salvers which are heated by a candle or alcohol lamp and which have received all necessary and legally required approvals.
- (3) Installation. All mechanical equipment used for heating and cooking shall be properly installed and safely maintained in good working condition and shall be capable of performing the function for which it was designed and intended.
  - (4) Fuel-burning equipment. All fuel-burning equipment shall be connected to a chimney, flue or vent in accordance with applicable local or state codes or according to manufacturer's instructions in cases where no local or state code applies.
  - (5) Clearances. All necessary and legally required clearances to combustible materials shall be maintained.
  - (6) Safety controls. All safety controls for fuel-burning equipment shall be maintained in effective operation in accordance with applicable local or state codes or according to manufacturer's instructions in cases where no local or state code applies.
  - (7) Combustion air. A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided the fuel-burning equipment.
  - (8) Unauthorized devices. Devices purporting to reduce gas consumption by attachment to a gas appliance, the gas supply line or the vent outlet or vent piping may not be used unless labeled for that use and the installation has specifically received all necessary and legally required approvals.
  - (9) Fireplaces. Fireplaces and other construction and devices intended for use similar to a fireplace shall be stable and structurally safe and connected to chimneys which have received all necessary and legally required approvals.
  - (10) Climate control. When facilities for interior climate control (heating, cooling and humidity) are integral functions of housing units, these facilities shall be maintained and operated in accordance with the designed capacity.



## C. Electrical facilities.

- (1) Facilities required. All units shall be supplied with an electrical service of no less than 60 amperes, 120/240 volts.
- (2) Receptacles. Each habitable area in a housing unit shall contain at least one receptacle outlet. Each laundry area and bathroom shall contain at least one grounded-type receptacle.
- (3) Lighting fixtures. Each rental unit, public hall, water closet compartment, furnace room, hallway, corridor, interior stairway, bathroom, laundry room and kitchen shall contain at least one electrical lighting fixture.
- (4) Installation. All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with applicable laws. All electrical equipment shall be of a type which has received all necessary and legally required approvals.

**§ 348-20. Firesafety.**

A. Scope. The provisions of this section shall govern the minimum standards for firesafety facilities and equipment. All structures shall be constructed and maintained to prevent and avoid fire hazards and in a manner conducive to firesafety.

## B. Means of egress.

- (1) General. A safe, continuous and unobstructed means of egress shall be provided from the interior of a structure to the exterior at a street, yard, court or passageway leading to a public open area at grade.
- (2) Direct exit. Each housing unit shall have access directly to the outside or to a common area that leads directly to the outside.
- (3) Doors. All doors in the required means of egress shall be easily opened from the inner side.
- (4) Fire escapes. All fire escapes shall be maintained in working condition and be structurally sound and adhere to local building codes and all applicable local and state laws.
- (5) Exit signs. All exit signs shall be maintained and visible in accordance with the applicable state and local code.
- (6) Emergency escape.
  - (a) Every basement sleeping room shall have at least one operable window or exterior door approved for emergency egress or rescue. The units must be operable from the inside opening without the use of separate tools. Where windows are provided as a means of egress or rescue, they shall have a sill height

not more than 44 inches above the floor. All egress or rescue windows from sleeping rooms must have a minimum net clear opening of five square feet. The minimum net clear opening height dimension shall be 24 inches. The minimum net clear opening width dimension shall be 20 inches. Bars, grills or screens placed over emergency escape windows shall be releasable or removable from the inside without the use of a key, tool or excessive force.

- (b) Exception. A complete residential fire sprinkler system may be installed in place of an emergency escape system. Installation must be in accordance with the State Fire Prevention Code.

C. Accumulations and storage.

- (1) General. Garbage or rubbish may not be allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress.
- (2) Flammable matter. Highly flammable or explosive matter, such as paints, volatile oils and cleaning fluids, or combustible rubbish, such as wastepaper, boxes and rags, may not be accumulated or stored on premises except in reasonable quantities consistent with normal usage.
- (3) Residential unit. A housing unit may not be located within a structure containing an establishment handling, dispensing or storing flammable liquids with a flash point of 100° F. or lower.

D. Fire-resistance ratings. Floors, walls, ceilings and other elements and components which are required by the applicable fire code to comply with a fire-resistance rating shall be maintained so that the respective fire-resistance rating of the enclosure, separation or construction is preserved.

E. Fire protection systems.

- (1) General. All fire protection systems and equipment shall be maintained in proper operating condition at all times.
- (2) Smoke detectors.
  - (a) All housing units shall be provided with a minimum of one single-station smoke detector in the vicinity of each sleeping area.
  - (b) The smoke detectors shall be installed and maintained in accordance with Title 9, Subtitle 1, Smoke Detection Systems, of the Public Safety Article of the Annotated Code of Maryland.<sup>77</sup>

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**77. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).**

- (c) When actuated, the smoke detector shall provide an alarm suitable to warn the occupants within the unit.
- (3) Fire-suppression system. Fire-suppression systems in housing units so equipped shall be maintained in good condition and free from mechanical defect. Sprinkler heads shall be kept clean and free of corrosion and paint and may not be bent or damaged.
- (4) Fire extinguishers. All portable fire extinguishers in housing units so equipped shall be visible and accessible and maintained in an efficient and safe operating condition.

F. Fire doors.

- (1) All necessary and legally required fire-resistance-rated doors or smoke barriers shall be maintained in good working order, including all hardware necessary for their proper operation.
- (2) Only approved door stops, hold-open devices or other door hardware shall be used on egress doors, fire doors or smoke barrier doors.



## ARTICLE IV

**Responsibility for Maintenance; Retaliatory Evictions****§ 348-21. Responsibility of owner or occupant.**

- A. The property owner or tenant shall be responsible for compliance with the provisions of this code and may be cited for violations of it, except as provided in this code. Unless a waiver is granted in accordance with this code, no person may rent or lease to another person for occupancy or use any housing unit without the structure and premises complying with the provisions of this code.
- B. A property owner may not be cited for a violation of this code that is caused by the negligent, wrongful or malicious acts or omissions of a tenant, provided that the property owner's acts or omissions have not contributed in any way to cause the violation.
- C. The Mayor and Council shall have the authority to cite a tenant for a violation(s) of the provisions of this code that are the tenant's responsibility.
- D. Sanitary conditions.
  - (1) Cleanliness.
    - (a) The tenant shall be responsible for keeping that part of the structure or premises which the tenant occupies, controls or uses in a clean and sanitary condition.
    - (b) Each property owner of a structure containing two or more housing units shall maintain, in a clean and sanitary condition, the common areas of the structure and premises.
  - (2) Disposal and storage of rubbish and garbage. The tenant shall be responsible for the storage and disposal of rubbish and garbage in a clean and sanitary manner as may be required by applicable laws or ordinances.
  - (3) Supplied fixtures and equipment.
    - (a) Owner supplied.
      - [1] The tenant shall be responsible for keeping owner-supplied equipment and fixtures clean and sanitary and for the exercise of reasonable care in their proper use and operation.
      - [2] The property owner shall be responsible for maintaining the equipment and fixtures in good and proper operating condition.
    - (b) Tenant supplied. The tenant shall be responsible for the maintenance of equipment and fixtures furnished by the

tenant. The equipment and fixtures shall be properly installed and shall be maintained in good working condition, kept clean and sanitary and free of defects, leaks or obstructions.

E. Extermination.

- (1) All structures. If necessary, the property owner shall be responsible for extermination within the structure and on the premises before renting or leasing the structure.
- (2) Single occupancy. The tenant of a structure containing a single housing unit shall be responsible for the extermination of any insects, rodents or other pests in the structure or the premises.
- (3) Multiple occupancy. Each property owner or operator of a structure containing two or more housing units shall be responsible for the extermination of any insects, rodents or other pests in the structure or on the premises except where infestation within a housing unit is caused by a failure of the tenant to take reasonable action to prevent the infestation within the housing unit.

F. Firesafety. Responsibility for installing and maintaining in good working order any smoke detector installed pursuant to this code shall be in accordance with Title 9, Subtitle 1, Smoke Detection Systems, of the Public Safety Article of the Annotated Code of Maryland.<sup>78</sup>

**§ 348-22. Retaliatory evictions prohibited; applicability of statute.**

- A. No property owner or operator shall evict an occupant of any rental housing unit solely because the occupant has filed a written complaint or complaints with the Mayor and Council.
- B. Nothing contained herein is intended to supersede the application of provisions of the Real Property Article of the Annotated Code of Maryland, § 8-208.1.

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**78. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).**

**Chapter 354****LOITERING****GENERAL REFERENCES**

**Curfew — See Ch. 227.**

**Peace and good order — See Ch. 413.**

**Parades and assemblies — See Ch. 402.**

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**§ 354-1. Definitions.**

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

**ASSIGNATION** — The making of any appointment or engagement for prostitution or lewd conduct or any act in furtherance of such appointment or engagement.**[Added 2-23-1998 by Ord. No. 507-98]**

**COMMERCIAL PREMISES** — Any business premises operating for profit or any place of amusement or entertainment to which the general public is invited or permitted, including parking lots adjacent to or connected with such premises.**[Added 2-23-1998 by Ord. No. 507-98]**

**LAWFUL BUSINESS** — The act of conducting, going to or returning from any social, educational, recreational, religious, business or any other activity not prohibited by law.

**LEWDNESS** — Any unnatural sexual practice.**[Added 2-23-1998 by Ord. No. 507-98]**

**LOITER** — To idle, stand, remain, tarry or collect, gather or be a member of a group or crowd of people who are gathered together on any commercial or public premises without conducting any lawful business with the owner or operator thereof or having patronized such business establishments; to remain on such premises an unreasonable length of time after having been directed to leave by such owner, operator or authorized agent and a police officer, as prescribed in § 354-2B and C of this chapter.**[Amended 2-23-1998 by Ord. No. 507-98]**

**PLACE OPEN TO THE PUBLIC** — Any place open to the public or any place to which the public is invited and in, on or around any privately owned place of business, private parking lot or private institution, including places of worship, cemeteries or any place of amusement and entertainment, whether or not a charge for admission or entry thereto is made. It includes the elevator, lobby, halls, corridors and areas open to the public of any store, office or apartment building.

**PROSTITUTION** — The offering or receiving of the body for sexual intercourse or sexual act for hire.**[Added 2-23-1998 by Ord. No. 507-98]**

PUBLIC PLACE — Any street, sidewalk, bridge or alley or alleyway, plaza, park, driveway, parking lot or transportation facility or a motor vehicle in or on any such place. **[Amended 2-23-1998 by Ord. No. 507-98]**

**§ 354-2. Prohibited actions; construal of provisions.**

- A. It shall be unlawful for any person to disobey the direction or order of a police officer to desist in loitering at, on or near a public place or place open to the public when such loitering is impeding or hindering or may impede or hinder the free passage of pedestrian or vehicular traffic to, from or within such places.
- B. It shall be unlawful for any person to disobey the direction or order of a police officer to desist in loitering at, on or near a public place or a place open to the public when such loitering constitutes a clear and present danger to the public peace.
- C. The order or direction of a police officer specified in Subsections A and B hereof shall remain effective for a period of 48 hours; thus, if such person resumes loitering within the same general area in the forty-eight-hour period of time, he or she shall be deemed to have disobeyed the direction or order of the police officer and thus be in violation of this chapter.
- D. It shall be unlawful for any person to loiter, without the consent of the owner, operator or person in control, on or about any place open to the public after said premises has been closed for business purposes and after said person has been directed or ordered to leave by a police officer.
- E. It shall be unlawful for any person to loiter on or about any place open to the public during business hours, after having been requested to leave by the owner, operator or person in control of said premises and after having been directed or ordered to leave by a police officer.
- F. It shall be unlawful for any person to loiter on or about any commercial premises, during ordinary business hours, after having been requested to leave by the owner, operator or authorized agent of such premises and after having been directed to leave by a police officer. **[Added 2-23-1998 by Ord. No. 507-98]**
- G. It shall be unlawful for any person to loiter, without the consent of the owner, operator or authorized agent, within 250 feet of the exterior entrance of any commercial premises, including but not limited to a bar, tavern, restaurant, package goods store, game room or arcade, after such premises has been closed for business purposes after such person has been requested to leave by a police officer. **[Added 2-23-1998 by Ord. No. 507-98]**
- H. Nothing herein shall be construed so as to prevent any orderly picketing or other lawful assembly. **[Added 2-23-1998 by Ord. No. 507-98]**



**§ 354-3. Unlawful assembly.**

- A. It shall be unlawful for any person or persons to congregate or assemble at the corner or corners of any of the streets, lanes or alleys or on any of the sidewalks or approaches thereto in said City, so as to obstruct the same, or at the entrance of any public or private building within the limits of said City, and to be engaged in loud and boisterous laughing or talking or making any rude, obscene or insulting comments, remarks or observations on persons passing by the same or in their hearing, or to so crowd or obstruct the sidewalks or approaches thereto so as to prevent the free and uninterrupted passage thereto, therefrom or through the same.
- B. It shall be unlawful for any person or persons to congregate themselves or vehicles owned, operated or controlled by them at or on any public or private thoroughfare or parking area so as to obstruct the same or the free use thereof or in any disorderly manner as would tend to cause obstruction, loud or boisterous noise or rude, obscene or insulting comments or that might tend in any way to cause or promote violence, and said assembly shall immediately disperse upon the order of the owner of any such property or the person in control thereof or upon the order of any police officer.
- C. It is unlawful for any person to idle, stand, remain, tarry or wander about in a public place in such a manner as to beckon to, repeatedly stop or repeatedly attempt to engage passersby in conversation, or repeatedly stop or attempt to stop motor vehicles or repeatedly interfere with the free passage of other persons, for the purpose of either engaging in or promoting prostitution, lewdness or assignation, after having been requested to leave by a police officer.<sup>79</sup> **[Added 2-23-1998 by Ord. No. 507-98]**

**§ 354-4. Begging prohibited.**

It shall be unlawful for any person to beg, ask for or request money or items of value as a gift from another at a public place or place open to the public.

**§ 354-5. Violations and penalties. [Amended 4-9-1990 by Ord. No. 358-90]**

A violation of this chapter is deemed to be a misdemeanor. Any person who violates any provision of this chapter shall, upon conviction thereof, be subject to a fine not to exceed \$1,000 or imprisonment for a term of not to exceed six months, or both. In addition to any criminal penalties which may be imposed, the provisions of this chapter may be enforced by a request for injunction or court order filed on behalf of the City in a court of competent jurisdiction.

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**79. Editor's Note: Original § 92-3D, added 2-23-1998 by Ord. No. 507-98, which immediately followed this subsection and prescribed a penalty, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II). For penalties, see § 354-5, Violations and penalties.**

## **Chapter 370**

### **MOBILE HOME PARKS**

#### **GENERAL REFERENCES**

**Building construction** — See Ch. 210.

**Streets and sidewalks** — See Ch. 470.

**Development Code** — See Ch. 235.

**Mobile home park tax** — See Ch. 482, Art. III.

**Floodplain management** — See Ch. 275.

**Fees** — See Ch. A550.

**Stormwater management** — See Ch. 465.

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#### **§ 370-1. Definitions.**

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

**LAW** — Includes federal and state laws, regulations of administrative agencies, including the Environmental Protection Agency and the State Department of Health and Mental Hygiene, and Harford County and City ordinances and regulations.<sup>80</sup>

**MOBILE HOME** —

A. A structure that is:

- (1) Transportable in one or more sections;
- (2) Eight or more body feet in width and 30 or more body feet in length;
- (3) Built on a permanent chassis; and
- (4) Designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities.

B. Includes the plumbing, heating, air-conditioning and electrical systems contained in the structure.

**PARK** — Any property leased or held out for lease to two or more residents or prospective residents.

**PARK OWNER** — Any person who has an interest in the park and includes any person acting as the agent of a park owner as to the managerial or operation acts taken as the agent of the owner.

**RESIDENT ASSOCIATION** — An association of residents of a mobile home park formed for the purpose of accepting rent escrow payments.

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**80. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).**

RESIDENT or DESIGNEE — A mobile home owner who leases or rents a site for residential use and resides in a mobile home park.

**§ 370-2. License required; annual fee; payment of charges prior to license issuance.**

- A. It shall be unlawful to operate a mobile home park without a validly issued and existing license.
- B. From and after the first day of December 1989, all mobile home parks shall have an annual license issued by the City Manager at and for the annual fee as provided in Chapter A550, Fees, of this Code, payable to the issuer of the license.<sup>81</sup>
- C. All taxes, water and sewer bills, fees and charges shall be paid prior to issuance of the license.

**§ 370-3. Duties of park owner.**

It shall be the duty of the park owner to obtain the license and to ensure compliance with all federal, state and City laws and regulations. The park owner shall:

- A. Comply with all applicable building, housing, zoning and health codes.
- B. Keep in good repair the leased site and all permanent fixtures that the park owner provides.
- C. Keep in a good state of appearance, repair, safety and cleanliness the common areas and buildings.
- D. Provide at all reasonable times for the benefit of residents access to common areas, including their buildings and improvements, which access may not infringe on the leased site of any resident.
- E. Keep in good repair each utility service either directly or by way of maintenance agreement between the park owner and the City.

**§ 370-4. Pad improvement required.<sup>82</sup>**

- A. A portion of the space under each mobile home unit located within a mobile home park shall be improved by a pad or area of CR-6 crusher run stone/gravel.
- B. The pad or area shall have a width of 10 feet and a length of 40 feet. The depth of the stone/gravel shall be a minimum of three inches.
- C. After the stone/gravel is applied to the ground, it shall be compacted by rolling or tamping before placement of the mobile home unit.

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**81. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).**

**82. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).**

- D. At the time of the issuance by the City of a building permit for each individual mobile home unit, the requirements of this section for installation of CR-6 crusher run stone/gravel shall be specified as a condition and requirement of the permit.

**§ 370-5. Revocation of license; reissuance.**

- A. The City Manager may revoke the license upon 30 days' written notice to the park owner if the park is in violation of any federal, state, Harford County or City law or regulation.
- B. The park owner shall have the right to request the Mayor and Council to review the revocation, provided that the request is received in writing prior to the date of revocation.
- C. The filing of a request for review shall stay the revocation until a ruling by the Mayor and Council.
- D. Upon proof of compliance, the City Manager shall reissue the license.
- E. The ruling of the Mayor and Council shall be effective upon the date of license issuance.

**§ 370-6. Rent escrow.**

Upon revocation of a license, the residents shall have the right to place the monthly ground rental and other monthly charges in an interest-bearing escrow account established by the resident association until the revocation has been rescinded and the license reissued.

**§ 370-7. Violations and penalties.**

Violation of this chapter shall be deemed a misdemeanor and shall be subject to a term of imprisonment not to exceed 30 days and a fine not to exceed \$1,000. Each twenty-four-hour period in which a violation exists shall constitute a separate violation.

**Chapter 376**

**MOTELS**

## ARTICLE I

**Registration of Guests****[Adopted 9-10-1979 by Ord. No. 266 (Ch. 95 of the 1990 Code)]****§ 376-1. Purpose.**

The Mayor and Council have determined that in order to provide and preserve for better protection of the health, safety and welfare of the citizens of the community, it is necessary and appropriate to provide for certain registration requirements of business establishments operating within the Incorporated City of Aberdeen and have enacted this article to that end.

**§ 376-2. Definitions.**

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

MOTEL — A structure or group of structures having living and/or sleeping accommodations used primarily for transient occupancy with individual entrances from outside the structure to service each of the guest rooms, including but not limited to motor lodges, tourist courts, etc.

**§ 376-3. Required information.**

The proprietor or manager of any motel, as defined above, shall require the following information of any person or persons registering for a motel room:

- A. The full name of the individual registering.
- B. The names of any other persons in the party with the registrant.
- C. Verification of the registrant's name through a driver's license, military identification or other such identifying material, with the number of said identification card being recorded on the registration.
- D. A description of any vehicle being driven by the registrant, including the license number.
- E. The permanent home residence of the registrant, verified through a driver's license, registration card for a motor vehicle or some other means of identification.

**§ 376-4. Review of records. [Amended 4-9-1990 by Ord. No. 358-90]**

The owner or manager or operator of any motel shall provide and make available to law enforcement officers of the City or any federal police agency registration records of said motel upon request of any law enforcement officer.

**§ 376-5. Registration without required information unlawful.**

It shall be unlawful for any motel owner, manager or operator to allow registration in any motel without the above information being obtained prior to issuance of any keys for a motel room.

**§ 376-6. Violations and penalties. [Amended 4-9-1990 by Ord. No. 358-90]**

A violation of this article is deemed to be a municipal infraction.<sup>83</sup> Any person violating any provision of this article shall be subject to a civil penalty in the amount of \$200. Each twenty-four-hour period that a violation exists shall constitute a separate offense.

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**83.Editor's Note: See Ch. 95, Municipal Infractions.**

**Chapter 391****NUISANCES****GENERAL REFERENCES**

**Alarms — See Ch. 190.**

**Firearms — See Ch. 263.**

**Animals — See Ch. 196.**

**Littering — See Ch. 344.**

**Environmental control — See Ch. 250.**

**Peace and good order — See Ch. 413.**

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**§ 391-1. Findings.**

A. The Mayor and City Council find that:

- (1) Illegal activities or behavior of persons on properties within the City can constitute public and private nuisances.
- (2) To maintain the public health, safety and welfare, the City must abate nuisance-creating conditions existing on properties.
- (3) Owners of properties within the City must be responsible to monitor their properties and to take timely and appropriate action if a nuisance exists thereon, whether that nuisance is created by existing physical conditions or by nuisance-creating behaviors. Such nuisances can be avoided with adequate property management.

B. The City deems it necessary to set forth and enforce minimum standards relating to the management of residential and commercial properties to protect the public health, safety and welfare and to provide a remedy which will permit the City or private persons to take effective action against property owners on whose property nuisances occur, in order to compel such owners to abate the nuisances.

**§ 391-2. Applicability.**

The provisions of this chapter shall apply generally to all property throughout the City of Aberdeen wherein any of the nuisances hereinafter specified are found to exist; provided, however, that any condition which would constitute a violation of this chapter but which is duly authorized under any City, state or federal law shall not be deemed to violate this chapter.

**§ 391-3. Responsibility for property management; definitions.**

A. Every owner of real property within the City is required to manage the property in a manner so as not to create or allow a public nuisance or to have an adverse impact on adjoining properties or the neighborhood or to violate the provisions of this Code. The owner shall remain liable

for violations thereof regardless of any contract or agreement with any third party regarding the property.

- B. Every building or unit within a building used for the purpose of unlawfully manufacturing, delivering, selling, storing or giving away any controlled substance, and every building or unit within a building wherein or upon which such acts take place, is a nuisance which shall be enjoined, abated and prevented, whether it is a public or private nuisance.
- C. As used in the chapter, the following terms shall have the meanings indicated:

ADVERSE IMPACT — Includes consideration of, but is not limited to, the following:

- (1) Any search warrants served on the property where controlled substances were seized;
- (2) Investigative purchases of controlled substances on or near the property by law enforcement or their agents;
- (3) Arrests of persons who frequent the property for violation of controlled substances laws;
- (4) Increased volume of traffic associated with the property; and
- (5) The number of complaints made to law enforcement of illegal activity associated with the property.

BUILDING — Includes, but is not limited to, any structure or any separate part or portion thereof, whether permanent or not, or the ground itself.

#### **§ 391-4. Declaration of public nuisance.**

It is hereby declared a public nuisance for any person, firm or corporation, whether owner, lessor, lessee, sublessor, sublessee or occupant of any premises in this City, to permit those premises to be used in such a manner as to constitute a public nuisance or create an adverse impact on adjoining properties or the surrounding neighborhood that any one or more of the activities described in the following subsections are found to occur thereon:

- A. The illegal sale of controlled substances and other illegal drugs and substances which creates a public nuisance.
- B. The illegal use of controlled substances and other illegal drugs and substances which creates a public nuisance.
- C. Increased volume of traffic associated with the property and/or arrests of persons who frequent the property for violation of controlled substance laws.
- D. Prostitution.



- E. The firing of gunshots or brandishing of weapons by a resident or by a guest of a resident.
- F. The occurrence of criminal activity which threatens life, health, safety or welfare of the residents, neighbors or the public.
- G. "Nuisance" which includes a property (including a mobile home) that is used:
  - (1) By persons who assemble for the specific purpose of illegally administering a controlled dangerous substance;
  - (2) For the illegal manufacture or distribution of:
    - (a) A controlled dangerous substance; or
    - (b) Controlled paraphernalia, as defined in § 5-101 of the Criminal Law Article of the Annotated Code of Maryland.<sup>84</sup>
  - (3) For the illegal storage or concealment of a controlled dangerous substance in sufficient quantity to reasonably indicate under all the circumstances an intent to manufacture, distribute or dispense:
    - (a) A controlled dangerous substance; or
    - (b) Controlled paraphernalia, as defined in § 5-101 of the Criminal Law Article of the Annotated Code of Maryland.<sup>85</sup>
- H. Maintains property in such a manner so as to create adverse impact on adjoining properties or surrounding neighborhoods.

#### **§ 391-5. Enforcement.**

- A. The City or any person affected by a public nuisance described in this Code may bring a civil action for injunctive relief to abate the nuisance against any owner who violates this Code, provided that the City has given the owner or the owner's agent(s) written notice to abate said nuisance. Notification shall be sent by certified mail or hand delivered by a law enforcement official and shall describe in detail the adverse impact associated with the property on the surrounding neighborhood. The owner of the property shall have a maximum of 45 days from the date the notice is received to abate the nuisance before a formal complaint is filed with the court; provided, however, that if the violation cannot be abated within the time period specified, the Mayor and City Council may extend the time period for compliance for a reasonable period of time upon submission of an acceptable abatement plan by the property owner or the property owner's agent. In determining whether

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**84. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).**

**85. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).**

the abatement plan is acceptable, consideration by the Mayor and Council shall include but shall not be limited to:

- (1) The sufficiency and dates of all actions undertaken to abate the nuisance;
  - (2) The sufficiency of a plan detailing further actions which are needed to abate the nuisance; and
  - (3) The length of time necessary to complete the abatement of the nuisance.
- B. Any complaint filed under this chapter shall be accompanied by an affidavit for purposes of showing that the owner or his or her agent has had an opportunity to abate the nuisance, including time extensions, if any. The affidavit shall contain a description of all attempts to notify and locate the owner of the property or the owner's agent.

### **§ 391-6. Injunction.**

The City or other person shall have the following remedy:

- A. Failure to abate the nuisance within the time period specified by this chapter, including any extensions, if any, shall be subject to an application for a temporary restraining order or preliminary injunction. The court may, upon a showing of good cause, issue an ex parte restraining order or preliminary injunction preventing the defendant and all other persons from removing or in any manner interfering with the personal property and contents of the place where the nuisance is alleged to exist and may grant such preliminary relief as is necessary to prevent the continuance or recurrence of the nuisance pending the decision; the stock-in-trade may not be so restrained, but an inventory and full accounting of all business transactions may be required. Any violation of the order or injunction is a contempt of court, and where such order or injunction is posted, mutilation or removal thereof while the same remains in force is a contempt of court if such posted order or injunction contains a notice to that effect.
- B. If the existence of the nuisance is established in the action, an order of abatement shall be entered as part of the final judgment in the case. Plaintiffs costs in the action, including those of abatement, shall constitute a lien upon the building or unit within a building. The lien is enforceable and collectible by execution issued by order of the court.
- C. If the court finds that the owner has been making reasonable efforts to abate the nuisance, has not been guilty of contempt of court in the proceedings, and will immediately abate any such nuisance that may exist at the building or unit within a building and prevent it from being a nuisance within a period of one year thereafter, the court may order the building or unit within a building to be delivered to the owner, and no order of abatement shall be entered. If the owner meets

the requirements of this subsection, the order of abatement shall be canceled.

**§ 391-7. Final order of abatement.**

Any final order of abatement issued under this chapter shall:

- A. Direct removal of all personal property subject to seizure and forfeiture from the building or unit within a building and direct its disposition;
- B. Provide for the immediate closure of the building or unit within a building against its use for any purpose and for keeping it closed for such period of time as the court may determine; and
- C. State that while the order of abatement remains in effect the building or unit within a building shall remain in the custody of the court.

**§ 391-8. Additional remedies.**

The provisions of this chapter are intended to be supplementary to all of the other provisions of the City Code and state law, and all remedies set forth herein shall be cumulative to other remedies which may be available under the City Code or state law.

**§ 391-9. Leases, rental contracts and agreements to provide notice.**

Upon adoption of this chapter, all written leases, rental contracts and agreements that give individuals or groups of individuals the right or privilege to occupy real property for the purpose of using such property as a residence, dwelling, refuge or shelter shall contain the following provision:

"The City of Aberdeen has adopted a Property Nuisance Abatement Ordinance which states it is a public nuisance for any person, firm, or corporation, whether owner, lessor, lessee, sublessor, sublessee or occupant of any premises in this City, to permit those premises to be used in such a manner so as to create an adverse impact on adjoining properties or the surrounding neighborhood.

'Adverse impact' includes consideration of, but is not limited to, the following: Any search warrants served on the property where controlled substances were seized; investigative purchases of controlled substances on or near the property by law enforcement or their agents; arrests of persons who frequent the property for violation of controlled substances laws, increased volume of traffic associated with the property; and the number of complaints made to law enforcement of illegal activity associated with the property.

It shall be a violation of this agreement and grounds for eviction if any of the adverse impact offenses occur as a result of activity on this property."

**Chapter 402**

## PARADES AND ASSEMBLIES

### GENERAL REFERENCES

**Loitering — See Ch. 354.**

**Fees — See Ch. A550.**

**Peace and good order — See Ch. 413.**

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### **§ 402-1. Permit required.**

It shall be unlawful for any organization or persons to parade through the public streets, highways or roads in the City or to conduct, congregate or hold any other outdoor meeting, carnival, circus, concert or assemblage which impedes the normal movement of vehicular and/or pedestrian traffic through and along the public streets, highways or roads in the City without having obtained a permit therefor from the City Manager.

### **§ 402-2. Application for permit.**

- A. No permit shall be issued by the City Manager until proper application therefor has been made, in writing, and signed by the person responsible for the parade or assemblage at least 21 days prior to the date of the parade or assemblage. In addition, the application shall indicate:
- (1) The date, time and route of the parade, including location of formation and termination areas.
  - (2) The location of reviewing stand or similar construction and description with respect to construction and size.
  - (3) The name, address and telephone number of the applicant.
  - (4) If made by an organization, the names and addresses of its officers and the name and address of the organization.
- B. The fee as provided in Chapter A550, Fees, of this Code shall be submitted with the permit application.<sup>86</sup>

### **§ 402-3. Review of permit application; issuance.**

The City Manager may grant or deny the application to ensure peace, safety and good order.

### **§ 402-4. Violations and penalties.**

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**86. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).**

- A. A violation of this chapter is deemed to be a municipal infraction.<sup>87</sup> Any person violating any provision of this chapter shall be subject to the following civil penalties:
- (1) First offense: \$250.
  - (2) Second offense: \$300.
  - (3) Third offense: \$400.
- B. Each twenty-four-hour period that a violation exists shall constitute a separate offense.

## **Chapter 406**

### **PARKS**

#### **GENERAL REFERENCES**

**Parks and Recreation Board — See Ch. 108.**

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#### **§ 406-1. Permit required for use by groups.**

Groups and organizations will be required to secure a permit for use of parks. Application for a permit shall be made on a form provided by the Mayor and Council or by the Aberdeen Parks and Recreation Board. All applications shall be accompanied by any required fee. No permit shall be issued to anyone under the age of 18 years. The person or persons issued a permit shall be responsible financially for the destruction of park property by anyone covered by the permit. All permits shall be made available to law enforcement agencies and/or park and recreational personnel.

#### **§ 406-2. Destruction of property.**

No person shall deface, alter, injure or disturb any monument, park equipment, boundary line, structure, land, sign or building on any park property.

#### **§ 406-3. Fires.**

No person shall build or cause to be built any fire on park grounds except in designated areas nor shall any fire be left unattended, and all fires must be rendered fully harmless before leaving the park grounds area.

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**87. Editor's Note: See Ch. 95, Municipal Infractions.**

**§ 406-4. Protection of wildlife; domesticated animals running at large.**

No person shall pursue, catch, molest or kill any wildlife nor shall he disturb any nest, den or burrow of any animal or fowl on park property nor shall he cause or permit any dog, cat or other domesticated animal to run at large or to cause a nuisance on park grounds.

**§ 406-5. Camping.**

No person shall camp on park grounds except by permit and only in such areas as may be designated for such purposes.

**§ 406-6. Parking of vehicles.**

No person shall operate, stop, stand or park a vehicle in such a manner as to block or partially block any road, ramp or trail on the park grounds.

**§ 406-7. Operation of off-road vehicles.**

No person shall operate any type of minibike, trail bike, snowmobile, all-terrain vehicle or other vehicle that cannot be registered for operation on a public highway on park grounds, except in areas designated for the use of such vehicles.

**§ 406-8. Riding of animals.**

No person shall ride a horse, pony or other animal upon park property except in authorized areas and then only in such a manner that will not endanger life or property.

**§ 406-9. Hours of operation.**

No person shall be allowed on park property at any time from sunset of one day to sunrise of the next day except in authorized areas and/or by issuance of a permit. No person shall remain on park property upon receiving a lawful order to depart by any law enforcement officer or by authorized park and recreation personnel.

**§ 406-10. Peddling and advertising.**

No person shall peddle, solicit business of any nature whatsoever, collect funds for any service or charity, distribute handbills or other advertising matter or post any signs on park land unless so authorized by park and recreation personnel in writing.

**§ 406-11. Authority of agents of Parks and Recreation Board.<sup>88</sup>**

No person shall interfere with any employee or agent of the Parks and Recreation Board in the performance of an official duty, and, further, all persons will follow all lawful directives issued by such employee or agent.

**§ 406-12. Sound amplification.**

No person shall use a loudspeaker, public address system or amplifier within or upon park property without a permit.

**§ 406-13. Firearms.**

No person shall have in his or her possession any firearm while on park property. This section shall not apply to persons authorized to carry firearms in the discharge of their official duties.

**§ 406-14. Refuse.**

No person shall deposit, dump or allow refuse of any kind on park property except by placing such refuse in a container provided for such purposes and then only such refuse resulting from use on the park property.

**§ 406-15. Exhibitions.**

No person shall exhibit any machine, show any animals or indulge in any exhibitions nor shall any person carry on any performance which shall cause persons to congregate so as to interfere with the purpose for which the park is provided, except by permit.

**§ 406-16. Fees.**

No person shall use any park facility, land or area for which a fee has been established without payment of such fee or charge.

**§ 406-17. Alcoholic beverages and controlled dangerous substances.**

- A. No person shall consume or possess controlled dangerous substances, as defined in Title 5 of the Criminal Law Article of the Annotated Code of Maryland, while on park grounds.<sup>89</sup>
- B. No person shall consume or possess any alcoholic beverages unless a license has been obtained from the Liquor Control Board in accordance with state law.

**§ 406-18. Violations and penalties.**

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<sup>88</sup>Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

<sup>89</sup>Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- A. A violation of this chapter is deemed to be a municipal infraction.<sup>90</sup> Any person violating any provision of this chapter shall be subject to the following civil penalties:
- (1) First offense: \$50.
  - (2) Second offense: \$200.
  - (3) Third offense: \$400.
- B. Each twenty-four-hour period in which a violation exists shall constitute a separate offense.

## **Chapter 413**

### **PEACE AND GOOD ORDER**

#### **GENERAL REFERENCES**

**Alarms — See Ch. 190.**

**Animals — See Ch. 196.**

**Curfew — See Ch. 227.**

**Firearms — See Ch. 263.**

**Littering — See Ch. 344.**

**Loitering — See Ch. 354.**

**Nuisances — See Ch. 391.**

**Parades and assemblies — See Ch. 402.**

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**90.**Editor's Note: See Ch. 95, Municipal Infractions.



## ARTICLE I

**Public Lewdness**

**[Adopted 10-18-1976 by Ord. No. 241 (Ch. 103, Art. I of the 1990 Code)]**

**§ 413-1. Title.**

This article may be referred to or cited as the "Aberdeen Public Lewdness Ordinance."

**§ 413-2. Purpose.**

The Mayor and Council have determined that the health, safety, morals and welfare of the community are in danger from an increase in the occurrence of activities constituting lewdness or obscenity contrary to accepted community standards and that only by the enactment of local legislation can an unhealthy and detrimental trend be halted and reversed.

**§ 413-3. Word usage; definitions.**

A. Words or phrases in this article not defined hereunder shall have their ordinary and common meanings, unless the context requires another connotation.

B. For the purposes of this article, the following words and phrases shall have the meanings stated, unless otherwise modified:

DEPICT — Exhibit or show by film picture, photograph, electronic reproduction, model or pictorial advertisement or poster. It shall not include situations where the offending material cannot be observed without first opening a cover or removing it from cover, when the nature of the covered material would be apparent to a reasonable adult.

DISPLAY — To put in view, whether openly or under transparent or translucent cover permitting unmistakable discernment of the object covered.

ELIMINATIVE ACTIVITY — Urination or defecation.

LEWDNESS — Obscenity or indecency with respect to erotic, sexual or eliminative activity.

OBSCENE MANNER — Conduct or depiction of an erotic, sexual or eliminative activity or thing which would constitute lewdness.

PAY — Money, property or other valuable consideration or compensation.

PLACE OF PUBLIC ACCESS — Any publicly owned building, any church, meeting hall or lodge hall, any place in which the public can be expected to enter without first requesting admission or obtaining an invitation or any place of business or club requiring a trader's or liquor license to operate or charging an admission or cover charge. It shall not include rest room facilities, sleeping quarters, changing

rooms, medical examining rooms or any private quarters in such places to which the public or patrons would not be expected to enter without first requesting admission or receiving an invitation, nor shall it include any assembly rooms not open to the public of a private organization which is tax exempt under the Internal Revenue Code.

PRIVATE PARTS — Human genitalia, pubic hair, anuses, clefts of the buttocks or female breast distal to and including the areola.

PUBLIC PLACE — Any place within the corporate limits of Aberdeen, whether on or over public or private lands, in which an activity or thing may be viewed by the unaided human eye or heard by the unaided human ear from a public street or way or from any nearby property by a person occupying or traversing such street, way or property in an ordinary and usual fashion. It specifically shall include any part of private property which is open to such public view through a window, door or otherwise.

SEXUAL ACTIVITY — Sexual or anal intercourse, masturbation, fellatio, cunnilingus or the fondling of the buttocks, anus, breast or genitalia of oneself or another or sexual stimulation by means of contact with animals or inanimate objects. The fact that bodily parts are covered by clothing or otherwise shall not be held to exclude an activity from this definition, where it is clear that sexual stimulation is intended.

SIMULATED — The representation of an activity by mimicry, gesture or bodily movement in a manner that would clearly and unmistakably convey to a reasonable adult that such activity is intended to be represented thereby. The fact that bodily parts are covered by clothing or otherwise shall not prevent any activity from being held to have been simulated because the activity itself requires the absence or removal of such covering.

UNWILLING WITNESS —

- (1) A person of 18 years of age and upwards, lawfully and properly present in a place, who would not reasonably expect to encounter, hear or observe the activity or thing in question in that place, without having first consented thereto.
- (2) Any person under the age of 18 years lawfully and properly present in a place where a reasonable adult would not reasonably expect to encounter, hear or observe the activity or thing in question in that place, without having first consented thereto, regardless of whether such person has consented, except that a person under the age of 18 years shall not be considered an unwilling witness where the activity in question is personally performed in his or her presence and with his or her consent by a person of an age not exceeding by four years the age of the witness. No person under the age of three years or no person living in the same household as or the child, stepchild or ward of an accused person shall be held to be an unwilling witness.

**§ 413-4. Prohibited acts.**

No person shall knowingly or intentionally engage in or direct another person in his employ or under his direction, supervision or control, including children or wards, to engage in any actual or simulated sexual or eliminative activity or the display of his or her private parts or the depiction of actual or simulated sexual or eliminative activity or of private parts in an obscene manner in a public place or place of public access or in any place, private or public, for pay or in the presence of or to an unwilling witness.

**§ 413-5. Violations and penalties. [Amended 4-9-1990 by Ord. No. 358-90]**

A violation of this article is deemed to be a misdemeanor. Any person who violates any provision of this article shall, upon conviction thereof, be subject to a fine not to exceed \$1,000 or imprisonment for a term of not to exceed six months, or both. Each twenty-four-hour period in which a violation occurs shall constitute a separate offense.



## ARTICLE II

**Obscene Performances**

**[Adopted 11-28-1977 by Ord. No. 248 (Ch. 103, Art. II of the 1990 Code)]**

**§ 413-6. Definitions.**

For the purposes of this article, the following terms shall have the meanings indicated:

OBSCENE PERFORMANCE, EXHIBITION, DRAMA, PLAY, SHOW, DANCING EXHIBITION, TABLEAU OR ENTERTAINMENT — One which the average person, applying contemporary community standards, would find, taken as a whole, appeals to the prurient interest and which, taken as a whole, lacks serious literary, artistic, political or scientific value and where, in a patently offensive way, it conveys to the observer sexual conduct:

- A. As specifically defined in any statute of Maryland proscribing obscenity or obscene performances; or
- B. As specifically defined as follows, whether actual or simulated: sexual or anal intercourse, masturbation, fellatio, cunnilingus or the fondling of the buttocks, anus, breasts or genitalia of oneself or another or sexual stimulation by means of contact with animals or inanimate objects or urination or defecation.

SIMULATED — The representation of an activity by mimicry, gesture or bodily movement in a manner that would clearly and unmistakably convey to an average adult that such activity is intended to be represented thereby.

**§ 413-7. Prohibited acts.**

Any person who, as actor, dancer, owner, manager, producer, director or agent or in any other capacity, prepares, gives, directs, presents, performs or participates in any obscene performance, exhibition, drama, play, show, dancing exhibition, tableau or entertainment in which live persons perform or participate in an obscene manner in the presence of any other person or persons who have paid a consideration of any type whatsoever to observe the exhibition or performance and every owner, lessee or manager of any theater, garden, building, room, place or structure who knowingly permits the same to be used for the purpose of any such exhibition as enumerated in this section or who assents to its use for any such purpose shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined or imprisoned as provided hereafter.

**§ 413-8. Violations and penalties. [Amended 8-8-1983; 4-9-1990 by Ord. No. 358-90]**

A violation of this article is deemed to be a misdemeanor. Any person who violates any provision of this article shall, upon conviction thereof, be subject to a fine not to exceed \$1,000 or imprisonment for a term of not

to exceed six months, or both. Each twenty-four-hour period in which a violation occurs shall constitute a separate offense.<sup>91</sup>

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**91.**Editor's Note: Former Art. III, Fortune-Telling, adopted by the Commissioners of the Town of Aberdeen (now Mayor and Council of the City of Aberdeen) 1-22-1979 by Ord. No. 261 (Ch. 103, Art. III of the 1990 Code), as amended, was repealed 2-14-2011 by Ord. No. 11-O-01; see now § 235-39.1, Fortune-telling.

**Chapter 417****PEDDLING AND SOLICITING****GENERAL REFERENCES**

**Peddling in parks — See Ch. 406.**

**Fees — See Ch. A550.**

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**§ 417-1. License required. [Amended 5-18-2015 by Ord. No. 15-O-06<sup>92</sup>]**

It shall be unlawful for any person to engage within the corporate limits of the City in the business of a peddler or a solicitor or a food truck operator without first obtaining a license as provided herein.

**§ 417-2. Definitions.**

For the purposes of this chapter, the following terms shall have the meanings indicated:

**FOOD TRUCK OPERATOR** — Includes any vendor that sells any sort of food product for consumption on or off premises from a truck, trailer, pull-behind cart such as a hot dog cart or mobile smoker. **[Added 5-18-2015 by Ord. No. 15-O-06<sup>93</sup>]**

**PEDDLER or SOLICITOR** — Includes any person who hawks, peddles, sells, solicits or takes orders for any wares or merchandise or anything of value upon the streets of the City or any person who goes from house to house without appointment or invitation to vend, sell or take orders for any wares or merchandise or anything of value, either by sample or otherwise.

**§ 417-3. Permitted hours of operation.**

- A. Any peddling and soliciting shall occur only from 10:00 a.m. to dusk.
- B. Any food truck operator may generally operate from 7:00 a.m. to 9:00 p.m. **[Added 5-18-2015 by Ord. No. 15-O-06<sup>94</sup>]**

**§ 417-4. Exemptions.**

The provisions of this chapter shall not apply to:

- A. The sale of merchandise to manufacturers, wholesalers or retailers for use in their business or for resale.
- B. Persons who take orders for or make delivery of newspapers, milk, ice, fuel, bakery goods or other dairy or bakery perishable food products.

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**92. Editor's Note: This ordinance provided an effective date of 6-8-2015.**

**93. Editor's Note: This ordinance provided an effective date of 6-8-2015.**

**94. Editor's Note: This ordinance provided an effective date of 6-8-2015.**

- C. Persons selling such articles as may be produced, caught or raised by them.
- D. Persons selling Christmas trees, cards, greens, holly and wreaths.
- E. Bona fide fraternal, religious, charitable, patriotic, educational, benevolent or civic organizations.
- F. Volunteer fire companies.

**§ 417-5. Separate license required.**

A separate license must be obtained for peddler or solicitor.

**§ 417-6. Food truck supplemental requirements. [Added 5-18-2015 by Ord. No. 15-O-06<sup>95</sup>]**

A food truck operator must comply with the following requirements to maintain his or her license with the City:

- A. Any food truck operator must obtain and maintain all applicable licenses and meet all applicable requirements as specified by the Harford County Health Department.
- B. Any food truck operator must operate from an approved location on City-owned property with the permission of the City or on privately owned property with written permission from the property owner.
- C. Any food truck operator must keep the area within a twenty-five-foot radius of his or her truck free of trash and food scraps.
- D. A food truck operator will not conduct business in a residentially zoned portion of the City.
- E. A food truck operator will not display any signature other than what is lettered on his or her food truck and up to two sandwich boards or similar signs for the purpose of posting a food menu. Such sandwich board signs must be located no farther than 15 feet from the food truck.

**§ 417-7. Contents of license application.**

An application for a license shall be filed with the City Manager and shall include:

- A. The name, local and permanent addresses, age, weight, height, color of hair and eyes and other distinguishing physical characteristics of the applicant.
- B. The name and local and permanent addresses of the employer of the applicant or the owner of the business.

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**95. Editor's Note: This ordinance provided an effective date of 6-8-2015. This ordinance also provided for the renumbering of former §§ 417-6 through 417-11 as §§ 417-7 through 417-12, respectively.**



- C. The length of such employment or association.
- D. A brief description of the business and nature of the merchandise to be sold.
- E. If a vehicle is to be used, a description of the same, together with tag number.
- F. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed.

**§ 417-8. Issuance of license. [Amended 8-23-2010 by Ord. No. 10-O-12]**

Upon payment of a fee established by the City Council and submission of a completed application, the City Manager shall issue a license.<sup>96</sup>

**§ 417-9. License term and conditions.**

- A. A license issued under this chapter shall be good for one year from the date of issuance, unless if a previous suspension or revocation has been assessed then the time may be limited.
- B. Every peddler or solicitor shall carry with him his license at all times while engaged in peddling or soliciting and shall display the same to any person who shall demand to see the same while he is so engaged.
- C. The license shall remain the property of the City and shall be surrendered to the City Manager upon expiration, suspension or revocation.

**§ 417-10. Renewal of license. [Amended 8-23-2010 by Ord. No. 10-O-12]**

The holder of any expiring license under this chapter desiring a new license to be effective on the expiration of the existing license shall, not less than 30 nor more than 60 days before the expiration of the existing license, file a written application for renewal with the City Manager, giving the information set forth in § 417-7. The City Council may set a renewal fee.

**§ 417-11. Denial, suspension or revocation of license.**

The City Manager may refuse to issue or renew, revoke or suspend any license if he finds that the applicant or licensee has willfully withheld or falsified any information required for a license or has been convicted of any of the crimes described in § 417-7. The City Manager may suspend, for a period up to 90 days, revoke or refuse to renew any license upon a finding that the licensee, while peddling or soliciting and in connection therewith, has engaged in fraud or willful misrepresentation, has violated

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**96. Editor's Note: See Ch. A550, Fees.**

any provision of this chapter, has committed any unlawful act or has refused to leave the premises immediately when requested by the owner or occupant thereof to do so. Any refusal, revocation, suspension or failure to renew shall be by written notice to the licensee and shall be delivered personally or sent by first-class mail to the licensee's local address listed in the application. The notice shall contain a statement of the reasons for the action taken.

**§ 417-12. Violations and penalties. [Amended 4-9-1990 by Ord. No. 358-90]**

- A. A violation of this chapter is deemed to be a municipal infraction.<sup>97</sup> Any person violating any provision of this chapter shall be subject to civil penalties as follows:
- (1) First offense: \$100.
  - (2) Second offense: \$200.
  - (3) Third offense: \$400.
- B. Each twenty-four-hour period in which a violation occurs shall constitute a separate offense.

**Chapter 450**

**SEWERS AND WATER**

**GENERAL REFERENCES**

**Building construction — See Ch. 210.**

**Subdivision of land — See Ch. 475.**

**Environmental control — See Ch. 250.**

**Wellhead protection — See Ch. 524.**

**Livability standards — See Ch. 348.**

**Fees — See Ch. A550.**

**Stormwater management — See Ch. 465.**

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**97. Editor's Note: See Ch. 95, Municipal Infractions.**

**Part 1**  
**[Adopted 6-17-1974 By Ord. No. 221 (Ch. 139 Of The 1990 Code)]**  
**Water Service**

ARTICLE I  
**Connection to Water Supply System**

**§ 450-1. Connection required; notice.**

- A. Wherever the municipal water supply system of the City is within 200 feet of any property utilizing a spring or well for domestic water supply purposes, the Mayor and Council may serve formal notice, in writing, upon the owners of the property to extend basic mains and to connect with the City's system of water supply within 90 days after the receipt of the notice. After the expiration of the 90 days provided in the notice of the availability of a public water supply, it shall be unlawful to maintain or to use a private domestic water supply system to service the property to which the formal notice is applicable. Upon request of the property owner, for good cause shown, the Mayor and Council may extend the time allowed for installation of the required connections.  
**[Amended 4-9-1990 by Ord. No. 358-90<sup>98</sup>]**
- B. The notice required by this section may be made by personal service, registered mail evidenced by a signed receipt, or, upon petition and order, by such means as may be authorized by the Circuit Court for Hartford County.

**§ 450-2. Expenses to be borne by owner. [Amended 4-9-1990 by Ord. No. 358-90]**

Whenever a water basic main is furnished to a property line, the owners shall pay a standard connection charge and meet the expense of the service line from the basic main to the property line.

**§ 450-3. Violations and penalties. [Amended 4-9-1990 by Ord. No. 358-90]**

A violation of this article is deemed to be a misdemeanor. Any person who violates any provision of this article shall, upon conviction thereof, be subject to a fine not to exceed \$1,000 or imprisonment for a term of not to exceed six months, or both.

**§ 450-4. Additional remedies.**

The Mayor and Council also have the additional enforcement power to file a petition in the Circuit Court for Harford County to secure such appropriate injunctive relief as may be appropriate to compel property owners to connect to directly available municipal water service and to eliminate private domestic water supply systems.

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**98. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).**

**§ 450-4.1. Use of hydrants. [Added 6-11-2012 by Ord. No. 12-O-08]**

- A. No person other than an authorized employee of the City or a member of a fire department acting under orders of his/her proper superior in the performance of his/her duties may operate a fire hydrant unless in possession of a permit from the City.
- B. Except as provided above, fire hydrants may not be used for any purpose except by special permission as defined by the established policy of the Department of Public Works.

**Part 2**  
**[Adopted 4-23-1984 By Ord. No. 290, (Ch. 113, Part 3 Of The 1990 Connection Charges Code)]**

## ARTICLE II **Water and Sewer Connection Charges**

### **§ 450-5. Authorization. [Amended 7-9-1984]**

The City is empowered to make water connection charges and sewer connection charges.

### **§ 450-6. Per-unit charges. [Amended 7-9-1984; 3-9-1992 by Res. No. 394-92]**

One sewer connection charge and one water connection charge shall be paid per living or dwelling unit contained in single-family dwellings, multifamily dwellings, mobile homes, modular homes, two-family dwellings, townhouses, row houses, motels, hotels, apartment buildings and condominiums. In the case of hotels and motels, the connection charges shall be per dwelling room or rental unit. In the case of structures used or to be used for commercial, business or industrial purposes (other than motels and hotels), one sewer connection charge and one water connection charge shall be levied for each retail outlet, wholesale outlet, individual business, store, shop, manufacturing location, industry and/or enterprise, provided that said facility or enterprise is less than 4,000 square feet of gross floor area. A commercial/industrial/business facility or enterprise greater than 4,000 square feet of gross floor area will be levied multiple connection charges based upon maximum peak demand capabilities of the facility.

### **§ 450-7. Time of payment. [Amended 7-9-1984]**

Such water and sewer connection charges shall be paid at the time of application for a building permit or at such other time as designated by the Mayor and Council.

### **§ 450-8. Applicability. [Amended 7-9-1984]**

- A. Water connection charges and sewer connection charges shall be paid where an existing structure or structures to be constructed are connecting to the public water and/or public sewer system.
- B. An existing structure(s) which is currently connected to the public water system prior to the date of this amendment and is applying for a building permit to expand/redevelop/change the use of said structure(s) shall be given one area connection charge credit for each current use established in that structure when calculating new area connection charges, as applicable. **[Added 3-9-1992 by Res. No. 394-92]**

### **§ 450-9. Setting of charges; hearing.**

- A. The Mayor and Council from time to time may set such rates or charges for building permits, zoning certificates, water use charges, sewer use charges, turn-on or turnoff water charges, connection charges for both water and sewer, front-foot assessment charges, garbage and trash collection charges and such other charges not herein specified that may be lawfully made.
- B. At such time as a rate or charge is to be established or changed, then the Mayor and Council shall hold a public hearing at which time interested persons may attend and be heard. Said public hearings shall be advertised on one occasion in a newspaper of general circulation in the City.

**Part 3**  
**[Adopted 3-14-1988 By Ord. No. 303 (Ch. 113, Part 2 Of The 1990**  
**Assessments Code)]**

ARTICLE III  
**Front-Foot Assessments**

**§ 450-10. Levy of assessment.**

The City is empowered to levy front-foot assessments on all properties abutting its sanitary sewer system to provide for the cost of constructing, establishing, extending or altering said system. An annual front-foot assessment at the rate of \$10.78 per foot shall be levied on all properties, improved or unimproved, abutting on a street, road, alley or right-of-way in which sanitary sewer main is laid as part of the extension of the sanitary sewer system south of U.S. Route 40, except that those properties for which the owners have agreed with the City, prior to the adoption of this Part 3, on another or additional basis of assessment upon their property shall be exempt from the front-foot assessment provided for herein.

**§ 450-11. Collection; interest.**

The first annual assessment shall be collectible during the year that construction is started on the extension of the sanitary sewer system. Interest at the rate of 6% per annum shall be charged on all such annual assessments remaining unpaid on October 1 after such assessment shall be due and payable.

**§ 450-12. Term of assessment.**

All front-foot assessments shall run for an equal term of years; provided, however, that any property owner may, at any time, extinguish the same by payment of the principal balance due, together with interest accrued. Where the property owner desires to extinguish the assessment prior to completion of construction, the City shall estimate the property owner's proportionate share on a front-foot basis which, together with interest at the rate of 6% per annum from the date of levy, shall be the amount required for extinguishment. In estimating the cost for purposes of extinguishment, the City may add thereto a reasonable margin to protect itself against possible increases in the cost of construction.

**§ 450-13. Lien.**

The assessments provided for herein shall be and constitute a lien upon the property chargeable with the same until paid. The City is empowered to enforce such lien by an action at law or equity, together with interest accrued and its reasonable costs of collection in the event that such annual assessment is not paid when due.

**§ 450-14. Nonabutting property.**

The City shall, at any time, permit a connection with a sanitary sewer main by a property owner whose property does not abut on the street, road, alley or right-of-way in which such sanitary sewer main has been built and who has not previously thereto paid a front-foot benefit assessment for the construction of such sanitary sewer main, provided that the City shall determine a front-foot assessment to be paid by such property owner as though the property abutted upon such sanitary sewer main, and such property owner and such property as to all assessments and charges shall stand in every respect in the same position as if the property abutted on the street, road, alley or right-of-way in which the sanitary sewer main has been built.

**§ 450-15. Deficit procedures.**

If, for any year, it shall appear to the City that the extension of the sanitary sewer system will not be financially self-supporting based upon the rate of assessment provided for herein, the amount of the deficit shall be determined and each property owner with assessable frontage property will be charged the proportion of the deficit represented by the number of assessable feet frontage of such property as compared with the total assessable frontage of all properties benefited by the extension. Such charge shall be added to the annual assessments for such properties and shall be due and collectible in the same manner as herein provided for front-foot assessments and shall constitute a lien upon all properties chargeable with the same until paid.

**§ 450-16. Amendments.**

The City may, from time to time, change, amend or adjust the front-foot assessment provided for herein. A public hearing on such change, amendment or adjustment shall be held, at which time interested persons may attend and be heard. Said public hearing shall be advertised in a newspaper of general circulation in the City.

**§ 450-17. Assessment separate from other charges.**

The assessments provided for herein are and shall be in addition to, and not in substitution of, any other charges, taxes or assessments, including sewer connection and service charges, levied by the City.



**Part 4**  
**[Adopted 1-22-1996 By Ord. No. 449-95 (Ch. 113, Part 1 Of The**  
**1990 Code)]**  
**Sewer Use**

ARTICLE IV  
**General Provisions**

**§ 450-18. Purpose and policy.**

- A. Part 4 of this chapter sets forth uniform requirements for users of the publicly owned treatment works for the City of Aberdeen and enables the City of Aberdeen to comply with all applicable state and federal laws, including the Clean Water Act (33 U.S.C. § 1251 et seq.) and the General Pretreatment Regulations (40 CFR 403). The objectives of this Part 4 are:
- (1) To prevent the introduction of pollutants into the publicly owned treatment works that will interfere with its operation.
  - (2) To prevent the introduction of pollutants into the publicly owned treatment works that will pass through the publicly owned treatment works inadequately treated, into receiving waters, or otherwise be incompatible with the publicly owned treatment works.
  - (3) To protect both publicly owned treatment works personnel who may be affected by wastewater and sludge in the course of their employment and the general public.
  - (4) To promote reuse and recycling of industrial wastewater and sludge from the publicly owned treatment works.
  - (5) To provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the publicly owned treatment works.
  - (6) To enable the City of Aberdeen to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the publicly owned treatment works is subject.
- B. This Part 4 shall apply to all users of the publicly owned treatment works. This Part 4 authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

**§ 450-19. Administration.**

Except as otherwise provided herein, the Director shall administer, implement, and enforce the provisions of this Part 4. Any powers granted

to or duties imposed upon the Director may be delegated by the Director to other City personnel.

#### **§ 450-20. Abbreviations.**

The following abbreviations, when used in this Part 4, shall have the designated meanings:

BOD	Biochemical oxygen demand
CFR	Code of Federal Regulations
COD	Chemical oxygen demand
EPA	United States Environmental Protection Agency
gpd	Gallons per day
mg/l	Milligrams per liter
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly owned treatment works
RCRA	Resource Conservation and Recovery Act
SIC	Standard industrial classification
TSS	Total suspended solids
U.S.C.	United States Code

#### **§ 450-21. Definitions.**

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Part 4, shall have the meanings hereinafter designated:

ACT or THE ACT — The Federal Water Pollution Control Act, also known as the "Clean Water Act," as amended, 33 U.S.C. § 1251 et seq.

APPROVAL AUTHORITY — The State of Maryland.

AUTHORIZED REPRESENTATIVE OF THE USER —

A. If the user is a corporation:

- (1) The president, secretary, treasurer or a vice president of the corporation in charge of a principal business function or any other person who performs similar policy or decisionmaking functions for the corporation; or
- (2) The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000 (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- B. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- C. If the user is a federal, state or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee.
- D. The individuals described in Subsections A through C above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City of Aberdeen.

BIOCHEMICAL OXYGEN DEMAND or BOD — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20° C., usually expressed as a concentration in mg/l.

BUILDING DRAIN — That part of the lowest 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.

BUILDING SEWER (also called "house connection") — The extension from the building drain to the public sewer or other place of disposal. The building sewer begins five feet outside the inner face of the building wall.

CATEGORICAL PRETREATMENT STANDARD or CATEGORICAL STANDARD — Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405 to 471.

CITY — The City of Aberdeen.

COMBINED SEWER — A sewer intended to receive both wastewater and storm runoff or surface water.

DIRECTOR — The Director of Public Works of Aberdeen or his duly authorized representative; the person designated by the City to supervise the operation of the POTW and who is charged with certain duties and responsibilities by this Part 4, or a duly authorized representative.

EASEMENT — An acquired legal right for the specific use of land owned by others.

ENGINEER — A registered professional engineer licensed to practice in the State of Maryland.

ENVIRONMENTAL PROTECTION AGENCY or EPA — The United States Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director or other duly authorized official of said agency.

EXISTING SOURCE — Any source of discharge, the construction or operation of which commenced prior to the publication by the EPA of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

FREE-FLOATING OIL — Any oil which can be separated from water by gravity.

GARBAGE — The animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

GRAB SAMPLE — A sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.

HEXANE-SOLUBLE MATERIALS — Fats, greases or oils extractable from wastes in accordance with methods outlined in Standard Methods.

INDIRECT DISCHARGE or DISCHARGE — The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c) or (d) of the Act.

INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE LIMIT — The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

INTERFERENCE — A discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal and therefore is a cause of a violation of the City's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder or any more stringent state or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II, commonly referred to as the "Resource Conservation and Recovery Act (RCRA)"; any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

MEDICAL WASTE — Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

NATURAL OUTLET — Any outlet, including storm drains and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

## NEW SOURCE —

- A. Any building, structure, facility or installation from which there is a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
- (1) The building, structure, facility or installation is constructed at a site at which no other source is located;
  - (2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - (3) The production or wastewater-generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
- B. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of Subsection A(2) or (3) above but otherwise alters, replaces or adds to existing process or production equipment.
- C. Construction of a new source as defined under this section has commenced if the owner or operator has:
- (1) Begun, or caused to begin, as part of a continuous on-site construction program:
    - (a) Any placement, assembly or installation of facilities or equipment; or
    - (b) Significant site preparation work, including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or
  - (2) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this subsection.

NONCONTACT COOLING WATER — Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product.

PASS-THROUGH — A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, are a cause of a violation of any requirement of the City's NPDES permit, including an increase in the magnitude or duration of a violation.

PERSON — Any individual, partnership, copartnership, firm, company, corporation, association, joint-stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents or assigns. This definition includes all federal, state and local governmental entities.

pH — A measure of the acidity or alkalinity of a solution, expressed in standard units.

POLLUTANT — Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity or odor).

PRETREATMENT — The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical or biological processes, by process changes, or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

PRETREATMENT REQUIREMENTS — Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

PRETREATMENT STANDARDS or STANDARDS — Prohibited discharge standards, categorical pretreatment standards, and local limits.

PROHIBITED DISCHARGE STANDARDS or PROHIBITED DISCHARGES — Absolute prohibitions against the discharge of certain substances; these prohibitions appear in § 450-43 of this Part 4.

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 in any dimension.

PUBLICLY OWNED TREATMENT WORKS or POTW — A treatment works, as defined by Section 212 of the Act (33 U.S.C. § 1292), which is owned by the City of Aberdeen. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

PUBLIC SEWER — A common sewer controlled by a governmental agency or public utility.

SANITARY SEWER — A sewer that carries wastewater from residences, commercial buildings, industrial plants or institutions.

SANITARY WASTES — All wastewater discharged from residences and wastewater discharged from the domestic plumbing facilities of commercial and industrial places of business.

SEPTIC TANK WASTE — Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks.

SEWAGE — Human excrement and gray water (household showers, dishwashing operations, etc.).

SEWER — A pipe or conduit that carries wastewater or drainage water.

SIGNIFICANT INDUSTRIAL USER —

A. A user subject to categorical pretreatment standards; or

B. A user that:

- (1) Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
- (2) Contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
- (3) Is designated as such by the City of Aberdeen on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

C. Upon a finding that a user meeting the criteria in Subsection B has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City of Aberdeen may at any time, on its own initiative or in response to a petition received from a user and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

SLUG LOAD or SLUG — Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in § 450-43 of this Part 4.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE — A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

STORM DRAIN or STORM SEWER — A drain or sewer for conveying surface water, groundwater, subsurface water or unpolluted water from any source.

STORMWATER — Any flow occurring during or following any form of natural precipitation and resulting from such precipitation, including snowmelt.

SUSPENDED SOLIDS — The total suspended matter that floats on the surface of or is suspended in water, wastewater or other liquid and which is removable by laboratory filtering.

USER or INDUSTRIAL USER — A source of indirect discharge.

WASTEWATER — Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

WASTEWATER TREATMENT PLANT or TREATMENT PLANT — That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.



## ARTICLE V

**Use of Public Sewers Required****§ 450-22. Unlawful deposits.**

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 City or in any area under the jurisdiction of said City any human or animal excrement, garbage or wastewater.

**§ 450-23. Unlawful discharges.**

It shall be unlawful to discharge to any natural outlet within the City or in any area under the jurisdiction of said City any wastewater or polluted substances, except where permitted by the Maryland Department of the Environment (MDE) and when possessing a National Pollutant Discharge Elimination System discharge permit for the discharge to the waters of the state.

**§ 450-24. Unlawful facilities.**

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 wastewater or fecal matter.

**§ 450-25. Connection required.<sup>99</sup>**

The owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the City and abutting any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City is hereby required at the owner's expense to install suitable facilities to receive sanitary wastes therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Part 4 within 90 days after official notice to do so, provided that said public sewer is within 200 feet of the owner's property line.

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**99. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).**



ARTICLE VI  
**Private Wastewater Disposal**

**§ 450-26. Condition for use of private system.**

Where a public sanitary or combined sewer is not available under the provisions of § 450-25, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this article.

**§ 450-27. Permit required.**

Before commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit signed by the Director and approved by the City. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by plans and specifications prepared by an engineer and other information as deemed necessary by the Director. A permit fee and inspection fee in accordance with Part 2, Connection Charges, of this chapter shall be paid to the City at the time the application is filed. Plans and specifications review and site, construction or other inspection as deemed necessary by the Director shall be performed by an engineer selected by the City. All costs for said plans and specifications review and inspections shall be paid by the private owner.

**§ 450-28. Inspection.**

A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Director. The Director shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the Director when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within two working days of the receipt of notice by the Director.

**§ 450-29. Compliance with state standards required.**

The type, capacities, location and layout of a private wastewater disposal system shall comply with all requirements of the Department of the Environment of the State of Maryland. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than two acres. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

**§ 450-30. Time limit for connection to public sewer.<sup>100</sup>**

At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in § 450-25, a direct connection shall be made to the public sewer within 90 days in compliance

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<sup>100</sup>Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

with this Part 4, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and abandoned in accordance with the requirements of the State of Maryland.

**§ 450-31. Sanitary operation required.<sup>101</sup>**

The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the City. Solid and liquid contents of private disposal systems shall be removed when necessary and disposed of in accordance with the regulations of the State Department of the Environment.

**§ 450-32. Authority of county and state officials.**

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the County or State Health Officer.

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**101**Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

ARTICLE VII  
**Building Sewers and Connections**

**§ 450-33. Permit required.**

No authorized person(s) 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 Director.

**§ 450-34. Classes of permits; application materials; fee.**

A. There shall be two classes of building sewer permits:

- (1) For residential and commercial service.
- (2) For service to establishments producing industrial wastes.

B. In either case, the owner(s) 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 necessary in the judgment of the Director. A permit and inspection fee in accordance with Part 2, Connection Charges, of this chapter for a residential, commercial or industrial building sewer permit, as applicable, shall be paid to the City at the time the application is filed. Plans and specifications review and site, construction or other inspection as deemed necessary by the Director shall be performed by an engineer selected by the City. All costs for said plans and specifications review and inspections as determined by the Director shall be paid by the private owner.

**§ 450-35. Costs borne by owner.**

All costs and expenses incidental to the installation and connection of the building sewer and public service lateral to the public sewer shall be borne by the owner(s). The owner(s) shall indemnify the City for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. Public service lateral or sewer service connection fees shall be in accordance with Chapter A550, Fees, of this Code.

**§ 450-36. Separate building sewers required.**

A separate and independent building sewer shall be provided for every building. The City shall permit double sewer service connections with written permission from the Director.

**§ 450-37. Use of old building sewers.**

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Director, to meet all requirements of this Part 4.

**§ 450-38. Conformance of construction to building standards.**

The size, slope, alignment and materials of construction of a building sewer, the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench and the connection of the building to the public sewer shall all conform to the requirements of the Building and Plumbing Codes and the Harford County Standard Specifications and Details for Water and Sewer or other applicable rules and regulations of the City.

**§ 450-39. Elevations of building drains and sewer.**

Whenever possible, the building sewer shall be brought to the building at an elevation below the lowest floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary wastes carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

**§ 450-40. Disposal of polluted surface drainage.**

No person(s) shall make connection of roof downspouts, foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer unless such connection is approved, in writing, by the Director for purposes of disposal of polluted surface drainage.

**§ 450-41. Inspection upon completion.**

The applicant for the building sewer permit shall notify the Director when the building sewer is ready for inspection and connection to the public service lateral. The connection and testing shall be made under the supervision of the Director or his authorized representative.

**§ 450-42. Marking of hazards; disturbance of property.**

- A. All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard.
- B. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

ARTICLE VIII  
**General Sewer Use Requirements**

**§ 450-43. Prohibited discharge standards.**

- A. General prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass-through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state or local pretreatment standards or requirements.
- B. Specific prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances or wastewater:
- (1) Pollutants which create a fire or explosive hazard in the POTW, including but not limited to waste streams with a closed-cup flash point of less than 140° F. (60° C.) using the test methods specified in 40 CFR 261.21.
  - (2) Wastewater having a pH less than 5.0 or more than 10.0 or otherwise causing corrosive structural damage to the POTW or equipment or personnel of the POTW.
  - (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference.
  - (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.
  - (5) Wastewater having a temperature greater than 150° F. (65° C.) or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104° F. (40° C.).
  - (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through.
  - (7) 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.
  - (8) Noxious or malodorous liquids, gases, solids or other wastewater which, either singly or by interaction with other wastes, is sufficient to create a public nuisance or a hazard to life or to prevent entry into the sewers for maintenance or repair.
  - (9) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to

the treatment plant's effluent, thereby violating the City of Aberdeen's NPDES permit.

- (10) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations.
  - (11) Stormwater, surface water, groundwater, artisan well water, roof runoff, subsurface drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Director.
  - (12) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater facilities.
  - (13) Medical wastes, sludges, screenings or other residues from the pretreatment of industrial wastes, except as specifically authorized by Director in an industrial treatment permit.
  - (14) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
  - (15) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW.
  - (16) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than 50% or any single reading over 10% of the lower explosive limit of the meter.
  - (17) Containing wastes which are not amenable to biological treatment or reduction in existing treatment facilities, specifically nonbiodegradable complex carbon compounds.
  - (18) Trucked or hauled pollutants, except at discharge points designated by the Director and in accordance with § 450-55 of this Part 4.
- C. Pollutants, substances or wastewater prohibited by this section shall not be processed or stored in such a manner that it could be discharged to the POTW.

#### **§ 450-44. Restricted discharges; additional standards.**

The following described substances, materials, waters, pollutants or wastes shall be limited in discharges to municipal systems 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 or create a hazard in the disposal of sludges generated at the wastewater treatment plant; or will not otherwise endanger lives, limb or public property or constitute a nuisance. The Director may set limitations lower than the limitations established in the regulations below if, in his opinion, such more restrictive limitations are necessary to meet the above



objectives. In forming his opinion as to the acceptability, 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, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, method of sludge treatment and disposal and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewer shall be as follows:

- A. Wastewater shall have a temperature not higher than 104° F. (40° C.).<sup>102</sup>
- B. Wastewater containing free or emulsified hexane soluble materials that are not readily biodegradable shall be limited on analysis to an average of 100 mg/l of total concentration. Where oils or greases are of the nature that they may solidify at temperatures of normal sewage or could create problems in the operation of the wastewater treatment works, additional restrictions may be imposed.
- C. Any garbage that has not been properly shredded (see § 450-21). 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.
- D. Quantities of flow or concentrations, or both, which constitute a "slug" as defined herein.
- E. Concentrated dye waste or other wastes high in color which are sufficiently strong to affect the color of the treatment plant effluent.
- F. Wastewaters containing permissible constituents with BOD, suspended solids, phosphorus or nitrogen in quantities that could cause operational problems at the wastewater treatment plant or exceed the treatment plant design capacity for any of the listed flow constituents.
- G. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- H. Any waters or wastes which, by interaction with other waters or wastes in the public sewer system, form suspended solids which interfere with the collection system or create a condition deleterious to structures and

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**102**Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

treatment processes, unless otherwise shown by a technical evaluation of the specific wastes.

**§ 450-45. Control of discharges.**

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 § 450-44 of this article and which, in the judgment of the Director, may have a deleterious effect upon the wastewater facilities, processes, equipment, residual sludges or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Director may:

- A. Prohibit the wastes from being discharged to the public sewers.
- B. Require pretreatment to an acceptable condition for discharge to the public sewers.
- C. Require a permit to control the quantities and rates of discharge and/or require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

**§ 450-46. Discharge of stormwater and unpolluted water.**

Stormwater other than that exempted under § 450-43 and all other unpolluted water shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Director and other regulatory agencies. Unpolluted industrial cooling water or process waters may not be discharged to a storm sewer or natural outlet unless the industry has a National Pollutant Discharge Elimination System discharge permit which is issued by the Maryland Department of the Environment.

**§ 450-47. Provision of structure to monitor wastes.**

When required by the Director, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure, together with such necessary meters and other appurtenances, in the building sewer to facilitate observation, sampling and measurement of the wastes. Such structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Director. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible to the Director at all times.

**§ 450-48. National categorical pretreatment standards.**

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405 to 471 are hereby incorporated.

- A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater,

the Director may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

- B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Director shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).
- C. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by the EPA when developing the categorical pretreatment standard.
- D. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

#### **§ 450-49. State pretreatment standards.**

State pretreatment standards found at Code of Maryland Regulations Title 26, Department of Environment, Subtitle 08, Water Pollution, Chapter 08, titled "Pretreatment Requirements to Control Industrial Users of Publicly Owned Treatment Works," are hereby incorporated.

#### **§ 450-50. Local limits.**

- A. The following pollutant limits are established to protect against pass-through and interference. No person shall discharge wastewater containing in excess of the following instantaneous maximum allowable and average daily discharge limits: **[Amended 4-30-2007 by Ord. No. 723-07]**

	<b>Instantaneous Maximum Allowable</b>	<b>Daily Average</b>
<b>Pollutant</b>	<b>(mg/l)</b>	<b>(mg/l)</b>
Arsenic	n/a	n/a
Benzene	n/a	n/a
Beryllium	n/a	n/a
Biochemical oxygen demand	300	200
Cadmium	n/a	n/a
Chromium, total	n/a	n/a
Copper	n/a	n/a
Cyanide	n/a	n/a
Flow (mgd)	*	*
Lead	n/a	n/a

<b>Pollutant</b>	<b>Instantaneous Maximum Allowable</b>	<b>Daily Average</b>
	<b>(mg/l)</b>	<b>(mg/l)</b>
Mercury	n/a	n/a
Metals, total	n/a	n/a
Nickel	n/a	n/a
Oil and grease	300	100
Phenols, total	n/a	n/a
Selenium	n/a	n/a
Silver	n/a	n/a
Suspended solids	300	200
Zinc	n/a	n/a

\* Limits to be set on a case-by-case basis when a permit is issued.

- B. The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The Director may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

#### **§ 450-51. Right of revision.**

- A. The City of Aberdeen reserves the right to establish, by ordinance, wastewater discharge permits with more stringent standards or requirements on discharges to the POTW.
- B. Nothing in this section shall be construed as preventing any special agreement or permit between the City and any user, including waste haulers, whereby wastewater of unusual character is accepted for treatment should such wastewater be deemed by the City to be acceptable for treatment without harm to the POTW or people operating it, provided that the special agreement or permit does not allow a violation of any appropriate federal pretreatment and/or state requirements.

#### **§ 450-52. Dilution.**

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Director may impose mass limitations on users which are

using dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitations is appropriate.



ARTICLE IX  
**Pretreatment of Wastewater**

**§ 450-53. Pretreatment facilities.**

- A. Users shall provide wastewater treatment as necessary to comply with this Part 4 and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Article VIII of this Part 4 within the time limitation specified by the EPA, the state or the Director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Director for review and shall be acceptable to the Director before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City of Aberdeen under the provisions of this Part 4. Plans and specifications review and site, construction or other inspection as deemed necessary by the Director shall be performed by an engineer selected by the City. All costs for said plans and specifications review and inspections as determined by the Director shall be paid by the private owner.
- B. Whenever deemed necessary, the Director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and impose such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this Part 4.
- C. The Director may require any person discharging into the POTW to install and maintain, on his property and at his expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- D. Grease, oil and sand interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil or sand, except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the Director and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned and repaired regularly, as needed, by the user at its expense.
- E. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

**§ 450-54. Accidental discharge/slug control plans.**

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. An accidental discharge/slug control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including nonroutine batch discharges.
- B. Description of stored chemicals.
- C. Procedures for immediately notifying the Director of any accidental or slug discharge, as required by § 450-75 of this Part 4.
- D. 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.

**§ 450-55. Hauled wastewater.**

- A. Septic tank waste may not be introduced into the POTW.
- B. The Director shall require generators of hauled industrial waste to obtain a wastewater discharge permit. The Director also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this Part 4.
- C. Industrial waste haulers may discharge loads only at locations designated by the Director. No load may be discharged without prior consent of the Director. The Director may collect samples of each hauled load to ensure compliance with applicable standards. The Director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- D. Industrial waste haulers must provide a waste tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.



## ARTICLE X

**Wastewater Discharge Permit Application****§ 450-56. Authority of Director to request information; permit required.**

- A. When requested by the Director, a user must submit information on the nature and characteristics of its wastewater within 10 days of the request. The Director is authorized to prepare a form for this purpose and may periodically require users to update this information.
- B. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Director, except that a significant industrial user that has filed a timely application pursuant to § 450-57 of this article may continue to discharge for the time period specified therein.
- C. The Director may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this Part 4.
- D. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Part 4 and subjects the wastewater discharge permittee to the sanctions set out in Article XIII through XVII of this Part 4. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state and local law.

**§ 450-57. Permits for existing connections.**

Any user required to obtain a wastewater discharge permit which was discharging wastewater into the POTW prior to the effective date of this Part 4 and which wishes to continue such discharges in the future shall, within 60 days after said date, apply to the Director for a wastewater discharge permit in accordance with § 450-59 of this article and shall not cause or allow discharges to the POTW to continue after 90 days of the effective date of this Part 4 except in accordance with a wastewater discharge permit issued by the Director.

**§ 450-58. Permits for new connections.**

Any user required to obtain a wastewater discharge permit which proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with § 450-59 of this article, must be filed at least 90 days prior to the date upon which any discharge will begin or recommence.

**§ 450-59. Application for permit.**

- A. All users required to obtain a wastewater discharge permit must submit a permit application. The Director may require all users to submit as part of an application the following information:
- (1) All information required by § 450-70B of this Part 4.
  - (2) Description of activities, facilities and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are or could accidentally or intentionally be discharged to the POTW.
  - (3) Number and type of employees, hours of operation, and proposed or actual hours of operation.
  - (4) Each product produced by type, amount, process or processes, and rate of production.
  - (5) Type and amount of raw materials processed (average and maximum per day).
  - (6) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.
  - (7) Time and duration of discharges.
  - (8) Any other information as may be deemed necessary by the Director to evaluate the wastewater discharge permit application.
- B. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

**§ 450-60. Application signatories and certification.**

All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

"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."

**§ 450-61. Action on application.**

The Director will evaluate the data furnished by the user and may require additional information. Within 30 days of receipt of a complete wastewater discharge permit application, the Director will determine whether or not

to issue a wastewater discharge permit. The Director may deny any application for a wastewater discharge permit.



## ARTICLE XI

**Wastewater Discharge Permit Issuance****§ 450-62. Permit duration.**

A wastewater discharge permit shall be issued for a specified time period, not to exceed five years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five years, at the discretion of the Director. Each wastewater discharge permit will indicate a specific date upon which it will expire.

**§ 450-63. Permit contents. [Amended 4-30-2007 by Ord. No. 723-07]**

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 water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

**§ 450-64. Appeals.**

The Director shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the Director to reconsider the terms of a wastewater discharge permit within 10 days of notice of its issuance.

- A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- B. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- C. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- D. If the Director fails to act within seven days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
- E. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Circuit Court for Harford County within 30 days of the final administrative decision on the wastewater discharge permit.

**§ 450-65. Modification of permit.**

The Director may modify a wastewater discharge permit for good cause, including but not limited to the following reasons:

- A. To incorporate any new or revised federal, state or local pretreatment standards or requirements.
- B. To address significant alterations or additions to the user's operation, processes or wastewater volume or character since the time of wastewater discharge permit issuance.
- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- D. Information indicating that the permitted discharge poses a threat to the City's POTW, the City of Aberdeen's personnel, or the receiving waters.
- E. Violation of any terms or conditions of the wastewater discharge permit.
- F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting.
- G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13.
- H. To correct typographical or other errors in the wastewater discharge permit.
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator, as provided in § 450-66.

**§ 450-66. Permit transfer.**

- A. Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 90 days' advance notice to the Director and the Director approves the wastewater discharge permit transfer. The notice to the Director must include a written certification by the new owner or operator which:
  - (1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes.
  - (2) Identifies the specific date on which the transfer is to occur.
  - (3) Acknowledges full responsibility for complying with the existing wastewater discharge permit.
- B. Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

**§ 450-67. Permit revocation.**

- A. The Director may revoke a wastewater discharge permit for good cause, including but not limited to the following reasons:
- (1) Failure to notify the Director of significant changes to the wastewater prior to the changed discharge.
  - (2) Failure to provide prior notification to the Director of changed conditions pursuant to § 450-74 of this Part 4.
  - (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.
  - (4) Falsifying self-monitoring reports.
  - (5) Tampering with monitoring equipment.
  - (6) Refusing to allow the Director timely access to the facility premises and records.
  - (7) Failure to meet effluent limitations.
  - (8) Failure to pay fines.
  - (9) Failure to pay sewer charges.
  - (10) Failure to meet compliance schedules.
  - (11) Failure to complete a wastewater survey or the wastewater discharge permit application.
  - (12) Failure to provide advance notice of the transfer of business ownership of a permitted facility.
  - (13) Violation of any pretreatment standard or requirement or any terms of the wastewater discharge permit or this Part 4.
- B. Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

**§ 450-68. Permit reissuance.**

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with § 450-59 of this Part 4, a minimum of 90 days prior to the expiration of the user's existing wastewater discharge permit.

**§ 450-69. Waste received from other jurisdictions.**

- A. If another municipality, or a user located within another municipality, contributes wastewater to the POTW, the Director shall enter into an intermunicipal agreement with the contributing municipality or enter

into an agreement with the user which is located outside the City of Aberdeen limits.

- B. Prior to entering into an agreement required by Subsection A above, the Director shall request the following information from the contributing municipality or user:
  - (1) A description of the quality and volume of wastewater discharged to the POTW.
  - (2) An inventory of all users located within the contributing municipality that are discharging to the POTW.
  - (3) Such other information as the Director may deem necessary.
- C. Aberdeen has the right to take legal action to enforce the terms of the contributing municipality's ordinance or to impose and enforce pretreatment standards and requirements directly against noncompliant dischargers in the event the contributing jurisdiction is unable or unwilling to take such action.



ARTICLE XII  
**Reporting Requirements**

**§ 450-70. Baseline monitoring reports.**

- A. Within either 180 days after the effective date of a categorical pretreatment standard or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Director a report which contains the information listed in Subsection B below. At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Director a report which contains the information listed in Subsection B below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Users described above shall submit the information set forth below:
- (1) Identifying information. The name and address of the facility, including the name of the operator and owner.
  - (2) Environmental permits. A list of any environmental control permits held by or for the facility.
  - (3) Description of operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
  - (4) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).
  - (5) Measurement of pollutants.
    - (a) The categorical pretreatment standards applicable to each regulated process.
    - (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in § 450-79 of this article.

- (c) Sampling must be performed in accordance with procedures set out in § 450-80 of this article.
- (6) Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether 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 to meet the pretreatment standards and requirements.
- (7) Compliance schedule. 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 and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this subsection must meet the requirements set out in § 450-71 of this article.
- (8) Signature and certification. All baseline monitoring reports must be signed and certified in accordance with § 450-60 of this Part 4.

#### **§ 450-71. Compliance schedule progress reports.**

The following conditions shall apply to the compliance schedule required by § 450-70B(7) of this article:

- A. The schedule shall contain progress increments in the form of dates 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 (such events include but are not limited to hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation).
- B. No increment referred to above shall exceed nine months.
- C. The user shall submit a progress report to the Director no later than 14 days following each date in the schedule and the final date of compliance, including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay and, if appropriate, the steps being taken by the user to return to the established schedule.
- D. In no event shall more than nine months elapse between such progress reports to the Director.

#### **§ 450-72. Reports on compliance with categorical pretreatment standard deadline.**

Within 90 days following the date for final compliance with applicable categorical pretreatment standards or, in the case of a new source,

following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Director a report containing the information described in § 450-70B(4) through (6) of this article. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with § 450-60 of this Part 4.

**§ 450-73. Periodic compliance reports.**

- A. All significant industrial users shall, at a frequency determined by the Director but in no case less than twice per year, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with § 450-60 of this Part 4. **[Amended 4-30-2007 by Ord. No. 723-07]**
- B. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- C. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Director, using the procedures prescribed in § 450-80 of this article, the results of this monitoring shall be included in the report.

**§ 450-74. Reports of changed conditions.**

Each user must notify the Director of any planned significant changes to the user's operations or system which might alter the nature, quality or volume of its wastewater at least 90 days before the change.

- A. The Director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 450-59 of this Part 4.
- B. The Director may issue a wastewater discharge permit under § 450-61 of this Part 4 or modify an existing wastewater discharge permit under § 450-65 of this Part 4 in response to changed conditions or anticipated changed conditions.

- C. For purposes of this requirement, significant changes include but are not limited to flow increases of 25% or greater and the discharge of any previously unreported pollutants.

**§ 450-75. Reports of potential problems.**

- A. In the case of any discharge, including but not limited to accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the POTW Superintendent and the Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- B. Within five days following such discharge, the user shall, unless waived by the Director, submit a detailed written report describing the cause(s) 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 insured as a result of damage to the POTW or natural resources or any other damage to person or property, nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this Part 4.
- C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in Subsection A above. Employers shall ensure that all employees who may cause such a discharge to occur are advised of the emergency notification procedure.

**§ 450-76. Reports from unpermitted users.**

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Director as the Director may require.

**§ 450-77. Notice of violation; repeat sampling and reporting.**

If sampling performed by a user indicates a violation, the user must notify the POTW Superintendent 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 Superintendent within 30 days after becoming aware of a violation. The user is not required to resample if the Superintendent monitors at the user's facility at least once a month or if the Superintendent samples between the user's initial sampling and when the user receives the results of this sampling.

**§ 450-78. Notification of discharge of hazardous waste.**

- A. The City prohibits the discharge of hazardous wastes, as defined under 40 CFR Part 261, into the POTW.

- B. 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, and within 90 days of the effective date of such regulations the discharge shall cease.

**§ 450-79. Analytical requirements.**

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.

**§ 450-80. Sample collection.**

- A. Except as indicated in Subsection B 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.
- B. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides and volatile organic compounds must be obtained using grab collection techniques.

**§ 450-81. Submission dates.**

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

**§ 450-82. Recordkeeping.**

Users subject to the reporting requirements of this Part 4 shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Part 4 and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall

remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the City of Aberdeen or where the user has been specifically notified of a longer retention period by the Director.

ARTICLE XIII  
**Compliance Monitoring**

**§ 450-83. Right of entry; inspection and sampling.**

The Director shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this Part 4 and any wastewater discharge permit or order issued hereunder. Users shall allow the Director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Director will be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Director shall have the right to set up on the user's property, or require installation of, at the user's expense, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- C. The Director may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Director and shall not be replaced. The costs of clearing such access shall be borne by the user.
- E. Unreasonable delays in allowing the Director access to the user's premises shall be a violation of this Part 4.

**§ 450-84. Observance of safety; liability.**

While performing the necessary work on private properties referred to in § 450-83 above, the Director or duly authorized employees 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 to or death of the City employees. The City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the flow measurement and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 450-83.

**§ 450-85. Entry and work in easements.**

The Director and other duly authorized employees 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 wastewater facilities 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 property involved.

**§ 450-86. Search warrants.**

If the Director has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Part 4, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this Part 4 or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Director may seek issuance of a search warrant from the Circuit Court of Harford County.



ARTICLE XIV  
**Confidential Information**

**§ 450-87. Availability of data; request for confidentiality.**

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permit, and monitoring programs, and from the Director's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests and is able to demonstrate to the satisfaction of the Director that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, 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 immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined by 40 CFR 2.302, will not be recognized as confidential information and will be available to the public without restriction.

**§ 450-88. Publication of users in significant noncompliance.**

The Director shall publish annually, in the largest daily newspaper published in the City of Aberdeen, a list of the users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term "significant noncompliance" shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of wastewater measurements taken during a six-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount.
- B. Technical review criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease and 1.2 for all other pollutants except pH).
- C. Any other discharge violation that the Director believes has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of POTW personnel or the general public.

- D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment or has resulted in the Director's exercise of its emergency authority to halt or prevent such a discharge.
- E. Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.
- F. Failure to provide, within 30 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules.
- G. Failure to accurately report noncompliance.
- H. Any other violation(s) which the Director determines will adversely affect the operation or implementation of the local pretreatment program.

## ARTICLE XV

**Administrative Enforcement Remedies****§ 450-89. Notice of violation.**

When the Director finds that a user has violated or continues to violate any provision of this Part 4, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director may serve upon that user a written notice of violation. Within seven days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the Director to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

**§ 450-90. Consent orders.**

The Director may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to §§ 450-92 and 450-93 of this article and shall be judicially enforceable.

**§ 450-91. Show cause hearing.**

The Director may order a user which has violated or continues to violate any provision of this Part 4, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement to appear before the Director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least seven days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

**§ 450-92. Compliance orders.**

When the Director finds that a user has violated or continues to violate any provision of this Part 4, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director may issue an order to the user responsible for the discharge directing that

the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

**§ 450-93. Cease and desist orders.**

- A. When the Director finds that a user has violated or continues to violate any provision of this Part 4, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Director may issue an order to the user directing it to cease and desist all such violations and directing the user to:
  - (1) Immediately comply with all requirements; and
  - (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.
- B. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

**§ 450-94. Damaging or tampering with structures or equipment.**

- A. No person(s) shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the POTW.
- B. A violation of this section is deemed to be a misdemeanor. Any person who violates this section shall, upon conviction thereof, be subject to a fine not to exceed \$1,000 or imprisonment for a term not to exceed six months, or both.

**§ 450-95. Emergency suspensions.**

The Director may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Director may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation

of the POTW or which presents, or may present, an endangerment to the environment.

- A. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW or its receiving stream or endangerment to any individuals. The Director may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless the termination proceedings in § 450-96 of this article are initiated against the user.
- B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Director prior to the date of any show cause or termination hearing under § 450-91 or 450-96 of this article. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

**§ 450-96. Termination of discharge.**

- A. In addition to the provisions in § 450-67 of this Part 4, any user which violates the following conditions is subject to discharge termination:
  - (1) Violation of wastewater discharge permit conditions.
  - (2) Failure to accurately report the wastewater constituents and characteristics of its discharge.
  - (3) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge.
  - (4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling.
  - (5) Violation of the pretreatment standards in Article VIII of this Part 4.
- B. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under § 450-91 of this article why the proposed action should not be taken. Exercise of this option by the Director shall not be a bar to, or a prerequisite for, taking any other action against the user.



ARTICLE XVI  
**Judicial Enforcement Remedies**

**§ 450-97. Injunctive relief.**

When the Director finds that a user has violated or continues to violate any provision of this Part 4, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Director may petition the Circuit Court for Harford County through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order or other requirement imposed by this Part 4 on activities of the user. The Director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

**§ 450-98. Civil penalties.**

- A. A user which has violated or continues to violate any provision of this Part 4, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the City of Aberdeen for a maximum civil penalty of \$1,000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The Director may recover reasonable attorneys' fees, court costs and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City of Aberdeen.
- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including but not limited to the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

**§ 450-99. Criminal prosecution.**

- A. A user which willfully or negligently violates any provision of this Part 4, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement shall, upon 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.

- B. A user which willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and shall be subject to a penalty of at least \$1,000 or be subject to imprisonment for not more than one year, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.
- C. A user which knowingly makes any false statements, representations or certifications in any application, record, report, plan or other documentation filed, or required to be maintained, pursuant to this Part 4, a wastewater discharge permit or order issued hereunder, or which falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Part 4, shall, upon conviction, be punished by a fine of not more than \$1,000 per violation, per day, or imprisonment for not more than one year, or both.
- D. In the event of a second conviction, a user shall be punished by a fine of not more than \$15,000 per violation, per day, or imprisonment for not more than two years, or both.

**§ 450-100. Remedies nonexclusive.**

The remedies provided for in this Part 4 are not exclusive. The Director may take any, all or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the Director may take other action against any user when the circumstances warrant. Further, the Director is empowered to take more than one enforcement action against any noncompliant user.



## ARTICLE XVII

**Supplemental Enforcement Action****§ 450-101. Performance bonds.**

The Director may decline to issue or reissue a wastewater discharge permit to any user which has failed to comply with any provision of this Part 4, a previous wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the City of Aberdeen, in a sum not to exceed a value determined by the Director to be necessary to achieve consistent compliance.

**§ 450-102. Severance of water service.**

Whenever a user has violated or continues to violate any provision of this Part 4, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.



## ARTICLE XVIII

**Affirmative Defenses to Discharge Violations****§ 450-103. Upsets.**

- A. For the purposes of this section, "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 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. All upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of Subsection C below are met.
- C. A user that wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, that:
  - (1) An upset occurred and the user can identify the cause(s) of the upset.
  - (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 user has submitted the following information to the Director within 24 hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five days which includes:
    - (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 and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- E. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- F. A user shall control introduction of 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.

**§ 450-104. Prohibited discharge standards.**

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in § 450-43A of this Part 4 or the specific prohibitions in § 450-43B(3) through (18) of this Part 4 if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass-through or interference and that either:

- A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass-through or interference; or
- B. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the City of Aberdeen was regularly in compliance with its NPDES permit and, in the case of interference, was in compliance with applicable sludge use or disposal requirements.

**§ 450-105. Bypass.**

- A. For the purposes of this section:
  - (1) "Bypass" means the intentional diversion of waste streams from any portion of a user's treatment facility.
  - (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. "Severe property damage" does not mean economic loss caused by delays in production.
- B. A 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 provisions of Subsections C and D of this section.
- C. Notice of bypass.
  - (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Superintendent, at least 10 days before the date of the bypass, if possible.
  - (2) A user shall submit oral notice to the Director of an unanticipated bypass that exceeds applicable pretreatment standards within 24

hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the 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.

D. Conditions for approval of bypass.

- (1) Bypass is prohibited, and the Director may take an enforcement action against a user for a bypass, unless:
  - (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - (b) There were no 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 user submitted notices as required under Subsection C of this section.
- (2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in Subsection D(1) of this section.



## ARTICLE XIX

**Wastewater Treatment Rates, Charges and Fees****§ 450-106. Surcharges.**

- A. Additional payments in the form of a surcharge will be required for any waste or wastewater approved by the Director for discharge to the public sewer that contains greater than the following concentrations of pollutants:

<b>Pollutant</b>	<b>Concentration (mg/l)</b>
BOD	300
Suspended solids	300
Phosphorus	15
TKN	50

- B. The formulas and unit charges for determination of the surcharge shall be as approved by the Mayor and Council.

**§ 450-107. Wastewater discharge permit charges and fees.**

- A. The City of Aberdeen may adopt reasonable fees for reimbursement of costs of setting up and operating the City of Aberdeen's pretreatment program and discharge permit program, which may include:
- (1) Fees for wastewater discharge permit applications, including the cost of processing such applications.
  - (2) Fees for monitoring, inspection and surveillance procedures, including the cost of collecting and analyzing a user's discharge and reviewing monitoring reports submitted by users.
  - (3) Fees for reviewing and responding to accidental discharge procedures and construction.
  - (4) Fees for filing appeals.
  - (5) Other fees as the City of Aberdeen may deem necessary to carry out the requirements contained herein.
- B. These fees relate solely to the matters covered by this Part 4 and are separate from all other fees, fines and penalties chargeable by the City of Aberdeen.





**Part 5**  
~~Adopted 4-12-2019 Ord. No. 10-0-051~~  
**Water And Sewer Recoupment Policy**

ARTICLE XX  
**General Provisions**

**§ 450-108. Applicability.**

The provisions herein apply to the approval and construction of a water or sewer extension or associated facility other than one constructed as part of a capital improvement program of the City of Aberdeen and to establish and collect recoupment fees for purposes of reimbursing developers or property owners for the costs of the construction of water- or sewer lines or associated facilities accepted and incorporated into the utility system of the City of Aberdeen and to be used by others thereafter.

**§ 450-109. Definitions.**

As used in this Part 5, the following terms shall have the meanings indicated:

**ASSOCIATED FACILITY** — An improvement that is used in conjunction with water- or sewer line that provides water or sewer service to a parcel or lot of land, regardless of where the associated facility is located. The term includes a lift station, force main, pump station, storage tank and the like, or an addition to an existing utility that increases the capability of the existing facility to provide water or sewer service.

**CITY** — City of Aberdeen.

**CONSTRUCTION** — With reference to construction of a utility means the actual physical construction of the utility and the designing of, surveying for, or laying out of a utility that occurs before the physical construction of the utility.

**DEVELOPER** — The person, business, corporation, partnership, limited liability company, or unincorporated association responsible for the development of a parcel or lot, and includes the owner or developer.

**DIRECTOR OF DPW** — The Director of the City Department of Public Works, or his or her designee.

**RECOUPMENT FEE** — A charge made against a parcel or lot for purposes of reimbursing the City for an owner's or developer's proportionate share of the costs of extending a water- or sewer line and associated facilities that serve the parcel or lot against which the charge is made.

**SERVICE AREA** — Identifiable lots or parcels of land determined by the Director of DPW to be served by the utility extension and consistent with the Harford County Master Water and Sewer Plan.

**UTILITY AGREEMENT** — A legal document between the City and the person or entity requesting the utility extension that defines the responsibilities

and requirements of the person or entity requesting a utility extension. A utility agreement may not be required at the sole discretion of City.

**UTILITY EXTENSION** — Water- or sewer line or an associated facility that is deemed by the City to be necessary to extend water or sewer service which is consistent with the Harford County Master Water and Sewer Plan.

**UTILITY EXTENSION APPLICATION** — A request in writing to the Director of DPW for construction of an extension of water or sewer service to a parcel or lot or the construction of an associated facility.

**WATER- OR SEWER LINE** — A necessary appurtenance to the City water distribution or sewer collection system. The term includes a valve, manhole, connection, air release, diversion, and other equipment necessary to make the water distribution or sewer collection system operable in compliance with the design criteria and standards in accordance with the Harford County Water and Sewer Division Manual and the City's exceptions and materials listing.

## ARTICLE XXI

**Cost Recoupment and Reimbursement****§ 450-110. Eligible projects.**

A developer or property owner that intends to construct a water- or sewer line or an associated facility that, on acceptance, will become part of the City water and sewer system and which supplies capacity to other existing or new developments may apply to the City to establish recoupment fees to be paid by other users of the facilities within the service area and for the City to reimburse the developer or property owner a proportional amount of the costs of constructing such improvements.

**§ 450-111. Study to determine amount of cost reimbursement.**

The amount of the cost reimbursement for an improvement, if any, shall be based on engineering cost estimates agreed upon in writing by the Director of DPW and the applicant and verified in a study provided by the applicant. The study shall aggregate the costs of associated improvements where feasible. The City may establish guidelines for eligible costs to administer the policy in this section. The study shall contain the following minimum elements:

- A. Identification of the service area and all properties to be served by the water- or sewer lines or associated facilities to be constructed;
- B. Identification of the costs of the utilities to be installed;
- C. Apportionment of the costs of the utilities to be installed among lots, tracts or parcels to be served by the improvements, based upon capacity to be utilized by such properties, using accepted engineering standards and practices;
- D. Calculation of the maximum amount of the costs which are to be reimbursed to the developer or property owner, net of costs attributable to the developer's or property owner's utilization of capacity of the lines or associated facilities; and
- E. Calculation of a recoupment fee to be charged per parcel or lot of land that is to be connected to the water- or sewer lines or associated facilities.

**§ 450-112. Utility agreement required.**

- A. The applicant for approval of a utility agreement must request the establishment of recoupment fees in writing at the time the applicant applies to the Director of DPW of the City for approval of the utility agreement. If the applicant for approval of a utility agreement requests establishment of recoupment fees, the utility agreement shall set forth the terms and conditions of the recoupment fees.

- B. The utility agreement shall include at a minimum the recoupment fee, if any, approved by the Director of DPW, the duration of the right to collect recoupment fees, and provisions for forfeiture of such fees to the City in the event they are not collected by the contracting party and that the utility agreement is binding on the contracting party's personal representatives, successors or assigns.
- C. A utility agreement may be assigned as provided for in the utility agreement.

**§ 450-113. Approval process.**

- A. The Director of DPW of the City shall review each request for cost reimbursement from recoupment fees.
- B. The Director of DPW of the City may approve the study for cost reimbursement from recoupment fees, with or without modifications, only if the Director of DPW, or the City Manager on review of the Director of DPW decision, determines that:
  - (1) The line(s) to be extended or the associated facility is included in the City's capital improvement plan.
  - (2) The size of each proposed line or associated facility complies with the generally accepted engineering practices and other planning criteria of the City and final design and routing will comply with the Harford County Water and Sewer Division Manual and the City's exceptions and materials listing.
  - (3) The study proposing recoupment fees fairly apportions the proposed line or associated facility costs among prospective users of the utilities to be installed.
  - (4) The proposed line or associated facility is a reasonable extension or addition to the water and sewer utility system.
- C. Requests which are not approved by the Director of DPW of the City under Subsection B may be presented to the City Manager for further consideration at the discretion of the Director of DPW.
- D. Upon approval of the request for reimbursement from recoupment fees, any development on or use of property identified in the approved fee study thereafter that connects to or utilizes the capacity of the water- or sewer line or associated facility for which a recoupment fee has been established shall pay the applicable fee. Recoupment fees shall be collected by City before construction commences on any water- or sewer line or associated facility improvements to serve such parcel or lot of land.

**§ 450-114. Conditions of cost reimbursement.**

- A. A developer or property owner constructing a water- or sewer line or an associated facility that is eligible for cost reimbursement from recoupment fees may not receive cost reimbursement payment for the line or facility unless:
- (1) The developer or property owner complies with each requirement or regulation of the City relating to:
    - (a) The public advertising of the water- or sewer line or associated facility;
    - (b) The bidding on the line or facility;
    - (c) A performance or payment bond for the line or facility; and
    - (d) A warranty on the line or facility; and
  - (2) The water- or sewer line or associated facility has been accepted by the City into its utility system.
- B. The developer or property owner constructing the line or associated facility is not entitled to receive a reimbursement payment from recoupment fee proceeds until the developer or property owner submits documentation to the City showing the entity's compliance with each requirement described by Subsection A and the water- or sewer line or associated facility is accepted in writing by the City.
- C. The amount to be eligible for reimbursement to the developer or property owner that constructed the water- or sewer line or associated facility shall be based upon the documentation of the developer's or property owner's actual cost of the construction as submitted to the City and verified by it to be true and accurate.

**§ 450-115. Payment for recoupment fees.**

- A. For a period of 15 years following the City's acceptance of the water- or sewer line or associated facility, the developer or property owner shall be entitled to reimbursement from the proceeds of the recoupment fees established pursuant to this article, up to but not to exceed the actual cost of construction as set forth in § 450-114C. The City may deduct 2% of the amount of recoupment fees collected from the amount of the fees reimbursed to the developer or property owner as an administration fee.
- B. Recoupment fees which have been collected pursuant to the utility agreement shall be paid to the developer or property owner annually no later than October 1 of each year, until the term of the agreement expires. Recoupment fees shall be repaid without interest.
- C. The City may establish one or more recoupment fee accounts for purposes of administering the policies of this article. The City shall deposit all recoupment fees collected pursuant to this article into such account(s). Expenditures from such account(s) shall be earmarked

solely for reimbursement of developers or property owners for the installation of water- or sewer lines or associated facilities for which recoupment fees have been established pursuant to this article.

- D. It shall be the responsibility of the party entitled to the recoupment as set forth in the utility agreement or his or its assignee to provide to the City in writing current contact information. The City will mail reimbursement payments to the last contact of record reflected on its books. In the event that the party entitled to the recoupment or his or its successors or assignees have not collected recoupment payments sent to the contact of record for a period of one year from the date such payments are due pursuant to this article, such accrued amounts shall become the funds of the City for purposes of expenditure on other water or sewer system improvements in the City's sole discretion.

**Chapter 456**

**(RESERVED)**

**Chapter 465**

**STORMWATER MANAGEMENT**

**GENERAL REFERENCES**

**Building construction — See Ch. 210.**

**Sewers and water — See Ch. 450.**

**Development Code — See Ch. 235.**

**Subdivision of land — See Ch. 475.**

**Floodplain management — See Ch. 275.**

**Fees — See Ch. A550.**

**Grading and sediment control — See Ch. 297.**





ARTICLE I  
**General Provisions**

**§ 465-1. Purpose and authority.**

- A. The purpose of this chapter is to protect, maintain, and enhance the public health, safety, and general welfare by establishing 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 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. The provisions of this chapter, pursuant to the Environment Article, Title 4, Subtitle 2, Annotated Code of Maryland, 2009 replacement volume, are adopted under the authority of the City of Aberdeen Code and shall apply to all development occurring within the incorporated area of the City of Aberdeen. The application of this chapter and provisions expressed herein shall be the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other powers granted by state statute.
- C. The City of Aberdeen Department of Public Works shall be responsible for the coordination and enforcement of the provisions of this chapter. 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.

**§ 465-2. 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 all subsequent revisions are incorporated by reference by the City of Aberdeen Department of Public Works and shall serve as the official guide for stormwater management principles, methods, and practices.
- B. United States Department of Agriculture (USDA) Natural Resources Conservation Service Maryland Conservation Practice Standard Pond Code 378 (January 2000).

**§ 465-3. Administrative waivers.**

A. In this section, the following terms have the meanings indicated:

**ADMINISTRATIVE WAIVER** — A decision by the Department of Public Works 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, 2009, in the local jurisdiction where the project will be located. "Administrative waiver" is distinct from a waiver granted pursuant to § 465-7 of this chapter.

**APPROVAL** — A documented action by the Department of Public Works following a review to determine and acknowledge the sufficiency of submitted material to meet the requirements of a specified stage in a local development review process. "Approval" does not mean an acknowledgement by the Department of Public Works that submitted material has been received for review.

**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. "Final project approval" also includes securing bonding or financing for final development plans if either is required as a prerequisite for approval.

**PRELIMINARY PROJECT APPROVAL** — An approval as part of a local preliminary development or planning review process 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;
- (4) A plan that identifies:
  - (a) The proposed drainage patterns;
  - (b) The location of all points of discharge from the site; and
  - (c) The type, location, and size of all stormwater management measures based on site-specific stormwater management requirement computations; and
- (5) Any other information required by the Department of Public Works, 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.

- B. The Department of Public Works may grant an administrative waiver to a development that received a preliminary project approval prior to May 4, 2010. Administrative waivers expire according to Subsection C of this section and may be extended according to Subsection D of this section.
- C. Expiration of administrative waivers.
- (1) Except as provided for in Subsection D of this section, an administrative waiver shall expire on:
    - (a) May 4, 2013, if the development does not receive final project approval prior to that date; or
    - (b) May 4, 2017, if the development receives final project approval prior to May 4, 2013.
  - (2) 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 D of this section, by the expiration date of the waiver extension.
- D. Extension of administrative waivers.
- (1) Except as provided in Subsection D(2) of this section, an administrative waiver shall not be extended.
  - (2) An administrative waiver may only be extended if, by May 4, 2010, the development:
    - (a) Has received a preliminary project approval; and
    - (b) Was subject to a development rights and responsibilities agreement, a tax increment financing approval, or an annexation agreement.
  - (3) Administrative waivers extended according to Subsection D(2) of this section shall expire when the development rights and responsibilities agreement, the tax increment financing approval, or the annexation agreement expires.



ARTICLE II  
**Definitions**

**§ 465-4. Definitions.**

The following definitions are provided for the terms used in this chapter:

**ADMINISTRATION** — The Maryland Department of the Environment (MDE) Water Management Administration (WMA).

**ADVERSE IMPACT** — Any deleterious effect on waters or wetlands, including their 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 who or which executes the necessary forms to procure official approval of a project or a permit to carry out construction of a project.

**APPROVING AGENCY** — The entity responsible for the review and approval of stormwater management plans.

**AQUIFER** — A porous, water-bearing geologic formation generally restricted to materials capable of yielding an appreciable supply of water.

**BEST MANAGEMENT PRACTICE (BMP)** — 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.

**CHANNEL PROTECTION STORAGE VOLUME (C<sub>pv</sub>)** — The volume used to design structural management practices to control stream channel erosion. Methods for calculating the channel protection storage volume are specified in the 2000 Maryland Stormwater Design Manual.

**CLEARING** — The removal of trees and brush from the land, but shall not include the ordinary mowing of grass.

**CONCEPT PLAN** — The first of three required plan approvals that includes the information necessary to allow an initial evaluation of a proposed project.

**DESIGN MANUAL** — The 2000 Maryland Stormwater Design Manual, and all subsequent revisions, that serves 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.

DIRECT DISCHARGE — The concentrated release of stormwater to tidal waters or vegetated tidal wetlands from new development or redevelopment projects in the critical area.

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.

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.

EXTENDED DETENTION — A stormwater design feature that provides gradual release of a volume of water in order to increase settling of pollutants and protect downstream channels from frequent storm events. Methods for designing extended detention BMPs are specified in the Design Manual.

EXTREME FLOOD VOLUME ( $Q_f$ ) — 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 approving agency.

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.

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 — 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.

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 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 and/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 of Public Works 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.



ARTICLE III  
**Applicability**

**§ 465-5. 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 chapter. 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 § 465-8 of this chapter for redevelopment.

**§ 465-6. 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; and
- D. Land development activities that the Administration determines will be regulated under specific state laws which provide for managing stormwater runoff.

**§ 465-7. Waivers; watershed management plans.**

- A. Except as provided in Subsections B and D of this section, the Department of Public Works shall grant stormwater management quantitative control waivers only to those projects within areas where watershed management plans have been developed consistent with Subsection G 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. Except as provided in Subsection D of this section, if watershed management plans consistent with Subsection G 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:
  - (1) Projects that have direct discharges to tidally influenced receiving waters;

- (2) Projects that are in-fill development located in a priority funding area where the economic feasibility of the project is tied to the planned density and where implementation of the 2009 regulatory requirements would result in a loss of the planned development density, provided that:
    - (a) Public water and sewer and stormwater conveyance exist;
    - (b) The quantitative waiver is applied to the project for the impervious cover that previously existed on the site only;
    - (c) ESD to the MEP is used to meet the full water quality treatment requirements for the entire development; and
    - (d) ESD to the MEP is used to provide full quantity control for all new impervious surfaces; or
  - (3) When the approving agency determines that circumstances exist that prevent the reasonable implementation of quantity control practices.
- C. Except as provided in Subsection D of this section, stormwater management qualitative control waivers apply only to:
- (1) In-fill 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 § 465-8 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. Stormwater management quantitative and qualitative control waivers may be granted for phased development projects if a system designed to meet the 2000 regulatory requirements and the Department of Public Works ordinance for multiple phases has been constructed by May 4, 2010. If the 2009 regulatory requirements cannot be met for future phases constructed after May 4, 2010, all reasonable efforts to incorporate ESD in future phases must be demonstrated.
- E. 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 of Public Works waiver policy; and
  - (3) Reasonably ensure the development will not adversely impact stream quality.

- F. If the Department of Public Works has established an overall watershed management plan for a specific watershed, then the Department of Public Works may develop quantitative waiver and redevelopment provisions that differ from Subsection B of this section and § 465-8 of this chapter.
- G. 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.

**§ 465-8. Redevelopment.**

- A. Stormwater management plans are required by the Department of Public Works for all redevelopment, unless otherwise specified by watershed management plans developed according to § 465-7G of this chapter. Stormwater management measures must be consistent with the Design Manual.
- B. All redevelopment designs shall:
  - (1) Reduce impervious area within the limit of disturbance (LOD) by at least 50% according to the Design Manual;
  - (2) Implement ESD to the MEP to provide water quality treatment for at least 50% of the existing impervious area within the LOD; or
  - (3) Use a combination of Subsection B(1) and (2) of this section for at least 50% of the existing site impervious area.
- C. Alternative stormwater management measures may be used to meet the requirements in section Subsection B of this section if the owner/developer satisfactorily demonstrates to the Department of Public

Works 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 area equal to or greater than 50% of the existing impervious area; or
  - (3) A combination of impervious area reduction, ESD implementation, and an on-site or off-site structural BMP for an area equal to or greater than 50% of the existing site impervious area within the LOD.
- D. The Department of Public Works may develop separate policies for providing water quality treatment for redevelopment projects if the requirements of Subsections B and C of this section cannot be met. Any separate redevelopment policy shall be reviewed and approved by the Administration and may include, but not be limited to:
- (1) A combination of ESD and an on-site or off-site structural BMP;
  - (2) Retrofitting, including existing BMP upgrades, filtering practices, and off-site ESD implementation;
  - (3) Participation in a stream restoration project;
  - (4) Pollution trading with another entity;
  - (5) Payment of a fee in lieu; or
  - (6) A partial waiver of the treatment requirements if ESD is not practicable.
- E. The determination of what alternatives will be available may be made by the Department of Public Works at the appropriate point in the development review process. The Department of Public Works shall consider the prioritization of alternatives in Subsection D of this section after it has been determined that it is not practicable to meet the 2009 regulatory requirements using ESD. In deciding what alternatives may be required, the Department of Public Works may consider factors including, but not limited to:
- (1) Whether the project is in an area targeted for development incentives, such as a priority funding area, a designated transit-oriented development area, or a designated base realignment and closure revitalization and incentive zone;
  - (2) Whether the project is necessary to accommodate growth consistent with comprehensive plans; or
  - (3) Whether bonding and financing have already been secured based on an approved development plan.

- F. Stormwater management shall be addressed according to the new development requirements in the Design Manual for any net increase in impervious area.

**§ 465-9. Variances.**

The Department of Public Works may grant a written variance from any requirement of Article IV, Stormwater Management Criteria, 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 for variance shall be provided to the Department of Public Works and shall state the specific variances sought and reasons for their granting. The Department of Public Works 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.



ARTICLE IV  
**Stormwater Management Criteria**

**§ 465-10. Minimum control requirements.**

- A. The minimum control requirements established in this section and the Design Manual are as follows:
- (1) All counties and their incorporated municipalities 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 of Public Works 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 of Public Works 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.<sup>103</sup>

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**103Editor's Note: See Title 5, Subtitle 8 of the Environment Article of the Annotated Code of Maryland.**

**§ 465-11. 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. Environmental site design (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 § 465-10 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 systems shall be designed according to the Design Manual to satisfy the applicable minimum control requirements established in § 465-10 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) Micro-bioretenion;



- (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 law or local ordinances, regulations, or policies. Counties and municipalities 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 § 465-10 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 state.
- C. Environmental site design (ESD) planning techniques and treatment practices and structural stormwater management measures used to satisfy the minimum requirements in § 465-10 of this chapter must be recorded in the land records of the Department of Public Works and remain unaltered by subsequent property owners. Prior approval from the Department of Public Works 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 of Public Works.

- E. For the purposes of modifying the minimum control requirements or design criteria, the owner/developer shall submit to the Department of Public Works 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 of Public Works downstream of the first downstream tributary whose drainage area equals or exceeds the contributing area to the project or stormwater management facility.

**§ 465-12. Specific design criteria.**

The basic design criteria, methodologies, and construction specifications, subject to the approval of the Department of Public Works and the Administration, shall be those of the Design Manual.

ARTICLE V  
**Stormwater Management Plans**

**§ 465-13. Review and approval of stormwater management plans.**

- A. For any proposed development, the owner/developer shall submit phased stormwater management plans to the Department of Public Works for review and approval. At a minimum, plans shall be submitted for the concept, site development, and final stormwater management construction phases of project design. Each plan submittal shall include the minimum content specified in § 465-14 of this chapter and meet the requirements of the Design Manual and Article IV of this chapter.
- B. The Department of Public Works 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 Harford Soil Conservation District (HSCD) and the Departments of Planning and Community Development and Public Works of the City of Aberdeen. All comments from the Department of Public Works and other appropriate agencies shall be addressed and approval received at each phase of project design before subsequent submissions.<sup>104</sup>

**§ 465-14. Contents and submission of stormwater management plans.**

- A. The owner/developer shall submit a concept plan that provides sufficient information for an initial assessment of the proposed project and whether stormwater management can be provided according to § 465-11 of this chapter and the Design Manual. Plans submitted for concept approval shall include, but are not limited to:
- (1) A map at a scale specified by the Department of Public Works 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

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<sup>104</sup>Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (6) Any other information required by the approving agency.
- B. Following concept plan approval by the Department of Public Works, the owner/developer shall submit site development plans that reflect comments received during the previous review phase. Plans submitted for site development approval shall be of sufficient detail to allow site development to be reviewed and include but not be 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; and
  - (5) Any other information required by the approving agency.
- C. Following site development approval by the Department of Public Works, 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) Geotechnical investigations, including soil maps, borings, site-specific recommendations, and any additional information necessary for the final stormwater management design;
  - (2) Drainage area maps depicting predevelopment and post-development runoff flow path segmentation and land use;

- (3) Hydrologic computations of the applicable ESD and unified sizing criteria according to the Design Manual for all points of discharge from the site;
  - (4) Hydraulic and structural computations for all ESD practices and structural stormwater management measures to be used;
  - (5) A narrative that supports the final stormwater management design; and
  - (6) Any other information required by the Department of Public Works.
- 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 of Public Works.

- 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.

**§ 465-15. Preparation of stormwater management plans.**

- A. The design of stormwater management plans shall be prepared by any individual whose qualifications are acceptable to the Department of Public Works. The Department of Public Works may require that the design be prepared by either a professional engineer, professional land surveyor, or landscape architect licensed in the state, as necessary to protect the public or the environment.
- B. If a stormwater BMP requires either a dam safety permit from MDE Department of Public Works or small pond approval from the Harford County Soil Conservation District, the Department of Public Works shall require that the design be prepared by a professional engineer licensed in the state.

## ARTICLE VI

**Permits****§ 465-16. Conditions for issuance of grading or building permit.**

A grading or building permit may not be issued for any parcel or lot unless final erosion and sediment control and stormwater management plans have been approved by the Department of Public Works as meeting all the requirements of the Design Manual and this chapter. Where appropriate, a building permit may not be issued without:

- A. Recorded easements for the stormwater management facility and easements to provide adequate access for inspection and maintenance from a public right-of-way;
- B. A recorded stormwater management maintenance agreement as described in § 465-25 of this chapter; and
- C. A performance bond as described in Article VII of this chapter.

**§ 465-17. Permit fees.**

Nonrefundable permit fees will be collected at each phase of stormwater management plan submittal. Permit fees will provide for the cost of plan review, administration and management of the permitting process, and inspection of all projects subject to this chapter. A permit fee schedule shall be established by the Department of Public Works based upon the relative complexity of the project and may be amended from time to time.

**§ 465-18. Permit suspension or revocation.**

Any grading or building permit issued by the Department of Public Works 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 correction notice(s) or stop-work order(s) issued for the construction of any stormwater management practice; and
- E. An immediate danger exists in a downstream area in the opinion of the Department of Public Works.

**§ 465-19. Permit conditions.**

In granting an approval for any phase of site development, the Department of Public Works may impose such conditions that may be deemed necessary

to ensure compliance with the provisions of this chapter and the preservation of public health and safety.



ARTICLE VII  
**Performance Bond**

**§ 465-20. Security required.**

The Department of Public Works shall require from the developer a surety or cash bond, irrevocable letter of credit, or other means of security acceptable to the Department of Public Works prior to the issuance of any building and/or grading permit for the construction of a development requiring stormwater management. The amount of the 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 the completed work by the Department of Public Works, submission of as-built plans, and certification of completion by the Department of Public Works that all stormwater management 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 of Public Works after various stages of construction have been completed and accepted by the Department of Public Works. The procedures used for partially releasing performance bonds must be specified by the Department of Public Works in writing prior to stormwater management plan approval.



## ARTICLE VIII

**Inspection****§ 465-21. Inspection schedule and reports.**

- A. The developer shall notify the Department of Public Works at least 48 hours before commencing any work in conjunction with site development and 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 of Public Works or its authorized representative or certified by a professional engineer licensed in the State of Maryland. 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 the Department of Public Works inspects and approves the work previously completed and furnishes the developer with the results of the inspection reports as soon as possible after completion of each required inspection.

**§ 465-22. Inspection requirements during construction.**

- 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 and 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 Subsection A(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, pre-filters and filters, inlets, outlets, and flow distribution structures; and
  - (e) Upon completion of final grading and establishment of permanent stabilization.
- (4) For infiltration basins: at the stages specified for pond construction in Subsection A(1) of this section and 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, pre-filters 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 of Public Works 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 of Public Works 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,<sup>105</sup> 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. Once construction is complete, 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 of Public Works may require additional information.
- E. The Department of Public Works 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

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**105**Editor's Note: See Title 4, Subtitle 2, Stormwater Management, of the Environment Article of the Annotated Code of Maryland.

of construction completion shall also be submitted to the appropriate SCD.

ARTICLE IX  
**Maintenance**

**§ 465-23. Maintenance inspection.**

- A. The Department of Public Works 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 Department of Public Works shall be executed for privately owned ESD treatment systems and structural stormwater management measures as described in § 465-24 of this chapter.
- B. Inspection reports shall be maintained by the Department of Public Works for all ESD treatment systems 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) Name of 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; and
  - (5) 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 of Public Works and the owner, to correct the deficiencies discovered. The Department of Public Works shall conduct a subsequent inspection to ensure completion of the repairs.
- E. If repairs are not properly undertaken and completed, enforcement procedures following § 465-24C of this chapter shall be followed by the Department of Public Works.
- F. If, after an inspection by the Department of Public Works, 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 of Public Works shall take such action as may be necessary to protect the public and make the facility safe. Any cost incurred by the county/municipality shall be assessed against the owner(s), as provided in § 465-24C of this chapter.

#### **§ 465-24. Maintenance agreement.**

- A. Prior to the issuance of any building permit for which stormwater management is required, the Department of Public Works 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 of Public Works 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 Harford County.
- C. The agreement shall also provide that if, after notice by the Department of Public Works 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 of Public Works 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 by the City of Aberdeen.

#### **§ 465-25. 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 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.



## ARTICLE X

**Appeals****§ 465-26. Appeal procedure.**

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, 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 City Manager. The appeal shall be filed in writing within 30 days of the date of official transmittal of the final decision or determination to the applicant, state clearly the grounds on which the appeal is based, and be processed. The City Manager shall have 60 days to review and respond to the appeal.



ARTICLE XI  
**Enforcement.**

**§ 465-27. Violations and penalties.**<sup>106</sup>

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 \$1,000 or imprisonment not exceeding six months, or both, for each violation, with costs imposed in the discretion of the court and not to exceed \$50,000. Each day that a violation continues shall be a separate offense. In addition, the City of Aberdeen may institute injunctive, mandamus or other appropriate action or proceedings of law to correct violations of this chapter. Any court of competent jurisdiction shall have the right to issue temporary or permanent restraining orders, injunctions or mandamus, or other appropriate forms of relief.

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<sup>106</sup>Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

## **Chapter 470**

# **STREETS AND SIDEWALKS**

### **GENERAL REFERENCES**

**Numbering of buildings and property — See Ch. 215.**

**Environmental control — See Ch. 250.**

**Grading and sediment control — See Ch. 297.**

**Littering — See Ch. 344.**

**Loitering — See Ch. 354.**

**Parades and assemblies — See Ch. 402.**

**Sewers and water — See Ch. 450.**

**Stormwater management — See Ch. 465.**

**Subdivision of land — See Ch. 475.**

**Vehicles and traffic — See Ch. 505.**

## ARTICLE I

**Specifications for Construction and Materials****§ 470-1. Adoption of standards by reference.**

The City adopts the edition of the Harford County Road Code, its appendices and supplements as enforced by Harford County government, except as modified herein.

**§ 470-2. Word usage.**

Whenever Harford County or the county is referred to in the code, it shall be deemed to mean the City of Aberdeen.

**§ 470-3. Inspections.**

The City may employ inspectors for the purpose of enforcing the code or may designate such other person, firm, corporation, municipality or county to perform such inspections.

**§ 470-4. Materials testing laboratory.**

The City may employ the services of a materials testing laboratory for the purpose of enforcing the code or may designate such other person, firm, corporation, municipality or county to perform such materials testing.





## ARTICLE II

**Standard Details for Design and Construction****§ 470-5. Residential subdivision paving sections.**

Road paving for residential and townhouse roads as outlined on Plate R-1, issued October 1987, is modified to a fourteen-inch section with a ten-inch graded aggregate base course placed in two five-inch layers over compacted subgrade. Bituminous concrete base pavement shall consist of 2 1/2 inches of bituminous concrete B and B1 or BF. Finished bituminous concrete surface pavement, B and SF, shall be placed to a compacted depth of 1 1/2 inches over the base pavement. A tack coat is required between the base and finished pavement courses.

**§ 470-6. Business, commercial and industrial paving sections.**

Road paving for business, commercial and industrial roads shall be a fifteen-inch section with ten-inch graded aggregate base course placed in two five-inch layers over a compacted subgrade. Bituminous concrete base pavement shall consist of three inches of bituminous concrete B and B1 or BF. Finished bituminous concrete surface pavement, B and SC, shall be placed to a compacted depth of two inches over the tack-coated base pavement.

## **Chapter 475**

### **SUBDIVISION OF LAND**

#### **GENERAL REFERENCES**

**Building construction — See Ch. 210.**

**Growth management — See Ch. 302.**

**Numbering of buildings and property — See Ch. 215.**

**Sewers and water — See Ch. 450.**

**Development Code — See Ch. 235.**

**Stormwater management — See Ch. 465.**

**Floodplain management — See Ch. 275.**

**Streets and sidewalks — See Ch. 470.**

**Forest conservation — See Ch. 280.**

**Wellhead protection — See Ch. 524.**

**Grading and sediment control — See Ch. 297.**

**Fees — See Ch. A550.**

## **Chapter 482**

### **TAXATION**

#### **GENERAL REFERENCES**

**Tax credits for historic structures — See Ch. 61.**

## ARTICLE I

**Business Inventories Exemption**

**[Adopted 4-13-1970 by Ord. No. 179 (Ch. 125, Art. I of the 1990 Code)]**

**§ 482-1. Exemption granted.**

The Mayor and Council, in the exercise of both their Charter powers and their powers to select subjects of municipal taxation, entirely exempt from valuation, assessment and taxation commercial business inventories so that such exemption of business inventories in the City will conform to the county exemption.

**§ 482-2. Duration.**

This exemption shall continue from year to year until revoked or modified by formal resolution of the Mayor and Council.



## ARTICLE II

**Admissions and Amusement Tax**

**[Adopted 8-9-1982 by Ord. No. 204 (Ch. 125, Art. III of the 1990 Code)]**

**§ 482-3. Definitions.**

For the purposes of this article, the following terms shall have the meanings indicated:

CHARITABLE ORGANIZATION — An organization that is not operated for profit but for the promotion of welfare to others.

ROOF GARDEN OR OTHER SIMILAR PLACE — Includes any room in any hotel, restaurant, hall or other place where music or dancing privileges or other entertainment, except mechanical music, radio or television alone and where no dancing is permitted, is afforded to the members, guests or patrons in connection with the serving or selling of food, refreshments or merchandise.

**§ 482-4. Tax on admissions, sport games and refreshments.  
[Amended 9-9-1991 by Ord. No. 388-91]**

Pursuant to the authorization of § 4-102(b)(1) of the Tax-General Article of the Annotated Code of Maryland, as amended or recodified from time to time, a tax is imposed on the gross receipts derived from any admissions and amusement charge as defined in § 4-101(b) of the Tax-General Article of the Annotated Code of Maryland, as amended or recodified from time to time, at the rate of 10%, except as this rate may be limited pursuant to § 4-105(b) of the Tax-General Article of the Annotated Code of Maryland, as amended or recodified from time to time. Examples:

- A. Admission to any place, whether the admission is by single ticket, season ticket or subscription, including a cover charge for seats or tables at any roof garden, cabaret or other similar place where there is furnished a performance when payment of the amount entitles the patron thereof to be present during any portion of the performance.
- B. Admission within an enclosure in addition to the initial charge for admission to the enclosure.
- C. The use of sporting or recreational facilities or equipment, including the rental of sporting or recreational equipment, and games of entertainment, with the exception of video games of entertainment, which are treated hereinafter.
- D. Refreshments service or merchandise at any roof garden, cabaret or other similar place where there is furnished a performance.

**§ 482-5. Tax on video games.**

The Mayor and Council, pursuant to the above-recited authority, hereby levy a tax at the rate of 10% of the gross receipts of every person, firm or corporation obtained from sources within the City derived from the amounts charged for video games of entertainment.

**§ 482-6. Exemptions. [Amended 9-9-1991 by Ord. No. 388-91]**

In addition to the exemptions provided in § 4-103 of the Tax-General Article of the Annotated Code of Maryland, as amended or recodified from time to time, gross receipts from the following sources shall be exempt from the admissions and amusement tax:

- A. Gross receipts from any charge for admission or for merchandise, refreshments or a service if the gross receipts are used exclusively for community or civic improvement by a not-for-profit community association that is organized and operated to promote the general welfare of the community that the association serves and the net earnings of which do not inure to the benefit of any stockholder or member of the association.
- B. Receipts from the games of bingo that are held, sponsored and operated by a not-for-profit charitable organization that is organized and operated to promote the welfare of others.
- C. Receipts from any sporting or athletic event held, sponsored and operated by the Harford County public school system or the Harford County or the Aberdeen Parks and Recreation Board.
- D. Gross receipts from any charge for admission to a concert or theatrical event of a not-for-profit organization that is organized to present or offer any of the performing arts.

## ARTICLE III

**Mobile Home Park Tax**

**[Adopted 12-12-1985 by Ord. No. 296 (Ch. 125, Art. IV of the 1990 Code)]**

**§ 482-7. Definitions.**

For the purposes of this article, the following terms shall have the meanings indicated:

**MOBILE HOME — [Amended 4-9-1990 by Ord. No. 358-90]:**

A. A structure that is:

- (1) Transportable in one or more sections;
- (2) Eight or more body feet in width and 30 or more body feet in length;
- (3) Built on a permanent chassis; and
- (4) Designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities.

B. Includes the plumbing, heating, air-conditioning and electrical systems contained in the structure.

**§ 482-8. Monthly excise tax imposed; collection of tax.**

A. The owner/owners of every mobile home park shall collect from the lessee or tenant of each mobile home space, for the privilege of leasing or renting the space, a monthly excise tax of \$10. **[Amended 8-23-2010 by Ord. No. 10-O-12]**

B. The owner/owners shall collect the tax for each mobile home space for each month or portion thereof and hold said tax to the account of the Treasurer of the City and, on the first day of April, July, October and January in each year, shall remit to the Treasurer the total amount of the collections for that purpose. If an owner/owners fails to collect the tax from a lessee or a tenant at the same time as he collects rent, the owner/owners and not the lessee/tenant shall be liable for the tax. The taxes collected shall be due quarterly as stated and, after 15 days from their due date, shall bear interest at the rate of 1 1/2% per month or fraction thereof until paid in full. **[Amended 8-23-2010 by Ord. No. 10-O-12]**

C. If the owner/owners fails to notify a tenant or lessee of the tax before the tenant or lessee takes possession of a space or enters into a lease agreement, whichever shall come first, the owner/owners must pay the tax for each month that he fails to notify the lessee or tenant.

D. The collection period shall commence on January 1, 1986.<sup>107</sup>

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**107**Editor's Note: Original § 125-15, Pad improvement required, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See now Ch. 370, Mobile Home Parks, § 370-4.



## ARTICLE IV

**Homestead Credit Percentage**

**[Adopted 12-10-1990 by Ord. No. 370-90 (Ch. 125, Art. V of the 1990 Code)]**

**§ 482-9. Percentage established.**

- A. The homestead credit percentage, as set forth in § 9-105 of the Tax-Property Article of the Annotated Code of Maryland, for the City of Aberdeen real property tax for the taxable year beginning July 1, 1991, shall be 110%.
- B. The percentage shall remain in effect unless modified by ordinance.



## ARTICLE V

**Homeowner's Property Tax Credit**

**[Adopted 2-22-1999 by Ord. No. 536-98 (Ch. 125, Art. II of the 1990 Code)]**

**§ 482-10. Application for credit.**

Application for the homeowner's property tax credit shall be filed with the State Department of Assessments and Taxation in accordance with state law. Applications must be received by May 1 to receive credit on the July property tax bill.



ARTICLE VI  
**Real Property Tax Credits**  
**[Adopted 2-13-2012 by Ord. No. 12-O-01]**

**§ 482-11. Tax credit for real property owned by Habitat for Humanity.**

- A. In accordance with the provisions of the Tax Property Article of the Annotated Code of Maryland, 9-252, there is hereby established a one-hundred-percent City property tax credit for real property provided that:
  - (1) The property is owned by Habitat for Humanity with the intention of relinquishing ownership in the near future;
  - (2) The property is used for the purposes of development, rehabilitation and transfer to a private owner; and
  - (3) The property is not occupied by administrative or warehouse buildings owned by Habitat for Humanity.
- B. Habitat for Humanity shall submit an annual written report on or before April 15 each year to the Mayor and City Council documenting:
  - (1) All of Habitat for Humanity's real property holdings in the City; and
  - (2) All transactions involving Habitat for Humanity's real property holdings in the City.
- C. The tax credit for each property shall continue until such time as the real property is transferred from Habitat for Humanity to another entity, but in no event for more than 3 years.

**Chapter 486**

**TAXICABS**

**GENERAL REFERENCES**

**Vehicles and traffic — See Ch. 505.**

**Fees — See Ch. A550.**

ARTICLE I  
**Taxicab Bureau**

**§ 486-1. Membership; actions; term of office.**

The Taxicab Bureau of Aberdeen shall consist of five members appointed by and serving at the pleasure of the Mayor or City Council. Actions of the Bureau shall be upon the concurrence of a quorum of the entire board. Each member will serve for a two-year term, at which time the member may be reappointed by the Mayor and City Council.

**§ 486-2. Powers and duties.**

The Bureau shall be vested with the following powers and duties:

- A. To regulate the ownership of taxicabs in the City.
- B. To regulate the operation of taxicabs in the City.
- C. To grant or deny taxicab permits to owners.
- D. To oversee the issuance of taxicab drivers' permits to taxicab drivers.
- E. To monitor rates for taxicab use.
- F. To establish fees for the issuance or transfer of taxicab permits and taxicab drivers' permits.
- G. To refuse, suspend, or revoke taxicab permits or taxicab drivers' permits.
- H. To limit the number of taxicab permits commensurate with public demand, safety, convenience, or necessity.
- I. After public notice, to adopt rules and regulations consistent with the powers and duties of the Bureau.
- J. To conduct studies and surveys concerning public convenience and necessity.
- K. To conduct hearings, to require the attendance of witnesses and to issue summonses.
- L. To oversee inspection and issuance of taxicab permits and to declare vehicles not in compliance with this chapter "out of service."





## ARTICLE II

**Taxicab Owners and Taxicab Permits****§ 486-3. Taxicab permit required.**

- A. No taxicab shall be operated within the City limits without a taxicab permit. Taxicab permits shall be issued only to taxicab owners. One permit shall be issued for each taxicab.
- B. Owners shall allow only qualified drivers to drive taxicabs.
- C. Corporations shall provide the Taxicab Bureau with an annual report by April 1 of each calendar year. The report must contain a current list of board of directors, members, stockholders and officers, including titles, addresses and phone numbers; schedule of fees; receipt form; and manifest form.
- D. The Bureau must approve all transfer of vehicles. The owner must file a transfer request form for consideration of the Bureau. A transfer of more than 25% ownership in an entity shall be considered a transfer.
- E. All new vehicles placed in service must be inspected prior to issuance of a taxicab permit.
- F. Each satisfactory taxicab permit will be issued a medallion illustrating the year and day of inspection and expiration date. The medallion shall be placed on the driver's side of the rear window. The medallion's expiration date must be facing outside.
- G. Owners shall file an "out of service" form with the Aberdeen Police Department within 48 hours after discontinuing service of a taxicab, whether by demolition, selling, transferring title, or permanently discontinuing its use. The owner will return the taxicab permit and the taxicab medallion to the Aberdeen Police Department.
- H. An owner shall notify the Aberdeen Police Department within 48 hours after the Motor Vehicle Administration tags for the taxicab are stolen or the vehicle registration has been suspended or revoked.
- I. No taxicab permit shall be required for the transportation of a person from a point outside the City to a destination inside the City, provided that the vehicle leaves the City without picking up a passenger inside the City. The taxicab may transport the passenger brought into the City if it waits at the destination of the passenger for the return.

**§ 486-4. Taxicab permit application procedure.**

- A. An application for a taxicab permit shall be filed with the Aberdeen Police Department. Each application shall be verified under oath and shall furnish all information required on the application. Any false or erroneous information on the applications shall be grounds for denial of issuance of a permit.

- B. All approved first-time applicants shall be subject to a probationary period of one year, subject to revocation for any violations of this chapter.
- C. New applications must be approved by the Bureau prior to issuance of a permit.
- D. The Bureau shall report its decision on taxicab permit applications within 60 days after the hearing specified in the public hearing section hereof, unless the Bureau determines good cause for extending the time to render its decision on an application.
- E. Such additional information as deemed necessary by the Bureau will also be provided.

**§ 486-5. Term of taxicab permit; renewal.**

- A. A taxicab permit shall be valid for six months unless the Bureau notifies the owner in writing no fewer than 60 days prior to the renewal date of its intention to recommend denial of the renewal of the taxicab permit, based on its determination that the owner is not in compliance with the applicable provisions of this chapter, regulations, or other law.
- B. If a taxicab permit expires at no fault of the owner before a ruling on the approval or denial of the renewal, the taxicab permit shall continue in effect pending a final decision. The owner shall cease taxicab service immediately upon denial of the request for renewal by the Bureau or by the Mayor and City Council, in the event of an appeal.

**§ 486-6. Suspension or revocation of taxicab permit.**

The Bureau may suspend or revoke one or more taxicab permits if it determines that the owner or drivers have failed to comply with the requirements of this chapter. Notice of intent to suspend or revoke shall be forwarded to the owner by certified mail. After receipt of said notice, the owner shall have the right to apply to the Bureau for a hearing within 10 days of the date of the notice. Upon receipt, the Bureau shall schedule a hearing on the suspension or revocation. If a hearing is requested, suspension or revocation shall not become effective until the decision of the Bureau has become final.

**§ 486-7. Appeals.**

An aggrieved party may appeal, in writing, any decision of the Bureau to the Mayor and City Council within 30 days from the date of the Bureau's decision. The decision of the Mayor and City Council shall be final and not subject to appeal. The Mayor and City Council shall report their decision within 60 days after receiving an aggrieved party's written notice of appeal, unless the Mayor and City Council for good cause extend the time to render their decision.

## ARTICLE III

**Drivers****§ 486-8. Taxicab driver's permit.**

- A. No person shall operate a taxicab within the City without a taxicab driver's permit from the Aberdeen Police Department.
- B. A taxicab driver's permit shall be valid for two years. On the one-year anniversary of the taxicab driver's permit, the Aberdeen Police Department will generate and review a Motor Vehicle Administration report of the driver. The driver must provide to the Aberdeen Police Department a CJIS report prior to the one-year anniversary date. If there are violations, the Aberdeen Police Department will forward this information to the Bureau for review. The Bureau may suspend or revoke the taxicab driver's permit. All aggrieved drivers may appeal any such determination of the Bureau in accordance with § 486-7.

**§ 486-9. Taxicab driver qualifications; denial or revocation of permit.**

- A. Each applicant for a taxicab driver's permit must:
  - (1) Be at least 21 years of age and be familiar with the streets, roads, and landmarks of the City.
  - (2) Hold a valid State of Maryland Class C license or better.
  - (3) Complete truthfully all applicable application forms provided by the Aberdeen Police Department.
  - (4) Produce a certified copy of his/her State of Maryland driver's record issued by the Motor Vehicle Administration.
  - (5) File with the application two recent color photographs, full face with no head covering, two inches by two inches in size. One photograph shall be attached to the taxicab driver's permit and one photograph shall be filed with the Aberdeen Police Department.
  - (6) Have no more than four current points for traffic violations.
  - (7) Provide a CJIS report.
  - (8) Meet such other criteria as may be established by the Taxicab Bureau by rules or regulation.
- B. Denial or revocation of permit.
  - (1) The Bureau may deny or revoke a taxicab driver's permit if the taxicab driver or applicant:
    - (a) Has been convicted or has entered a plea of guilty or a plea of nolo contendere to the violation of a law involving moral

turpitude, including a sex offense or alcohol, narcotics, or gambling offense, within the last five years.

- (b) Is on parole or probation for a criminal or traffic offense.
  - (c) Has, within three years of the date of application, been released from a penal or correctional institution.
  - (d) Has had a taxicab driver's permit or a similar permit revoked in another jurisdiction within the last three years.
  - (e) Has had a driver's license revoked once or suspended twice by a competent legal authority.
  - (f) Has made a false statement on the application.
- (2) The applicant may reapply after six months from the date of the original application.

**§ 486-10. Taxicab driver duties; violations.**

A. A permitted taxicab driver shall:

- (1) Avoid intentional discrimination and accept as a passenger and convey where directed any orderly person upon request, unless previously engaged.
- (2) Keep a current written log of all trips on a form approved by the Bureau, to be completed at or before reaching the destination, such record to be held for at least one year for inspection upon request of an Aberdeen Police Department officer or the Bureau.
- (3) Answer Bureau communications and summonses promptly.
- (4) Prohibit any other person to use the taxicab driver's permit.
- (5) Proceed with passengers to the destination by the shortest practicable route.
- (6) Upon request, give a receipt for fares on a form approved by the Bureau.
- (7) Display on the dashboard in full view of passengers at all times while on duty the taxicab driver's permit with photograph attached.
- (8) Charge the rate of fare submitted to the Bureau.
- (9) Display in full view of passengers at all times a clean and legible schedule of rates on file with the Bureau.
- (10) Immediately after delivering passengers, search the taxicab for property left therein and return such property to the Aberdeen Police Department to be held and disposed of as required by law.

- (11) While on duty and transporting a passenger, not be permitted to drink alcoholic beverages, smoke cigarettes, pipes, or cigars, or consume illegal drugs or substances.
  - (12) Make sure the taxicab is in good working order.
  - (13) Not operate a taxicab recklessly, in an unsafe manner, or in disregard of any federal, state or local laws or regulations governing the operation of motor vehicles.
  - (14) Keep the windshield, side windows, and rear window free of placards or other obstructions to view, except any certificate of inspection required by the Motor Vehicle Administration.
  - (15) Not receive or discharge passengers at street intersections, nor when it is possible for a vehicle moving in the same direction to pass between the taxicab and the right-hand curb, nor receive or discharge passengers through the left doors of the taxicabs, except on one-way streets. A violation of this provision or of duly prescribed traffic regulations shall be sufficient ground for revoking or suspending the taxicab driver's permit required by this article.<sup>108</sup>
  - (16) Not operate a taxicab for more than 12 hours continuously within a twenty-four-hour period.
  - (17) Adhere to Regulation 2002-01 of this chapter.<sup>109</sup>
- B. A violation of the operating requirements and duties of the driver shall be grounds for suspending or revoking the taxicab driver's permit and shall be subject to the violation provisions of this chapter.
  - C. A taxicab driver aggrieved by a decision of the Bureau may appeal, in writing, a decision by the Bureau in his case to the Mayor and City Council within 30 days from the date of the Bureau's decision. The decision of the Mayor and City Council shall be final and not subject to appeal. The Mayor and City Council shall report their decision within 60 days of receiving an aggrieved party's written notice of appeal, unless the Mayor and City Council shall determine good cause for extending the time to render their decision.

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**108**Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

**109**Editor's Note: Regulation 2002-01 is included at the end of this chapter.



ARTICLE IV  
**Vehicles; Enforcement**

**§ 486-11. Vehicles registered as taxicabs.**

- A. Inspections and repairs. Taxicab owners shall pay to have their vehicles inspected every six months by an inspection station licensed by the Automotive Safety Enforcement Division of the Maryland State Police.
- B. Markings.
  - (1) Owners shall mark or attach permanently to the vehicle proper identification that the vehicle is a taxicab, including a taxicab light mounted outside on the roof centered above the front seat, the name of the owner, the vehicle number, and the business telephone number in letters at least four inches high on the side of both front doors of the vehicle.
  - (2) The vehicle number shall be displayed inside the vehicle and outside the vehicle on the rear and each rear side panel in letters at least four inches high.
  - (3) Owners shall, when withdrawing a taxicab permanently from service, remove all markings identifying the vehicle as a taxicab.
  - (4) Each vehicle will be issued a medallion by the Aberdeen Police Department to be placed on the rear trunk or bumper of the vehicle stating "How's my driving? Call 410-272-1600."
- C. Owners shall post a current rate schedule in a conspicuous place inside the taxicab and make the same available to any person upon request.

**§ 486-12. Insurance.**

Before a taxicab permit is issued, the owner shall file with the Aberdeen Police Department a certificate of insurance issued by an insurance company licensed to do business in the State of Maryland for every taxicab owned or leased by the applicant, in such amounts as may be required by the Motor Vehicle Administration.

**§ 486-13. False representation as taxicab.**

A person may not represent that a vehicle is a taxicab if the vehicle is not in fact a taxicab authorized by an owner granted hereunder with a valid vehicle permit.

**§ 486-14. Violations and penalties; enforcement.**

- A. A violation of any of the provisions in this chapter shall constitute a municipal infraction and shall be subject to a fine of \$100 per infraction.<sup>110</sup>

- B. Any violation of this chapter may also result in revocation of the taxicab permit by the Bureau. The fines are in no way to be construed to be in lieu of Motor Vehicle Administration fines issued by a police officer.
- C. A taxicab owner, driver, or company employee who, with prior knowledge, knowingly causes or allows a violation of this chapter may be guilty of a violation and be subject to a municipal infraction under this chapter.
- D. A taxicab will be placed out of service until an infraction has been corrected and the vehicle has been inspected by the Aberdeen Police Department.
- E. The following violations are subject to a municipal infraction:
  - (1) Operating a taxicab after a taxicab permit or a taxicab driver's permit is suspended or revoked.<sup>111</sup>
  - (2) Failure to present a taxicab for inspection or failure to file with the Bureau an inspection certificate from an authorized inspection station.
  - (3) Failure to carry appropriate insurance.
  - (4) Operating a taxicab that has been placed out of service.
  - (5) Driving a taxicab without a valid state driver's license and a valid City taxicab driver's permit.
  - (6) Driving a taxicab under the influence of alcohol or drugs, as defined by state law.
  - (7) Violation of state or local law relating to motor vehicle control, the violation of which directly contributed to the cause of a fatality.
  - (8) Reckless driving while operating a taxicab, as defined by state or local law.
  - (9) Leaving the scene of an accident while operating a taxicab.
  - (10) Operating a taxicab that has had recurring violations of equipment and safety standards under the Transportation Article, Title 22, Annotated Code of Maryland, and COMAR Title 11, committed with actual knowledge of and a conscious failure to avert the violation.
  - (11) Operating a taxicab subject to the provision of this chapter before obtaining Bureau approval.
  - (12) Falsifying a certification statement that a defect in a taxicab has been repaired.

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**110**Editor's Note: See Ch. 95, Municipal Infractions.

**111**Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).



(13) Operating a taxicab that has been placed out of service for the same violation more than two times in a one-year period or over 50% of the time inspected in a one-year period, whichever is less.

- F. Police officers from the Aberdeen Police Department are authorized to enforce the provisions of this chapter and may inspect vehicles under the provisions of this chapter. After displaying proper identification to the driver, they shall have the right to enter into or upon any taxicab for the purpose of ascertaining whether or not any of the provisions of this chapter have been violated.
- G. The City may seek such other civil remedy as may be applicable, including syndicated relief.



## ARTICLE V

**Definitions; Existing Permits****§ 486-15. Definitions.**

For the purpose of this chapter, the following words, terms, and phrases shall, unless the language or context indicates that a different meaning is intended, be given the meanings as herein set forth:

CITY — The City of Aberdeen.

COMPANY — Includes every corporation, limited liability company, limited partnership, association, partnership, group of individuals, or individual owning, controlling or managing one or more taxicabs.

DRIVER — Any person engaged to drive a taxicab authorized to operate in the City.

MEDALLION — A decal illustrating the day and year that the taxicab's inspection certificate will expire.

OWNER — The individual, partnership, or corporation owning or leasing a taxicab authorized to operate in the City. This shall include the title owner of the vehicle.

PERSON — Includes a corporation, partnership or other entity.

TAXICAB — Any motor vehicle for hire on call or demand and designed to carry up to seven passengers, including the driver, operated on any public street or highway in the City and accepting or soliciting passengers for transportation for hire between points along public streets or highways in this state as the passenger or passengers being transported may direct.

TAXICAB DRIVER'S PERMIT — The document issued by the Aberdeen Police Department authorizing a driver to operate a taxicab in accordance with this chapter.

TAXICAB PERMIT — The document issued by the Aberdeen Police Department authorizing an owner to operate a specific taxicab in accordance with this chapter.

**§ 486-16. Existing permits.<sup>112</sup>**

Permits in effect as of the effective date of this chapter shall continue until expiration, at which time compliance with this chapter shall be required.

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**112**Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

**Chapter 500**

**UTILITIES**

**GENERAL REFERENCES**

**Sewers and water — See Ch. 450.**

## ARTICLE I

**Destruction, Obstruction or Tampering  
[Adopted 2-11-2013 by Ord. No. 12-O-11]****§ 500-1. Obstruction of water meters prohibited.**

It shall be unlawful for any person to obstruct access or permit the obstruction of access to a City water meter by landscaping or other means.

**§ 500-2. Obstruction of public rights-of-way prohibited.**

It shall be unlawful for any person to obstruct or permit the obstruction of a public right-of-way other than permitted curbside parking.

**§ 500-3. Tampering with water meters prohibited.**

It shall be unlawful for any person to tamper with or permit the tampering of a City water meter.

**§ 500-4. Dumping of waste or materials in storm drains prohibited.**

It shall be unlawful for any person to dump waste or materials or permit the dumping of waste or materials in a City storm drain.

**§ 500-5. Tampering with fire hydrants prohibited.**

It shall be unlawful for any person to tamper with or permit the tampering of a City fire hydrant other than is allowed in Chapter 450, § 450-4.1, of the Code of the City of Aberdeen.

**§ 500-6. Defacing City property prohibited.**

It shall be unlawful for any person to deface City property.

**§ 500-7. Destruction of City property prohibited.**

It shall be unlawful for any person to destroy or permit the destruction of City property.

**§ 500-8. Unauthorized stormwater discharge or drainage to City sewer system prohibited.**

It shall be unlawful for any person to discharge to or hook up stormwater drainage to the City sewer system unless specifically authorized or permitted by the City of Aberdeen.

**§ 500-9. Violations and penalties.**

A violation of this chapter is deemed to be a municipal infraction. Each twenty-four-hour period in which a violation exists shall constitute a

separate offense. Any person violating any provision of this chapter shall be subject to the following civil penalties:

- A. Violations of § 500-1 are subject to the following penalties:
  - (1) First offense: warning.
  - (2) Second offense: \$50.
  - (3) Third offense and any continuing violation: \$100.
- B. Violations of § 500-2 are subject to the following penalties:
  - (1) First offense: warning.
  - (2) Second offense: \$100.
  - (3) Third offense and any continuing violation: \$200 up to \$1,000 per day.
- C. Violations of § 500-3 are subject to the following penalties:
  - (1) First offense: \$50.
  - (2) Second offense: \$200.
  - (3) Third offense and any continuing violation: \$500.
- D. Violations of § 500-4 are subject to the following penalties:
  - (1) First offense: \$100.
  - (2) Second offense: \$200.
  - (3) Third offense and any continuing violation: \$500 up to \$1,000 per day.
- E. Violations of §§ 500-5 and 500-6 are subject to the following penalties:
  - (1) First offense: \$100.
  - (2) Second offense: \$200.
  - (3) Third offense and any continuing violation: \$500.
- F. Violations of § 500-7 are subject to the following penalties:
  - (1) First offense: \$250.
  - (2) Second offense: \$500.
  - (3) Third offense and any continuing violation: \$1,000.
- G. Violations of § 500-8 are subject to the following penalties:
  - (1) First offense: warning.
  - (2) Second offense: \$200.

- (3) Third offense and any continuing violation: \$500 up to \$1,000 per day.

## Chapter 505

### VEHICLES AND TRAFFIC

#### GENERAL REFERENCES

**Junk vehicles — See Ch. 250.**

**Taxicabs — See Ch. 486.**

**Littering — See Ch. 344.**

**Fees — See Ch. A550.**

**Parades — See Ch. 402.**

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#### **§ 505-1. Powers of Mayor and Council.**

The Mayor and Council, through the Department of Public Works, in agreement with the Chief of Police, shall have the following powers pursuant to the Transportation Article of the Annotated Code of Maryland:

- A. To regulate or prohibit the stopping, standing or parking of vehicles.
- B. To regulate traffic by means of police officers or traffic control devices and signals.
- C. To regulate or prohibit processions or assemblies on highways.
- D. To designate particular highways or separate roadways as one-way highways and require that all vehicles on them move in one specified direction.
- E. To regulate the speed and weight of vehicles in public parks.
- F. To designate any highway as a through highway or designate any intersection as a stop intersection or a yield intersection.
- G. To restrict the use of highways as provided in the Transportation Article of the Annotated Code of Maryland.<sup>113</sup>
- H. To regulate the operation of skateboards and bicycles, requiring bicycles to be registered and imposing a registration fee.
- I. To regulate or prohibit the turning of vehicles or specified types of vehicles at intersections.
- J. To establish speed limits as provided in the Transportation Article of the Annotated Code of Maryland.<sup>114</sup>
- K. To regulate through truck traffic and prohibiting trucks from using any highway or alley that is not designated or maintained as a part

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**113**Editor's Note: See the Transportation Article of the Annotated Code of Maryland, § 24-201 et seq.

**114**Editor's Note: See the Transportation Article of the Annotated Code of Maryland, § 21-801 et seq.



of extension of the state or federal highway system, provided that an adequate alternate route for diverted truck traffic is designated.

- L. To adopt any other traffic regulations as specifically authorized in the Maryland Vehicle Law.<sup>115</sup>
- M. To designate limited parking areas and parking meters.
- N. To enforce any other applicable provisions of the Transportation Article of the Annotated Code of Maryland.
- O. To designate signage or other traffic control devices consistent with the powers and duties cited above.

**§ 505-2. List of regulated streets; rules and regulations.**

- A. The Director of Public Works shall maintain a list of all current streets regulated within the City.
- B. The Mayor and Council may adopt rules and regulations regarding that implementation of one-way streets, stop signs and other traffic controls and may order the posting of signs consistent with such designations.

**§ 505-3. Commercial vehicle weight restriction; exceptions.**

- A. It shall be unlawful for any commercial vehicle over 9,000 pounds gross vehicle weight to travel or to park on streets in the City of Aberdeen which are within a residential district or to be stored or parked on residential properties. **[Amended 9-11-2000 by Ord. No. 573-00]**
- B. This section shall not apply to vehicles traveling on roadways within a residential district for the limited purpose of pickup and delivery, servicing residences or for other short-term service-type purpose; to emergency vehicles as defined in the Transportation Article of the Annotated Code of Maryland; or to vehicles owned or operated by any public service company as defined in the Public Utility Companies Article of the Annotated Code of Maryland.<sup>116</sup>

**§ 505-4. Definitions.**

The following words shall have the meanings indicated:

ABANDONED VEHICLE — Any motor vehicle, trailer or semitrailer that:

- A. Is operable or inoperable and left unattended on public property for more than 48 hours.
- B. Has remained illegally on public property for more than 48 hours.

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<sup>115</sup>**Editor's Note:** See the Transportation Article of the Annotated Code of Maryland, § 11-101 et seq.

<sup>116</sup>**Editor's Note:** Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- C. Has remained on private property for more than 48 hours without the consent of the property owner or person in control of the property.

**§ 505-5. Abandonment of vehicles prohibited; presumption of ownership; impoundment.**

- A. Abandonment prohibited. A person may not abandon a vehicle:
  - (1) On any public property; or
  - (2) On any property other than his own without the permission of the owner or lessee of the property.
- B. Presumption of ownership. The last known registered owner of an abandoned vehicle is considered to be the prima facie owner of the vehicle at the time it was abandoned and the person who abandoned it.
- C. The Aberdeen Police Department may take any abandoned vehicle into custody. The Police Department is authorized to use any towing facility on the Police Department's towing list and registered under § 13-920 of the Transportation Article.

**§ 505-6. Stopping, standing or parking prohibited in specified places.**

- A. General rule. The provisions of this chapter apply except as necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device.
- B. Stopping, standing or parking in front of public driveway. A person may not stop, stand or park a vehicle in front of a public driveway.
- C. Sidewalks. A person may not stop, stand or park a vehicle on a sidewalk.
- D. Intersections. A person may not stop, stand or park a vehicle in an intersection.
- E. Crosswalks. A person may not stop, stand or park a vehicle on a crosswalk.
- F. Safety zones. A person may not stop, stand or park a vehicle between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the State Highway Administration or local authority indicates a different length by signs or markings.
- G. Highway excavations or obstructions. A person may not stop, stand or park a vehicle alongside or opposite any highway excavation or obstruction if to do so would obstruct traffic.
- H. Bridges. A person may not stop, stand or park a vehicle on any bridge or other elevated structure on a highway.

- I. Places where stopping is prohibited by signs. A person may not stop, stand or park a vehicle at any place where stopping is prohibited by an official sign.
- J. Entrance or exit ramps of highways. A person may not stop, stand or park a vehicle on any entrance or exit ramp of any highway with two or more lanes for traffic moving in the same direction.
- K. Standing or parking. A person may not stand or park a vehicle in front of a private driveway without the consent of the owner or occupant of the premises.
- L. Fire hydrants. A person may not stand or park a vehicle within 15 feet of a fire hydrant.
- M. Standing, etc., within 20 feet of crosswalk at intersection. A person may not stand or park a vehicle within 20 feet of a crosswalk at an intersection.
- N. Standing, etc., within 30 feet of approach to flashing signals, etc. A person may not stand or park a vehicle within 30 feet of the approach to any flashing signal, stop sign, yield sign or traffic control signal located at the side of a roadway.
- O. Driveway entrances to fire stations. A person may not stand or park a vehicle within 20 feet of the driveway entrance to any fire station or on the side of a highway opposite the entrance to any fire station, within 75 feet of the entrance, if properly sign posted.
- P. Parking on Fire Department property. No person shall park or stop a motor vehicle anywhere on the premises of a firehouse without prior authorization from the Fire Department, except Fire Department personnel on official business.
- Q. Standing or parking vehicles where standing prohibited by sign. A person may not stand or park a vehicle at any place where standing is prohibited by an official sign.
- R. Standing or parking vehicles alongside of other stopped or parked vehicles. A person may not stand or park a vehicle on the roadway side of any other vehicle that is stopped or parked at the edge or curb of a highway.
- S. Certain curves or hills. A person may not stand or park a vehicle on a curve or hill where solid lines on the surface of the roadway indicate a zone in which passing is prohibited.
- T. Parking within 50 feet of railroad grade crossings. A person may not park a vehicle within 50 feet of the nearest rail in a railroad grade crossing.
- U. Parking spaces designed for the use of individuals with disabilities. A person may not stop, stand or park a vehicle, unless for the use of an

individual with a disability, in a space or zone marked as restricted for the use of individuals with disabilities.

- V. Parking in front of curb ramp. A person may not stop, stand or park a vehicle in front of a curb ramp.
- W. Parking in front of a passenger loading zone. A person may not stop, stand or park a vehicle in front of a passenger loading zone designed or marked for the use of individuals with disabilities.

**§ 505-7. Additional parking regulations.**

- A. Manner of parking generally. Except as otherwise provided in this chapter, a vehicle that is stopped or parked on a two-way roadway shall be stopped or parked parallel to the right-hand curb or edge of the roadway, with its right-hand wheels within 12 inches of that curb or edge of the roadway.
- B. Parking on one-way roadway. Except as otherwise provided by local ordinance, a vehicle that is stopped or parked on a one-way roadway shall be stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with:
  - (1) Its right-hand wheels within 12 inches of the left-hand curb or edge of the roadway; or
  - (2) Its left-hand wheels within 12 inches of the left-hand curb or edge of the roadway.
- C. Signs prohibiting or restricting stopping, standing or parking. The City of Aberdeen may place signs that prohibit or restrict the stopping, standing or parking of vehicles on any roadway in its jurisdiction where to stop, stand or park would:
  - (1) Endanger those using the roadway; or
  - (2) Interfere unduly with the free movement of traffic on the roadway.
- D. Stopping, standing or parking on private property.
  - (1) A person may not stop, stand or park a vehicle on any private property not owned by the owner or driver of the vehicle unless the person has express or implied permission from the property owner, his tenant or his agent to stop, stand or park the vehicle, as the case may be.
  - (2) The City of Aberdeen, upon request of the owner, his agent or his tenant, through a police officer, may issue a citation for a violation of the provisions of this chapter.
- E. Parking of unregistered vehicles prohibited. A person may not park an unregistered vehicle on a public road, highway, street, avenue, or alley or on private property used by the public in general. Any

vehicle that displays expired registration plates or does not display any registration plates is deemed unregistered. **[Added 4-28-2014 by Ord. No. 14-O-09]**

**§ 505-8. Cats or dogs left in standing or parked vehicle.**

- A. Endangering health of animal prohibited. A person may not leave a cat or dog unattended in a standing or parked motor vehicle in a manner that endangers the health or safety of the cat or dog.
- B. Use of reasonable force to remove animal from vehicle. Except as provided in Subsection C of this section, a person may use reasonable force to remove a cat or dog from a motor vehicle in violation of the provisions of Subsection A of this section if the person is: **[Amended 8-23-2010 by Ord. No. 10-O-12]**
  - (1) A law enforcement officer;
  - (2) A public safety employee of the City of Aberdeen;
  - (3) An animal control officer under the jurisdiction of the state or a local governing body;
  - (4) An officer of a society or association incorporated under the laws of this state for the prevention of cruelty to animals, authorized to make arrests under the provisions of § 10-609 of the Criminal Law Article of the Annotated Code of Maryland; or
  - (5) A volunteer or professional of a fire and rescue service.
- C. Exceptions. A person may not use force of any kind to remove from a motor vehicle:
  - (1) A dog used by the state or a local police agency for police work while the dog is on duty; or
  - (2) A cat or dog in the custody of an animal control officer.
- D. Liability. A person described in Subsection B of this section may not be held liable for any damages directly resulting from actions taken under the provisions of Subsection (b) of § 21-1004.1 of the Transportation Article (Acts 1987, c. 611; Acts 1988, c. 296).

**§ 505-9. Bicycle rules of operation. [Amended 7-28-2014 by Ord. No. 14-O-15]**

- A. Rules of operation; violations.
  - (1) The operation of bicycles shall apply to all bicycle operators, as set forth in the Maryland Vehicle Law. Any violation of this section shall be cited in accordance with the Maryland Vehicle Law.
  - (2) It shall be unlawful for any operator of a bicycle or skateboard to ride on any sidewalk in a commercial district.

- (3) Bicycles and skateboards must be parked, placed and operated in such a manner that they will not interfere with pedestrians or motor vehicle traffic.
- (4) It shall be unlawful to operate or ride a skateboard on the public streets.

#### **§ 505-10. Citations; violations and penalties.**

- A. Upon violation of any of the provisions of this chapter, the Police Department is hereby authorized to issue citations for violations thereof, which shall be subject to the following fines and penalties: **[Amended 4-10-2000 by Ord. No. 566-00; 4-28-2014 by Ord. No. 14-O-09]**

<b>Code Provision</b>	<b>Fine</b>
§ 505-3A, Commercial vehicle weight restriction	\$30
§ 505-5A, Abandoned vehicle on public property	\$30
§ 505-5A, Abandoned vehicle on private property	\$30
§ 505-6B, Stopping, standing, parking in front of public driveway	\$25
§ 505-6C, Stopping, standing, parking vehicle on sidewalk	\$25
§ 505-6D, Stopping, standing, parking vehicle in intersection	\$30
§ 505-6E, Stopping, standing, parking on crosswalk	\$30
§ 505-6F, Improper safety zone vehicle parking, stopping, standing	\$25
§ 505-6G, Improper stopping, standing, parking at highway excavation	\$25
§ 505-6H, Stopping, standing, parking vehicle on bridge	\$25
§ 505-6I, Stopping, standing, parking vehicle where prohibited by official sign	\$25
§ 505-6J, Stopping, standing, parking vehicle on highway ramp	\$30
§ 505-6K, Parking vehicle in front of private driveway without owner's consent	\$25
§ 505-6L, Standing, parking vehicle within 15 feet of fire hydrant	\$30
§ 505-6M, Standing, parking vehicle within 20 feet of crosswalk	\$25
§ 134-6N, Standing, parking vehicle within 30 feet of traffic control signal	\$30

<b>Code Provision</b>	<b>Fine</b>
§ 505-6O, Stopping, standing, parking 20 feet of fire station entrance	\$50
§ 505-6P, Parking on Fire Department property	\$50
§ 505-6Q, Standing, parking vehicle wherever prohibited by official sign	\$25
§ 505-6R, Prohibited double parking, standing	\$30
§ 505-6S, Parking, standing vehicle on roadway in no-passing zone	\$25
§ 505-6T, Parking within 50 feet of railroad	\$25
§ 505-6U, Standing, stopping, parking in handicapped zone	\$120
§ 505-6V, Parking in front of curb ramp	\$25
§ 505-6W, Parking in passenger loading zone	\$25
§ 505-7A, Parking vehicle within 12 inches of right curb	\$25
§ 505-7B(1), Parking vehicle within 12 inches of curb on the left-hand curb of one-way road	\$25
§ 505-7B(2), Parking vehicle within 12 inches of curb on the right-hand curb of one-way road	\$25
§ 505-7D(1), Stopping, standing, parking vehicle on private property without permission	\$25
§ 505-7E, Parking unregistered vehicle	\$40
§ 505-8A, Endangering the health/safety of cat/dog	\$25
§ 505-8B, Use of force to remove from motor vehicle cat/dog	\$50
§ 505-9B(1), Mandatory registration of bicycles	\$10
§ 505-9B(3), Unlawful to operate bicycle/skateboard on any sidewalk in commercial district	\$20
§ 505-9B(4), Parking bicycle/skateboard in safe manner	\$15
§ 505-9B(5), Unlawful to operate or ride skateboard on public streets	\$30

- B. Fines must be paid to the Aberdeen Police Department or a trial requested in 10 days. In the event that fines are not paid and/or a trial requested within 10 days, then the fine noted above shall double. The Motor Vehicle Administration shall be notified of unpaid tickets for registration suspension.

## **Chapter 524**

**WELLHEAD PROTECTION****GENERAL REFERENCES**

**Development Code — See Ch. 235.**

**Sewers and water — See Ch. 450.**

**Environmental control — See Ch. 250.**

**Stormwater management — See Ch. 465.**

**Floodplain management — See Ch. 275.**

**Subdivision of land — See Ch. 475.**

**Grading and sediment control — See Ch. 297.**

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**§ 524-1. Title; incorporation of documents by reference.**

This chapter shall be known and cited as the "Aberdeen Wellhead Protection Ordinance." The Wellhead Protection Ordinance shall incorporate by reference the Official Zone 1 and Zone 2 Wellhead Protection Areas Map, Wellhead Protection Plan and any future amendments thereto.

**§ 524-2. Purpose and findings.**

- A. The purpose of this chapter is to protect the public health, safety, and welfare through the preservation of the groundwater resources of community public water supplies to ensure a future supply of safe and healthful drinking water. The designation of the wellhead protection districts, and careful regulation of activities within these districts, can reduce the potential for groundwater contamination.
- B. The groundwater underlying the community water supply wellhead protection areas is a major source for the City of Aberdeen's existing and future water supply.
- C. A safe and adequate source of drinking water is of great benefit to the health and well-being of the City of Aberdeen.
- D. Accidental spills and discharges of toxic, hazardous material or petroleum products within the wellhead protection areas can threaten the quality of such water supplies, posing public health and safety hazards.
- E. Unless preventive measures are adopted to control the storage and discharge of toxic, hazardous material or petroleum products within the community water supply wellhead protection areas, further spills and discharges of such materials will predictably occur, and with greater frequency and degree of hazard by reason of increasing land development, population, and vehicular traffic within the wellhead protection areas.



**§ 524-3. Legislative authority; amendments.**

This chapter is established in accordance with the provisions of the City Charter.

**A. Enabling statute.**

- (1) The City of Aberdeen has duly adopted within the Comprehensive Plan, after public notice and hearing, a sensitive areas element in accordance with § 3.05 of Article 66B of the Annotated Code of Maryland;
- (2) Section 3.05 of Article 66B requires protection of streams and their buffers, one-hundred-year floodplains, habitats of threatened and endangered species (habitat), steep slopes, hydrology, geology, forests, hydrogeology, and historic sites;
- (3) Section 3.05(a)(2) of Article 66B authorizes protection of additional types of sensitive areas;
- (4) The Mayor and City Council have determined through the sensitive areas element of the Comprehensive Plan that, in addition to streams and their buffers, one-hundred-year floodplains, habitats of threatened and endangered species, steep slopes, hydrology, geology, forests, hydrogeology, and historic sites, wellhead areas are in need of special protection;
- (5) Section 4.01 of Article 66B empowers the City of Aberdeen with the authority to regulate and restrict land use for the purpose of promoting the health, safety and general welfare of the community;
- (6) Section 1428 of the Federal Safe Drinking Water Act Amendments of 1986 requires that each state develop a wellhead protection program to protect public water supplies from contamination; and
- (7) The Maryland Department of the Environment (MDE) has developed a wellhead protection program, approved by the EPA, which identifies that local governments have responsibility for developing programs, including regulations and management controls, to protect public water supplies from contamination.

**B. Amendments.** This chapter or any part thereof may be amended from time to time in accordance with the procedures as established by law.**§ 524-4. Definitions.**

As used in this chapter, the following words and phrases shall have the meanings indicated:

**AQUIFER** — Any formation of soil, sand, rock, gravel, limestone, sandstone, or other material or any crevice from which underground water is or may be produced.

BEST MANAGEMENT PRACTICES (BMPS) — A conservation or pollution control practice that manages wastes, agricultural chemicals, hazardous material or petroleum products as to minimize movement into surface or ground waters of the state.

CONTAINMENT DEVICE — A device that is designed to contain an unauthorized release, retain it for cleanup, and prevent released materials from penetrating into the ground.

DEVELOPMENT CODE — Chapter 235 of the Code of the City of Aberdeen, Maryland, as adopted by the Mayor and Council by Ordinance No. 711-06, dated September 18, 2006, as amended.<sup>117</sup>

EPA — The United States Environmental Protection Agency.

EPA STORMWATER NPDES PERMIT — A permit meeting the requirements of the National Pollutant Discharge Elimination System permit application regulations for stormwater discharges issued by the EPA.

HAZARDOUS MATERIALS — Any substance that conveys toxic, lethal, or other injurious effects or which causes alterations to plant, animal, or aquatic life or may be injurious to human beings. "Hazardous materials" includes any matter identified as a hazardous waste by the Environmental Protection Agency or a controlled hazardous substance by the Maryland Department of the Environment.

MDE — The Maryland Department of the Environment.

ON-SITE FLOOR DRAINS — Drains which are not connected to municipal sewer or stormwater systems and which discharge directly to the ground or septic system.

OWNER — A property owner or his duly authorized agent or attorney, a purchaser, devisee, fiduciary, and any other person having vested or contingent interest in the property in question.

PERSON — Any natural person, individual, public or private corporation, firm, association, joint venture, partnership, municipality, government agency, political subdivision, public officer, owner, lessee, tenant or any other entity whatsoever or any combination of such, jointly or severally.

PESTICIDE — Any substance or mixture of substances intended for:

- A. Preventing, destroying, repelling, or mitigating any pest;
- B. Use as a plant regulator, defoliant or desiccant; or
- C. Use as a spray adjuvant such as a wetting agent or adhesive.

RULES AND REGULATIONS OF MDE — Official publications of MDE with standards and requirements for protection of groundwater resources.

UNDERGROUND INJECTION WELL — A bored, drilled, driven or dug well whose depth is greater than the largest surface dimension, through which

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<sup>117</sup>Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

fluids enter the subsurface, or an improved sinkhole, or a subsurface fluid distribution system.

**UNDERGROUND STORAGE TANK** — An underground storage tank, connected piping, underground ancillary equipment, and containment system, if any.

**WELLHEAD PROTECTION OVERLAY DISTRICT** — That land area overlying the aquifer which contributes water to a public water supply well under the permitted withdrawal rate. A groundwater model described in the 2004 Aberdeen Wellhead Protection Plan, reviewed and approved by MDE, delineates the Wellhead Protection Overlay District. It includes two zones of protection. Zone 1 is based on a one-year time of travel (the area where groundwater is captured by the supply wells within one year). Zone 2 is based on a ten-year time of travel.

**§ 524-5. Applicability.**

- A. This chapter applies to all land uses and activities located or proposed within the area delineated as the Wellhead Protection Overlay District in the City of Aberdeen on a map available for inspection at the office of the Department of Planning and Community Development and as defined in § 524-4 of the chapter. The Wellhead Protection Overlay District consists of Zone 1 and Zone 2 described in § 524-6 below.
- B. This chapter is supplementary to other laws and regulations. Where this chapter or any portion thereof imposes a greater restriction than is imposed by other regulations, the provisions of this chapter shall control.
- C. The wellhead protection area shall be an overlay district to the zoning districts established by Chapter 235 of the City Code and the City Zoning Map and may encompass all or portions of more than one existing zoning district. The Wellhead Protection Overlay District shall supplement and be in addition to those requirements governing the existing underlying zoning district(s) and is designed to respond to the special features, conditions and/or physical characteristics of land located therein.

**§ 524-6. Wellhead Protection Overlay District.**

- A. The Wellhead Protection Overlay District is set forth on the Zone 1 and Zone 2 Wellhead Protection Areas Map adopted by the Mayor and City Council and incorporated herein.
  - (1) Zone 1 represents the area where groundwater time of travel to the Aberdeen supply wells is one year or less. MDE has indicated its approval of this area as being consistent with the requirements of § 1428 of the Safe Drinking Water Act.
  - (2) Zone 2 represents the area where groundwater travels to the Aberdeen supply wells in 10 years or less. MDE has indicated its

approval of this area as being consistent with the requirements of § 1428 of the Safe Drinking Water Act.

- B. The map delineating the Wellhead Protection Overlay District and Zones 1 and 2 titled "Zone 1 and Zone 2 Wellhead Protection Areas Map" dated May 17, 2004, is incorporated herein and made a part of this chapter. The map shall be on file and maintained by the Departments of Planning and Community Development and Public Works. Accurate copies of this map shall be made available for review by the public.
- C. In determining how properties within the Wellhead Protection Overlay District depicted on the Zone 1 and Zone 2 Wellhead Protection Areas Map dated May 17, 2004, are affected by the requirements of this chapter the following rules shall apply:
  - (1) Properties located wholly within one zone as reflected on the Zone 1 and Zone 2 Wellhead Protection Areas Map dated May 17, 2004, shall be governed by the restrictions applicable to that zone.
  - (2) Properties having parts lying within more than one zone as reflected on the Zone 1 and Zone 2 Wellhead Protection Areas Map dated May 17, 2004, shall be governed by the restrictions applicable in each zone.
- D. The boundary of the Wellhead Protection Overlay District or individual zones within the district may be modified should additional information or analysis be provided that shows that the current boundary lines no longer appropriately reflect the criterion which they intend to represent.
- E. Any amendments, additions, modifications or deletions to the Zone 1 and Zone 2 Wellhead Protection Areas Map shall be made in accordance with the procedures established for a zoning map amendment in Chapter 235, Article II, § 235-14; provided, however, that except as otherwise provided in Article 66B of the Annotated Code of Maryland, in lieu of finding of "substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification," there may be several reasons for changing the zones, including but not limited to a change in the permitted withdrawal rate, addition or deletion of supply wells, redistribution of discharge amongst the supply wells, new information, or a mistake. Any amendment to the adopted Zone 1 and Zone 2 Wellhead Protection Areas Map should be shown on a map of the same scale or a more detailed scale.
  - (1) Any amendments to the Zone 1 and Zone 2 Wellhead Protection Areas Map shall, in addition to the above requirements, be supported by such engineering, geologic and hydrogeologic studies and reports to be provided by the petitioner as may be required by the City.

- (2) The City may seek technical advice on any boundary change request.

**§ 524-7. Permitted uses.**

Notwithstanding the list of permitted uses set forth below, the Director of Planning and Community Development shall have the authority to restrict or prohibit uses which may adversely affect the City's water supply or the obligation of the City to provide safe and healthful drinking water.

- A. Conservation of soil, water, plants, and wildlife.
- B. Outdoor recreation, which includes but is not limited to public parks, stadiums and ball fields.
- C. Foot and bicycle paths and bridges.
- D. Maintenance, repair, and enlargement of any existing structure, subject to § 524-8, Prohibited uses.
- E. Residential uses and developments, subject to § 524-8, Prohibited uses.
- F. Construction, maintenance, repair, and enlargement of drinking water supply related facilities, such as but not limited to wells, pipelines, aqueducts, and tunnels. Underground storage tanks related to these activities are not categorically permitted.

**§ 524-8. Prohibited uses.**

Within Zone 1 the following uses are prohibited:

Apparel and other textile products manufacturing  
Asphalt and concrete batching plants  
Automobile gasoline station  
Biological products manufacturing  
Bulk storage of hazardous materials  
Chemical landfills  
Dry cleaners  
Hazardous materials stockpiles  
Instruments and related products manufacturing  
Leather and leather products manufacturing  
Lumber and wood products manufacturing  
Medicinal, chemicals and botanicals manufacturing  
Metal plating shops  
Municipal waste landfills  
Municipal incinerators  
Paper and allied products manufacturing

Petroleum production and storage companies  
Pharmaceutical preparation manufacturing  
Open dumping and burning sites  
Sand and gravel pit excavations  
Scrap materials, salvage yards, junkyards and automobile graveyards  
Stone, clay and glass manufacturing  
Storage, treatment and disposal ponds, lagoons and other surface impoundments  
Synthetic and plastic productions  
Transportation equipment manufacturing  
Underground storage tanks

**§ 524-9. Conditional uses.**

Within Zone 1 and Zone 2, the following uses that are listed as requiring a conditional use will not be allowed within the Wellhead Protection Overlay District unless the property owner can show the use will not harm the groundwater and is able to meet the conditions described in § 524-10 of this chapter:

Airports and airfields  
Automobile car wash  
Automobile, motorcycle and go-cart racing tracks  
Automobile repair shop  
Boat repair shop  
Car dealerships with service departments  
Communications equipment manufacturers  
County clubs and golf courses  
Dry goods manufacturing  
Electric and electronic equipment manufacturers  
Food processing facilities  
Funeral services and crematories  
Furniture manufacturer, repair and finishing shops  
Home manufacturing  
Horticultural practices, gardens, nurseries and florists  
Laundromats  
Machine and metal working shops  
Medical institutions  
Military installations  
Motor vehicle painting and body work

Public utilities  
Railroad tracks and yards  
Research laboratories  
Small engine repair shops  
Transport and transfer stations  
Welders

**§ 524-10. Requirements for conditional use.**

- A. The landowner or representative shall submit to the Director of the Department of Planning and Community Development an application for a conditional use. The application shall include:
- (1) The type and quantity of all hazardous material or petroleum products which are to be stored, handled, used or produced in the activity being proposed.
  - (2) A description of the quantities and containers for the storage, handling, use or production of hazardous material or petroleum products by the proposed activity.
  - (3) A site plan illustrating the location of all operations involving hazardous material or petroleum products, spill containment structures and showing all points of potential discharge to groundwater, including dry wells and infiltration ponds.
  - (4) Documentation of approval by MDE of any industrial waste treatment or disposal system or any wastewater treatment system over 5,000 gallons per day (gpd) capacity.
  - (5) Documentation of MDE permit or approval for any discharge via an underground injection well.
  - (6) Plans showing containment for all aboveground tanks and lines containing hazardous material or petroleum products.
  - (7) A description of the best management practices which will be followed during the construction of the facility to ensure that hazardous material or petroleum products are not released to the groundwater.
  - (8) An emergency plan indicating the procedures which will be followed in the event of a spill of a hazardous material or petroleum products to control and collect the spilled material to prevent the substance from reaching the groundwater.
  - (9) A hydrologic assessment for properties with greater than 30% planned impervious surfaces (building footprints, parking areas, sidewalks, and transportation surfaces) to determine the groundwater recharge rate after site development is completed.

The assessment will also estimate the groundwater recharge rate prior to development.

- (10) Copies of all federal, state, and/or local permits, certificates, licenses, or other such enabling documentation required for the storage/use of the hazardous material or petroleum products.
  - (11) Copies of all inspections, review, etc., required by Subsection A(10).
  - (12) Compliance with the Aberdeen Code, Chapter 465, Stormwater Management. Chapter 465 adopts by reference the 2000 Maryland Stormwater Design Manual, Volumes I and II.
- B. The Department of Planning and Community Development shall obtain advice from all appropriate state and local agencies to assess whether the Zone 1 and Zone 2 Wellhead Protection Area will be protected from contaminants which pose an adverse effect on the health or comfort of persons. In making his or her determination, the Director of the Department of Planning and Community Development shall give consideration to the simplicity, reliability, and feasibility of the control measures proposed and the degree of threat to drinking water quality which would result if the control measures failed. The Director of the Department of Planning and Community Development shall then issue a written decision.
- (1) In order for the area to be approved, it must be shown that the use will:
    - (a) Protect the water supply from contaminants used on the property which pose an adverse effect on the health or comfort of persons;
    - (b) Not cause the average groundwater quality on the property to violate drinking water standards promulgated by MDE and the EPA; and
    - (c) Maintain recharge of water to the water supply aquifer consistent with rates prior to development.
  - (2) A request may not be approved until the applicant, to the satisfaction of the Department of Planning and Community Development, has addressed all comments provided by local and state agencies.
- C. The Director may deny the conditional use if it is determined that the conditional use would not meet the requirements outlined in Subsection B above. The Director's decision shall be made in writing to the applicant.

**§ 524-11. Nonconforming uses.**



- A. Property owners within Zone 1 and Zone 2 shall be notified of the changes in the permitted and prohibited uses in this chapter and those which require conditional use approval.
- B. Nonconforming uses lawfully in existence within the Wellhead Protection Overlay District for Zone 1 and Zone 2 may continue to exist in the form in which they existed at the time of adoption of this chapter. Changes in title or right to possession shall be reviewed by the Director of the Department of Planning and Community Development to determine if an existing use should be continued.
- C. Existing sites may be inspected annually by the Department of Public Works for conformance to applicable regulations and the Wellhead Protection Plan in accordance with this chapter.
- D. Nonconforming uses that are not in compliance with applicable regulations or the Wellhead Protection Plan must submit a compliance plan to the Director of the Department of Public Works, following receipt of a letter specifying the nonconformance.
- E. In the event that a nonconforming use poses a direct hazard to the public water supply, the City of Aberdeen may take any action necessary to abate the violation. All necessary actions to abate the violation(s) will be at the cost of the property owner.
- F. If a nonconforming use ceases for a period of one year or more, then the nonconforming use shall be deemed abandoned and compliance with this chapter shall be required. The casual, temporary or illegal use of land or structure does not establish the existence of a nonconforming use.

#### **§ 524-12. Variances.**

Variances to the provisions of this chapter may be granted by the Aberdeen Board of Appeals following a public hearing, provided that a strict interpretation of the chapter deprives such property of privileges or safety enjoyed by other similarly situated property within the Wellhead Protection Overlay District. Applications for variances must be filed with the Director of the Department of Planning and Community Development.

#### **§ 524-13. Exemptions.**

The following activities are exempt from regulation under this chapter:

- A. Transportation of hazardous material. The appropriately permitted transportation of any hazardous material through the Wellhead Protection Overlay District shall be exempt from the provisions of this chapter.
- B. Application of pesticides. The application of pesticides in recreation, agriculture, pest control, and aquatic weed control activities shall be exempt from the provisions of this chapter, provided that:

- (1) The application is in strict conformity with the use requirement as set forth in the substance's EPA registries. A pesticide can only be used according to its labeling and according to pertinent federal and state laws.
- (2) The application of pesticides shall be noted in the records of an applicator certified by the Maryland Department of Agriculture. Records shall be kept of the date and amount of these substances applied at each location and said records shall be available for inspection.

C. Aboveground storage of oil(s).

- (1) The aboveground storage of oil(s) used for heating fuel shall be exempt from the provisions of this chapter, provided that the tank used for storage is:
  - (a) Located on an impervious pad or container of sufficient volume to capture and contain spills and leakage of oil entering the environment;
  - (b) Sheltered to prevent the intrusion of precipitation; and
  - (c) Located in a manner that allows for routine visual inspection.
- (2) Aboveground storage of oil shall be located as far away from the public water supply wells as possible.

**§ 524-14. Performance plan standards.**

All activities that are designated conditional uses shall meet the following design and operation guidelines:

- A. Containment of hazardous materials. Leakproof trays under containers, floor curbing, or other containment systems to provide secondary liquid containment shall be installed. The containment shall be of adequate size to handle all spills, leaks, overflows, and precipitation until appropriate action can be taken. The specific design and selection of materials shall be sufficient to contain any hazardous material at the location and prevent escape to the environment. These requirements shall apply to all areas of use, production and handling, to all storage areas, to loading and off-loading areas and to aboveground and underground storage areas. Because state and federal governments already regulate hazardous materials, nothing in this chapter shall be applied in a way to prevent a person from complying with state and federal requirements.
- B. All underground tank(s) and piping systems shall meet the requirements of COMAR 26.10.05.03.C(1) to (4) for secondary containment, double wall tanks, liners, vaults and underground piping.
- C. Dry-cleaning establishments shall not discharge to the ground or subsurface any wastewater that was in contact with the organic

solvents used in the dry-cleaning process. As specified in Subsection A above, secondary containment is required for areas when dry-cleaning solvent is stored, used and transferred.

- D. Infiltration of stormwater runoff that has come in contact with the pavement surfaces shall not be permitted at gasoline service stations. Waste from service station work areas is not permitted to be discharged to the ground or subsurface.
- E. All deicing chemicals (salt piles and sand/salt mixes) must be stored under roof and protected from precipitation by a permanent cover. Runoff from mixing and loading areas may not be discharged to the subsurface.
- F. All facilities with bulk storage of pesticides must provide current evidence of compliance with Maryland Department of Agriculture requirements.
- G. All tanks of liquid fertilizers must have secondary containment with a volume equal to at least 110% of the largest tank within the containment area. All dry fertilizer storage must be under a permanent cover and protected from rainfall.
- H. All facilities with underground injection wells must show evidence of compliance with all applicable MDE permits, consent orders, or other federal and state actions regarding the underground disposal of wastes.
- I. All underground pipelines carrying hazardous materials shall be equipped with operable secondary release detection equipment and be protected against corrosion.
- J. All excess hazardous material or petroleum products from the construction of any facility shall not be released to the environment and shall be removed from the property, unless such materials are incorporated into a contained hazardous material or petroleum products storage area.
- K. Reporting of spills. Any spill of a hazardous material or petroleum product shall be reported by telephone to the Aberdeen Fire Department and Harford County Emergency Operations Center by dialing 911.
- L. Groundwater monitoring. If required by the Department of Public Works, a groundwater monitoring well(s) shall be installed at the expense of the facility owner or operator in accordance with an approved groundwater monitoring plan. The permittee shall be responsible for developing an approved groundwater monitoring system. A state-certified laboratory shall analyze samples and the results reported to the City of Aberdeen's Director of the Department of Public Works.

- M. Alterations and expansion. The Director of the Department of Planning and Community Development shall be notified in writing prior to the expansion, alteration, or modification of any activity that is subject to a conditional use. Approval is required before the activity subject to a conditional use can begin. The landowner or representative shall submit an explanation of the change in activity and the information as required by this chapter above.
- N. Compliance with the Aberdeen Code, Chapter 465, Stormwater Management. Chapter 465 adopts by reference the 2000 Maryland Stormwater Design Manual, Volumes I and II.

**§ 524-15. Subdivision and land development review.**

- A. The Departments of Planning and Community Development and Public Works shall review all subdivision proposals and other proposed new development plans within the Wellhead Protection Overlay District for compliance with the provisions of this chapter. It shall be the responsibility of both Departments to recommend approval, disapproval or approval with modifications of the proposed subdivision or development plan to the Aberdeen Planning Commission and City Council.
- B. The Aberdeen Planning Commission shall review and recommend all subdivision proposals and other proposed new development plans within the Wellhead Protection Overlay District to the Mayor and City Council for approval.

**§ 524-16. Notice of violation.**

Whenever it is determined that there is a violation of this chapter, a notice of violation shall be issued. The notice of violation shall:

- A. Specify the violation or violations in writing.
- B. Specify the length of time available to correct the violation.
- C. Clearly state any penalties associated with the subject violation.
- D. Provide a description of any rights of appeal.

**§ 524-17. Stop-work orders and other remedies.**

- A. The Director of the Department of Planning and Community Development and the Director of the Department of Public Works shall have authority to issue stop-work orders as necessary to enforce the provisions of this chapter. In addition to the criminal remedies set forth in this chapter, the Director of the Department of Planning and Community Development and the Director of the Department of Public Works shall have authority to institute civil remedies necessary to abate any violation and to take such action and seek other remedies to

prevent, restrain, correct or abate such uses as is necessary to protect the City's water supply system.

- B. The Departments of Planning and Community Development and Public Works are authorized to issue cease and desist orders whenever they become aware of violations of this chapter.

**§ 524-18. Violations and penalties.**

- A. All costs incurred by the City, including engineering and attorneys' fees for enforcing this chapter, shall be paid by the owner who violated the provisions of this chapter.
- B. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and shall be fined not more than \$1,000 or imprisoned for not more than six months, or both, for each violation.<sup>118</sup>

**§ 524-19. Fees.**

Fees established shall be reviewed annually and adjusted as required. The fees shall include reasonable costs involved with the implementation of this chapter and may include administrative and professional staff review costs.

**§ 524-20. Potential sources of groundwater contamination.**

This section was added to identify potential sources of contamination which could affect the City's groundwater supply source. The list below outlines some potential sources of groundwater contamination.

- A. Residential sources:

Apartments and condominiums (i.e., swimming pool chemicals, pesticides for lawn and garden maintenance, pest control, and household hazardous wastes)

Common household products

Housing developments

Lawns and gardens

On-site floor drains

Septic systems and sewer lines

Swimming pools

Underground storage tanks

- B. Municipal sources:

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<sup>118</sup>Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

Artificial groundwater recharge (i.e., stormwater runoff, excess irrigation water, stream flow, treated effluent or other substances that may contain contaminants)

Combined sewer overflows

Highways, road maintenance depots and deicing operations

Land areas applied with wastewater or other waste by-products

Municipal incinerators

Municipal sewage treatment plants and sewer lines

Municipal sewers and stormwater drains

Municipal waste landfills

On-site floor drains

Open dumping and burning sites

Parks lands (i.e., fertilizers, herbicides and insecticides)

Public buildings (e.g., fire stations, schools, city halls, police stations and civic organizations)

Recycling/education facilities

Storage, treatment, and disposal ponds, lagoons and other surface impoundments

Stormwater drains and basins

Sumps and dry wells

Water supply wells, test wells, and monitoring wells

C. Commercial sources:

Aboveground and underground storage tanks

Airports and airfields

Auto repair shops/boat

Barber and beauty shops

Bowling alleys

Campgrounds and RV parks

Car dealerships with service departments

Carpet stores

Car washes

Cemeteries

Construction trade areas and materials (plumbing, heating and air conditioning, painting, paper hanging, decorating, drywall and plastering, acoustical insulation, carpentry, flooring, roofing and sheet metal, wrecking and demolition)

County clubs and golf courses

Dry cleaners (solvents, spotting chemicals, hydrochloric acid, rust removers and amyl acetate)  
Funeral services and crematories (formaldehyde, wetting agents, fumigants and solvents)  
Furniture repair and finishing shops (paints, solvents and degreasing and solvent recovery sludges)  
Gasoline service stations  
Hardware/lumber/parts stores  
Heating oil companies, underground storage tanks  
Horticultural practices, gardens, nurseries and florists  
Jewelry/metal plating shops  
Laundromats  
Medical institutions  
Office buildings (building wastes, lawn and garden maintenance chemicals, gasoline and motor oil)  
On-site floor drains  
Paint stores  
Pharmacies  
Photography shops and photo processing labs  
Print shops  
Railroad tracks and yards  
Research laboratories  
Retail operations  
Scrap yards and junkyards  
Small engine repair shops  
Sports and hobby shops  
Transportation services for passengers transit  
Veterinary services

D. Industrial sources:

Asphalt and concrete batching plants  
Chemical landfills  
Communications equipment manufacturers  
Dry goods manufacturing  
Electric and electronic equipment  
Food processing  
Furniture manufacturers  
Machine and metalworking shops

Material stockpiles

Metal fabricators

On-site floor drains

Petroleum production and storage companies

Photo processing labs

Public utilities (phone, electric power and gas)

Publishers, printers and allied industries

Transport and transfer stations (trucking terminals, railroad tracks and yards)

Welders

## **Chapter A545**

### **AGREEMENTS AND FRANCHISES**



## ARTICLE I

**Poles, Wires and Conduits**

**[Adopted 6-28-1927 by Ord. No. 46 (Ch. A149, Art. I of the 1990 Code)]**

**§ A545-1. Retention of authority by Mayor and Council.**

The use of the streets and alleys of the City for the construction, maintenance and operation on, in, under, along or through the same of telephone, telegraph and electric distribution lines and systems, poles, wires, conduits, ducts, manholes, stations, apparatus and equipment, whether now or hereafter erected, constructed or installed, shall at all times be subject to regulation by the Mayor and Council.

**§ A545-2. Charges. [Amended 7-11-1983; 6-14-1993 by Ord. No. 414-93; 10-27-2003 by Ord. No. 641-03]**

For each and every pole heretofore or hereafter erected upon any of said streets or alleys by any person, firm or corporation for the purpose of stringing thereon telephone, telegraph or electric wires or cables or as a part of any telephone, telegraph or electrical distribution system, there shall be paid to said City of Aberdeen an annual charge of \$30, and likewise there shall be paid to said City of Aberdeen an annual charge of \$15 for each and every 100 feet of conduit laid in, under or through any of the streets or alleys of said City for the purpose of erecting telephone, telegraph or electric wires or as a part of any telephone, telegraph or electrical distribution system.

**§ A545-3. Schedule of payment.**

The aforesaid charges as set forth in § A545-2 of this ordinance shall be due and payable on November 1 in each year accounting from the first of November 1927.

**§ A545-4. Construal of provisions.**

Nothing contained in this ordinance nor the collection of the charges hereby imposed shall be taken to exempt the property of any person, firm or corporation owning the poles and conduits which are hereby subjected to said charges from assessment and taxation for municipal purposes as other property located within the limits of said City is assessed and taxed.

**§ A545-5. Amendments.**

The right is hereby expressly reserved to said Mayor and Council to alter, amend or repeal the provisions of this ordinance whenever the public interest may so require.

**§ A545-6. When effective.**

This ordinance shall take effect from the date of its passage.

**Chapter A550****FEES****§ A550-1. Schedule of rates and charges.**

The following fees, rates and charges shall apply in the City:

A. Water and sewers. The following rates and charges are established pursuant to Chapter 450, Sewers and Water, of the City's Code:

- (1) Water use rate. These charges and rates shall be determined as part of the formulation of the annual Water Fund Budget and shall be set and adopted as part of the annual budget ordinance.
- (2) Demand charges.
  - (a) Residential: five-eighths-inch to three-fourths-inch meter: \$1.25 per quarter.
  - (b) Commercial: the commercial demand charge shall be based upon the meter size:

<b>Size of Meter</b>		<b>Charge</b>
<b>(inches)</b>	<b>Number of Units</b>	<b>(per quarter)</b>
5/8 to 3/4	1	\$11.00
1	2.44	\$26.84
1 1/2	5	\$55.00
2	8	\$88.00
3	16	\$176.00
4	25	\$275.00
6	50	\$550.00
8	80	\$880.00

- (3) Sanitary sewer use rate. These charges and rates shall be determined as part of the formulation of the annual Sewer Fund Budget and shall be set and adopted as part of the annual budget ordinance.
- (4) Nonresident user rates. The water and sewer use rate to customers out of the City limits shall be 150% of the prevailing use rate unless as otherwise approved by the Mayor and Council.
- (5) Water area connection charge.
  - (a) Per equivalent dwelling unit, \$10,500.

[1] Application

- [a] Water area connection charges are assessed on all new development and redevelopment. A single-family dwelling is considered one equivalent dwelling unit (EDU) and shall be assessed at \$10,500 as described in this section.
  - [b] An EDU is determined to be 250 gallons of water per day.
  - [c] The water area connection charge is broken down into four components:
    - [i] Water production;
    - [ii] Water storage;
    - [iii] Water distribution;
    - [iv] Engineering and administration.
  - [d] A separate fee per EDU is established for each component. The City Manager is empowered to credit an applicant a portion of the water area connection charge if that applicant has paid for one or more of the components of the water area connection charges in another manner. Adjustment of the water area connection charges is at the sole and complete discretion of the City Manager.
- [2] Water production component calculation.
- [a] The purpose of this component is to pay for, or pay the debt service on, any project that increases the water production capacity of the City of Aberdeen, whether by using City-owned infrastructure or by purchasing water production capacity in another system from which the City will buy water. That component shall be assessed at \$6,700 per EDU.
- [3] Water storage component calculation.
- [a] The purpose of this component is to pay for, or pay the debt service on, any project that increases the water storage capacity of the City of Aberdeen. That component shall be assessed at \$2,600 per EDU.
- [4] Water distribution component calculation.
- [a] The purpose of this component is to pay for, or pay the debt service on, any project that increases the water distribution capacity of the overall water system of the City of Aberdeen. The further purpose of this component is to pay for, or pay the debt service on,

water pumping stations needed to move water from one zone to another or to boost pressure from the Harford County water system into the Aberdeen water system. That component shall be assessed at \$800 per EDU.

[5] Engineering and administrative component calculation.

[a] The purpose of this component is to pay for the periodic engineering studies needed to evaluate any present and future capacities and capabilities of the City of Aberdeen water system. That component shall be assessed \$400 per EDU.

(b) Hotels and motels: \$1,800 per room (rental unit).

(c) Commercial, business, industrial and other residential. The Director of Public Works, with the approval of the City Manager, shall develop and implement a method of calculating the daily water generation rates for all commercial, business, industrial, and other residential uses within the City. Each 250 gallons per day of water generation shall typically constitute an EDU, but surcharges can be established to cover water production peaking. The connection charge shall be assessed on such uses multiplying the number of EDUs, or fraction thereof, by the charge established in Subsection A(5)(a) of this section.

(d) Apartment units: \$5,300 per apartment unit.

(6) Water meter charge.

(a) This charge is additional to the area connection charges. The City will furnish and install the water meter. The meter shall be owned and maintained by the City.

(b) The meter charge will include all costs accrued by the City, including the meter, any ancillary components, and any labor/installation charges, plus a charge of 15% of said cost for handling.

(c) Applicants will need to provide to the City, in writing, the size of meter required for a given project before said meter is ordered.

(d) Applicants will need to provide at least a thirty-day notice to the City to allow for ordering and receipt of meters.

(e) Meters will not be released, provided, or installed until all requisite fees and charges are paid to the City.

(7) Sanitary sewer area connection charge.

(a) Per equivalent dwelling unit: \$5,400.

[1] Application.

[a] Fees are assessed on all new development and redevelopment. A single-family dwelling is considered one equivalent dwelling unit (EDU) and shall be assessed at \$5,400 as described in this section.

[b] An EDU is determined to be 250 gallons of sewage per day and shall be determined by the amount of water that is metered for the premise.

[c] The sanitary sewer area connection fee is broken down into three components:

[i] Sewage collection (including pump stations);

[ii] Sewage treatment;

[iii] Engineering and administration.

[d] A separate fee per EDU is established for each component. The City Manager is empowered to credit an applicant a portion of the sanitary sewer area connection charge if that applicant has paid for one or more of the components of that charge in another manner. Adjustment of the sanitary sewer area connection charge is at the sole and complete discretion of the City Manager.

[2] Sewage collection component calculation.

[a] The purpose of this component is to pay for, or pay the debt service on, any project that increases the sewage collection capacity of the City of Aberdeen, or any project that deals with the reduction of inflow and infiltration into the sanitary sewer system. That component shall be assessed at \$2,000 per EDU.

[3] Sewage treatment component calculation.

[a] The purpose of this component is to pay for, or pay the debt service on, any project that increases the sewage treatment capacity of the City of Aberdeen. That component shall be assessed at \$3,000 per EDU.

[4] Engineering and administrative component calculation.

[a] The purpose of this component is to pay for the periodic engineering studies needed to evaluate any present and future capacities and capabilities of the City of Aberdeen sewer system. That component shall be assessed at \$400 per EDU.

- (b) Hotels and motels: \$1,000 per room (rental unit).
  - (c) Commercial, business, industrial and other residential. The Director of Public Works, with the approval of the City Manager, shall develop and implement a method of calculating the daily water generation rates for all commercial, business and industrial uses within the City. Each 250 gallons per day of water generation shall constitute an EDU. The connection charge shall be assessed on such uses multiplying the number of EDUs, or fraction thereof, by the charge established in Subsection A(7)(a) of this section.
  - (d) Apartment units: \$2,700 per apartment unit.
- (8) Capital improvement charges. Both the water and sewer capital improvement charges are included in the area connection charges. The current capital improvement charges are \$750 for water and \$750 for sewer.
  - (9) Responsibility for costs. The cost to furnish and install the water and sewer house service connection from the utility main line shall be borne by the property owner.
  - (10) Work done within rights-of-ways. House service work performed within public rights-of-ways shall be done by the City or by a Maryland-licensed utility contractor.
  - (11) Water service interruption.
    - (a) Residential customer: A fee of \$50 per occurrence will be charged for interruption of service if payment arrangements have not been made.
    - (b) Commercial/industrial customer: a fee of \$100 per occurrence will be charged for interruption of service if payment arrangements have not been made.
    - (c) Department of Public Works business hours are 7:00 a.m. to 3:00 p.m.; Monday through Friday; non-holiday. Restoration of water and sewer service made during nonbusiness hours shall be \$95 for residential customers and \$200 for nonresidential customers.
  - (12) Fees and penalties.
    - (a) Late charges: A penalty fee of 10% will be charged if not paid by the due date. Only cash or money order will be accepted for past-due accounts.
    - (b) Returned checks: A fee of \$30 will be charged for returned checks.
    - (c) Fee charged for final readings: \$30.

- (d) Fee charged for checking the accuracy of a water meter and for leak detection: \$20. There is no charge if first request within twelve-month period. The fee is waived if the meter is off by more than 5%, if a leak is found.
  - (e) Fee charged for service termination: \$100.
- (13) Responsibility for payment of water and sewage usage rates and charges shall be borne by the property owners. Failure of the tenants or lessees to make payment of water and sewage usage rates and charges shall not relieve the property owner from responsibility for payment.
- (14) Miss utility location markings fees.
  - (a) Requests for Miss Utility location markings will be billed at the rate of \$35 per locate during Public Works business hours.
- B. Construction. The following fees and charges are established pursuant to Chapter 210, Building Construction, of the City Code:
  - (1) Engineering review and construction inspection services. In-house engineering review: \$65 per hour; outsourced engineering review: cost plus 15%; in-house inspections: \$50 per hour; outsourced inspections: cost plus 15%.
  - (2) Building permit.
    - (a) Residential: \$0.03 per square foot, minimum \$100. For fences and sheds: \$25. For fences over 250 linear feet, add \$0.04 per linear foot.
    - (b) Commercial (new construction): \$0.04 per square foot, minimum \$150.
    - (c) Industrial (new construction): \$0.06 per square foot, minimum \$150.
    - (d) Addition, garage attached, garage detached, interior renovation, decks/porches, carport: \$0.03 per square foot, \$30 minimum.
    - (e) In-ground pool: \$75.
    - (f) Mobile home: single-wide \$55; double-wide \$75.
  - (3) Sign permit. Sign permit fees shall be the following; these fees shall include building and zoning permits:

<b>Type</b>	<b>Fee</b>
Billboard	\$100
Marquee/awning	\$30
Freestanding	\$60

<b>Type</b>	<b>Fee</b>
Face	\$40
Hanging	\$40
Roof	\$40
Temporary	\$40

- (4) Water and sewer service connections and new or expanded service connections. Service connection shall be based upon water meter size:

<b>Water Meter Size (inches)</b>	<b>Water Service Connection</b>	<b>Sewer Service Connection</b>
5/8 to 3/4	\$550	\$450
1	\$750	\$550
1 1/2	\$950	\$650
2	\$1,050	\$700

- (5) Private fire hydrant testing: \$75 per hydrant.
- (6) Erosion and sediment control.
- (a) Erosion and sediment control agreement: \$125 (less than or equal to 5,000 square feet or less than or equal to 100 cubic yards of disturbed area).
- (b) Erosion and sediment grading permit: shall be a minimum of \$200 or 4% of the approved erosion and sediment control construction cost estimate, whichever is greater.
- (c) Standard erosion control plan: \$200.
- (7) Stop-work order: \$100; \$150 for second stop-work order if corrective action is not taken within 30 days of first stop-work order, \$200 for third, and each successive stop-work order if corrective action is not taken on first stop-work order.

C. Annexation fees. Application fee upon submission: \$1,000 minimum.

- (1) The City Clerk shall coordinate an estimate of the costs that the City shall incur to process the annexation petition, including but not limited to, advertising costs, legal review fees, staff planning, and engineering review fees.
- (2) The petitioner shall deposit with the City the amount of said estimate and will understand that such money shall be used at the City's discretion in relation to the review and process of the petitioner's annexation petition, annexation plan, and annexation agreement.



- (3) Any unused portion of the estimated amount will be returned to the petitioner after the vote on the annexation resolution is taken. Any additional amount of money needed above the initial estimate to process the annexation shall be paid to the City before the date that the vote on the annexation resolution occurs.

D. Planning and zoning. The following fees, rates and charges are established pursuant to Chapter 235, Development Code, and Chapter 475, Subdivision of Land, of the City Code:

- (1) Rezoning request: \$1,000, plus publication and posting fee of \$200, plus City Attorney fees.
- (2) Zoning appeals. **[Amended 5-23-2016 by Ord. No. 16-O-14]**
  - (a) Variances: Filing fee of \$200 for residential uses and \$500 for nonresidential uses.
  - (b) Special exceptions: Filing fee of \$500.
  - (c) Publication and posting fee: \$100 in addition to the filing fee for variances and special exceptions.
- (3) Interpretation of Development Code: \$500, plus publication and posting fee of \$100.
- (4) Planning Commission review.
  - (a) Concept plan: \$500.
  - (b) Site plan review: \$500, plus \$50 per residential unit; \$500, plus \$100 per commercial or industrial acre.
  - (c) Revisions to site plan review: \$300, plus \$25 per residential unit; \$300, plus \$50 per commercial or industrial acre.
  - (d) Subdivision review: \$500, plus \$50 per residential lot; \$500, plus \$50 per multifamily residential lot; \$500, plus \$100 per commercial or industrial acre.
  - (e) Revisions to subdivision review: \$300, plus \$50 per residential lot; \$300, plus \$50 per multifamily residential lot; \$300, plus \$100 per commercial or industrial acre.
  - (f) Review of planned unit developments, mixed-use developments, and integrated business district: \$500, plus \$50 per residential lot; \$500, plus \$100 per commercial or industrial acre.
- (5) Copy of Development Code: \$20; Zoning Map: \$20.
- (6) Copy of Subdivision Regulations: \$10.

- (7) Business use and occupancy certificate: \$50 to assure compliance with the Aberdeen Development Code and with the State Fire Marshal's office.
- (8) Demolition permits: \$100 without a separate permit or \$50 with a building permit to construct a new structure.
- (9) Forest conservation and forest stand delineation plan review: \$300.
- (10) Temporary storage permit for vehicle: \$100.
- (11) Aberdeen Comprehensive Plan: \$75.
- E. Stormwater management. The permit fee established pursuant to Chapter 465, Stormwater Management, of the City Code shall be a minimum of \$200 or 4% of construction cost, whichever is greater.
- F. Miscellaneous fees. The following miscellaneous fees are established pursuant to the cited chapters of the City Code:
  - (1) Mobile home park license (Chapter 370, Mobile Home Parks): annual fee of \$200.
  - (2) Parades (Chapter 402, Parades and Assemblies): \$5.
  - (3) Peddlers and solicitors (Chapter 417, Peddling and Soliciting): \$10 to \$50.
    - (a) Sales of magazines, educational books, other nonreligious printed material: \$10.
    - (b) Miscellaneous household items: \$10.
    - (c) Seafood sales (along roadsides): \$50.
    - (d) Fruit and vegetable vendors reselling purchased goods: \$50.
    - (e) Ice cream vendors: \$50.
  - (4) Chapter 486, Taxicabs:
    - (a) Annual taxi vehicle registration: \$8.
    - (b) Taxi driver permit: new: \$8; renewal: \$5.
  - (5) Bicycle registration (Chapter 505, Vehicles and Traffic): \$1 (permanent).
- G. County fees. Harford County fees shall be as applicable and as required.
- H. Returned check fee: \$30 for each occurrence.
- I. Fees not described. The City Manager may establish reasonable fees for materials or services not described in this chapter.

**Chapter DT****DERIVATION TABLE****§ DT-1. Derivation Table of 1990 Code to 2010 Code**

NCM	=	Not Code material (legislation is not general or permanent in nature).
REP	=	Repealed effective with adoption of Code; see Ch. 1, Art. II.
NI	=	Not included in Code but saved from repeal.
NLP	=	New legislation is pending.

<b>Chapter/Title From 1990 Code</b>	<b>Location in 2010 Code</b>
Ch. 1, General Provisions	
Art. I, Adoption of Code	NLP; see Ch. 1, Art. II
Art. II, Ordinances Enacted During Codification	NCM
Art. III, Rules of Construction	Ch. 1, Art. I
Ch. 2, Appearance and Preservation Committee	Ch. 7
Ch. 3, Candidacy for Municipal Elections	Ch. 36
Ch. 4, Code of Conduct for Elected Officials	Ch. 21
Ch. 6, Economic Development Commission	Ch. 30
Ch. 9, Ethics Commission	Ch. 43
Ch. 12, Ripken Stadium Management Board	Ch. 134
Ch. 14, Heritage Trust	Ch. 61
Ch. 16, Municipal Infractions	Ch. 95
Ch. 20, Parks and Recreation Board	Ch. 108
Ch. 24, Planning and Zoning	REP; see Ch. 235
Ch. 30, Swim Center Advisory Committee	Ch. 147
Ch. 32, Town Property, Disposal of	Ch. 121
Ch. 40, Alarms	
Art. I, False Alarms	Ch. 190, Art. I
Ch. 46, Building Construction	
Art. I, Building Standards	Ch. 210, Art. I
Art. II, Water-Conserving Fixture	Ch. 210, Art. II
Art. III, Automatic Fire Sprinkler Systems	Ch. 269, Art. II
Ch. 48, Buildings and Property, Numbering of	Ch. 215

<b>Chapter/Title From 1990 Code</b>	<b>Location in 2010 Code</b>
Ch. 56, Curfew	Ch. 227
Ch. 59, Dogs and Other Animals	Ch. 196
Ch. 63, Environmental Control	Ch. 250
Ch. 67, Firearms	Ch. 263
Ch. 69, Fire Hydrants, Privately Owned	Ch. 269, Art. I
Ch. 72, Floodplain Management	Ch. 275
Ch. 74, Forest Conservation	Ch. 280
Ch. 78, Grading and Sediment Control	Ch. 297
Ch. 80, Growth Management	Ch. 302
Ch. 88, Littering	Ch. 344
Ch. 89, Livability Standards	Ch. 348
Ch. 92, Loitering	Ch. 354
Ch. 94, Mobile Home Parks	Ch. 370
Ch. 95, Motel Guests, Registration of	Ch. 376, Art. I
Ch. 99, Parades and Assemblies	Ch. 402
Ch. 101, Parks	Ch. 406
Ch. 103, Peace and Good Order	
Art. I, Public Lewdness	Ch. 413, Art. I
Art. II, Obscene Performance	Ch. 413, Art. II
Art. III, Fortune-Telling	Ch. 413, Art. III
Ch. 105, Peddlers and Solicitors	Ch. 417
Ch. 109, Property Nuisance Abatement	Ch. 391
Ch. 113, Sewers	
Part 1, Sewer Use	Ch. 450, Part 4
Part 2, Front-Foot Assessments	Ch. 450, Part 3
Part 3, Connection Charges	Ch. 450, Part 2
Part 4, Service to Annexed Area	REP
Ch. 115, Signs	Repealed by Ord. No. 712-06; see Ch. 456
Ch. 118, Stormwater Management	Ch. 465
Ch. 120, Streets and Sidewalks	Ch. 470
Ch. 122, Subdivision Regulations	Ch. 475
Ch. 125, Taxation	
Art. I, Business Inventories Exemption	Ch. 482, Art. I
Art. II, Senior Citizens Tax Credit	Ch. 482, Art. V

<b>Chapter/Title From 1990 Code</b>	<b>Location in 2010 Code</b>
Art. III, Admissions and Amusement Taxes	Ch. 482, Art. II
Art. IV, Mobile Home Park Tax	Ch. 482, Art. III
Art. V, Homestead Property Tax Credit	Ch. 482, Art. IV
Ch. 127, Taxicabs	Ch. 486
Ch. 134, Vehicles and Traffic	Ch. 505
Ch. 139, Water	Ch. 450, Part 1
Ch. 140, Wellhead Protection	Ch. 524
Ch. 142, Development Code	Ch. 235
Ch. A149, Agreements and Franchises	
Art. I, Poles, Wires and Conduits	Ch. A545, Art. I
Art. II, Cable Television Franchise	NCM
Ch. A150, Fees	Ch. A550

## Chapter DL

### DISPOSITION LIST

#### § DL-1. Disposition of legislation.

<b>Enactment</b>	<b>Adoption Date</b>	<b>Subject</b>	<b>Disposition</b>
Ord. No. 633-03	6-29-2003	Fees amendment	Superseded by Ord. No. 11-O-03
Ord. No. 647-04	3-8-2004	Zoning Map amendment	NCM
Ord. No. 648-04	3-8-2004	Zoning amendment	Repealed by Ord. No. 711-06; see Ch. 235
Ord. No. 650-04	3-8-2004	Growth management amendment	Ch. 302
Ord. No. 652-04	5-10-2004	Fees amendment	Superseded by Ord. No. 11-O-03
Ord. No. 655-04	8-9-2004	False alarms	Ch. 190, Art. I
Ord. No. 656-04	8-9-2004	Wellhead protection	Ch. 524
Ord. No. 658-04	9-27-2004	Appearance and Preservation Committee amendment	Ch. 7

<b>Enactment</b>	<b>Adoption Date</b>	<b>Subject</b>	<b>Disposition</b>
Ord. No. 660-04	10-25-2004	Environmental control amendment	Ch. 250
Ord. No. 677-05	9-12-2005	Environmental control amendment	Ch. 250
Ord. No. 679-05	11-28-2005	Automatic fire sprinkler systems	Ch. 269, Art. II
Ord. No. 682-05	2-13-2006	Fees amendment	Superseded by Ord. No. 11-O-03
Ord. No. 688-06	2-13-2006	Fees amendment	Superseded by Ord. No. 11-O-03
Ord. No. 689-06	2-27-2006	Automatic fire sprinkler systems amendment	Ch. 269, Art. II
Ord. No. 691-06	4-17-2006	Fees amendment	Superseded by Ord. No. 11-O-03
Ord. No. 692-06	4-3-2006	Fees amendment	Superseded by Ord. No. 11-O-03
Ord. No. 697-06	4-24-2006	Littering amendment	Ch. 344
Ord. No. 703-06	5-8-2006	Zoning Map amendment	NCM
Ord. No. 704-06	6-5-2006	Fees amendment	Superseded by Ord. No. 11-O-03
Ord. No. 706-06	6-12-2006	Zoning Map amendment	NCM
Ord. No. 711-06	9-18-2006	Development Code	Ch. 235
Ord. No. 712-06	9-18-2006	Signs amendment	Ch. 456
Ord. No. 714-06	9-11-2006	Zoning amendment	Repealed by Ord. No. 711-06; see Ch. 235
Ord. No. 715-06	9-18-2006	Building standards amendment	Ch. 210, Art. I
Ord. No. 723-07	4-30-2007	Sewer use amendment	Ch. 450, Part 4
Ord. No. 728-07	4-30-2007	Fees amendment	Superseded by Ord. No. 11-O-03
Res. No. 07-1	6-11-2007	Charter amendment	Repealed by Res. No. 10-CR-01; see Charter

<b>Enactment</b>	<b>Adoption Date</b>	<b>Subject</b>	<b>Disposition</b>
Ord. No. 731-07	10-15-2007	Development Code amendment	Ch. 235
Ord. No. 733-07	10-22-2007	Development Code amendment	Ch. 235
Ord. No. 736-08	3-24-2008	Development Code amendment	Ch. 235
Ord. No. 08-2	8-25-2008	Development Code amendment	Ch. 235
Ord. No. 08-5	7-28-2008	Building standards amendment	Ch. 210, Art. I
Ord. No. 10-O-01	3-8-2010	Zoning Map amendment	NCM
Ord. No. 10-O-02	3-8-2010	Development Code amendment	Ch. 235
Ord. No. 10-O-03	3-8-2010	Development Code amendment	Ch. 235
Ord. No. 10-O-04	3-8-2010	Conduct of elected officials	Ch. 21
Ord. No. 10-O-05	4-12-2010	Water and sewer recoupment policy	Ch. 450, Part 5
Res. No. 10-CR-01	4-26-2010	Charter	Charter
Ord. No. 10-O-06	5-10-2010	Enhanced nutrient removal fee	NCM
Ord. No. 10-O-07	5-24-2010	Budget for fiscal year 2010-2011	NCM
Ord. No. 10-O-08	5-10-2010	Stormwater management	Ch. 465
Ord. No. 10-O-09	6-14-2010	Water quality bond	NCM
Ord. No. 10-O-10			Allowed to expire
Ord. No. 10-O-11			Number not used
Ord. No. 10-O-12	8-23-2010	Adoption of Code	Ch. 1, Art. II
Ord. No. 10-O-13			Number not used
Ord. No. 10-O-14	9-13-2010	Bond ordinance	NCM

<b>Enactment</b>	<b>Adoption Date</b>	<b>Subject</b>	<b>Disposition</b>
Ord. No. 10-O-15	9-27-2010	Special retirement program	NCM
Ord. No. 10-O-16	11-29-2010	Identity theft; address discrepancies	Ch. 68
Res. No. 10-R-18	2-14-2011	Approval of annexation plan	NCM
Ord. No. 11-O-01	2-14-2011	Development Code amendment; fortune-telling repealer	Ch. 235; Ch. 413, Art. III (footnote only)
Ord. No. 11-O-02	10-10-2011	Ethics	Ch. 43
Ord. No. 11-O-03	4-11-2011	Fees	Ch. A550
Ord. No. 11-O-04	5-23-2011	Budget for fiscal year 2011-2012	NCM
Ord. No. 11-O-05		LEED Office Park Tax Subclass	Allowed to expire
Ord. No. 11-O-06	6-13-2011	Adoption of Comprehensive Plan	NCM
Ord. No. 11-O-07	8-8-2011	Elections amendment	Ch. 36
Ord. No. 11-O-08	9-12-2011	Ripken Stadium Management Board repealer	Ch. 134, reference only
Ord. No. 11-O-09	9-12-2011	Swim Center Advisory Committee repealer	Ch. 147, reference only
Ord. No. 11-O-10	9-12-2011	Refunding bonds	NCM
Ord. No. 12-O-01	2-13-2012	Real property tax credits	Ch. 482, Art. VI
Ord. No. 12-O-02		Creation of subclass of real property for municipal taxation	Allowed to expire
Ord. No. 12-O-03	2-27-2012	Economic Development Commission amendment; Heritage Trust amendment; Parks and Recreation Board amendment	Ch. 30; Ch. 61; Ch. 108
Ord. No. 12-O-04	4-23-2012	Forest conservation	Ch. 280



<b>Enactment</b>	<b>Adoption Date</b>	<b>Subject</b>	<b>Disposition</b>
Ord. No. 12-O-05	5-21-2012	Zoning Map amendment	NCM
Ord. No. 12-O-06	8-27-2012	Environmental control amendment	Ch. 250
Ord. No. 12-O-07	5-21-2012	Budget for fiscal year 2012-2013	NCM
Ord. No. 12-O-08	6-11-2012	Sewers and water amendment	Ch. 450
Ord. No. 12-O-09			Number not used
Ord. No. 12-O-10	9-24-2012	Building standards amendment	Ch. 210, Art. I
Ord. No. 12-O-11	2-11-2013	Destruction, obstruction or tampering with utilities	Ch. 500
Ord. No. 12-O-12	1-14-2013	Water capital revolving loan program	NCM
Ord. No. 13-O-01	2-11-2013	Ethics amendment	Ch. 43
Ord. No. 13-O-02	5-20-2013	Ethics amendment	Ch. 43
Res. No. 13-CR-01	5-20-2013	Charter amendment	§ V
Ord. No. 13-O-03	6-3-2013	Budget for fiscal year 2013-2014	NCM
Ord. No. 13-O-04	6-3-2013	Development Code amendment	Ch. 235
Ord. No. 13-O-05			Expired
Ord. No. 13-O-06	6-3-2013	Signs repealer; Development Code amendment	Ch. 456, reference only; Ch. 235
Ord. No. 13-O-07	10-7-2013	Personnel Policy Manual amendment	NCM
Res. No. 13-CR-02	8-26-2013	Charter amendment	§ VIII
Ord. No. 13-O-08	11-25-2013	Law enforcement mutual aid agreement	NCM
Ord. No. 13-O-09			Allowed to expire

<b>Enactment</b>	<b>Adoption Date</b>	<b>Subject</b>	<b>Disposition</b>
Res. No. 14-CR-01	1-27-2014	Charter amendment	§ VII
Res. No. 14-CR-02	1-27-2014	Charter amendment	§§ IV and V
Ord. No. 14-O-01	3-24-2014	Elections amendment	Ch. 36
Ord. No. 14-O-02	2-24-2014	Elections amendment	Ch. 36
Ord. No. 14-O-03	2-24-2014	Mayor and Council compensation	See Ch. 90, Art. I
Ord. No. 14-O-04	4-14-2014	Grading and erosion and sediment control	Ch. 297
Ord. No. 14-O-05	2-24-2014	Development Code amendment	Ch. 235
Ord. No. 14-O-06	3-24-2014	Environmental control amendment	Ch. 250
Ord. No. 14-O-07	5-19-2014	Zoning Map amendment	NCM
Ord. No. 14-O-08	7-28-2014	Acceptance of certain real property	NCM
Ord. No. 14-O-09	4-28-2014	Vehicles and traffic amendment	Ch. 505
Ord. No. 14-O-10	4-28-2014	Ethics amendment	Ch. 43
Ord. No. 14-O-11	6-2-2014	Budget for fiscal year 2014-2015	NCM
Ord. No. 14-O-12	6-2-2014	Heritage Trust amendment	Ch. 61
Ord. No. 14-O-13	9-29-2014	Comprehensive Plan amendment	NCM
Ord. No. 14-O-14	7-28-2014	Personnel Policy Manual amendment	NCM
Ord. No. 14-O-15	7-28-2014	Vehicles and traffic amendment	Ch. 505
Ord. No. 14-O-16	7-28-2014	False alarms amendment	Ch. 190, Art. I
Ord. No. 14-O-17			Number not used

<b>Enactment</b>	<b>Adoption Date</b>	<b>Subject</b>	<b>Disposition</b>
Ord. No. 14-O-18	10-27-2014	Nonpension Post-Employment Benefits Trust Fund	NCM
Ord. No. 15-O-01	4-27-2015	Development Code amendment	Ch. 235
Ord. No. 15-O-02	4-27-2015	Development Code amendment	Ch. 235
Ord. No. 15-O-03			Expired
Ord. No. 15-O-04	4-27-2015	Environmental control amendment	Ch. 250
Ord. No. 15-O-05	6-8-2015	Budget for fiscal year 2015-2016	NCM
Ord. No. 15-O-06	5-18-2015	Peddling and soliciting amendment	Ch. 417
Ord. No. 15-O-07			Number not used
Ord. No. 15-O-08	8-24-2015	Personnel Policy Manual amendment	NCM
Ord. No. 16-O-01	3-28-2016	Growth management amendment	Ch. 302
Ord. No. 16-O-02	3-28-2016	Environmental control amendment	Ch. 250
Ord. No. 16-O-03	3-28-2016	Floodplain management	Ch. 275
Ord. No. 16-O-04			Number not used
Ord. No. 16-O-05	3-28-2016	Budget amendment	NCM
Ord. No. 16-O-06	4-11-2016	Budget amendment	NCM
Ord. No. 16-O-07	5-9-2016	Environmental control amendment	Ch. 250
Ord. No. 16-O-08	5-23-2016	Environmental control amendment	Ch. 250
Ord. No. 16-O-09	5-23-2016	Environmental control amendment	Ch. 250
Ord. No. 16-O-10	4-11-2016	Law enforcement mutual aid agreement	NCM

<b>Enactment</b>	<b>Adoption Date</b>	<b>Subject</b>	<b>Disposition</b>
Ord. No. 16-O-11	4-25-2016	Refunding of debt	NCM
Ord. No. 16-O-12	6-6-2016	Budget for fiscal year 2017	NCM
Ord. No. 16-O-13	5-23-2016	Environmental control amendment	Ch. 250
Ord. No. 16-O-14	5-23-2016	Fees amendment	Ch. A550
Ord. No. 16-O-15	6-20-2016	2016 budget amendment	NCM
Ord. No. 16-O-16	6-20-2016	2016 budget amendment	NCM
Res. No. 16-CR-01	10-10-2016	Charter amendment	§ VIII
Ord. No. 16-O-17	11-21-2016	Forest conservation amendment	Ch. 280
Ord. No. 16-O-18	11-7-2016	2017 budget amendment	NCM
Ord. No. 16-O-19	10-24-2016	2016 budget amendment	NCM
Ord. No. 16-O-20	11-7-2016	Transfer of code enforcement duties and responsibilities	NCM
Ord. No. 16-O-21	12-19-2016	2017 budget amendment	NCM
Ord. No. 16-O-22	12-5-2016	Personnel Policy Manual amendment	NCM
Res. No. 16-CR-02	12-19-2016	Charter amendment	§ IV; § V; § VII
Ord. No. 16-O-23	1-23-2017	Procurement policy	NCM
Ord. No. 17-O-01			Pending adoption
Ord. No. 17-O-02	1-9-2017	Borrowing authorization	NCM
Ord. No. 17-O-03	1-23-2017	2017 budget amendment	NCM
Ord. No. 17-O-04	2-13-2017	Sewer notes authorization	NCM

<b>Enactment</b>	<b>Adoption Date</b>	<b>Subject</b>	<b>Disposition</b>
Ord. No. 17-O-05	2-13-2017	Use of Harford County hotel occupancy tax revenues	NCM
Ord. No. 17-O-06	2-27-2017	2017 budget amendment	NCM
Ord. No. 17-O-07	3-27-2017	Funding of Aberdeen Volunteer Fire Department	Ch. 47